

First Reading: _____
Second Reading: _____

MR-2015-037
The Palms on Concord, LLC
c/o Emerson Russell
District 4

ORDINANCE NO. _____

AN ORDINANCE CLOSING AND ABANDONING A
SANITARY SEWER EASEMENT LOCATED AT 6757 PALMS
COURT, SUBJECT TO RELOCATION OF THE SANITARY
SEWER.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
CHATTANOOGA, TENNESSEE, That a sanitary sewer easement located at 6757 Palms Court,
more particularly described herein, and as shown on the map attached hereto and made a part
hereof by reference, be and is hereby closed and abandoned:

Abandonment of a 20' foot wide sewer easement beginning at
Station 0+00 extending 283.71 feet and ending at Station 2+87.34
±, located on Lot 2, The Palms Subdivision, as recorded in Plat
Book 97, Page 175, ROHC. Tax Map No. 158F-B-001.

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

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: April 21, 2015

Preparer: William C. Payne

Department: Public Works

Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council):

District

A City Council action is requested to approve the request of The Palms on Concord, LLC c/o Emerson Russell for the abandonment of a sanitary sewer easement, subject to relocation of the sanitary sewer, as referenced in Case No. MR 2015-037.

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:

DESIGNATED OFFICIAL/ADMINISTRATOR

Reviewed by: FINANCE OFFICE

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

Memorandum

To: Lee Norris

From: Bill Payne

cc: Dennis Malone

Date: April 21, 2015

Re: The Palms on Concord, LLC; Emerson Russell
c/o Donna Shepherd
Case No. MR 2015-037
6757 Palms Court – District 4

Recommendations Regarding Abandonment Request

I have completed the review of Case No. MR 2015-37 to abandon a 20' foot wide sanitary sewer easement beginning at Station 0+00 extending 283.71 feet and ending at Station 2+87.34±, located on Lot 2. The Palms Subdivision, as recorded in Plat Book 97, Page 175, ROHC, Tax Map 158F-B-001 as shown on the attached map.

My comments are as follows:

- The applicant desires to relocate the sanitary sewer for construction of an assisted living facility.
- 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, subject to relocation of the sanitary sewer is approved by the City Engineer.

MR-2015-037 City of Chattanooga
March 9, 2015

RESOLUTION

WHEREAS, Emerson Russell & The Palms on Concord, LLC 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 located at 6757 Palms Court.

Abandonment of a 20' foot wide sewer easement beginning at Station 0+00 extending 283.71 feet and ending at Station 2+87.34 ±, located on Lot 2, The Palms Subdivision, as recorded in Plat Book 97, Page 175, ROHC. Tax Map 158F-B-001 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on March 9, 2015,

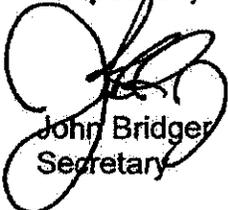
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

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

AND WHEREAS, the Planning Commission has studied the petition in relation to existing zoning and land use and potential patterns of development.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on March 9, 2015, recommended to the Members of the City Council of the City of Chattanooga that this petition for a Mandatory Referral to abandon and relocate existing sewer for new assisted living facility be approved.

Respectfully submitted,


John Bridger
Secretary



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

Work Order Number: 146904

Address: [REDACTED]

Required Work Type: ENG - RPA Cases				Category: Administration			Date Needed:
4/18/2015 3:38:30 PM							
WO	Initiated	Requested	Priority:	District:	Transferred	Status:	
Initiated:	By:	[REDACTED]	Medium	[REDACTED]	To/Submitted	Under Investigation	
4/8/2015	KING,	[REDACTED]		[REDACTED]	[REDACTED]		
3:38:30 PM	CAROL A	[REDACTED]		[REDACTED]	[REDACTED]		

Instructions: To abandon and relocate existing sewer for new assisted living facility.
 The Palace on Concord, 6148 Lee Highway Suite 300,
 Chattanooga, TN 37421
 423-2755
 Emerson.Russell@emc2.com

Date Completed: **Supervisor:** **WO Closed:**

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

PLANNING COMMISSION CASE REPORT

Case Number: MR 2015-037

PC Meeting Date: 03-09-15

Applicant Request

Mandatory Referral to Abandon and Relocate Sewer Line

Property Location:	6757 Palms Court
Property Owner:	Emerson Russell, The Palms on Concord, LLC
Applicant:	Emerson Russell, The Palms on Concord, LLC

Project Description

- The applicant is asking to abandon and relocate an existing sewer easement to accommodate the placement a proposed assisted living facility.

