

First Reading: _____
Second Reading: _____

MR-2013-124
Jody Shea

ORDINANCE NO. _____

AN ORDINANCE CLOSING AND ABANDONING OF A
PORTION OF 2500 SOUTH HAWTHORNE STREET.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That a portion of 2500 South Hawthorne 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 an unopened street beginning at the 1800 block of East 25th Street going southwest some 135 feet, separating Lot 310 from Lot 214 of the Foust Land Company's Addition, Plat Book 6, Page 35, ROHC. Tax Map Nos. 156J-A-031 and 156H-F-012.

SECTION 2. 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

City of Chattanooga



Resolution Request Form

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

Date: November 18, 2013

Preparer: Blythe Bailey

Department: Transportation

Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council): _____

District 8

A City Council Action is requested to deny the request for Jody Shea for the abandonment of a portion of 2500 South Hawthorne Street, as referenced in **Case No. 2013-124**.

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.

<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: _____

Reviewed by: FINANCE OFFICE

DESIGNATED OFFICIAL/ADMINISTRATOR

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

Memorandum

To: Bill Payne
CC: Dennis Malone, Ed Bowen
From: Blythe Bailey
Date: 11/26/2013
Re: Case No. 2013-124 – S Hawthorne St

I have completed the review of the case described herein. Portions of our alley abandonment tier system and policy are included here:

*It is the policy of the RPA and other public agencies to retain rights-of-way for public use and **only** to recommend the permanent closure and abandonment of rights-of-way when ...*

it is concluded that the public has no further need to retain this right-of-way and that its abandonment is necessary to achieve a significant private or public interest.

It is unclear what benefit would come from this abandonment at this time for the applicant. The reason for the request is for a landscape buffer but documentation does not show why this abandonment is crucial to meet these requirements. This ROW is part of an extended grid of our historic city that is critical to have available for good transportation connectivity sometime in the future. Smart transportation planning urges secondary grid connections where possible. These secondary connections make safer and more viable multiple forms of travel mode. Original review from Planning staff was for denial and our recommendation supports that original recommendation.

The case has not been made that *the public has no further need to retain this right-of-way*, and it is unclear what *significant private or public interest* would come from permanent abandonment. “

The Transportation Department objects to this request for abandonment.

Memorandum

To: Bill Payne
From: Ed Bowen
cc: Dennis Malone
Date: November 20, 2013
Re: Jody Shea
Case No. MR 2013-124
2500 Block of South Hawthorne Street

Recommendations Regarding Abandonment Request

I have completed the review of Ms. Shea's request for the abandonment of an unopened street beginning at the 1800 block of East 25th Street going southwest some 135 feet, separating Lot 310 from Lot 214 of the Foust Land Company's Addition, Plat Book 6, Page 35, ROHC. Tax Maps 156J-A-031 and 156H-F-012 as shown on the attached map. My comments are as follows:

1. Ms. Shea says a landscape buffer is needed.
2. The city of Chattanooga has sanitary sewer infrastructure in the subject portion of the alley.
3. The Planning Commission recommended approval.
4. The following utility owners noted objections to the abandonment:
 - Electric Power Board
 - Comcast Cable
 - Bell South
 - City of Chattanooga (Sanitary Sewer Only)
5. The Chattanooga Transportation Department objects to the abandonment.

Therefore, I recommend the following: ***The request for abandonment of said portion of right-of-way is denied:***



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 2013-124

JURISDICTION: Chattanooga

APPLICANT: Jody Shea

TYPE OF CHANGE: Beginning at the 1800 block of East 25th Street going Southwest to end of parcel approximately 135 feet plus or minus

LOCATION: 2500 block of South Hawthorne Street

(SEE MAP ON REVERSE SIDE)

