

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

MR-2014-135  
James E. Campbell

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

AN ORDINANCE CLOSING AND ABANDONING AN UNNUMBERED BLOCK OF 4<sup>TH</sup> STREET AND ABANDONING AN UNOPENED ALLEY IN THE 300 BLOCK OF NORTH HAWTHORNE STREET, SUBJECT TO CERTAIN CONDITIONS.

---

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That an unnumbered block of 4th Street, and an unopened alleyway located in the 300 block of North Hawthorne Street, more particularly described herein, and as shown on the maps attached hereto and made a part hereof by reference, be and are hereby closed and abandoned:

Abandonment of an unnumbered block of 4th Street, beginning at the southwest corner of Tax Map No. 127L-A-010, and going approximately 150 feet to the north line of said street; and abandonment of an unopened alleyway beginning at the northwest corner of Tax Map No. 127L-A-010, and going approximately 755 feet southeast to North Hawthorne Street. Tax Map Nos. 127L-A-001, 004, and 005-011.

SECTION 2. BE IT FURTHER ORDAINED, That this abandonment shall be subject to a full-width utility easement as requested by the Electric Power Board.

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

/vmm

# City of Chattanooga



## Resolution Request Form

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

Date: February 02, 2015

Preparer: Bert Kuyrkendall

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 James E. Campbell for the abandonment of an unnumbered block of 4th Street beginning at the southwest corner of Tax Map 127L-A-010 and going approximately 150 feet to the north line of said street and abandonment of an unopened alley beginning at the northwest corner of Tax Map 127L-A-010 and going approximately 755 feet southeast to North Hawthorne Street. Tax Maps 127L-A-001, 004, and 005 through 011 as shown on the attached map. As referenced in Case No. MR 2014-135.

**RECOMMENDATION IS FOR APPROVAL WITH CONDITIONS.**

Name of Vendor/Contractor/Grant, etc.	_____ N/A _____	New Contract/Project? (Yes or No)	_____ N/A _____
Total project cost \$	_____ N/A _____	Funds Budgeted? (YES or NO)	_____ N/A _____
Total City of Chattanooga Portion \$	_____ N/A _____	Provide Fund	_____ N/A _____
City Amount Funded \$	_____ N/A _____	Provide Cost Center	_____ N/A _____
New City Funding Required \$	_____ N/A _____	Proposed Funding Source if not budgeted	_____ N/A _____
City's Match Percentage %	_____ 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)

Reviewed by: \_\_\_\_\_

Approved by: \_\_\_\_\_

DESIGNATED OFFICIAL/ADMINISTRATOR

DESIGNATED OFFICIAL/ADMINISTRATOR

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

# Memorandum

**To:** Brandon Sutton <sup>BS</sup>  
**From:** Ed Bowen <sup>EB</sup>  
**cc:** Bertran Kuyrkendall; Brent Derrick  
**Date:** January 23, 2015  
**Re:** James E. Campbell  
Case No. MR 2014-135  
Unnumbered Block of 4<sup>th</sup> Street and the 300 Block of North Hawthorne Street (District 8)

## Recommendations Regarding Abandonment Request

---

I have completed the review of James E. Campbell's request for abandonment of an unnumbered block of 4<sup>th</sup> Street beginning at the southwest corner of Tax Map 127L-A-010 and going approximately 150 feet to the north line of said street. Abandonment of an unopened alley beginning at the northwest corner of Tax Map 127L-A-010 and going approximately 755 feet southeast to North Hawthorne Street. Tax Maps 127L-A-001, 004 and 005 through 011 as shown on the attached map.

My comments are as follows:

- The city of Chattanooga has no sanitary sewer infrastructure in the subject areas.
- The Transportation Department does not object to the abandonment.
- One utility objects to the abandonment. (Chattanooga Gas Company)
- The Planning Commission recommends approval of this petition.
- The unnumbered block of 4<sup>th</sup> Street is approximately 150' in length by 50' in width for an area of approximately 7,500 square feet.
- The unopened alley is approximately 755' in length by 20' in width for an area of approximately 1,500 square feet.

