

ORDINANCE NO. 2007-11

AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO ANNEX CERTAIN PARCELS OF REAL PROPERTY ADJACENT TO THE ST. IVES SUBDIVISION AND BOLLINGER ROAD, BY PETITION OF THE PROPERTY OWNER, WHICH ARE CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE TOWN, AS SHOWN BY THE ATTACHED MAP.

WHEREAS, the Acting Town Recorder has been authorized to provide notice of a public hearing on September 10, 2007, with reference to the herein described annexation territory, to be held on September 10, 2007, at 7:00 p.m., which notice shall have been published in the daily newspaper of Chattanooga, Tennessee more than fifteen (15) days before September 10, 2007; and

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 Signal Mountain Planning Commission; and

WHEREAS, the Plan of Services is attached to this Ordinance, as required by Tennessee law; and

WHEREAS, after a public hearing and investigation by the Town Council, it now appears that the prosperity of the Town 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 Town and the herein described territory endangered if such territory is not annexed; and

WHEREAS, the attached 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 Town of Signal Mountain as a whole;

NOW, THEREFORE,

Section 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, 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 Town of Signal Mountain, Tennessee, and included within the corporate boundaries of said Town an area adjacent to the St. Ives Subdivision and Bollinger Road, in Hamilton County, contiguous to the corporate boundaries of said Town which is more fully described as follows:

The legal description for the property to be annexed is set forth as follows:

LEGAL DESCRIPTION FOR PROPOSED LOT 36, ST IVES COMMUNITY, TO BE ANNEXED BY THE TOWN OF SIGNAL MOUNTAIN

LEGAL DESCRIPTION

Land located in Town of Signal Mountain and/or County of Hamilton, State of Tennessee. Being known as Lot 36, St. Ives Community as shown by Revised Plat : St. Ives Community, of record in Plat Book 52, Page 150, in the Register's Office of Hamilton County, Tennessee (R.O.H.C.); being all of the property of The Market Street Company, LLC, of record in Deed Book 7473, Page 959, R.O.H.C.; also together with Lots number One thru Five and St. Ives Creek Subdivision, of record in Plat Book 53, Page 170, R.O.H.C.; being the property of James L. Henry, III, Trustee, of record in Deed Book 6765, Page 760, in the R.O.H.C. and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, COMMENCE at the intersection of the centerline of St. Ives Way with the centerline of Bollinger Road said intersection being marked by a nail and disk old;

THENCE North 54 degrees 37 minutes West along a chord line for a distance of 128.6 feet to the TRUE POINT OF BEGINNING; said point being the southeast corner of proposed Lot 36 and lying on the northern Right-of-Way line of St. Ives Way and marked by an IRON ROD NEW;

THENCE westwardly and in a curve to the left having a radius of 347.2 feet and an arc length of 165.0 feet, being subtended by a chord of North 89 degrees 12 minutes 30 seconds West for a distance of 163.4 feet to an IRON ROD NEW; being the southwest corner of Lot 36;

THENCE North 12 degrees 09 minutes 50 seconds East along the west line of Lot 36 for a distance of 335.1 feet to an IRON ROD OLD;

THENCE North 69 degrees 15 minutes 50 seconds East for a distance of 12.5 feet to an IRON ROD NEW;

THENCE North 20 degrees 44 minutes 10 seconds West along the centerline of old abandoned Right-of-Way for a distance of 148.7 feet to an IRON ROD OLD;

THENCE continuing along said centerline North 54 degrees 20 minutes 30 seconds West for a distance of 47.6 feet to an IRON ROD OLD;

THENCE North 35 degrees 49 minutes 50 seconds East for a distance of 12.5 feet to an IRON ROD OLD;

THENCE North 64 degrees 51 minutes 20 seconds East along the southeastern line of the property of Leonard J. Swanson of record in Deed Book 2297, Page 443, in the R.O.H.C. for a distance of 155.0 feet to a point located in the centerline of Ives Creek;

THENCE North 64 degrees 52 minutes 00 seconds East for a distance of 280.0 feet to an IRON ROD OLD;

THENCE South 32 degrees 27 minutes 10 seconds East for a distance of 50.1 feet to an IRON ROD OLD;

