

11/13/12

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

AN ORDINANCE CLOSING AND ABANDONING OF A PORTION OF SANITARY SEWER LINE AND SEWER EASEMENT ON THE PROPERTY LOCATED AT 3801 NORTH HAWTHORNE 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 a portion of sanitary sewer line and sewer easement on the property located at 3801 North Hawthorne Street, more particularly described below and as shown on the maps attached hereto and made a part hereof by reference:

Abandonment of a sewer line and easement located on a property at 3801 North Hawthorne Street beginning at MH 36C thence approximately 273.4 feet passing MH 36B and ending at a new proposed MH as shown on Microfilm #50860 and being part of the property described in Deed Book 6614, Page 46, ROHC. Tax Map No. 128H-A-011 (part).

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall be subject to the following conditions:

- 1) Abandon a portion of said sewer and easement approximately 273.4 linear feet only if applicant constructs a replacement manhole for future maintenance of the remaining sanitary sewer line upon proper decommissioning of said abandoned portion and as per City Standards; and
- 2) Reservation of all other existing easements.

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.

/mms

\_\_\_\_\_  
MAYOR

# City of Chattanooga



## Resolution Request Form

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

Date: October 26, 2012

Preparer: William C. Payne

Department: Public Works - Engineering

Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council): District 9

A City Council Action is requested to approve the request of RWM Technologies for the abandonment of a portion of sanitary sewer line and sewer easement located on a property at 3801 North Hawthorne Street, as referenced in Case No.2012-142. Also subject to the conditions stated on the attached Memorandum.

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

List all other funding sources and amount for each contributor.

<u>Amount(s)</u>	<u>Grantor(s)</u>

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 23, 2012  
**Re:** RWM Technologies, LLC c/o (Glenn Baird)  
Case No. 2012-142  
3801 North Hawthorne St  
Recommendations for Requested ROW Abandonment

---

I have completed the review of RWM Technologies request regarding abandonment of a portion of sanitary sewer line and sewer easement, more particularly the abandonment of a sewer line and easement located on a property at 3801 North Hawthorne Street beginning at MH 36C thence approximately 273.4 feet passing MH 36B and ending at a new proposed MH as shown on Microfilm #50860 and being part of the property described in Deed Book 6614, Page 46, ROHC. Tax Map 128H-A-011 (part) as shown on the attached map (Please see attached image). My comments are as follows:

- The subject portion of sewer and easements are in conflict with a proposed commercial development as well as the reserved easement for EPB of Chattanooga's distribution facilities located in the previously abandoned right of way.
- Applicant has requested abandonment of a portion of said easement and sanitary sewer line within a previously abandoned right of way (Case # 1989-044, Ord. # 9138) where said easements were reserved.
- Applicant should construct a replacement manhole for future maintenance of the remaining sanitary sewer line upon proper decommissioning of abandoned portion.

After review of the Abandonment request, maintaining the above referenced sanitary sewer easement does not serve the Public's interest.

Therefore, I recommend the following: ***The request for abandonment of a portion of sanitary sewer and its easement is approved subject to conditions.***

- 1.) ***Abandon a portion of said sewer and easement approximately 273.4 linear feet only if applicant constructs a replacement manhole for future maintenance of the remaining sanitary sewer line upon proper decommissioning of said abandoned portion and as per City Standards.***
- 2.) ***Reservation of all other existing easements.***

MR-2012-142 City of Chattanooga  
October 8, 2012

## RESOLUTION

WHEREAS, RWM Technologies, LLC/Glenn Baird 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 sewer line and easement on property located at 3801 North Hawthorne Street.

Abandonment of a sewer line and easement located on a property at 3801 North Hawthorne Street beginning at MH 36C thence approximately 273.4 feet passing MH 36B and ending at a new proposed MH as shown on Microfilm #50860 and being part of the property described in Deed Book 6614, Page 46, ROHC. Tax Map 128H-A-011 (part) as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on October 8, 2012,

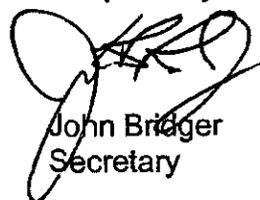
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

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

AND WHEREAS, the Planning Commission has studied the petition in relation to existing zoning and land use and potential patterns of development.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on October 8, 2012, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved.

