

First Reading: _____
Second Reading: _____

MR-2013-131
Marcus Jones

ORDINANCE NO. _____

AN ORDINANCE CLOSING AND ABANDONING THE
UNOPENED 1300 BLOCK OF AUBIN AVENUE BEGINNING
AT THE SOUTHWEST CORNER OF LOT 1.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That an unopened 1300 block of Aubin Avenue beginning at the Southwest corner of Lot 1, 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 the unopened 1300 block of Aubin Avenue beginning at the southwest corner of Lot 1, Marcus Jones Subdivision, Plat Book 97, Page 5, ROHC, thence northeast some 491 feet to the northwest corner of said lot. The unopened street separates said lot from Lots 21 thru 23 and Lots 13 thru 17, Crow's Addition to Hill City, Plat Book 2, Page 7, ROHC. Tax Map Nos. 126M-G-001, 126L-C-014.01, and 126M-F-004.01.

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

/mms

City of Chattanooga



Resolution Request Form

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

Date: December 17, 2013

Preparer: William C. Payne

Department: TRANSPORTATION

Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council):

District 2

A City Council Action is requested to approve the request of Marcus Jones for the abandonment of the unopened 1300 block of Aubin Avenue beginning at the southwest corner Lot 1, as referenced in Case No. 2013-131.

Name of Vendor/Contractor/Grant, etc. N/A
Total project cost \$ N/A
Total City of Chattanooga Portion \$ N/A
City Amount Funded \$ N/A
New City Funding Required \$ N/A
City's Match Percentage % N/A

New Contract/Project? (Yes or No) N/A
Funds Budgeted? (YES or NO) N/A
Provide Fund N/A
Provide Cost Center N/A
Proposed Funding Source if not budgeted 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: December 13, 2013
Re: Marcus Jones
Case No. 2013-131
1300 Block of Aubin Avenue

Recommendations Regarding Abandonment Request

I have completed the review of Mr. Jones' request for abandonment of the unopened 1300 block of Aubin Avenue beginning at the southwest corner of Lot 1, Marcus Jones Subdivision, Plat Book 97, Page 5, ROHC, thence northeast some 491 feet to the northwest corner of said lot. The unopened street separates said lot from Lots 21 thru 23, and Lots 13 thru 17, Crow's Addition to Hill City, Plat Book 2, Page 7, ROHC Tax Maps 126M-G-001, 126L-C-014.01, and 126M-F-004.01 as shown on the attached map. My comments are as follows:

1. Mr. Jones wants to fence a portion of the unopened street that connects to his private property.
2. The subject portion of the undeveloped right-of-way (Aubin Avenue) is approximately 50' in width and 491' in length for an area of about 24,550 square feet.
3. The City Transportation Department does recommend abandonment.
4. The Planning Commission recommended denial of the closure request.
5. No utility owners noted objections to the abandonment.

Therefore, I recommend the following: The request for abandonment of the subject portion of right-of-way is approved.

101-107-105
Marcus Jones 007

Case: MR 2013-131
491' unopened ROW, 1300 Aubin Ave

CLOSED

LEVEL

100
102
104
106
108
110
112
114

UNOPEN

UNOPEN

UNOPEN

UNOPEN

Undeveloped ROW-Aubin Ave

UNOPEN

CLOSED

CLOSED

CLOSED

1202

1204

1210

1300

1038



WO#123203

Chattanooga-Hamilton County Regional Planning Agency

CLOSURE/ABANDONMENT APPLICATION FORM

CASE NUMBER: MR 2013-131 **Date Submitted: 09-11-2013**

(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)

