

RESOLUTION NO. R2011-46

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AMENDMENT TO THE WATER SERVICES AGREEMENT BETWEEN THE TOWN AND HARREL W.ULRICH AND WIFE JEAN Y. ULRICH RECORDED AT BOOK 2143, PAGE 297 IN THE HAMILTON COUNTY REGISTER'S OFFICE TO PROVIDE FOR WATER SERVICES TO ONE RESIDENTIAL SUBDIVISION LOT BY THE SIGNAL MOUNTAIN WATER DEPARTMENT.

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Whereas, Sara Schlar is the current equitable owner (under contract with Daniel Lapinski) of the real estate described in Exhibit "A" attached hereto and made a part hereof and which is commonly known as 1555A Signal Mountain Road, Chattanooga (Hamilton County), Tennessee, and being Tax Map No. 166E C 006.06 (herein the "Property"); and

Whereas, the Property is subject to the terms of that certain Water Services Contract dated August 13, 1973, between The Town of Signal Mountain, and Harrel W. Ulrich and wife, Jean Y. Ulrich recorded in Book 2143, Page 297, in said Register's Office (herein the "Contract") a copy of which is attached hereto as Exhibit "B"; and

Whereas, since the date of the Contract, the tract of land referenced in the Contract has been subdivided into 5 residential subdivision lots as shown on plat of record in Plat Book 35, Page 30, in said Register's Office, a copy of which is attached hereto as Exhibit "C"; and

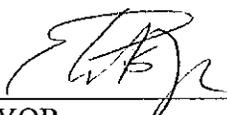
Whereas, one of the five duplex apartments referenced in the Contract was located on the Property but which has subsequently been removed and Sara Schlar has requested the Town of Signal Mountain to amend the Contract to the effect that it is permissible for Sara Schlar or any successor in title to the Property to re-build a residential structure upon the Property without being in violation of any of the provisions of the Contract.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, That the Town Manager is hereby authorized at the request of and for the benefit of Sara Schlar and for the benefit of her successors in title to the Property, to amend the Water Services Contract of the Town of Signal Mountain as follows:

- 1) Notwithstanding any provision in the Contract to the contrary and with specific reference to section 6 thereof, the Town of Signal Mountain hereby grants its permission for one residential structure to be constructed and maintained upon the Property; and

2) That the Town of Signal Mountain, subject to the terms and conditions set forth in the Contract, affirms its agreements in the Contract to provide water service to the Property. Sewer services will provided at the discretion of the Hamilton County Water and Wastewater Treatment Authority.

Except as amended herein, the terms of the Contract dated August 13, 1973, between The Town of Signal Mountain, and Harrel W. Ulrich and wife, Jean Y. Ulrich recorded in Book 2143, Page 297, in said Register's Office shall remain unchanged and in full force and effect.

  
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MAYOR

  
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RECORDER

9/12/11  
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DATE

9-12-11  
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