

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. 1000-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 and for approval of the final plat by 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

/mms

MAYOR

City of Chattanooga



Resolution/Ordinance Request Form

Date Prepared: February 11, 2013

Preparer: *[Signature]*

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.	<u>N/A</u>	New Contract/Project? (Yes or No)	<u>No</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: *[Signature]*

Reviewed by: FINANCE OFFICE

DESIGNATED OFFICIAL/ADMINISTRATOR

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

Revised: 1/26/09



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: February 13th, 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



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: 1000-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)

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

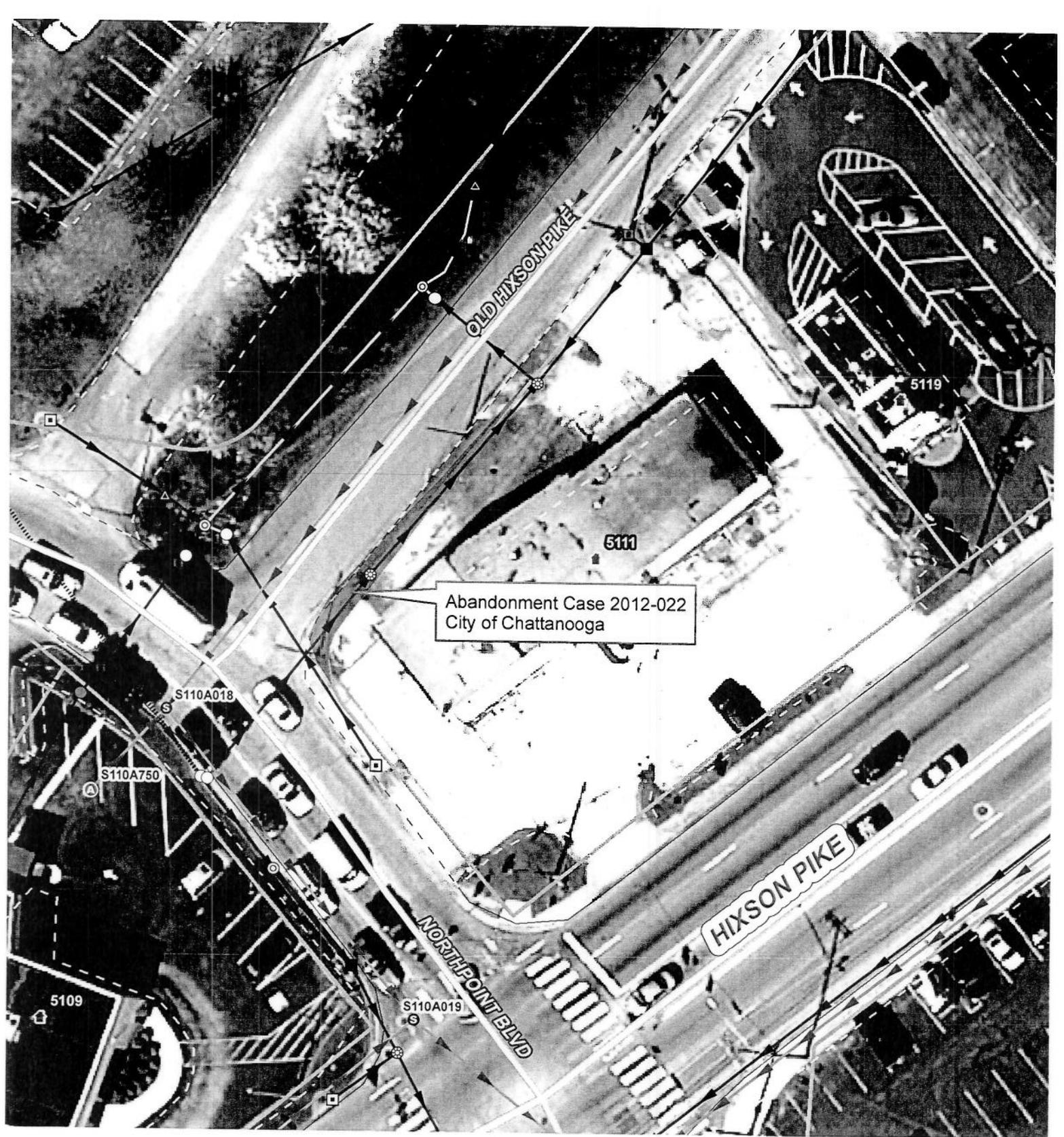
Recommendations Regarding Abandonment Request

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.***



Abandonment Case 2012-022
City of Chattanooga

OLD HIXSON PIKE

HIXSON PIKE

NORTHPOINT BLVD

5111

5119

5109

S110A018

S110A750

S110A019

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 1000-B-013 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on February 13, 2012,

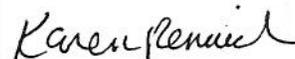
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

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,



for
John Bridger
Secretary

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

PLANNING COMMISSION ACTION:

Approve

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

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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COMMISSIONERS:

REBECCA R. HUNTER

DAVID W. NORTON

KENNETH W. RICH

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,

A handwritten signature in cursive script that reads "Carolyn Hickman".

Carolyn Hickman
Interim General Manager

Enclosure



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: ²⁰¹²~~2011~~-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

Dept OF Transportation

Ray Rucker

Abandonment/Closure Cards

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

* Comments forthcoming

Dept. OF Transportation

Jackie Wolfe

Abandonment/Closure Cards

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

* Comments forthcoming

Dept. OF Transportation
Ray Rucker

Abandonment/Closure Cards

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

* Comments forthcoming

Dept. OF Transportation
Jackie Wolfe

Abandonment/Closure Cards

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	RT	
2012-016	→ RT	

HYDRANT
+
ACCESS
POINT
TO
APARTMENTS

* Comments forthcoming

Abandonment/Closure Cards

City Police Dept.
David Roddy

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
2012-022	RT	

* Comments forthcoming

Abandonment/Closure Cards

City Police Dept.
David Roddy

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

* Comments forthcoming

Abandonment/Closure Cards

City Engineer
Bill Payne

Case No.	Closure O.K.	
	Yes	No
2012-011	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2012-016	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2012-016 RETAIN TO SANITARY SEWER ASSEMBLY	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

* Comments forthcoming

1/20/12
BMD

Traffic Engineer
John VanWinkle

Case No.	Closure O.K.	
	Yes	No
2012-011	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2012-016	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

* Comments forthcoming

* We will handle work primarily of the surrounding street at the roads

Abandonment/Closure Cards

Bill Payne

Case No.	Closure O.K.	
	Yes	No
2012-022	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

* Comments forthcoming

BMD
2/3/12

City Traffic Engineer
John VanWinkle

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
2012-022	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

* Comments forthcoming

Chattanooga Gas CO.
Ron Reel / Harold Hyde

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
2012-022 - Gas main		<input checked="" type="checkbox"/>

* Comments forthcoming

Chattanooga Gas CO.
Harold Hyde / Ron Reel

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
2012-011 - No drawing attached		<input checked="" type="checkbox"/>
2012-016 - Gas main there		<input checked="" type="checkbox"/>

* Comments forthcoming

City Engineer
Bill Payne

Abandonment/Closure Cards

BHD
jhc/12

Case No.	Closure O.K.	
	Yes	No
2012-011	<input checked="" type="checkbox"/>	
2012-016	<input checked="" type="checkbox"/>	
* 20' REPAIR ASSEMBLY FOR SANITARY		

SSUSER

* Comments forthcoming