

12/11/12

ORDINANCE NO. _____

AN ORDINANCE CLOSING AND ABANDONING OF THE 4200 BLOCK OF CHERRYTON DRIVE, 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 the 4200 block of Cherryton Drive, more particularly described below and as shown on the maps attached hereto and made a part hereof by reference:

Abandonment of the 4200 block of Cherryton Drive beginning at the northwest corner of Tax Map No. 157G-J-012 thence southeastwardly, southwestwardly and northwestwardly some 798 feet to the northeast corner of Tax Map No. 157G-J-011. Said drive separates two unplatted tracts of land being the properties described as Tracts 1 and 2 in Deed Book 5167, Page 666, ROHC. Tax Map Nos. 157G-J-012 and 013.

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

- 1) Retention of all utility easements and routing rights for the utilities such as the Fire Department, Comcast, AT&T, EPB, Chattanooga Gas, and Tennessee American Water, and at the utility's discretion; and
- 2) The property owner maintaining unobstructed ingress and egress for emergency vehicles.

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: November 21, 2012

Preparer: William C. Payne

Department: Public Works - Engineering

Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council):

District 5

A City Council Action is requested to approve the request of Dr. W. C. Helton for the abandonment of the 4200 block of Cherryton with subject to the conditions in the attached memorandum, as referenced in Case No. 2012-083.

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: November 16, 2012
Re: Dr. W.C. Helton
Case No. 2012-083
4200 block of Cherryton Drive

Recommendations Regarding Abandonment Request

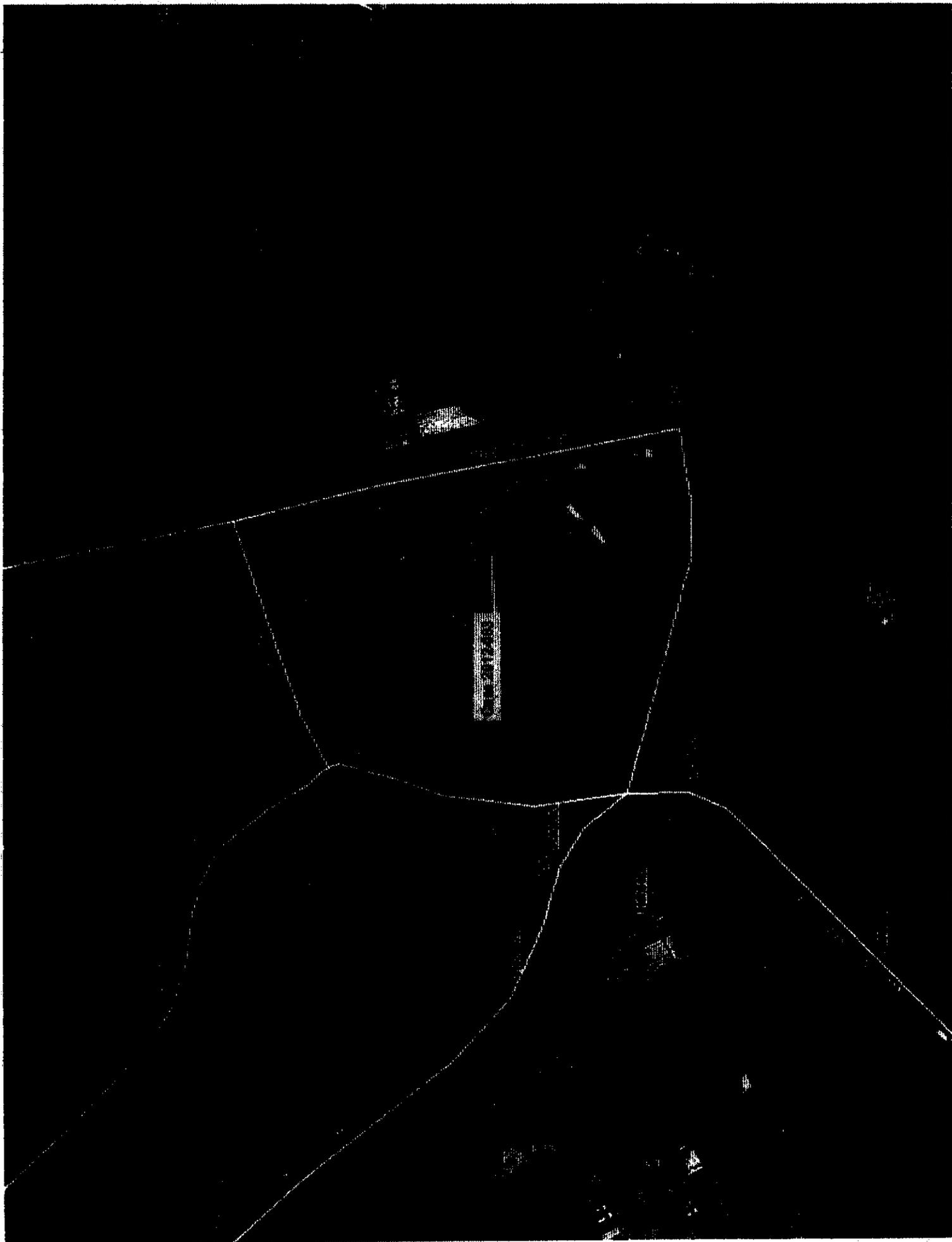
I have completed the review of Dr. Helton's request regarding abandonment of a portion of Cherryton Drive. More particularly Abandonment of the 4200 block of Cherryton Drive beginning at the northwest corner of Tax Map 157G-J-012 thence southeastwardly, southwestwardly and northwestwardly some 798 feet to the northeast corner of Tax Map 157G-J-011. Said drive separates two unplatted tracts of land being the properties described as Tracts 1 and 2 in Deed Book 5167, Page 666, ROHC. Tax Map 157G-J-012 and 013 as shown on the attached map. My comments are as follows:

