

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE ACQUISITION OF 0.246 ACRES, MORE OR LESS, BY DONATION FROM PROPERTY OWNER, NAPIER ASSOCIATES, RELATIVE TO CONTRACT NO. E-12-008, GUNBARREL ROAD WIDENING, REGARDING THE PORTIONS OUTLINED BELOW.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That it is hereby authorizing the acquisition of 0.246 acres, more or less, by donation from property owner, Napier Associates, relative to Contract No. E-12-008, Gunbarrel Road Widening, regarding the portions outlined below:

Tract 10, 7335 McCutcheon Road, Tax Map No. 149H-B-013;
Tract 11, 2405 Gunbarrel Road, Tax Map No. 149A-B-014; and
Tract 13, 2501 Gunbarrel Road, Tax Map No. 149A-B-016.

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 0.246 acres, more or less, by donation from property owner Napier Associates, relative to contract No. E-12-008, Gunbarrel Road Widening, being a portion of the following:

Tract 10, 7335 McCutcheon Rd., Tax Map No. 149H-B-013

Tract 11, 2405 Gunbarrel Rd., Tax Map No. 149A-B-014

Tract 13, 2501 Gunbarrel Rd., Tax Map No. 149A-B-016

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

Name of Vendor/Contractor/Grant, etc.	<u>Napier Associates</u>	New Contract/Project? (Yes or No)	<u>No</u>
Total project cost \$	<u>-</u>	Funds Budgeted? (YES or NO)	<u>Yes</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: 

Reviewed by: FINANCE OFFICE

DESIGNATED OFFICIAL/ADMINISTRATOR

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

Revised: October, 2011

ADDRESS OF OWNER OF
ENCUMBERED PROPERTY:
Napier Associates
801 Broad Street, Suite 200
Chattanooga, Tennessee 37402
(TAX MAP NO. 149A-B-013)

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

TRACT # 10

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, Napier Associates ("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. 149A-B-013, as shown by deed of record in Book 9822, Page 342, and being lot A of J L Jenkins Subdivision as recorded in plat book 24, page 12 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 western right-of-way line of Gunbarrel Road at the southeastern property line of Napier Associates, as recorded in book 9803, page 51 plat book 24, page 12 Tax Map No. 149A-B-014 in the office of the Register of Hamilton County, Tennessee; thence South 23 degrees, 51 minutes and 31 seconds West along said existing right-of-way line, a distance of 152.66 feet, more or less, to a point on the existing northern right-of-way line of McCutcheon Road; thence North 66 degrees, 31 minutes and 51 seconds West along said existing right-of-way line, a distance of 11.01 feet, more or less, to a point on the proposed property line; thence along said proposed right-of-way line North 23 degrees, 28 minutes and 29 seconds East, a distance of 152.71 feet, more or less, to a point on the southeastern property line of Napier Associates, Tax Map No. 149A-B-014; thence South 66 degrees, 15 minutes and 25 seconds East along said property line, a distance of 12.03 feet, more or less, to the **POINT OF BEGINNING**, containing 1759 square feet, or 0.040 acre, as shown on Drawing No. E12008101-TRACT 10 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 764 square feet, or 0.018 acre, as shown on Drawing No. E12008101-TRACT 10 attached and made a part of this document.

PERMANENT UTILITY AND PUBLIC USE EASEMENT

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, Owner does hereby authorize the CITY OF CHATTANOOGA, TENNESSEE, a municipal corporation, to enter upon the Property for the purposes of construction and maintenance of utilities and public use on the area of the Property being more particularly described as follows:

A seven (7') feet deep buffer area adjacent to and following the western proposed right-of-way line of Gunbarrel Road, containing 1069 square feet, or 0.025 acre, as shown on Drawing No. E12008101-TRACT 10 attached and made a part of this document.

Owner also by these presents does hereby transfer, convey, and grant unto the City an easement on, through, under, and across the portion of the Property described above for said purposes.