Site Analysis

Site Description

- The project site is located on the west side of North Concord Road approximately 950 feet north of the East Brainerd Road intersection.
- The existing sewer easement is located at the end of Delbert Lane and continues in a westward direction across the center of the site.
- Access: Currently, access to the site is from North Concord Road

Zoning History

- The site is currently zoned R-3 Residential.
- The site was rezoned from R-2 Residential to R-3 Residential in 2011. (Ordinance #12552).

Key Findings

- The proposal has no impact on bordering properties.

Staff Recommendation

Approve



MR 2015-037 Sewer Easement Abandonment

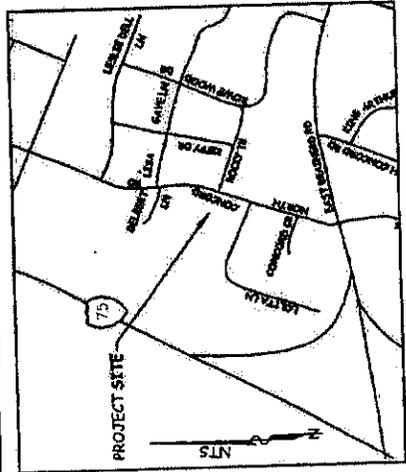
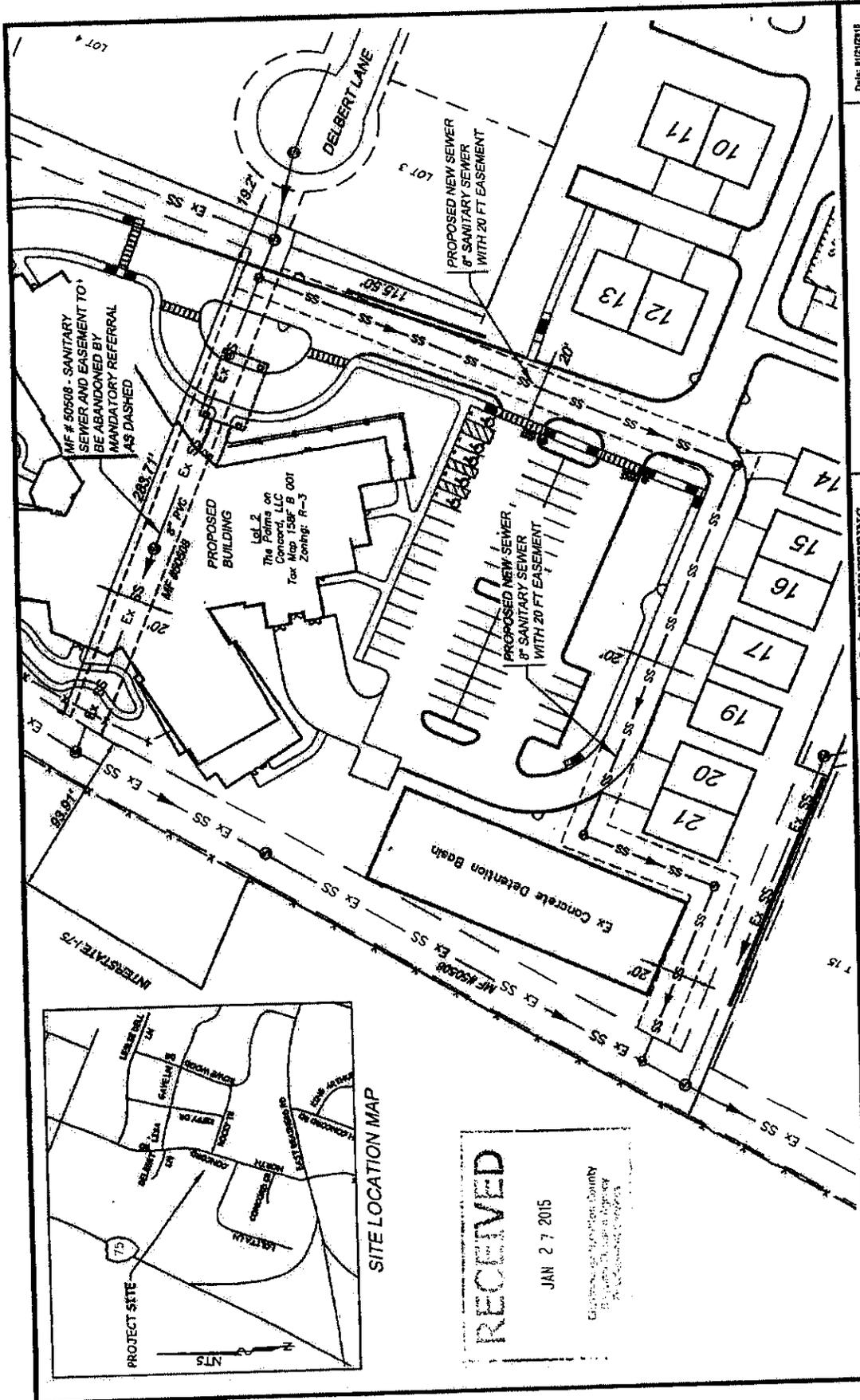