1. Requested right of way area is approximately 29,900 sq. ft.
2. The City of Chattanooga has a segment of sanitary sewer which serves as the lateral to only the buildings within the tax map properties 157G-J-012 and 157G-J-013.
3. RPA Staff and Planning Commission recommended approval.
4. The following Utility Owner's noted objections to the Abandonment:
 - Chattanooga Fire Department
 - Comcast
 - AT&T
 - EPB
 - Chattanooga Gas
 - TN American Water

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

Condition 1: *Subject to retention of all utility easements and routing rights for the utilities listed above, and at the utility's discretion.*

Condition 2: *Subject to the property owner maintaining unobstructed ingress and egress for emergency vehicles.*



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.chcrpa.org



Street Alley Sewer Easement Other: _____

Name of Street or ROW:	4200 Block Cherryton Drive	<input checked="" type="radio"/> Open	<input checked="" type="radio"/> Unopened
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Beginning:	Ending:
Northwest corner of Tax Map 157G-J-012 thence southeastwardly and	southwestwardly some 798 feet to the northeast corner of 157G-J-011
Tax Map Number: 157G-J-012 & 013	
Reason for Request/Proposed Use: Property security	

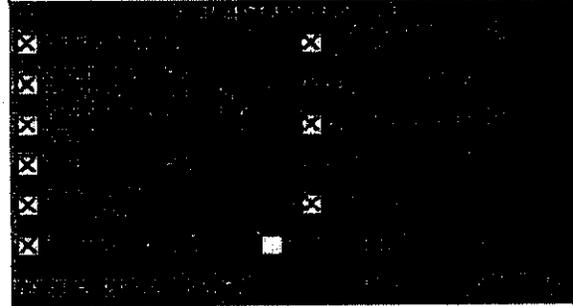


All communication by phone, fax, email, or mail will be with the Applicant. If you are not the property owner, you will need to submit a letter from the property owners(s) indicating that you are acting as their agent in filing this application (e.g. engineer, architect, consultant, broker, etc.).

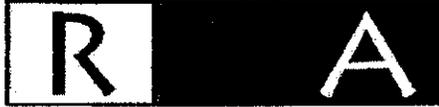
Property Owner Architect Engineer Optionee Purchaser of Property Trustee
 Other:

Name	Dr. W. C. Helton
Address:	3769 Old Knoxville Hwy
City:	Rockford
State:	TN
Zip Code:	37853
Daytime Phone:	865-970-3932
Cell Phone:	865-207-5029
Other Phone:	
Email:	budhalm@bellsouth.net
Fax:	865-970-2912

Name:	HCDE
Address:	2501 Dodds Ave
	Chattanooga, TN 37407
Phone:	



