

MR-2012-150
J. R. Realty, LLC
c/o James E. Vincent, Sr.

ORDINANCE NO. _____

AN ORDINANCE CLOSING AND ABANDONING TWO UNUSED RIGHT-OF-WAYS LOCATED IN THE 6400 BLOCK OF OLD HIXSON PIKE FOR THE PURPOSES OF COMBINING EXISTING LOTS AS PART OF AN OVERALL RE-SUBDIVISION OF PROPERTY, MORE PARTICULARLY DESCRIBED HEREIN.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That two unused right-of-ways located in the 6400 block of Old Hixson Pike for the purposes of combining existing lots as part of an overall re-subdivision of property, more particularly described herein, and as shown on the maps attached hereto and made a part hereof by reference, be and is hereby closed and abandoned:

Abandonment of an unused right-of-way beginning at the northwest corner of Tax Map No. 101-010 thence southwest 512.93 feet to a dead-end. Said right-of-way separates Tax Map Nos. 101-010 and 011 from 101-011.02.

Abandonment of an unused right-of-way beginning at the northwest corner of Tax Map No. 101-011.02 thence southeast 39.35 feet to the west line of the first unused right-of-way. Tax Map No. 101-11.02.

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

PASSED on Second and Final Reading

_____, 2013.

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: _____, 2013

MAYOR

/ss

City of Chattanooga



Resolution Request Form

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

Date: December 18, 2012

Preparer: William C. Payne

Handwritten signature of William C. Payne.

Department: Public Works - Engineering

Brief Description of Purpose for Resolutions:

Resolution Number (if approved by Council):

District 3

A City Council Action is requested to approve the request of J. R. Realty, LLC c/o James E Vincent, Sr for the abandonment of two unused right of way of the 6400 block of Old Hixson Pike for the purposes of combining existing lots as part of an overall re-subdivision of property in this area, as referenced in Case No. 2012-150, subject to certain conditions 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: _____

Reviewed by: FINANCE OFFICE _____ DESIGNATED OFFICIAL/ADMINISTRATOR

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

2012-150 City of Chattanooga
November 12, 2012

RESOLUTION

WHEREAS, J. R. Realty, LLC/James E. Vincent, Sr. 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 two unused rights-of-way located in the 6400 block of Old Hixson Pike.

Abandonment of an unused right-of-way beginning at the northwest corner of Tax Map 101-010 thence southwest 512.93 feet to a dead-end. Said right-of-way separates Tax Maps 101-010 and 011 from 101-011.02 as shown on the attached map.

Abandonment of an unused right-of-way beginning at the northwest corner of Tax Map 101-011.02 thence southeast 39.35 feet to the west line of the first unused right-of-way. Tax Map 101-11.02 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on November 12, 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 November 12, 2012, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved.

Respectfully submitted,


John Bridger
Secretary



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: November 12th, 2012

TIME: 1:00 PM

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

CASE NO. MR 2012-150

JURISDICTION: Chattanooga

APPLICANT: J. R. Realty, LLC Attn: James E. Vincent Sr.

CONTACT NAME: James E. Vincent

Phone Number: 423-710-3175

TYPE OF CHANGE: Abandonment of 2 unused Right-Of-Ways located in the 6400 block of Old Hixson Pike beginning at the NW corner of Tax Map 101-010 thence SW 512.93 feet to a dead end & beginning at the NW corner of Tax Map 101-011.02 thence SE 39.35 feet to the west line of the first unused right-of-way

LOCATION: 6400 block of Old Hixson Pike

(SEE MAP ON REVERSE SIDE)

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

Office Use Only

Case Number: 2012-150

Date Submitted: 10/10/2012

Planning District:

County District:

City District:

Inspector: Chattanooga

Neighborhood/Block/Neighborhood:

Staff Action:

PC Action/Date:

Legal Action/Date:

- Street Alley Sewer Easement Other: _____

Name of Street or ROW: 2 unused right-of-ways located in the 6400 block of Old Hixson Pike Open Unopened

