MR-2009-076
Mike Price
Crosswinds Properties, LLC

ORDINANCE NO. _____

AN ORDINANCE CLOSING AND ABANDONING OF A PORTION OF A SEWER EASEMENT LOCATED AT 712 AND 716 GENTRY ROAD, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That approximately a 90 ft. portion of a sewer easement located at 712 and 716 Gentry Road, 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 a portion of a recorded sewer easement line SS Line B beginning at its intersection with MH#A3 thence northeast to MH#B1 being located on Lots 3 and 4 of the final Plat of Stormy Hollow Estates, Plat Book 85, Page 17, ROHC, being part of the properties described in Deed Book 8292, Page 636, ROHC. Tax Map Nos. 171J-G-002 and 003.

SECTION 2. BE IT FURTHER ORDAINED, That this closure and abandonment shall be subject to owner decommissioning and/or acceptance of subject portion of sewer as their private sewer. Acceptable documentation of decommissioning or acceptance shall be provided to the City Engineer.

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 Request Form

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

Date: February 13, 2013

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

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

A City Council Action is requested to approve the request the abandonment located at 712 and 716 Gentry Road for a portion of sewer easement, as reference in Case No. 2009-076.

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

Questions? Contact Finance Department . 423.757.5232

Memorandum

To: Bill Payne

From: Bill Cannon

cc: Dennis Malone

Date: February 11, 2012

Re: Mike Price for Crosswinds Properties, LLC
Case No. 2009-076
712 and 716 Gentry Road
Recommendations for Requested ROW Abandonment

I have completed the review of Crosswinds Properties request regarding abandonment of a portion of sewer easement more particularly the abandonment of a portion of a recorded sewer easement line SS Line B beginning at its intersection with MH#A3 thence northeast to MH#B1 being located on Lots 3 and 4 of the final Plat of Stormy Hollow Estates,. Plat Book 85, Page 17, ROHC, being part of the properties described In Deed Book 8292, Page 636, ROHC. Tax Map 171J-G-002 and 003 as shown on the attached map. My comments are as follows:

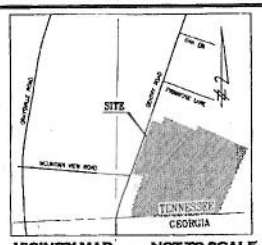
- The subject portion of sewer and easement being requested for abandonment is approximately 90 feet in length.
- The subject portion of sewer and easement is in conflict with a proposed detention pond in a residential development.
- There are no known objections to the Abandonment as RPA does not send out utility cards for sewer easements.

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

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

1.) Abandon said portion of sewer and easement approximately 90 linear feet only if owner does proper decommissioning and or accepts subject portion of sewer as their private sewer as identified on attach site map.

2.) ~~Subject to retention of all utility easements and routing rights, and at the utility's discretion.~~



VICINITY MAP NOT TO SCALE

Trimble R8 CNSS GPS system was used in establishment of control data in support of conventional terrestrial survey, for collection of physical data and for positioning property corners by direct occupation. Topcon GPT-3005 total station was used in establishment of redundancy in GPS control data and for collection of additional physical data not measured by GPS.

This plat has been calculated for closure and is found to be accurate to within one foot in 10,370 feet.

I hereby certify that I have surveyed the property shown and that this survey is correct to the best of my knowledge and belief.

DAVID MICHAEL NORTH REGISTERED LAND SURVEYOR TENNESSEE NO. 1371

12-8-09

Date

D. MICHAEL NORTH
GA RLS #3032 TN RLS #2370 AL RLS #8008

LEGEND

○	PROPERTY CORNER FOUND
●	(IR#) PROPERTY CORNER SET
ø	UTILITY POLE
— X — X —	CHAIN LINK FENCE
—OHP—	OVERHEAD ELECTRIC
—SS—	SANITARY SEWER
—G—	NATURAL GAS
—W—	WATER LINE
—℄—℄—	CENTER LINE
—EB—SB—	EASEMENT OR SETBACK LINE
—RW—RW—	RIGHT OF WAY LINE
— — — —	PAVEMENT EDGE OR CHANGE IN PAVEMENT TYPE
— — — —	ADJOINING LANDOWNER (FOR REFERENCE ONLY)
—S—	SANITARY SEWER LINE
P.S.E.	PRIVATE STORM SEWER EASEMENT
P.S.S.E.	PUBLIC SANITARY SEWER EASEMENT
P.C.E.	POWER AND COMMUNICATIONS EASEMENT
(S)	SANITARY SEWER MANHOLE