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: July 9th, 2012

TIME: 1:00 PM

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

CASE NO. MR 2012-083

JURISDICTION: Chattanooga

APPLICANT: Dr. W.C. Helton

CONTACT NAME: W.C. Helton

Phone Number: 865-970-3932

TYPE OF CHANGE: Abandonment of Right-of-Way from the Northwest corner of Tax Map 157G-J-012 thence Southeastwardly and Southwestwardly some 798 feet to the Northeast corner of 157G-J-011

LOCATION: 4200 block of Cherryton Drive

(SEE MAP ON REVERSE SIDE)

MR-2012-083 City of Chattanooga
July 9, 2012(Deferred 60 days)
September 10, 2012(Action taken)

RESOLUTION

WHEREAS, Dr. W. C. Helton 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 4200 block of Cherryton Drive.

Abandonment of the 4200 block of Cherryton Drive beginning at the northwest corner of Tax Map 157G-J-012 thence southeastwardly, southwestwardly and northwestwardly some 798 feet to the northeast corner of Tax Map 157G-J-011. Said drive separates two unplatted tracts of land being the properties described as Tracts 1 and 2 in Deed Book 5167, Page 666, ROHC. Tax Map 157G-J-012 and 013 as shown on the attached map.

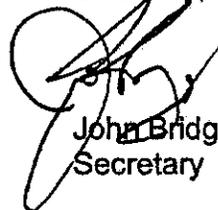
AND WHEREAS, the Planning Commission held a public hearing on this petition on July 9, 2012, at which time hearing was deferred until September 10, 2012,

AND WHEREAS, the Planning Commission heard and considered all statements favoring 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 September 10, 2012, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to approval of City Engineer and all public utilities.

Sincerely,



John Bridger
Secretary

Case Number:	MR 2012-083
Applicant Request:	Abandonment of the 4200 block of Cherryton Drive
Applicant:	DR.W.C. Helton
Property Address:	4200 block of Cherryton Drive
Jurisdiction:	Chattanooga District 5/Hamilton County District 8
Neighborhood:	21 st Century, Menlo Park, BUG, NBCC, NBNA
Proposed Development	
Site Plan Submitted:	Yes
Proposed Use:	Property Security
Site Characteristics	
Current Zoning:	R-1 Residential Zone
Current Use:	Right-of-Way
Adjacent Uses:	Residential
Length of Right-of-Way:	798 Feet
STAFF RECOMMENDATION:	APPROVE
Analysis	
Extension of Existing Zoning?	Not applicable
Community Land Use Plan:	No plan for this area
Proposed Use Supported by Community Land Use Plan?	Not applicable
Proposed Use Supported by Comprehensive Plan?	Not applicable

PLANNING COMMISSION ACTION:
Approve

Comments

Planning Staff:

Applicant Request Overview

This case is in combination with Case 2012-082. The applicant has been awarded the contract to purchase the former 21st Century Academy School property from the Hamilton County Department of Education. The applicant is requesting that Cherryton Drive be closed and abandoned in order to provide security for the property.

The applicant requested a rezoning of the property from R-1 Residential Zone to C-2 Convenience Commercial Zone (2012-082) for a Business Incubator. The staff recommendation for Case 2012-082 is to deny the C-2 zone but approve the R-4 Special Zone. The following types of land uses typically found in the R-4 Special Zone would be appropriate and compatible at this location such as residential dwellings (for example, condos or apartments), professional offices, studios, professional and fraternal hobby clubs, laboratories and research centers, gift shops, beauty and barbers shops.

Site Description

This is the site of the former 21st Century Academy School in Brainerd. The property has a total acreage of approximately 8.35 acres including a building footprint of approximately 74,000 square feet. The property is located in a primarily single-family detached residential neighborhood with two churches and an observatory adjacent to the property, surrounded by R-1 Residential zoning. The property contains the main

school building, as well as a couple of smaller buildings located to the rear of the main school building.

Zoning History

This request came before the Planning Commission on July 9, 2012. The Planning Commission deferred action until the September 10th meeting.

Applicable Policies

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 August 2005.

This right-of-way has been determined to meet the definition of a Tier 1 classification.

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.

Based on information provided by the applicant, the applicant is requesting the street closure to increase on-site security and safety by limiting the number of exit and entry points.

