

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE ACQUISITION OF 0.004 ACRES, MORE OR LESS, BY DONATION FROM PROPERTY OWNER, BYRON DEFOOR, RELATIVE TO CONTRACT NO. E-12-008, GUNBARREL ROAD WIDENING, BEING A PORTION OF TRACT 9, 2346 ELAM LANE, TAX MAP NO. 149H-G-011.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That it is hereby authorizing the acquisition of 0.004 acres, more or less, by donation from property owner, Byron Defoor, relative to Contract No. E-12-008, Gunbarrel Road Widening, being a portion of Tract 9, 2346 Elam Lane, Tax Map No. 149H-G-011.

This confirms the approval of the Chattanooga-Hamilton County Regional Planning Commission on February 8, 2016, MR-2016-020.

ADOPTED: _____, 2016

/mem

City of Chattanooga



Resolution/Ordinance Request Form

Date Prepared: February 9, 2016

Preparer: Bertran Kuyrkendall

Department: Transportation

Brief Description of Purpose for Resolution/Ordinance: Res./Ord. # _____ Council District # 4

A resolution authorizing the acquisition of 0.004 acres, more or less, by donation from property owner Byron DeFoor, relative to contract No. E-12-008, Gunbarrel Road Widening, being a portion of Tract 9, 2346 Elam Lane, Tax Map No. 149H-G-011, this confirming approval of the Chattanooga-Hamilton County Regional Planning Commission on February 8, 2016, MR 2016-020.

Name of Vendor/Contractor/Grant, etc.	<u>Byron DeFoor</u>	New Contract/Project? (Yes or No)	<u>No</u>
Total project cost \$	<u>-</u>	Funds Budgeted? (YES or NO)	<u>N/A</u>
Total City of Chattanooga Portion \$	<u>-</u>	Provide Fund	<u>4022</u>
City Amount Funded \$	<u>-</u>	Provide Cost Center	<u>P20207</u>
New City Funding Required \$	<u>-</u>	Proposed Funding Source if not budgeted	_____
City's Match Percentage %	<u>-</u>	Grant Period (if applicable)	_____

List all other funding sources and amount for each contributor.

Amount(s)	Grantor(s)
_____	_____
_____	_____
_____	_____

Agency Grant Number _____

CFDA Number if known _____

Other comments: (Include contingency amount, contractor, and other information useful in preparing resolution)

Approved by: *Bertran Kuyrkendall*
DESIGNATED OFFICIAL/ADMINISTRATOR

Reviewed by: FINANCE OFFICE

Please submit completed form to @budget, City Attorney and City Finance Officer

Revised: October, 2011

ADDRESS OF OWNER OF
ENCUMBERED PROPERTY:
Byron Defoor
801 Broad Street, Suite 200
Chattanooga, Tennessee 37402
(TAX MAP NO. 149H-G-011)

THIS INSTRUMENT PREPARED BY:
City of Chattanooga, Tennessee
Department of Transportation
Development Resource Center
1250 Market Street
Chattanooga, Tennessee 37402

TRACT # 9

RIGHT-OF-WAY

FOR AND IN CONSIDERATION OF ONE DOLLAR (\$1.00) in hand paid and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, Byron Defoor ("Owner") does hereby give, grant, bargain, sell, and convey unto the City of Chattanooga, Tennessee, a municipal corporation, its successors and assigns, a right-of-way for public street purposes over and across the property located in the City of Chattanooga, Hamilton County, Tennessee, and being designated as Hunnicutt Tax Map No. 149H-G-011, as shown by deed of record in Book 9633, Page 366, and being lot 7 of Revised Plat, Waterside Subdivision, Lifestyle Center as recorded in plat book 89, page 28 in the office of the Register of Hamilton County, Tennessee (the "Property"). Said right-of-way on the Property being more particularly described as follows:

BEGINNING AT A POINT on the existing southern right-of-way line of McCutcheon Road at the northwestern property line of Gunbarrel Partners, as recorded in book 9433, page 409 plat book 20, page 23 Tax Map No. 149H-G-012 in the office of the Register of Hamilton County, Tennessee; thence South 23 degrees, 28 minutes and 17 seconds West along said property line, a distance of 5.26 feet, more or less, to a point on the proposed right-of-way line; thence North 56 degrees, 53 minutes and 16 seconds West along said proposed right-of-way line, a distance of 44.58 feet, more or less, to a point on the existing southern right-of-way line of McCutcheon Road; thence South 66 degrees, 40 minutes and 13 seconds East, along said existing right-of-way line a distance of 44.29 feet, more or less, to the **POINT OF BEGINNING**, containing 117 square feet, or 0.003 acre, as shown on Drawing No. E12008101-TRACT 9 attached and made a part of this document.

