

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CLOSING AND ABANDONING OF THE UNIT BLOCK OF EAST MANNING STREET BEGINNING AT ITS INTERSECTION WITH THE WEST LINE OF THE 300 BLOCK OF WOODLAND AVENUE TO THE EAST LINE OF THE 300 BLOCK OF NORTH MARKET STREET; AN UNOPENED ALLEY BEGINNING AT THE UNIT BLOCK OF EAST MANNING STREET TO ITS INTERSECTION WITH THE 400 BLOCK OF NORTH MARKET STREET; AND AN UNOPENED ALLEY BEGINNING AT ITS INTERSECTION WITH THE SOUTH LINE OF THE UNIT BLOCK OF EAST MANNING TO THE NORTH LINE OF THE UNIT BLOCK OF EAST KENT STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

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SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That there be and is hereby closed and abandoned the unit block of East Manning Street beginning at its intersection with the west line of the 300 block of Woodland Avenue to the east line of the 300 block of North Market Street; an unopened alley beginning at the unit block of East Manning Street to its intersection with the 400 block of North Market Street; and an unopened alley beginning at its intersection with the south line of the unit block of East Manning to the north line of the unit block of East Kent Street, more particularly described below and as shown on the map attached hereto and made a part hereof by reference:

Abandonment of the Unit Block of East Manning Street beginning at its intersection with the west line of the 300 block of Woodland Avenue thence northwest some 335 feet to its intersection with the east line of the 300 block of North Market Street. Said street separates Lots 1 and 18, Block B, Frazier and Colville's Addition to Hill City, Plat Book 4, Page 28, ROHC, from Lots 8 thru 10, O'Gradys Amended Addition to Hill City, Plat Book 5, Page 11, ROHC. Tax Map 135E-B-001 thru 003 and Tax Map Nos. 135D-C-017 and 019.

Abandonment of an unopened alley beginning at its intersection with the north line of the Unit Block of East Manning Street thence northeastwardly and northwestwardly some 371 feet to its intersection with the east line of the 400 block of North Market Street. Said alley separates Lots 1 thru 5 ½ from Lots 6, 8, 15 thru 20, Block B, Frazier and Colville's Addition to Hill City, Plat Book 4, Page 28, ROHC. Tax Map Nos. 135D-C-014, 014.01, 017, 019 and 020.

Abandonment of an unopened alley beginning at its intersection with the south line of the Unit Block of East Manning Street thence southeast some 302 feet to the north line of the Unit Block of East Kent Street. Said alley separates Lots 1 thru 8 from Lots 9 and 27, O'Gradys Amended Addition to Hill City, Plat Book 5, Page 11, ROHC. Tax Map Nos. 135E-B-001, 002, 008, 018 thru 020.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall be subject to the retention of full width easements for:

- 1) AT&T-Southeast;
- 2) Comcast Cable;
- 3) Tennessee American Water Company;
- 4) Chattanooga Gas; and
- 5) Electric Power Board.

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall be subject to Site Plan approval by the Fire Marshall prior to road closure.

SECTION 4. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

PASSED on Second and Final Reading

\_\_\_\_\_, 2012.

\_\_\_\_\_  
CHAIRPERSON

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_, 2012.

\_\_\_\_\_  
MAYOR

/mms

# City of Chattanooga



## Resolution Request Form

(This form is only required for resolutions requiring expenditure of City funds)

Date: September 17, 2012

Preparer: William C. Payne

Department: Public Works - Engineering

### Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council): 1

A City Council Action is requested to approve ARS, LLC for 1.) The abandonment of the Unit Block of East Manning Street beginning at its intersection with the west line of the 300 block of Woodland Avenue to the eastline of the 300 block of North Market Street; 2.) Abandonment of an unopened alley beginning at the unit block of East Manning Street to its intersection with the 400 block of North Market Street; 3.) Abandonment of an unopened alley beginning at its intersection with the south line of the Unit Block of East Manning to the north line of the Unit Block of East Kent Street; with Tennessee American Water Company, Electric Power Board, Chattanooga Gas, Comcast & AT&T-Southeast to maintain the easement in the full width, as referenced in Case No. MR-2012-101. Subject to site plan approval by the Fire Marshall prior to road closure.