Chattanooga Hamilton County Regional Planning Agency



425 ft





SITE LOCATION MAP

RECEIVED

JAN 27 2015

City of Madison County
 Planning & Zoning Department

Date: 1/13/2015
 By: DJB
 Sheet: 1
 Exhibit

Mandatory Referral for Sewer Abandonment
The Palms Senior Living
 5077 DELBERT LANE
 CHATTANOOGA, TENNESSEE

AD ENGINEERING
SERVICES, INC.
 651 E. 4th Street, Suite 407
 Chattanooga, TN 37408
 PH: (423) 266-9961 FAX: (423) 266-2266
 AIAA Project # 11046



MR 2015-037

Hamilton County, Tennessee

Unofficial Property Card

Location 6757 PALMS CT	Property Account Number 99820	Parcel ID 158F B 001
Property Type 22	Land Use 918	District CITY

Current Property Mailing Address

Owner PALMS ON CONCORD LLC THE	City CHATTANOOGA
Address 6148 LEE HWY SUITE 300	State TN
	Zip 37421

Current Property Sales Information

Sale Date 6/30/2010	Legal Reference 9204-0648
Sale Price \$2,300,000	Grantor(Seller) NORTHWEST GEORGIA BANK

Current Property Assessment

Building Value \$0
Xtra Features Value \$0
Land Value \$1,207,200
Total Value \$1,207,200
Assessed Value \$301,800

Narrative Description

This property is classified as N/A with a(n) N/A style structure on this card, built about with 0 square feet.

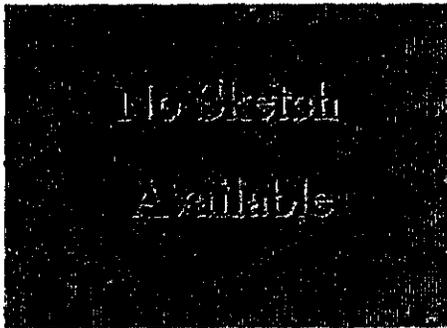
Land Description

The total land area of this property is ().

Legal Description

LT 2 THE PALMS PB 88 PG 188 REV 97-175

Property Images



Click To Enlarge



Chattanooga-Hamilton County Regional Planning Agency
1250 Market Street / Suite 2000 / Development Resource Center / Chattanooga, TN 37402

Signature Sheet / Case Number: MR 2015-037 Date: 1/22/15

Applicant Signature: Emerson E Russell

Signature verifies that applicant has read, understands all of the information on the application for the above case number, agrees with information provided and is responsible for installing and maintaining notice sign(s).

RPA ZONING APPLICATION POLICY

INSTALLATION OF REZONING SIGNS

No rezoning signs should be displayed on the property until after the 5-business day period following the 10th of the month.

REQUESTS TO DEFER

After filing an application with the RPA, an applicant may request (in writing) to defer the case within 5 business days following the zoning application deadline. The zoning application deadline is the 10th of the month; if the 10th of the month is on a Saturday or Sunday, the application deadline is the immediate preceding Friday.