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 (i) the temporary construction easement granted with the Right-of-Way dedication or (ii) the Permanent Utility and Public Use Easement (collectively, the "Easements").

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

TO HAVE AND TO HOLD the above-described property as a right-of-way, permanent utility, public use, 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 grantors have hereunto set their

signatures this the 17 day of March 2016.

Name K. J. Hill

Title Partner

Name _____

Title _____

STATE OF TENNESSEE:

COUNTY OF HAMILTON:

On this 17 day of March 2016, before me personally appeared Ken DeFoor and _____ with whom I am personally acquainted, and who upon oath acknowledged themselves to be the Partner and _____, respectively, of Napier Associates, within named bargainer, a corporation, and that they as such Ken DeFoor and _____ 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 _____.

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

Kenda F. Rowell

NOTARY PUBLIC

My Commission Expires: 2-20-2018



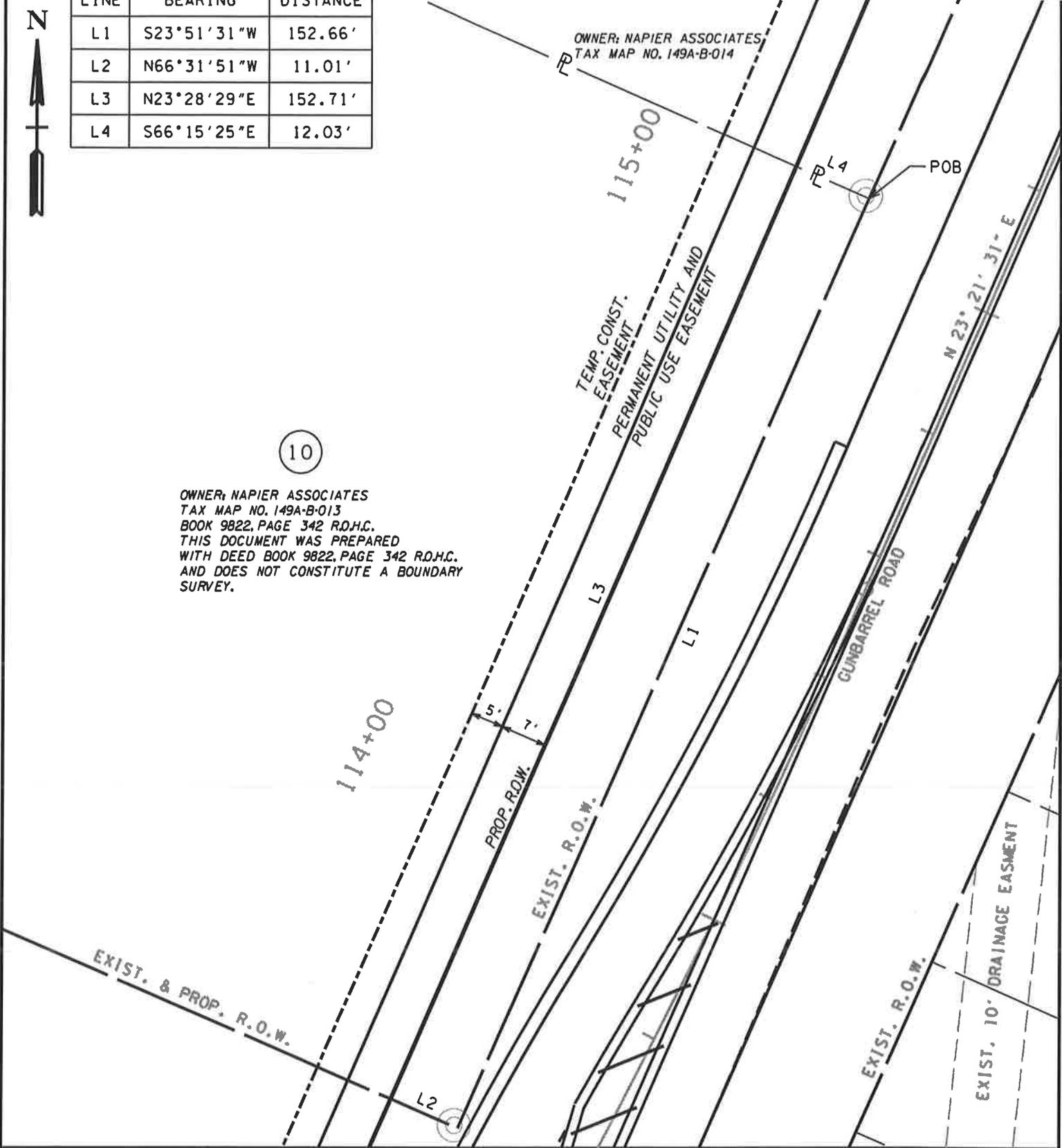


LINE	BEARING	DISTANCE
L1	S23°51'31"W	152.66'
L2	N66°31'51"W	11.01'
L3	N23°28'29"E	152.71'
L4	S66°15'25"E	12.03'

OWNER: NAPIER ASSOCIATES
TAX MAP NO. 149A-B-014

10

OWNER: NAPIER ASSOCIATES
TAX MAP NO. 149A-B-013
BOOK 9822, PAGE 342 R.O.H.C.
THIS DOCUMENT WAS PREPARED
WITH DEED BOOK 9822, PAGE 342 R.O.H.C.
AND DOES NOT CONSTITUTE A BOUNDARY
SURVEY.



TRACT NO.	OWNERSHIP		BOOK	PAGE	RIGHT-OF-WAY REQUIRED	PERM. UTIL. & PUBLIC USE ESMT. REOD.	TEMP. CONST. ESMT. REOD.
	NAPIER ASSOCIATES						
10	TAX MAP * 149A-B-013		9822	342	1759 S.F. .040 ACRE	1069 S.F. .025 ACRE	764 S.F. .018 ACRE
CITY OF CHATTANOOGA DEPT. OF TRANSPORTATION		SCALE: 1" = 20'	DATE: MARCH 8, 2016				
		REVISION:	DWG. E1200810I-TRACT 10				

ADDRESS OF OWNER OF
ENCUMBERED PROPERTY:
Napier Associates
801 Broad Street, Suite 200
Chattanooga, Tennessee 37402
(TAX MAP NO. 149A-B-014)

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

TRACT # 11

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, Napier Associates, ("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. 149A-B-014, as shown by deed of record in Book 9803, Page 51, and being lot B of J L Jenkins Subdivision as recorded in plat book 24, page 12 in the office of the Register of Hamilton County, Tennessee ("Property"). Said right-of-way on the Property being more particularly described as follows:

BEGINNING AT A POINT on the existing western right-of-way line of Gunbarrel Road at the southeastern property line of Tommy & Kellie Thompson, as recorded in book 10416, page 143 plat book 10, page 49 Tax Map No. 149A-B-015 in the office of the Register of Hamilton County, Tennessee; thence South 23 degrees, 51 minutes and 31 seconds West along said existing right-of-way line, a distance of 130.00 feet, more or less, to a point on the northeastern property line of Napier Associates Tax Map No. 149A-B-013; thence North 66 degrees, 15 minutes and 29 seconds West along said

property line, a distance of 12.03 feet, more or less, to a point on the proposed right-of-way line; thence North 23 degrees, 28 minutes and 29 seconds East, a distance of 130.00 feet, more or less, to a point on the southeastern property line of Tommy & Kellie Thompson Tax Map No. 149A-B-015; thence South 66 degrees, 15 minutes and 21 seconds East along the property line, a distance of 12.90 feet, more or less, to the **POINT OF BEGINNING**, containing 1807 square feet, or 0.042 acre, as shown on Drawing No. E12008101-TRACT 11 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 650 square feet, or 0.015 acre, as shown on Drawing No. E12008101-TRACT 11 attached and made a part of this document.

