

RESOLUTION NO. 28602

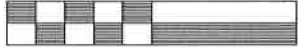
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE, IN COOPERATION WITH THE AGAWELA DRIVE STREAM RESTORATION PROJECT, A DECLARATION OF RESTRICTIVE COVENANT, IN SUBSTANTIALLY THE FORM ATTACHED, FOR CITY-OWNED PROPERTY LOCATED ON AGAWELA DRIVE, FURTHER IDENTIFIED AS TAX PARCEL NO. 147C-E-001.03.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That it is hereby authorizing the Mayor to execute, in cooperation with the Agawela Drive Stream Restoration Project, a Declaration of Restrictive Covenant, in substantially the form attached, for City-owned property located on Agawela Drive, further identified as Tax Parcel No. 147C-E-001.03.

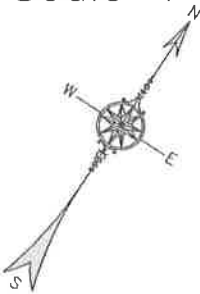
ADOPTED: May 10, 2016

/mem

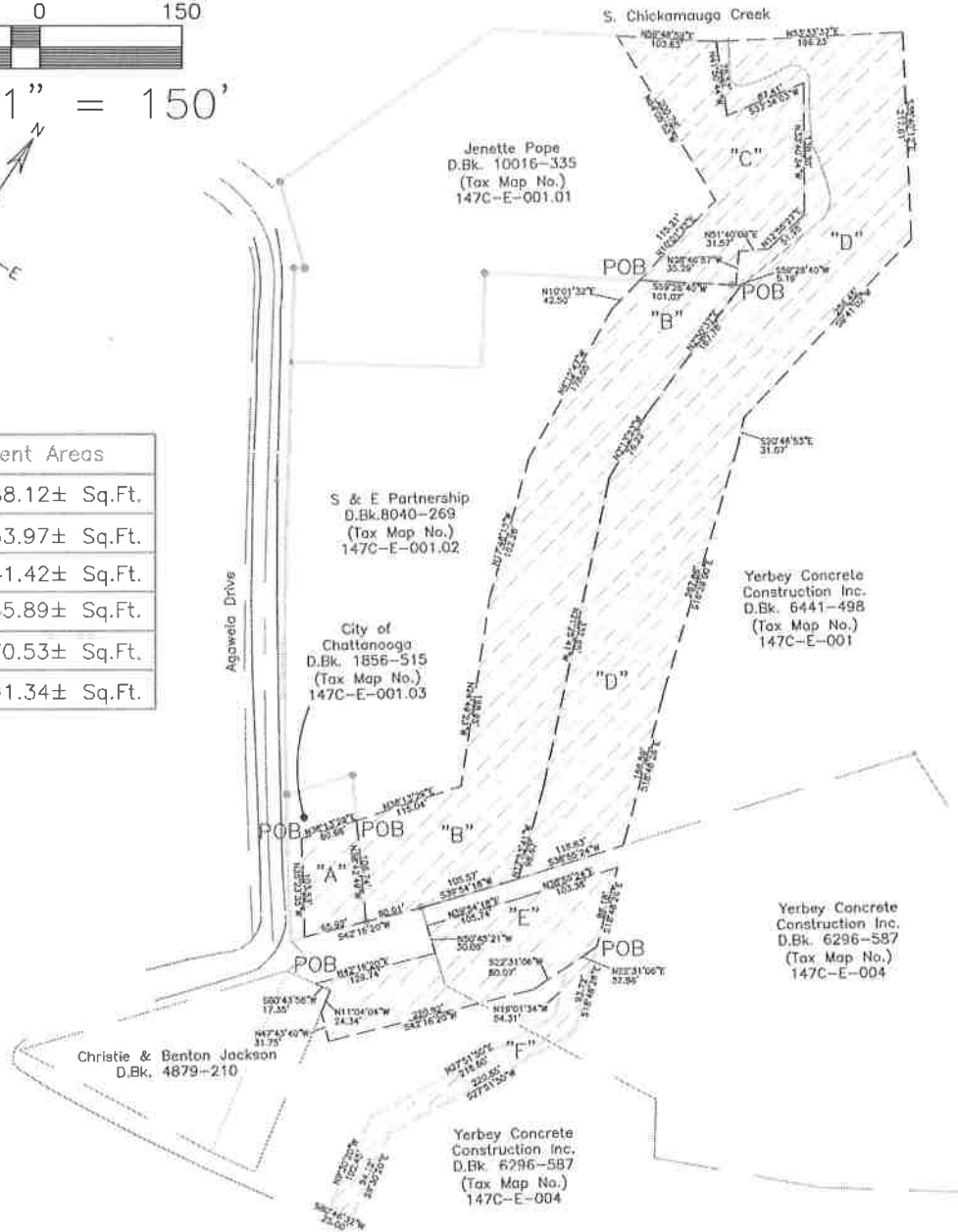
150 0 150



Scale 1" = 150'



Easement Areas	
A	6,488.12± Sq.Ft.
B	70,953.97± Sq.Ft.
C	27,241.42± Sq.Ft.
D	103,845.89± Sq.Ft.
E	24,270.53± Sq.Ft.
F	9,791.34± Sq.Ft.



● Iron Rod (Found)

Exhibit Drawing
Conservation Easements
Agawela Drive

Chattanooga, Hamilton County
Tennessee

NOTES:

1. The Survey was done under the authority of TCA 62-18-126.
2. The survey is not a general property survey as defined under Rule 0820-3-.07.

This is to certify that this plot of survey meets the requirements set forth in the instrument executed in the name of the Chattanooga Land Title Association, dated February 2, 1981, and recorded in Book 2735, Page 804 in the Register's Office of Hamilton County, Tennessee. The undersigned hereby waives any defense afforded under any Limitations of Actions Statutes of the State of Tennessee, insofar as the same apply to any mortgage lender, making a loan on the property, and/or title insurance company which has relied upon this survey to insure any owner of the property of any such lender. This survey DOES NOT constitute a boundary line survey, is NOT made to be relied upon by the owners

DWG No. 13039A
File Name Agawela Drive...
Date 12-19-2013
Rev Date 01-27-2014
Scale 1" = 150'

THE R·L·S GROUP
A Limited Liability Company
LAND SURVEYING

P.O. Box 10
Hixson, Tennessee 37343
Phone (423) 847-0155 - Fax (423) 847-0156
www.therlsgroup.com

DECLARATION OF RESTRICTIVE COVENANTS

The City of Chattanooga, a Tennessee municipal corporation, does hereby impose the following Restrictive Covenants upon the property described in Exhibit "A", attached hereto and made a part hereof, as Covenants running with this land:

1. Disturbance of Natural Features. There shall be no change, disturbance, alteration or impairment of the natural features. There shall be no change in topography of the land and no alteration of the restored, enhanced or created drainage patterns.
2. Vegetation. Unauthorized cutting, removal, harming, or destruction of any trees, shrubs, or other vegetation is prohibited. Removal of dead, diseased or damaged trees and non-native species is allowed with approval of the City of Chattanooga. Mowing is prohibited. There shall be no unauthorized introduction of new plant or animal species. Livestock grazing is prohibited.
3. Signage. No signs shall be permitted, except the posting of no trespassing signs, way finding signs, or signs for educational and interpretive purposes.
4. Subdivision. Subdivision of the property described in Exhibit "A" is prohibited.
5. Dumping or Storage. Dumping or storage of leaves, grass clippings, soil, trash, ashes, abandoned vehicles, appliances, machinery or hazardous substances, or toxic or hazardous waste or similar items is prohibited.

This instrument complies with TCA 66-1-202 and the terms of which are incorporated herein by reference.

IN WITNESS WHEREOF the City of Chattanooga, a Tennessee municipal corporation, has set its hand as of _____, _____, 2016.

THE CITY OF CHATTANOOGA

BY: _____

NAME: _____

TITLE: _____

STATE OF TENNESSEE
COUNTY OF HAMILTON

Before me, a Notary Public in and for the state and county aforesaid, personally appeared _____, to me known (or proved to me on the basis of satisfactory evidence) to be the _____ of **THE CITY OF CHATTANOOGA**, the within named bargainer, a municipal corporation, who acknowledged that he/she executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by him/herself as _____.

WITNESS my hand at office, this _____ day of _____ 2016.

NOTARY PUBLIC

My commission expires

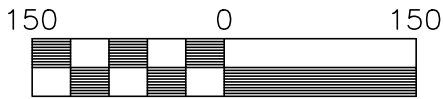
Exhibit "A"

Conservation Easement - A

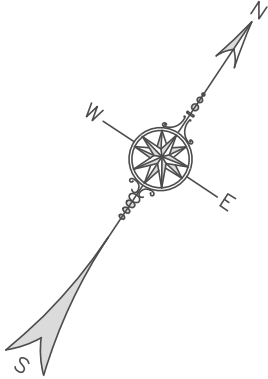
A conservation easement lying in and across a portion of a tract of land known as the City of Chattanooga property as recorded in Deed Book 1856, Page 515, in the Register's Office of Hamilton County, Tennessee and being more particularly described as follows:

Commencing at a capped iron rod found on the eastern right-of-way line of Agawela Drive, having a right-of-way width that varies, the same point being the southwestern corner of the aforementioned City of Chattanooga property; thence, leaving said point North 40 degrees 18 minutes 36 seconds East, 15.56 feet to a point; thence, South 34 degrees 30 minutes 54 seconds East, 50.67 feet to the POINT OF BEGINNING for the conservation easement being herein described; thence, North 38 degrees 13 minutes 29 seconds East, 60.68 feet to a point; thence, South 38 degrees 42 minutes 49 seconds East, 106.74 feet to a capped iron rod found, said point being the southeastern most corner of the aforementioned City of Chattanooga property; thence, leaving said point South 42 degrees 16 minutes 20 seconds West, 65.92 feet to a point; thence, North 35 degrees 23 minutes 35 seconds West, 103.53 feet to the POINT OF BEGINNING.

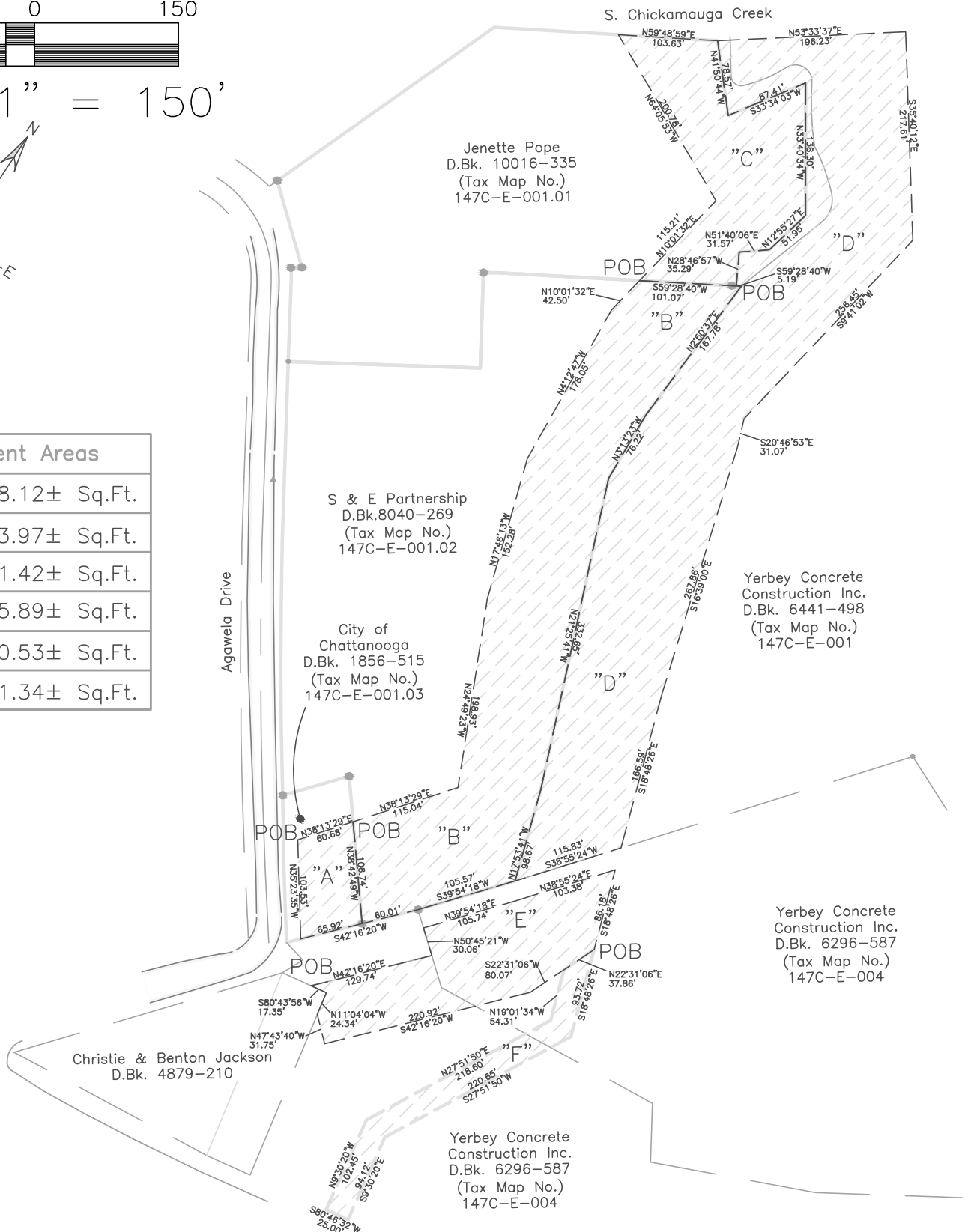
Said conservation easement herein described contains 6,488.12± Sq.Ft. or 0.15 Acres.



Scale 1" = 150'



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