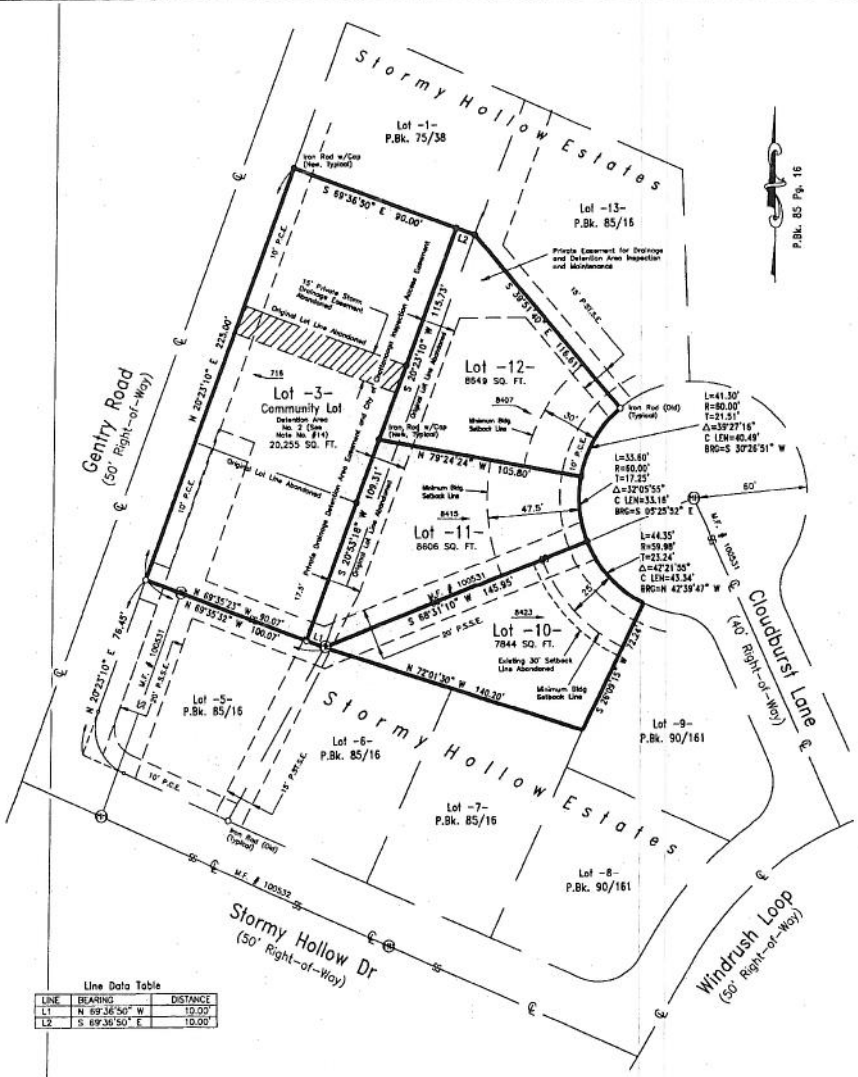
Owner's Certification
I hereby certify that I am the owner of this property in fee simple, and that I hereby adopt this plan of subdivision.

Crossvine Properties, LLC
1812 Gunbarrel Road, Suite 102
Chattanooga, TN 37421
Phone: (423) 826-1801

Vineyard Investment Group, LLC
1870 Highway 41
Ringgold, GA 30736
Phone: (423) 899-2753

Bluegill Developers, LLC
65 Bluegill Parkway
Ringgold, GA 30736
Phone: (423) 826-1801

Drawing No. 09099_Presley_8.dwg



Line Data Table

LINE	BEARING	DISTANCE
L1	N 69°36'50" W	10.00'
L2	S 69°36'50" E	10.00'

APPROVED FOR RECORDING
HAMILTON COUNTY GIS DEPT.
DATE 11/13/2010
BY
JURISDICTION AUTHORITY
DATE 11/13/2010
BY
CHATTANOOGA CITY REGIONAL PLANNING COMMISSION
DATE 1-20-10
BY

