

**First Reading:** \_\_\_\_\_  
**Second Reading:** \_\_\_\_\_

MR-2013-095  
Jody Shea  
Shea Properties, LLC

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

AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY PERPENDICULAR TO THE 600 BLOCK OF SOUTH HOLTZCLAW AVENUE, SUBJECT TO CERTAIN CONDITIONS.

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SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That an unopened alley perpendicular to the 600 block of South Holtzclaw Avenue, 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 an opened alley beginning at the northwest corner of Lot 14, Block 4, of Spear, Long, and Wilkins Subdivision, Plat Book 3, Page 40, ROHC, thence southeastwardly some 145 feet to the northeast corner of Lot 12 of the same subdivision. Said Alley separates Lots 12 thru 14 from Lots 1, 2, and 3 of said plat. Tax Map Nos. 146J-C-001 thru 003 and 025.

SECTION 2. BE IT FURTHER ORDAINED, That this closure and abandonment shall be subject to the retention of AT&T Southeast, Comcast, and EPB maintaining their full easement and subject to the construction of a hammer head turn-around approved by the Chattanooga Transportation Department.

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:\_\_\_\_\_

\_\_\_\_\_  
CHAIRPERSON

APPROVED:\_\_\_\_ DISAPPROVED:\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
MAYOR

/mms

# City of Chattanooga



## Resolution Request Form

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

Date: September 27, 2013

Preparer: William C. Payne

Department: Public Works - Engineering

### Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council): \_\_\_\_\_ District 9

A City Council Action is requested to approve the request for the abandonment of an opened alley perpendicular to the 600 block of South Holtzclaw Avenue with AT&T Southeast, Comcast and EPB maintaining their full easement, as referenced in Case No. 2013-095. Also, subject to the conditions stated on the attached 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:** Ed Bowen  
**cc:** Dennis Malone  
**Date:** September 26, 2013  
**Re:** Jody Shea, Shea Properties LLC  
Case No. MR 2013-095  
600 Block of South Holtzclaw Avenue

## Recommendations Regarding Abandonment Request

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I have completed the review of Jody Shea's request regarding abandonment of a portion of an opened alley beginning at the northwest corner of Lot 14, Block 4, of Spear, Long, and Wilkins Subdivision, Plat Book 3, Page 40, ROHC, thence southeastwardly some 96 feet to the southwest corner of Lot 3 of the same subdivision. Said alley separates Lots 13 thru 14 from Lots 1 and 2, of said plat. Tax Map 146J-C-001 thru 002 and 025 as shown on the attached map. My comments are as follows:

1. The subject portion of the said alley is approximately 10' in width and 96' in length for an area of approximately 960 sq ft.
2. The City of Chattanooga has no sanitary sewer infrastructure in the subject portion of the said alley.
3. The Planning Commission recommended approval.
4. The following utility owners noted objections to the abandonment:
  - Electric Power Board
  - Comcast
  - AT&T
  - Bell South

Therefore, I recommend the following: *The request for abandonment of the subject portion of the said alley is approved with conditions.*

- Condition 1:** *Subject to the retention of a full-width utility easement for the said utilities.*  
**Condition 2:** *Subject to the construction of a hammer head turn-around approved by the Chattanooga Transportation Department.*





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.

<p><b>Schedules of when cases will be heard by local governments (if not deferred at Planning Commission)</b> <b><u>City of Chattanooga:</u> Second Tuesday of the following month, 6:00 p.m. (closures will be placed on agenda by the City Engineers Office)</b> <b><u>Hamilton County:</u> Third Wednesday of the following month, 9:30 a.m.</b></p>
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**DATE OF PUBLIC HEARING: July 8<sup>th</sup>, 2013**

**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. MR 2013-095**

**JURISDICTION: Chattanooga**

**APPLICANT: Shea Properties LLC/Jody Shea**

**TYPE OF CHANGE: Beginning at the 600 block of South Holtzclaw Avenue going in a Southeastwardly direction approximately 144 feet plus or minus**

