

MR-2009-073  
Reginald Ruff, III  
John P. Franklin, Jr.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CLOSING AND ABANDONING OF A PART OF AN UNOPENED ALLEY LOCATED IN THE 2500 BLOCK OF EAST 12<sup>TH</sup> STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

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SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That a part of an unopened alley located in the 2500 block of East 12<sup>th</sup> Street, 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 part of an unopened alley beginning at the southeast corner of Tax Map 156C-D-018 thence northeast some 213 feet to the northeast corner of 156C-D-020. Said alley separates Lots 4 thru 9 of Block 1 from Lots 5 thru 9 of Block 2, Baxter's Subdivision of Ridgedale, Plat Book 1, Page 19, ROHC. Tax Map No. 156C-D-018 thru 020 and 026.

SECTION 2. BE IT FURTHER ORDAINED, That this closure and abandonment shall be subject to the retention of utility easements for the City of Chattanooga, Chattanooga Gas, and AT&T Southeast.

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 15, 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 of a part of an unopened alley beginning at the southeast corner of Tax Map 156C-D-018 thence northeast some 213 feet to the northeast corner of 156C-D-020, as referenced in Case NO. 2009-073. Also, subject to the conditions stated on the 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

# Memorandum

**To:** Bill Payne  
**From:** Bill Cannon  
**cc:** Dennis Malone  
**Date:** February 12, 2013  
**Re:** Reginald Ruff III for John P. Franklin Jr.  
Case No. 2009-073  
2500 block of E. 12th Street - Alley

## Recommendations Regarding Abandonment Request

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I have completed the review of Mr. Franklin's request regarding abandonment of part of an unopened alley beginning at the southeast corner of Tax Map 156C-D-018 thence northeast some 213 feet to the northeast corner of 156C-D-020. Said alley separates Lots 4 thru 9 of Block 1 from Lots 5 thru 9 of Block 2, Baxter's Subdivision of Ridgedale, Plat Book 1, Page 19, ROHC. Tax Map 156C-D-018 thru 020 and 026 as shown on the attached map. My comments are as follows:

1. The portion of the subject alley is approximately 213' ± in length and 20' ± in width for a combined area of 4,260 sq ft.
2. The City of Chattanooga has sanitary sewer infrastructure in the subject portion of said alley.
3. Planning Commission recommended approval.
4. The following Utility Owner's noted objections to the Abandonment:
  - Chattanooga Gas
  - AT&T Southeast

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 utility easements for the City of Chattanooga, Chattanooga Gas and AT&T Southeast.***



Case # 2009-073  
Reginald Ruff III



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, 4<sup>th</sup> 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: May 11<sup>th</sup>, 2009**

**TIME: 1:00 PM**

**LOCATION: County Commission Room, 4<sup>th</sup> Floor  
 Hamilton County Court House  
 625 Georgia Avenue  
 Chattanooga, Tennessee 37402**

**CASE NO. 2009-073**

**JURISDICTION: City**

**APPLICANT: S. Reginald Ruff, III**

**TYPE OF CHANGE: Abandonment of part of an Alley Way from the 2500 block of E. 12<sup>th</sup> Street 175 feet To the point of beginning going 275 Feet plus or minus in a North East direction**

**LOCATION: 2500 block of E. 12<sup>th</sup> Street**

**(SEE MAP ON REVERSE SIDE)**

A. 013

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

RPA requires all information shown on the application to be completed

Case# <u>1009-073</u>	Date submitted <u>4/9/09</u>	STAFF Action
City District <u>7</u>	Planning District <u>85</u>	PC Action/Date
County District <u>6</u>	Jurisdiction <u>Chattanooga</u>	LEGISLATIVE
	Neighborhood <u>Ridgevale</u>	Action/Date

**CLOSURE/ABANDONMENT**

Street  Alley  Sewer Easement  Other:

**Location/Information**

Name of Street or ROW: Alleyway Approximately 213'  Open  Unopened

From: 2500 blk of E. 12<sup>th</sup> St. 97 To The Point of beginning To going 213' +/- in a North East Direction

Tax Map #: 156C-D-026, 156C-D-018, 156C-D-019 + 156C-D-020, 021

Reason for request: Adding GARAGE + PARKING SPOTS

**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: S. Reginald Ruff, III  
 Please PRINT

ADDRESS: 1021 M.L. King Blvd.

