

1ST READING

11-23-10

2ND READING

INDEX NO.

ORDINANCE NO. 12451

AN ORDINANCE AMENDING ORDINANCE NO. 12300, ADOPTED OCTOBER 13, 2009, EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO CHANGE THE DESCRIPTION SO AS TO DELETE ONE (1) PARCEL OF CERTAIN PROPERTIES ADJACENT TO OLD LEE HIGHWAY, GREEN SHANTY ROAD, REXWAY LANE, RANCO CIRCLE, AND MAYWATER 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, the City Council previously passed an annexation Ordinance No. 12300, extending the corporate limits of the City of Chattanooga to annex certain territory contiguous to the corporate limits of the City of Chattanooga, being certain properties adjacent to Old Lee Highway, Green Shanty Road, Rexway Lane, Ranco Circle and Maywater Road within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, as shown by the attached Ordinance and map; and

WHEREAS, the Plan of Services, which was attached to Ordinance No. 12300 was submitted to the Chattanooga Hamilton County Regional Planning Commission on August 10, 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, after approval and passage of Ordinance No. 12300, the City of Chattanooga was sued in a *quo warranto* action by the owners of one parcel in this annexation area in 2009 in an action in the Hamilton County Chancery Court styled: *State of Tennessee ex rel Louise and Bobby Johnson v. City of Chattanooga, Tennessee, Inc.*, Civil Action No. 09-0909; and following the filing of this *quo warranto* action, the City has determined that it is in the best interest of the City of Chattanooga to delete this one tax parcel from this annexation ordinance so that all other parcels previously annexed in 2009 will become part of the City of

Chattanooga this year and this annexation lawsuit will become moot for this area and an Order dismissing this annexation lawsuit can be filed with the Hamilton County Chancery Court resolving this matter; and

WHEREAS, this amendment to the annexation boundaries of Ordinance No. 12300 and the revisions to said Ordinance adopted by the Chattanooga City Council, 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 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 Old Lee Highway, Green Shanty Road, Rexway Lane, Ranco Circle, and Maywater Road known as Area 10A, 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 at a point in the current boundary of the City of Chattanooga at the northeast corner of property now or formerly owned by A C Development (139D-A-001) and the southern line of the Old Lee Highway right of way; thence following the boundary of property now or formerly owned by A C Development (139D-A-001) southward a distance of 534 feet, more or less, along the current City of Chattanooga boundary to the southeastern corner of property now or formerly owned by A C Development (139D-A-001); thence proceeding westward a distance of 1,770 feet, more or less, to the intersection of the southwestern corner of property now or formerly owned by James and Pearlene Smith (139-040.07) and the eastern line of property now or formerly owned by Diana Peterson (139-041.02) [excluding property now formerly-owned by Bobby Joe and Louise Lynn Johnson, Tax Parcel No. 139-046]; thence proceeding southward a distance of 234 feet, more or less, to the southeastern corner of property now or formerly owned by Diana Peterson (139-041.01); thence

proceeding northward a distance of 302 feet, more or less, following the boundary of property now or formerly owned by Diana Peterson (139-041.01) to the northwestern corner of property now or formerly owned by Diana Peterson (139-041.01) and the southern line of Old Lee Highway; thence proceeding eastward a distance of 2,125 feet, more or less, along the southern line of Old Lee Highway right of way to the point of beginning. References to parcel numbers in parenthesis above are based upon official Geographic Information System maps maintained by the Hamilton County GIS Department. All of this property lies within the Urban Growth Boundary of the City of Chattanooga as provided in the Master Interlocal Agreement between all municipalities within Hamilton County effective May 23, 2001. Included in this annexation are all tax parcels listed below and as shown on the attached map for Annexation Area 10A, with the exception of Parcel 139 046 which is deleted from this revised annexation area pursuant to this revised description.

139 041.01  
139 045  
139 047.04  
139 047  
139 041.02  
139 040.07  
139D A 001

Section 2. BE IT FURTHER ORDAINED, That residents of and persons owning property in the above-described territory, excluding the deleted tax parcel, 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, excluding the deleted tax parcel, 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.

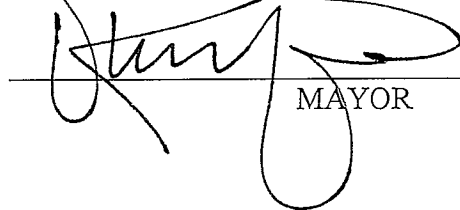
PASSED on Second and Final Reading

November 30, 2010.

  
\_\_\_\_\_  
CHAIRPERSON

APPROVED: X DISAPPROVED: \_\_\_\_\_

DATE: 11/30, 2010.

  
\_\_\_\_\_  
MAYOR

PAN/kac/mms

CITY OF CHATTANOOGA  
ANNEXATION AREA 10A



Old Cleveland Pike

139 046  
Johnson

Interstate 75

Old Lee Hwy

Rancho Cr

Rexway Ln

10A

Maywater Rd

Green Shanty Rd



100 200 400 Feet