Name of Vendor/Contractor/Grant, etc.	N/A	New Contract/Project? (Yes or No)	N/A
Total project cost \$	N/A	Funds Budgeted? (YES or NO)	N/A
Total City of Chattanooga Portion \$	N/A	Provide Fund	N/A
City Amount Funded \$	N/A	Provide Cost Center	N/A
New City Funding Required \$	N/A	Proposed Funding Source if not budgeted	N/A
City's Match Percentage %	N/A	Grant Period (if applicable)	N/A

### List all other funding sources and amount for each contributor.

Amount(s)	Grantor(s)
\$	

Agency Grant Number

CFDA Number if known

Other comments: (Include contingency amount, contractor, and other information useful in preparing resolution)

Approved by:

Reviewed by: FINANCE OFFICE

DESIGNATED OFFICIAL/ADMINISTRATOR

Please submit completed form to @budget, City Attorney and City Finance Officer

# Memorandum

**To:** Bill Payne  
**From:** Bill Cannon  
**cc:** Dennis Malone  
**Date:** September 12, 2012  
**Re:** ARS Ventures, LLC  
Case No. 2012-101  
Unit Block of E. Manning Street  
Unopened Alley's One and Two

## Recommendations Regarding Abandonment Request

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I have completed the review of ARS Ventures request regarding abandonment of Unit Block of East Manning and two adjoining unopened alleys. More particularly Abandonment of the Unit Block of East Manning Street beginning at its intersection with the west line of the 300 block of Woodland Avenue thence northwest some 335 feet to its intersection with the east line of the 300 block of North Market Street. Said street separates Lots 1 and 18, Block B, Frazier and Colville's Addition to Hill City, Plat Book 4, Page 28, ROHC, from Lots 8 thru 10, O'Gradys Amended Addition to Hill City, Plat Book 5, Page 11, ROHC. Tax Map 135E-B-001 thru 003 and Tax Map 135D-C-017 and 019 as shown on the attached map.

Abandonment of an unopened alley beginning at its intersection with the north line of the Unit Block of East Manning Street thence northeastwardly and northwestwardly some 371 feet to its intersection with the east line of the 400 block of North Market Street. Said alley separates Lots 1 thru 5 ½ from Lots 6, 8, 15 thru 20, Block B, Frazier and Colville's Addition to Hill City, Plat Book 4, Page 28, ROHC. Tax Map 135D-C-014, 014.01, 017, 019 and 020 as shown on the attached map.

Abandonment of an unopened alley beginning at its intersection with the south line of the Unit Block of East Manning Street thence southeast some 302 feet to the north line of the Unit Block of East Kent Street. Said alley separates Lots 1 thru 8 from Lots 9 and 27, O'Gradys Amended Addition to Hill City, Plat Book 5, Page 11, ROHC. Tax Map 135E-B-001, 002, 008, 018 thru 020 as shown on the attached map. My comments are as follows:

1. The portion of East Manning Street is approximately 330' in length and 30' in width for a combined area of 9,900 sq ft.
2. The portion of subject alley one is approximately 390' in length and 10' in width for a combined area of 3,900 sq ft.
3. The portion of subject alley two is approximately 300' in length and 12' in width for a combined area of 3,600 sq ft.
4. The City of Chattanooga has no infrastructure in alleys one or two.
5. The City of Chattanooga has infrastructure (Stormwater & Sanitary Sewer) in subject Unit Block of East Manning.
6. Planning Commission recommended approval of subject to the City Engineers approval.
7. The following Utility Owner's noted objections to the Abandonment of alley two:
  - Chattanooga Gas

- TN American Water
- EPB
- Comcast
- AT&T

Therefore, I recommend the following: ***The request for abandonment of said portions of rights of way are approved with conditions.***

Condition 1: ***Subject to retention of all utility easements and routing rights. for:***

WCP

- 1) Tennessee American Water Company;
- 2) EPB;
- 3) Chattanooga Gas;
- 4) Comcast Cable; and
- 5) AT&T - Southeast

Condition 2: Subject to site plan approval by the Fire Marshall prior to road closure.

RESOLUTION

WHEREAS, ARS Ventures, LLC petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga the abandonment of the Unit block of East Manning Street and 2 unopened alleys connected to it.