CITY: Chattanooga STATE: TN

ZIP CODE: 37403

PHONE: (423) 266-0163  
 (daytime) (other)

E-MAIL: sruffassociatespc@comcast.net

FAX: (423) 266-5631 CELL: \_\_\_\_\_

SIGNATURE: S. Reginald Ruff, III  
 (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 2 # of signs

**PROPERTY OWNER INFORMATION (if not applicant)**

Name: John P. Franklin, Jr.  
 Mailing Address: 1101 Dodds Ave  
Chattanooga, TN 37404  
 Telephone: (423) 422-622-9995

FEE: \$350.00 Cash  Check No. 2073  
 Accepted by: J. Y. Marilla Date: 4/9/09

Mandatory Referral: Abandonment  
2009-073 City of Chattanooga  
May 11, 2009

RESOLUTION

WHEREAS, S. Reginald Ruff, III 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 part of an unopened alley located in the 2500 block of East 12<sup>th</sup> Street.

Abandonment of part of an unopened alley beginning at the southeast corner of Tax Map 156C-D-018 thence northeast some 213 feet to the northeast corner of 156C-D-020. Said alley separates Lots 4 thru 9 of Block 1 from Lots 5 thru 9 of Block 2, Baxter's Subdivision of Ridgedale, Plat Book 1, Page 19, ROHC. Tax Map 156C-D-018 thru 020 and 026 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

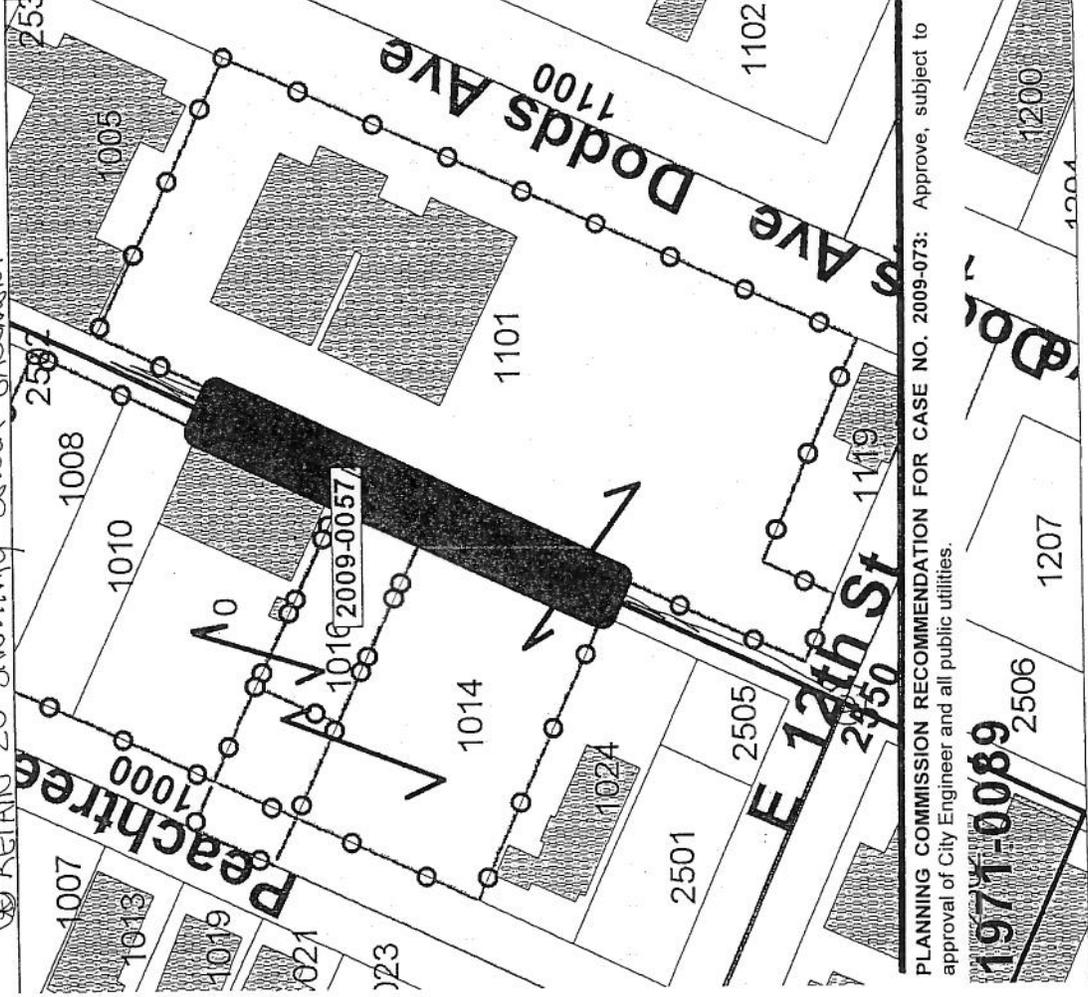
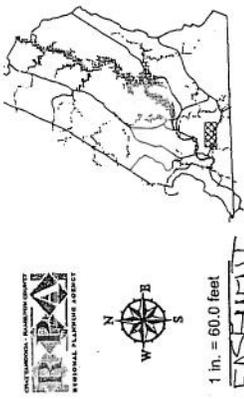
CHATTANOOGA

