

ORDINANCE NO. 2010-27

AN ORDINANCE AMENDING ORDINANCE NO. 2008-14 EXTENDING THE CORPORATE LIMITS OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO CHANGE THE EFFECTIVE DATE FOR THE ANNEXATION OF CERTAIN PROPERTIES ADJACENT TO WINDTREE SUBDIVISION ON ANDERSON PIKE AND SHACKLEFORD RIDGE ROAD IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP.

WHEREAS, the Town Council previously passed an annexation Ordinance No. 2008-14 extending the corporate limits of the Town of Signal Mountain to annex certain territory contiguous to the corporate limits of the Town, being certain parcels adjacent to Windtree Subdivision on Anderson Pike and Shackleford Ridge Road 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. 2008-14 was submitted to the Signal Mountain Planning Commission on July 14, 2008, and a written report was prepared and approved unanimously by the Signal Mountain Planning Commission on September 4, 2008, as required by Tennessee law; and

WHEREAS, after approval and passage of Ordinance No. 2008-14 the Town of Signal Mountain was sued in a *quo warranto* action by certain residents of the Windtree Subdivision in 2008 and following lengthy litigation of this matter all parties have agreed to compromise and dismiss this action if the Town of Signal Mountain 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 Town

of Signal Mountain for the tax year 2013 for municipal services of the Town set forth in Ordinance No. 2008-14 which shall begin on December 31, 2012; and

WHEREAS, this amendment to the effective date of Ordinance No. 2008-14 and the revised date for services by the Town under its plan of services adopted by Ordinance No. 2008-14 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 Ordinance No. 2008-14 be and hereby is amended to annex to the Town of Signal Mountain, Tennessee, and included within the corporate boundaries of said Town certain parcels adjacent to Windtree Subdivision on Anderson Pike and Shackleford Ridge Road in Hamilton County, Tennessee which is shown by the attached ordinance and map, contiguous to the corporate boundaries of said Town which is more fully described as follows with an effective date of annexation to be on December 31, 2012 by the agreement and approval of all named plaintiffs in the action styled *George M. McMillan, Jr., Joanne Denise, Marc S. Theisen, Delton Griffith, Bonnie R. Adams, Lester L. Wallace, Lois K. Wallace, Allen Upton, and Jayme Upton, individually and as Aggrieved Residents of the Fox Run and Windtree Subdivisions, and of the Town of Signal Mountain, Tennessee, et. al.,* Hamilton County Chancery Court, Case No. 08-0965, Part 1:

All roads and accepted right of ways in the Windtree Subdivision shown on the attached map including streets named Chestnut Ridge Lane, Covington Lane, Mountain Hollow Drive, Scenic Hollow Lane, Silver Springs Drive, Valleydale Lane, Walking Stick Road, Windtree Hollow Lane, and Windtree Drive and including all property with the following Hamilton County maps and parcels numbers:

Hamilton County Tax Map # 089 003.05 016	Hamilton County Tax Map # 089A B
Hamilton County Tax Map # 089A B 017 018	Hamilton County Tax Map # 089A B
Hamilton County Tax Map # 089A B 019 020	Hamilton County Tax Map # 089A B
Hamilton County Tax Map # 089A B 021 021.02	Hamilton County Tax Map # 089A B
Hamilton County Tax Map # 089A B 021.03 021.04	Hamilton County Tax Map # 089A B
Hamilton County Tax Map # 089A B 021.05 021.06	Hamilton County Tax Map # 089A B
Hamilton County Tax Map # 089A B 021.07 021.08	Hamilton County Tax Map # 089A B
Hamilton County Tax Map # 089H A 001 A 002	Hamilton County Tax Map # 089H
Hamilton County Tax Map # 089H A 003 A 004	Hamilton County Tax Map # 089H
Hamilton County Tax Map # 089H A 005 A 006	Hamilton County Tax Map # 089H
Hamilton County Tax Map # 089H A 008 A 009	Hamilton County Tax Map # 089H
Hamilton County Tax Map # 089H A 010 A 011	Hamilton County Tax Map # 089H
Hamilton County Tax Map # 089H A 012 A 013	Hamilton County Tax Map # 089H
Hamilton County Tax Map # 089H A 014 A 015	Hamilton County Tax Map # 089H
Hamilton County Tax Map # 089H A 016 A 018	Hamilton County Tax Map # 089H
Hamilton County Tax Map # 089H A 020 A 021	Hamilton County Tax Map # 089H
Hamilton County Tax Map # 089H A 022 A 023	Hamilton County Tax Map # 089H
Hamilton County Tax Map # 089H A 024 A 025	Hamilton County Tax Map # 089H
Hamilton County Tax Map # 089I A 001 002	Hamilton County Tax Map # 089I A
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Hamilton County Tax Map # 089I A 024
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Hamilton County Tax Map # 089I A 026
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Hamilton County Tax Map # 089I A 028
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Hamilton County Tax Map # 089I A 030
031
Hamilton County Tax Map # 089I A 032
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Hamilton County Tax Map # 089I A 034
035
Hamilton County Tax Map # 089I A 036
001
Hamilton County Tax Map # 089I B 002
003
Hamilton County Tax Map # 089I B 004
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Hamilton County Tax Map # 089I B 006
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Hamilton County Tax Map # 089I B 008
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Hamilton County Tax Map # 089I B 010
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Hamilton County Tax Map # 089I B 012
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Hamilton County Tax Map # 089I B 014
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Hamilton County Tax Map # 089I B 016
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Hamilton County Tax Map # 089I A
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Hamilton County Tax Map # 089I C

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Hamilton County Tax Map # 089I C 004
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Hamilton County Tax Map # 089I C 006
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Hamilton County Tax Map # 089I C 008
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Hamilton County Tax Map # 089I D 001
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Hamilton County Tax Map # 089I C
Hamilton County Tax Map # 089I D
Hamilton County Tax Map # 089I D

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 on December 31, 2012 as though the above-described territory annexed has always been part of said Town of Signal Mountain, Tennessee and the Agreed Order of Compromise and Dismissal entered October 11, 2010 in the case styled *George M. McMillan, Jr., Joanne Denise, Marc S. Theisen, Delton Griffith, Bonnie R. Adams, Lester L. Wallace, Lois K. Wallace, Allen Upton, and Jayme Upton, individually and as Aggrieved Residents of the Fox Run and Windtree Subdivisions, and of the Town of Signal Mountain, Tennessee, et. al.,*

Hamilton County Chancery Court, Case No. 08-0965, Part 1 is ratified and adopted by the Town Council as part of this annexation ordinance.

Section 3. BE IT FURTHER ORDAINED, That the Plan of Services attached hereto which was submitted to the Signal Mountain Planning Commission and the written report which was approved by the Signal Mountain Planning Commission on September 4, 2008, 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 First Reading 10/11, 2010

Passed Second Reading 11/1, 2010



Mayor



Town Recorder