

1ST READING

1-10-12

2ND READING

1-17-12

ORDINANCE NO. 12557

AN ORDINANCE AMENDING ORDINANCE NO. 12299 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, BY CHANGING THE EFFECTIVE DATE OF SAID ANNEXATION TO DECEMBER 31, 2012.

WHEREAS, the City Council previously passed an annexation Ordinance No. 12299 extending the corporate limits of the City of Chattanooga to annex 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, Tennessee, which is shown by the attached ordinance and map; and

WHEREAS, the Plan of Services which was attached to Ordinance No. 12299 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 Tennessee law; and

WHEREAS, after approval and passage of Ordinance No. 12299, the City of Chattanooga was sued in a *quo warranto* action by certain residents of Area 11A 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. 12299 which shall begin on December 31, 2012; and

WHEREAS, this amendment to the effective date of Ordinance No. 12299 and the revised date for services by the City under its plan of services adopted by Ordinance No. 12299 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. 12299, annexing to the City of Chattanooga, Tennessee, certain property 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, 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, Maulik Shah, d/b/a Quickmart, et al. v. The City of Chattanooga*, Hamilton County Chancery Court, Case No. 09-0893, Part 2:

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	171C B 003.01
159N C 015.08	171C B 003.02
159N C 015	171C B 003
159N C 015.10	171C B 002.03
159N C 015.03	159E D 031
159N C 015.04	159E D 009
159N C 015.09	159F C 001.08
159N C 015.02	159E D 028
159N C 015.01	159E D 037
159N C 015.11	159E D 002
159N C 015.07	159F C 001.03
159N C 015.05	159E D 036
159N C 015.06	159F C 001.07
159K D 017.03	159E D 038
159K D 019	159E D 039
159K D 017.04	159E D 022

159E D 024
159E D 009.01
159E D 017
159E D 035
159E D 034
159E D 013
159E D 019
159E D 026
159E D 033
159E D 011
159E D 016
159E D 030
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159D B 015
159D B 010
159D A 012
159F C 002.01
159D B 007
159F C 003
159D A 005
159D B 011
159F C 002
159D B 006
159D B 005
159D A 003
159K F 021
159K F 013
159K F 014
159K F 027
159A C 024
159K F 011
159K F 020
159K F 015
159K F 023
159K F 024
159K F 025
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159K F 019
159K D 006
159K D 007

159K D 008
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159K C 005
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159K D 019.02
159K D 017.02
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159K C 006
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159K D 002
159K C 003
159K D 009
171C B 002.02
159M B 002
159M B 006
159M B 008
159M B 004
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159M B 010
159M B 007
159M B 003
171C B 002.01
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159E D 012
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159E D 007
159E D 020
159E D 023
159E D 014
159E D 008
159E D 005
159F C 001.04
159E D 001
159F C 001.02
159E D 025
159E D 021
159E D 010
159E D 004
159E D 032
159E D 029
159E D 003
159E D 006
159E D 027
159E D 018
159D A 011

159D B 016	159E A 002.02
159F C 002.05	159E A 005
159F C 002.04	159E A 003
159D B 008	159D B 019.02
159D A 013	159D C 019
159D B 004	159E A 004
159D A 004	159E A 002
159D B 001	159E A 005.01
159D A 015	159F C 001.09
159D B 013	159D B 019.01
159D B 012	159E A 001
159D A 014	159D B 021
159D A 006	159D B 020
159D B 009	159D C 019.01
159D B 014	159E A 002.01
159D A 016	159E A 006
159D B 017	159D B 019.19
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159F C 002.03	171C B 023
159F C 004	171C B 004
159D B 003	171C B 021.02
159D A 009	171C B 023.01
159D A 010	171C B 011
159D B 002	171C B 005
159D B 018	171C B 018
171C B 001	171C B 021
171C B 022	171C B 020
159K E 006	171C B 002.04
159D B 022	159K E 005
159F C 002.06	159K E 004
159E A 002.03	159K F 004
159K D 013.02	159K E 002
159K D 012	159K F 010
159K D 018	159K F 009
159M A 024.01	159K E 003
159K D 017.05	159K F 005
159K D 020	159K F 002
159K D 013.01	159K E 007
159K D 011	159K F 008
159N C 003	159K F 001
159K D 014	159K E 001
159M B 001.03	159K F 006
159N C 004	159K F 003
159M B 001	159K F 007
159N C 004.01	159K C 014
159N C 004.02	159N C 013
159N C 001	159N C 019
159K D 021	159K C 013