PERMANENT UTILITY AND PUBLIC USE EASEMENT

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, Owner does hereby authorize the CITY OF CHATTANOOGA, TENNESSEE, a municipal corporation, to enter upon the Property for the purposes of construction and maintenance of utilities and public use area on the area of the Property being more particularly described as follows:

A seven (7') feet deep buffer area adjacent to and following the western proposed right-of-way line of Gunbarrel Road, containing 910 square feet, or 0.021 acre, as shown on Drawing No. E12008101-TRACT 11 attached and made a part of this document.

Owner also by these presents does hereby transfer, convey, and grant unto the City an easement on, through, under, and across the portion of the Property described above for said purposes. The City, where and when required or necessary, will restore the Property and any and all shrubbery, fences, or walks, or other improvements, to as near as is feasible, to the same conditions as they were before the construction or installation contemplated by (i) the temporary construction easement granted with the Right-of-Way dedication or (ii) the Permanent Utility and Public Use Easement (collectively, the "Easements").

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

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

IN TESTIMONY WHEREOF, the grantors have hereunto set their signatures this the 17th day of March 2016.

Name



Title

CFO

Name

Title

STATE OF TENNESSEE:

COUNTY OF HAMILTON:

On this 17th day of March, 2016, before me personally appeared Craig Taylor and _____ with whom I am personally acquainted, and who upon oath acknowledged themselves to be the CFO and _____, respectively, of Napier Associates, within named bargainor, a corporation, and that they as such CFO and _____ 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 Craig Taylor and _____.

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

Kenda F. Rowell
NOTARY PUBLIC

My Commission Expires: 2-10-2018





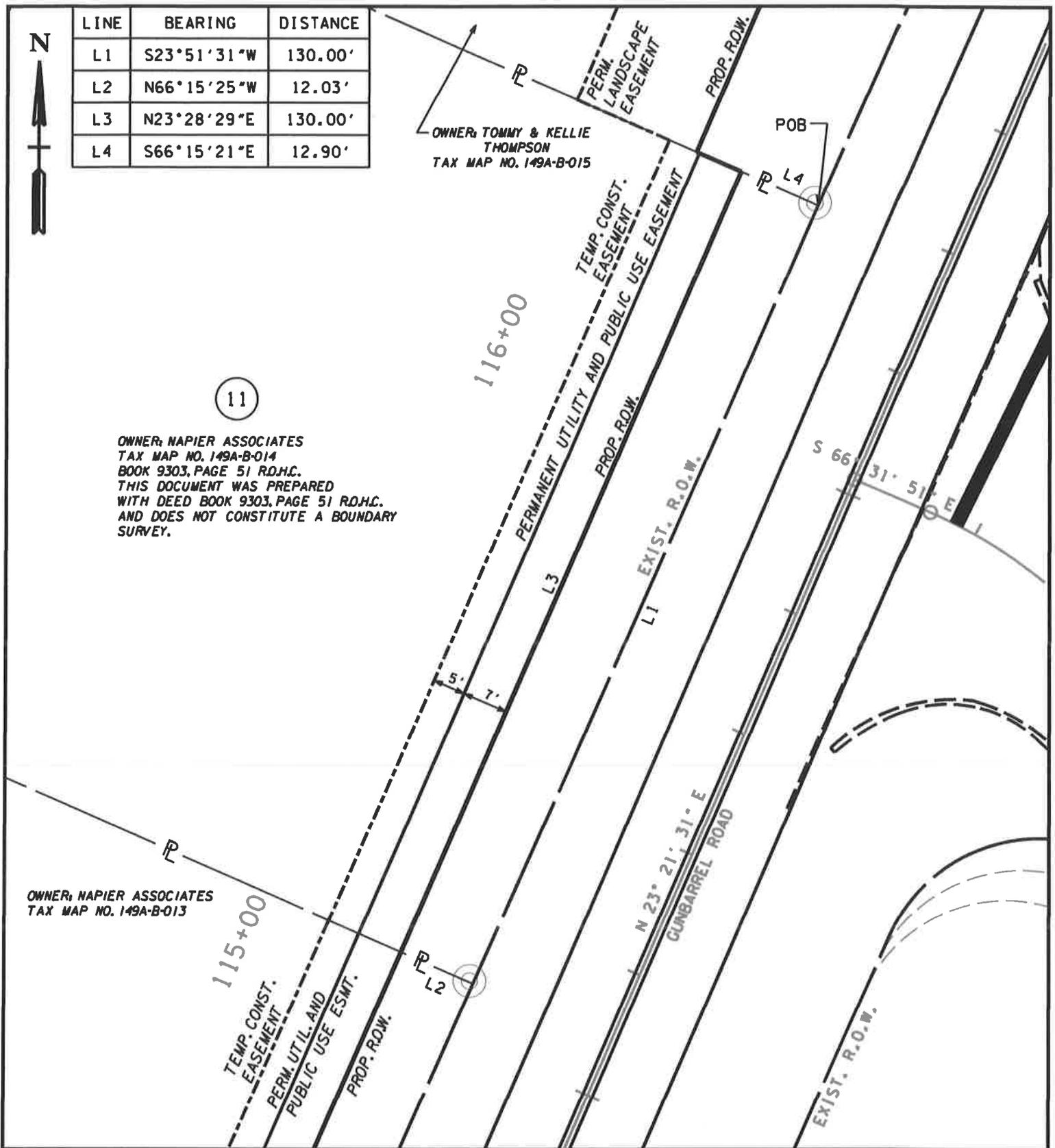
LINE	BEARING	DISTANCE
L1	S23°51'31"W	130.00'
L2	N66°15'25"W	12.03'
L3	N23°28'29"E	130.00'
L4	S66°15'21"E	12.90'

