

ORDINANCE NO. 1620

AN ORDINANCE ZONING A PORTION OF THE PROPERTY OWNED BY NEW ERA FARMS, LLC RECENTLY ANNEXED INTO THE CITY BY RESOLUTIONS 08-2021 AND 09-2021 AS C-3 COMMERCIAL

Whereas, prior to 2012, cities were empowered to annex territory by ordinance; and

Whereas the Tennessee General Assembly revised the annexation statutes, which now provide that annexation by written consent be accomplished by resolution; and

Whereas the City of Manchester recently annexed certain property owned by New Era Farms, LLC by Resolutions 08-2021 and 09-2021; and

Whereas the City of Manchester has a currently-enacted Zoning Ordinance and Zoning Map; and

Whereas, pursuant to Tennessee law, since the zoning of real estate is accomplished by ordinance; it must be amended by ordinance rather than resolution; and

Whereas the Manchester Planning Commission recommended that the property owned by New Era Farms, LLC, described below, be zoned C-2 Commercial; and

Whereas, after discussion, consideration of the use of nearby property and discussion about some uncertainty at the Planning Commission Meeting as to whether all areas near Interstate Highways must be zoned C-2 Commercial; the Board of Mayor and Aldermen believes it more appropriate to zone said property as C-3 Commercial.

BE IT THEREFORE ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MANCHESTER, TENNESSEE that Title 14, Chapter 6, Section 1 of the Manchester Municipal Code be, and it is, hereby amended to apply the zoning classification of C-3 Commercial to the following described property owned by New Era Farms, LLC:

PARCEL I – NEW ERA FARMS, LLC:

A tract or parcel of land lying and being in the First Civil District of Coffee County, Tennessee and being a portion of the tract conveyed to Samuel McAllister as recorded in Deed Book 233, Page 568 and all of the tract conveyed to Samuel McAllister as recorded in Deed Book 296, Page 1 in the Register’s Office of Coffee County, Tennessee, and being more particularly described as follows:

Beginning at a #5 rebar set with a cap stamped “Johnson & Assoc, TN RLS 1632” (all such point herein after referred to a capped rebar set) at the intersection of the South boundary of the 50’ right-of-way of New Bushy Branch Road and the East boundary of the 50’ right-of-way of Powers Road, Thence from the POINT OF BEGINNING with the said boundary of New Bushy Branch Road South 64 degrees 52 minutes 10 seconds East, 169.35 feet to a capped rebar set at a point of curvature, Thence along a curve to the left having a radius of 324.51 feet, a delta angle of 29 degrees 15 minutes 16 seconds, a chord bearing of South 79 degrees 29 minutes 48 seconds East and a chord distance of 163.89 feet for an arc length of 165.69 feet to a capped rebar set, Thence North 85 degrees 52 minutes 34 seconds East, 192.23 feet to a #3 rebar found at the Northwest corner of the Dodge tract (Deed Book 318, Page 330), Thence leaving New Bushy Branch Road with Dodge South 05 degrees 42 minutes 05 seconds East, 266.73 feet to a #3 rebar found, Thence North 84 degrees