Staff Recommendation

Approve abandonment and closure. This section of Cherryton Drive is not part of the overall street network and would not affect vehicle circulation in this area. However, the following will be required:

- Adequate on-street parking in compliance with current city code.
- Adequate fire protection access to buildings located on the property. Otherwise, the Fire Marshall states that the right-of-way closure request is unacceptable due to the loss of Fire Department vehicle access to the existing structures.
- Location of proposed gate on site plan.

Parker Marcia

From: Herron Randall

Sent: Monday, June 18, 2012 4:42 PM

To: Haynes Greg; Parker Marcia

Subject: ROW Closure & Abandonment 2012-083

The ROW closure request 2012-083 for the 4200 block of Cherryton Drive will be unacceptable due to the loss of Fire Department vehicle access to the existing structures.

Please call if you have any questions.

Thanks,

Randall Herron

Chattanooga Fire Department

(423) 643-5649 office

(423) 421-4268 cell

6/19/2012

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

June 15, 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. 2012-083

Dear Mr. Haynes:

EPB has located within the petitioned right-of-way, 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 the entire petitioned right-of-way 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'.

William McGhee
Right-of-Way Agent
EPB



Chattanooga Gas™

An AGL Resources Company

2207 Olan Mills Drive
Chattanooga, TN 37421
888 643-4158 phone
www.chattanoogagas.com

June 27, 2012

Chattanooga Hamilton County Regional Planning Agency
1250 Market Street
Chattanooga, TN 37402

Dear Sir:

Re: 2012-083

There is a conflict with the requested abandonment due to an existing 4" gas main in the area.

Please contact Harold Hyde with Chattanooga Gas at 423-490-4262 for more information.

Sincerely,

Harold Hyde
Operations Foreman

Enclosures

HH/kbd



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

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

June 26, 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 MR2012-083

Dear Mr. Haynes:

In regards to Case Number MR2012-083 on the July 9, 2012 Planning Commission Meeting Agenda, AT&T Southeast cannot agree to closure. Please reserve any existing utility easements inside the proposed abandonment areas. It is possible that facilities serving our customers are within the abandonment areas at these locations.

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

Thank You,

for 

Shaun Prigmore
Area Manager OSP Planning & Engineering Design

cc: RPC File



TENNESSEE
AMERICAN WATER

Robbie Harvey
P.O. Box 6338
1101 Broad Street
Chattanooga, TN 37401

P 423.755.7665
F 423.755.7636

www.tawc.com

June 19, 2012

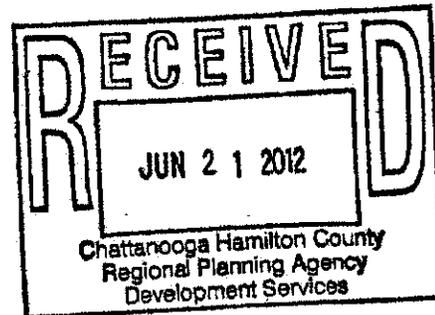
Chattanooga/Hamilton County Regional
Planning Commission
1250 Market Street, Suite 2000
Chattanooga, TN 37402

Re: Closure and Abandonment Case No. 2012-083

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





Comcast Cable
2030 E. Polymer Drive, P.O. Box 182240
Chattanooga, TN 37422

July 9, 2012

Regional Planning Agency
1250 Market Street
Suite 2000 Development Resource Center
Chattanooga, Tennessee 37402

RE:Case # 2012-083

Dear Marcia:

Comcast does not concur to the closure case(s). Comcast has active service, on a portion of the proposed closure. Comcast would agree to the closure if an alternate route was provided and the rerouting of existing plant was performed at no cost to Comcast.

Sincerely,

A handwritten signature in cursive script that reads "Mike Schiote".