**LOCATION: 600 block of South Holtzclaw**

**(SEE MAP ON REVERSE SIDE)**

**CLOSURE/ABANDONMENT APPLICATION FORM**

<b>CASE NUMBER: MR 2013-095</b>		Date Submitted: 06-10-2013	
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
<b>1 Applicant Request</b> (Mandatory Referral per TCA 13-4-104)			
Closure/Abandonment	<input checked="" type="checkbox"/> Alley	<input type="checkbox"/> Street	<input type="checkbox"/> Sewer <input type="checkbox"/> Other
Name of Street or Right-Of-Way:			
	<input checked="" type="checkbox"/> Open	<input type="checkbox"/> Unopened	Length/Width:
Beginning: At the 600 block of South Holtzclaw Avenue going in a Southeastwardly direction			
Ending: approximately 144 feet plus or minus			
<b>2 Property Information</b>			
Property Address:	Alley off of the 600 block of South Holtzclaw Avenue		
Property Tax Map Number(s):	146J-C-001, 002, 003, & 025		
<b>3 Proposed Development</b>			
Reason for Request and/or Proposed Use:	Close alley to Join Properties		
<b>4 Site Characteristics</b>			
Current Zoning:	M-1 Manufacturing Zone & R-1 Residential Zone		
Current Use:	Construction Company Offices		
Adjacent Uses:	Business & High Density Residential		
<b>5 Applicant Information</b>			
All communication will be with the Applicant. If the applicant is not the property owner, the RPA requires a letter from the property owner(s) confirming that the applicant has permission to file this application on his/her behalf.			
Name: Jody Shea/Shea Properties LLC		Address: 1522 Dugdale Street	
Check one:	<input checked="" type="checkbox"/> I am the property owner	<input type="checkbox"/> I am not the property owner	
City: Chattanooga	State: TN	Zip Code: 37405	Email: jshea@serviceelectricco.com
Phone 1: 423-987-1896	Phone 2: 423-847-4787	Phone 3:	Fax:
<b>6 Property Owner Information (if not applicant)</b>			
Name: Same		Phone:	
Address:			
<b>Office Use Only:</b>			
Planning District: 8B		Neighborhood: Highland Park Neighborhood	
Hamilton Co. Comm. District: 4		Chatt. Council District: 9	
Other Municipality:			
Staff Rec:	PC Action/Date:	Legislative Action/Date/Ordinance:	
<b>Checklist</b>			
<input checked="" type="checkbox"/> Application Complete	<input checked="" type="checkbox"/> Ownership Verification	<input checked="" type="checkbox"/> Map of Proposed Zoning Area with dimensions	
<input checked="" type="checkbox"/> Site Plan, if required	<input checked="" type="checkbox"/> Total Acres to be considered:	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s): 8542-218, 7128-873, & 9580-489			
Plat Book/Page: 3-40		<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 1
<input checked="" type="checkbox"/> Filing Fee:	Cash	<input checked="" type="checkbox"/> Check	Check Number: 1603
Planning Commission meeting date: July 8, 2013		Application processed by: Marcia Parker	

MR-2013-095 City of Chattanooga  
July 8, 2013

RESOLUTION

WHEREAS, Jody Shea/Shea Properties, LLC petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga for the abandonment of an opened alley perpendicular to the 600 block of South Holtzclaw Avenue.

Abandonment of an opened alley beginning at the northwest corner of Lot 14, Block 4, of Spear, Long, and Wilkins Subdivision, Plat Book 3, Page 40, ROHC, thence southeastwardly some 145 feet to the northeast corner of Lot 12 of the same subdivision. Said Alley separates Lots 12 thru 14 from Lots 1, 2, and 3 of said plat. Tax Map 146J-C-001 thru 003 and 025 as shown on the attached map.

**Staff Recommendation:** Abandonment of an opened alley beginning at the northwest corner of Lot 14, Block 4, of Spear, Long, and Wilkins Subdivision, Plat Book 3, Page 40, ROHC, thence southeastwardly some 96 feet to the southwest corner of Lot 3 of the same subdivision. Said Alley separates Lots 13 thru 14 from Lots 1 and 2 of said plat. Tax Map 146J-C-001 thru 002 and 025 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on July 8, 2013,

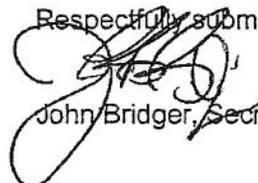
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

~~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 July 8, 2013, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved for closure only to the extent of the applicant's properties, approximately 100 feet southeastwardly from the 600 block of S. Holtzclaw Avenue.