45 minutes 38 seconds East, 151.94 feet to a metal fence post found, Thence North 37 degrees 07 minutes 00 seconds East, 165.24 feet to the Northeast corner of a well house, Thence leaving Dodge and crossing the original McAllister tract with the following 4 calls, South 55 degrees 00 minutes 27 seconds East, 61.36 feet to a capped rebar found, Thence North 73 degrees 06 minutes 45 seconds East, 140.68 feet to a capped rebar found at the corner of a barn, Thence South 87 degrees 46 minutes 20 seconds East, 174.83 feet to a capped rebar found in a fence line, Thence with said fence line North 06 degrees 43 minutes 38 seconds East, 175.70 feet to a capped rebar found in the said South boundary of New Bushy Branch Road, Thence with New Bushy Branch Road North 85 degrees 58 minutes 06 seconds East, 1,239.45 feet to a capped rebar set at a point of curvature, Thence along a curve to the right having a radius of 1,716.78 feet, a delta angle of 10 degrees 18 minutes 43 seconds, a chord bearing of South 88 degrees 51 minutes 05 seconds East and a chord distance of 308.57 feet for an arc length of 308.99 feet to a capped rebar set, Thence South 83 degrees 41 minutes 44 seconds East, 543.43 feet to a capped rebar set at a point of curvature, Thence along a curve to the right having a radius of 119.90 feet, a delta angle of 67 degrees 20 minutes 04 seconds, a chord bearing of South 50 degrees 01 minutes 41 seconds East and a chord distance of 132.94 feet for an arc length of 140.91 feet to a capped rebar set, Thence South 16 degrees 21 minutes 39 seconds East, 635.98 feet to a capped rebar set at a point of curvature, Thence along a curve to the left having a radius of 244.39 feet, a delta angle of 68 degrees 05 minutes 32 seconds, a chord bearing of South 50 degrees 24 minutes 25 seconds East and a chord distance of 273.65 feet for an arc length of 290.44 feet to a capped rebar set, Thence South 84 degrees 27 minutes 12 seconds East, 2,158.79 feet to a capped rebar set, Thence South 87 degrees 07 minutes 50 seconds East, 517.20 feet to a capped rebar set at the Western most corner of the Powers tract (Deed Book 107, Page 120), Thence leaving New Bushy Branch Road with Powers South 89 degrees 36 minutes 49 seconds East, 209.33 feet to a #4 rebar found, Thence South 83 degrees 05 minutes 03 seconds East, 322.37 feet to a ½" iron pipe found, Thence South 05 degrees 07 minutes 52 seconds West, 3,694.24 feet to a capped rebar set in the end of Grosch Lane, said point being located 2.17 feet East from the Cox (Deed Book 245, Page 337) Northeast corner, Thence with Cox's North boundary North 85 degrees 16 minutes 01 seconds West, 357.57 feet to a ½" iron pipe found at the Northeast corner of the Regan tract (Deed Book 306, Page 608), Thence with Regan's North boundary North 84 degrees 24 minutes 15 seconds West, 120.99 feet to a capped rebar found at the Northeast corner of the Grosch tract (Deed Book 302, Page 396), Thence with Grosch's North boundary North 84 degrees 20 minutes 52 seconds West, 1,399.11 feet to a fence post found, Thence North 87 degrees 29 minutes 11 seconds West, 18.66 feet to a #3 rebar found, Thence continuing with Grosch South 10 degrees 30 minutes 51 seconds West, 926.62 feet to a capped rebar found at the Northwest corner of the Haines tract (Deed Book 237, Page 362), Thence with Haines' West boundary South 11 degrees 07 minutes 34 seconds West, 461.13 feet to a capped rebar found at the Northeast corner of the Dale tract (Deed Book 289, Page 768), Thence with Dale's North boundary North 80 degrees 06 minutes 11 seconds West, 1,135.57 feet to a 24" Oak tree found in the South boundary of the Mahaffey tract (Deed Book 288, Page 971), Thence with Mahaffey's South boundary South 84 degrees 11 minutes 07 seconds East, 444.20 feet to a capped rebar set at the Southeast corner of the said Mahaffey tract, Thence with Mahaffey's and Louis' (Deed Book 173, Page 772) East boundary North 11 degrees 30 minutes 08 seconds East, 1,325.26 feet to a square post found at the Northeast corner of the said Lewis' North boundary North 83 degrees 24 minutes 47 seconds West, 702.65 feet to a #5 rebar found at the Eastern most corner of the Gesell tract (Deed Book 194, Page 532), Thence with Gesell North 85 degrees 36 minutes 00 seconds West, 774.63 feet to a ¾" iron pipe found at an interior corner of the said Gesell tract, Thence continuing with Gesell North 04 degrees 50 minutes 34 seconds East, 1,925.97 feet to a capped rebar set, Thence South 68 degrees 21 minutes 38 seconds West, 494.05 feet to a 24" Oak tree found, Thence South 68 degrees 16 minutes 22 seconds West, 537.60 feet to a #4 rebar found, Thence South 69 degrees 49 minutes 32 seconds West 620.98 feet to a #3 rebar found in the Northeast boundary of Interstate 24 (right-of-way varies), Thence with Interstate 24 North 33 degrees 42 minutes 50 seconds West, 236.00 feet to a concrete monument found, Thence North 33 degrees 51 minutes 10 seconds West, 998.76 feet to a concrete monument found, Thence North 33 degrees 46 minutes 12 seconds West, 525.57 feet to a concrete monument found, Thence leaving Interstate 24 and continuing with Powers Road North 16 degrees 56 minutes 08 seconds East, 133.84 feet to a capped rebar set, Thence North 13 degrees 43 minutes 13 seconds East, 154.21 feet to a capped rebar found, Thence leaving Powers Road South 85 degrees 32 minutes 37 seconds East, 128.98 feet to a capped rebar found, Thence North 04 degrees 09 minutes 56 seconds East, 239.84 feet to a capped rebar found, Thence