Abandonment of the Unit Block of East Manning Street beginning at its intersection with the west line of the 300 block of Woodland Avenue thence northwest some 335 feet to its intersection with the east line of the 300 block of North Market Street. Said street separates Lots 1 and 18, Block B, Frazier and Colville's Addition to Hill City, Plat Book 4, Page 28, ROHC, from Lots 8 thru 10, O'Gradys Amended Addition to Hill City, Plat Book 5, Page 11, ROHC. Tax Map 135E-B-001 thru 003 and Tax Map 135D-C-017 and 019 as shown on the attached map.

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# Right-Of-Way Closure/Abandonment Request Form

Chattanooga-Hamilton County



**Regional Planning Agency**

1250 Market Street  
Suite 2000

Development Resource Center  
Chattanooga, Tennessee  
37402

Phone: 423-668-2287

Fax: 423-668-2289

www.chrcpa.org

**Office Use Only**

Case Number: MR 2012-101

Date Submitted: 07-10-2012

Planning District: 8B

County District: 6

City District: 1

Jurisdiction: Chattanooga

Neighborhood: Hill City, North Shore, North Shore Merchants Assn.

Staff Action:

PC Action/Date:

Legis. Action/Date:

Print Form

**Closure/Abandonment Request:**

Street       Alley       Sewer Easement       Other: & 2 Alleys

**Right-of-Way Location / Information**

Name of Street or ROW: Unit block of E. Manning Street & 2 Alleys       Open       Unopened

**Beginning:**      **Ending:**

E. Manning Street Beginning @ Woodland Avenue	@ N. Market Street
Alley Beginning @ E. Manning Street	@ N. Market Street
Alley Beginning @ E. Manning Street	@ E. Kent Street

Tax Map Number: 135E-B-1, 2, 3, 8, 18, 19, & 20 & 135D-C-14, 14.1, 17, 19, & 20

Reason for Request/Proposed Use: For the development of a grocery store

**Applicant Information**

All communication by phone, fax, email, or mail will be with the Applicant. If you are not the property owner, you will need to submit a letter from the property owners(s) indicating that you are acting as their agent in filling this application (e.g. engineer, architect, consultant, broker, etc.).

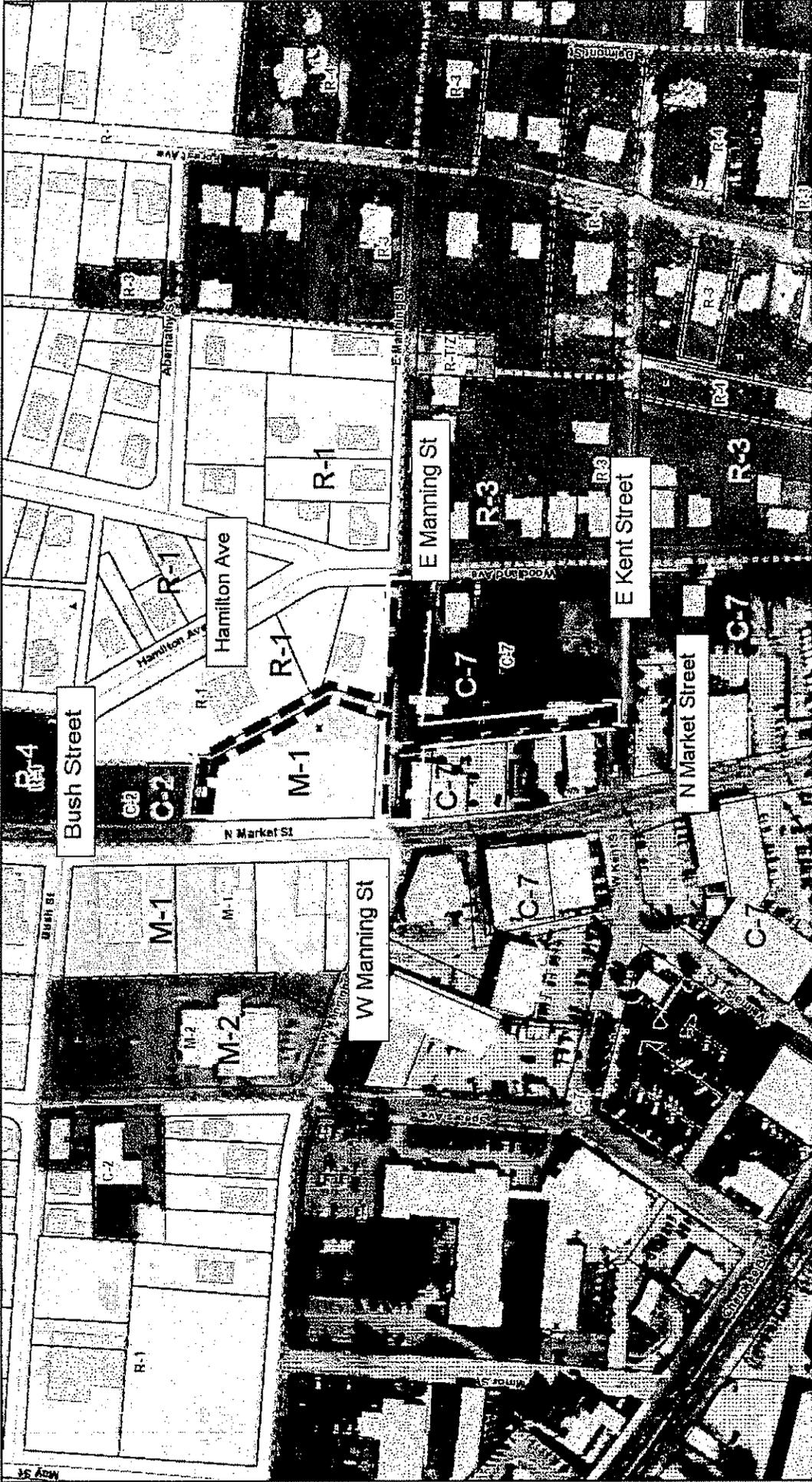
Property Owner       Architect       Engineer       Optionee       Purchaser of Property       Trustee  
 Other:

Name	ARS Ventures, LLC		
Address:	P O Box 550549		
City	Atlanta	State:	GA
Zip Code:	30355		
Daytime Phone:	404-812-4620		
Cell Phone:			
Other Phone:	404-364-4620		
Email:	gecjr@mindspring.com		
Fax:	404-364-9188		

Property Owner Information (if not applicant)	
Name:	See Attached documentation
Address:	
Phone:	

**CHECKLIST (OFFICE USE ONLY)**

<input checked="" type="checkbox"/> Application Complete	<input checked="" type="checkbox"/> Deeds for property to be rezoned
<input checked="" type="checkbox"/> Ownership Verification (Tax Map Printout, Letter)	Deed Book: See 2012-102
<input checked="" type="checkbox"/> Map showing property to be rezoned.	<input type="checkbox"/> Copy of Plats, if applicable
<input type="checkbox"/> Site Plan, if applicable	Plat Book/Page:
<input type="checkbox"/> Total acres to be considered: N/A	<input checked="" type="checkbox"/> Notice Signs: How Many? 3
<input checked="" type="checkbox"/> Filing Fee: \$350.00	<input type="checkbox"/> Cash      Check No: 878783
Accepted by: Marcia Parker	Date: 07-10-2012

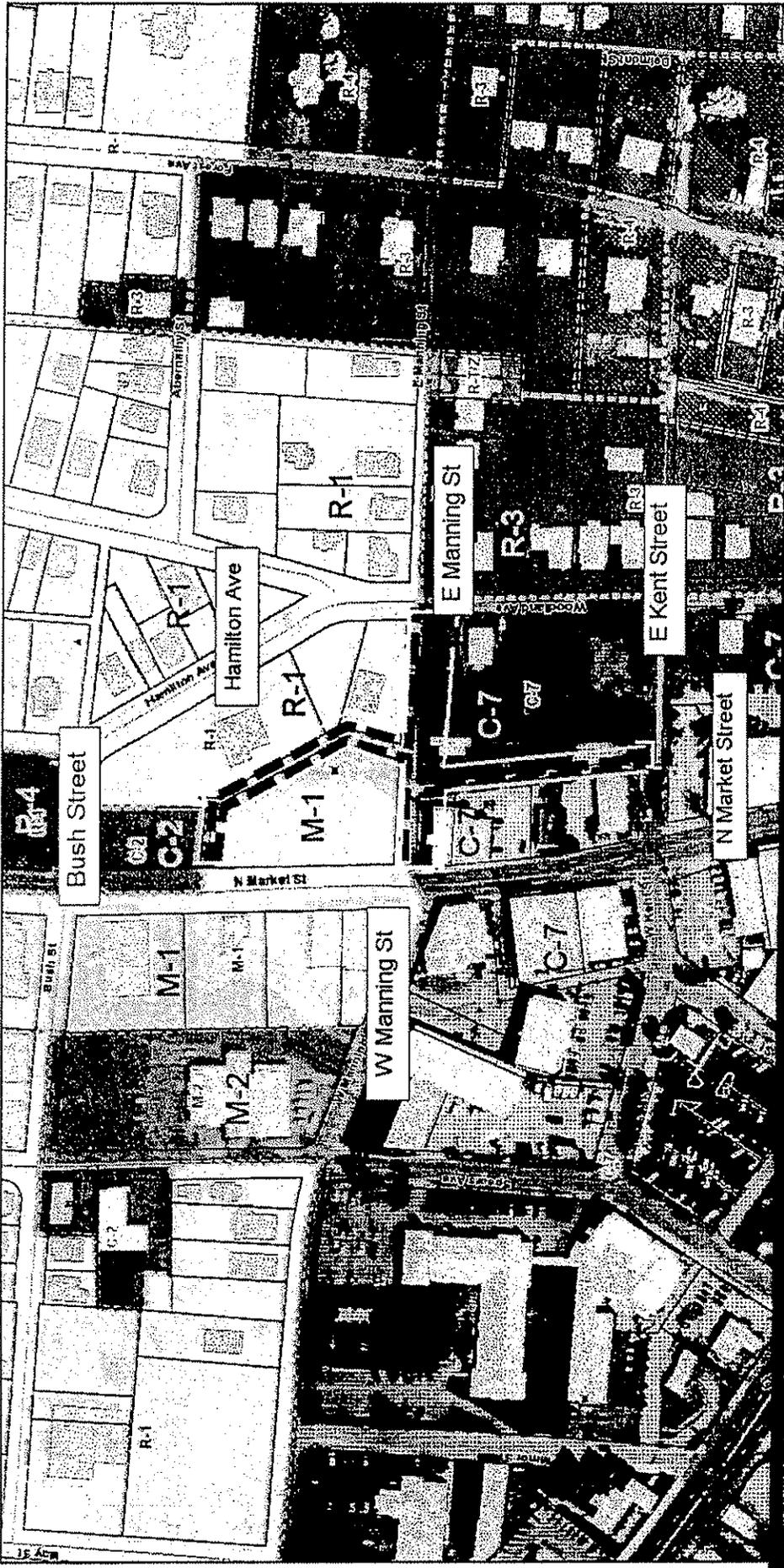


MR-2012-0101 Abandon Street and Alleys



200 ft





**PLANNING COMMISSION RECOMMENDATION FOR CASE NO. MR-2012-101:** Approve, subject to: 1) Review and approval by City Engineer's Office. 2) Approval of zoning case 2012-102.

## MR-2012-0101 Abandon Street and Alleys



200 ft