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: Aubin Avenue					
		<input type="checkbox"/> Open	<input checked="" type="checkbox"/> Unopened	Length/Width: 491'/50'	
Beginning: the 1300 block of (unopened) Aubin Avenue going northeast					
Ending: at the end of parcel approximately 491 feet plus or minus					
2 Property Information					
Property Address:	1300 Block Aubin Avenue				
Property Tax Map Number(s):	126M-G-001, 126L-C-014.01, 126M-F-004.01				
3 Proposed Development					
Reason for Request and/or Proposed Use:	To fence portion of street that connects to my private property				
4 Site Characteristics					
Current Zoning:	R1				
Current Use:	Private Residential				
Adjacent Uses:	Undeveloped Land				
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: Marcus Jones			Address: 6812 Village Lake Circle		
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: 37412	Email: mjones76@gmail.com		
Phone 1: 423-505-2556	Phone 2:	Phone 3:	Fax:		
6 Property Owner Information (if not applicant)					
Name:			Phone:		
Address:					
Office Use Only:					
Planning District: 8b			Neighborhood: Hill City & North Shore Neighborhoods		
Hamilton Co. Comm. District: 6		Chatt. Council District: 2		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 type="checkbox"/>	Site Plan, if required	Total Acres to be considered:		<input checked="" type="checkbox"/>	Deeds
<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	Plats, if applicable		
Deed Book(s): 9869-594, 3736-798, and 3736-802					
Plat Book/Page: 97-5 and 2-7			<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: 2167
Planning Commission meeting date: 11-12-13			Application processed by: Trevor Slayton		



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: November 11th, 2013

TIME: 1:00 PM

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

CASE NO. MR 2013-131

JURISDICTION: Chattanooga

APPLICANT: Marcus Jones

TYPE OF CHANGE: Beginning in the 1300 block of Aubin Avenue going Northeast and ending at the end of parcel approximately 491 feet plus or minus

LOCATION: 1300 block of Aubin Avenue

(SEE MAP ON REVERSE SIDE)

