

RESOLUTION NO. 31991

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A DECLARATION OF RESTRICTIVE COVENANTS, IN SUBSTANTIALLY THE FORM ATTACHED, ON A SHALLOWFORD ROAD PARCEL IDENTIFIED AS TAX MAP NO. 137M-B-002.01.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That it is hereby authorizing the Mayor to execute a Declaration of Restrictive Covenants, in substantially the form attached, on a Shallowford Road parcel identified as Tax Map No. 137M-B-002.01.

ADOPTED: March 5, 2024

/mem

This Instrument Prepared By:
Andrew S. Trundle, Esq.
Office of the City Attorney
100 E. 11th Street, Suite 200
Chattanooga, TN 37402

Tax Map No. 137M B 002.001—Book 5204-Page 513

DECLARATION OF RESTRICTIVE COVENANTS

The City of Chattanooga, a Tennessee municipal corporation, does hereby impose the following Restrictive Covenants upon the properties 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 disturbance, alteration, or impairment of the natural features, including topography, except as identified as necessary for development as listed below and approved by the Department of Parks and Outdoors.
2. *Erosion Control*: Erosion and soil deposition due to past or present disturbance by humans or natural conditions within or outside of the preserve may be controlled as needed for the maintenance or restoration of natural conditions.
3. *Vegetation management*: 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 vegetation is allowed with approval of City of Chattanooga Natural Resources and Forestry staff. Herbicides and pesticides shall only be permitted as specified in the management plan.
4. *Wildlife management*: There shall not be any control of native wildlife, even though they could appear harmful or undesirable, unless they are documented as jeopardizing populations of native plants or animals, or the natural integrity. Any measure for population control of any species shall be established in the preserve management plan.
5. *Signage*: No signs should be permitted except for the posting of preserve use rules, wayfinding signs, or educational and interpretive signs.
6. *Subdivision*: Subdivision of the property is prohibited.
7. *Dumping*: Dumping of trash, abandoned vehicles, appliances, machinery, hazardous substances, toxic or hazardous waste, or similar items is prohibited.
8. *Development*: Any development on the site is restricted to designated trails, access points, signage, and other low impact amenities (i.e. benches) as determined by the management plan associated with the property and approved by the Department of Parks and Outdoors. The management plan will set the development thresholds based on the desired management objectives within the site. All of these improvements shall be made with as little disturbances of the natural environment as possible.
9. *Access control*: Human use shall be allowed only to the extent and in a manner that shall not impair natural conditions. The management plan may specify the controls and restrictions for access and use. The Department of Parks and Outdoors as owner may further restrict access and use as necessary to protect the preserve or natural area.
10. *Motorized vehicles*: The management plan will also set forth any restrictions on motorized vehicles above those as outlined in City Code.

This instrument complies with T.C.A. § 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 _____, _____, 2024.

THE CITY OF CHATTANOOGA

BY: _____
TIM KELLY, Mayor

STATE OF TENNESSEE
COUNTY OF HAMILTON

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

WITNESS my hand at office, this _____ day of _____ 2024.

NOTARY PUBLIC

My commission expires

EXHIBIT A

IN THE CITY OF CHATTANOOGA, HAMILTON COUNTY, TENNESSEE:

To find the point of beginning, commence at an iron pipe at the Southeast corner of Lot 1, Boyd's Subdivision of part of the E. C. Simpson Home Place, Plat of the Simpson Estate, recorded in Plat Book 35, page 107 in the Register's Office of Hamilton County, Tennessee; thence along the Southern boundary of said Lot South 51 degrees 35 minutes 00 seconds West 210.00 feet to a point; thence South 46 degrees 20 minutes 00 seconds West 253.70 feet to the True Point of Beginning; thence South 28 degrees 37 minutes 23 seconds East 15.69 feet to a point; thence South 10 degrees 48 minutes 44 seconds West 133.48 feet to a point; thence South 22 degrees 38 minutes 22 seconds West 139.82 feet to a point South 35 degrees 43 minutes 29 seconds West 177.24 feet to a point; thence South 38 degrees 13 minutes 56 seconds West 397.10 feet to a point; thence South 11 degrees 32 minutes 50 seconds West 114.37 feet to a point; thence South 53 degrees 04 minutes 58 seconds West 406.90 feet to a point on the Eastern edge of a 50 foot sanitary sewer easement recorded in Deed Book 2271 page 214, in the Register's Office of Hamilton County, Tennessee; thence along the Eastern edge of said Easement South 29 degrees 48 minutes 40 seconds East 312.24 to a point; thence leaving said Easement North 58 degrees 50 minutes 18 seconds East 23.03 feet to a point; thence North 66 degrees 18 minutes 09 seconds East 181.87 feet to a point; thence North 71 degrees 30 minutes 49 seconds East 371.69 feet to a point; thence North 79 degrees 12 minutes 03 seconds East 337.62 feet to a point; thence South 86 degrees 04 minutes 03 seconds East 197.96 feet to a point; thence North 75 degrees 30 minutes 56 seconds East 419.95 feet to a point on the Western line of Shallowford Road having a right-of-way of 100 feet; thence continuing along the Western line of Shallowford Road in a Southerly direction South 23 degrees 42 minutes 01 seconds West 256.80 feet to a point on the Eastern bank of South Chickamauga Creek; thence along the Eastern bank the following course and distances: North 70 degrees 58 minutes 53 seconds West 322.71 feet, North 86 degrees 04 minutes 03 seconds West 194.73 feet, South 79 degrees 12 minutes 03 seconds West 332.71 feet, South 71 degrees 30 minutes 49 seconds West 368.87 feet, South 66 degrees 18 minutes 09 seconds West 179.11 feet, South 58 degrees 50 minutes 18 seconds West 222.86 feet, South 52 degrees 03 minutes 23 seconds West 218.92 feet; South 55 degrees 53 minutes 53 seconds West 375.13 feet, South 55 degrees 51 minutes 10 seconds West 589.49 feet; thence South 55 degrees 39 minutes 10 seconds West 279.16 feet, North 84 degrees 21 minutes 31 seconds West 138.69 feet, North 40 degrees 44 minutes 40 seconds West 172.69 feet, North 24 degrees 54 minutes 02 seconds West 240.31 feet; North 02 degrees 57 minutes 44 seconds West 235.39 feet; North 16 degrees 47 minutes 25 seconds East 232.28 feet; North 46 degrees 39 minutes 06 seconds East 115.62 feet; North 83 degrees 47 minutes 22 seconds East 465.46 feet; North 77 degrees 29 minutes 15 seconds East 305.43 feet; North 65 degrees 43 minutes 19 seconds East 331.81 feet; North 59 degrees 11 minutes 47 seconds East 482.20 feet; North 53 degrees 04 minutes 58 seconds East 337.42 feet; North 38 degrees 13 minutes 56 seconds East 396.55 feet; North 35 degrees 43 minutes 29 seconds East 173.83 feet; North 22 degrees 38 minutes 22 seconds East 134.36 feet; North 10 degrees 48 minutes 44 seconds East 121.95 feet to a point in the Eastern bank of said creek; thence leaving said creek North 46 degrees 20 minutes 00 seconds East 25.90 feet to the Point of Beginning.

EXCEPTING THEREFROM that portion thereof located within the bounds of Section 18, Township 6, North, or 2 South, Range 3 West of the Basis Line, Ocoee District.

REFERENCE is made for prior title to Deeds of record in Book 1719, page 693, Book 1621, page 173 and Book 1609, page 174, in the Register's Office of Hamilton County, Tennessee.

SUBJECT TO easement of record in Book 2271, page 214, in the Register's Office of Hamilton County, Tennessee.