MR-2011-107
Paul Mallchok

11/6/12
Public Works

ORDINANCE NO. _____

AN ORDINANCE CLOSING AND ABANDONING OF AN UNNAMED ALLEY LOCATED IN THE 200 BLOCK OF BAKER STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That there be and is hereby closed and abandoned an unnamed alley located in the 200 block of Baker Street, more particularly described below and as shown on the maps attached hereto and made a part hereof by reference:

> Abandonment of an alley beginning at its intersection with the north line of the 200 block of Baker Street thence northwest some 170 feet to its intersection with the south line of the 200 block of Jarnigan Avenue. Said alley separates Lots 237 and 238, The North Side Land Company's Amended Subdivision of Lot 1 of the Cowart Estate, Plat Book 4, Page 47, ROHC. Tax Map Nos. 135E-L-006, 007, and 032.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall be subject to only the portion of right-of-way that adjoins the applicant's property for a length of approximately 90 feet, and subject to the retention of a private sanitary sewer easement for the existing private sanitary sewer lateral's the full length and width of the subject right-of-way.

SECTION 3. 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: October 17, 2012

Preparer: William C. Payne **Department:** Public Works - Engineering

Brief Description of Purpose for Resolution: Resolution Number (if approved by Council): **District 1**

A City Council Action is requested to approve the request of Paul Mallchok for the abandonment of an unnamed alley located in the 200 block of Baker Street, as referfenced in Case No. 2011-107. Also, subject to the condition stated on the attached Memorandum.

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: _____ DESIGNATED OFFICIAL/ADMINISTRATOR

Reviewed by: FINANCE OFFICE

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

Memorandum

To: Bill Payne

From: Bill Cannon

cc: Dennis Malone

Date: October 16, 2012

Re: Paul Mollchok
Case No. 2011-107
207 Baker Street (Alley)

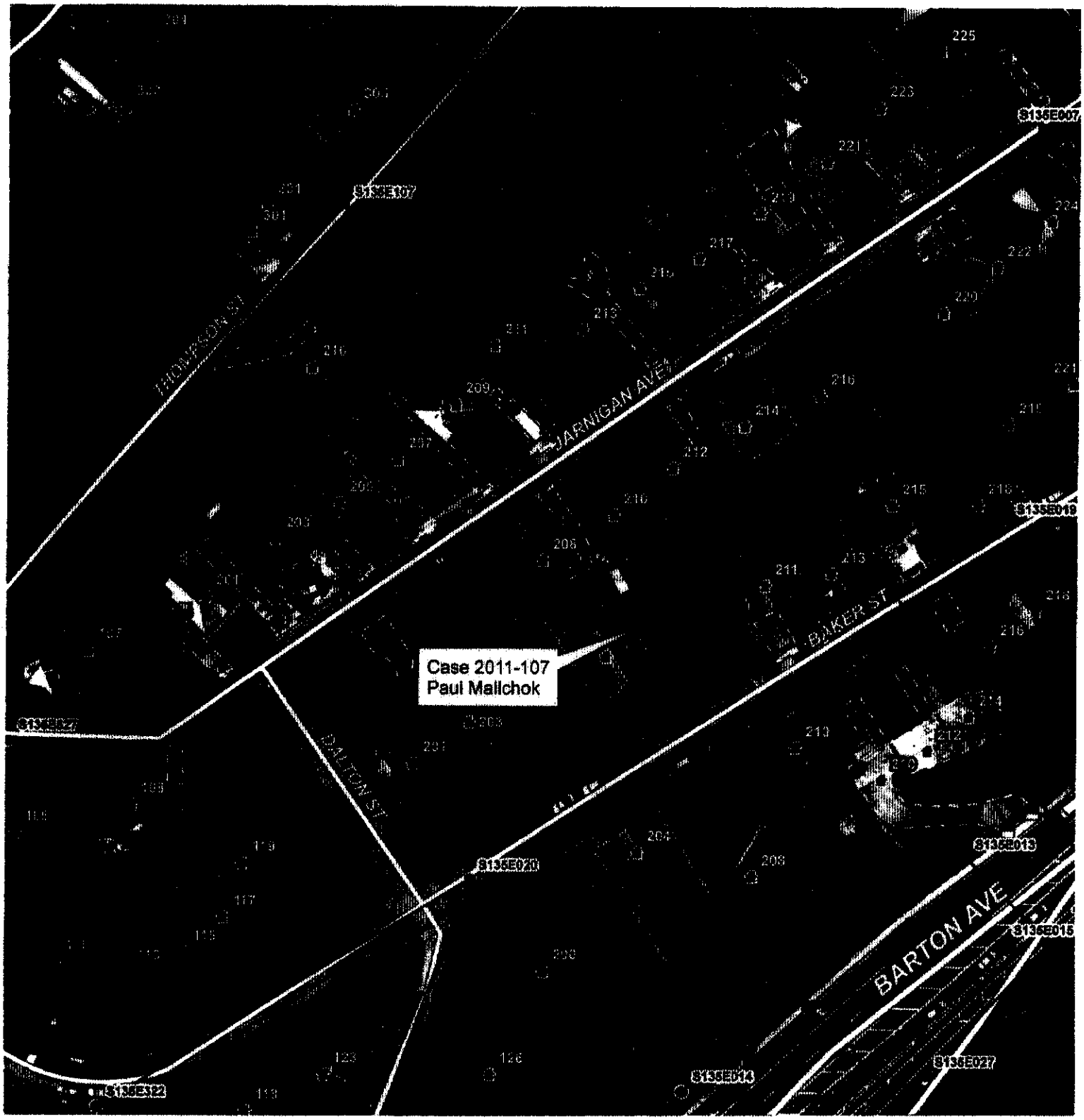
Recommendations Regarding Abandonment Request