Respectfully submitted,



John Bridger  
Secretary



<b>Case Number:</b>	<b>MR 2012-142</b>
<b>Applicant Request:</b>	<b>Sewer Line and Easement Abandonment</b>
<b>Applicant:</b>	RWM Technologies, LLC C/O Glenn Baird
<b>Property Address:</b>	3801 North Hawthorne Street
<b>Jurisdiction:</b>	Chattanooga District 9 / Hamilton County District 4
<b>Neighborhood:</b>	None
<b>Proposed Development</b>	
<b>Site Plan Submitted:</b>	Yes
<b>Proposed Use:</b>	Proposed building expansion
<b>Site Characteristics</b>	
<b>Current Zoning:</b>	M-1 Manufacturing Zone
<b>Current Use:</b>	Manufacturing
<b>Adjacent Uses:</b>	Manufacturing
<b>Length of Right-of-Way:</b>	220.84 linear feet
<b>STAFF RECOMMENDATION:</b>	<b>APPROVE</b>

**PLANNING COMMISSION ACTION:  
Approve**

**Analysis**

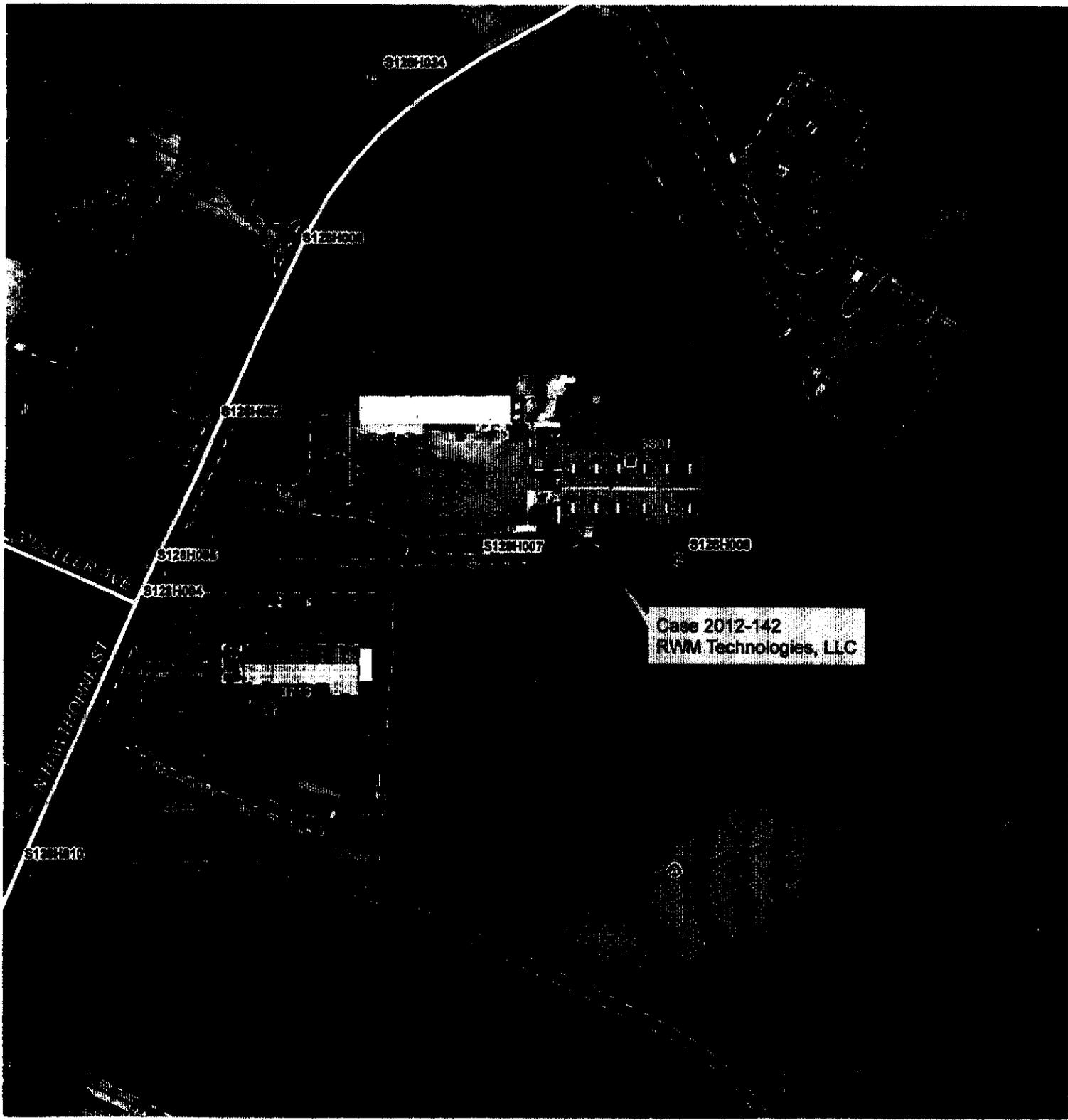
<b>Extension of Existing Zoning?</b>	Not Applicable
<b>Community Land Use Plan:</b>	North Shore Plan (2007)
<b>Proposed Use Supported by Community Land Use Plan?</b>	Not Applicable
<b>Proposed Use Supported by Comprehensive Plan?</b>	Not Applicable

**Comments**

**Planning Staff:** Applicant Request Overview  
Glenn Baird on behalf of RWM Technologies is requesting to abandon an existing sewer line and easement located on the property at 3801 N. Hawthorn Street beginning at Man Hole 36C and ending 273.4 feet beyond Man Hole 36B to a new proposed MH as shown on Microfilm #50860, for the construction of a proposed building expansion.

Staff Recommendation

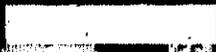
Staff is recommending approval. As part of the Mandatory Referral process, the abandonment of the sewer line and easement must be reviewed by the City Engineer.



8128H004

8128H001

8128H002



8128H003

8128H007

8128H008

WHEELER AVE

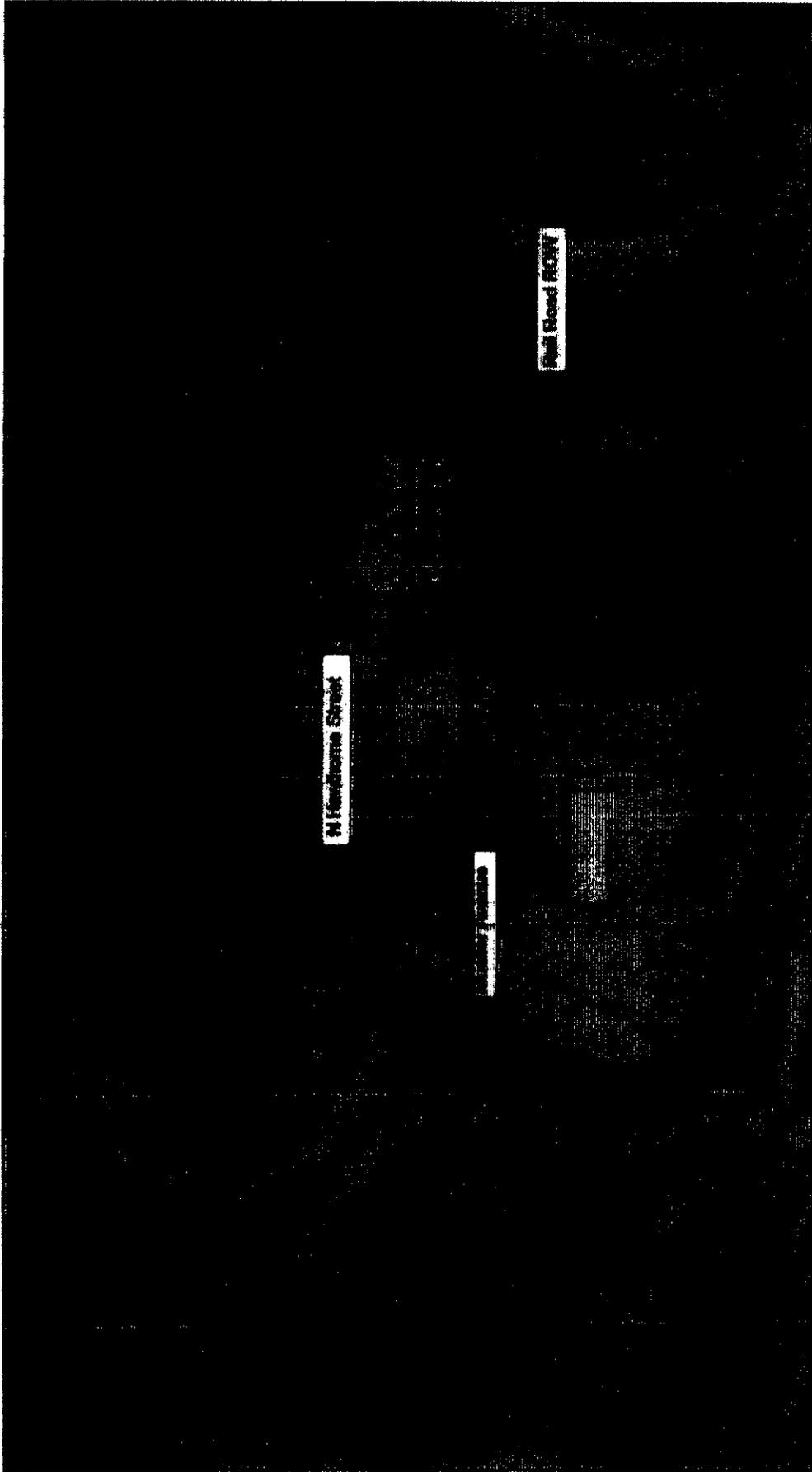
8128H003



Case 2012-142  
RWM Technologies, LLC

WILKINSON ST

8128H006



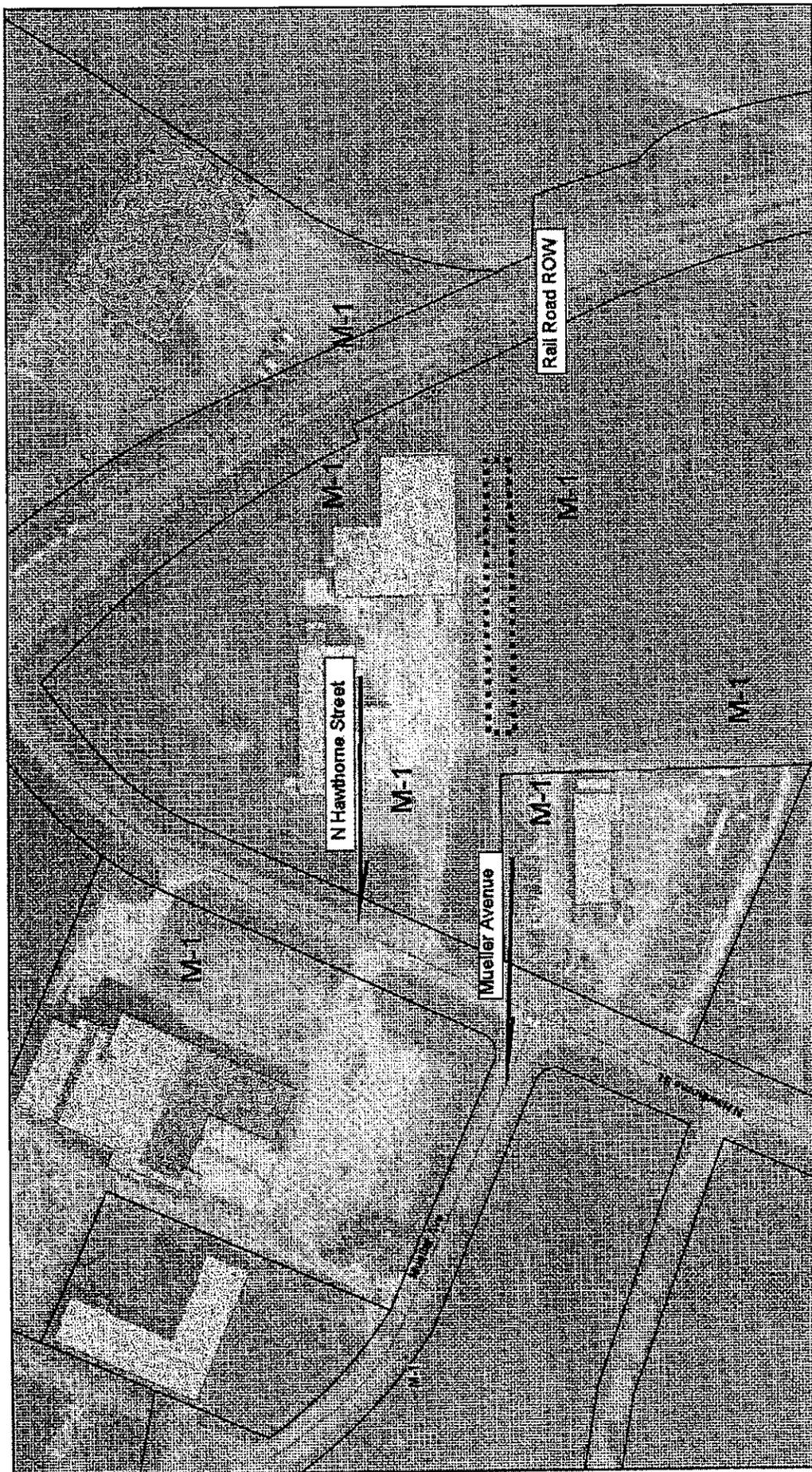
MR-2012-0142 Abandon Sewer Line & Easement (MF# 50860)