Therefore, I recommend the following: The request for abandonment of said portions of right-of-way is approved with these conditions:

- The recommendation of the Planning Commission be followed.
- Subject to the retention of a full-width utility easement for the said utility..



REGIONAL PLANNING AGENCY  
DEVELOPMENT RESOURCE CENTER  
DEVELOPMENT SERVICES 1250 MARKET ST.  
Chattanooga, Tennessee 37402  
423-643-5902

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: December 8<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 2014-135**

**JURISDICTION: Chattanooga**

**APPLICANT: James E. Campbell**

**TYPE OF CHANGE: Abandonment of 4<sup>th</sup> Street from the 1600 block of Wisdom Street going northeast to end approximately 150 feet & an Alleyway from the 300 block of N. Hawthorne going Northwest approximately 755 feet to end**

**LOCATION: 300 block of N. Hawthorne Street & the unnumbered block of 4<sup>th</sup> Street**

**(SEE MAP ON REVERSE SIDE)**

WC#142260

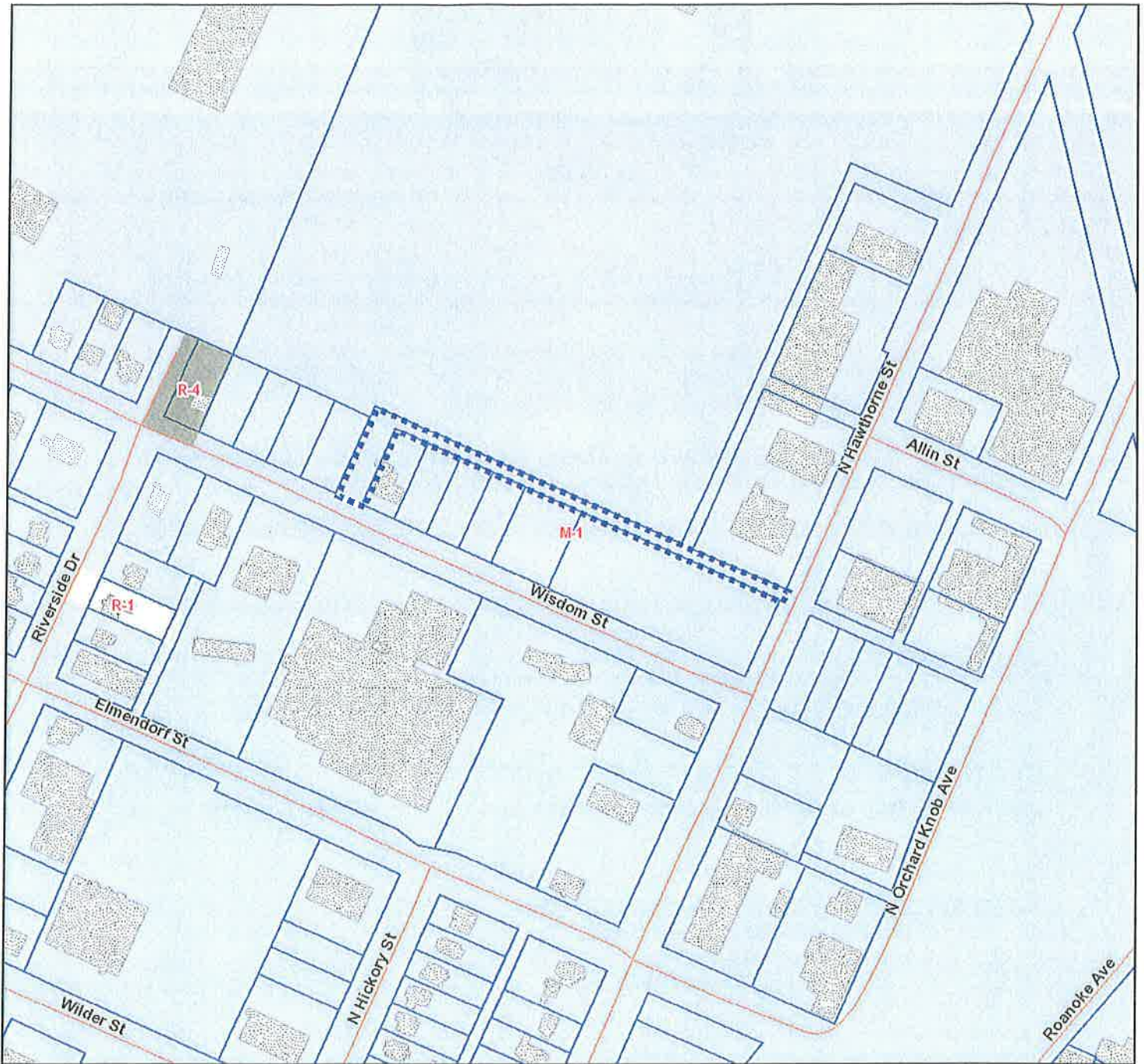
Chattanooga-Hamilton County Regional Planning Agency

**CLOSURE/ABANDONMENT APPLICATION FORM**

<b>CASE NUMBER:</b>		MR 2014-135		<b>Date Submitted:</b> 10-23-2014	
(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 checked="" type="checkbox"/> Street	<input type="checkbox"/> Sewer	<input type="checkbox"/> Other	
Name of Street or Right-Of-Way: 4 <sup>th</sup> Street & Alley					
	<input type="checkbox"/> Open	<input checked="" type="checkbox"/> Unopened	Length/Width: 150'x50' /& 755' x 20'		
Beginning: 4 <sup>th</sup> Street going NE/ Alley from N. Hawthorne Street going NW					
Ending: approximately 150' to end/ approximately 755' to end					
<b>2 Property Information</b>					
Property Address:	Unnumbered block of 4 <sup>th</sup> Street & the 300 block of N. Hawthorne Street				
Property Tax Map Number(s):	127L-A-001, 127L-A-004, & 127L-A-005-011				
<b>3 Proposed Development</b>					
Reason for Request and/or Proposed Use:	Chattanooga Gas has multiple parcels & seeks to have those parcels & unopened Streets consolidated by plat.				
<b>4 Site Characteristics</b>					
Current Zoning:	M-1				
Current Use:	M-1				
Adjacent Uses:	M-1				
<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: James E. Campbell			Address: 346 Campbell Drive/P.O.Box 967		
Check one:	<input type="checkbox"/> I am the property owner	<input checked="" type="checkbox"/> I am <b>not</b> the property owner			
City: Tracy City	State: TN	Zip Code: 37387	Email: jecampbell@live.com		
Phone 1: 931-607-4430	Phone 2:	Phone 3:	Fax:		
<b>6 Property Owner Information (if not applicant)</b>					
Name: Chattanooga Gas Company			Phone: 404-584-3839		
Address: P.O. Box 4569 Atlanta, GA 30302 Contact person Mary Jo Diana w/AGL					
<b>Office Use Only:</b>					
Planning District: 8b			Neighborhood: CNAC		
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): 3542-198, 10130-644, & 4920-213					
Plat Book/Page: 3-21, 830-468		<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: 216		
Planning Commission meeting date: 12-8-2014			Application processed by: Marcia Parker		

Unnumbered Block of 4th St and an Unopened Alley going East  
District: 8 Case: MR 2014-135  
James E Campbell





**MR 2014-135 Abandonment of an Unnumbered Blk of 4th St and an Unopened Alley beginning on the North Line of Said Street**



237 ft



## STAFF CASE REPORT TO PLANNING COMMISSION

<b>Case Number:</b>	<b>MR-2014-135</b>	<b>PC Meeting Date: 12-8-14</b>
<b>Applicant Request:</b>	<b>Abandonment of an unnumbered block of 4<sup>th</sup> Street and alley off of the 300 block of North Hawthorne Street</b>	
<b>Property Location:</b>	<b>Unnumbered block of 4<sup>th</sup> Street and alley off of the 300 block of North Hawthorne Street</b>	
<b>Property Owner:</b>	<b>Chattanooga Gas Co</b>	
<b>Applicant:</b>	<b>James E. Campbell</b>	
<b>Staff Recommendation:</b>	<b>APPROVE</b>	

### PROJECT ANALYSIS

#### RPA Land Use & Transportation Comments

#### Project Description

The applicant requests abandonment of an unnumbered block of 4<sup>th</sup> Street beginning at Wisdom Street and ending approximately 150 feet northeast as well as an alley beginning at North Hawthorne Street and ending approximately 755 feet northwest.

#### Site Description

The right-of-way is adjacent to property zoned M-1 Manufacturing Zone. Adjacent land uses are utilities, a vacant residence, and office buildings ancillary to manufacturing.

#### Zoning History

In 1972 a portion of alley north of the proposed closure, as well as portions of Allin Street and Sims Street connecting from the alley to North Hawthorne Street, were closed and abandoned by resolution. A portion of alley between the 1972 closure and the closure in question remains unopened. In 1981 the extension of 4<sup>th</sup> Street south of the right-of-way in question from Wisdom Street to Elmendorf Street was closed and abandoned by resolution.

#### Plans/Policies

This site is not covered by an existing land use plan.

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 which have never been opened. Applications for closure and abandonment will be accepted on Tier 3 rights-of-way and reviewed using the adopted review factors and according to the tenets of this policy.

## STAFF CASE REPORT TO PLANNING COMMISSION

The staff recommendation for this request was based on an evaluation of the following review factors. Each factor is followed by staff's comments:

FACTOR	STAFF COMMENTS
1. Width of the ROW	The alley is 20' +/-, and 4 <sup>th</sup> Street is 50' +/-.
2. Presence of or potential for the location of utilities	As part of the closure review process, this will be reviewed by the Transportation Department following Planning Commission action.
3. Currently open to traffic	Currently not open to traffic.
4. Potential for future use or which provide future connections to the existing street pattern or could provide needed services, and which are integral to the community's future development (i.e., access to abutting property, bypass for other streets, parking, etc.).	Limited potential for future use or future connections.
5. Type/condition of surface	The 4 <sup>th</sup> Street ROW is partially paved and in poor condition. The alley ROW is unpaved and foreseted.
6. Topography/grade – can it be built?	The existing topography does not preclude improvement of this ROW.
7. Will the closure and abandonment land-lock any property? If so, has a subdivision plat been submitted which eliminates this situation?	Adjacent properties will maintain access off of Wisdom Street and North Hawthorne Street.
8. Extenuating circumstances as specified by the applicant, e.g. necessary for expansion of a business or industry.	The property owner intends to consolidate ROW and adjacent parcels by plat.

### 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 is recommending approval of this closure request because the adjacent property will maintain access off of Wisdom Street and North Hawthorne Street. Furthermore, the right-of-way has limited potential for future use.

MR-2014-135 City of Chattanooga  
December 8, 2014

## RESOLUTION

WHEREAS, James E. Campbell/Chattanooga Gas Company 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 right-of-ways are located on the unnumbered block of 4th Street and an alley off the 300 Block of North Hawthorne Street.

Abandonment of an unnumbered Block of 4th Street beginning at the southwest corner of Tax Map 127L-A-010 and going approximately 150 feet to the north line of said street.

Abandonment of an unopened alley beginning at the northwest corner of Tax Map 127L-A-010 and going approximately 755 feet southeast to North Hawthorne Street. Tax Maps 127L-A-001, 004, and 005 thru 011 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on December 8, 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 December 8, 2014, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved.

Respectfully submitted,

  
John Bridger  
Secretary