North 82 degrees 32 minutes 15 seconds West, 276.39 feet to a capped rebar set in the East boundary of the 50' right-of-way of Powers Road, Thence continuing with Powers Road North 33 degrees 59 minutes 53 seconds West, 144.09 feet to a capped rebar set, Thence North 19 degrees 03 minutes 50 seconds West, 225.48 feet to a #3 rebar found, Thence South 70 degrees 27 minutes 06 seconds West, 10.36 feet to a concrete monument found, Thence North 02 degrees 13 minutes 50 seconds West, 38.06 feet to a capped rebar set, Thence North 00 degrees 37 minutes 15 seconds East, 199.96 feet to a #4 rebar found at the Southwest corner of the Ditmore tract (Deed Book 303, Page 331), Thence leaving Powers Road with Ditmore North 88 degrees 29 minutes 08 seconds East, 145.11 feet to a corner post found, Thence North 12 degrees 08 minutes 55 seconds West, 215.23 feet to a capped rebar set, Thence North 13 degrees 28 minutes 47 seconds West, 219.90 feet to a corner post found, Thence North 81 degrees 20 minutes 56 seconds West, 67.71 feet to a #4 rebar found in the said boundary of Powers Road, Thence with Powers Road North 01 degrees 09 minutes 41 seconds East, 27.81 feet to a capped rebar set at a point of curvature, Thence along a curve to the right having a radius of 213.57 feet, a delta angle of 19 degrees 14 minutes 20 seconds and a chord bearing of North 12 degrees 43 minutes 45 seconds East and a chord distance of 71.38 feet for an arc length of 71.71 feet to the POINT OF BEGINNING. Said tract contains 530.57 acres more or less as surveyed by Kurt M. Johnson, TN RLS #1632 dated December 11, 2006. Job # 06446.

SUBJECT to a utility easement extending from the Interstate 24 boundary to the existing power line running parallel to Interstate 24 as recorded in Deed Book 246, Page 149.

ALSO SUBJECT to a portion of the guy wire easements found on the Memorandum of Lease recorded in Trust Book 437, Page 361.

AND ALSO SUBJECT to a 40' wide utility easement running along the existing power line which runs parallel to Interstate 24 (No recorded Document on this utility easement was found).