CASE NO: 2009-0073

PC MEETING DATE: 5/11/2009

MR ABANDON ALLEY R-O-W

RETAIN 20' SANITARY SEWER BASEMENT



PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2009-073: Approve, subject to approval of City Engineer and all public utilities.

1977-0089

APPLICATION NO: 2009-073  
APPLICANT: S. Reginald Ruff, III  
DATE OF PLANNING COMMISSION MEETING: May 11, 2009  
LOCATION: Part of an unopened alley located in the 2500 Block of East 12<sup>th</sup> Street

JURISDICTION: Chattanooga Dist. #7  
Hamilton County Dist. #6

**REQUEST FOR:** Abandonment **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 allows the applicant to combine properties.

It does not landlock any of the other properties.

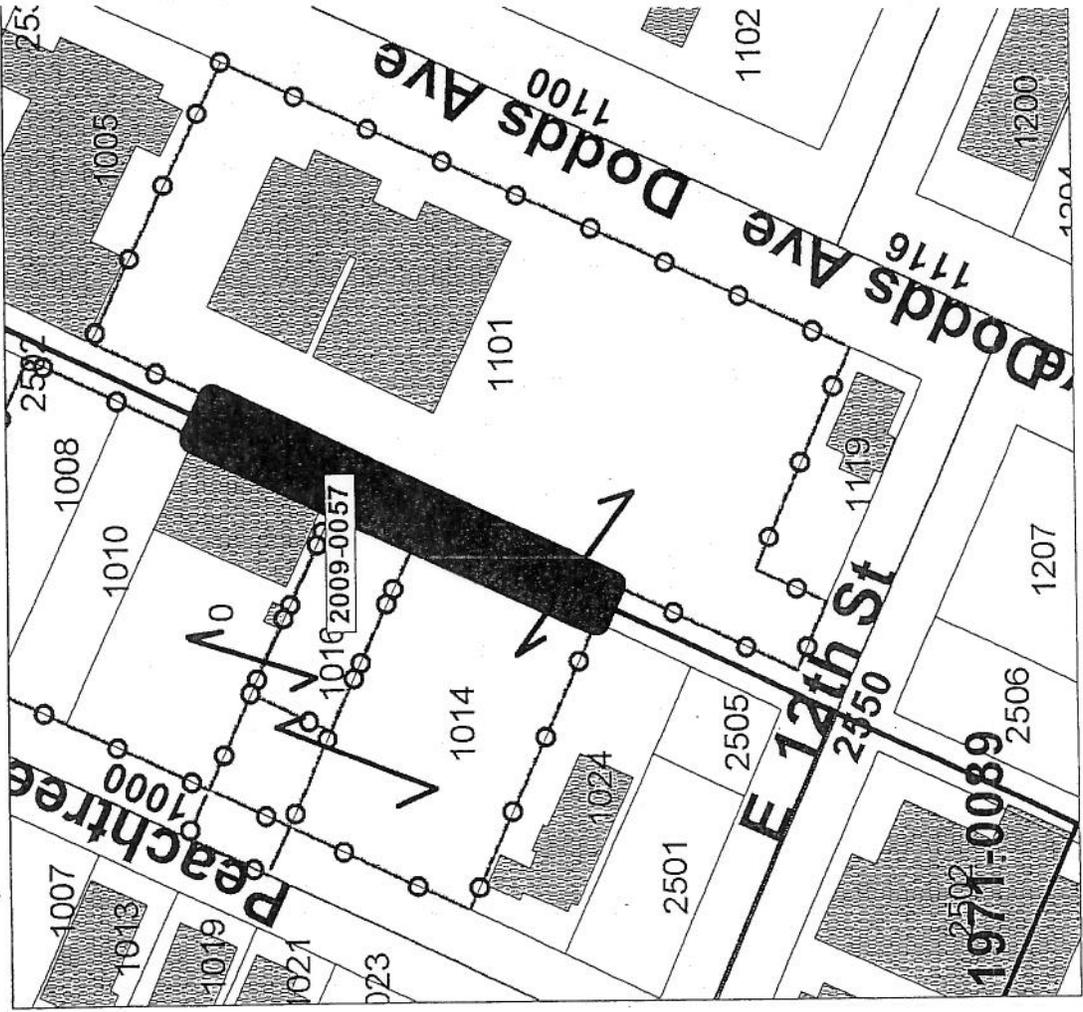
Directs the development toward Dodds Avenue and away from Peachtree Street.

PLANNING AGENCY

CHATTANOOGA  
CASE NO: 2009-0073  
PC MEETING DATE: 5/11/2009  
FROM: C-2, R-2  
TO:



1 in. = 60.0 feet





# Chattanooga Gas

2207 Olan Mills Drive  
Chattanooga, TN 37421  
1 800 427 5463 phone  
www.chattanoogagas.com

April 23, 2009

Chattanooga – Hamilton County  
Regional Planning Agency  
Development Resource Center  
1250 Market Street  
Chattanooga, TN 37402

Dear Sir:

Re: 2009-073

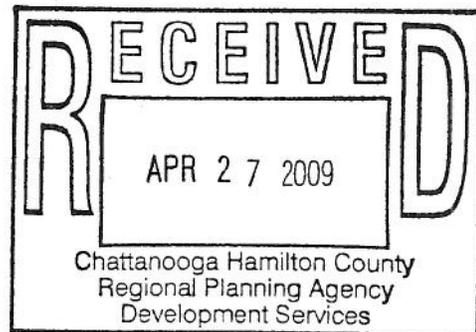
The above abandonment request 2009-073 conflicts with an existing natural gas main in the alley.

