

1ST READING 9-29-09  
2ND READING \_\_\_\_\_  
INDEX NO. \_\_\_\_\_

ORDINANCE NO. 12299

AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE CITY OF CHATTANOOGA KNOWN AS AREA 11A, BEING CERTAIN PARCELS ADJACENT TO THE CURRENT CITY LIMITS OF MORRIS HILL ROAD, EAST BRAINERD ROAD, AND IGOU GAP ROAD WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP.

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WHEREAS, pursuant to T.C.A. § 6-51-102, as amended by Public Chapter 1101 of 1998, it is necessary to submit a plan of services to the Chattanooga Hamilton County Regional Planning Commission; and

WHEREAS, the Plan of Services, which is attached to this Ordinance and incorporated herein by reference, was submitted to the Chattanooga Hamilton County Regional Planning Commission on July 29, 2009, and a written report was prepared and approved unanimously by the Chattanooga Hamilton County Regional Planning Commission on August 10, 2009, as required by law; and

WHEREAS, the Clerk of the City Council was authorized to give notice of a public hearing on the Plan of Services on August 18, 2009, with reference to the herein described annexation Plan of Services which was noticed on September 8, 2009, which was more than fifteen (15) days prior to the public hearing which was held on September 24, 2009, at 6:00 p.m., and the Clerk of the City Council further posted notice that this annexation Ordinance for Area 11A would be heard by publication in the daily newspaper of Chattanooga, Tennessee on September 27, 2009, which was more than seven (7) days before October 6, 2009; and

WHEREAS, after a public hearing on the Plan of Services held on September 24, 2009, the public hearing held on October 6, 2009, and investigation by the City Council, it now appears

that the prosperity of the City of Chattanooga and of the territory herein described and as described in said notice will be materially retarded, and the safety and welfare of the inhabitants and property of the City of Chattanooga and the herein described territory endangered if such territory is not annexed; and

WHEREAS, the Plan of Services is adopted and the annexation of the hereinafter described territory is deemed necessary for the health, welfare and safety of the residents and property owners thereof, as well as of the City of Chattanooga as a whole;

NOW, THEREFORE,

Section 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That under the authority conferred by Chapter 113, Public Acts of 1955, and the amendments thereto (T.C.A. § 6-51-101, *et seq.*), that there be and hereby is annexed to the City of Chattanooga, Tennessee, and included within the corporate boundaries of said City, certain parcels adjacent to the current City limits of Morris Hill Road, East Brainerd Road, and Igou Gap Road known as Area 11A within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, contiguous to the corporate boundaries of said City, which is more fully described as follows:

IN THE SECOND CIVIL DISTRICT OF HAMILTON COUNTY,  
TENNESSEE:

Beginning in the current city limit boundary on Morris Hill Road in the northwest corner of property now or formerly owned by Steven Burroughs (159D-B-023); thence proceeding southeasterly a distance of 425 feet, more or less, to the northwest corner of property now or formerly owned by Braithe Krause (159D-B-019.01); thence proceeding southeasterly a distance of 770 feet, more or less, to the northwest corner of property now or formerly owned by Jerry and Carolyn Holsomback (159D-C-019); thence proceeding southwardly a distance of 2,980 feet, more or less, along the eastern boundary of said Holsomback property to the northeast corner of property now or formerly owned by Jerry and Carolyn Holsomback (159D-C-019.01); thence proceeding southwardly a distance of 612 feet, more or less, to the east corner of property now or formerly owned by Jerry and Carolyn Holsomback (159D-C-019); thence proceeding southwesterly 185 feet, more or less, to a point directly across from the intersection of Igou Gap

Road right of way and the south corner of property now or formerly owned by Jerry and Carolyn Holsomback (159D-C-019); thence proceeding northwesterly a distance of 155 feet, more or less, along the southern line of Igou Gap Road right of way to the northeast corner of property now or formerly owned by John and Jill Pratt (159E-A-006); thence proceeding southwesterly a distance of 207 feet, more or less, to the northeast corner of property now or formerly owned by John and Jill Pratt (159E-A-001); thence proceeding southwesterly a distance of 440 feet, more or less, to the northeast corner of property now or formerly owned by John and Jill Pratt (159K-D-021); thence proceeding southwesterly a distance of 500 feet, more or less, to the northeast corner of property now or formerly owned by John and Jill Pratt (159K-D-018); thence proceeding southwesterly a distance of 160 feet, more or less, to the northeast corner of property now or formerly owned by John and Jill Pratt (159K-D-014); thence proceeding southwesterly a distance of 480 feet, more or less, to the northeast corner of Lot 12 now or formerly owned by Arthur and Lisa Quarles (159K-F-026) Ellington Place Subdivision (Plat Book 59, page 207); thence proceeding South 24 degrees West a distance of 970 feet, more or less, at the intersection of Lot 24 now or formerly owned by Derrick and Janet Eaton (159K-F-014) Ellington Place Subdivision and Lot 29 now or formerly owned by David Bevilaqua (159N-C-015.05) Ray Jo Estates Subdivision (Plat Book 31, page 162); thence proceeding South 24 degrees West a distance of 732 feet, more or less, at the intersection of Lot 25 now or formerly owned by Joseph Bevilaqua (159N-C-015.02) Ray Jo Estates Subdivision and the northwest corner of property now or formerly owned by Tennessee American Water Company (159M-A-024.01); thence proceeding eastward a distance of 605 feet, more or less, to the northwest corner of property now or formerly owned by Doyle Chadwick (159M-A-025); thence proceeding southeasterly a distance of 70 feet, more or less, to the northwest corner of property now or formerly owned by Fred Edgmon (159M-B-001); thence proceeding southwesterly a distance of 732 feet, more or less, to the intersection of the northeast corner of property now or formerly owned by Fred Edgmon (159M-B-001) and the Banks Road right of way; thence proceeding southwesterly a distance of 300 feet, more or less, along the western line of the Banks Road right of way to the intersection of East Brainerd Road and the southern corner of property now or formerly owned by Fred Edgmon (159M-B-001); thence proceeding southwesterly a distance of 3,000 feet, more or less, along the right of way of East Brainerd Road including the whole right of way to the intersection of the southeastern corner of property now or formerly owned by John and Shelia Harvey (171C-B-005) and the current City of Chattanooga boundary; thence proceeding northwardly a distance of 365 feet, more or less, along the current City of Chattanooga boundary to the southwest corner of property now or formerly owned by Floyd & Martha Ratliff (171C-B-004); thence proceeding northeasterly a distance of 70 feet, more or less, along the current City of Chattanooga boundary to the west corner of property now or formerly owned by Lester & Elizabeth Sandidge (171C-B-003.02); thence proceeding northwardly a distance of 360 feet, more or less, along the current City of Chattanooga boundary to the northeast corner of property now or formerly owned by James Million (171C-B-017); thence proceeding southwesterly a distance of 930 feet, more or less, along the current City of Chattanooga boundary to the southeast corner of property now or formerly owned by John and Janice

Gray (171C-B-010); thence proceeding westerly a distance of 500 feet, more or less, along the current City of Chattanooga boundary to the intersection of the southwest corner of property now or formerly owned by John and Janice Gray (171C-B-010) and the Morris Hill Road right of way; thence proceeding Northeasterly a distance of 2,170 feet, more or less, to the northeast corner of property now or formerly owned by William and Marcia Casteel (159N-C-002); thence proceeding southeasterly 1,275 feet, more or less, along the current City of Chattanooga boundary to the northwest corner of Lot 35 now or formerly owned by Harley and Clara Caylor (159M-B-005) Ryall Springs Subdivision (Plat Book 8, page 31); thence proceeding northeasterly a distance of 975 feet, more or less, along the current City of Chattanooga boundary to the intersection of west corner of property now or formerly owned by Doyal Chadwick (159M-A-025) and the southeast corner of property now or formerly owned by Tennessee American Water Company (159M-A-024.01); thence proceeding westerly a distance of 1,680 feet, more or less, along the current City of Chattanooga boundary to the southwest corner of said Lot 1 now or formerly owned by Gary and Brenda Matlock (159N-C-006) Ray Jo Estates Subdivision Unit One (Plat Book 25, page 11); thence proceeding northeasterly a distance of 6,740 feet, more or less, along the eastern line of Morris Hill Road right of way to the point of beginning. Included in this annexation are all tax parcels listed below and road right of ways as shown on the accompanying attached map for Annexation Zone 11A. References herein to Plat Books refers to the official records the Hamilton County Register of Deeds and references to parcel numbers in parenthesis above are based upon official Geographic Information System maps maintained by the Hamilton County GIS Department.

159K D 005  
159N C 015.08  
159N C 015  
159N C 015.10  
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171C B 019  
171C B 012  
171C B 021.01  
171C B 013

Section 2. BE IT FURTHER ORDAINED, That residents of and persons owning property in the above-described territory shall be entitled to all the rights and privileges of citizenship in accordance with the provisions of the Charter of the City of Chattanooga, Tennessee, immediately upon annexation as though the above-described territory annexed has always been part of said City of Chattanooga, Tennessee.

Section 3. BE IT FURTHER ORDAINED, That the Plan of Services attached hereto and incorporated herein by reference, which was submitted to the Chattanooga Hamilton County Regional Planning Commission and upon the written report dated August 5, 2009 which was approved by the Chattanooga Hamilton County Regional Planning Commission on August 10, 2009, is adopted as the Plan of Services for this annexation and shall be implemented in accordance with the terms and methods of services contained therein.

Section 4. BE IT FURTHER ORDAINED, That this Ordinance shall become operative thirty (30) days from and after its passage, or as otherwise provided by the provisions of T.C.A. § 6-51-102(a).

Section 5. BE IT FURTHER ORDAINED, That this Ordinance shall take effect, as distinguished from becoming operative, immediately from and after its passage, the public welfare requiring it.

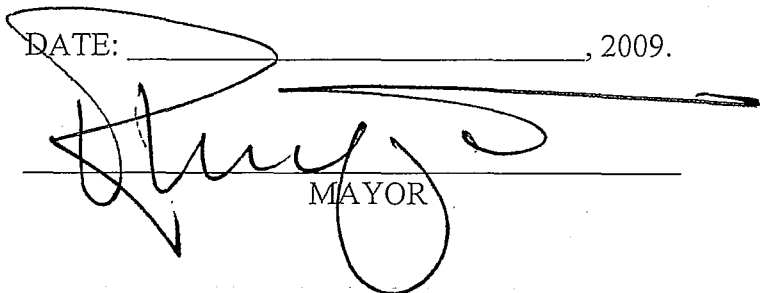
PASSED on Second and Final Reading

October 6, 2009.

  
CHAIRPERSON

APPROVED:  DISAPPROVED:

DATE: \_\_\_\_\_, 2009.

  
MAYOR

8/12/09

PROPOSED PLAN OF SERVICES  
IN ACCORDANCE WITH  
TENNESSEE CODE ANNOTATED § 6-51-102  
AREA 11A

The City Council of the City of Chattanooga, Tennessee hereby proposes the following Plan for Provision of Services for certain properties lying contiguous to the present corporate limits of the City of Chattanooga, Tennessee, Area 11A, which are shown on the attached map and described as follows:

All roads and accepted right of ways in Area 11A shown on the attached map including streets named Morris Hill Road, East Brainerd Road, and Igou Gap Road, and all properties including all property described as follows and as shown on the attached map:

IN THE SECOND CIVIL DISTRICT OF HAMILTON COUNTY,  
TENNESSEE:

Beginning in the current city limit boundary on Morris Hill Road in the northwest corner of property now or formerly owned by Steven Burroughs (159D-B-023); thence proceeding southeasterly a distance of 425 feet, more or less, to the northwest corner of property now or formerly owned by Braithe Krause (159D-B-019.01); thence proceeding southeasterly a distance of 770 feet, more or less, to the northwest corner of property now or formerly owned by Jerry and Carolyn Holsomback (159D-C-019); thence proceeding southwardly a distance of 2,980 feet, more or less, along the eastern boundary of said Holsomback property to the northeast corner of property now or formerly owned by Jerry and Carolyn Holsomback (159D-C-019.01); thence proceeding southwardly a distance of 612 feet, more or less, to the east corner of property now or formerly owned by Jerry and Carolyn Holsomback (159D-C-019); thence proceeding southwesterly 185 feet, more or less, to a point directly across from the intersection of Igou Gap Road right of way and the south corner of property now or formerly owned by Jerry and Carolyn Holsomback (159D-C-019); thence proceeding northwesterly a distance of 155 feet, more or less, along the southern line of Igou Gap Road right of way to the northeast corner of property now or formerly owned by John and Jill Pratt (159E-A-006); thence proceeding southwesterly a distance of 207 feet, more or less, to the northeast corner of property now or formerly owned by John and Jill Pratt (159E-A-001); thence proceeding southwesterly a distance of 440 feet, more or less, to the northeast corner of property now or formerly owned by John

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A. POLICE

Patrolling, radio directed response to calls for assistance, crime prevention services, traffic control and accident prevention services and other police protection and support using present personnel and equipment will be provided on the effective date of annexation. A study will be conducted within ninety (90) days of the effective date of annexation to consider the need for additional police personnel and equipment.

B. TRAFFIC ENGINEERING

Traffic Engineering and installation of signs and other traffic control devices to be installed as required throughout the annexation area, when the need is established by appropriate traffic studies. A study will be conducted within ninety (90) days of the effective date of annexation to consider the need for additional signs or other traffic control devices within the annexation area.

C. FIRE

1. Fire protection by present personnel and the equipment of the fire fighting force within the limitations of available water and distance from fire stations will be provided on the effective date of annexation.

2. Additional fire services such as those made available through the City of Chattanooga's fire marshal's office and fire investigation will be made available on the effective date of annexation.

3. Within six (6) months after annexation, the need for additional fire hydrants shall be determined. Within eighteen (18) months needed additional hydrants shall be installed in those areas where water mains of adequate size are available. Placement of hydrants will be on the basis of nationally-accepted standards defined by adopted codes for the City of Chattanooga. As additional water lines of adequate size are extended into the annexation area by Tennessee American Water Company or Eastside Utility District, if not presently served, fire hydrants shall be installed as required by the above-mentioned standard when the population density or need for hydrant services is sufficient to cost effectively extend hydrant services to the annexed property as determined by the Fire Chief, subject to appropriation of required funds.

D. REFUSE COLLECTION

Chattanooga currently provides its residents with certain refuse collection established under Chattanooga City Code § 18-101 et seq. The services currently provided by the City will be extended to the annexed area within ninety (90) days after the effective date of annexation.

E. ROAD AND STREET CONSTRUCTION AND REPAIR; SIGNS AND LIGHTING, AND STORMWATER AND DRAINAGE

1. Emergency maintenance of streets (repair of hazardous pot holes, measures necessary to maintain normal traffic flow), removal of snow and/or sanding of streets during icing conditions will begin on the effective date of annexation.

2. Routine maintenance, on the same basis as in the present City of Chattanooga, will begin in the annexed area on the effective date of annexation.

3. Within six (6) months of the effective date of annexation, street name signs will be installed as needed in all substantially developed areas.

4. Street lights will be installed under the same standards as now prevail in the City of Chattanooga. A study will be conducted within six (6) months of the effective date of annexation to consider the need for any additional street lights within the annexed area.

5. Stormwater and drainage services for all streets within the annexed area will be studied within six (6) months of the effective date of annexation for the need of any additional stormwater and drainage services.

6. Erosion and drainage services for the Water Quality Program currently provided to all streets within the City of Chattanooga shall be provided to the annexed area immediately following the effective date of annexation.

F. PLANNING AND ZONING

The planning and zoning jurisdiction of the City will be extended to the annexed area of the effective date of annexation. Chattanooga-Hamilton County Regional Planning Agency and the Chattanooga-Hamilton County Regional Planning Commission will thereafter

encompass the annexed area. Pending a review of the zoning by the Chattanooga-Hamilton County Regional Planning Commission and the City Council, the property shall be reclassified to a temporary classification which shall be rezoned in accordance with the City's Zoning Ordinances.

G. RECREATION FACILITIES AND PROGRAMS

1. All of the recreational areas and programs provided for the present City residents will be made available immediately to all residents of the annexed area in the same manner as current citizens of the City of Chattanooga.

2. Recreation programs such as swimming, summer camps, baseball, flag football, basketball, tennis will be made available to all residents of the annexed area in the same manner as the current residents of the City of Chattanooga.

H. WATER SYSTEM

Water for all annexed properties will continue to be provided in the same manner as it is currently provided by Tennessee American Water Company or Eastside Utility District.

I. ELECTRICAL SERVICE

Electricity will continue to be provided to residents of the newly annexed area by the Electric Power Board of Chattanooga.

J. SEWER SYSTEM

The City of Chattanooga will provide sewer services to the annexed area within three (3) years of the effective date of annexation, as provided in Paragraph 6(C) of the Master Interlocal Agreement approved by the City of Chattanooga dated May 23, 2001, if the Hamilton County Water and Wastewater Treatment Authority, (hereinafter "WWTA"), cedes its service area to the City within thirty (30) days of the date of annexation. If sewer services for properties



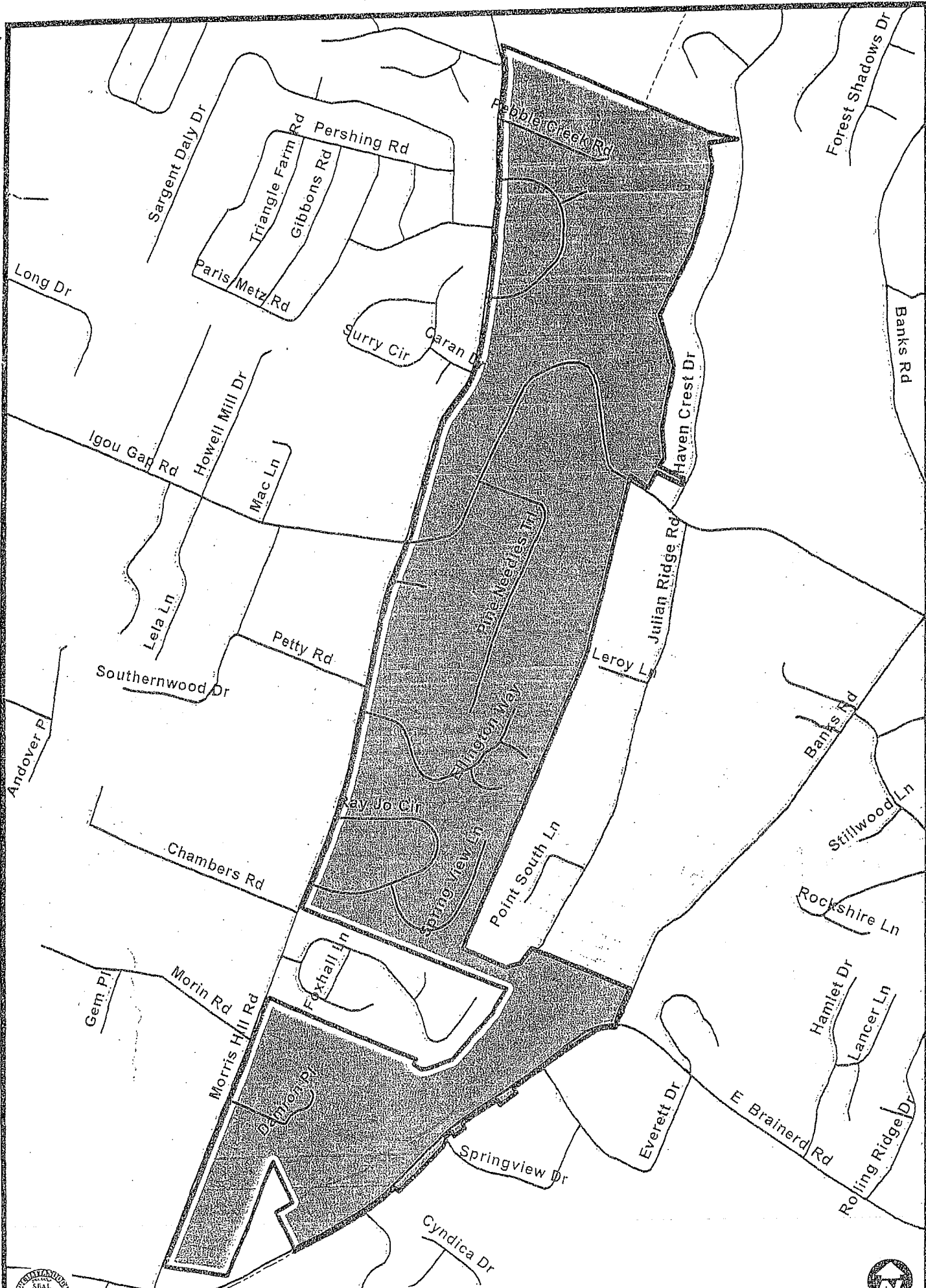
within the annexed area are not ceded to the City of Chattanooga or allowed to be provided by the City of Chattanooga because this area is retained by the WWTA, such services will be provided to the residents of the newly annexed area by the WWTA to the extent that lines are available within the annexed area and density of development makes new sewer lines feasible and funds for construction of necessary sewer lines are available as determined by the WWTA Board.

K. INSPECTION/CODE ENFORCEMENT

The Public Works Department of the City now provides plans review services inspection and code enforcement services (building, electrical, plumbing, gas, and unsafe building services, land use (zoning) and development, including flood plain NFIP/FEMA requirements, neighborhood services for housing, litter, overgrowth, illegal dumping) to all areas of the City of Chattanooga. These same services will be provided to the newly annexed area when it becomes a part of the City of Chattanooga.

L. ANIMAL CONTROL

The McKamey Animal Care and Adoption Center currently provides the services of animal control by contract with the City and enforces the City's leash laws and other animal control ordinances. This service will be available in the new area when the annexation becomes effective.



Proposed Annexation Area 11A