OWNER: TOMMY & KELLIE THOMPSON
TAX MAP NO. 149A-B-015

11

OWNER: NAPIER ASSOCIATES
TAX MAP NO. 149A-B-014
BOOK 9303, PAGE 51 R.O.H.C.
THIS DOCUMENT WAS PREPARED
WITH DEED BOOK 9303, PAGE 51 R.O.H.C.
AND DOES NOT CONSTITUTE A BOUNDARY
SURVEY.

OWNER: NAPIER ASSOCIATES
TAX MAP NO. 149A-B-013



TRACT NO.	OWNERSHIP	BOOK	PAGE	RIGHT-OF-WAY REQUIRED	PERM. UTIL. & PUBLIC USE ESMT. REOD.	TEMP. CONST. ESMT. REOD.
	NAPIER ASSOCIATES					
11	TAX MAP # 149A-B-014	9303	51	1807 S.F. .042 ACRE	910 S.F. .021 ACRE	650 S.F. .015 ACRE

CITY OF CHATTANOOGA DEPT. OF TRANSPORTATION	SCALE: 1" = 20'	DATE: MARCH 8, 2016
	REVISION:	DWG. E1200810I-TRACT II

ADDRESS OF OWNER OF
ENCUMBERED PROPERTY:
Napier Associates
801 Broad Street, Suite 200
Chattanooga, Tennessee 37402
(TAX MAP NO. 149A-B-016)

