

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

MR-2014-082  
Jonathan Woche, AICP, Leed GA

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

AN ORDINANCE CLOSING AND ABANDONING OF A SEWER EASEMENT LYING BETWEEN PROPERTIES AT 1300 AND 1450 EAST 3<sup>RD</sup> STREET AND 340 NORTH HOLTZCLAW, SUBJECT TO RELOCATION OF THE SANITARY SEWER AS APPROVED BY THE CITY ENGINEER.

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SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That the sewer easement lying between properties at 1300 and 1450 East 3<sup>rd</sup> Street and 340 North Holtzclaw, 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 a sewer easement beginning at the south line of the 1400 block of East Third Street and going southwest 194 feet.  
Tax Map Nos. 146G-D-001, 001.01, and 146G-E-001.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall be subject to relocation of the sanitary sewer 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

/mem

# City of Chattanooga



## Resolution Request Form

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

Date: September 2, 2014

Preparer: William C. Payne

Department: Public Works

### Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council): District 8

A City Council Action is requested to authorize the request of Jonathan Woche, AICP, Leed GA for the abandonment of a sewer easement lying between properties at 1300 and 1450 East 3rd Street and 340 North Holtzclaw, as referenced in Case No. MR-2014-082, subject to relocation of the sanitary sewer as approved by the City Engineer.

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 <u>Fund</u>	<u>N/A</u>
City Amount Funded \$	<u>N/A</u>	Provide <u>Cost Center</u>	<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:** Lee Norris

**From:** Bill Payne 

**cc:** Dennis Malone

August 29, 2014

**Re:** Johnathan Wocher, AICP, Leed GA

Case No. MR 2014-082

1300 & 1450 East 3<sup>rd</sup> Street and 340 N. Holtzclaw Avenue (District 2)

Recommendations Regarding Abandonment Request

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I have completed the review Johnathan Wocher's request for abandonment of a sewer easement beginning at the south line of the 1400 block of East Third Street and going southwest 194 feet. Tax Maps 146G-D-001, 001.01, and 146GE-001 as shown on the attached map.

My comments are as follows:

- The city of Chattanooga has sanitary sewer infrastructure in the subject portion of the easement.
- The Planning Commission recommends approval.

Therefore, I recommend the following: The request for abandonment of this easement be approved with condition:

- Subject to relocation of the sanitary sewer as approved by the City Engineer.

**CLOSURE/ABANDONMENT APPLICATION FORM**

<b>CASE NUMBER:</b>	MR2014-082	<b>Date Submitted:</b> 07-10-2014
(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 type="checkbox"/> Alley	<input type="checkbox"/> Street
	<input checked="" type="checkbox"/> Sewer	<input type="checkbox"/> Other
Name of Street or Right-Of-Way: Former N. Greenwood Ave. Vacated City Ordinance 7774/ M.F.#11238		
	<input checked="" type="checkbox"/> Open	<input type="checkbox"/> Unopened
Length/Width: 194' + or - by 10'		
Beginning: at the south line of East Third Street		
Ending: 194' southwest of beginning point		
<b>2 Property Information</b>		
Property Address:	Easement lying between properties at 1300 & 1450 East Third Street and 340 North Holtzclaw Avenue	
Property Tax Map Number(s):	146G-D-001, 146G-D-001.01, & 146G-E-001	
<b>3 Proposed Development</b>		
Reason for Request and/or Proposed Use:	Allow relocation of utilities and construction of a Convenience store with fuel sales	
<b>4 Site Characteristics</b>		
Current Zoning:	C-2	
Current Use:	Vacant land & vacant Office buildings	
Adjacent Uses:	Office, Residential, Commercial, Park, Zoo	
<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: Jonathan Wochoer, AICP, LEED GA	Address: 5725 Dragon Way Suite 220	
Check one:	<input type="checkbox"/> I am the property owner	<input checked="" type="checkbox"/> I am <b>not</b> the property owner
City: Cincinnati	State: Ohio	Zip Code: 45227
Phone 1: 513-561-6232	Phone 2: 513-673-3567	Phone 3:
Ext 4		Fax: 513-561-1615
<b>6 Property Owner Information (if not applicant)</b>		
Name: Joe Franklin, Dr. Edward Scott, & Cornerstone Community Bank	Phone:	
Address:		
<b>Office Use Only:</b>		
Planning District: 8B	Neighborhood: Bushtown & Orchard Knob	
Hamilton Co. Comm. District: 4	Chatt. Council District: 8	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 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): 2909-417, 10137-827, 9444-654		
Plat Book/Page: 38-189, 36-216	<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 1
<input checked="" type="checkbox"/> Filing Fee: 350.00	<input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Check
		Check Number: 11622
Planning Commission meeting date: 08-11-2014	Application processed by: Marcia Parker	