101 105

Marcus Jones

Case: MR 2013-131

491' unopened ROW, 1300 Aubin Ave

CLOSED



CLOSED

Undeveloped ROW - Aubin Ave

UNOPEN

UNOPEN

UNOPEN

UNOPEN

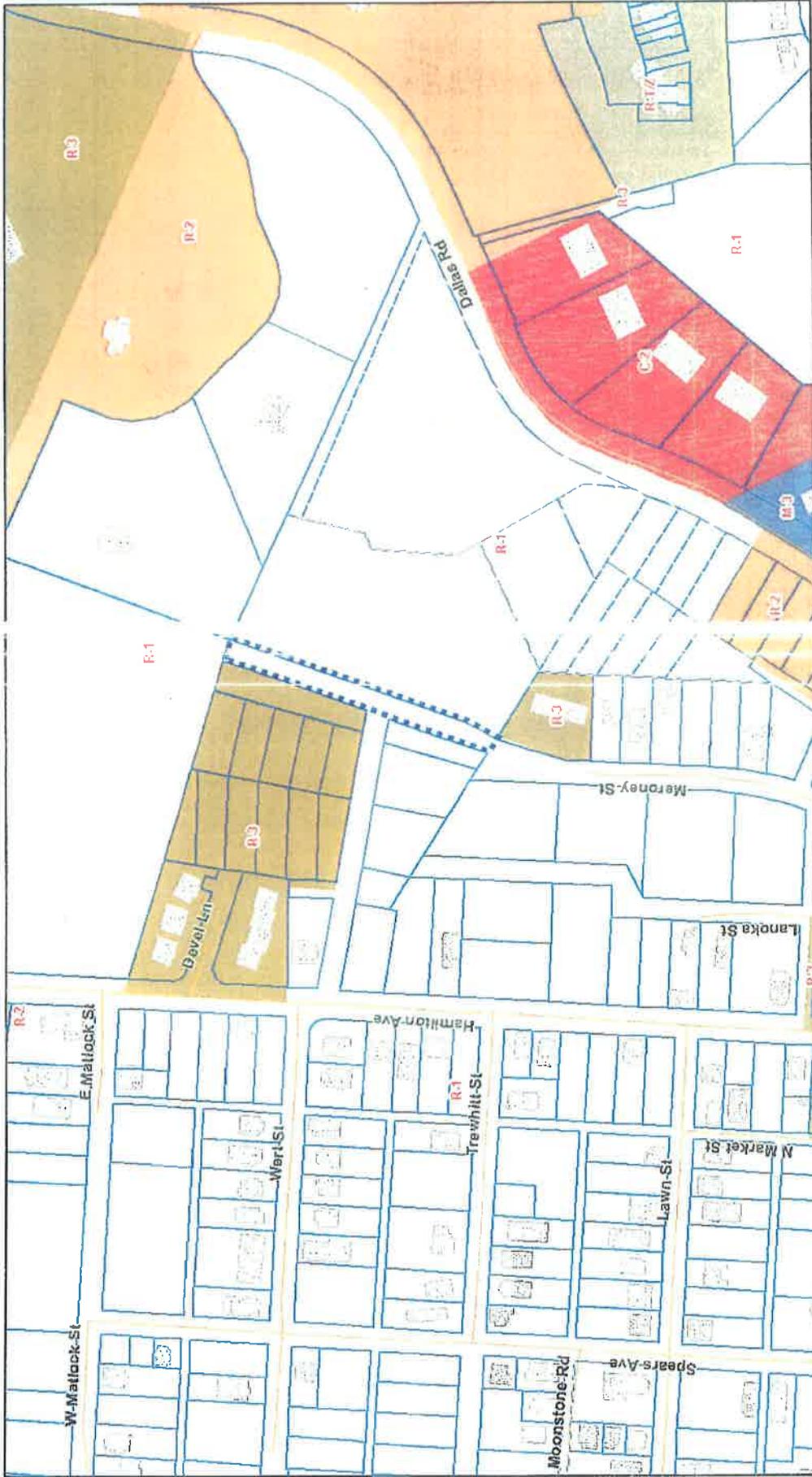
UNOPEN

CLOSED

CLOSED



1038



MR 2013-131 Abandonment of the Unopened 1300 block of Aubin Ave



236 ft

RPA STAFF RECOMMENDATION

Case Number: MR 2013-131 PC Meeting Date: 11-11-2013

STAFF RECOMMENDATION: DENY

Land Use & Transportation Comments

Planning Staff:

Applicant Request Overview
 The applicant is requesting the closure of the 1300 block of Aubin Avenue.

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 3, rights-of-way which are not currently opened or have never been opened. Applications for closure and abandonment on Tier 3 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 50 feet +/-.
2. Presence of or potential for the location of utilities.
3. Currently not open to traffic.
4. Potential to provide future connections to the existing street pattern.
5. Street is unpaved.
6. Adjacent properties will maintain access off of Hamilton Avenue, Meroney Street, and Wert Street; however, Wert Street is an unopened, unpaved, forested right-of-way. Parcel 126L C 014.01 requires access on either Aubin Avenue or Wert Street.
7. The applicant hopes to fence a portion of the street that connects to his private property.

Staff Recommendation
 The Regional Planning Agency is recommending denial of the closure request as the right-of-way has the potential to provide access to the adjacent parcel 126L C 014.01 and to provide a secondary access to the adjacent parcel 126L C 031. The right-of-way also has the potential to provide a future extension to the existing street pattern. Furthermore, the applicant has the option of applying for a temporary use permit with the City Engineer's Office to fence a portion of the right-of-way.

RPA STAFF RECOMMENDATION

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:	The City Engineer has no issue with the proposed closure.

MR-2013-131 City of Chattanooga
November 11, 2013

RESOLUTION

WHEREAS, Marcus Jones 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 1300 Block of Aubin Avenue.

Abandonment of the unopened 1300 block of Aubin Avenue beginning at the southwest corner of Lot 1, Marcus Jones Subdivision, Plat Book 97, Page 5, ROHC, thence northeast some 491 feet to the northwest corner of said lot. The unopened street separates said lot from Lots 21 thru 23 and Lots 13 thru 17, Crow's Addition to Hill City, Plat Book 2, Page 7, ROHC. Tax Maps 126M-G-001, 126L-C-014.01, and 126M-F-004.01 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on November 11, 2013,

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

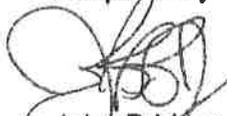
AND WHEREAS, the applicant was not present,

AND WHEREAS, there was opposition present 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 November 11, 2013, recommended to the Members of the City Council of the City of Chattanooga that this petition be denied.

Respectfully submitted,



John Bridger
Secretary

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-131		
MR 2013-150		

* Comments forthcoming

City Police Dept
David Frye

H. D. Frye
444 5th Cir

Dept. of Transportation
Jackie White

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-131	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2013-150	<input checked="" type="checkbox"/>	<input type="checkbox"/>

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-131	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2013-150	<input checked="" type="checkbox"/>	<input type="checkbox"/>

* Comments forthcoming

Tenn American Water Co.
Robbie Harney

Chattanooga Fire Dept.
Randall Harney

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-131	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2013-150	<input checked="" type="checkbox"/>	<input type="checkbox"/>