Chattanooga Hamilton County Regional Planning Agency

<b>Case Number:</b>	<b>MR 2012-101</b>
<b>Applicant Request:</b>	<b>Mandatory Referral – Street Right-Of-Way Closure/Abandonment</b>
<b>STAFF RECOMMENDATION:</b>	<b>APPROVE, subject to the following conditions:</b>
	<b>(1) Review and approval by City Engineer’s Office</b>
	<b>(2) Approval of zoning case 2012-102</b>
<b>Applicant:</b>	ARS Ventures, LLC
<b>Property Address:</b>	Unit block of E. Manning Street & 2 Alleys
<b>Jurisdiction:</b>	Chattanooga District 1/Hamilton County District 6
<b>Neighborhood:</b>	Hill City, North Shore & North Shore Merchants Association
<b>Development Sector:</b>	Urban Infill

**Planning Commission Recommendation:  
 Approve Staff Recommendation**

<b>Proposed Development</b>	
<b>Site Plan Submitted:</b>	Not required
<b>Proposed Use:</b>	Parking lot
<b>Purpose:</b>	Development of a grocery store

<b>Site Characteristics</b>	
<b>Current Zoning:</b>	R-1 Residential Zone, C-2 Convenience Commercial Zone & M-1 Manufacturing Zone
<b>Current Use:</b>	Opened Street Right-Of-Way
<b>Adjacent Uses:</b>	Residential, Commercial & Manufacturing
<b>Length:</b>	Approximately 330 +/- feet
<b>Access:</b>	