# MR 2014-082 Sewer Easement Abandonment

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. MR-2014-082:  
Approve.

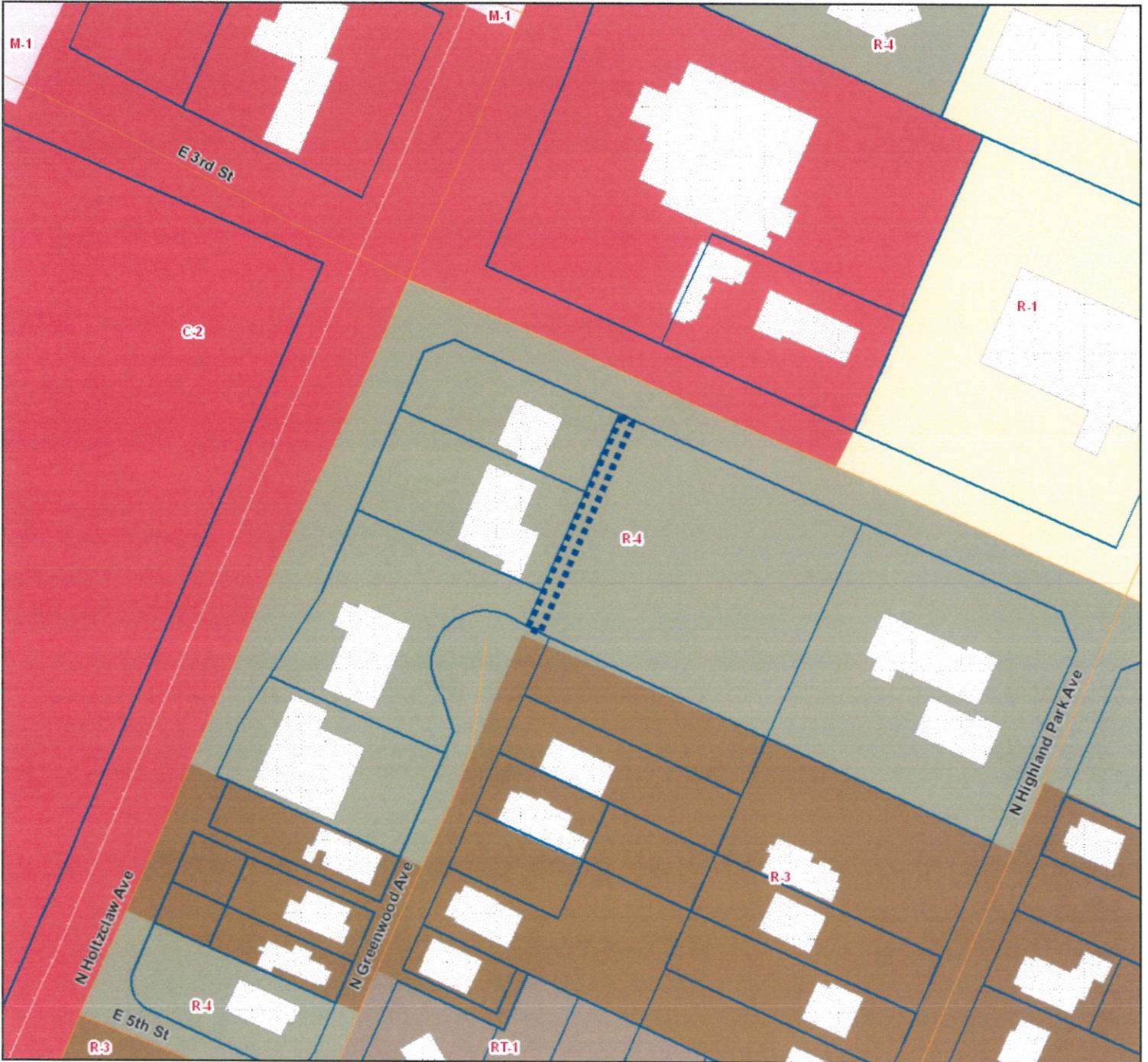


78 ft



Chattanooga Hamilton County Regional Planning Agency





# MR 2014-082 Sewer Easement Abandonment



115 ft

Chattanooga Hamilton County Regional Planning Agency





## MR 2014-082 Sewer Easement Abandonment



115 ft

Chattanooga Hamilton County Regional Planning Agency



## STAFF CASE REPORT TO PLANNING COMMISSION

<b>Case Number:</b>	<b>MR -2014-082</b>	<b>PC Meeting Date: 08-11-14</b>
<b>Applicant Request:</b>	<b>Abandonment of sewer easement</b>	
<b>Property Location:</b>	<b>Easement between properties at 1300 &amp;1450 East 3<sup>rd</sup> Street and 340 North Holtzclaw Avenue</b>	
<b>Property Owner:</b>	<b>Joe Franklin, Dr. Edward Scott, Cornerstone Community Bank</b>	
<b>Applicant:</b>	<b>Jonathan Woche, AICP, LEED GA</b>	
<b>Staff Recommendation:</b>	<b>APPROVE</b>	

### PROJECT ANALYSIS

#### RPA Land Use & Transportation Comments

##### Project Description

The applicant requests abandonment of a sanitary and storm sewer easement as part of a relocation of utilities for the construction of a convenience store with fuel sales.

##### Site Description

The easement is 194 feet in length and runs between properties that are vacant and vacant office buildings.

##### Zoning History

This easement lies within the former right-of-way of a portion of Greenwood Avenue closed in 1980 by Ordinance 7772.

##### Plans/Policies

This site is within the 2000 Bushtown Land Use Plan.

#### 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.

#### RPA Summary

The Regional Planning Agency recommends approval of the proposed abandonment of a sewer easement because the applicant intends to relocate the utilities.

MR-2014-082 City of Chattanooga  
August 11, 2014

RESOLUTION

WHEREAS, Jonathan Woche, AICP, LEED, GA/Joe Franklin, Dr. Edward Scott & Cornerstone Community Bank 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 a sewer easement lying between properties at 1300 and 1450 East Third Street and 340 North Holtzclaw.

Abandonment of a sewer easement beginning at the south line of the 1400 block of East Third Street and going southwest 194 feet. Tax Maps 146G-D-001, 001.01, and 146G-E-001 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on August 11, 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 August 11, 2014, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved.

Respectfully submitted,



John Bridger  
Secretary



**CITY OF CHATTANOOGA**

**PUBLIC WORKS DEPARTMENT**

**WORK ORDER**

**Project/Funding:**

**Work Order Number:** 135271

**Address:** 1300 & 1450 East 3rd Street & 340 North Holtzclaw Avenue

Required Work Type: ENG - RPA Cases						
WO	Initiated	Requested	Priority:	District:	Transferred	Status:
Initiated: 7/16/2014 10:40:52 AM	By: KING, CAROL A	By: PAYNE, WILLIAM C	ROUTINE		To/Submitted to: *ENGINEERING, ENGINEERING	Under Investigation

