

First Reading: _____

Second Reading: _____

MR 2016-046
W.C. Helton
Districts 7 and 8

ORDINANCE NO. _____

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE RIGHT-OF-WAY LOCATED IN THE 300 BLOCK OF EAST 36TH STREET AND TWO (2) UNNAMED ALLEYS, DETAILED ON THE ATTACHED MAP, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That a portion of the right-of-way located in the 300 block of East 36th Street and two (2) unnamed alleys, detailed on the attached map, be and are hereby closed and abandoned:

Abandonment of a 20 foot unopened alleyway beginning at its intersection with the east line of a closed portion of Park Drive thence southeast some 174 feet to a dead end and adjoining another unopened alleyway as shown in the Bates Addition Adjoining Chattanooga Land Company Addition No. 1 in Plat Book 6, Page 66, ROHC. Said alleyway separates Tax Map No. 155M-C-001 from 155M-C-004.

Abandonment of a 20 foot unopened alleyway beginning at its intersection with the west line of the above mentioned unopened alleyway thence southwest parallel with the Chattanooga Creek some 171 feet to its intersection with the unopened portion of the 300 block of East 37th Street as shown along the eastern lines Lots 6, 7 and 8 in the Bates Addition Adjoining Chattanooga Land Company Addition No. 1 in Plat Book 6, Page 66, ROHC. Said alleyway separates Tax Map No. 155M-C-004 from the Chattanooga Creek as it lays within Tax Map No. 167D-E-041.03.

SECTION 2. BE IT FURTHER ORDAINED, That this abandonment shall be subject to

the following conditions:

- 1) The applicant shall obtain necessary permits and approvals from the City of Chattanooga Land Development Office; and
- 2) The abandonment shall be subject to the retention of a full-width utility easement(s) and the recommendations of said utilities, including City of Chattanooga Public Works and EPB, as attached in this package.

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/Ordinance Request Form

Date Prepared: April 21, 2016

Preparer: Bertran Kuyrkendall

Department: Transportation

Brief Description of Purpose for Resolution/Ordinance: Res./Ord. # _____ Council District # 7,8

An ordinance approving the request of W.C. Helton, owner of the adjacent property, to abandon a portion of the right-of-way of the 300 block of East 36th Street and two (2) unnamed alleys, detailed on the attached map, as referenced in Case No. MR 2016-046.

APPROVED WITH CONDITIONS

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

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

Revised: October, 2011

Memorandum

To: Brandon Sutton BS
From: Kari Lawman
cc: Bert Kuyrkendall
Date: April 21, 2016
Re: W. C. Helton
Case No. MR 2016-046
Part of the 300 block of East 37th Street and 2 unnamed alleyways

RECOMMENDATION: APPROVAL WITH CONDITIONS

This application was received by the Chattanooga-Hamilton County Regional Planning Agency (RPA) on February 12, 2016, from the property owner, W.C. Helton. The abandonment was approved by Planning Commission at its April 11, 2016 meeting (see attached case report and resolution). The agent is requesting the abandonment of part of the 300 block of East 37th Street and 2 unnamed alleyways as shown on the attached map.

After review, granting this Abandonment does not conflict with the public's interest.

Therefore, I recommend the request for ***Abandonment of said portions of right-of-way be granted with the following conditions:***

- The applicant shall obtain necessary permits and approvals from the City of Chattanooga Land Development Office.
- Subject to the retention of a full-width utility easement(s) and the recommendations of said utilities, including City of Chattanooga Public Works and EPB, as attached in the following package.

CLOSURE/ABANDONMENT APPLICATION FORM

CASE NUMBER:	MR 2016-046			Date Submitted: 2-12-2016		
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)						
1 Applicant Request (Mandatory Referral per TCA 13-4-104)						
Closure/Abandonment	<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:						
	<input checked="" type="checkbox"/>	Open	<input checked="" type="checkbox"/>	Unopened	Length/Width:	
Beginning: All open Rights-of-Ways that Surround Tax Map 155M-C-004						
Ending: Part of the 300 block of East 37 th Street & 2 unnamed Alley Ways						
2 Property Information						
Property Address:	Part of the 300 block of East 37 th Street & 2 unnamed alleyways					
Property Tax Map Number(s):	155M-C-003 & 004					
3 Proposed Development						
Reason for Request and/or Proposed Use:	To combine Properties					
4 Site Characteristics						
Current Zoning:	M-1					
Current Use:	Vacant					
Adjacent Uses:	M-1 & C-2					
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: W.C. Helton				Address: 436 Thompson Bridge Road		
Check one:		<input type="checkbox"/> I am the property owner		<input checked="" type="checkbox"/>	I am not the property owner	
City: Maryville	State: TN	Zip Code: 37801	Email: budhaitn@bellsouth.net			
Phone 1: 865-207-5029	Phone 2: 865-856-6952	Phone 3:	Fax:			
6 Property Owner Information (if not applicant)						
Name:			Phone:			
Address:						
Office Use Only:						
Planning District: 4			Neighborhood: CNAC, S. Broad Redevelopment, Alton Park			
Hamilton Co. Comm. District: 4		Chatt. Council District: 7		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): 8925-20, 10673-178						
Plat Book/Page: 6-66, 63-173			<input checked="" type="checkbox"/>	Notice Signs	Number of Notice Signs: 1	
<input checked="" type="checkbox"/>	Filing Fee: 350.00	Cash		<input checked="" type="checkbox"/>	Check	Check Number: 1494
Planning Commission meeting date: 4-11-2016			Application processed by: Marcia Parker			