Instrument: 2010012000176
Book and Page: P3 93 &
RECORDING FEE 925.00
DATA PROCESSING FEE 50.00
Total Fees: 975.00
User: RCDC(jwd)
Date: 1/05/2010
Time: 2:02:19 PM
Contact: Pam Hurst, Register
Hamilton County, Tennessee

RECORDED PLAT DOES NOT TRANSFER PROPERTY OWNERSHIP

GENERAL NOTES:

1.) The total area of tract being subdivided is 1.04 acres, more or less.
2.) Present Zoning designation of subdivision is R-1.
3.) This resubdivision has been developed according to the design standards of the City of Chattanooga Subdivision Regulations.
4.) This plat resubdivides the property described in Deed Books 7776/631, 8292/636, and 9040/929 R.O.H.C.
5.) The property to be subdivided is not located in a FEMA Flood Hazard area, according to FEMA information. This determination is by graphic plotting only.
6.) Basis of bearings and North arrow is Plat Book 85, Page 16 R.O.H.C.
7.) IR(N): Iron Rod (New) with cap stamped "Shober Group GA TN AL CA-800-LS".
8.) Easements and Rights Of Way shown are from available record information and/or from evidence noted in field survey.
9.) Local government does not certify that utilities or utility connections are available.
10.) City Ordinance No. 9942 entitled Storm Water Runoff and Erosion Control shall apply to any discharge of same from this subdivision of property.
11.) No fill material can be placed in a constructed drainage facility in such a manner as to impede storm water runoff flow unless approved by the City Engineer.
12.) Public sanitary sewer is available by gravity flow.
13.) The City of Chattanooga is not responsible to construct or maintain storm drainage easements, private drives, sanitary sewer service line easements, drainage detention areas or drainage detention facilities.
14.) The entire area of Community Lot 3 is a private drainage detention area easement and City of Chattanooga Inspection Access Easement.
15.) Tax Map No. 171-J-G-001, 171-J-G-002, 171-J-G-003, 171-J-G-009, 171-J-G-010, and 171-J-G-011.
16.) Drainage detentionareas and facilities installed by the developer cannot be filled, altered or changed in any way without permission from the City Engineer.
17.) The City of Chattanooga reserves the right at any time to inspect drainage detention areas and facilities on Community Lot 3 and the rear 17.5 feet of Lots 11 and 12.
18.) No permanent structures are permitted in public sanitary sewer easements.
19.) The owners of Lots 2-58 and 64-67 are responsible to maintaindrainage detention areas and facilities on Community Lot 3.
20.) A 5 foot wide private drainage easement is reserved along the inside of all side and rear lot lines except road lines. This drainage easement is automatically abandoned if two or more lots are combined or used as one lot or no setback is required.
21.) The purpose of this plat is to resubdivide Lots 3 and 10 through 12, and to abandon and re-record the setback line for Lot 10 as shown.
22.) Lots are subject to the "Declaration of Restrictive Covenants For Stormy Hollow Estates And Bylaws For Stormy Hollow Estates Homeowners Association," of record in Deed Book 8411, Page 759. Said restrictions provide for the maintenance of all common properties, including detention ponds.

GRAPHIC SCALE

SCALE: 1"=30'

REVISED PLAT
STORMY HOLLOW ESTATES
LOTS 3, AND 10 THROUGH 12
(PRIOR PLAT BOOK 85, PAGE 16 AND PLAT BOOK 90, PAGE 161)
CHATTANOOGA, HAMILTON CO. TENNESSEE

SCALE: 1"= 30' DECEMBER 8, 2009

DRAWN	DATE	REVISION	CHECK
DMN	12-08-09		

SHOBER GROUP
PROFESSIONAL LAND SURVEYORS

THE SHOBER GROUP
REGISTERED LAND SURVEYORS
P.O. BOX 819 • 12364 S. MAIN ST.
TRENTON, GEORGIA 30752
Phone: (706) 657-7044
Fax: (706) 657-7313