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure	
	Yes	No
MR 2013-131	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2013-150	<input checked="" type="checkbox"/>	<input type="checkbox"/>

* Comments forthcoming

F.R.B.
Billy McChree

Chattanooga Gas Co.
Herald Hyde

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-131	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2013-150	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Handed Shupe 11-17-13		

* Comments forthcoming

643-5918

Abandonment/Closure Cards

Case No.	Closure	
	Yes	No
MR 2013-131	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2013-150	<input checked="" type="checkbox"/>	<input type="checkbox"/>

* Comments forthcoming

City Engineer
Bill Payne

Dept of Transportation
Ray Tucker

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-131	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2013-150	<input checked="" type="checkbox"/>	<input type="checkbox"/>

* Comments forthcoming

A

WO#123203

Chattanooga-Hamilton County Regional Planning Agency

CLOSURE/ABANDONMENT APPLICATION FORM

CASE NUMBER: MR 2013-131 **Date Submitted: 09-11-2013**

(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)

1 Applicant Request (Mandatory Referral per TCA 13-1-104)	
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: Aubin Avenue	
<input type="checkbox"/> Open <input checked="" type="checkbox"/> Unopened	Length/Width: 491'/50'
Beginning: the 1300 block of (unopened) Aubin Avenue going northeast	
Ending: at the end of parcel approximately 491 feet plus or minus	

2 Property Information	
Property Address:	1300 Block Aubin Avenue
Property Tax Map Number(s):	126M-G-001, 126L-C-014.01, 126M-F-004.01

3 Proposed Development	
Reason for Request and/or Proposed Use:	To fence portion of street that connects to my private property

4 Site Characteristics	
Current Zoning:	R1
Current Use:	Private Residential
Adjacent Uses:	Undeveloped Land

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: Marcus Jones	Address: 6812 Village Lake Circle		
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: 37412	Email: mjones76@gmail.com
Phone 1: 423-505-2556	Phone 2:	Phone 3:	Fax:

6 Property Owner Information (if not applicant)	
Name:	Phone:
Address:	

Office Use Only:		
Planning District: 8b	Neighborhood: Hill City & North Shore Neighborhoods	
Hamilton Co. Comm. District: 6	Chatt. Council District: 2	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 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): 9869-594, 3736-798, and 3736-802					
Plat Book/Page: 97-5 and 2-7			<input checked="" type="checkbox"/>	Notice Signs	Number of Notice Signs: 1
<input checked="" type="checkbox"/>	Filing Fee:	Cash <input type="checkbox"/> Check <input checked="" type="checkbox"/>		Check Number: 2167	
Planning Commission meeting date: 11-12-13			Application processed by: Trevor Slayton		



REGIONAL PLANNING AGENCY
DEVELOPMENT RESOURCE CENTER
DEVELOPMENT SERVICES 1250 MARKET ST.
Chattanooga, Tennessee 37402
423-668-2287

Dear Property Owner:

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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: November 11th, 2013

TIME: 1:00 PM

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

CASE NO. MR 2013-131

JURISDICTION: Chattanooga

APPLICANT: Marcus Jones

TYPE OF CHANGE: Beginning in the 1300 block of Aubin Avenue going Northeast and ending at the end of parcel approximately 491 feet plus or minus

LOCATION: 1300 block of Aubin Avenue

(SEE MAP ON REVERSE SIDE)

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-131	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
MR 2013-150	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

* Comments forthcoming

No Explanation per JEW
Phone: 911
11-4-13

Traffic Engineer
John VanWinkle

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-131	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
MR 2013-150	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

* Comments forthcoming

Bell South
Jon Mounts

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-131	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
MR 2013-150	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

* Comments forthcoming

Comcast Cable
Mike Schlotz

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-131	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
MR 2013-150	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

* Comments forthcoming

W.W.T.A.
Cleveland Grimes

E.P.B.
Billy McChesney

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-131	✓	
MR 2013-150	✓	

* Comments forthcoming

Chattanooga Gas Co.
Harold Hyde

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-131	✓	
MR 2013-150 Harold Hyde 11-17-13	✓	

* Comments forthcoming

613-5918

City Engineer
Bill Payne

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-131	X	
MR 2013-150	X	

* Comments forthcoming

BMD
9/14/13
Dept of Transportation
Ray Rucker

A

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-131	✓	
MR 2013-150	✓	

* Comments forthcoming

