

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

MR-2014-065  
Hopkins Surveying for Fountain Head Properties

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

AN ORDINANCE CLOSING AND ABANDONING OF AN  
UNOPENED ALLEY AT 1400 FAIRLEIGH STREET AT THE  
REAR OF THE PROPERTY AT 2805 RIVERSIDE DRIVE.

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SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
CHATTANOOGA, TENNESSEE, That the unopened alley at 1400 Fairleigh Street at the rear of  
the property at 2805 Riverside Drive, 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 alley beginning at the northeast  
corner of Tax Map 127M-E-019 going approximately 230 feet  
southwest to the southeast corner of Tax Map No. 127M-E-015.  
Tax Map Nos. 127M-E-001.01, 007, 008, 016, 017, 018, and 019.

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

/mem

# City of Chattanooga



## Resolution Request Form

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

Date: September 8, 2014

Preparer: Bert Kuyrkendall *BK*

Department: Transportation

### Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council): DISTRICT 8

A City Council Action is requested to approve the request of Hopkins Surveying for Fountain Head Properties, for the abandonment of the unopened alley at 1400 Fairleigh Street at rear of property at 2805 Riverside Drive, as referenced in Case No. MR 2014-065.

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>
<u> </u>	<u> </u>

Agency Grant Number  

CFDA Number if known  

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

Reviewed by: FINANCE OFFICE

Approved by:  

DESIGNATED OFFICIAL/ADMINISTRATOR

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

# Memorandum

**To:** Fritz Brogden **FB**  
**From:** Ed Bowen  
**cc:** Bertran Kuyrkendall; <sup>BK</sup> Brandon Sutton **BS**  
**Date:** September 2, 2014  
**Re:** Hopkins Surveying for Fountain Head Properties  
Case No. MR 2014-065  
1400 Block of Fairleigh Street at rear of property at 2805 Riverside Drive

## Recommendations Regarding Abandonment Request

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I have completed the review of Hopkins Surveying's request for abandonment of an unopened alley beginning at the northeast corner of Tax Map 127M-E-019 going approximately 230 feet southwest to the southeast corner of Tax Map 127M-E-015. Tax Maps 127M-E-001.01, 007, 008, 016, 017, 018, and 019 as shown on the attached map. My comments are as follows:

1. Combining properties owned by Fountain Head Properties is proposed for this area.
2. The width of the right-of-way is approximately 15', and its length is approximately 230' for an area of approximately 3,450 sq. ft.
3. Adjacent properties will maintain access off of Wood Avenue and Riverside Drive.
4. The Planning Commission recommended that this petition be approved.

Therefore, I recommend the following: The request for abandonment be approved.

MR-2014-065 City of Chattanooga  
July 14, 2014

RESOLUTION.

WHEREAS, Hopkins Surveying/Fountain Head Properties 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 alley located off of the 1400 block of Fairleigh Street at the rear of the property at 2805 Riverside Drive.

Abandonment of an unopened alley beginning at the northeast corner of Tax Map 127M-E-019 going approximately 230 feet southwest to the southeast corner of Tax Map 127M-E-015. Tax Maps 127M-E-001.01, 007, 008, 016, 017, 018, and 019 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on July 14, 2014,

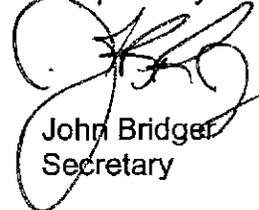
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

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 July 14, 2014, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved.

Respectfully submitted,



John Bridger  
Secretary

**CLOSURE/ABANDONMENT APPLICATION FORM**

<b>CASE NUMBER:</b>	MR 2014-065	<b>Date Submitted:</b> 06-10-2014
(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)		
<b>Closure/Abandonment</b>	<input checked="" type="checkbox"/> Alley	<input type="checkbox"/> Street
	<input type="checkbox"/> Sewer	<input type="checkbox"/> Other
Name of Street or Right-Of-Way: (part of alley)		
	<input type="checkbox"/> Open	<input checked="" type="checkbox"/> Unopened
	Length/Width:	
Beginning: at the North East corner of Tax Map 127M-E-019 going in a South West direction		
Ending: to the South East corner of Tax Map 127 M-E- 015 approximately 230 feet plus or minus		
<b>2 Property Information</b>		
<b>Property Address:</b>	Alley off of the 1400 block of Fairleigh Street at rear of property at 2805 Riverside Drive	
<b>Property Tax Map Number(s):</b>	127M-E-001.01, 007, 008, 016, 017, 018, 019	
<b>3 Proposed Development</b>		
<b>Reason for Request and/or Proposed Use:</b>	Combine Property	
<b>4 Site Characteristics</b>		
<b>Current Zoning:</b>	M-1	
<b>Current Use:</b>	Industrial	
<b>Adjacent Uses:</b>	Industrial/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.		
<b>Name:</b> Hopkins Surveying	<b>Address:</b> 175 Hamm Road	
<b>Check one:</b>	<input checked="" type="checkbox"/> I am the property owner	<input type="checkbox"/> I am not the property owner
<b>City:</b> Chattanooga	<b>State:</b> TN	<b>Zip Code:</b> 37405
<b>Phone 1:</b> 423-267-3751	<b>Phone 2:</b>	<b>Phone 3:</b>
		<b>Fax:</b>
<b>6 Property Owner Information (if not applicant)</b>		
<b>Name:</b> Fountain Head Properties	<b>Phone:</b> 423-624-1727	
<b>Address:</b> 2805 Riverside Drive Chattanooga, TN 37406		
<b>Office Use Only:</b>		
<b>Planning District:</b> 8B	<b>Neighborhood:</b> Riverside Area Community Club	
<b>Hamilton Co. Comm. District:</b> 4	<b>Chatt. Council District:</b> 8	<b>Other Municipality:</b>
<b>Staff Rec:</b>	<b>PC Action/Date:</b>	<b>Legislative Action/Date/Ordinance:</b>
<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 type="checkbox"/> Site Plan, if required	<input type="checkbox"/> Total Acres to be considered	<input checked="" type="checkbox"/> Deeds
<input checked="" type="checkbox"/> Plats, if applicable		
<b>Deed Book(s):</b> 9096-238, 8781-777, 8728-319, 4603-x479, 8403-773		
<b>Plat Book/Page:</b> 44-272/9-36	<input checked="" type="checkbox"/> Notice Signs	<b>Number of Notice Signs:</b> 1
<input checked="" type="checkbox"/> Filing Fee: 150.00	<input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Check
		<b>Check Number:</b> 8332
<b>Planning Commission meeting date:</b> July 14, 2014	<b>Application processed by:</b> Marcia Parker	

## STAFF CASE REPORT TO PLANNING COMMISSION

<b>Case Number:</b>	<b>MR-2014-065</b>	<b>PC Meeting Date: 07-14-14</b>
<b>Applicant Request:</b>	<b>Close/Abandon unopened Alley</b>	
<b>Property Location:</b>	<b>Alley off 1400 block Fairleigh Street at rear of property at 2805 Riverside Drive</b>	
<b>Property Owner:</b>	<b>Fountain Head Properties</b>	
<b>Applicant:</b>	<b>Hopkins Surveying</b>	
<b>Staff Recommendation:</b>	<b>APPROVE</b>	

### PROJECT ANALYSIS

#### RPA Land Use & Transportation Comments

##### Project Description

The applicant is proposing to combine properties owned by Fountain Head Properties.

##### Site Description

The site is an unopened alley accessed from the 1400 block of Fairleigh Street. The point of the request begins at the rear of the property at 2710 Wood Avenue then northeast 230 feet to a dead end. The northern portion of this alley was partially closed in 1980 (Case 1980-154).

##### Plans/Policies

This site is within the 2004 Downtown Plan. The plan encourages the use of alleys for vehicular access.

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 staff recommendation for this request was based on an evaluation of the following review factors:

1. Width of the ROW is 15 feet +/-.
2. Presence of or potential for the location of utilities.
3. Currently not open to traffic.
4. Limited potential for future use.
5. Alley is unpaved and partially forested.
6. Adjacent properties will maintain access off of Wood Avenue and Riverside Drive.
7. The applicant is applying for the closure in order to combine property.