THENCE North 57 degrees 32 minutes 50 seconds East for a distance of 81.6 feet to a POINT;

THENCE along a curve to the left having a radius of 381.0 feet and an arc length of 53.6 feet, being subtended by a chord of North 53 degrees 31 minutes 00 seconds East for a distance of 53.6 feet to an IRON ROD OLD;

THENCE South 51 degrees 25 minutes 10 seconds East for a distance of 142.8 feet to an IRON ROD OLD;

THENCE South 53 degrees 45 minutes 00 seconds West for a distance of 135.0 feet to an IRON ROD OLD;

THENCE South 22 degrees 00 minutes 50 seconds East for a distance of 215.2 feet to an IRON ROD OLD;

THENCE South 37 degrees 30 minutes 30 seconds West for a distance of 286.3 feet to a POINT;

THENCE along a curve to the right having a radius of 191.2 feet and an arc length of 42.4 feet, being subtended by a chord of South 43 degrees 30 minutes 40 seconds West for a distance of 42.3 feet to a POINT

THENCE North 72 degrees 03 minutes 10 seconds West for a distance of 204.8 feet to a POINT;

THENCE continuing along the eastern line of Lot 36, South 17 degrees 33 minutes 20 seconds West for a distance of 174.3 feet to the POINT OF BEGINNING;

Containing 6.50 acres more or less.

The herein aforescribed proposed Lot 36 is all as shown on revised survey drawing by True Line Company, Land Surveyors Job Number 06-7423, dated: Revised date of June 29, 2007.

LESS AND EXCEPT: The original Lot 36 as recorded in Plat Book 52, Page 150, R.O.H.C.; said original lot 36 being already located within the city limits of the Town of Signal Mountain.

Subject to: Final approval and recording of the aforesaid revised survey drawing.

Subject to: 20 foot wide Sanitary Sewer and Drainage Easements as shown on said drawing.

Subject to: 20 foot wide and 15 foot wide Power and Communications Easements as shown on said drawing.

Subject to: Residential building, exclusion area as shown on said plat.

Subject to: Covenants and Restrictions of St. Ives Community Subdivision.

LEGAL DESCRIPTION FOR THAT PORTION OF BOLLINGER ROAD WHICH IS TO BE ANNEXED BY THE TOWN OF SIGNAL MOUNTAIN:

LEGAL DESCRIPTION

Land located in Town of Signal Mountain and/or County of Hamilton, State of Tennessee. Being part of the Public Right of Way known as Bollinger Road; said part being 50 feet wide as shown on St. Ives Creek Subdivision, of record in Plat Book 53, Page 170, in the Register's Office of Hamilton County, Tennessee (R.O.H.C.); and said part being more particularly described as follows:

All THAT PART of Bollinger Road as described as LYING within the following bounding borders:

THAT PART LYING south of a line crossing said Road at right angles from the most southern corner of the property of Lige Layne of record in Deed Book O - 29, Page 267, in the R.O.H.C.;

THAT PART LYING west of Lots 26 and 33, as shown by Revised Plat : St. Ives Community, of record in Plat Book 52, Page 150, in the R.O.H.C. ;

THAT PART LYING north of Lot 34, of the aforesaid plat of Revised : St. Ives Community;

THAT PART LYING east of Lots 1, 2, and 5, of the aforesaid plat of Revised : Ives Creek Subdivision.

Containing 0.38 acres more or less.

Bollinger Road is shown on a revised survey drawing by True Line Company, Land Surveyors Job Number 06-7423, dated: Revised date of June 29, 2007.

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 Town of Signal Mountain, Tennessee, immediately upon annexation as though the above-described territory annexed has always been part of said Town of Signal Mountain, Tennessee.

Section 3. BE IT FURTHER ORDAINED, That the Plan of Services attached hereto which was approved by the Signal Mountain Planning Commission on April 27, 2006, pursuant to T.C.A. § 6-51-102, and is adopted as the Plan of Services for this annexation area 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 First Reading 8-13, 2007

Passed Second Reading 9-10, 2007



PAUL M. HENDRICKS, Mayor



SHERRY MORRISON, Acting Town Recorder

PLAN OF SERVICES
IN ACCORDANCE WITH
TENNESSEE CODE ANNOTATED § 6-51-102
AUGUST, 2007

The Town Council of the Town of Signal Mountain, Tennessee hereby proposes the following Plan for Provision of Services for certain property adjacent to the St. Ives Subdivision and Bollinger Road which is shown on the attached map for certain properties lying contiguous to the present corporate limits of the Town of Signal Mountain, Tennessee, which are described as follows:

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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.