Mike Schiote
Construction Coordinator

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
2012-083	<input checked="" type="checkbox"/>	<input type="checkbox"/>

City Engineer
Bill Fayer

6-13-12
KMP

* Comments forthcoming

* Retain Sewer Easement in South Alley

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
2012-083	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Traffic Engineer
John VanValkie

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
2012-083	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Dept. of Transportation
Ray Rucker

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
2012-083	<input checked="" type="checkbox"/>	<input type="checkbox"/>

City Police Dept
David Koley

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
2072-083		X

Bell South
Don Mounts

* Comments forthcoming

In American water
Robbie Harvey

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
2072-083		X

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
2072-083		X

Comcast cable
Mike Schlotz

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
8012-083	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Dept of Transportation
 Jim Jackie Wolfe

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
8012-083	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Chatt Fire Dept.
 Randall Herron

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
8012-083	<input checked="" type="checkbox"/>	<input type="checkbox"/>

F.P.B.
 Billy McPhur

* Comments forthcoming

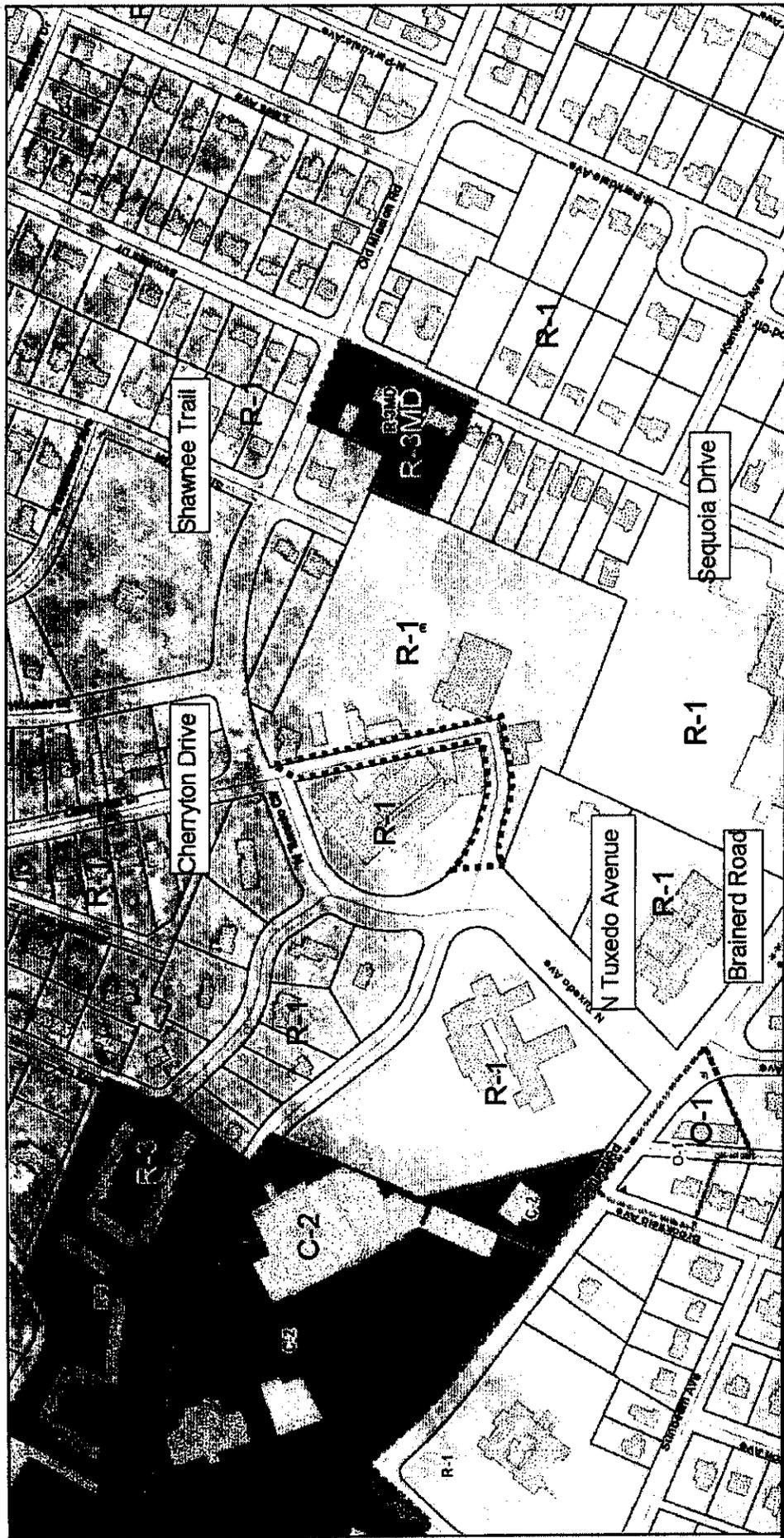
Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
8012-083	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4" gas main in area Harold Stuyall NO		

Chattanooga Gas Company

* Comments forthcoming

643-5918



PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2012-083: Approve, subject to approval of City Engineer and all public utilities.