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

TRACT # 13

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, Napier Associates ("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. 149A-B-016, as shown by deed of record in Book 9103, Page 302, and being part of lot 5, block B of J L Jenkins Subdivision as recorded in plat book 10, page 49 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 western right-of-way line of Gunbarrel Road at the northeastern property line of Tommy & Kellie Thompson, book 10416, page 143 plat book 10, page 49 Tax Map No. 149A-B-015 in the office of the Register of Hamilton County, Tennessee; thence North 66 degrees, 15 minutes and 21 seconds West along said property line, a distance of 17.63 feet, more or less, to a point on the proposed right-of-way line; thence North 23 degrees, 44 minutes and 38 seconds East along said proposed right-of-way line, a distance of 146.15 feet, more or less, to a point; thence North 22 degrees, 56 minutes and 57 seconds East along said proposed right-if way line, a distance of 142.46 feet, more or less, to a point on the southeast property line of Gunbarrel Partners, as recorded in book 9670, page 235 plat book 35, page 65 Tax Map No. 149A-B-017 in the office of the Register of Hamilton County, Tennessee; thence South 65 degrees, 24 minutes and 20 seconds East, along said property line a distance of 3.52 feet, more or less, to a point; thence South 62 degrees, 55 minutes and 53 seconds East, along said property line a distance of 16.70 feet, more or less, to a point on the existing western right-of-way line of Gunbarrel Road; thence South 23 degrees, 51 minutes and 31 seconds West, along said existing right-of-way line, a distance of 287.67 feet, more or less, to the **POINT OF BEGINNING**, containing 5305 square feet, or 0.122 acre, as shown on Drawing No E12008101-TRACT 13 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 1444 square feet, or 0.033 acre, as shown on Drawing No. E12008101-TRACT 13 attached and made a part of this document.

PERMANENT UTILITY AND PUBLIC USE EASEMENT

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, Owner does hereby authorize the CITY OF CHATTANOOGA, TENNESSEE, a municipal

corporation, to enter upon the Property for the purposes of construction and maintenance of utilities and public use on the area of the Property being more particularly described as follows:

A seven (7') feet deep buffer area adjacent to and following the western proposed right-of-way line of Gunbarrel Road, containing 2021 square feet, or 0.046 acre, as shown on Drawing No. E12008101-TRACT 13 attached and made a part of this document.

Owner also by these presents does hereby transfer, convey, and grant unto the City an easement on, through, under, and across the portion of the Property described above for said purposes.

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 (i) the temporary construction easement granted with the Right-of-Way dedication or (ii) the Permanent Utility and Public Use Easement (collectively, the "Easements").

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

TO HAVE AND TO HOLD the above-described property as a right-of-way, permanent utility, public use, 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 grantors have hereunto set their signatures this the 17 day of March 2016.

Name [Signature]

Title Partner

Name _____

Title _____

STATE OF TENNESSEE:

COUNTY OF HAMILTON:

On this 17 day of March 2016, before me personally appeared Partner/Member and _____ with whom I am personally acquainted, and who upon oath acknowledged themselves to be the _____ and _____, respectively, of Napier Associates, within named bargainor, a corporation, and that they as such Ken DeJoon and _____ 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/Member and _____.