RESOLUTION

WHEREAS, W. C. Helton petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga to grant approval of a Mandatory Referral pursuant to T.C.A. 13-4-104 for the abandonment of part of the 300 block of East 37th Street & 2 unnamed alleyways.

Abandonment of a 20 foot unopened alleyway beginning at its intersection with the east line of a closed portion of Park Drive thence southeast some 174 feet to a dead end and adjoining another unopened alleyway as shown in the Bates Addition Adjoining Chattanooga Land Company Addition No. 1 in Plat Book 6, Page 66, ROHC. Said alleyway separates Tax Map 155M-C-001 from 155M-C-004 as shown on the attached map.

Abandonment of a 20 foot unopened alleyway beginning at its intersection with the west line of the above mentioned unopened alleyway thence southwest parallel with the Chattanooga Creek some 171 feet to its intersection with the unopened portion of the 300 block of East 37th Street as shown along the eastern lines Lots 6, 7 and 8 in the Bates Addition Adjoining Chattanooga Land Company Addition No. 1 in Plat Book 6, Page 66, ROHC. Said alleyway separates Tax Map 155M-C-004 from the Chattanooga Creek as it lays within Tax Map 167D-E-041.03

Abandonment of an unopened portion of the 40 foot right-of-way of the 300 block of East 37th Street beginning at the southwest corner of tax map 155M-C-004 thence southeast some 97 feet to a dead end at the Chattanooga Creek. Said street separates 155M-C-004 from 167D-D-026 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on April 11, 2016,

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

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

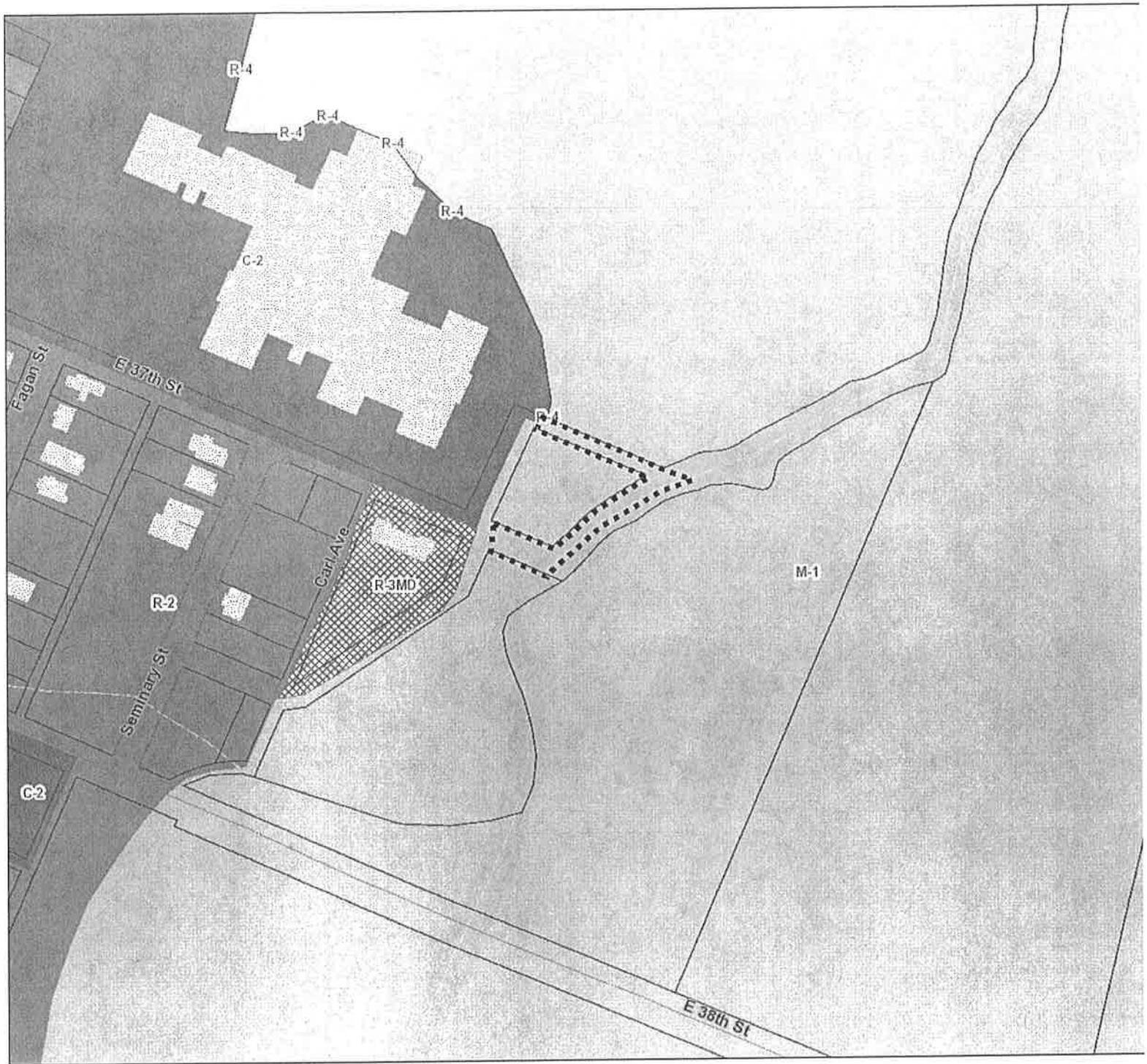
AND WHEREAS, the Planning Commission has studied the petition in relation to existing zoning and land use and potential patterns of development.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on April 11, 2016, recommended to the Members of the City Council of the City of Chattanooga that this petition for a Mandatory Referral to abandon part of the 300 block of East 37th Street & 2 unnamed alleyways to combine properties be approved.