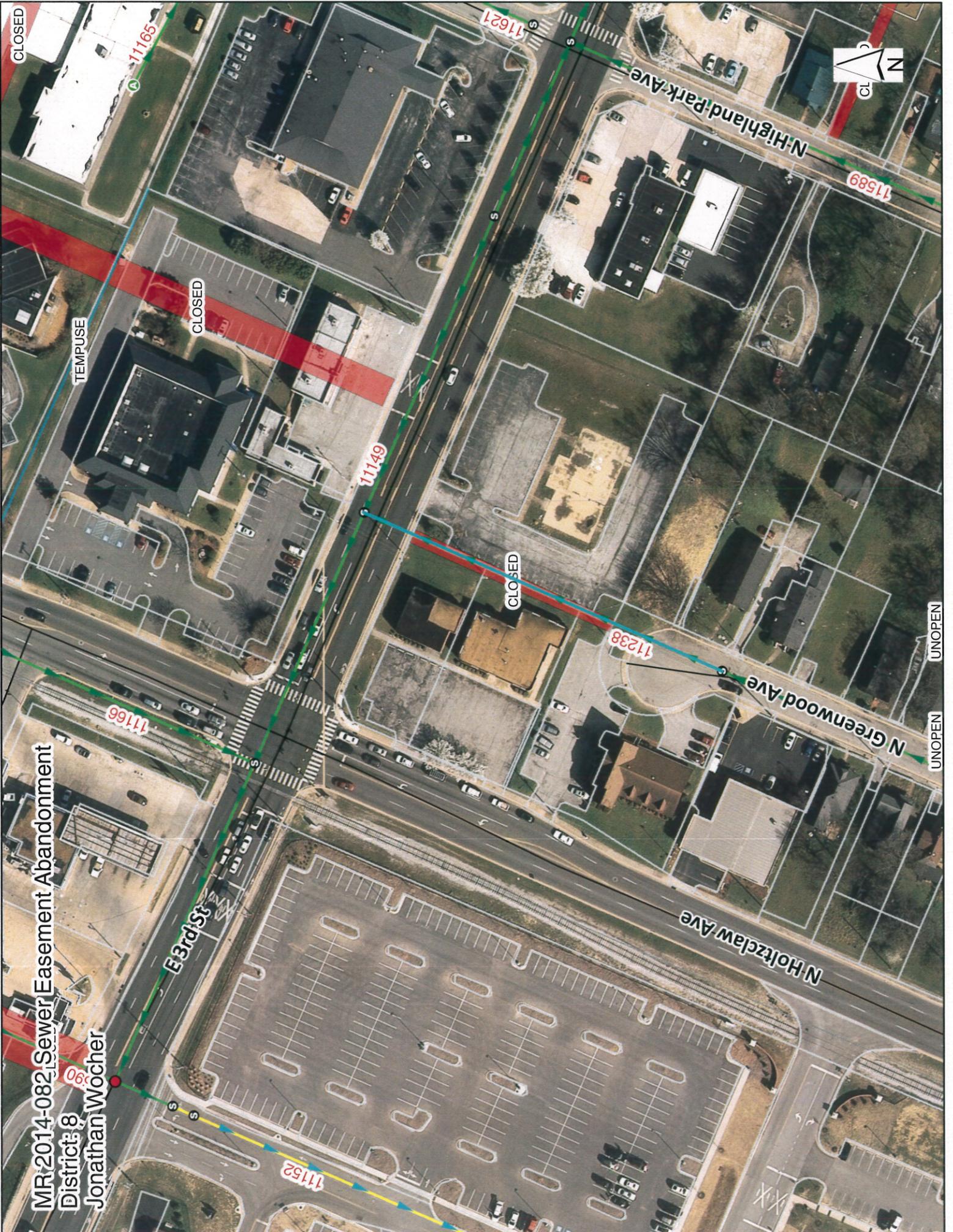
<b>Instructions:</b>	Jonathan Woher, AICP, LEED GA 5725 Dragon Way, Suite 220 Cincinnati, OH 45227 513-561-6232 - phone 513-673-3567 - fax
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<b>Comments:</b>	By KING, CAROL A: 7/16/2014 10:42:52 AM Allow relocation of utilities and construction of a Convenience store with fuel sales
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<b>Date Completed:</b>	<b>Supervisor:</b>	<b>WO Closed:</b>
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**Associated Service Requests(s), If Any:**

Request ID	Problem Code		Request Description			Request Priority	Incident Address
Customer Call #	Customer Title	First Name	Middle Initial	Last Name	Address	Apt. #	
City	Zip	Address Type	Home Phone	Work Phone	Other Phone	Date & Time Of Call	



MR-2014-082 Sewer Easement Abandonment  
District 8  
Jonathan Woche



CLOSED

11165

11621

11589

N-Highland Park Ave

TEMPUSE

CLOSED

11149

CLOSED

11238

N Greenwood Ave

UNOPEN

UNOPEN

11666

E-3rd St

N Holtzclaw Ave

11152