I have completed the review of Mr. Mallchok's request regarding Abandonment of a unopened unmaintained alley. More particularly Abandonment of an alley beginning at its intersection with the north line of the 200 block of Baker Street thence northwest some 170 feet to its intersection with the south line of the 200 block of Jarnigan Avenue. Said alley separates Lots 237 and 238, The North Side Land Company's Amended Subdivision of Lot 1 of the Cowart Estate, Plat Book 4, Page 47, ROHC. Tax Map 135E-L-006, 007, and 032 as shown on the attached map. My comments are as follows:

1. The subject alley is approximately 170' ± in length and is 15' ± in width for a combined area of 2,550 sq ft.
2. There is no sanitary sewer along the portion of Jarnigan Ave. that intersects with the subject alley and there are at least two residences that front on Jarnigan using the subject ROW for their Private Sanitary Sewer Lateral's connecting thru to the Baker Street Sanitary Sewer Main.
3. The City of Chattanooga has no infrastructure in the subject right of way.
4. The northern most portion of the subject right of way appears to be shared access to the rear of the two adjoining properties fronting Jarnigan Ave.
5. RPA Staff and Planning Commission recommended approving only a portion of the subject alley adjoining the full length of said applicant's property at 207 Baker Street (90' ±).
6. There are no Utility Owner's in opposition to the request.

Therefore, I recommend the following:
The request for abandonment of said right of way is approved with conditions.

Condition 1: ***Subject to only the portion of right of way that adjoins the applicant's property for a length of approximately 90 feet, and subject to the retention of a private sanitary sewer easement for the existing private sanitary sewer lateral's the full length and width of the subject right of way.***


Case 2011-107
Paul Mallchok
JARNIGAN AVE
BAKER ST
BARTON AVE
BARTON ST
THOMPSON ST

MR-2011-107 City of Chattanooga
October 10, 2011

RESOLUTION

WHEREAS, Paul Mallchok 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 an unnamed alley located in the 200 block of Baker Street.

> Abandonment of an alley beginning at its intersection with the north line of the 200 block of Baker Street thence northwest some 170 feet to its intersection with the south line of the 200 block of Jarnigan Avenue. Said alley separates Lots 237 and 238, The North Side Land Company's Amended Subdivision of Lot 1 of the Cowart Estate, Plat Book 4, Page 47, ROHC. Tax Map 135E-L-006, 007, and 032 as shown on the attached map.

Staff Recommendation: Abandonment of an alley beginning at its intersection with the north line of the 200 block of Baker Street thence northwest some 88 feet to the northeast corner of Tax Map 135E-L-032. Said alley separates parts of Lots 237 and 238, The North Side Land Company's Amended Subdivision of Lot 1 of the Cowart Estate, Plat Book 4, Page 47, ROHC. Tax Map 135E-L-007 and 032 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on October 10, 2011,

AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

AND WHEREAS, no one was present in opposition to the petition,

AND WHEREAS, the Planning Commission has studied the existing pattern of development.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on October 10, 2011, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved only for the portion approximately 90'

northwest of Baker Street to the property line of 208 Jarnigan and Applicant (207 Baker), subject to the approval of the City Engineer and all public utilities.

Respectfully submitted,

John Bridger
Secretary

approve the staff recommendations on the subdivision plats. Motion passed unanimously.

Old Business (Deferred Case)

Case No. MR-2011-101 – Ian Grant/Sartin & Grant GP - City of Chattanooga – 400 blk W. 22nd Street and unopened alley – MR: Street and Alley Closure

MR-2011-101 Defer 60 days City Dist. #7

Mr. Haynes explained the applicant's request for deferral. The applicant, Mr. Ian Grant, was present and asked deferral for sixty days.

There was no opposition present.

Mr. Adam Veron made the motion to accept the applicant's request for deferral for sixty days. Ms. Beverly Johnson seconded the motion and the motion to defer for sixty days carried unanimously.

New Business (Rezonings, Closures/Abandonments, Special Permits, Condition Amendments, Mandatory Referrals, Regulation Amendments)

10/10/11 PC mg.