Case 2009-076
Crosswinds Properties LLC
GENTRY RD
STORMY HOLLOW DR
CLOUDBURST LN
WINDRUSH LOOP
MOUNTAIN LN
S171J039
S171J040
S171J059
S171J058
S171J057
S171J037
S171J060
S171O003
S171O001
S171O016
S171O015
8351
711
707
705
701
716
8406
8414
8407
8415
8423
8404
8431
8412
8420
894
8403
8411
698
8425
897

Chattanooga-Hamilton County Regional Planning Agency
*1250 Market Street * Suite 2000 * Development Resource Center * Chattanooga, TN 37402*
*(423) 668-2287 * www.chcrpa.org*

RIGHT-OF-WAY
CLOSURE/ABANDONMENT/NAME CHANGE REQUEST FORM

RPA requires all information shown on the application to be completed.

Case# 2009-076	Date submitted 4/13/2009	STAFF Action
City District 4	Planning District 10	PC Action/Date
County District 7	Jurisdiction Chattanooga	LEGISLATIVE
	Neighborhood None	Action/Date

CLOSURE/ABANDONMENT ____Street ____Alley ✓ Sewer Easement

NAME CHANGE ____Street ____Other:____

Location/Information

Name of Street or ROW. 712 + 716 . GENTRY ROAD ____Open ____Unopened

From: LOT 4 OF STORMY HOLLOW ESTATES To: LOT 3 OF STORMY HOLLOW ESTATES

Tax Map #: 171J-G-002, 003

Reason for request: ABANDON EXISTING SEWER TO CONSTRUCT DETENTION POND IN LOTS 2, 3, & 4 OF STORMY HOLLOW ESTATES

100531

APPLICANT INFORMATION

All communication by phone, fax, e-mail, or mail will be with the APPLICANT. If you are NOT a property owner, you will need to submit a letter from the property owner(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: MIKE PRICE W/MAP ENGINEERS
Please PRINT
ADDRESS: 7380 APPLEGATE LANE
CITY: CHATTANOOGA STATE: TN
ZIP CODE: 37421
PHONE 423-855-5554
(daytime) (other)
E-MAIL: mapengr@bellsouth.net
FAX: 423-485-8110 CELL: 423-280-9170

SIGNATURE: [signature]
(of applicant)

Signature verifies that applicant has read, understands the above, agrees with information provided and is responsible for installing and maintaining notice sign(s).