150 ft



Chattanooga Hamilton County Regional Planning Agency



MR-2012-0142 Abandon Sewer Line & Easement (MF# 50860)

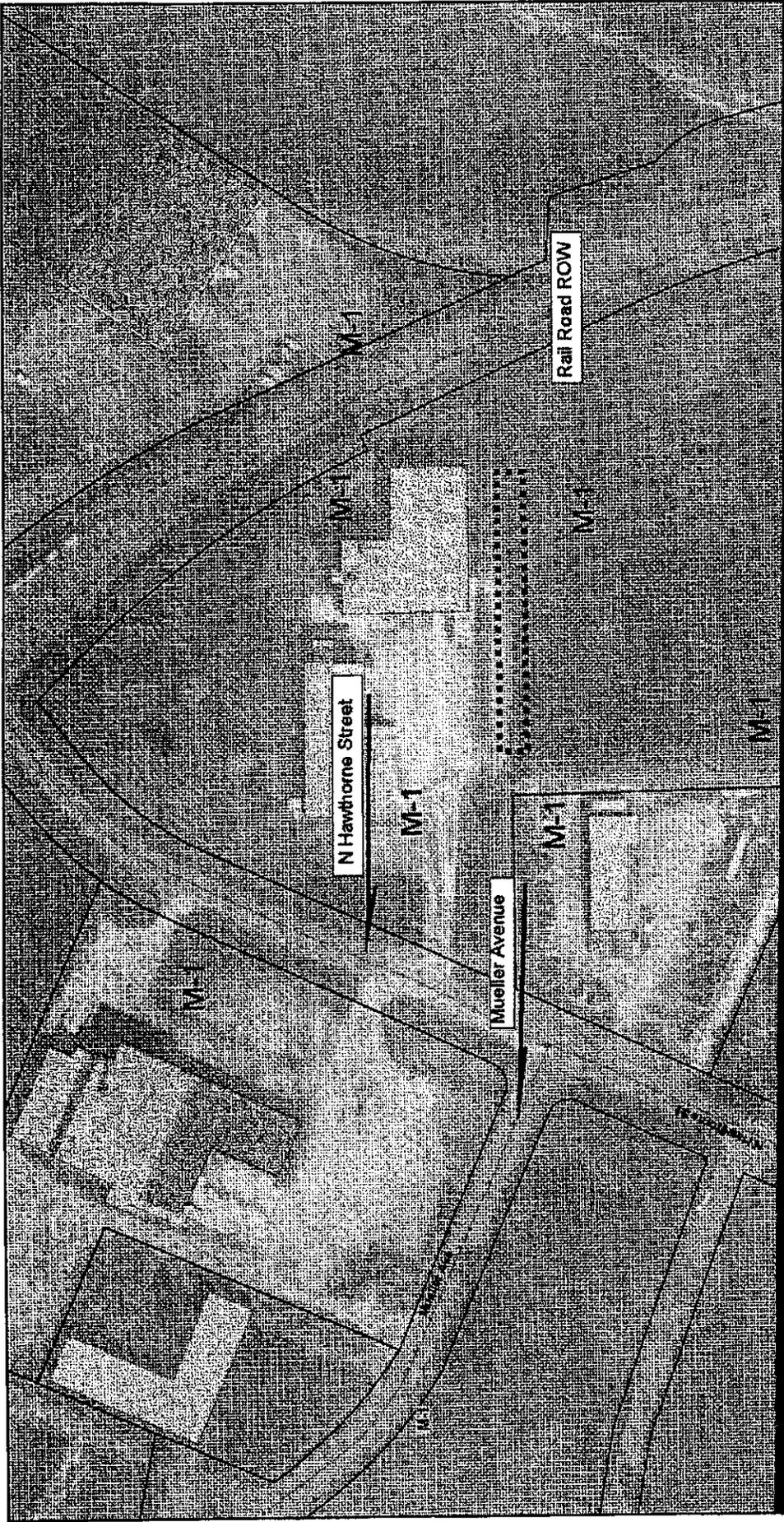


150 ft



Chattanooga Hamilton County Regional Planning Agency





PLANNING COMMISSION RECOMMENDATION FOR CASE NO. MR-2012-142: Approve.

MR-2012-0142 Abandon Sewer Line & Easement (MF# 50860)



150 ft



Chattanooga Hamilton County Regional Planning Agency