159N C 017	159D B 019.03
159K C 009	159D B 019.10
159N C 007	159D B 019.06
159K C 008	159D B 019.08
159K C 011	159D B 019.13
159N C 010	159K D 017.01
159N C 009	159K D 016
159K C 012	171C B 014.02
159K C 007	171C B 014
159N C 014	171C B 014.01
159N C 012	159F C 002.02
159N C 020	159K C 001
159N C 008	159M B 005
159N C 006	159M B 009
159K C 010	159F C 001.01
159N C 016	159F C 001.06
159N C 018	159F C 001
159N C 011	159F C 001.05
159N C 021	159D A 001
159D B 019.11	159M A 025
159D B 019.17	159K D 010
159D B 019.15	159M B 001.04
159D B 019.16	159N C 002
159D B 019.07	159D B 023
159D B 019.05	171C B 016
159D B 019.04	171C B 017
159D B 019.09	171C B 019
159D B 019.12	171C B 012
159D B 019.18	171C B 021.01
159D B 019.14	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 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 December 12, 2011, in the case styled *State of Tennessee, ex rel, Maulik Shah, d/b/a Quickmart, et al. v. The City of Chattanooga*, Hamilton County Chancery Court, Case No. 09-0893, 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 10, 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

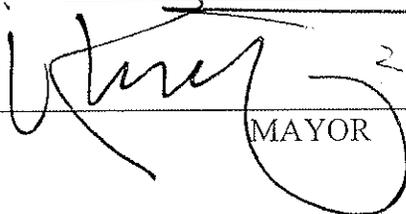
January 17, 2012.



CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: _____, 2012



MAYOR

PAN/add/mms

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.

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

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159N C 015.11
159N C 015.07
159N C 015.05
159N C 015.06
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159K D 019
159K D 017.04
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171C B 003.02
171C B 003
171C B 002.03
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159E D 009
159F C 001.08
159E D 028

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159E D 024
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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.

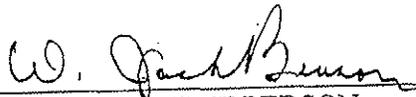
Section 3. BE IT FURTHER ORDAINED, That the Plan of Services attached hereto and incorporated herein by reference, which was submitted to the Chattanooga Hamilton County Regional Planning Commission and upon the written report dated August 5, 2009 which was approved by the Chattanooga Hamilton County 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.

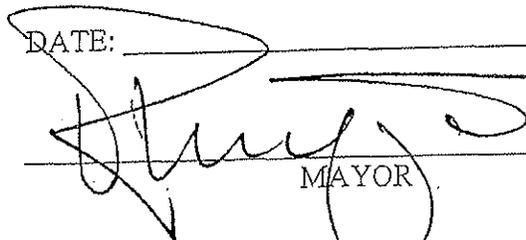
PASSED on Second and Final Reading

October 6, 2009.


CHAIRPERSON

APPROVED: DISAPPROVED:

DATE: _____, 2009.


MAYOR

PAN/MAM/add

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

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 Bevilacqua (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 Bevilacqua (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 parcel numbers and road right of ways on the accompanying attached map for Annexation Zone 11 A. 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.