Case No. MR-2011-107 – Paul Mallchok - City of Chattanooga – Alley off 200 blk Jarnigan Ave. - MR: Alley Closure

MR-2011-107 App.w/conds. City Dist. #1

Mr. Haynes gave the staff presentation and explained the staff recommendation to approve only the portion approximately 90' northwest of Baker Street to the property line of 208 Jarnigan Avenue and 207 Baker Street, subject to approval of City Engineer and all public utilities.

There was no opposition present.

Mr. Paul Mallchok, 207 Baker Street, states the reasons for this request are valid. The property is unmaintained, overgrown and the city will not do anything with it. He accepts the staff recommendation.

Ms. Mary Eastman questioned why staff was recommending closing just part of the alley. Mr. Haynes explaind that property owners at 208 and 210 Janrigan Avenue were using part of that right-of-way for access.

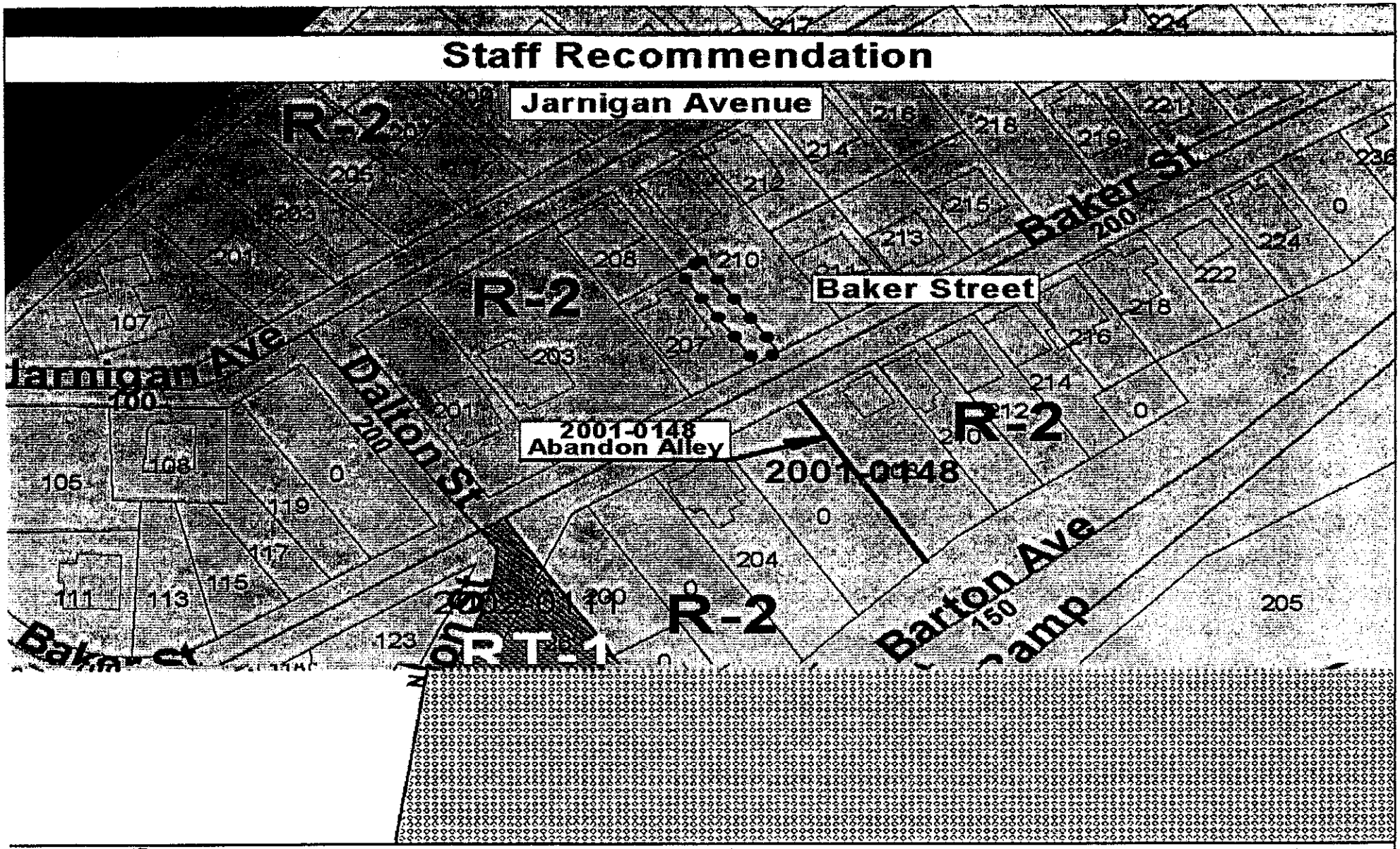
Mr. Ken Jordan made motion to approve the staff recommendtion. Mr. Wanza Lee seconded the motion and the motion to approve the staff recommendation which is to approve only the portion approximately 90' northwest of Baker Street to the property line of 208 Jarnigan Avenue and at 207 Baker Street, subject to approval of City Engineer and all public utilities carried unanimously.