If the applicant requests deferral after the 5 business day period following the zoning application deadline, the staff can not remove the zoning case from the Planning Commission agenda. If the applicant then desires to have the case deferred, they must make the request at the scheduled Planning Commission meeting. Action to allow deferral of the zoning application will be determined by the Planning Commission.

REQUESTS TO WITHDRAW

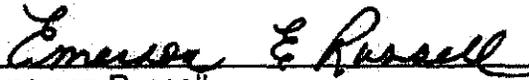
After filing an application with the RPA, an applicant may request (in writing) that their case be withdrawn at any time before the Planning Commission meeting. Such a request will be honored and the zoning case will be removed from the Planning Commission agenda. A request to withdraw a case may also be made at the Planning Commission meeting.

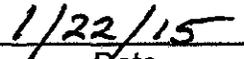
**AUTHORIZATION BY OWNER AND APPLICANT
FOR CLOSURE/ABANDONMENT APPLICATION**

6757 Palms Court, Chattanooga, TN
Tax Map Parcel 158F B 001

A.D. Engineering Services, Inc. is our consultant for this project and I authorize them to work on my behalf for the Mandatory Referral application to abandon a portion of the existing sewer on the above referenced property.

If you have any questions concerning the proposed layout or application, you may call Donna Shepherd, A.D. Engineering Services, Inc. at (423) 266-3501, donna@adengineering.us.


Emerson Russell


Date

Instrument: 2010071300028
 Book and Page: 61 3204 648
 RECD RECORDING FEE \$15.00
 BIRTH PROCESSING FEE \$2.00
 CONVEYANCE TAX \$4,519.00
 PROBATE FEE \$1.00
 Total Fees: \$4,537.00
 User: KRS
 Date: 7/13/2010
 Time: 8:17:00 AM

Grantee Address: Send Tax Bills To Contact Via North Carolina No.:
 The Palms on Concord, LLC The Palms on Concord, LLC 1987-B-001
 6148 Lee Highway 6148 Lee Highway
 Suite 300 Suite 300
 Chattanooga, TN 37421 Chattanooga, TN 37421

LIMITED WARRANTY DEED

GEORGIA, CATOOSA COUNTY.

This indenture, made and entered into the 30th day of June, 2010 by and between NORTHWEST GEORGIA BANK, as party or parties of the first part, (hereinafter called "Grantor"), and THE PALMS ON CONCORD LLC, as party or parties of the second part, (hereinafter called "Grantee").

WITNESSETH that Grantor, for and in consideration of the sum of \$10.00 (ten dollars) and other valuable consideration, cash in hand paid, the receipt and sufficiency of which is hereby irrevocably acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey and confirm unto Grantee the following described property, to wit:

SEE ATTACHED EXHIBIT 'A'

To have and to hold the said bargained premises, together with all and singular the rights, members, and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to only the proper use, benefit and behoof of Grantee forever in fee simple.

And Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under the Grantor.

In witness whereof Grantor has hereunto set his hand and affixed his seal on the day and year first above written.

NORTHWEST GEORGIA BANK

BY: 

ITS: PRESIDENT & CEO

STATE OF GEORGIA

COUNTY OF CATOOSA

Personally appeared before me, C. Grant Young, a Notary Public in and for said County and State, Brandon E. Scott Smith who, upon oath, acknowledged himself to be the President/CEO of said Corporation who executed the foregoing instrument for the purpose therein contained.

Witness my hand and official seal of office on this the 30TH day of June, 2010.


 Notary Public

Commission Expires: 5/31/12



Prepared by and Return To: MUGA LAND
 Clifton M Petty, Jr.
 7749 Nashville Street
 Ringgold, GA 30736
 File No. 63094

EW

4

113
 5752, 5760, 5759
 5078, 3712

Chattanooga-Hamilton County Regional Planning Agency
1250 Market Street / Suite 2000 / Development Resource Center / Chattanooga, TN 37402

Signature Sheet / Case Number: _____ Date: 1/22/15

Applicant Signature: Emerson E Russell

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Instrument: 2010071300028
 Book and Page: 5204 648
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 STATE PROCESSING FEE \$2.00
 CONVEYANCE TAX \$8,510.00
 PROBATE FEE \$1.00
 Total Fees \$8,528.00
 Date: 7/13/2010
 Time: 8:17:20 AM

Grantee Address: Send Tax Bills To
 The Palms on Concord, LLC The Palms on Concord, LLC
 6148 Lee Highway 6148 Lee Highway
 Suite 300 Suite 300
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And Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under the Grantor.

In witness whereof Grantor has hereunto set his hand and affixed his seal on the day and year first above written.

NORTHWEST GEORGIA BANK

BY: 

ITS: Preston & Co

STATE OF GEORGIA
 COUNTY OF CATOOSA

Personally appeared before me, C. Chad Young, a Notary Public in and for said County and State, Resident of State Street who, upon oath, acknowledged himself to be the President/CEO of said Corporation who executed the foregoing instrument for the purpose therein contained.

Witness my hand and official seal of office on this the 30TH day of June, 2010.


 Notary Public

Commission Expires: state



Prepared by and Return To: NUGA LAND
 Clifton M Patty, Jr.
 7749 Nashville Street
 Ringgold, GA 30736
 File No. L3094

EW

4

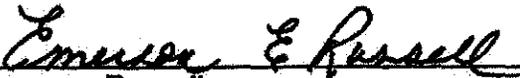
5758, 5760, 5759
 5298, 3712
 113

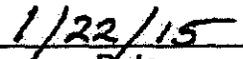
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If you have any questions concerning the proposed layout or application, you may call Donna Shepherd, A.D. Engineering Services, Inc. at (423) 266-3501, donna@adengineering.us.


Emerson Russell


Date

STATE OF GEORGIA
COUNTY OF CATOOSA

I hereby swear or affirm that the actual consideration for this transfer or the value of the property transferred in the State of Tennessee, which ever is greater is \$2,300,000.00 which amount is equal to or greater than the amount in which the property transferred would command at a fair and voluntary sale.

THE PALMS ON CONCORD LLC

Sworn to and subscribed this
30TH day of June, 2017

Notary Public

My Commission Expires: Sept

BY: *Lawrence Russell, Managing Member*
ITS: MEMBER



EXHIBIT "A" Book and Page: GI 9204 650

All that tract or parcel of land lying and being in the City of Chattanooga of Hamilton County, Tennessee and being more particularly described as follows: BEGINNING at a point located in the western right of way line of North Concord Road where said road is intersected by the southern line of Lot One (1), Bate-Mac Subdivision (Plat Book 26, Page 104, Register's Office of Hamilton County, Tennessee); thence southwardly along the western right of way line of North Concord Road along a curve to the right a distance of 281.22 feet to a point located in the northern line of Lot 20, Concord Subdivision (Deed Book 623, Page 1, Register's Office of Hamilton County, Tennessee); thence along the northern line of Concord Subdivision: North 65 degrees 31 minutes 58 seconds west, a distance of 285.33 feet and North 66 degrees 46 minutes 37 seconds West, a distance of 484.49 feet to a point located in the eastern controlled access right of way line of Interstate 75; thence northwardly along the eastern controlled access right of way line of Interstate 75; North 30 degrees 41 minutes 39 seconds East, a distance of 281.60 feet, North 66 degrees 22 minutes 12 seconds West, a distance of 68.19 feet, and north 32 degrees 41 minutes 49 seconds East, a distance of 833.42 feet to a point; thence South 66 degrees 34 minutes 52 seconds East, a distance of 292.11 feet to a point; thence South 24 degrees 03 minutes 37 seconds West, a distance of 824.10 feet to a point; thence South 68 degrees 28 minutes 40 seconds East, a distance of 338.69 feet to the POINT OF BEGINNING. Containing 11.2 acres, more or less, and shown as The Palms on survey by David Mathews Surveying dated February 20, 2006, and recorded in Plat Book 88, Page 188, in the above said Register's Office.

Together with and subject to all appurtenant rights in a certain 30 foot Driveway Easement, created by instrument executed by Emily Eileen Wolford, Charlotte W. Conner, Dorothy Wolford Garrett, Margaret Wolford Wise, Thomas Leslie Wolford and Paul Erwin Wolford, dated August 29, 1966, said 30 foot Driveway Easement lying immediately adjacent to the eastern line of Interstate Highway No. 75, and being for the purpose of affording a road right of way for all that portion of the Lana B. Wolford Tract, as described in Deed of record in Book W, Volume 26, Page 308, Register's Office of Hamilton County, Tennessee, that lies eastwardly of Interstate Highway No. 75, and to extend from the southern most portion thereof in a northwardly direction to the north line of said tract, and in the south line of State Access Road right of way.

For prior file see deeds recorded in Book 6980, Page 664, in the above said Register's Office.

Subject to easements, restrictions, requirements and other matters as shown on plat of The Palms recorded in Plat Book 88, Page 188, in the Register's Office of Hamilton County, Tennessee.

Subject to controlled access onto Interstate I-75, as set out in Deed to State of Tennessee of record in Book 5113, Page 625 in the above said Register's Office.

Subject to the following easement set out in deeds of record in Book 1693, Pages 222 and 223, in the above said Register's Office: All rights in a certain 30 foot Driveway Easement, created by instrument executed by Emily Eileen Wolford, Charlotte W. Conner, Dorothy Wolford Garrett, Margaret Wolford Wise, Thomas Leslie Wolford and Paul Erwin Wolford, dated August 29, 1966, said 30 foot Driveway Easement lying immediately adjacent to the eastern line of Interstate Highway No. 75, and being for the purpose of affording a road right of way for all that portion of the Lana B. Wolford Tract, as described in Deed of record in Book W, Volume 26, Page 308, Register's Office of Hamilton County, Tennessee, that lies eastwardly of Interstate Highway No. 75, and to extend from the southern most portion thereof in a northwardly direction to the north line of said tract, and in the south line of State Access Road right of way.

Subject to the following drainage easement set out in deeds of record in Book 5467, Page 311, Book 1693, Page 221, and Book 1693, Page 223, said Register's Office: Drainage Easement created in Deed from Lana B. Wolford to State of Tennessee, for the use and benefit of Department of Highway and Public Works, being in said deed described as parcel No. 2, herein described.

Subject to Sewer Easements granted to City of Chattanooga set out in instruments of record in Book 2407, Page 986, Book 2407, Page 960, Book 2407, Page 975, Book 2407, Page 970, in the above said Register's Office.

Subject to Easement set out in instrument of record in Book 2412, Page 736, in the above said Register's Office.

Subject to Sewer Easements set out in instruments of record in Book 6225, Page 517, Book 6225, Page 626, Book 6225, Page 651, Book 6225, Page 686, Book 6225, Page 572, Book 6227, Page 657, in the above said Register's Office.

Subject to restrictions as set out in instrument recorded in Book 791, Page 510, in the above said Register's Office.

Subject to sewer easements conveyed to the City of Chattanooga recorded in Book 2293, Page 234, and in Book 6277, Page 654, in the above said Register's Office.

Subject to the 15 foot driveway easement over the southern 15 feet of the herein describe property, as shown by survey of C.C. Newman, dated May 30, 1960.

Subject to controlled access onto Interstate 75 as set out in deed of record in Book 5054, Page 352, in the above said Register's Office.

Subject to the building and zoning laws of the City of Chattanooga and/or Hamilton County, Tennessee.

Subject to any and all above ground and underground encroachments, of any type or nature, from the above described property onto property lying adjacent to and north of the above described property and development and currently owned by the State of Tennessee and leased to a third party or parties.

THE ABOVE DESCRIBED PROPERTY CONSTITUTES ALL OF THE DEVELOPMENT KNOWN AS THE PALMS, INCLUDING ALL UNITS, COMMUNITY BUILDINGS, COMMUNITY AREAS, COMMON AREAS, STRUCTURES, INFRASTRUCTURES, EASEMENTS AND APPURTENANCES AS SHOWN ON A PLAT OF THE PALMS PLANNED UNIT DEVELOPMENT PREPARED BY DAVID MATHEWS SURVEYING DATED FEBRUARY 20, 2006, AND RECORDED IN PLAT BOOK 88, PAGE 188, IN THE REGISTER'S OFFICE OF HAMILTON COUNTY, TENNESSEE, AND INCLUDING UNIT NOS. 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, AND 89.



MR 2015-037 Sewer Easement Abandonment

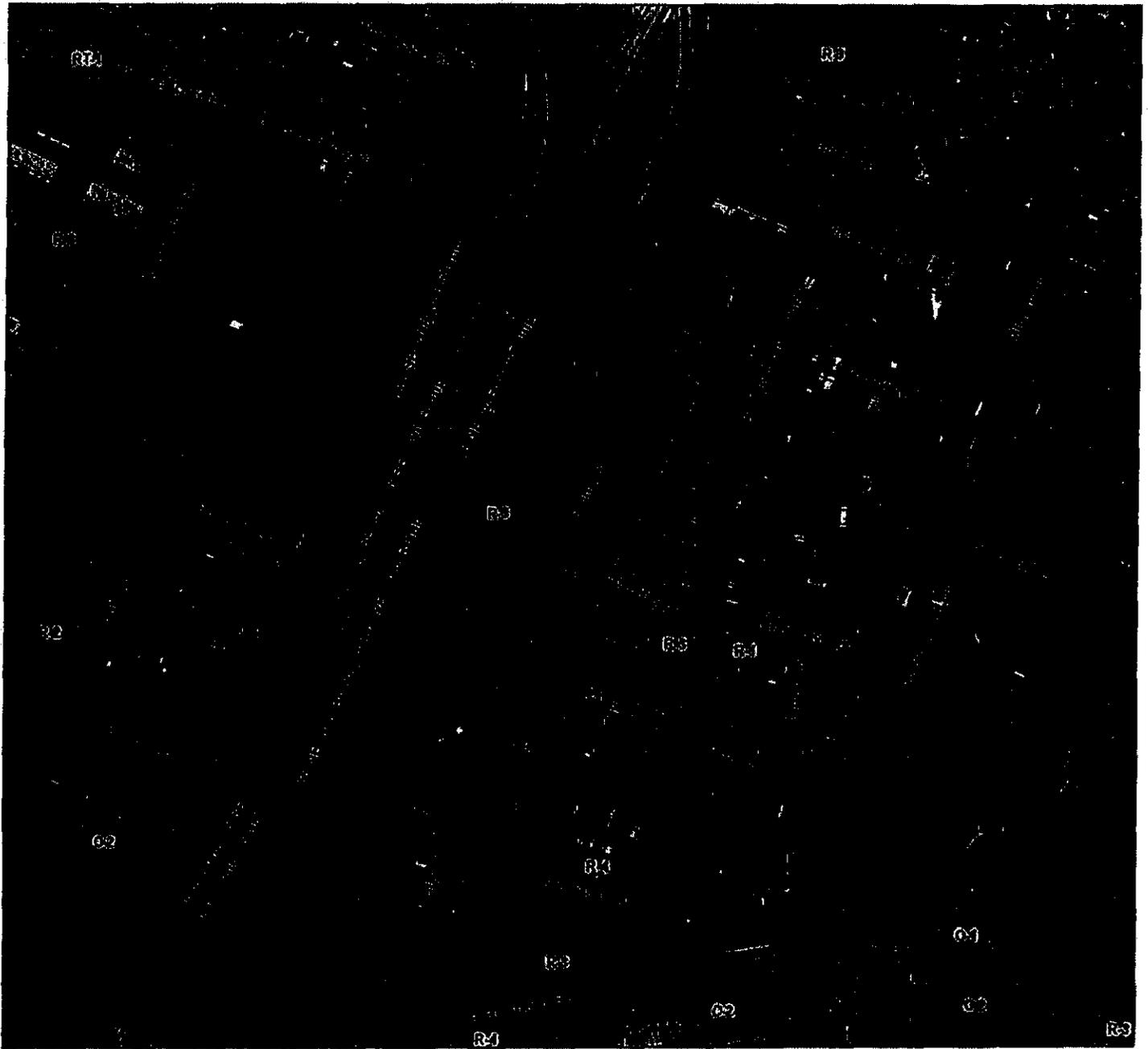


Chattanooga Hamilton County Regional Planning Agency



425 ft





MR 2015-037 Sewer Easement Abandonment



425 ft

Chattanooga Hamilton County Regional Planning Agency