Respectfully submitted,



John Bridger, Secretary

**Planning Commission Recommendation:  
Approve Staff Recommendation**

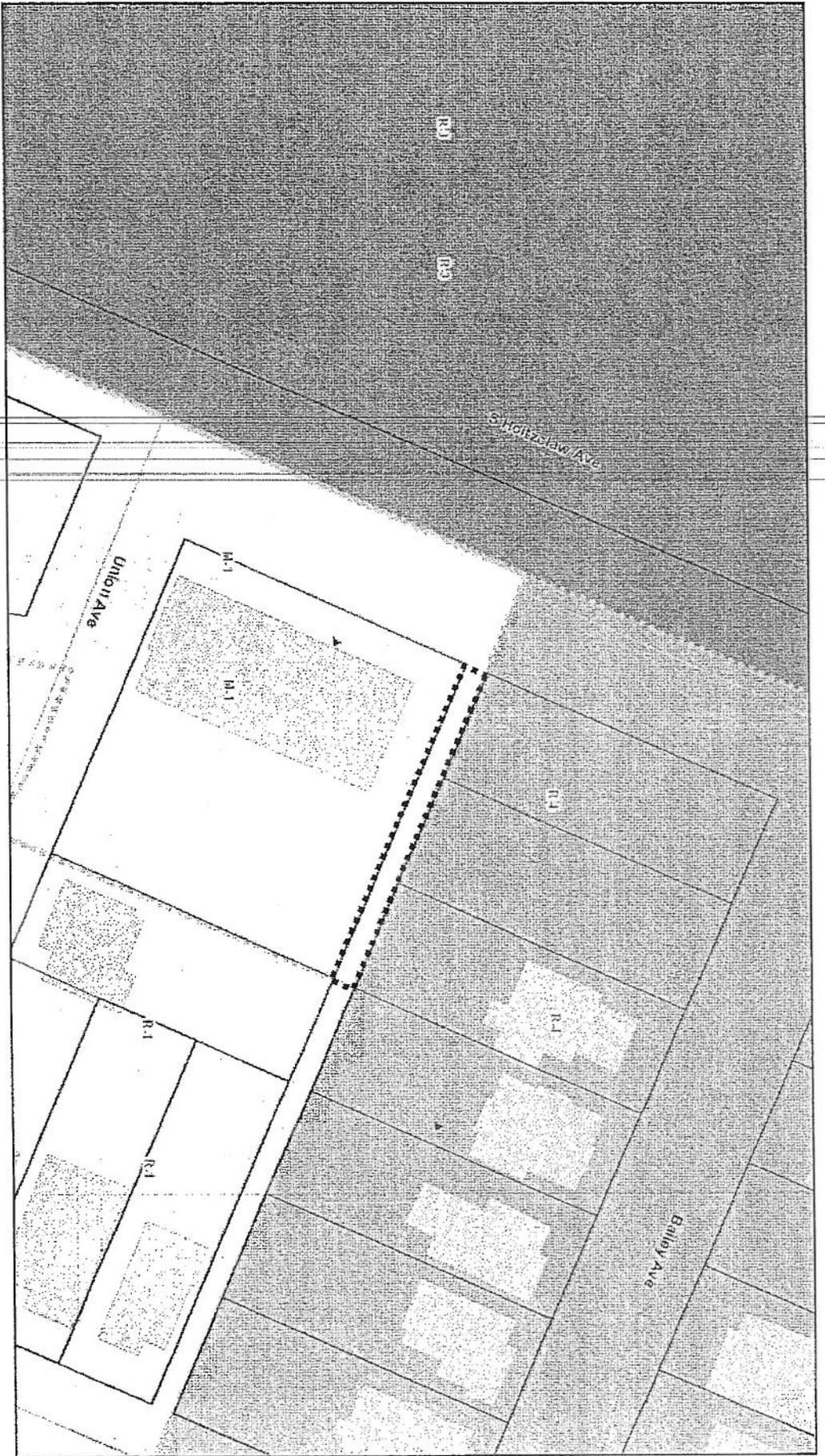
Chattanooga-Hamilton County Regional Planning Agency

**RPA STAFF RECOMMENDATION**

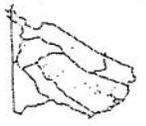
<b>Case Number:</b>	<b>MR 2013-095</b>	<b>PC Meeting Date: 07-08-2013</b>
<b>STAFF RECOMMENDATION:</b>	APPROVE closure only to the extent of the applicant's properties, approximately 100 ft southeastwardly from the 600 block of S. Holtzclaw Avenue.	
<b>Land Use &amp; Transportation Comments</b>		
<b>Planning Staff:</b>	<p><u>Applicant Request Overview</u></p> <p>The applicant is requesting closure of a public right-of-way that begins at the 600 block of South Holtzclaw Avenue and extends in a southeastwardly direction approximately 144 ft.</p> <p><u>Plans/Policies</u></p> <p>Right-of-way Abandonment and Closure requests are reviewed using the Right-of-Way Closure and Abandonment Policy adopted by the Chattanooga-Hamilton County Regional Planning Commission in January 1997 and the City of Chattanooga (Resolution 24532) in August 2005.</p> <p>Review of rights-of-way for closure are based on a tiered classification. This right-of-way is Tier 2: Rights-of-way which are not currently opened or only partially opened but which provide a limited level of service to the abutting property owners or to utilities. Applications for closure and abandonment will be accepted on Tier 2 rights-of-way and reviewed using the adopted review factors and according to the tenets of this policy.</p> <p>The evaluation of this right-of-way street closure was based on the following review factors:</p> <ol style="list-style-type: none"> <li>1. The width of the ROW is 10ft +/-</li> <li>2. Presence of or potential for the location of utilities</li> <li>3. Currently not open to traffic</li> <li>4. No potential for future public use</li> <li>5. Type / condition of surface is paved</li> <li>6. <del>The closure as requested will impact access to the adjacent property.</del></li> <li>7. Applicant owns parcels 146J-C-001, 002 and 025 and intends to combine the properties to expand his existing business.</li> </ol> <p><u>Staff Recommendation</u></p> <p>Staff is recommending approval of the closure only to the extent of the applicant's properties, approximately 100 ft southeastwardly from the 600 block of S. Holtzclaw Avenue. The Operations Chief for the City of Chattanooga Fire Department finds no operational problems with the closure. The segment of the alley located behind parcel 146J-C-003, not owned by the applicant, should remain open.</p>	

## RPA STAFF RECOMMENDATION

Infrastructure & Operational Comments	
Public Works Staff:	All land development projects are reviewed by City Engineering & Water Quality staff, Traffic Engineering & Operations staff, and the Land Development Office staff. In addition to the requirements of the City of Chattanooga Zoning Ordinance, all land development is further required to comply with current City of Chattanooga traffic regulations, building and development codes, storm water/water quality regulations, and the landscape ordinance.