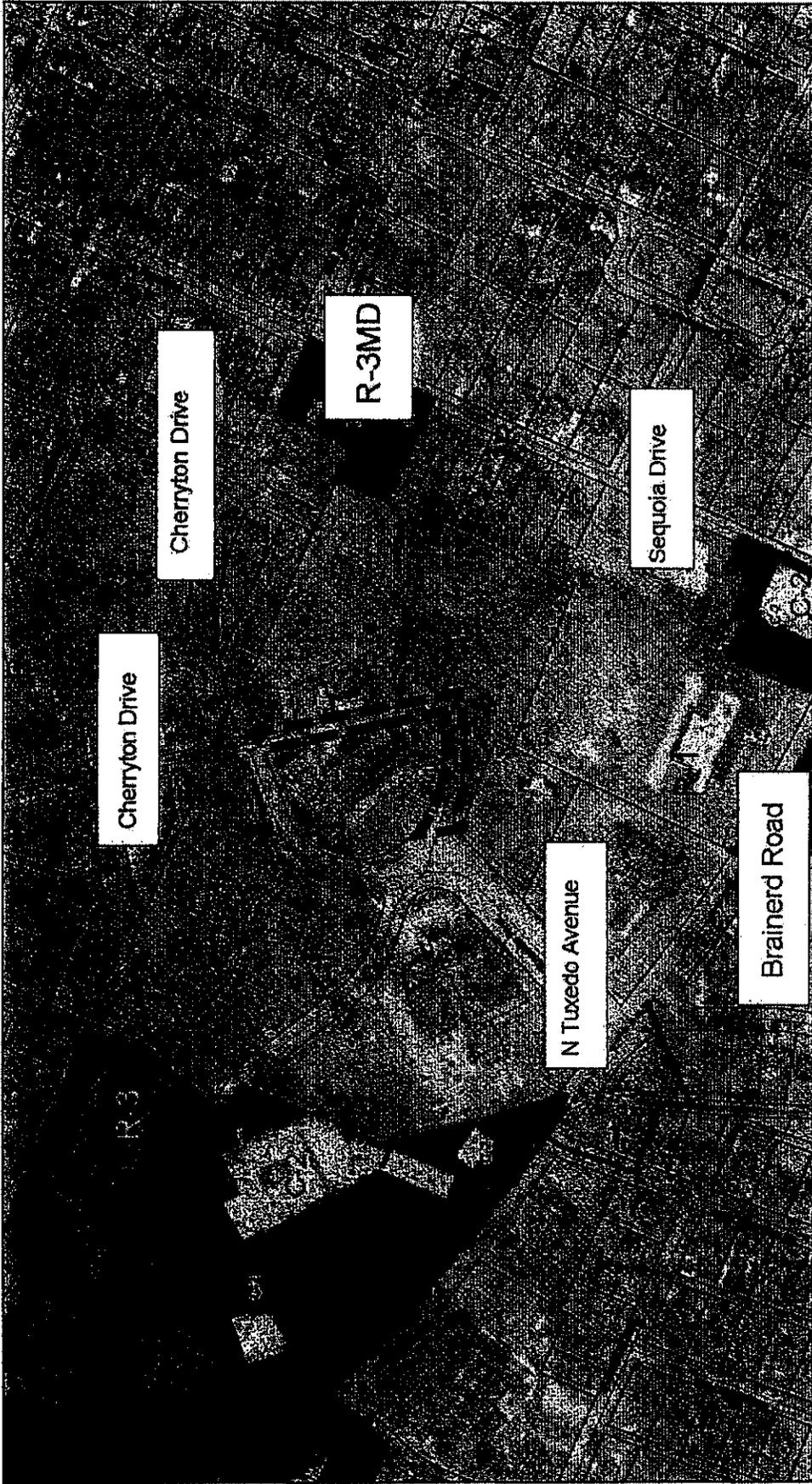
2012-0083 ABANDON STREET ROW'S



300 ft

Chattanooga-Hamilton County
RPA
 Regional Planning Agency

Chattanooga Hamilton County Regional Planning Agency



MR-2012-0083 ABANDON STREET ROW'S



310 ft



Chattanooga Hamilton County Regional Planning Agency