Sincerely,

Harold Hyde  
Operations Foreman

/kbd

Attachments





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

T: (423)752-9132  
F: (423)267-0120  
www.att.com

April 24, 2009

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 2009-070 and 2009-073

Dear Mr. Haynes:

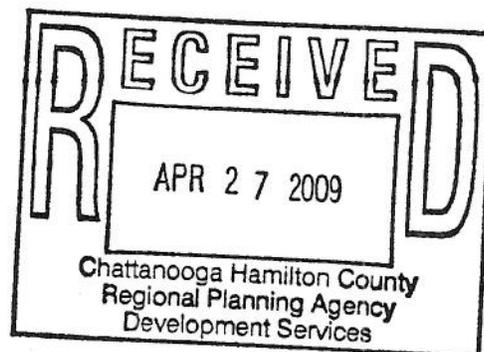
In regards to Case Numbers MR2009-070 and MR2009-073 for the May 11, 2009, Planning Commission Meeting Agenda, AT&T Southeast cannot agree to closure. Please reserve any existing utility easements inside the proposed abandonment areas. It is possible that facilities serving our customers are within the abandonment areas at these locations.

If additional information is needed, please contact me at 752-9132.

Thank you,

Jon Mounts  
Manager - OSP Planning & Design SE/CA

cc: RPC File



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Comcast Cable T.V.  
Mike Schlotz

### Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
2009-070	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2009-073	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

\* Comments forthcoming

Dept. of Transportation  
Ray Rucker

### Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
2009-070	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2009-073	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

\* Comments forthcoming

City Police Dept.  
David Rodey

### Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
2009-070	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2009-073	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

\* Comments forthcoming

Tennessee American  
Robbie Harvey

### Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
2009-070	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2009-073	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

\* Comments forthcoming

Chattanooga Gas Co.  
 Ron Reel / Harold Hyde

### Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
2009-070	<input checked="" type="checkbox"/>	
2009-073 Gas main in alley		<input checked="" type="checkbox"/>

\* Comments forthcoming

Traffic Engineer  
 John VanWinkle

### Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
2009-070	<input checked="" type="checkbox"/>	
2009-073		<input checked="" type="checkbox"/>

\* Comments forthcoming

### Abandonment/Closure Cards

Bell South  
 Jon mounts

Case No.	Closure O.K.	
	Yes	No
2009-070	<input checked="" type="checkbox"/>	
2009-073		<input checked="" type="checkbox"/>

Please reserve any existing utility easements inside the proposed abandonment areas

\* Comments forthcoming

### Abandonment/Closure Cards

Dept of Transportation  
Jackie Wolfe JW

Case No.	Closure O.K.	
	Yes	No
2009-070	✓	
2009-073	✓	

\* Comments forthcoming

### Abandonment/Closure Cards

City Engineer  
Bill Payne

Case No.	Closure O.K.	
	Yes	No
2009-070	✓	
2009-073	✓	
PERMANENT ASSESSMENT FOR SEWER		

\* Comments forthcoming

RMD  
4/17/09

Angela

### Abandonment/Closure Cards

Chattanooga Fire Dept  
Randall Herron

Case No.	Closure O.K.	
	Yes	No
2009-070	✓	
2009-073	✓	

\* Comments forthcoming

### Abandonment/Closure Cards

Electric Power Board  
Billy McChesney

Case No.	Closure O.K.	
	Yes	No
2009-070	✓	
2009-073	✓	

\* Comments forthcoming

Chattanooga Gas Co.  
 Ron Reel / Harold Hyde

### Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
2009-070	<input checked="" type="checkbox"/>	
2009-073 Gas main in alley		<input checked="" type="checkbox"/>

\* Comments forthcoming

Traffic Engineer  
 John Vanwinkle

### Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
2009-070	<input checked="" type="checkbox"/>	
2009-073	<input checked="" type="checkbox"/>	

\* Comments forthcoming

### Abandonment/Closure Cards

Bell South  
 Jon Mounts

Case No.	Closure O.K.	
	Yes	No
2009-070	<input checked="" type="checkbox"/>	
2009-073		<input checked="" type="checkbox"/>

\*  
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 \*  
 Please reserve any existing utility easements inside the proposed abandonment areas

\* Comments forthcoming