Owner also by these presents does hereby transfer, convey, and grant unto the City a temporary construction easement on the Property for the purpose of roadway construction and necessary related appurtenances, including a reasonable working area adjacent to the roadway, on, through, under, and across the portion of the Property being more particularly described as follows:

containing 329 square feet, or 0.008 acre, as shown on Drawing No. E12008101-TRACT 9 attached and made a part of this document.

The City, where and when required or necessary, will restore the Property and any and all shrubbery, fences, walks or other improvements, to as near as is feasible, to the same conditions as they were before the construction or installation contemplated by such temporary construction easement granted with the Right-of-Way dedication (the "Easement").

It is understood that the **MAINTENANCE RESPONSIBILITY** of all landscaping, mowing, and other aesthetic maintenance shall remain the sole responsibility of Owner once the City has completed the construction and installation of the infrastructure contemplated by the Easement.

TO HAVE AND TO HOLD the above-described property as a right-of-way and temporary construction easement for public street purposes unto the said City and its successors in title.

[Signature Page(s) Attached]

IN TESTIMONY WHEREOF, the grantor has hereunto set his signature this

the 17 day of March 2016.

Name Byron DeFoor

STATE OF TENNESSEE:

COUNTY OF HAMILTON:

On this 17 day of March 2016, before me personally appeared Ken DeFoor and Byron DeFoor with whom I am personally acquainted, and who upon oath acknowledged themselves to be the Ken DeFoor/Partner and Byron DeFoor/Partner, respectively, of Gunbarrel Partners, within named bargainer, a corporation, and that they as such Ken DeFoor and Byron DeFoor being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by themselves as such Partner and Partner.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal.

Kenda F. Rowell

NOTARY PUBLIC

My Commission Expires: 2-10-2018





LINE	BEARING	DISTANCE
L1	S23°28'17"W	5.26'
L2	N56°53'16"W	44.58'
L3	S66°40'13"E	44.29'

OWNER: NAPIER ASSOCIATES
TAX MAP NO. 149A-B-011

BEGIN WORK
STA. 36+50.00

37+00

OWNER: NAPIER ASSOCIATES
TAX MAP NO. 149A-B-012

EXIST. R.O.W.

5.66° 31' 51" E
RELOCATED MCCUTCHEON RD

5'
PROP. R.O.W.
TEMP. CONST.
EASEMENT

POB

9

OWNER: BYRON DEFOOR
TAX MAP NO. 149H-G-011
BOOK 9633, PAGE 366 R.O.H.C.
THIS DOCUMENT WAS PREPARED
WITH DEED BOOK 9633, PAGE 366 R.O.H.C.
AND DOES NOT CONSTITUTE A BOUNDARY
SURVEY.

5' PAVING, SIDEWALK,
RIGHT-OF-WAY
& UTILITY EASEMENT
TO CITY OF CHATTANOOGA

OWNER: GUNBARREL PARTNERS
TAX MAP NO. 149H-G-012

TRACT NO.	OWNERSHIP		BOOK	PAGE	RIGHT-OF-WAY REQUIRED	TEMP. CONST. ESMT. REOD.
	BYRON DEFOOR					
9	TAX MAP # 149H-G-011		9633	366	117 S.F. .003 ACRE	329 S.F. .008 ACRE
CITY OF CHATTANOOGA DEPT. OF TRANSPORTATION		SCALE: 1" = 20'	DATE: MARCH 8, 2016			
		REVISION:	DWG. E12008101-TRACT 9			

MR-2016-020 City of Chattanooga
February 8, 2016

RESOLUTION

WHEREAS, City of Chattanooga Real Property Office/Gail Hart petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga granting approval of a Mandatory Referral pursuant to T.C.A. 13-4-104 for Acquisition, parts of properties located in the 2300 thru 2500 blocks of Gunbarrel Road, 2346 Elam Lane, 7335 and 7342 McCutcheon Road and 7333 Shallowford Road.

