

First Reading: _____
Second Reading: _____

MR-2013-136
Bridgeway Chattanooga Realty Partners, LLC

ORDINANCE NO. _____

AN ORDINANCE CLOSING AND ABANDONING AN EASEMENT BEING PART OF THE PROPERTY LOCATED AT 6839 McCUTCHEON ROAD, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That an easement being part of the property located at 6839 McCutcheon 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:

An unplatted tract of land located at 6839 McCutcheon Road, being a portion of the property described as part of an Order of Taking in Deed Book 5515, Page 504, ROHC, measuring approximately 50 feet by 750 feet. Part of Tax Map No. 138M-C-002.

SECTION 2. BE IT FURTHER ORDAINED, That this closure and abandonment shall be subject to the relocation of drainage and access infrastructure as approved 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:_____

CHAIRPERSON

APPROVED:____ DISAPPROVED:____

MAYOR

/mms

City of Chattanooga



Resolution Request Form

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

Date: November 8, 2013

Preparer: William C. Payne

Department: Public Works - Engineering

Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council):

District 6

A City Council Action is requested to approve the Bridgeway Chattanooga Realty Partners, LLC for the abandonment of an easement being part of the property located at 6839 McCutcheon Road, as referenced in Case No. 2013-136, subject to the certain conditions.

Name of Vendor/Contractor/Grant, etc.	<u>N/A</u>	New Contract/Project? (Yes or No)	<u>N/A</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.

Amount(s)	Grantor(s)
<u> </u>	<u> </u>

Agency Grant Number

CFDA Number if known

Other comments: (Include contingency amount, contractor, and other information useful in preparing resolution)

Approved by:

DESIGNATED OFFICIAL/ADMINISTRATOR

Reviewed by: FINANCE OFFICE

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

Memorandum

To: Bill Payne
From: Ed Bowen
cc: Dennis Malone
Date: November 6, 2013
Re: Bridgeway Chattanooga Realty Partners
Case No. 2013-136
6839 McCutcheon Road

Recommendations Regarding Abandonment Request

I have completed the review of Bridgeway Chattanooga Realty Partners' request regarding an unplatted tract of land located at 6839 McCutcheon Road, being a portion of the property described as part of an Order of Taking in Deed Book 5515, Page 504, ROHC, measuring approximately 50' by 750'. Part of Tax Map 138M-C-002 as shown on the attached map. My comments are as follows:

1. The applicant wants to abandon the existing 50' drainage easement and 20' access easement for construction of an apartment development.
2. The unplatted tract, approximately 50' wide and 750' long, has an area of about 37,500 square feet.
3. The city of Chattanooga has drainage and access infrastructure in the subject portion of the easements.
4. The Planning Commission recommended approval.

Therefore, I recommend the following: The request for abandonment of said portion of right-of-way is approved with the following condition:

- Subject to the relocation of drainage and access infrastructure as approved by the City Engineer.

Bridgeway Chattanooga Realty Partners, LLC
Case: MR-2013-136
50' Drainage Easement and 20' Access Easement



WO# 122303

Chattanooga-Hamilton County Regional Planning Agency

CLOSURE/ABANDONMENT APPLICATION FORM

CASE NUMBER: MR 2013-136		Date Submitted: 09-26-2013	
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
1 Applicant Request (Mandatory Referral per TCA 13-4-104)			
Closure/Abandonment	<input type="checkbox"/> Alley	<input type="checkbox"/> Street	<input type="checkbox"/> Sewer <input checked="" type="checkbox"/> Other
Name of Street or Right-Of-Way:			
	<input type="checkbox"/> Open	<input type="checkbox"/> Unopened	Length/Width: 750' L by 70' W
Beginning: McCutcheon Road Right-of-Way			
Ending: North property line of 6839 McCutcheon Road			
2 Property Information			
Property Address:	6839 McCutcheon Road		
Property Tax Map Number(s):	138M-C-002		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Request to abandon the existing 50' drainage easement and 20' access easement for construction of apartment development		
4 Site Characteristics			
Current Zoning:	R-3		
Current Use:	Residential		
Adjacent Uses:	Residential		
5 Applicant Information			
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: Bridgeway Chattanooga Realty Partners LLC.		Address: 52 Vanderbilt Avenue, Suite 2007	
Check one:	<input checked="" type="checkbox"/> I am the property owner	<input type="checkbox"/> I am not the property owner	
City: New York	State: NY	Zip Code: 10017	Email: rroddie@rohdielgroup.com
Phone 1: 212-682-5784	Phone 2:	Phone 3:	Fax:
6 Property Owner Information (if not applicant)			
Name: Same		Phone:	
Address:			
Office Use Only:			
Planning District: 10		Neighborhood: Friends of East Brainerd, Brainerd East Brainerd Chamber	
Hamilton Co. Comm. District: 5	Chatt. Council District: 6	Other Municipality:	
Staff Rec:	PC Action/Date:	Legislative Action/Date/Ordinance:	
Checklist			
<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	Total Acres to be considered: N/A	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s): 9955-860			
Plat Book/Page: 15-23	<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 1	
<input checked="" type="checkbox"/> Filing Fee: 350.00	Cash	<input checked="" type="checkbox"/> Check	Check Number: 5713
Planning Commission meeting date: 10-14-2013		Application processed by: Marcia Parker	