Beginning:	Ending:
Beginning at the NW corner of Tax Map 101-010 thence SW 512.93'	to a dead end
Beginning at the NW corner of Tax Map 101-011.02 thence SE 39.35'	to the west line of the first unused right-of-way
Tax Map Number: 101-010, 011 and 011.02	
Reason for Request/Proposed Use: to combine properties for subdivision plat	

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	J. R. Realty, LLC Attn: James E. Vincent Sr.
Address:	2610 Stonesage Rd
City	Soddy Daisy State: TN
Zip Code:	37379
Daytime Phone:	423-710-3175
Cell Phone:	423-605-2592
Other Phone:	
Email:	jvincsr@comcast.net
Fax:	423-710-3175

Name:	Same
Address:	
Phone:	
CHECKLIST (OFFICE USE ONLY)	
<input checked="" type="checkbox"/> Application Complete	<input checked="" type="checkbox"/> Deed for property to be
<input checked="" type="checkbox"/> Ordinance Verification	<input checked="" type="checkbox"/> Deed Book: 3170/306
<input checked="" type="checkbox"/> Gas Main Property Entered	<input checked="" type="checkbox"/> Copy of Gas Application
<input checked="" type="checkbox"/> Map showing proposed plat	<input checked="" type="checkbox"/> Plat Fee: \$250.00
<input checked="" type="checkbox"/> State of TN applicable	<input checked="" type="checkbox"/> Notice Signs: How Many: 2
<input checked="" type="checkbox"/> Title refers to be considered	<input type="checkbox"/> Cash <input type="checkbox"/> Check No: 116
<input checked="" type="checkbox"/> Filing Fee: 350.00	Accepted by: Jennifer Ware Date: 10/10/2012

Case Number:	MR 2012-150	
Applicant Request:	Right of Way Abandonment	
Applicant:	J. R. Realty LLC, Attn: James E. Vincent Sr.	
Property Address:	2 unused rights-of-way in the 6400 block of Old Hixson Pike	
Jurisdiction:	Chattanooga District 03/ Hamilton County District 03	
Neighborhood:	Hixson Neighborhood	
Proposed Development		
Site Plan Submitted:	Yes	PLANNING COMMISSION ACTION:
Proposed Use:	Combine properties for subdivision plat	
Site Characteristics		
Current Zoning:	R-1 Residential and C-2 Convenience	
Current Use:	2 unused streets	
Adjacent Uses:	Residential and Commercial	
Size of Tract or Length of Right-of-Way:	512.93 and 39.35 linear feet	

STAFF RECOMMENDATION: APPROVE

Analysis	
Extension of Existing Zoning?	Not Applicable
Community Land Use Plan:	Hixson-North River Community Plan (2005)
Proposed Use Supported by Community Land Use Plan?	Not Specifically Addressed in Community Land Use Plan
Proposed Use Supported by Comprehensive Plan?	Not Specifically Addressed in Comprehensive Plan