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

Kenda F. Rowell
NOTARY PUBLIC



My Commission Expires: 2-10-2018



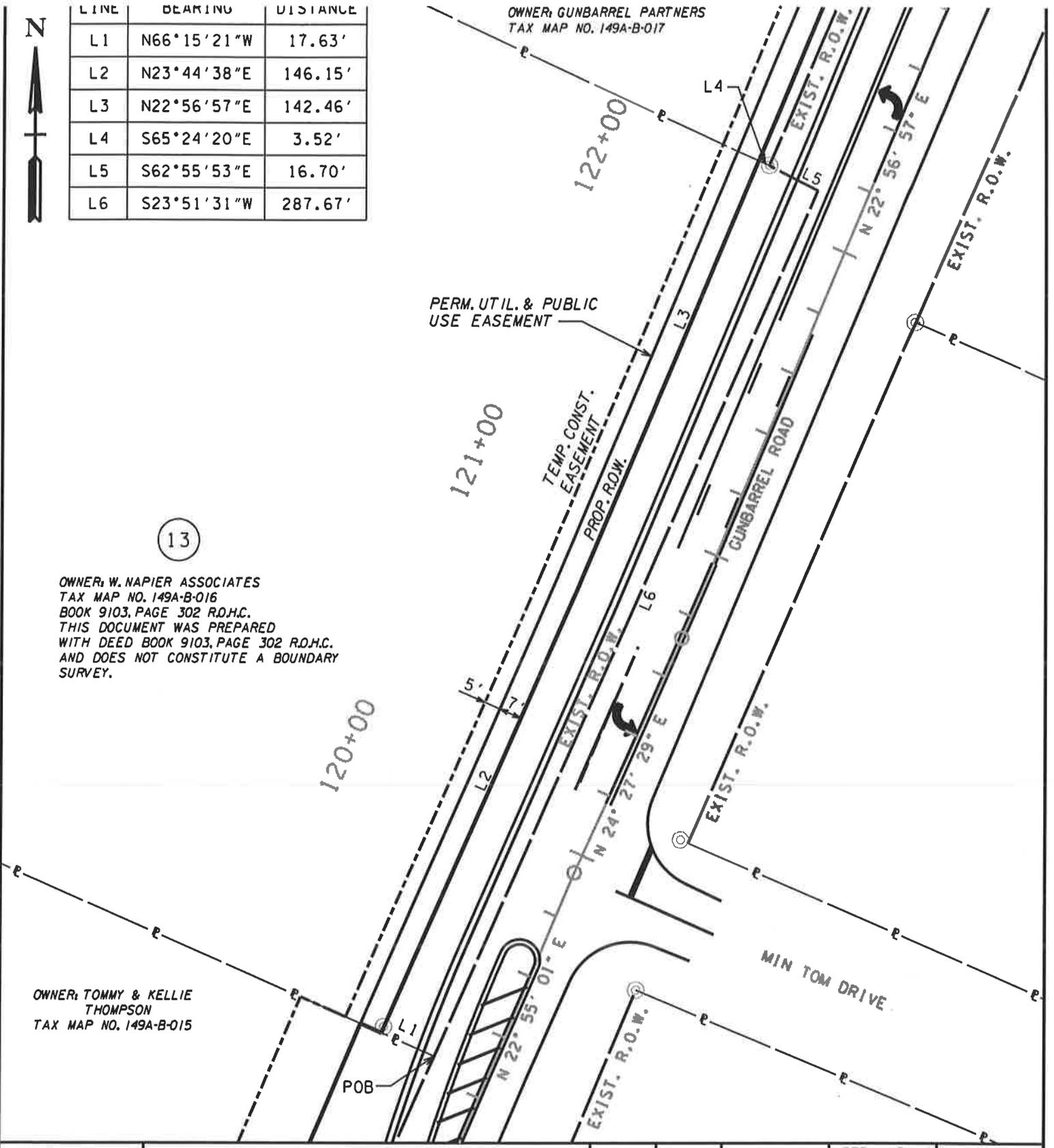
LINE	BEARING	DISTANCE
L1	N66°15'21"W	17.63'
L2	N23°44'38"E	146.15'
L3	N22°56'57"E	142.46'
L4	S65°24'20"E	3.52'
L5	S62°55'53"E	16.70'
L6	S23°51'31"W	287.67'

OWNER: GUNBARREL PARTNERS
TAX MAP NO. 149A-B-017

13

OWNER: W. NAPIER ASSOCIATES
TAX MAP NO. 149A-B-016
BOOK 9103, PAGE 302 R.O.H.C.
THIS DOCUMENT WAS PREPARED
WITH DEED BOOK 9103, PAGE 302 R.O.H.C.
AND DOES NOT CONSTITUTE A BOUNDARY
SURVEY.

OWNER: TOMMY & KELLIE
THOMPSON
TAX MAP NO. 149A-B-015



TRACT NO.	OWNERSHIP		BOOK	PAGE	RIGHT-OF-WAY REQUIRED	PERM. UTIL. & PUBLIC USE ESMT. REOD.	TEMP. CONST. ESMT. REOD.
	NAPIER ASSOCIATES						
13	TAX MAP * 149A-B-016		9103	302	5305 S.F. .122 ACRE	2021 S.F. .046 ACRE	1444 S.F. .033 ACRE
CITY OF CHATTANOOGA DEPT. OF TRANSPORTATION			SCALE: 1" = 40'		DATE: MARCH 8, 2016		
			REVISION:		DWG. E12008101-TRACT 13		