<b>Analysis</b>	
<b>Extension of Existing Zoning?</b>	Not Applicable
<b>Community Land Use Plan:</b>	North Shore Plan (2007)
<b>Proposed Use Supported by Community Land Use Plan?</b>	Not Applicable
<b>Proposed Use Supported by Comprehensive Plan?</b>	Not Applicable

**Comments**

Planning Staff: Request Overview  
 ARS Ventures, LLC submitted this Mandatory Referral to close the unit block of East Manning St. and two alleys beginning at the east line of the intersection of E. Manning St. and Woodland Ave. headed westerly approximately 330 feet, the alleys beginning at E. Manning St ending at N. Market St. and beginning at E. Manning St ending at E. Kent St. for the purpose of developing a 46,000 sq ft. grocery store.

Public rights-of-way are a public resource and an integral element in shaping the community. Rights-of-way contain roads and other public services, allow access to, and servicing of, individual properties along its frontage, and provide shape and form to our neighborhoods and to commercial and industrial areas. It is the policy of the Regional Planning Agency to retain rights-of-way for public use and only to recommend the permanent closure and abandonment of rights-of-way when it is concluded that the public has no further need to retain the right-of-way and that its abandonment is necessary to achieve a significant private or public interest.

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the Right-of-Way Closure and Abandonment Policy adopted by the Chattanooga-Hamilton County Regional Planning Commission in January 1997 and the City of Chattanooga (Resolution 24532) in August 2005.

The Manning Street right-of-way is fully open to the public from Woodland Avenue to N. Market Street. It is dedicated for public use and maintained by the City of Chattanooga. Review of rights-of-way for closure is based on a tiered classification. This right-of-way is Tier 1, meaning it is in use by the public and such rights-of-way.

Tier 1: Rights-of-way currently open and in use by the public and which include any elements of a normal road including road pavement, sidewalks curbs, storm drainage systems, sanitary drainage systems, water distribution systems, fire hydrants, utilities (electric, telephone, cable television, gas), provision for future utilities, streetlights, and trees. These rights-of-way will not be closed unless a suitable replacement is provided.

Based on the information provided by the applicant, the closures are requested to accommodate a commercial grocery store on the site. Sewer utilities are present in and/or near the rights-of-way and are part of this request to also be abandoned. The closure and abandonment will not landlock any property. While the Alley Policy generally advises maintaining existing paved open rights-of-way, it also provides discretion to consider significant public/private interests (economic impact). The property has been vacant and underdeveloped for many years. The proposed grocery store will increase access by surrounding neighborhoods to daily food needs.

#### Staff Recommendation

Based on the review factors cited above, the Regional Planning Agency is recommending approval with conditions as the request seems appropriate in the context of the overall project.



MR-2012-0101 Abandon Street and Alleys



200 ft



Chattanooga Hamilton County Regional Planning Agency



TENNESSEE  
AMERICAN WATER

Robbie Harvey  
P.O. Box 6336  
1101 Broad Street  
Chattanooga, TN 37401

P 423.755.7665  
F 423.755.7635

[www.tawc.com](http://www.tawc.com)

July 20, 2012

Chattanooga/Hamilton County Regional  
Planning Commission  
1250 Market Street, Suite 2000  
Chattanooga, TN 37402

Re: Closure and Abandonment Case No. 2012-101 AND 2012-103

Tennessee American Water request that an easement be retained in the full width of the existing right-of-way for the above cases.

Sincerely,

Robbie Harvey  
Draftsperson  
Tennessee American Water

P. O. Box 182255  
Chattanooga, Tennessee  
37422-7255  
www.epb.net

July 19, 2012



Mr. Greg L. Haynes, Director  
Chattanooga-Hamilton County Regional Planning Agency  
Suite 2000, Development Resource Center  
1250 Market Street  
Chattanooga, TN 37402

RE: Case No. 2012-101

Dear Mr. Haynes:

EPB has located within the petitioned right-of-way of E. Manning Street, electrical and communications facilities which must be maintained for the use and benefit of our customers. We will not object to the closure, however, provided that E. Manning Street, between N. Market and Woodland Avenue, is reserved for the operation, maintenance, rebuilding, and replacement of these facilities and for ingress and egress to them.