Comments

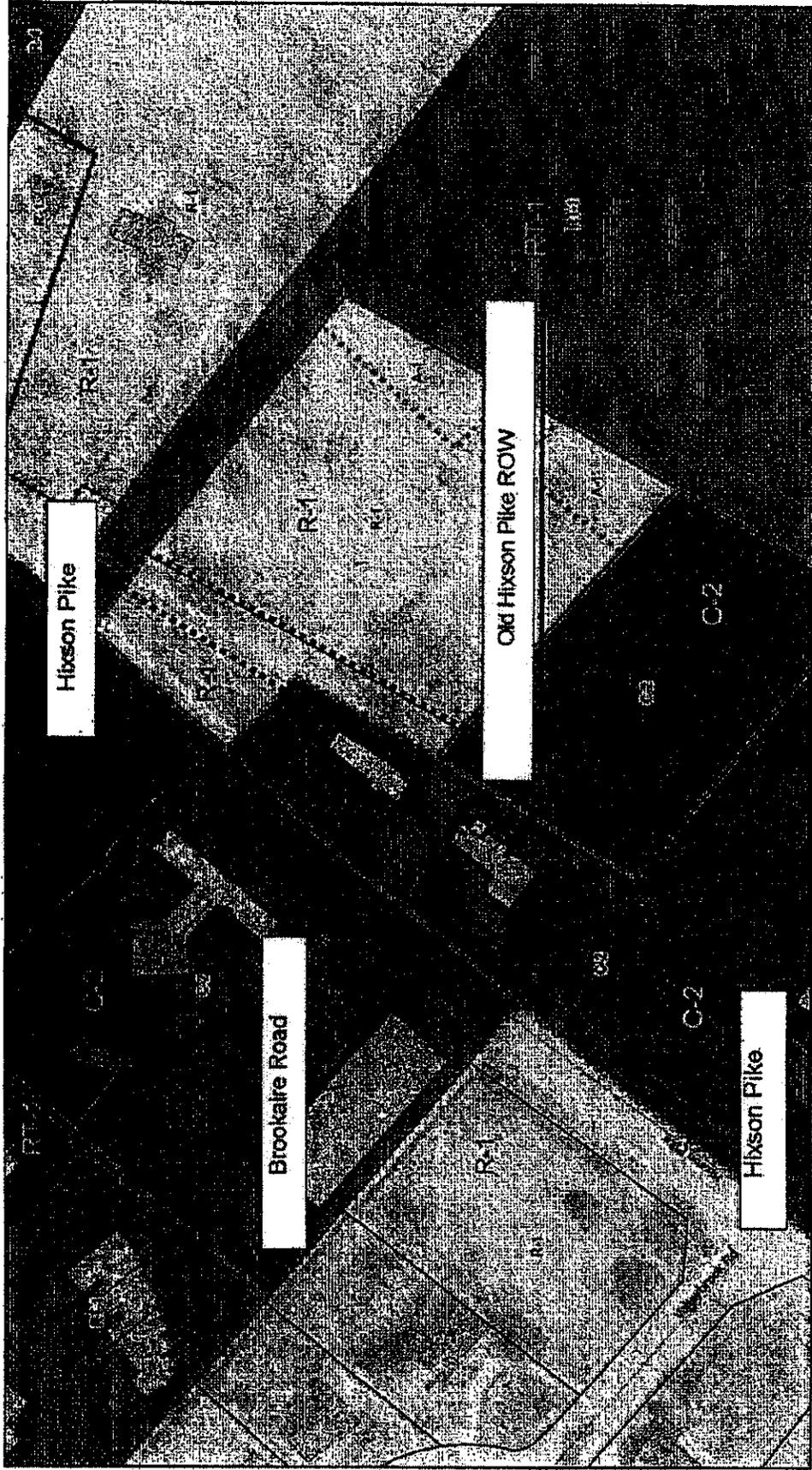
Planning Staff: Applicant Request Overview
The applicant is requesting the closure and abandonment of two street rights-of-way (Old Hixson Pike) for the purposes of combining existing lots as part of an overall re-subdivision of property in this area.

Site Description
The street right-of-way of Old Hixson Pike and several of the adjacent parcels were annexed into the corporate limits of Chattanooga in 2003 by the adoption of Ordinance Number 11388. In 2009, the City of Chattanooga adopted Ordinance Number 12309, which annexed the remaining parcels adjacent to this street right-of-way.

These street rights-of-way currently serve as access to several existing lots. If the street rights-of-way are closed and abandoned the right-of-way will be combined with the existing lots and resubdivided to create four lots with each of the lots abutting Hixson Pike.

Staff Recommendation
This appears to be a reasonable request. Staff is recommending approval.

Note: The City Engineer's Office will review and provide a recommendation to the City Council on this request.