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,

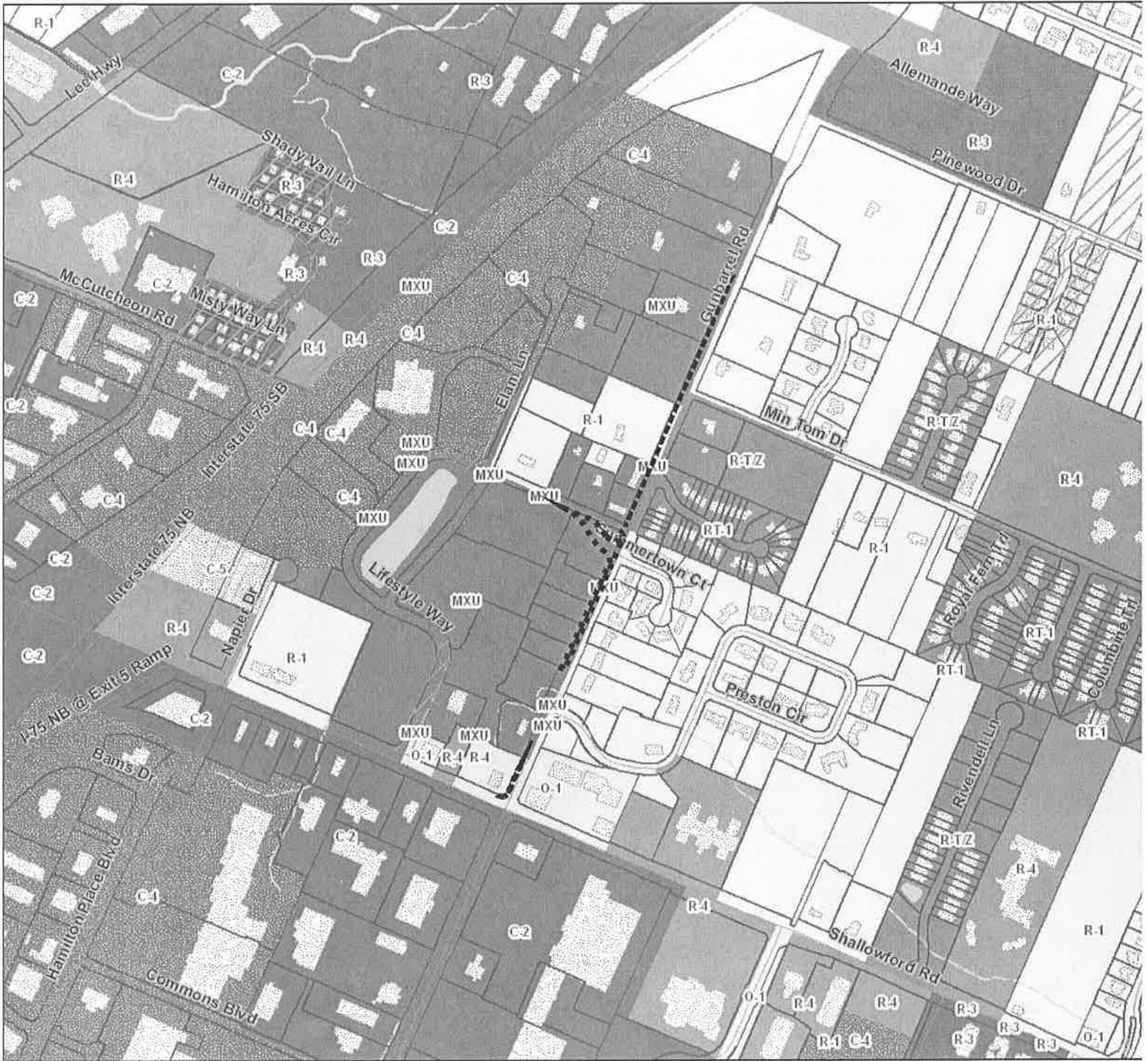
AND WHEREAS, the Planning Commission has studied the petition in relation to existing zoning and land use and potential patterns of development.

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