Thank you for the courtesy notice.

Sincerely,

A handwritten signature in cursive script that reads 'Billy', which is a common nickname for William McGhee.

William McGhee  
Right-of-Way Agent  
EPB



**Parker Marcia**

---

**From:** Herron Randall  
**Sent:** Tuesday, July 24, 2012 1:57 PM  
**To:** Haynes Greg; Parker Marcia  
**Subject:** ROW Closure MR 2012 - 101 & 103

The ROW closure request 2012-101 for the 100 block of E. Manning Street will be unacceptable due to the loss of Fire Department vehicle access to the area structures and fire hydrants.

The ROW closure request 2012-103 for the 1800-1999 block of Vance Avenue/600 – 999 block of S. Orchard Knob Avenue will be unacceptable due to the loss of Fire Department vehicle access to the area structures and fire hydrants.

I plan on returning the signed card to you today.

Please call if you have any questions.

Thanks,

Randall Herron

Chattanooga Fire Department

(423) 643-5649 office

(423) 421-4268 cell



AT&T - Southeast  
300 East M. L. King Blvd.  
Chattanooga, TN 37403

T: (423)752-9018  
F: (423)267-0120  
www.att.com

July 23, 2012

Mr. Greg L. Haynes, Director  
Chattanooga-Hamilton County Regional Planning Agency  
Development Resource Center  
1250 Market Street, Suite 2000  
Chattanooga, TN 37402

RE: Closures and Abandonment's Case Numbers MR2012-101, MR2012-103, & MR2012-106

Dear Mr. Haynes:

In regards to Case Number MR2012-101, MR2012-103 and MR2012-106, for the August 13, 2012, Planning Commission Meeting Agenda, AT&T Southeast cannot agree to closure since facilities are in these areas. Please reserve any existing or future utility easements inside the proposed abandonment areas.

If additional information is needed, please contact me at 752-9018.

Thank You,

Shaun Prigmore  
Area Manager OSP Planning & Engineering Design

cc: RPC File

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**LeVally Rebecca**

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MR 2012 – 101

Subject to easement for existing utilities

MR 2012 – 103

Approval of Vance subject to design review

MR 2012 – 106

Subject to design review for minimum horizontal and vertical clearance requirements.

*Rebecca P. LeVally*

*Traffic Engineering Administration*

*1250 Market Street, Suite 3030*

*Chattanooga, TN 37402*

*423.643.5955 O*

*423.643.5951 F*



North  
City of Chattanooga  
Sanitary sewer map

TN American water co  
Robbie Harbey

F.P.B.  
Billy Medley

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2012-101		✓
MR 2012-103		✓
MR 2012-106	✓	
MR 2012-107	✓	

\* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2012-101		✓
MR 2012-103		✓
MR 2012-106	✓	

\* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2012-101	✓	
MR 2012-103	✓	
MR 2012-106 Gas main	✓	
MR 2012-107		

\* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2012-101		RH
MR 2012-103		RH
MR 2012-106	RH	

\* Comments forthcoming

Chattanooga Fire Dept  
Randall Herron

Chattanooga Gas Co  
Harold Hyde

643-5918

Dept. of Transportation  
Jackie Wolfe

Case No.	Closure O.K.	
	Yes	No
M.R. 2012-101	<input checked="" type="checkbox"/>	<input type="checkbox"/>
M.R. 2012-103	<input checked="" type="checkbox"/>	<input type="checkbox"/>
M.R. 2012-106	<input checked="" type="checkbox"/>	<input type="checkbox"/>
M.R. 2012-107	<input checked="" type="checkbox"/>	<input type="checkbox"/>

\* Comments forthcoming

Dept. of Transportation  
Ray Rucker

Case No.	Closure O.K.	
	Yes	No
M.R. 2012-101	<input checked="" type="checkbox"/>	<input type="checkbox"/>
M.R. 2012-103	<input checked="" type="checkbox"/>	<input type="checkbox"/>
M.R. 2012-106	<input checked="" type="checkbox"/>	<input type="checkbox"/>
M.R. 2012-107	<input checked="" type="checkbox"/>	<input type="checkbox"/>