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: October 14th, 2013

TIME: 1:00 PM

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

CASE NO. MR 2013-136

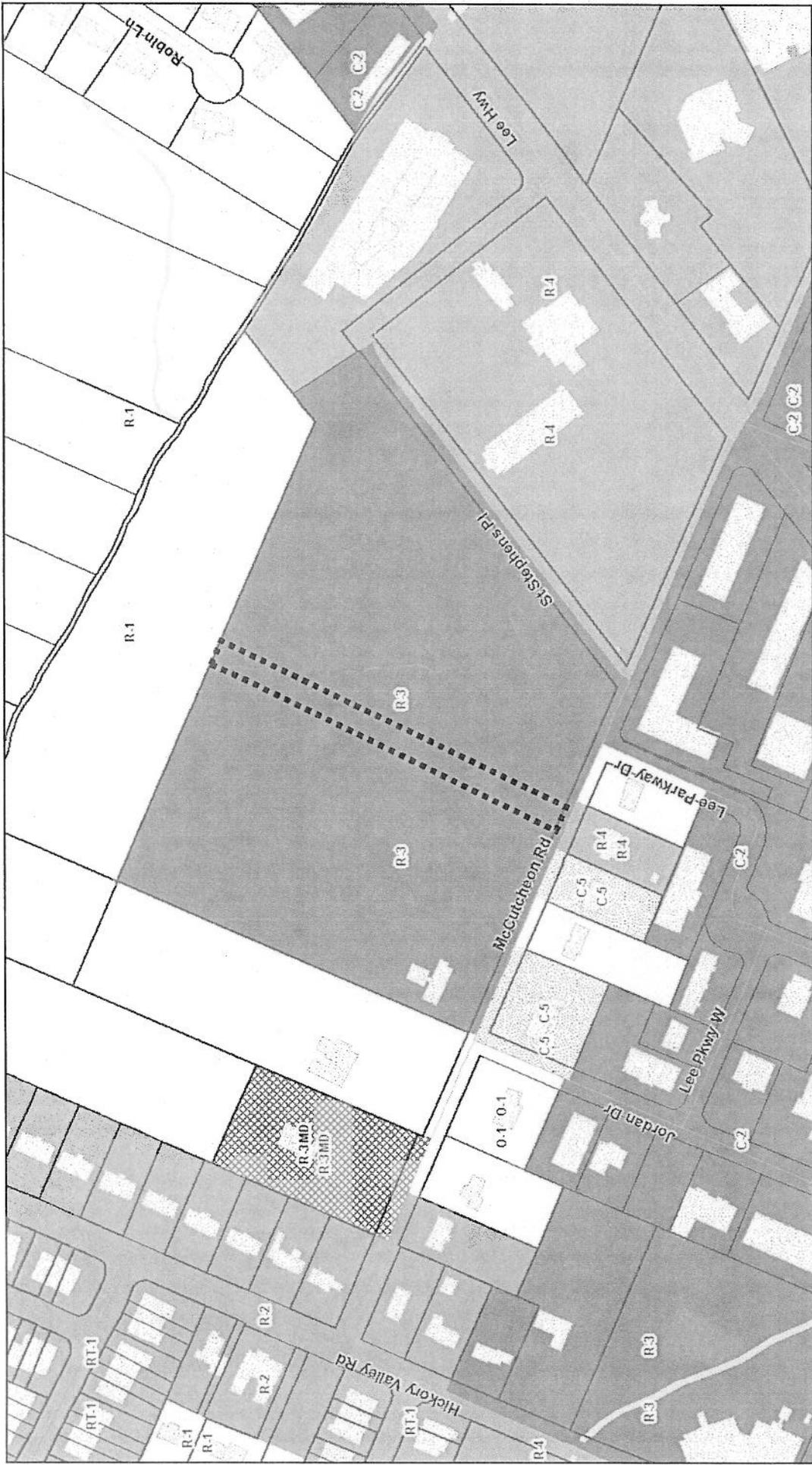
JURISDICTION: Chattanooga

APPLICANT: Bridgeway Chattanooga Realty Partners LLC.