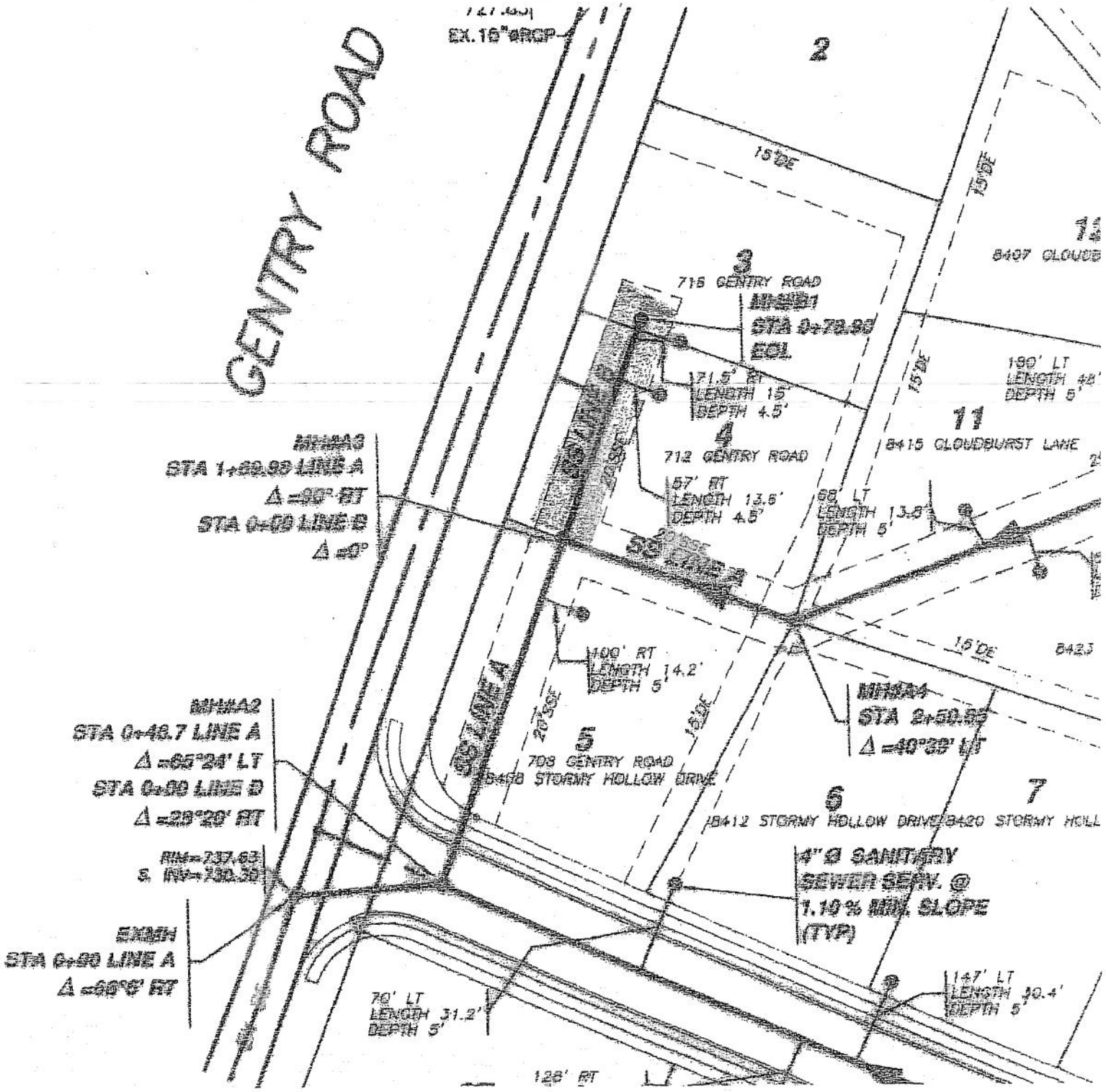
Checklist
- ✓ Application completely filled out
- ✓ Ownership verification (tax map printout, letter)
- ✓ Copy of plats, if applicable
- ✓ Map showing area to be closed/abandoned
- ✓ Filing Fee
- ✓ Deeds for properties that abut request
- ✓ Signs for site 0 # of signs

PROPERTY OWNER INFORMATION (if not applicant):
Name BUDDY PRESLEY W/ CROSSWINDS PROPERTIES LLC
Mailing Address 1612 GUNBARREL ROAD, SUITE 102
CHATTANOOGA, TN 37421
Telephone 423-826-1801

FEE: $350.00 Cash ____ Check No. 5366
Accepted by: [signature] Date: 4/13/2009

A-N/11

2009-076


GENTRY ROAD
EX. 15" RCP
2
15' DE
3
716 GENTRY ROAD
STA 0+70.90
EOL
71.5' RT
LENGTH 15'
DEPTH 4.5'
4
712 GENTRY ROAD
57' RT
LENGTH 13.6'
DEPTH 4.5'
68' LT
LENGTH 13.8'
DEPTH 5'
11
8415 CLOUDBURST LANE
190' LT
LENGTH 48'
DEPTH 5'
STA 1+69.99 LINE A
STA 0+00 LINE B
100' RT
LENGTH 14.2'
DEPTH 5'
5
708 GENTRY ROAD
8408 STORMY HOLLOW DRIVE
STA 0+48.7 LINE A
Δ =85°24' LT
STA 0+00 LINE B
Δ =29°20' RT
STA 2+50.99
Δ =40°39' LT
6
7
8412 STORMY HOLLOW DRIVE
8420 STORMY HOLL
4" Ø SANITARY
SEWER SERV. @
1.10% MIN. SLOPE
(TYP)
STA 0+90 LINE A
Δ =66°6' RT
70' LT
LENGTH 31.2'
DEPTH 5'
147' LT
LENGTH 30.4'
DEPTH 5'
128' RT

Mandatory Referral: Abandonment
2009-076 City of Chattanooga
May 11, 2009

RESOLUTION

WHEREAS, Mike Price, c/o MAP Engineers, 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 a sewer easement located at 712 and 716 Gentry Road.