\* Comments forthcoming

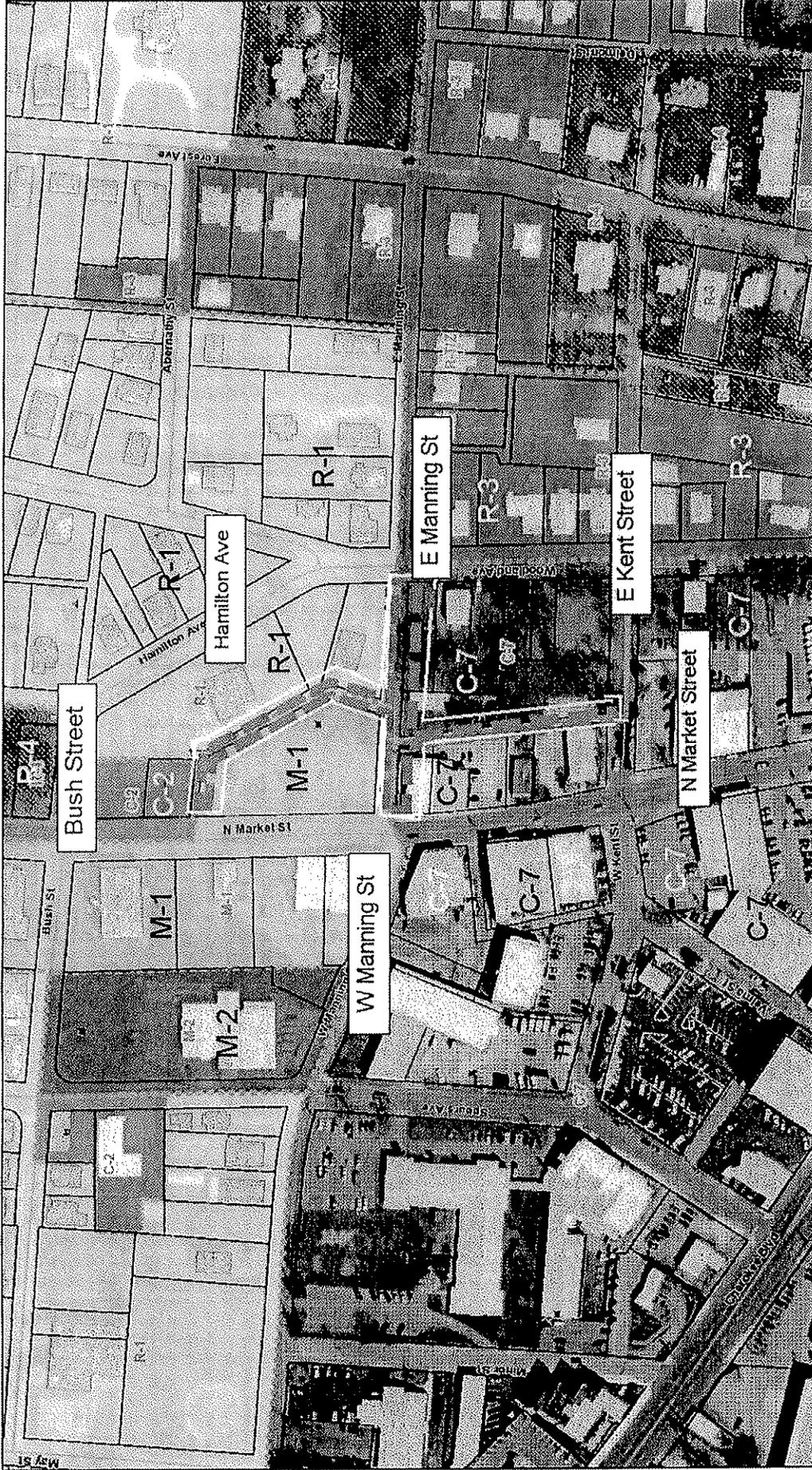
City Police Dept  
David Redley

Case No.	Closure O.K.	
	Yes	No
M.R. 2012-101	<input checked="" type="checkbox"/>	<input type="checkbox"/>
M.R. 2012-103	<input checked="" type="checkbox"/>	<input type="checkbox"/>
M.R. 2012-104	<input checked="" type="checkbox"/>	<input type="checkbox"/>

\* Comments forthcoming

Abandonment/Closure Cards

Abandonment/Closure Cards



MR-2012-0101 Abandon Street and Alleys



200 ft