B. TRAFFIC ENGINEERING

Traffic Engineering and installation of signs and other traffic control devices to be installed as required throughout the annexation area, will be provided when the need is established by appropriate traffic studies.

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 Town's fire prevention staff and arson investigation will be made available on the effective date of annexation.

3. Within six (6) months after annexation, the location of fire hydrants shall be determined and 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 the National Fire Underwriters' Association. As additional water lines are extended into the annexation area by the Walden's Ridge 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 into the annexed property as determined in the discretion of the Town Manager and the Town Council.

4. Within six (6) months after annexation, a study will be completed to determine the need for construction of a fire substation to provide services to the annexed area on property owned by the Town and to assure the continued compliance with standards established by the National Fire Underwriters appropriate to maintain the existing fire insurance rating for all citizens within the Town.

D. REFUSE COLLECTION

The same regular refuse collection now provided by the Town will be extended to the annexed area on the effective date of annexation.

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

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

2. Routine maintenance, on the same basis as is provided within the present Town limits, will be provided to the annexed area on the effective date of annexation.

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

4. Street lights will be installed within the annexed area under the same standards as now prevail in the present Town limits as needed.

5. Stormwater and drainage services for all streets within the annexed area will be studied within six months after the effective date of annexation. Erosion and drainage services which are currently provided to all existing streets within the present Town limits shall be provided to the annexed area on the effective date of annexation.

F. PLANNING AND ZONING

The planning and zoning jurisdiction of the Town will be extended to the annexed area on the effective date of annexation. Town Planning services and zoning regulations will thereafter encompass the annexed area. Pending a review of the present zoning classifications within the annexed area by the Town of Signal Mountain Planning Commission and the Town Council within six (6) months of the effective date of annexation, the property within the annexed area shall be reclassified to a temporary classification of Low Density Residential District.

G. RECREATION AND OTHER TOWN PROGRAMS

1. All recreational areas accessibility and programs which are provided for present Town residents will be made available to the residents of the annexed area upon the effective date of annexation in the same manner as such programs are available to current Town residents.

2. All current recreation programs such as swimming, summer camps, baseball, flag football, basketball, tennis will be made available to residents of the annexed area upon the

effective date of annexation in the same manner as such programs are available to current Town residents.

3. Access to the Town Library and the Mountain Arts Community Center facilities shall be made available to the residents of the annexed area upon the effective date of annexation in the same manner as such accessibility and programs are provided to current Town residents.

H. WATER SYSTEM

Water for all annexed properties will continue to be provided within the annexed area in the same manner as water service is currently provided by the Walden's Ridge Utility District.

I. ELECTRICAL SERVICE

Electricity will continue to be provided within the annexed area in the same manner as electric service is currently provided by the Electric Power Board of Chattanooga.

J. SEWER SYSTEM

Sewer services for any properties within the annexed area will continue to be provided in the same manner as such sewer services are currently provided by the Hamilton County Water and Wastewater Authority to the extent that sewer lines are constructed and available within the annexed area. The construction of new sewer lines within the annexed area will occur when the density of development makes new sewer lines feasible and funds for the construction of necessary sewer lines are made available as determined by the Hamilton County Water and Wastewater Authority and its board.

K. INSPECTION/CODE ENFORCEMENT

The Town of Signal Mountain currently provides inspection and code enforcement services (building, electrical, plumbing, gas, and unsafe building services) to all areas within the Town limits. These same inspection and code enforcement services will be provided to the newly annexed area upon the effective date of annexation.

L. ANIMAL CONTROL

The Humane Educational Society currently provides the services of animal control and enforces the Town's leash laws and other animal control ordinances to all areas within the Town limits. These same services will be provided to the newly annexed area upon the effective date of annexation.