

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 and subject to approval of 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 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

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

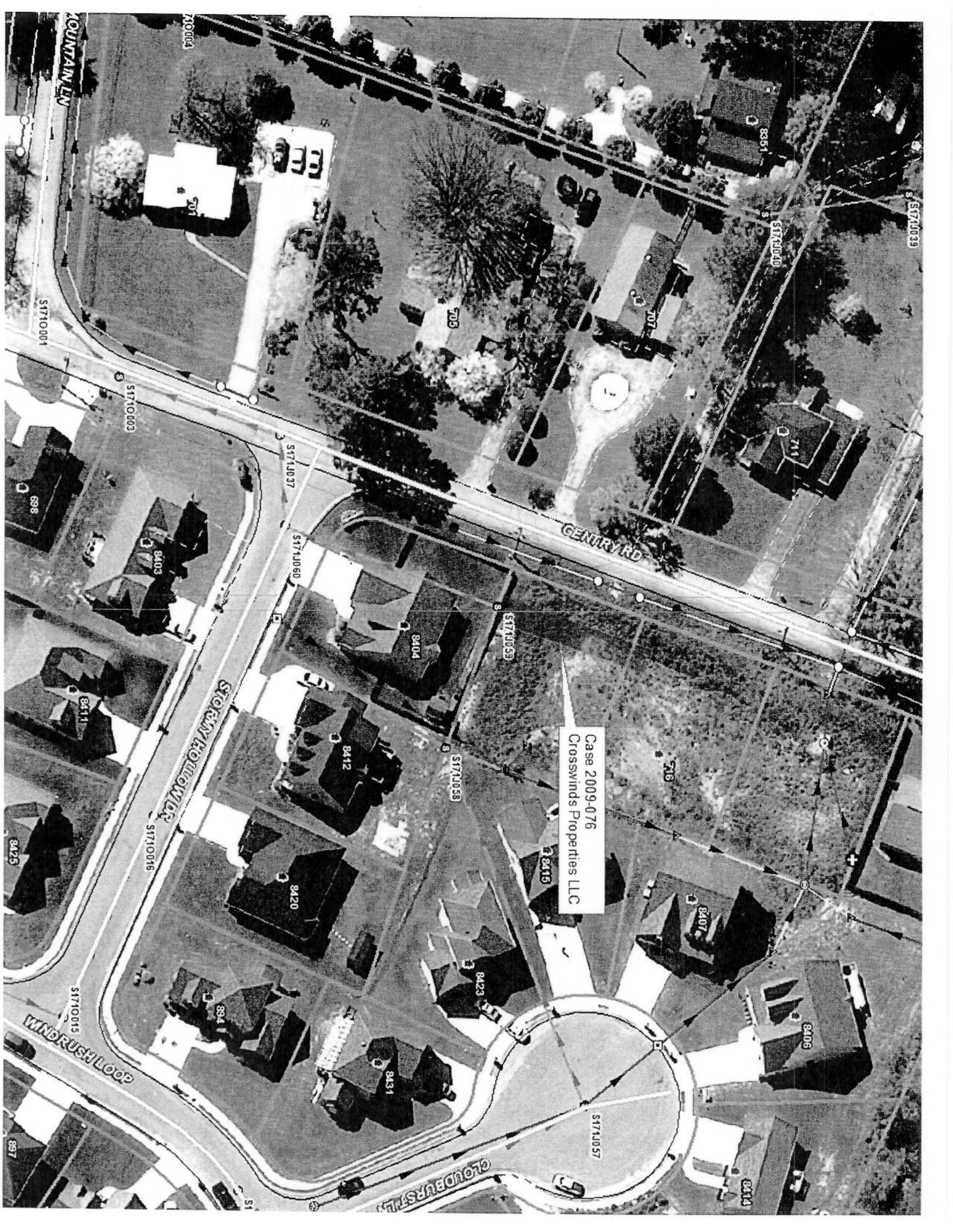
I have completed the review of Crosswinds Properties request regarding abandonment of a portion of sewer easement more particularly the abandonment of a portion of a recorded sewer easement line SS Line B beginning at its intersection with MH#A3 thence northeast to MH#B1 being located on Lots 3 and 4 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.***~~



Case 2009-076
Crosswinds Properties LLC

S 51710039

S 51710040

710004

8351

709

707

711

S 51710001

S 51710003

S 51710037

S 51710060

GENTRY RD

698

8403

8404

S 51710059

716

STORMY HOLLOW LN

8412

S 51710059

8415

8425

S 51710016

8420

8407

WINDRUSH LOOP

8431

8423

8406

S 51710015

894

S 51710057

8414

897

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

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

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

CLOSURE/ABANDONMENT **NAME CHANGE**

Street Alley Sewer Easement
 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 #: 1715-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 APPLGATE 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

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 # 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

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).