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

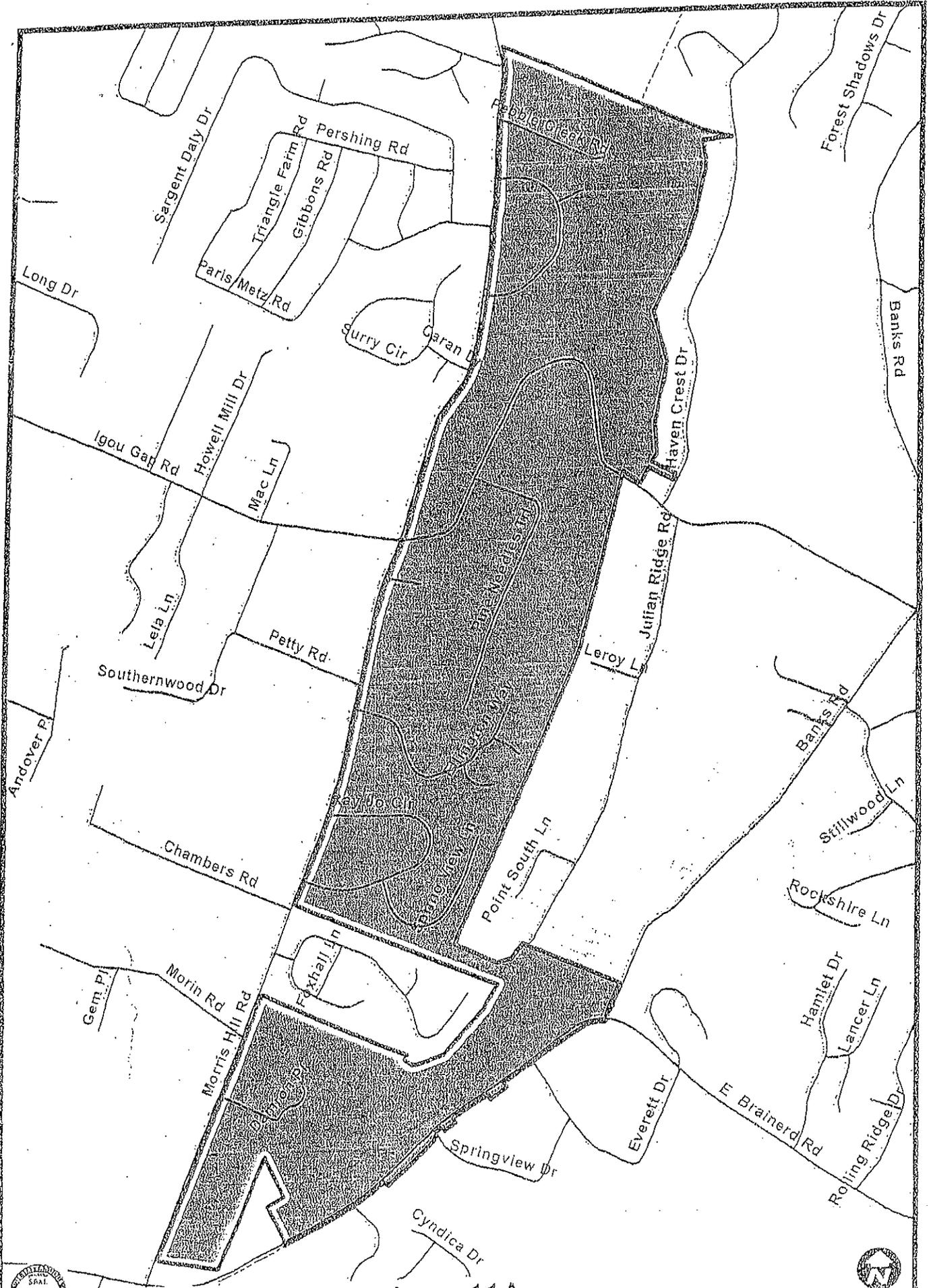
within the annexed area are not ceded to the City of Chattanooga or allowed to be provided by the City of Chattanooga because this area is retained by the WWTA, such services will be provided to the residents of the newly annexed area by the WWTA to the extent that lines are available within the annexed 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