Case No. MR-2011-111 – Bill Weaver – City of Chattanooga - 1200 blk Brief St. and part of 1200 blk Hill Street - MR: Street Closures

MR-2011-111 App.w/conds City Dist.#7

Mr. Greg Haynes gave the presentation and explained the staff recommendation.

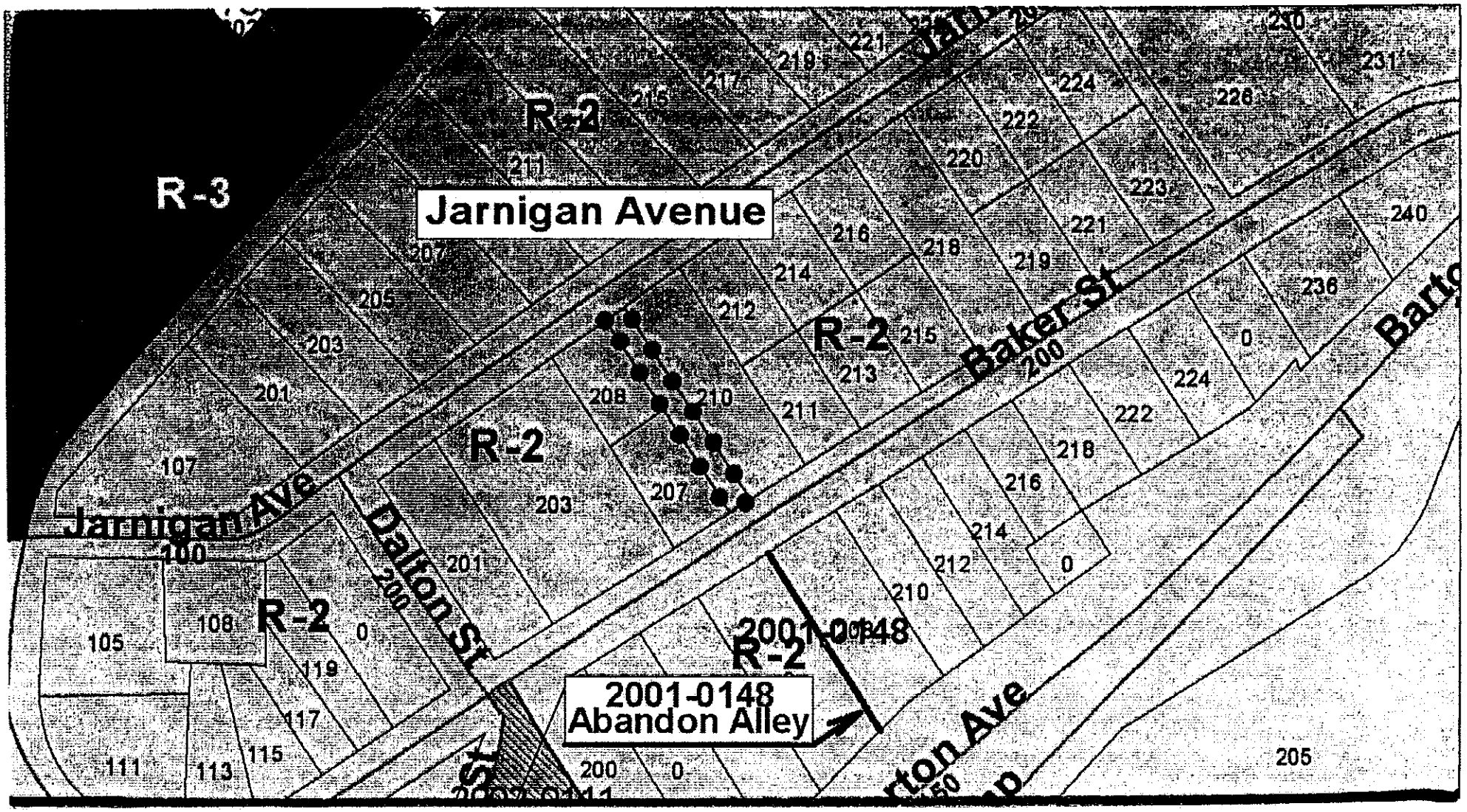
Staff Recommendation



2011-0107 Abandon Alley

Chattanooga - Hamilton County Regional Planning Agency

CHATTANOOGA - HAMILTON COUNTY
RPA
REGIONAL PLANNING AGENCY



PLANNING COMMISISON RECOMMENDATION FOR CASE NO. MR-2011-107: Approve only the portion approximately 90' northwest of Baker Street to the property line of 208 Jarnigan and Applicant (207 Baker).

2011-0107 Abandon Alley ROW

1 in. = 100.0 feet

Chattanooga - Hamilton County Regional Planning Agency

CHATTANOOGA - HAMILTON COUNTY
RPA
REGIONAL PLANNING AGENCY

WILLIAM E. MATTHEWS, M.D.P.C.
5022 OLD GODSEY LANE, SUITE 8
HIXSON, TENNESSEE 37343
Email: billm1224@gmail.com
Phone: 423-875-0793

October 16, 2012

Via Hand Delivery

Mr. William E. Cannon
City of Chattanooga
Department of Public Works
Development Resource Center
1250 Market Street, Suite 2100
Chattanooga, Tennessee 37402

Re: Right-of-Way Closure/Abandonment – Case No. 2011-107

Dear Mr. Cannon:

Thank you for your assistance yesterday concerning the captioned alley abandonment request of Alexandria Mallchok from the 200 block of Jarnigan Avenue going in a southeasterly direction to the end of the alley at the 200 block of Baker Street. As I stated, I am the owner of property located at 208 Jarnigan Avenue (Map & Parcel Number 135E L 006) which is located in the northwest section of the proposed abandonment. Also, as I explained, I am currently in need of a sewer easement across Ms. Mallchok's property in order to reconnect to the historically common City sewer line.

It is my understanding from our conversation, that all adjacent property owners will be granted their respective portions of the alley, unencumbered, for each to own and utilize as they see fit. Also, you stated the abandonment resolution, when presented to the City Council in this matter, would have a condition that I receive a sewer easement across Ms Mallchok's property.

If my understanding of our conversation was incorrect, please let me know.

Finally, if possible, please notify me when the proposed resolution will be heard before the City Council.

Sincerely yours,

Bill Matthews

William E. Matthews, M.D.

CHATTANOOGA · HAMILTON COUNTY

REGIONAL PLANNING AGENCY
DEVELOPMENT RESOURCE CENTER
DEVELOPMENT SERVICES 1250 MARKET ST.
Chattanooga, Tennessee 37402
423-668-2287

Dear Property Owner:

This notice is sent to you as a courtesy to inform you that an application has been made for a change in your neighborhood. A description of the proposed change is included below.

This notice does not require action on your part, nor is it a summons. However, if you wish to support or oppose the proposed change, you may want to attend a public hearing to be held by the Chattanooga-Hamilton County Regional Planning Commission.

The hearing will take place at **1:00 p.m. In County Commission Room, Hamilton County Court House, 4th Floor, 625 Georgia Avenue, Chattanooga, Tennessee.**

The Planning Commission recommendation will be sent to the local government having jurisdiction, for their action.

Schedules of when cases will be heard by local governments (if not deferred at Planning Commission)
City of Chattanooga: Second Tuesday of the following month, 6:00 p.m. (closures will be placed on agenda by the City Engineers Office)
Hamilton County: Third Wednesday of the following month, 9:30 a.m.

DATE OF PUBLIC HEARING: October 10th, 2011 **TIME: 1:00 PM**

LOCATION: County Commission Room, 4th Floor
Hamilton County Court House
625 Georgia Avenue
Chattanooga, Tennessee 37402

CASE NO. 2011-107 **JURISDICTION: City**

APPLICANT: Paul Mallchok

CONTACT NAME: Paul Mallchok **Phone Number: 423-855-5570**

TYPE OF CHANGE: Abandonment of an unnamed alley from the 200 block of Jarnigan Avenue going in a Southeastwardly direction to the 200 block of Baker Street approximately 170 feet plus or minus

LOCATION: 200 block of Baker Street

(SEE MAP ON REVERSE SIDE)

Right-Of-Way Closure/Abandonment Request Form

Chattanooga-Hamilton County

RPA

Regional Planning Agency

1250 Market Street
Suite 2000
Development Resource Center
Chattanooga, Tennessee
37402
Phone: 423-668-2287
Fax: 423-668-2289
www.chcrpa.org

Office Use Only

Case Number: 2011-107
Date Submitted: 08/26/2011
Planning District: 8-B
County District: 4
City District: 1
Jurisdiction: Chattanooga
Neighborhood: North Shore
Staff Action:
PC Action/Date:
Legis. Action/Date:

Print Form

Right-Of-Way Information

○ Street ◉ Alley ○ Sewer Easement ○ Other:

Street/ROW Information

Name of Street or ROW:	Unnamed alley off of the 200 block of Jarnigan Avenue	◉ Open	○ Unopened

Beginning:	Ending:
From the 200 block of Jarnigan Avenue going in a Southeastwardly direction	to end at the 200 block of Baker Street approximately 170 feet plus or minus

Tax Map Number:	135E-L-006, 007, & 032

Reason for Request/Proposed Use: Clear brush and use as a drive

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 filing this application (e.g. engineer, architect, consultant, broker, etc.).

○ Property Owner ○ Architect ○ Engineer ○ Optionee ○ Purchaser of Property ○ Trustee

◉ Other: Son

Name	Paul Mallchok
Address:	207 Baker Street
City	Chattanooga State: TN
Zip Code:	37405
Daytime Phone:	423-855-5570
Cell Phone:	423-987-1828
Other Phone:	
Email:	pmallchok@gmail.com
Fax:	423-855-8879

Property Owner Information (if not applicant)

Name:	Alexandria Mallchok
Address:	1010 Continental Drive # 1106
Chattanooga, TN 37405	
Phone:	423-267-1106

CHECKLIST (OFFICE USE ONLY)

- ☒ Application Complete
- ☒ Ownership Verification (Tax Map Printout, Letter)
- ☒ Map showing property to be rezoned.
- ☐ Site Plan, if applicable
- ☐ Total acres to be considered:
- ☒ Deeds for property to be rezoned
  Deed Book: 3679-984, 3520-911
- ☒ Copy of Plats, if applicable
  Plat Book/Page: 4-47
- ☒ Notice Signs How Many? 2

☒ Filing Fee: $350.00 ☐ Cash Check No. 7775

Accepted by: Marcia Parker Date: 08/26/2011

Chattanooga-Hamilton County Regional Planning Agency
RPA Staff Report & Recommendations

October, 2011

Case Number:	2011-107MR
Applicant Request:	**Alley Closure/Abandonment**
STAFF RECOMMENDATION:	**APPROVE ONLY THE PORTION APPROXIMATELY 90' NORTH WEST OF BAKER STREET TO THE PROPERTY LINE OF 208 JARNIGAN AND APPLICANT (207 BAKER)**
Applicant:	Paul Mailchok
Property Address:	Unnamed right-of-way/alley off of the 200 block of Jarnigan Avenue
Jurisdiction:	Chattanooga District 1/Hamilton County District 4
Neighborhood:	North Shore/North Chattanooga
Development Sector:	Urban Infill
Proposed Development	
Site Plan Submitted:	Not required
Proposed Use:	Driveway
Purpose:	Closure of alley for property owner(s) personal use
Site Characteristics	
Current Zoning:	R-2 Residential
Current Use:	Portion fronting Baker Street is vegetated and unmaintained. The portion fronting Jarnigan is used as a driveway to access residential properties located at 208 and 210 Jarnigan Avenue (as shown in photo)
Adjacent Uses:	Residential
Size of Right-of-Way:	Approximately 170 feet in length (approximately 17 feet wide)
Access:	Connects Jarnigan Avenue to Baker Street. Access is good from Jarnigan Avenue, but there is no access from Baker Street.
Analysis	
Extension of Existing Zoning?	Not applicable
Community Land Use Plan:	Not applicable
Proposed Use Supported by Community Land Use Plan?	Not applicable
Proposed Use Supported by Comprehensive Plan?	Not applicable

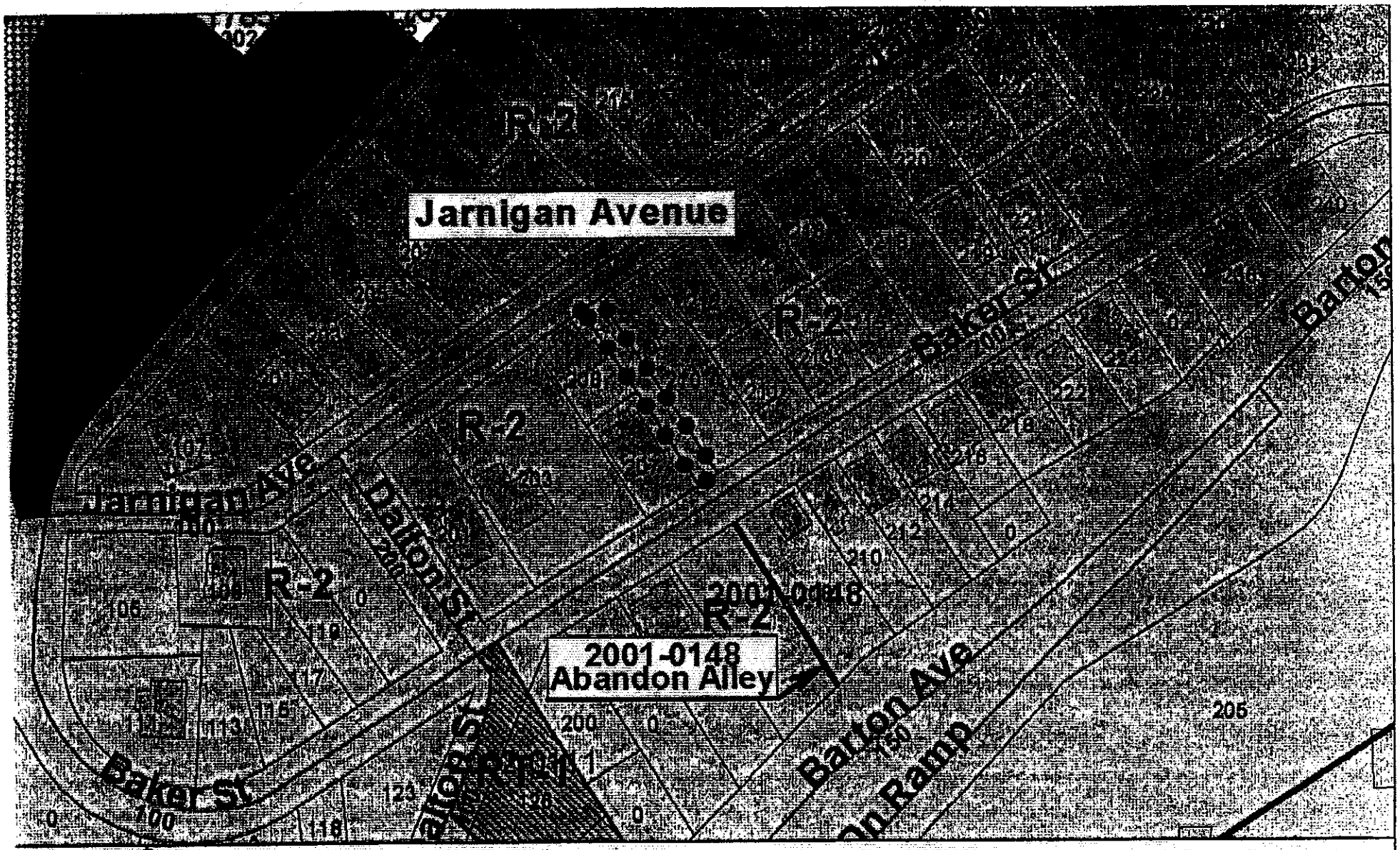
Planning Commission Recommendation:
Approve Staff Recommendation

Comments

Planning Staff:

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.

Right-of-way Abandonment and Closure requests are reviewed using 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



2011-0107 Abandon Alley ROW

Chattanooga - Hamilton County Regional
Planning Agency

CHATTANOOGA - HAMILTON COUNTY
RPA
REGIONAL PLANNING AGENCY

MR-2011-107 City of Chattanooga
October 10, 2011

RESOLUTION

WHEREAS, Paul Mallchok 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 an unnamed alley located in the 200 block of Baker Street.

Abandonment of an alley beginning at its intersection with the north line of the 200 block of Baker Street thence northwest some 170 feet to its intersection with the south line of the 200 block of Jarnigan Avenue. Said alley separates Lots 237 and 238, The North Side Land Company's Amended Subdivision of Lot 1 of the Cowart Estate, Plat Book 4, Page 47, ROHC. Tax Map 135E-L-006, 007, and 032 as shown on the attached map.

Staff Recommendation: Abandonment of an alley beginning at its intersection with the north line of the 200 block of Baker Street thence northwest some 88 feet to the northeast corner of Tax Map 135E-L-032. Said alley separates parts of Lots 237 and 238, The North Side Land Company's Amended Subdivision of Lot 1 of the Cowart Estate, Plat Book 4, Page 47, ROHC. Tax Map 135E-L-007 and 032 as shown on the attached map.

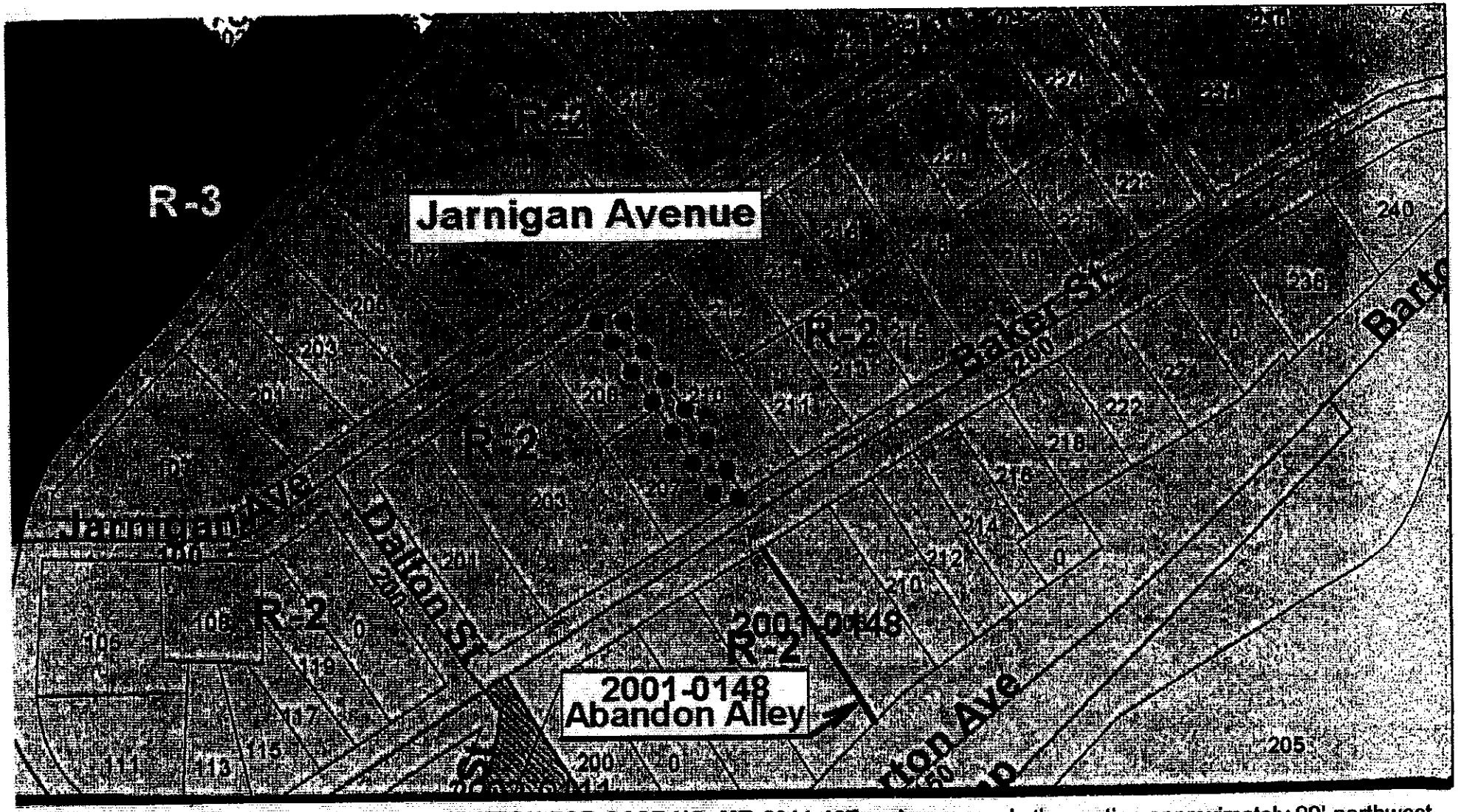
AND WHEREAS, the Planning Commission held a public hearing on this petition on October 10, 2011,

AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

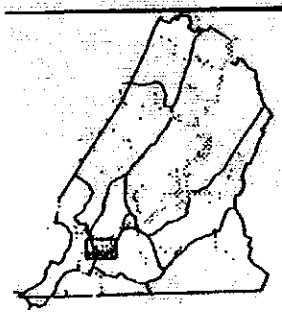
AND WHEREAS, no one was present in opposition to the petition,

AND WHEREAS; the Planning Commission has studied the existing pattern of development.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on October 10, 2011, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved only for the portion approximately 90'



PLANNING COMMISISON RECOMMENDATION FOR CASE NO. MR-2011-107: Approve only the portion approximately 90' northwest of Baker Street to the property line of 208 Jarnigan and Applicant (207 Baker).



2011-0107 Abandon Alley ROW

1 In. = 100.0 feet

Chattanooga - Hamilton County Regional Planning Agency

CHATTANOOGA - HAMILTON COUNTY RPA REGIONAL PLANNING AGENCY

Tn American Water CO
Robbie Harvey

Case No.	Closure O.K. Yes	No
2011-107	✓	
2011-111		✓
2011-114		✓

* Comments forthcoming

Chattanooga Gas CO
Ron Rencl Harold Hyde

Case No.	Closure O.K. Yes	No
2011-107	✓	
2011-111	✓	
2011-114	✓	

* Comments forthcoming

Dept of Transportation
Ray Ruckar

Abandonment/Closure Cards

Case No.	Closure O.K. Yes	No
2011-107	✓	
2011-111	✓	
2011-114	✓	

* Comments forthcoming

Dept of Transportation

Abandonment/Closure Cards

Case No.	Closure O.K. Yes	No
2011-107	✓	
2011-111	✓	
2011-114	✓	

* Comments forthcoming

Abandonment/Closure Cards

Traffic Engineering
John Vanoinkle

Case No.	Closure O.K. Yes	No
2011-107	✓	
2011-111	✓	
2011-114	✓	

* Comments forthcoming

Abandonment/Closure Cards

Chatt Fire Dept
Randall Herron

Case No.	Closure O.K. Yes	No
2011-107	RH	
2011-111	RH	
2011-114	RH	

* Comments forthcoming

Abandonment/Closure Cards

City Engineer
Bill Payne

Case No.	Closure O.K. Yes	No
2011-107	X	
2011-111	X	
2011-114	(*) X	
(*) RETAIN 20' SAN SEWER EASE.		

BMD
9/20/11

* Comments forthcoming

A

Abandonment/Closure Cards

City Police Dept.
David Rodey

Case No.	Closure O.K. Yes	Closure O.K. No
2011-107	✓	
2011-111	✓	
2011-114	✓	

* Comments forthcoming

Abandonment/Closure Cards

E.P.B.
Billie McGhee

Case No.	Closure O.K. Yes	Closure O.K. No
2011-107	✓	
2011-111	✓	
2011-114 See ORD. 12115	✓	

* Comments forthcoming

Bell South
Jon Mounts

Case No.	Closure O.K. Yes	Closure O.K. No
2011-107	✓	
2011-111	✓	
2011-114	✓	

* Comments forthcoming

Abandonment/Closure Cards

Comcast Cable
Mike Schlote

Case No.	Closure O.K. Yes	Closure O.K. No
2011-107	X	
2011-111	X	
2011-114	X	

* Comments forthcoming