Abandonment of a portion of a recorded sewer easement line SS Line B beginning at its intersection with MH#A3 thence northeast to MH#B1 being located on Lots 3 and 4 of the final Plat of Stormy Hollow Estates, Plat Book 85, Page 17, ROHC, being part of the properties described in Deed Book 8292, Page 636, ROHC. Tax Map 171J-G-002 and 003 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on May 11, 2009,

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 May 11, 2009, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to the approval of the City Engineer and all public utilities.

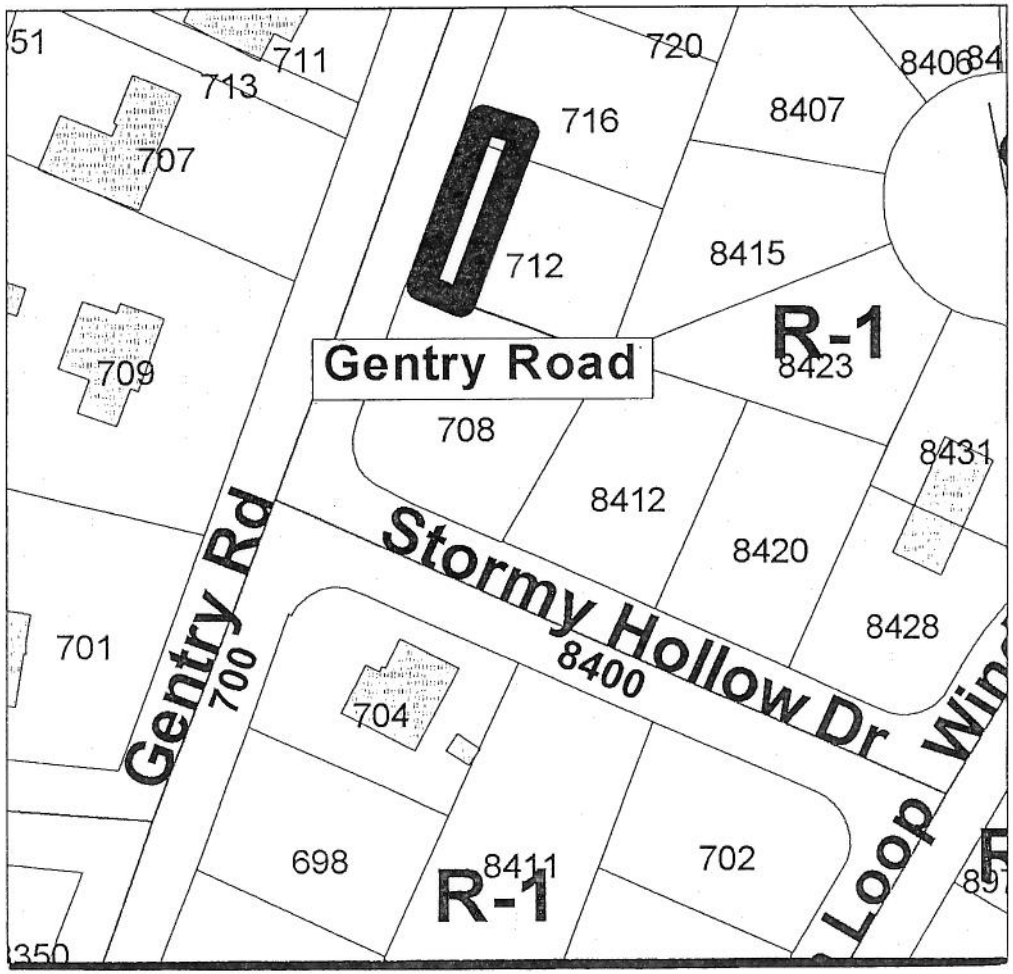
Respectfully submitted,

Barry M. Bennett
Secretary

CHATTANOOGA - HAMILTON COUNTY REGIONAL PLANNING AGENCY

CHATTANOOGA
CASE NO: 2009-0076
PC MEETING DATE: 5/11/2009
MR: ABANDON SEWER EASEMENT

1 in. = 60.0 feet



PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2009-076: Approve, subject to approval of City Engineer and all public utilities.