#### City Departmental Infrastructure & Operational Comments

All land development projects are reviewed by City Engineering & Water Quality staff, Transportation Department 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.

## STAFF CASE REPORT TO PLANNING COMMISSION

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### **RPA Summary**

The Regional Planning Agency is recommending approval for the proposed closure because the adjacent properties will maintain access off of Wood Avenue and Riverside Drive. Furthermore, the alley has limited potential for future use because it is only wide enough for one-way automobile traffic and the northern portion of the alley is already partially closed.



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:** July 14<sup>th</sup>, 2014

**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 2014-065

**JURISDICTION:** Chattanooga

**APPLICANT:** Hopkins Surveying

**TYPE OF CHANGE:** Abandonment of part of Alleyway at the North East corner of Tax Map 127M-E-019 going in a South West direction to the South East corner of Tax Map 127M-E-015 approximately 230 feet plus or minus

**LOCATION:** 1400 block of Fairleigh Street at rear of property at 2805 Riverside Drive

**(SEE MAP ON REVERSE SIDE)**



**MR 2014-065 Abandonment of an Unopened alley to the Rear of and Parallel to the 2800 blk Riverside Dr**



**Chattanooga Hamilton County Regional Planning Agency**



111 ft





MR 2014 065 Abandonment of an Unopened Alley to the Rear of and Parallel to the 2800 blk of Riverside Dr

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. MR-2014-065:

Approve.



110 ft

Chattanooga Hamilton County Regional Planning Agency



Design Engineering Division  
Bert Kyrkkondall

Case No.	Closure O.K.	
	Yes	No
MR 2014-059	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2014-065	<input checked="" type="checkbox"/>	<input type="checkbox"/>

\* Comments forthcoming

Bell South  
Jon Mount

Case No.	Closure O.K.	
	Yes	No
MR 2014-059	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2014-065	<input checked="" type="checkbox"/>	<input type="checkbox"/>

\* Comments forthcoming

Abandonment/Closure Cards

Abandonment/Closure Cards

CITY Engineer  
Bill Payne

F.P.B.  
Billy McGhee

Case No.	Closure O.K.	
	Yes	No
MR 2014-059	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2014-065	<input checked="" type="checkbox"/>	<input type="checkbox"/>
RETAIN TO SANITARY SEWER ELEMENT		

\* Comments forthcoming

\* Comments forthcoming

Abandonment/Closure Cards

BWD  
6/11/14

AC

**Abandonment/Closure Cards**

Chattanooga Gas Co.  
Harold Hudspeth

Case No.	Closure O.K.	
	Yes	No
MR 2014-059	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2014-065	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Hudspeth 6-16-14		

\*Comments forthcoming

**Abandonment/Closure Cards**

Tn American Water Co.  
Robbie Harvey

Case No.	Closure O.K.	
	Yes	No
MR 2014-059	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2014-065	<input checked="" type="checkbox"/>	<input type="checkbox"/>

\*Comments forthcoming

**Abandonment/Closure Cards**

Comcast Cable  
James Patterson / Roger Rain

Case No.	Closure O.K.	
	Yes	No
MR 2014-059	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2014-065	<input checked="" type="checkbox"/>	<input type="checkbox"/>

\*Comments forthcoming

**Abandonment/Closure Cards**

Chattanooga Police Dept.  
rt. 2. McCullough

Case No.	Closure O.K.	
	Yes	No
MR 2014-059	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2014-065	<input checked="" type="checkbox"/>	<input type="checkbox"/>

\*Comments forthcoming

Dept. of Transportation  
 Jackie Wolfe

W.W.T. A  
 Cleveland Grimes

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2014-059	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2014-065	<input checked="" type="checkbox"/>	<input type="checkbox"/>

\* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2014-059	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2014-065	<input checked="" type="checkbox"/>	<input type="checkbox"/>

\* Comments forthcoming

Dept. of Transportation  
 Ray Rucker

Chattanooga Fire Dept  
 Randall Herron

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2014-059	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2014-065	<input checked="" type="checkbox"/>	<input type="checkbox"/>

\* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2014-059	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2014-065	<input checked="" type="checkbox"/>	<input type="checkbox"/>

\* Comments forthcoming