MR-2012-0150 Abandon Road ROW's



130 ft



Chattanooga Hamilton County Regional Planning Agency

SITE ANALYSIS:
 ACRES = 0.52 ±
 OLD HIXSON PIKE R/W

PROJECT CONTACT PERSON:
 Jim Vincent Sr.
 2610 Stonesage Road
 Soddy Daisy Tn 37379
 (423) 605-2592

PATRICIA D. CONLEY
 D.B. 2983 PG. 261 ROHC
 ZONED R-1

FSCBANK N A
 D.B. 9496 PG. 634 ROHC
 ZONED RT-1

J R REALTY LLC
 D.B. 7355 PG. 121 ROHC

J R REALTY LLC
 D.B. 6672 PG. 543 ROHC

J R REALTY LLC
 D.B. 8170 PG. 308 ROHC

Richard L Pollard & Marie M Marshall
 D.B. 3706 PG. 424 ROHC
 ZONED C-2

ABANDONED 0.52 AC. FNS
 OLD HIXSON PIKE (ROW)
 537.81 FT. W. 31.4372 R/W MON.
 11.44 N. 44.1142 W. 35.94



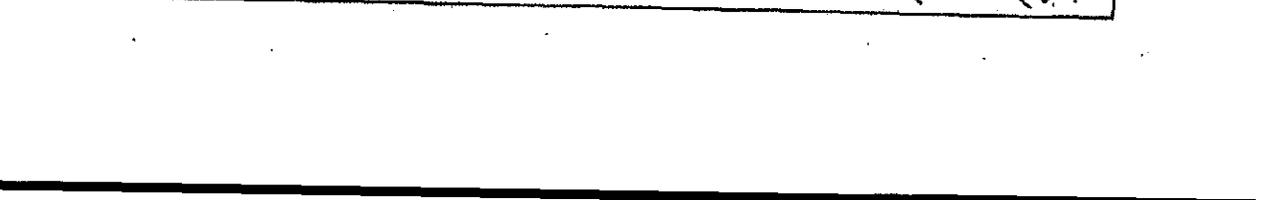
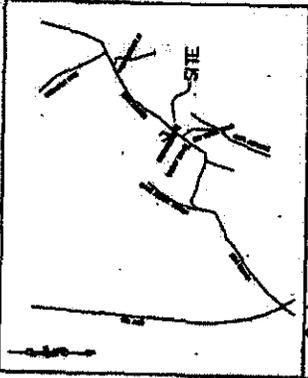
RIGHT-OF-WAY ABANDONMENT