APPLICATION NO: 2009-076 JURISDICTION: Chattanooga Dist. #4
Hamilton County Dist. #7

APPLICANT: Mike Price, c/o MAP Engineers

DATE OF PLANNING COMMISSION MEETING: May 11, 2009

LOCATION: 712 & 716 Gentry Road

REQUEST FOR: Abandonment of Sewer Easement

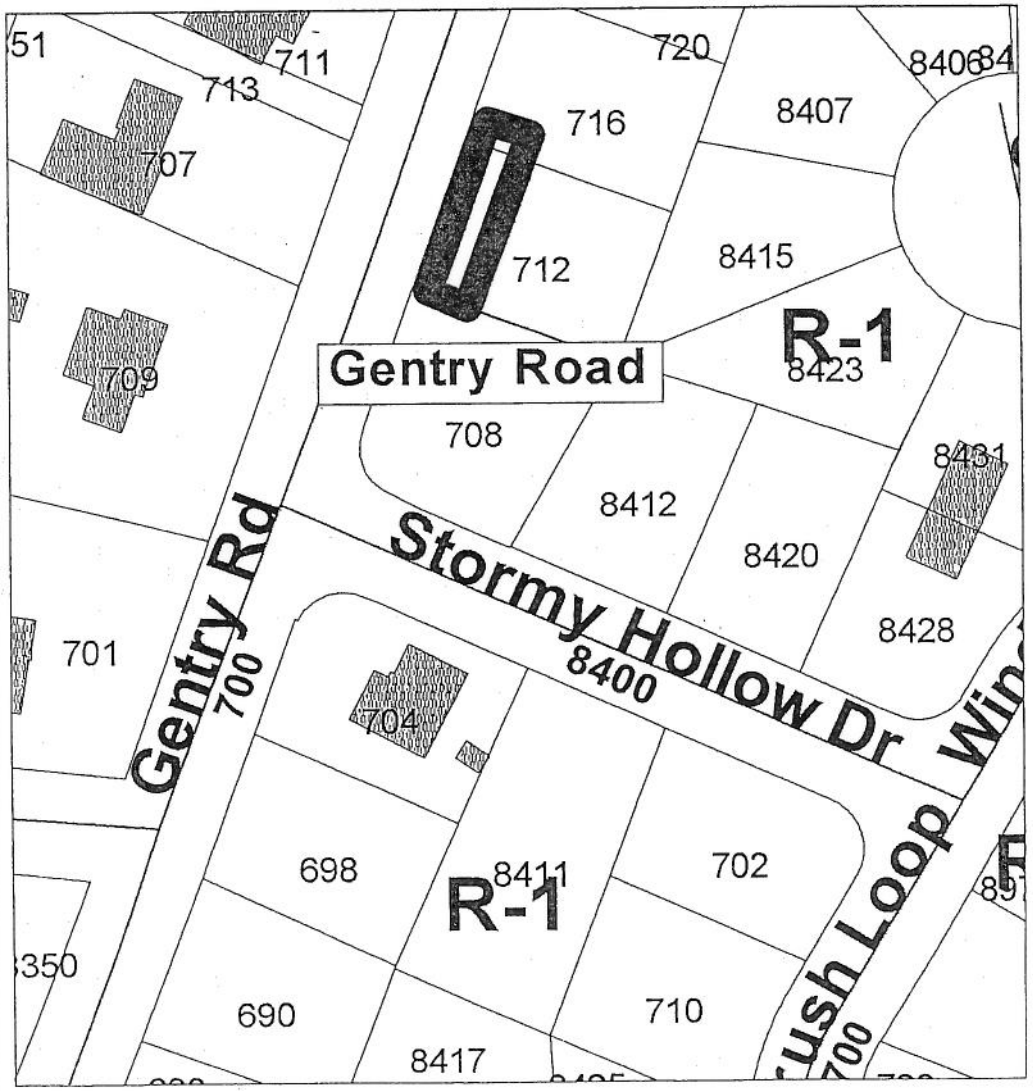
Planning Commission Recommendation:
Approve, subject to the following:

STAFF RECOMMENDATION: Approve, subject to approval of City Engineer and all public utilities.

REASONS FOR RECOMMENDATION:

This appears to be an appropriate use of this property subject to approval of the City Engineer's office.

PLANNING AGENCY

CHATTANOOGA
CASE NO: 2009-0076
PC MEETING DATE: 5/11/2009
MR: ABANDON SEWER EASEMENT

1 in. = 60.0 feet