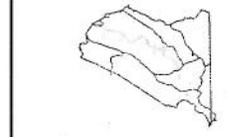
TYPE OF CHANGE: 50' drainage easement & 20' access easement beginning at McCutcheon Road Right-of-Way ending at the north property line of 6839 McCutcheon Road

LOCATION: 6839 McCutcheon Road

(SEE MAP ON REVERSE SIDE)



MR 2013-136 Abandonment of a 50' Drainage Easement and a 20' Access Easement



274 ft



Chattanooga Hamilton County Regional Planning Agency

MR-2013-136 City of Chattanooga
October 14, 2013

RESOLUTION

WHEREAS, Bridgeway Chattanooga Realty Partners 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 an easement being a part of the property located at 6839 McCutcheon Road.

An unplatted tract of land located at 6839 McCutcheon Road, being a portion of the property described as part of an Order of Taking in Deed Book 5515, Page 504, ROHC, measuring approximately 50 feet by 750 feet. Part of Tax Map 138M-C-002 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on October 14, 2013,

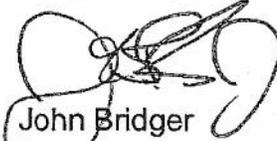
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

AND WHEREAS, no one was present in opposition to the petition,

AND WHEREAS, the Planning Commission has studied the existing pattern of development.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on October 14, 2013, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved.

Respectfully submitted,


John Bridger
Secretary

RPA STAFF RECOMMENDATION

Case Number:	MR 2013-136	PC Meeting Date: 10-14-2013
STAFF RECOMMENDATION:	APPROVE	
Land Use & Transportation Comments		
Planning Staff:	<p><u>Applicant Request Overview</u></p> <p>The applicant is requesting to abandon the existing 50 foot drainage easement and 20 foot access easement beginning at the McCutcheon Road right-of-way and ending at the north property line of 6839 McCutcheon Road for construction of a multi-family development.</p> <p><u>Site Description</u></p> <p>The site is currently zoned R-3 and is currently vacant. The adjacent land uses are residences, commercial, and vacant.</p> <p><u>Staff Recommendation</u></p> <p>The Regional Planning Agency is recommending approval of the request to abandon the existing 50 foot drainage easement and 20 foot access easement because the applicant is relocating the drainage easement and granting a substitute access easement from St. Stephens Place.</p>	
Infrastructure & Operational Comments	<p>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.</p> <p>Additional requirements, if needed, are indicated by the appropriate department below.</p>	
Public Works Staff:	<p>The existing drainage use within the easement will be enclosed in a pipe and relocated to another part of the property located at 6839 McCutcheon Road. A 30 foot private drainage easement will be recorded over the new alignment wherefore the City will no longer have maintenance, repair, or replacement responsibility of the relocated and buried conveyance. A substitute 20 foot access easement from St Stephens Place shall be granted to the City. The City will review grading in the field for appropriate access use commensurate with existing access.</p>	

Bridgeway Chattanooga Realty Partners, LLC
Case: MR-2013-136
50' Drainage Easement and 20' Access Easement





**CITY OF CHATTANOOGA
PUBLIC WORKS DEPARTMENT
UNIFIED WORK ORDER**

Project/Funding:

Work Order Number: * 1 2 2 3 0 3 *

Address: 6839 MCCUTCHEON ROAD

Tax Map/Grid: 145L

Required Work Type: ENG - RPA Cases		Category: ADMIN		Date Needed: 10/27/2013
WO Initiated: 10/17/2013 3:30:25 PM	Initiated By: KING, CAROLA	Requested By: BOWEN, EDWARD L	Priority: 3	District: 8
			Transferred To/Submitted to: BOWEN, EDWARD L - 10/17/2013 3:30:35 PM	Status: UNDINV

Instructions:

Comments:
By KING, CAROLA: 10/17/2013 3:32:35 PM
Request to abandon the existing 50' drainage easement and 20' access easement for construction of apartment development.

Date Completed: _____ **Supervisor:** _____ **WO Closed:** _____

Associated Service Request(s), If Any:

SR#	Date/Time Init.	Priority	Description	Problem Address
			Customer Work Phone	Customer Zip
			BRIDGEWAY CHATTANOOGA ZIZ 482-5784	10017
			REALTY PARTNERS	

Work Comments/Results: E-MAIL: crottdie@rohdiegroupp.com