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

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,

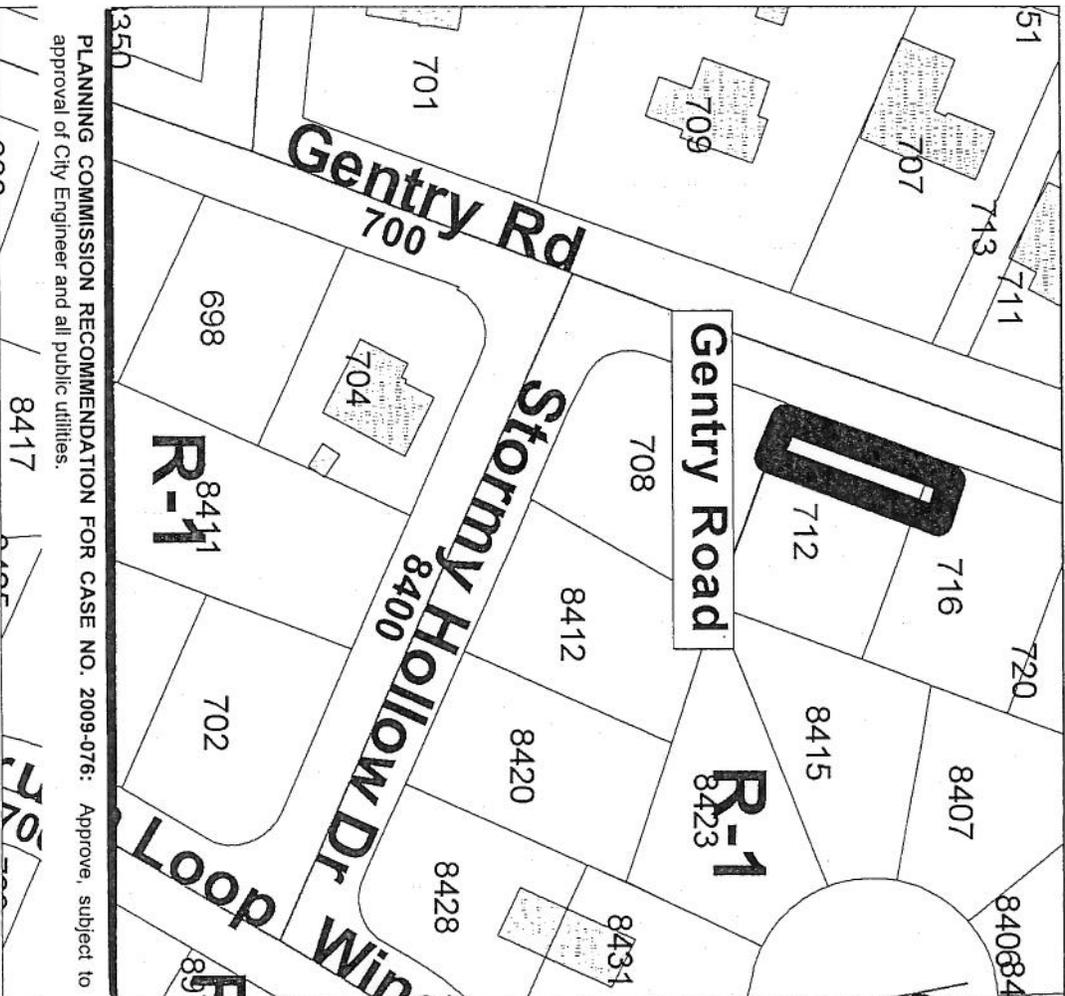
AND WHEREAS, no one was present in opposition to the petition,
AND WHEREAS, the Planning Commission has studied the existing pattern of development.

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
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



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:

STAFF RECOMMENDATION:

Approve, subject to the following:
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