**MR 2013-095 Abandonment of an Alley located in the 600 blk of S Holtzclaw Ave**

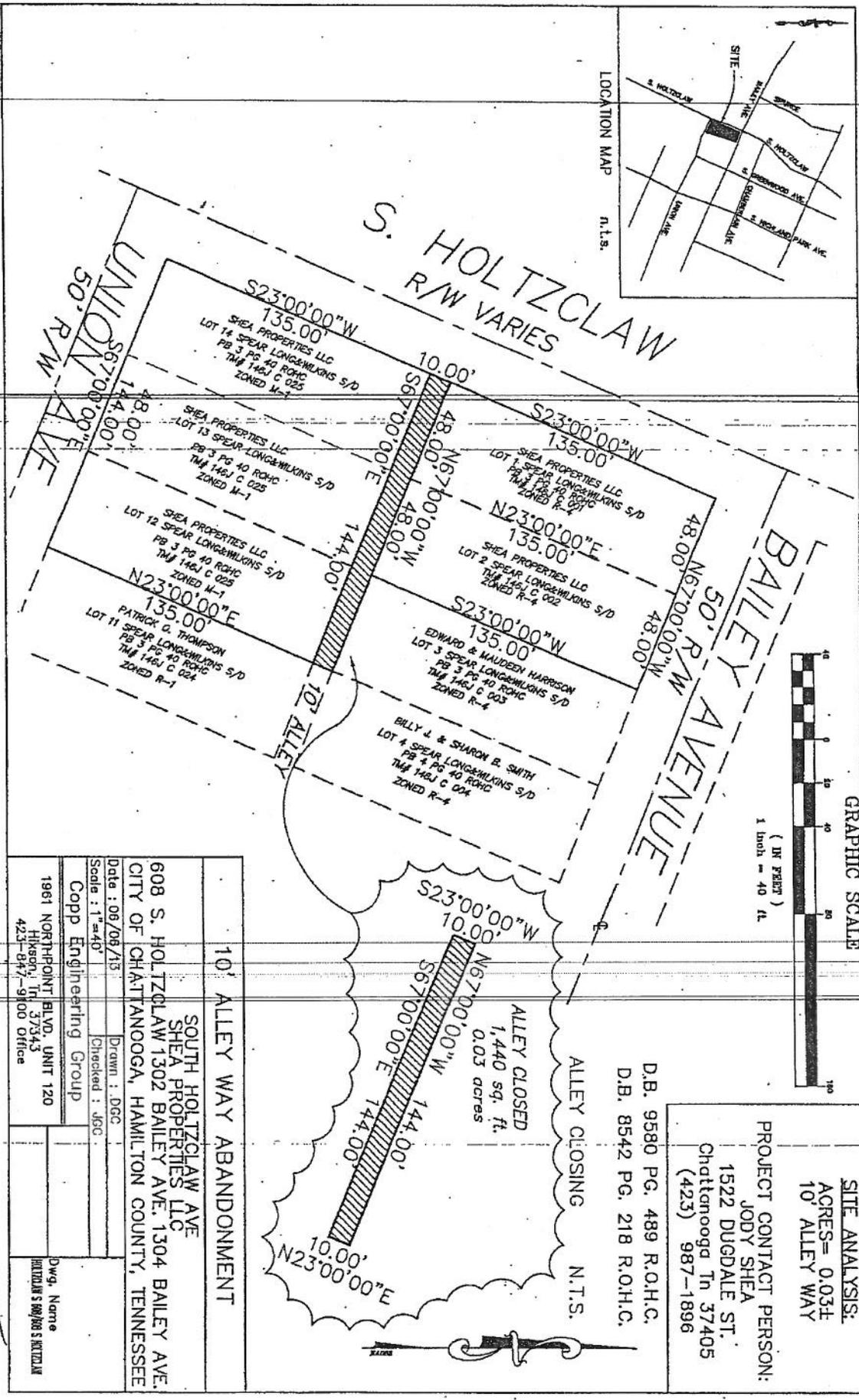
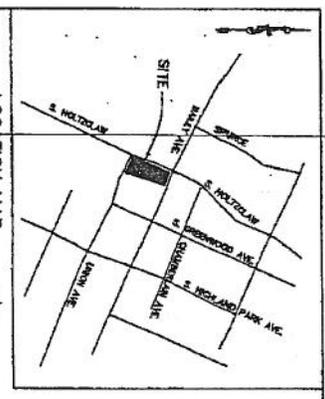


Chattanooga Hamilton County Regional Planning Agency

59 ft



LOCATION MAP n.t.s.



10' ALLEY WAY ABANDONMENT	
SOUTH HOLTZCLAW AVE SHEA PROPERTIES LLC 608 S. HOLTZCLAW 1302 BAILEY AVE. 1304 BAILEY AVE. CITY OF CHATTANOOGA, HAMILTON COUNTY, TENNESSEE	
Date: 09/08/13	Drawn: DGC
Scale: 1"=40'	Checked: JSC
Copp Engineering Group	
1961 NORTHPOINT BLVD. UNIT 120 Hixson, TN 37343 423-647-9100 Office	
Dwg. Name	HOLTZCLAW 10/10 5 KETZLAN