Jody Shea
Case: MR 2013-124
Landscape buffer needed



23TH

OPEN

OPEN

UNOPEN

UNOPEN

1711

1713

1715

1717

1716

1716

1800

1804

1801

26TH

WO # 122299

Chattanooga-Hamilton County Regional Planning Agency

CLOSURE/ABANDONMENT APPLICATION FORM

CASE NUMBER: MR 2013-124		Date Submitted: 09-05-2013	
(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 checked="" type="checkbox"/> Street	<input type="checkbox"/> Sewer <input type="checkbox"/> Other
Name of Street or Right-Of-Way:			
	<input type="checkbox"/> Open	<input checked="" type="checkbox"/> Unopened	Length/Width:
Beginning: Starting at the 1800 block of East 25 th Street going Southwest			
Ending: to end of parcel approximately 135 feet plus or minus			
2 Property Information			
Property Address:	2500 block of South Hawthorne Street		
Property Tax Map Number(s):	156J-A-031 & 156H-F-012		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Landscape buffer needed, see case 2013-096		
4 Site Characteristics			
Current Zoning:	R-2		
Current Use:	Unopened Right-of-Way		
Adjacent Uses:	Residential & Manufacturing		
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: Jody Shea		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:
Phone 1: 423-987-1896	Phone 2:	Phone 3:	Fax:
6 Property Owner Information (if not applicant)			
Name: Same		Phone:	
Address:			
Office Use Only:			
Planning District: 8C		Neighborhood: East Lake Crime Watch	
Hamilton Co. Comm. District: 4	Chatt. Council District: 8	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:	<input checked="" type="checkbox"/>	Deeds
		<input checked="" type="checkbox"/>	Plats, if applicable
Deed Book(s): 9701-84, 8270-795			
Plat Book/Page: 6-35		<input checked="" type="checkbox"/>	Notice Signs
			Number of Notice Signs: 2
<input checked="" type="checkbox"/>	Filing Fee: 350.00	<input type="checkbox"/>	Cash
		<input checked="" type="checkbox"/>	Check
			Check Number: 1610
Planning Commission meeting date: 10-14-2013		Application processed by: Marcia Parker	

RPA STAFF RECOMMENDATION

Case Number: MR 2013-124 **PC Meeting Date:** 10-14-2013

STAFF RECOMMENDATION: DENY

**Land Use & Transportation
 Comments**

Planning Staff:

Applicant Request Overview

The applicant is requesting the closure of part of the 2500 block of South Hawthorne Street beginning at the 1800 block of East 25th Street going southwest approximately 135 feet to the end of parcel 156J-A-031.

Plans/Policies

Right-of-way (ROW) 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.

Review of rights-of-way for closure is based on a tiered classification. This right-of-way is Tier 2, rights-of-way which are not currently opened but which provide a limited level of service to the abutting property owners or to utilities. Applications for closure and abandonment accepted on Tier 2 rights-of-way are reviewed using the adopted review factors and according to the tenets of this policy.

The evaluation of this right-of-way street closure was based on the following review factors:

1. Width of the ROW is 40 feet +/-.
2. Presence of or potential for the location of utilities. Sewer is located in the center of the ROW.
3. Currently not open to traffic.
4. Potential for improving connectivity within the neighborhood.
5. Street is unpaved and overgrown with brush.
6. Adjacent properties will maintain access off of 25th Street.
7. The applicant hopes to gain additional property to provide a 20 foot type "A" landscape buffer, as conditioned by ordinance 12753 of the Chattanooga City Council.

Staff Recommendation

The Regional Planning Agency is recommending denial of the closure request as the right-of-way has the potential to improve connectivity within the neighborhood in the future. Furthermore, Public Works staff have indicated that a sewer easement is located within the right-of-way which may impact the applicant's intended use.

Infrastructure & Operational

RPA STAFF RECOMMENDATION

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>
Transportation Department Staff:	The Traffic Engineer has no issue with the proposed closure.
Public Works Staff:	Sewer is located in the center of the right of way. Retain a 20 foot sanitary sewer easement.

MR-2013-124 City of Chattanooga
October 14, 2013

RESOLUTION

WHEREAS, Jody Shea 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 unopened street off of the 2500 block of South Hawthorne Street.

Abandonment of an unopened street beginning at the 1800 block of East 25th Street going southwest some 135 feet, separating Lot 310 from Lot 214 of the Foust Land Company's Addition, Plat Book 6, Page 35, ROHC. Tax Maps 156J-A-031 and 156H-F-012 as shown on the attached map.