Tracts 1 2B, 2C, 2D, 2E, 2F and Tracts 9 thru 15 of the City of Chattanooga Department of Transportation Gunbarrel Road Project being Drawing E12008101, Dated August 24, 2015 as submitted in the case file. Parts of Tax Maps 149A-B-013 thru 017, 017.02 and 149H-G-011 thru 016 and 020 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on February 8, 2016,

AND WHEREAS, the Planning Commission heard and considered all statements regarding the petition,

AND WHEREAS, no one was present in opposition to the petition,

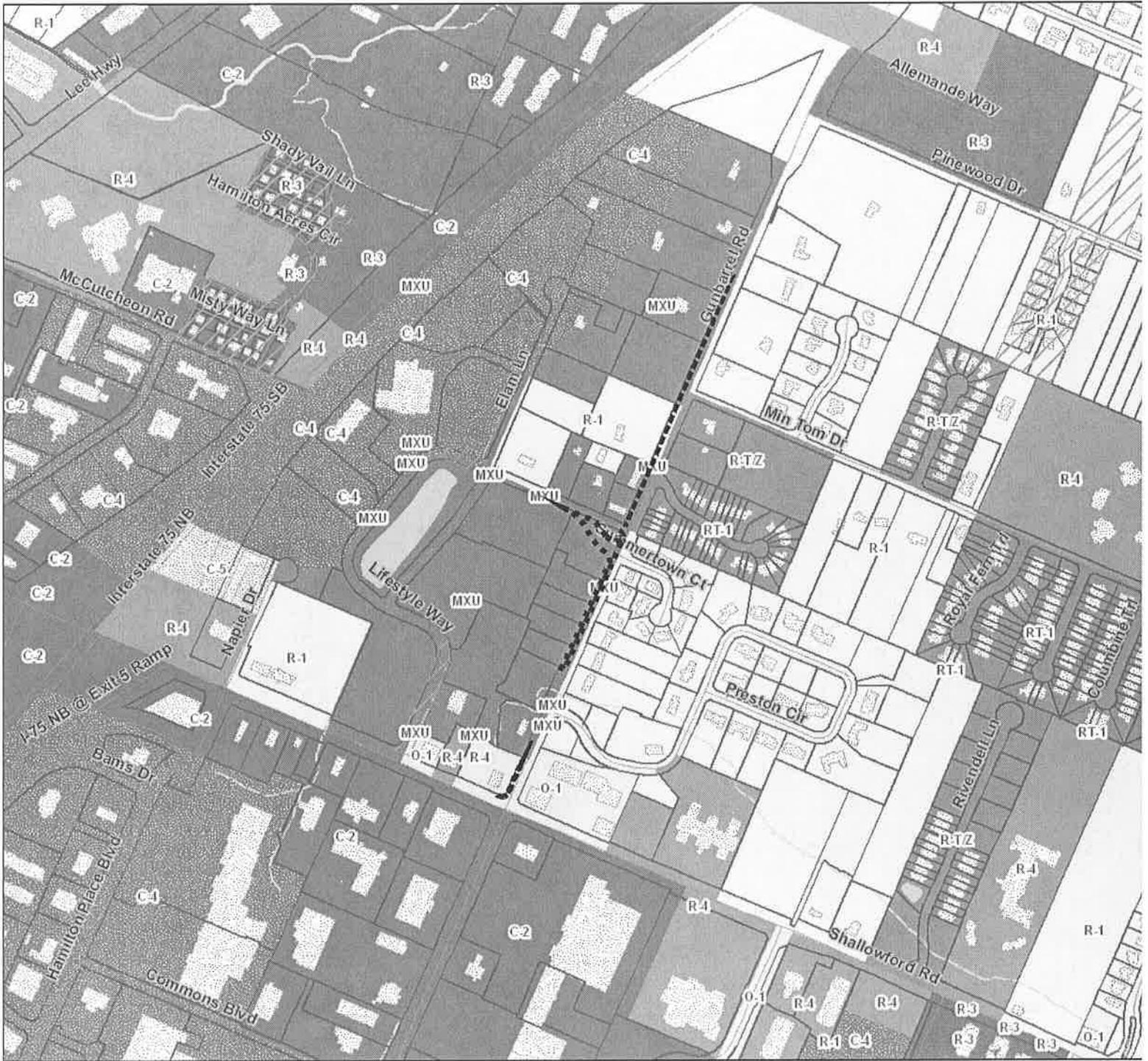
AND WHEREAS, the Planning Commission has studied the petition in relation to existing zoning and land use and potential patterns of development.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on February 8, 2016, recommended to the Members of the City Council of the City of Chattanooga that this petition for a Mandatory Referral for acquisition for right-of-way for road improvements be approved.

Respectfully submitted,



John Bridger
Secretary



MR 2016-020 Acquisition

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. MR-2016-020: Approve



615 ft