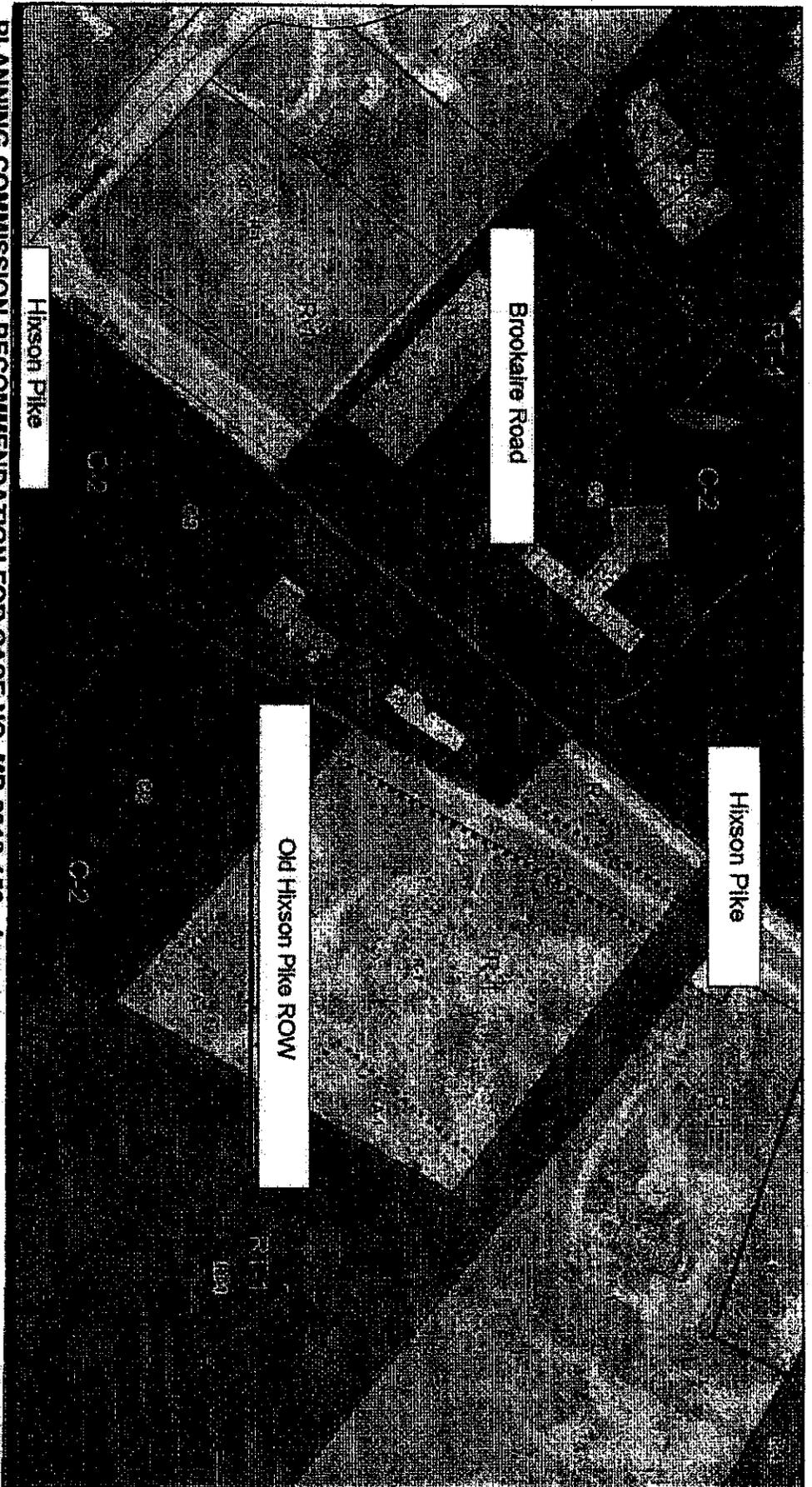
OLD HIXSON PIKE
 6406.6408.6412 HIXSON PIKE
 HAMILTON COUNTY, TENNESSEE

Date: 10/06/12	Drawn: DGC
Scale: 1"=60'	Checked: JGC

Copp Engineering Group
 1961 NORTHPOINT BLVD. UNIT 120
 Hixson, Tn, 37343
 423-847-8100 Office

Dwg. No. _____
 By: [Signature]





PLANNING COMMISSION RECOMMENDATION FOR CASE NO. MR-2012-150: Approve.

MR-2012-0150 Abandon Road ROW's



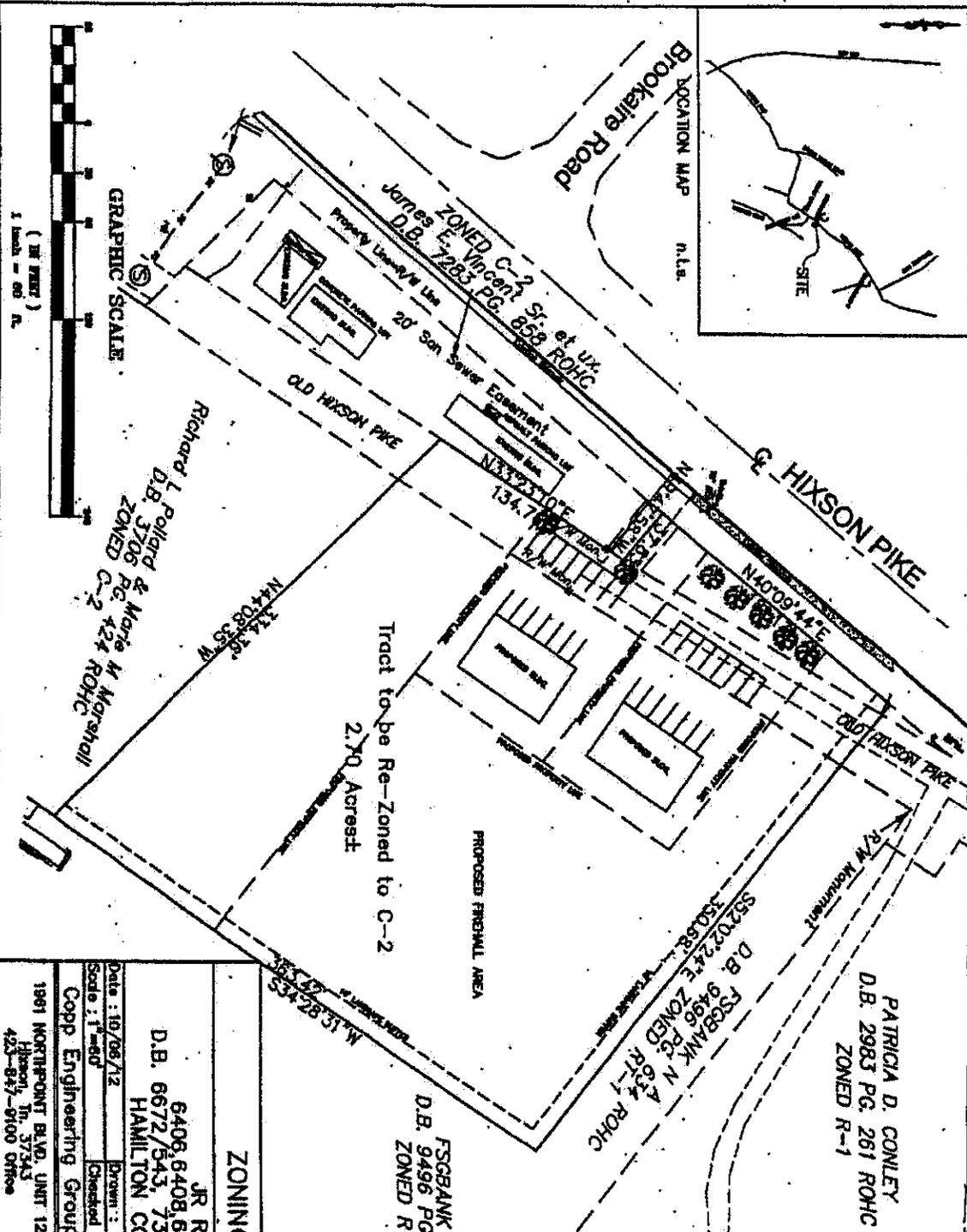
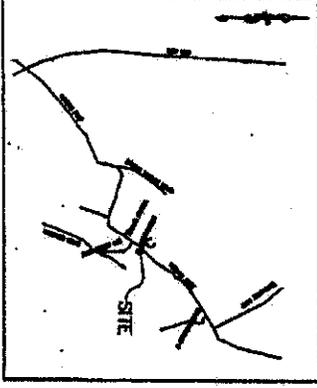
Chattanooga Hamilton County Regional Planning Agency



130 ft



2012-150



SITE ANALYSIS:
 ACRES= 2.70 ±
 PRESENT ZONING: R-1,A-1
PROJECT CONTACT PERSON:
 Jim Vincent Sr.
 2610 Stonessage Road
 Soddy Daisy Tn 37379
 (423) 805-2592

ZONING REQUEST

JR REALTY LLC
 6406, 6408, 6412 HIXSON PIKE
 D.B. 8672/543, 7355/121, 8170/306 ROHC
 HAMILTON COUNTY, TENNESSEE

Date: 10/26/12
 Scale: 1"=50'
 Drawn: DGC
 Checked: JEC

Copp Engineering Group
 1981 NORTHPONT BLVD, UNIT 120
 Hixson Tn 37343
 423-857-9100 Office

Dwg. No.
 by Rip Daulton/rdg

2012-150



Chattanooga Gas™

An AGL Resources Company

2207 Olan Mills Drive
Chattanooga, TN 37421

888 643-4138 phone
www.chattanoogagas.com

October 19, 2012

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

Dear Sir:

Re: 2012-150

There is a conflict with the requested abandonment due to existing gas services for 6400 block of Old Hixson Pike. I will require an on-site meeting due to potential conflicts with gas services.