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

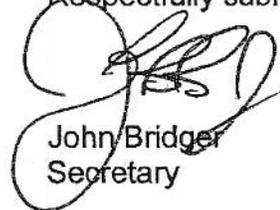
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

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

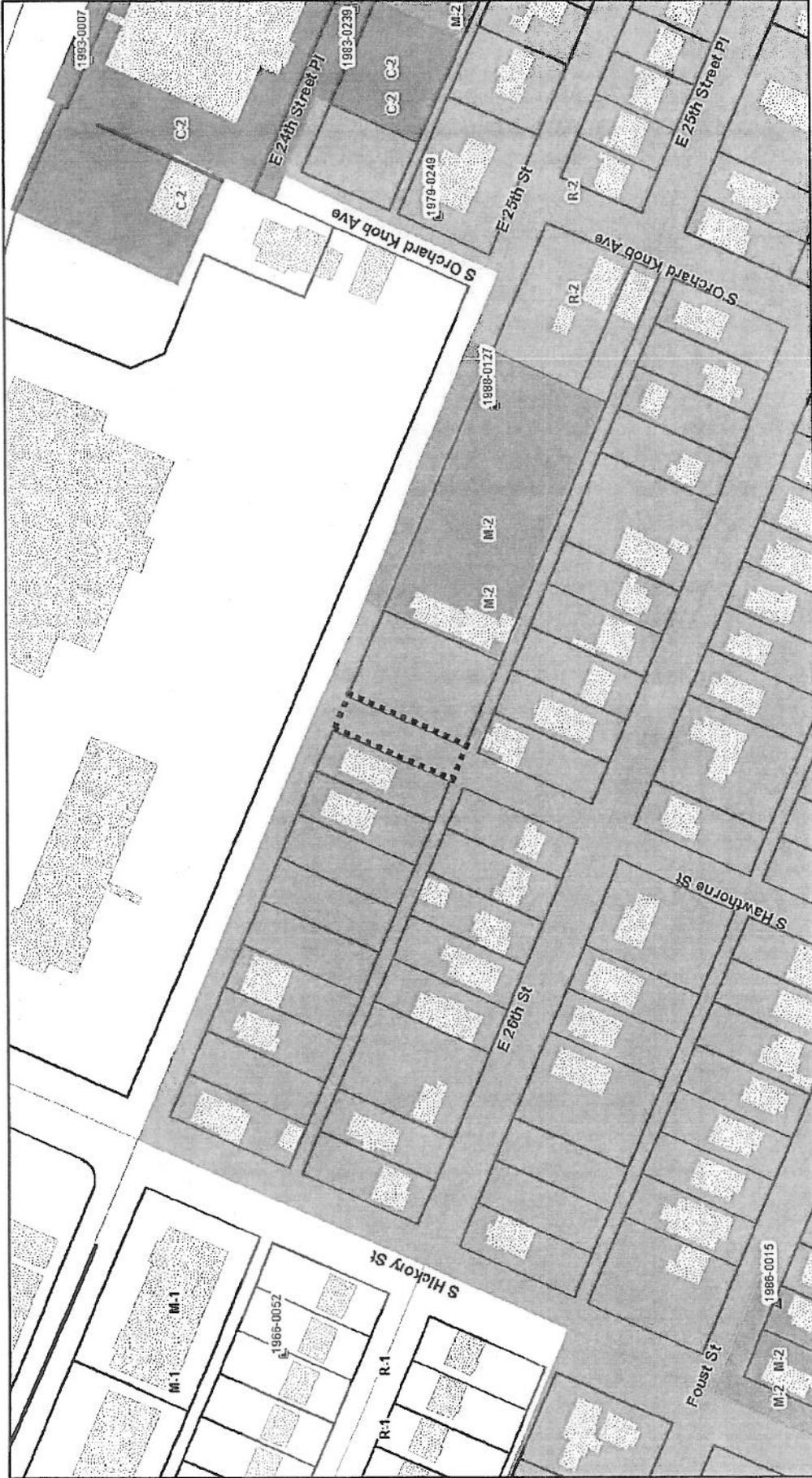
AND WHEREAS, the Planning Commission has studied the existing pattern of development.

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.

