

1ST READING
2ND READING

9-6-11
9-13-11

ORDINANCE NO. 12543

AN ORDINANCE AMENDING ORDINANCE NO. 12317 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 9B, BEING CERTAIN PARCELS ADJACENT TO OLD LEE HIGHWAY AND APISON PIKE WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP, BY CHANGING THE EFFECTIVE DATE OF SAID ANNEXATION TO DECEMBER 31, 2012.

WHEREAS, the City Council previously passed an annexation Ordinance No. 12317 extending the corporate limits of the City of Chattanooga to annex certain parcels adjacent to Old Lee Highway and Apison Pike, known as Area 9B, within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, which is shown by the attached ordinance and map; and

WHEREAS, the Plan of Services which was attached to Ordinance No. 12317 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 5, 2009, as required by Tennessee law; and

WHEREAS, after approval and passage of Ordinance No. 12317, the City of Chattanooga was sued in a *quo warranto* action by certain residents of Area 9B in 2009 and following lengthy litigation of this matter all parties have agreed to compromise and dismiss this action if the City of Chattanooga agrees to amend the effective date of this annexation ordinance until December 31, 2012 and the named plaintiffs in this litigation agree to pay municipal taxes

for services provided by the City of Chattanooga in tax year 2013 for municipal services of the City set forth in Ordinance No. 12317 which shall begin on December 31, 2012; and

WHEREAS, this amendment to the effective date of Ordinance No. 12317 and the revised date for services by the City under its plan of services adopted by Ordinance No. 12317 is determined to be in the best interests of the City 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 Ordinance No. 12317, annexing to the City of Chattanooga, Tennessee, certain property known as Area 9B, adjacent to Old Lee Highway and Apison Pike, known as Area 9B, within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, which is more fully described as below, be and is hereby amended by changing the annexation effective date to December 31, 2012 by the agreement and approval of all named Plaintiffs in the action styled *State of Tennessee, ex rel, Woodard Development Co., et al. v. The City of Chattanooga*, Hamilton County Chancery Court, Case No. 09-0986, Part 2:

IN THE SECOND CIVIL DISTRICT OF HAMILTON COUNTY,
TENNESSEE:

Beginning in the present city limit boundary at a point directly across the road from the northeast corner of property now or formerly owned by De Williams (131-023); thence proceeding south-easterly a distance of 50 feet, more or less, across the Old Cleveland Pike right of way to the northeast corner of property now or formerly owned by De Williams (131-023); thence proceeding South 32 degrees East a distance of 46.6 feet, more or less, to the east corner of property now or formerly owned by De Williams (131-023); thence proceeding South 22

degrees West a distance 257 feet, more or less, to the northeast corner of property now or formerly owned by Choo Choo Homes Incorporated (131-003.01); thence proceeding South 23 degrees West a distance of 1,071 feet, more or less, to the east corner of property now or formerly owned by Choo Choo Homes Incorporated (131-003.01); thence proceeding South 12 degrees East a distance of 119 feet, more or less, to the intersection of the southeast corner of property now or formerly owned by Choo Choo Homes Incorporated (131-003.01) and Lee Highway right of way; thence proceeding south-easterly a distance of 75 feet, more or less, to a point directly across the Lee Highway right of way from the southeast corner of property now or formerly owned by Choo Choo Homes Incorporated (131-003.01); thence proceeding south-westerly a distance of 170 feet, more or less, along the southern line of Lee Highway right of way to the northeast corner of property now or formerly owned by Rhonda Neely (131O-B-001); thence proceeding south-westerly a distance of 765 feet, more or less, along the City of Collegedale right of way to the southern corner of property now or formerly owned by James Ransom (131O-B-004); thence proceeding north-westerly a distance of 485 feet, more or less, along the City of Collegedale right of way to northeast corner of property now or formerly owned by Eddie and Mary Osborne (131O-B-005); thence proceeding southwardly a distance of 815 feet, more or less, along the City of Collegedale right of way to the northeast corner of property now or formerly owned by Woodard Development Company (131O-B-020); thence proceeding south-westerly a distance of 625 feet, more or less, along the City of Collegedale right of way to the southeast corner of property now or formerly owned by Woodard Development Company (131O-B-020); thence proceeding north-westerly a distance of 170 feet, more or less, along the city of Collegedale right of way to the northeast corner of property now or formerly owned by Woodward Development Company (131O-B-019); thence proceeding southwardly a distance of 90 feet, more or less, to the southeast corner of property now or formerly owned by Woodward Development Company (131O-B-019) and the Apison Pike right of way; thence proceeding westwardly a distance of 3,703 feet, more or less, along the northern line of the Apison Pike right of way and the Old Lee Highway right of way to the southwest corner of property now or formerly owned by Indian Pentecostal Church of God (131P-A-001); thence proceeding northwardly a distance of 265 feet more or less to the northwest corner of property now or formerly owned by Indian Pentecostal Church of God (131P-A-001); thence proceeding north-easterly a distance 5,900 feet, more or less, along the southern line of Interstate 75 right of way and the northern line of Old Cleveland Pike 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 9B.

131O B 008	131P B 007.03	131O B 019	131O A 025
131O A 012	131P B 004	131O B 002	131O A 026
131O B 011.02	131P B 019	131O A 010	131O A 004
131P B 020	131O A 002	131 002	131O A 018
131P C 002	131O B 009	131 026	131O A 017
131O A 027	131O B 005	131 003.01	131P C 008.02
131O A 007	131P B 009	131 001	131O A 014
131O B 016	131P C 001	131 025	131O B 020
131O B 003	131O A 001	131 024	131O A 003
131O B 018	131O B 017	131O A 019	131O B 015
131P B 006	131P B 017	131O A 010.01	131O B 001
131P B 008	131P C 003	131O B 013.01	131O A 023
131P C 007	131P B 018	131O A 006	131O A 020
131O B 011.04	131O B 007	131O B 006.01	131O B 011.03
131O A 009	131O B 012	131 023	
131O A 005	131O A 011	131P A 001	
131O A 008	131O B 014	131P B 003	
131O B 011	131O A 013	131P B 015	
131O A 015	131P C 011	131P B 016	
131O A 028	131P B 008.01	131P B 012	
131O B 004	131 003	131P B 014	
131O A 009.01	131P B 007.02	131P C 008	
131O A 004.01	131P C 009	131P B 013	
131O B 006	131P B 002		
131O A 024	131P B 001		

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 on December 31, 2012 as though the above-described territory annexed has always been part of said City of Chattanooga, Tennessee and the Agreed Order of Compromise and Dismissal entered August 25, 2011, in the case styled *State of Tennessee, ex rel, Woodard Development Co., et al. v. The City of Chattanooga*, Hamilton County Chancery Court, Case No. 09-0986, Part 2, is ratified and adopted by the Chattanooga City Council.

Section 3. BE IT FURTHER ORDAINED, That the Plan of Services attached hereto which was submitted to the Chattanooga-Hamilton County Regional Planning Commission and the written report which was approved by the Chattanooga-Hamilton County Regional Planning Commission on August 5, 2009, is adopted as the Plan of Services for this annexation area and shall be implemented in accordance with the terms and methods of services contained therein and the agreement of the named parties in the above styled litigation on or before December 31, 2012.

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, on December 31, 2012, the public welfare requiring it.

PASSED on Second and Final Reading

September 13, 2011.


CHAIRPERSON

APPROVED: DISAPPROVED:

DATE: 9/16, 2011


MAYOR

PAN/add

Annexation Zone 9 B

Interstate 75

131 025

131 024

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Annexation Zone 9 B

Interstate 75

McClelland

131P-B-020

131P-B-021

131P-B-022

131P-B-023

131P-B-024

131P-B-025

131P-B-026

131P-B-027

131P-B-028

131P-B-029

131P-B-030

131P-B-031

131P-B-032

131P-B-033

131P-B-034

131P-B-035

131P-B-036

131P-B-037

131P-B-038

131P-B-039

131P-B-040

9 B

Lillie

Patsy

area 9 B

Zone 9 B parcels

roads

Collegedale and UGB

0 280 560 1,120

1,6