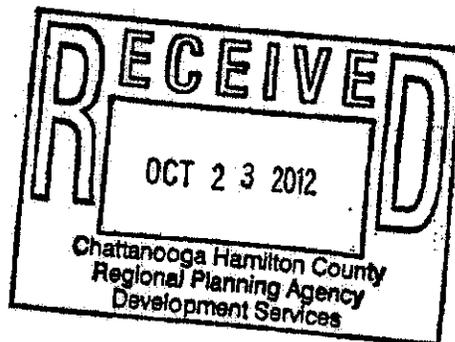
Please contact Harold Hyde with Chattanooga Gas at 423-490-4262 for more information.

Sincerely,

Harold Hyde
Operations Foreman

Enclosures

HH/kbd



Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
2012-150		<input checked="" type="checkbox"/>
Please contact Lloyd Jackson @ Hixson Utility		
875-6495		

* Comments forthcoming

Hixson Utility District
Caroline Hickman

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

October 16, 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. 2012-150

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 'Bill'.

William McGhee
Right-of-Way Agent
EPB



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

T: (423)752-9018
F: (423)267-0135
www.att.com

October 29, 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 MR2012-150

Dear Mr. Haynes:

In regards to Case Number MR2012-150 for the November 12, 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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Comcast Cable
2030 E. Polymer Drive, P.O. Box 182249
Chattanooga, TN 37422

October 24, 2012

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

RE: Case # 2012-095, 2012-150

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,

Mike Schiote

Mike Schiote
Construction Coordinator

Patton Angela

From: Payne Bill
Sent: Monday, December 17, 2012 5:03 PM
To: Patton Angela
Cc: Cannon William
Subject: FW: 6400 Block of Hixson Pike

Angela,
Please include this email in the backup for the 6400 block of Old Hixson Pike abandonment case.

Bill, FYI.

Thanks,
Bill

WILLIAM C. PAYNE, PE
CITY ENGINEER

From: Harrison, Mark [<mailto:MarkH@HamiltonTN.gov>]
Sent: Monday, December 17, 2012 4:54 PM
To: Payne Bill
Cc: Grimes, Cleveland; Webb, Charles
Subject: 6400 Block of Hixson Pike

Bill, as we just discussed, WWTa is requesting an easement for sewer that is currently being constructed. We need an easement along the entire width of that property.

We have construction drawings that show the location of the sewer lines, if you need it.

Thanks.

Mark C. Harrison, P.E., P.G.
Chief Engineer
Hamilton County Water & Wastewater Treatment Authority
Development Resource Center
1250 Market Street, Suite 3050
Chattanooga, TN 37402-2713
Phone (423) 209-7835
Fax (423) 209-7843
Email MarkH@mail.hamiltontn.gov

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
2012-150	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If will require an on-site meeting due to potential Cent Vets with gas services.		
Harold Chiple 10-15-12		
490-4262 / 490-4332		

* Comments forthcoming

Chattanooga Gas Company
Harold Hyde

Hixson Utility District
Caroline Hickman

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
2012-150	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Please contact Lloyd Jackson @ Hixson Utility.		
875-6495		

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
2012-150	<input checked="" type="checkbox"/>	<input type="checkbox"/>
* Please reserve any existing or future utility easements inside the proposed abandonment area.		

* Comments forthcoming

Lee South
for month

Concast Cable T.V.
Mike Schlotz

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
2012-150	<input checked="" type="checkbox"/>	<input type="checkbox"/>

* Comments forthcoming