Respectfully submitted,



John Bridger
Secretary



MR 2016-046 Abandonment

PLANNING COMMISSION RECOMMENDATION FOR
CASE NO. MR-2016-046: Approve



206 ft



Chattanooga Hamilton County Regional Planning Agency



PLANNING COMMISSION CASE REPORT

Case Number: MR-2016-046

PC Meeting Date: 04-11-16

Applicant Request

Mandatory Referral for Abandonment of Alley Right-Of-Way

Property Location:	Part of the 300 block of East 37 th Street & 2 unnamed alleyways
Property Owner:	W.C. Helton
Applicant:	W.C. Helton

Project Description

- Proposal: Abandonment of alleys to allow for combining of properties.

Site Analysis

Site Description

- Location: Alley to be abandoned surrounds parcel 115M-C-004 on the north, east, and south sides.

Plans/Policies/Regulations

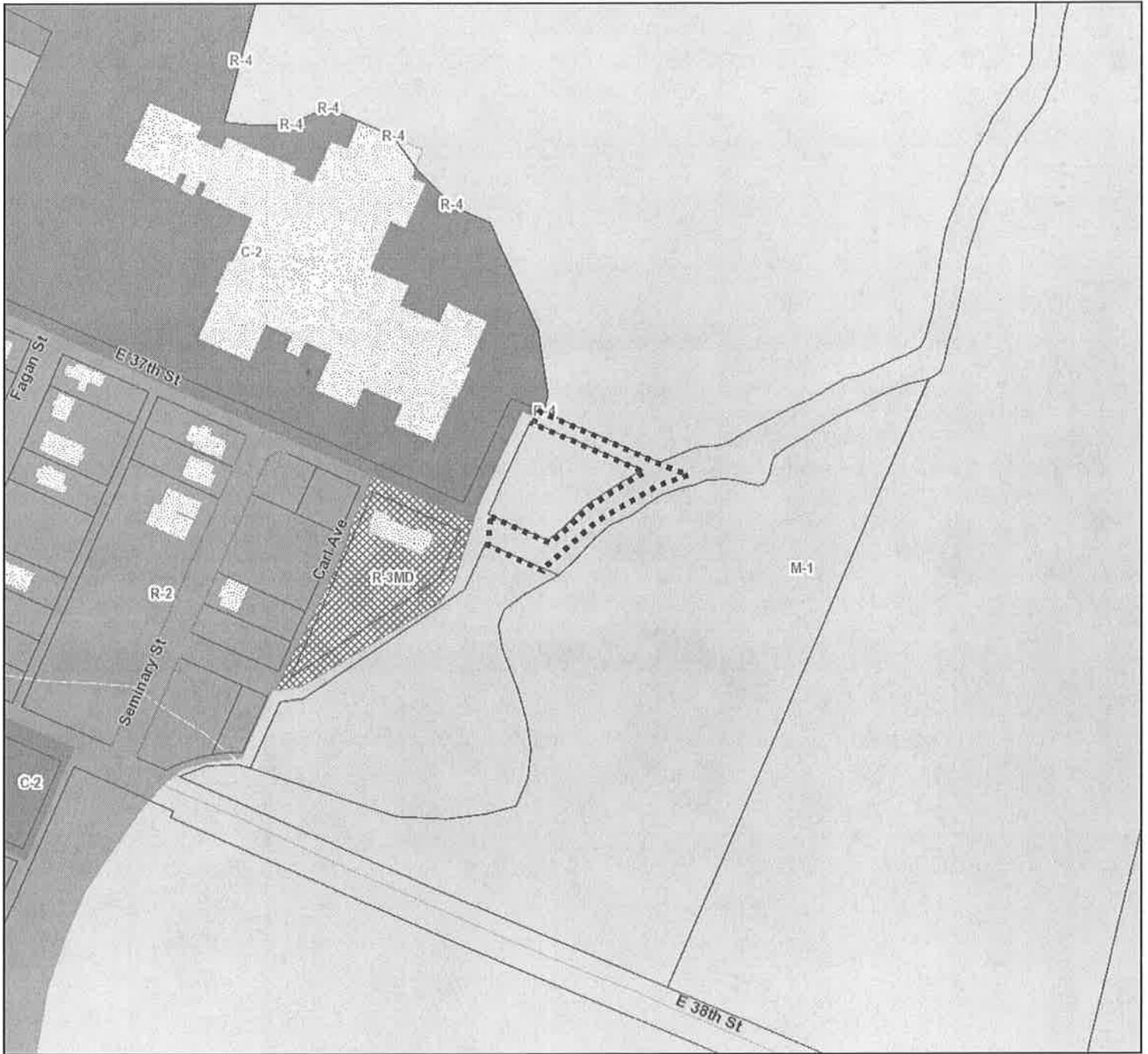
- It is the policy of the Regional Planning Agency and other public agencies to retain rights-of-way for public use and only to recommend the permanent closure and abandonment of rights-of-way when it is concluded that the public has no further need to retain the right-of-way and that its abandonment is necessary to achieve a significant private or public interest.

Key Findings

- The requested right-of-way to be abandoned is unopened.
- Abandonment of the requested right-of-way would create a hardship for access to this site. It is recommended the parcel be re-platted to avoid landlocking of the parcel.

Staff Recommendation

Approve.



MR 2016-046 Abandonment



206 ft

Chattanooga Hamilton County Regional Planning Agency



Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2016-045	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2016-046	<input checked="" type="checkbox"/>	<input type="checkbox"/>

* Comments forthcoming

W.W.T.H.
Cleveland Brines