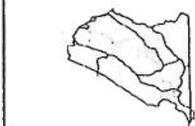
Respectfully submitted,



John Bridger
Secretary



MR 2013-124 Abandonment of a Portion of the 2500 blk of S Hawthorne St



150 ft



Chattanooga Hamilton County Regional Planning Agency

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

September 26, 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. 2013-124

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 black ink, appearing to read 'William McGhee', with a long horizontal flourish extending to the right.

William McGhee
Right-of-Way Agent
EPB



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

October 4, 2013

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

RE:Case # 2013-124

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

City Police Dept
David Frye

W.W.T.A.
Cleveland Grimes

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-120	✓	
MR 2013-124	✓	
MR 2013-125	✓	

*Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-120	✓	
MR 2013-124	✓	
MR 2013-125	✓	

*Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-120	OK	
MR 2013-124	OK	
MR 2013-125	OK	

*Comments forthcoming

Chattanooga Fire Dept
Randall Herron

TN American Water Co.
Robbie Harvey

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-120	✓	
MR 2013-124	✓	
MR 2013-125	✓	

*Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-120	X	
MR 2013-124		X
MR 2013-125	X	

* Comments forthcoming

Comcast Cable T.V.
Mike Schlotz

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-120	X	
MR 2013-124		X
MR 2013-125	X	

* Comments forthcoming

Dept of Transportation
Jackie Wolfe

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-120	X	
MR 2013-124	X	
MR 2013-125	X	
RETAIN 20' SANITARY SEWER CASING		

* Comments forthcoming

City Engineer
Bill Payne

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-120	X	
MR 2013-124	X	
MR 2013-125	X	

* Comments forthcoming

Dept. of Transportation
Ray Rucker

Red South
Jon Mounts

Traffic Engineer
John Vanwinkle

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-120		✓
MR 2013-124	✓	
MR 2013-125	✓	

* allways ROW could save the foundation of providing additional access to public road under great Virginia Ave should street be by.

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-120	✓	
MR 2013-124		✓
MR 2013-125	✓	

* Please reserve any existing or future utility easements inside the proposed abandonment area.

* Comments forthcoming

Chattanooga Gas Co
Harold Hyde

H.P.B.
Billy McKehee

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-120	✓	
MR 2013-124		✓
MR 2013-125	✓	

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-120-Gas Main		✓
MR 2013-124	✓	
MR 2013-125		✓
Revised Hyde 10-8-13		

* Comments forthcoming

013-5918

Abandonment/Closure Cards

Chattanooga Gas CO
Harold Hyde

Case No.	Closure O.K.	
	Yes	No
MR 2013-120 - Gas Main		✓
MR 2013-124	✓	
MR 2013-125	✓	
Harold Hyde 10-8-13		

*Comments forthcoming

643-5918

Abandonment/Closure Cards

Traffic Engineer
John Vanwinkle

Case No.	Closure O.K.	
	Yes	No
MR 2013-120		✓
MR 2013-124	✓	
MR 2013-125	✓	
* allow ROW contractor sweep the function of providing additional access to proposed redesignated Virginia Ave. showed street/bikeway.		

* Comments forthcoming

Case No.	Closure O.K.	
	Yes	No
NR 2013-120	✓	
*NR 2013-124		✓
NR 2013-125	✓	
* Please reserve any existing or future utility easements inside the proposed abandonment Area.		

* Comments forthcoming

Bill Smith
Don Mantis



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

Project/Funding:

Work Order Number: *122299*



Address: 2500 BLOCK OF SOUTH HAWTHORNE STREET

Tax Map/Grid: 145L

Required Work Type: ENG - RPA Cases		Category: ADMIN		Date Needed: 10/27/2013	Status: UNDIINV
WO Initiated: 10/17/2013 2:46:36 PM	Initiated By: KING, CAROLA	Requested By: BOWEN, EDWARD L	Priority: 3	Transferred To/Submitted to: BOWEN, EDWARD L - 10/17/2013 2:47:03 PM	

Instructions:

Comments: By KING, CAROLA: 10/17/2013 2:48:43 PM Landscape buffer needed, see case 2013-096

Date Completed: Supervisor: WO Closed :

Associated Service Request(s), if Any:

SR#	Date/Time Init.	Priority	Description	Problem Address
			Customer Work Phone (423) 987-1896	Customer Zip 37405

Work Comments/Results: