MR-2012-022
City of Chattanooga
c/o Bill Payne

ORDINANCE NO. _____

AN ORDINANCE CLOSING AND ABANDONING OF A PORTION OF RIGHT-OF-WAY IN THE 5100 BLOCK OF OLD HIXSON PIKE BEGINNING AT THE INTERSECTION OF NORTHPOINT BOULEVARD AND OLD HIXSON PIKE, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That a portion of right-of-way in the 5100 block of Old Hixson Pike beginning at the intersection of Northpoint Boulevard and Old Hixson Pike, along the east right-of-way line of Old Hixson Pike thence going northeast along Old Hixson Pike for some 98 feet as shown on the Final Plat of Houston Hixson Home Place, Lot 1, not yet recorded with intersection, more particularly described herein, and as shown on the map attached hereto and made a part hereof by reference, be and is hereby closed and abandoned:

> Abandonment of a portion of the 5100 block of Old Hixson Pike right-of-way beginning at the intersection of Northpoint Boulevard and Old Hixson Pike along the east right-of-way line of Old Hixson Pike thence going northeast along Old Hixson Pike for some 98 feet as shown on the Final Plat of Houston Hixson Home Place, Lot 1, not yet recorded. Tax Map No. 100O-B-013.

SECTION 2. BE IT FURTHER ORDAINED, That this closure and abandonment shall be subject to the retention of drainage and utility easements and routing rights for the City of Chattanooga, Hixson Utility District, Comcast, and AT&T.

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

_____, 2013.

_____
CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: _____, 2013

_____
MAYOR

/mms

City of Chattanooga

Resolution/Ordinance Request Form

Date Prepared: February 11, 2013

Preparer: _____ **Department:** Department of Public Works

Brief Description of Purpose for Resolution/Ordinance: **Res./Ord. #** _____ Council District # 3

City Council Action is requested to approve the abandonment of a portion of right-of-way the 5100 block of Old Hixson Pike right of way beginning at the intersection of Northpoint Boulevard and Old Hixson Pike along the east right of way line of Old Hixson Pike thence going northeast along Old Hixson Pike for some 98 feet as shown on the Final Plat of Houston Hixson Home Place, Lot 1 not yet recorded with intersection with AT&T, Hixson Utility District, Chattanooga Gas & Comcast to maintain the easement in the full width, as as referenced in Case No. MR 2012-022.

Name of Vendor/Contractor/Grant, etc.	N/A	New Contract/Project? (Yes or No)	No
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

Revised: 1/26/09

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: February13th, 2012 **TIME: 1:00 PM**

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

CASE NO. MR 2012-022 **JURISDICTION: City**

APPLICANT: City of Chattanooga/Bill Payne

CONTACT NAME: Bill Payne **Phone Number: 423-643-6190**

TYPE OF CHANGE: Abandonment of a portion of Old Hixson Pike beginning at the intersection of Northpoint Boulevard and Old Hixson Pike along the east R.O.W. line of Old Hixson Pike going Northeast approximately 98 feet plus or minus

LOCATION: 5100 block of Old Hixson Pike

(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: MR 2012-022
Date Submitted: 02-02-2012
Planning District: 5
County District: 3
City District: 3
Jurisdiction: Chattanooga
Neighborhood: Hixson Neighborhood
Staff Action:
PC Action/Date:
Legis. Action/Date:

Print Form

Closure/Abandonment Request:

(•) Street ( ) Alley ( ) Sewer Easement ( ) Other: _____

Right-of-Way Location / Information

Name of Street or ROW:	5100 block of Old Hixson Pike	(•) Open	( ) Unopened

Beginning:	**Ending:**
Beginning at the intersection of Northpoint Boulevard and Old Hixson Pike along the east R.O.W. line of Old Hixson Pike	going north east along Old Hixson Pike for approximately 98 feet plus or minus

Tax Map Number:	100O-B-013
Reason for Request/Proposed Use:	The City agrees to exchange a portion of R.O.W. on Old Hixson Pike (as shown on attached preliminary site drawing) for improvements and concessions regarding the intersection at Northpoint Boulevard and Hixson Pike. The City will reserve a drainage and utility easement of the subject R.O.W.

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:

Name	City of Chattanooga/Bill Payne
Address:	1250 Market Street, Suite 2100
City	Chattanooga State: TN
Zip Code:	37402
Daytime Phone:	423-643-6190
Cell Phone:	
Other Phone:	
Email:	payne_bill@chattanooga.gov
Fax:	423-643-5862

Property Owner Information (if not applicant)

Name:
Address:
Phone:

CHECKLIST (OFFICE USE ONLY)

- [x] Application Complete
- [x] Ownership Verification (Tax Map Printout, Letter)
- [ ] Map showing property to be rezoned.
- [ ] Site Plan, if applicable
- [ ] Total acres to be considered:
- [ ] Filing Fee: N/C [ ] Cash Check No.
- [x] Deeds for property to be rezoned
  Deed Book: 5751-548
- [ ] Copy of Plats, if applicable
  Plat Book/Page:
- [x] Notice Signs How Many? 1

Accepted by: Marcia Parker Date: 02-02-2012

Memorandum

To: Bill Payne

From: Bill Cannon

cc: Dennis Malone

Date: February 11, 2013

Re: City of Chattanooga (Eric Booker)
Case No. 2012-022
5100 Block of Old Hixson Pike at Northpoint Blvd
Opened Right of Way

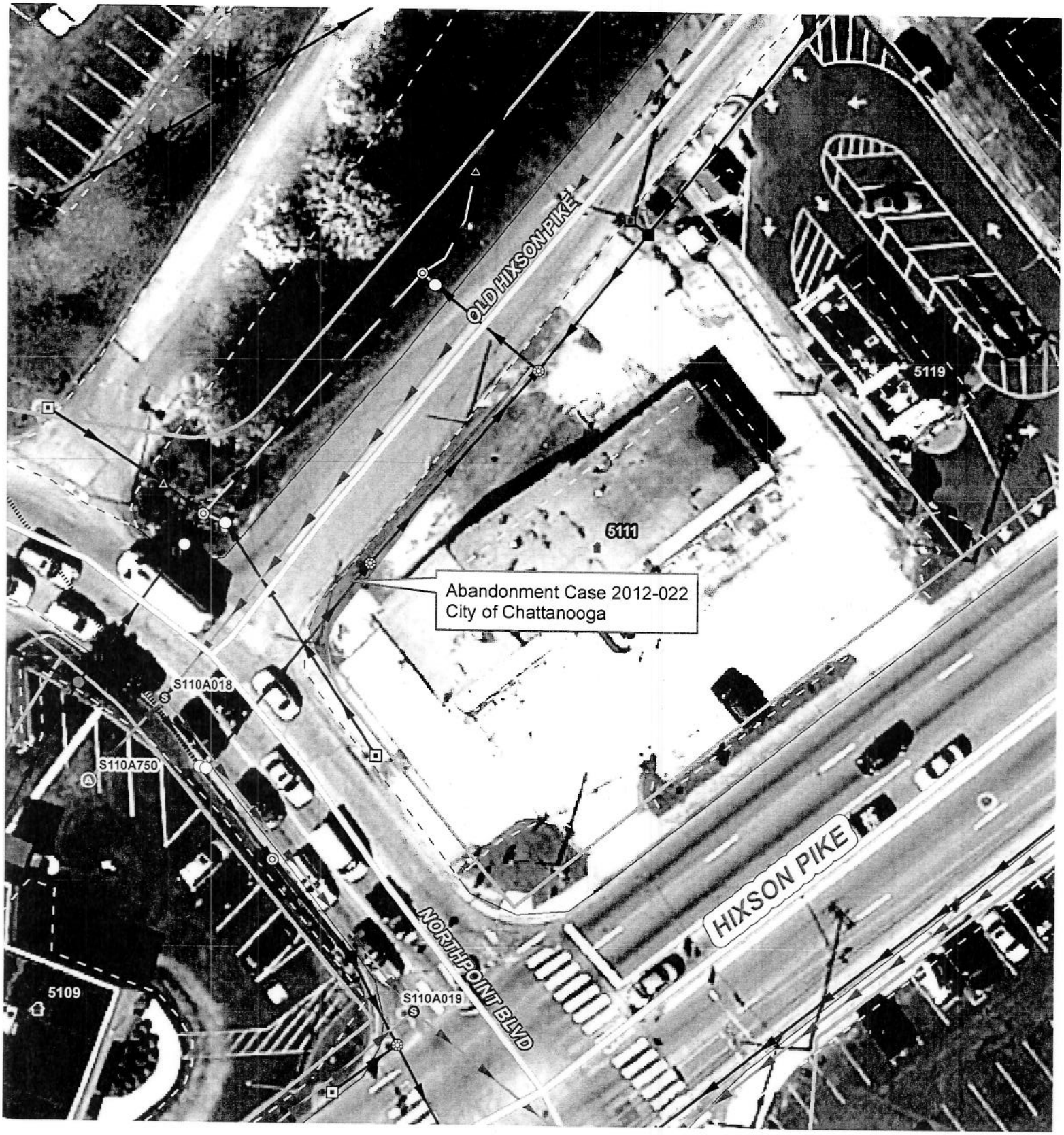
Recommendations Regarding Abandonment Request

I have completed the review of the City of Chattanooga's request regarding abandonment of a portion of the 5100 block of Old Hixson Pike Right-of –way beginning at the intersection of Northpoint Boulevard and Old Hixson Pike along the east right-of-way line of Old Hixson Pike thence going northeast along Old Hixson Pike for some 98 feet as shown on the Final Plat of Houston Hixson Home Place, Lot 1, not yet recorded. Tax Map 1000-B-013 as shown on the attached map. My comments are as follows:

1. The area of the subject right of way is approximately 340 sq ft. or .008 acres.
2. The City agreed to exchange a portion of right of way on Northpoint Blvd and Old Hixson Pike for improvements and concessions regarding the above mentioned intersection.
3. The City of Chattanooga has stormwater infrastructure in a portion of the subject right of way.
4. Planning Commission recommended approval, subject to the City Engineers approval.
5. The following Utility Owner's noted objections to the Abandonment:
    - Hixson Utility District
    - Comcast
    - AT&T

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 drainage and utility easements and routing rights for the City of Chattanooga, Hixson Utility District, Comcast and AT&T.***


OLD HIXSON PIKE
5119
5111
Abandonment Case 2012-022
City of Chattanooga
S110A018
S110A750
NORTHPOINT BLVD
S110A019
HIXSON PIKE
5109

MR-2012-022 City of Chattanooga
February 13, 2012

RESOLUTION

WHEREAS, City of Chattanooga/Bill Payne petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga to grant approval of a Mandatory Referral pursuant to T.C.A. 13-4-104 for the abandonment of a portion of the 5100 block of Old Hixson Pike Right-of-way.

Abandonment of a portion of the 5100 block of Old Hixson Pike Right-of-way beginning at the intersection of Northpoint Boulevard and Old Hixson Pike along the east right-of-way line of Old Hixson Pike thence going northeast along Old Hixson Pike for some 98 feet as shown on the Final Plat of Houston Hixson Home Place, Lot 1, not yet recorded. Tax Map 100O-B-013 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on February 13, 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 February 13, 2012, recommended to the Members of the City Council of the City of Chattanooga that this petition for a Mandatory Referral to exchange for improvements be approved, subject to: 1) Review and approval by City Engineer's Office and 2) Retaining a drainage and utility easement within the right-of-way.

Respectfully submitted,

Karen Flennick

for John Bridger
Secretary

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

February, 2012

Case Number:	**MR 2012-022**
Applicant Request:	**Mandatory Referral – Exchange Street Right-of-Way**
STAFF RECOMMENDATION:	**APPROVE, subject to the following conditions:** **(1) Review and approval by City Engineer's Office.** **(2) Retaining a drainage and utility easement within the right-of-way.**
Applicant:	City of Chattanooga c/o Bill Payne
Property Address:	Part of 5100 Block Old Hixson Pike
Jurisdiction:	Chattanooga District 3/Hamilton County District 3
Neighborhood:	Hixson
Development Sector:	Outer Suburban Infill
Proposed Development	
Site Plan Submitted:	Not required
Proposed Use:	Mandatory Referral
Purpose:	Exchange of right-of-way for improvements to the Northpoint Blvd and Hixson Pike intersection
Site Characteristics	
Current Zoning:	C-2 Convenience Commercial
Current Use:	Street Right-of-Way
Adjacent Uses:	Commercial
Length:	Approximately 98 +/- feet
Access:	Good
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 Applicable
Proposed Use Supported by Comprehensive Plan?	Not Applicable

PLANNING COMMISSION ACTION:
~~Approve~~

Comments

Planning Staff:

Request Overview

The City of Chattanooga submitted this Mandatory Referral to exchange a portion of right-of-way on Old Hixson Pike for planned improvements to the Northpoint Boulevard and Hixson Pike intersection. The City of Chattanooga will retain a drainage and utility easement located within the subject right-of-way.

Staff Recommendation

The Regional Planning Agency is recommending approval with conditions as the request seems appropriate and there does not appear to be any adverse affects to adjacent and/or surrounding property owners in the area.

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

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

February 6, 2012

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

RE: Closure and Abandonment Case Number 2012-022

Dear Mr. Haynes:

In regards to Case Number MR2012-022, on the February 13, 2012, Planning Commission Meeting Agenda, AT&T Southeast cannot agree to closure since facilities are in this area. Please reserve any existing or future utility easements inside the proposed abandonment area.

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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USA Proud Sponsor of the U.S. Olympic Team

COMMISSIONERS:
REBECCA R. HUNTER
DAVID W. NORTON
KENNETH W. RICH

HIXSON UTILITY DISTRICT

GENERAL MANAGER:
GENE E. HUFFINE, P.E.

February 6, 2012

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

Re: Case No. MR 2012-022

Dear Sir:

We are requesting an easement on the portion of Old Hixson Pike that is scheduled to be abandoned. This section begins at the intersection of Northpoint Boulevard and Old Hixson Pike along the east R. O.W. line of Old Hixson Pike going Northeast approximately 98 feet.

Thanks for your assistance in this matter.

Sincerely,

Carolyn Hickman
Interim General Manager

Enclosure

5201 HIXSON PIKE • P.O. BOX 1598 • HIXSON, TN 37343-5598
PHONE (423) 877-3513 • FAX (423) 875-3116
www.hixsonutility.com

Chattanooga Gas

2207 Olan Mills Drive
Chattanooga, TN 37421

1 800 427 5463 phone
www.chattanoogagas.com

February 7, 2012

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

Dear Sir:

Re: ~~2011~~ 2012-022 okay per phone Harold Hyde
There is a conflict with the requested abandonment due to an existing gas main in the area.
Please contact Harold Hyde with Chattanooga Gas at 423-490-4262 for more information.

Sincerely,

Harold Hyde

Harold Hyde
Operations Foreman

Enclosures

HH/kbd

Comcast Cable
2030 E Polymer Drive, P.O. Box 182249
Chattanooga, TN 37422

February 8, 2012

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

RE:Case # 2012-022

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 Schlote

Mike Schlote
Construction Coordinator

Abandonment/Closure Cards

Dept. of Transportation
Jackie Wolfe

Case No.	Closure O.K. Yes	No
2012-022	X	

DK?

* Comments forthcoming

Abandonment/Closure Cards

Dept. of Transportation
Jackie Wolfe

Case No.	Closure O.K. Yes	No
2012-011	✓	
2012-016	✓	

* Comments forthcoming

Abandonment/Closure Cards

Dept of Transportation
Ray Ruckwr

Case No.	Closure O.K. Yes	No
2012-022	✓	

* Comments forthcoming

Abandonment/Closure Cards

Dept. of Transportation
Ray Ruckwr

Case No.	Closure O.K. Yes	No
2012-011	✓	
2012-016	✓	

* Comments forthcoming

Abandonment/Closure Cards

Chattanooga Fire Dept.
Randall Herron

Case No.	Closure O.K. Yes	No
2012-011	RH	
2012-016	→	RH

HYDRANT + ACCESS POINT TO APARTMENTS

* Comments forthcoming

Abandonment/Closure Cards

Chattanooga Fire Dept
Randall Herron

Case No.	Closure O.K. Yes	No
2012-022	RH	

* Comments forthcoming

Abandonment/Closure Cards

city Police Dept.
David Reddy

Case No.	Closure O.K. Yes	No
2012-011	✓	
2012-016	✓	

* Comments forthcoming

Abandonment/Closure Cards

city Police Dept
David Reddy

Case No.	Closure O.K. Yes	No
2012-022	K	

* Comments forthcoming

Abandonment/Closure Cards

City Engineer
Bill Payne

Case No.	Closure O.K. Yes	Closure O.K. No
2012-011	✓	
2012-016 (*)	✓	
(*) RETAIN 30' SANITARY SEWER EASEMENT		

1/20/12
BMD

* Comments forthcoming

A

Abandonment/Closure Cards

Traffic Engineer
John Vanwinkle

Case No.	Closure O.K. Yes	Closure O.K. No
2012-011	✓	
2012-016		✓ *
* would have lock property at the [illegible] end of the road.		

* Comments forthcoming

Abandonment/Closure Cards

Bill Payne

Case No.	Closure O.K. Yes	Closure O.K. No
2012-022	✓	

BMD
2/3/12

* Comments forthcoming

B

Abandonment/Closure Cards

City Traffic Engineer
John Van Winkle

Case No.	Closure O.K. Yes	Closure O.K. No
2012-022	✓	

* Comments forthcoming

Chattanooga Gas Co
Ron Reel / Harold Hyde

Abandonment/Closure Cards

Case No.	Closure O.K. Yes	No
2012-022 - Gas main		✓

* Comments forthcoming

Chattanooga Gas Co.
Harold Hyde / Ron Reel

Abandonment/Closure Cards

Case No.	Closure O.K. Yes	No
2012-011 - No drawing attached		✓
2012-016 - Gas main there		✓

* Comments forthcoming

City Engineer
Bill Payne

Abandonment/Closure Cards

BHD 1/12/12

Case No.	Closure O.K. Yes	No
2012-011	✓	
2012-016 (*)	✓	
(*) RETAIN 20' EASEMENT FOR SANITARY SEWER		

* Comments forthcoming