TRACT 2:

A tract or parcel of land lying and being in the First Civil District of Coffee County, Tennessee and being a portion of the tract conveyed to Samuel McAllister as recorded in Deed Book 233, Page 568 in the Register's Office of Coffee County, Tennessee, and being more particularly described as follows:

Beginning at a #5 rebar set with a cap stamped "Johnson & Assoc, TN RLS 1632" (all such point herein after referred to a capped rebar set) in the East boundary of the 50' right-of-way of Powers Road at the Northwest corner of the herein described tract, said point being located South 08 degrees 31 minutes 34 seconds East, 1,114.91 feet from the intersection of the South boundary of the 50' right-of-way of the New Bushy Branch Road and the East boundary of the 50' right-of-way of Powers Road, Thence from the POINT OF BEGINNING leaving Powers Road South 82 degrees 32 minutes 15 seconds East, 276.39 feet to a capped rebar found, Thence South 04 degrees 09 minutes 56 seconds West, 239.80 feet to a capped rebar found, Thence North 85 degrees 32 minutes 37 seconds West, 128.98 feet to a capped rebar found in said Powers Road, Thence with Powers Road North 07 degrees 40 minutes 24 seconds West, 79.72 feet to a capped rebar set, Thence South 72 degrees 04 minutes 35 seconds West, 5.00 feet to a capped rebar set, Thence continuing with Powers Road along a curve to the left having a radius of 270.90 feet, a delta angle of 16 degrees 53 minutes 13 seconds, a chord bearing of North 25 degrees 47 minutes 13 seconds West and a chord distance of 79.55 feet for an arc length of 79.84 feet to a capped rebar set, Thence North 33 degrees 55 minutes 13 seconds West, 139.78 feet to the POINT OF BEGINNING. Said tract contains 1.04 acres more or less as surveyed by Kurt M. Johnson, TN RLS #1632 dated December 11, 2006. Job #06446.

SUBJECT to a Memorandum of Lease recorded in Trust Book 437, Page 361 in the Register's Office of Coffee County, Tennessee.

TRACT 3:

Beginning at a metal fence post found in the South boundary of the 50' right-of-way of New Bushy Branch Road at the Northwest corner of the herein described tract, said point being further described the Northeast corner of the Dodge tract (Deed

Book 318, Page 330) and being located South 86 degrees 25 minutes 36 seconds East, 891.54 feet from the intersection of the South boundary of the 50' right-of-way of New Bushy Branch Road and the East boundary of Powers Road, Thence from the POINT OF BEGINNING with New Bushy Branch Road North 85 degrees 34 minutes 43 seconds East, 274.89 feet to a capped rebar found, Thence leaving New Bushy Branch Road South 06 degrees 43 minutes 38 seconds West, 175.70 feet to a capped rebar found, Thence North 87 degrees 46 minutes 20 seconds West, 174.83 feet to a capped rebar found at the corner of a barn, Thence South 73 degrees 06 minutes 45 seconds West, 140.68 feet to a capped rebar found, Thence North 55 degrees 00 minutes 27 seconds West, 61.36 feet to the Northeast corner of a well house in the Southeast boundary of the Dodge tract (Deed Book 318, Page 330), Thence with Dodge North 34 degrees 27 minutes 29 seconds West, 8.98 feet to a capped rebar found, Thence North 37 degrees 31 minutes 13 seconds East, 182.53 feet to the POINT OF BEGINNING. Said tract contains 1.24 acres more or less as surveyed by Kurt M. Johnson, TN RLS #1632 dated December 11, 2006.

BE IT FURTHER ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MANCHESTER, TENNESSEE that Title 14, Chapter 6, Section 2 of the Manchester Municipal Code entitled "Zoning Map" be amended to show this property as C-3 Commercial; and

BE IT FURTHER ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MANCHESTER, TENNESSEE that this ordinance shall take effect on and after its publication and passage and public hearing, the public welfare of the City of Manchester, Tennessee requiring it and that all ordinances in conflict be repealed to the extent of this conflict.

This ordinance is presented and passed contrary to the recommendation of the Manchester Regional Planning Commission as set forth in its meeting March 15, 2021.

PASSED FIRST READING: _____ June 1 _____, 2021

PASSED SECOND AND FINAL READING: _____ July 6 _____, 2021

Marilyn Howard, Mayor

Bridget Anderson, Finance Director