**SITE ANALYSIS:**  
ACRES= 0.03±  
10' ALLEY WAY

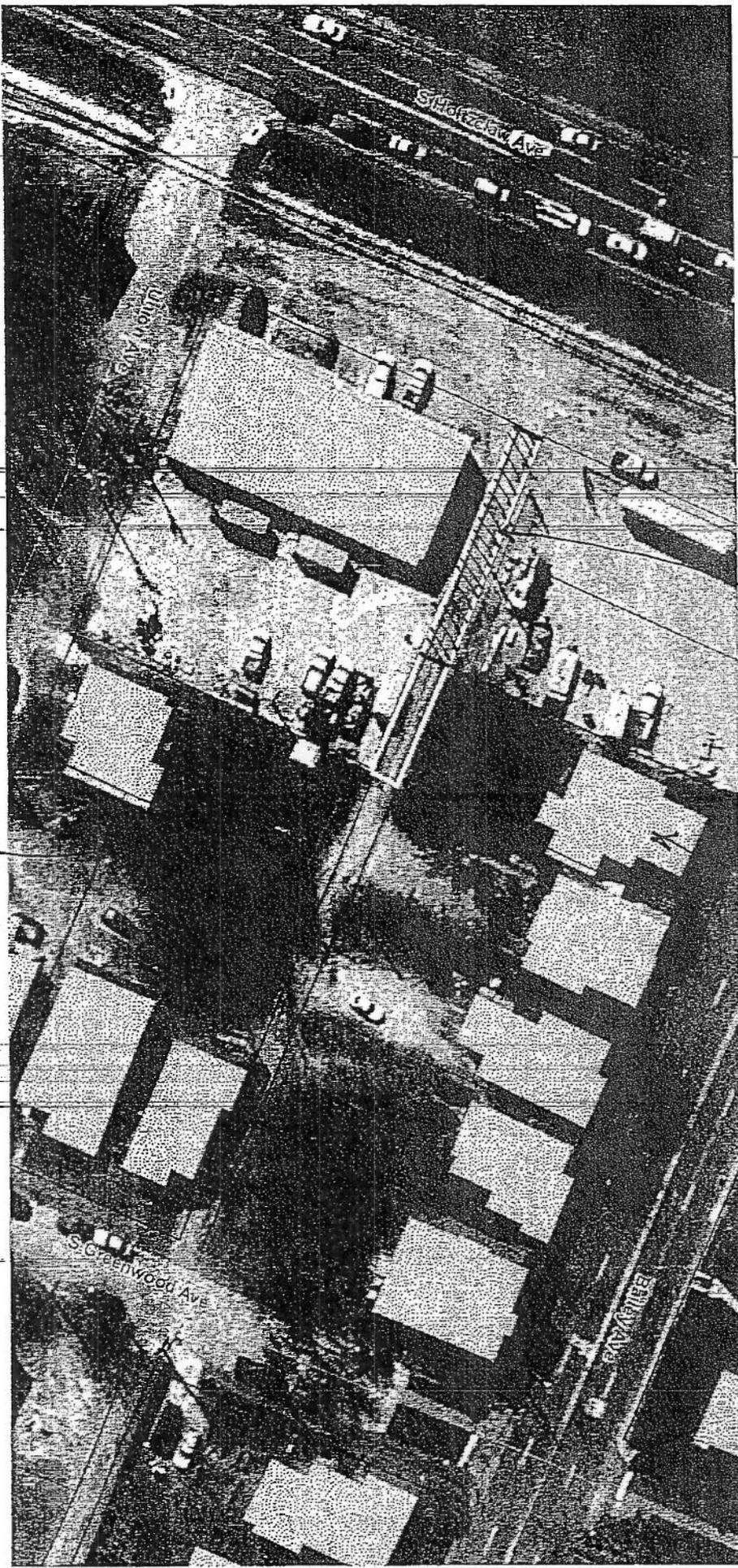
**PROJECT CONTACT PERSON:**  
JODY SHEA  
1522 DUGDALE ST.  
Chattanooga Tn 37405  
(423) 987-1896

D.B. 9580 PG. 489 R.O.H.C.  
D.B. 8542 PG. 218 R.O.H.C.

2013-095

MR 2013-095

staff recommends to abandon only  
this portion so as not to remove rear access  
to this property.



Applicant Request



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

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

June 18, 2013

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 MR2013-095 and MR2013-098

Dear Mr. Haynes:

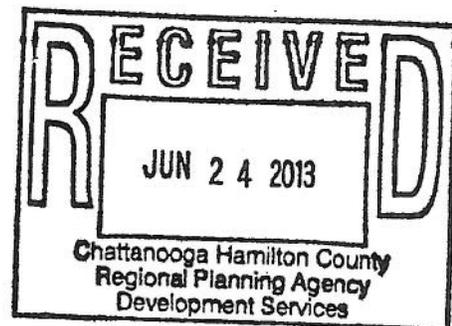
In regards to Case Numbers MR2013-095 and MR2013-098 for the July 8, 2013, Planning Commission Meeting Agenda, AT&T Southeast cannot agree to closure since facilities are in this area. Please reserve any existing or future utility easements inside the proposed abandonment areas.

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

June 18, 2013

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

RE:Case # 2013-092, 2013-095, 2013-098

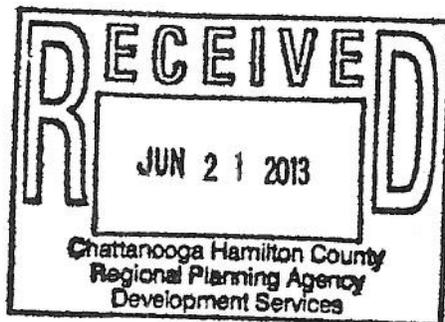
Dear Marcia:

Comcast does concur to the closure case(s). Comcast has active service, on a portion of the proposed closure. Comcast would agree to the closure if the existing Right of Way/Easements remained in effect and if any rerouting of existing plant would be required it would be at no cost to Comcast.

Sincerely,

*Mike Schlote*

Mike Schlote  
Construction Coordinator



P. O. Box 182255  
Chattanooga, Tennessee  
37422-7255  
www.epb.net

June 19, 2013



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

RE: Case No. 2013-095

Dear Mr. Haynes:

EPB has located within the petitioned right-of-way, electrical and communications facilities which must be maintained for the use and benefit of our customers. We will not object to the closure, however, provided the entire petitioned right-of-way is reserved for the operation, maintenance, rebuilding, and replacement of these facilities and for ingress and egress to them.

Thank you for the courtesy notice.

Sincerely,

A handwritten signature in cursive script that reads 'Billy'.

William McGhee  
Right-of-Way Agent  
EPB



# Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
<del>MR 2013-090</del>		
MR 2013-092	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
MR 2013-095	✓	
MR 2013-098	✓	
<input checked="" type="checkbox"/> RETAIN 20' SANITARY SEWER AND STORM EASEMENT		

BAND  
6/2/13

RETAIN 20' SANITARY SEWER AND STORM EASEMENT

\* Comments forthcoming

### Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
<del>MR 2013-092</del>		X
MR 2013-092	✓	
MR 2013-095	✓	
MR 2013-098		

City Engineer  
Bill Payne

BUD  
6/13/13

\* Comments forthcoming

A

### Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-090	✓	
MR 2013-092	✓	
MR 2013-095		✓
MR 2013-098		✓

F.R.B.  
Billy McChae

\* Comments forthcoming

### Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-090	X	
MR 2013-092		X
MR 2013-095		X
MR 2013-098		X

Comcast Cable  
Mike Skiffel

\* Comments forthcoming

### Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-090	✓	
MR 2013-092	✓	
MR 2013-095		✓
MR 2013-098		✓

Beul South  
Don Mountz

\* Comments forthcoming

# Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
<del>MR 2013-092</del>		
MR 2013-092		RH
MR 2013-095		RH
MR 2013-098		RH

\* Comments forthcoming

# Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-090		
MR 2013-092		
MR 2013-095		
MR 2013-098		

\* Comments forthcoming

# Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-090	✓	
MR 2013-092	✓	
MR 2013-098	✓	
MR 2013-095	✓	

\* Comments forthcoming

# Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-090	✓	
MR 2013-092	✓	
MR 2013-095	✓	
MR 2013-098	✓	

\* Comments forthcoming

Chattanooga Gas Co.  
Chattanooga Hydro  
OK

Chatt fire Dept  
Kandall Ferrer

Dept of Transportation  
Mr Jackie Wolfe

Dept of Transportation  
Ray Rucker

### Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-090	✓	
MR 2013-092	✓	
MR 2013-095	✓	
MR 2013-098	✓	

W.W.T.#  
Cleveland Games

\* Comments forthcoming

### Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
<del>MR 2013-090</del>	✓	
MR 2013-092	✓	
MR 2013-095	✓	
MR 2013-098	✓	
CRD / E 55		

Chattanooga Police Dept  
David Hrye

\* Comments forthcoming

### Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-090	✓	
MR 2013-092	✓	
MR 2013-095	✓	
<del>MR 2013-098</del>		

In American Water Co.  
Robbie Harvey

\* Comments forthcoming

### Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-098	✓	

Hickson Utility District  
Caroleyn Hickman  
Lyold Jackson

\* Comments forthcoming