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2016-045	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2016-046	<input checked="" type="checkbox"/>	<input type="checkbox"/>

* Comments forthcoming

TW American Water Co
Meagan Catfaling

4-11-16
PC

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2016-045	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2016-046	<input checked="" type="checkbox"/>	<input type="checkbox"/>

* Comments forthcoming

DESIGN ENGINEERING - DIVISION
BRANDON SUTTON

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2016-045	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2016-046	<input checked="" type="checkbox"/>	<input type="checkbox"/>

* Comments forthcoming

CHATTANOOGA POLICE DEPT.
LT. DAVID GIBB

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2016-045	RH	
MR 2016-046	RH	

Chattanooga Fire Dept.
Randall Thomas

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2016-045	✓	
MR 2016-046	✓	

Comcast Cable
Koor Spain / James Alfonso

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2016-045	✓	
MR 2016-046	✓	
RETAIN TO STUM SENSE GARMENTS		

RT
Bill Payne
Engineer

BW
2/23/16

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2016-045	✓	
MR 2016-046	✓	

Dept of Transportation
Ray Tucker

* Comments forthcoming

Abandonment/Closure Cards

Dept. of Transportation
 Jackie Wolfe

Case No.	Closure O.K.	
	Yes	No
MR 2016-045	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2016-046	<input checked="" type="checkbox"/>	<input type="checkbox"/>

* Comments forthcoming

Chattanooga Gas Co
 Harold Hyde

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2016-045	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2016-046	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Hyde 3-2-16		

* Comments forthcoming

Abandonment/Closure Cards

F.P.B.
 Billy McElroy

Case No.	Closure O.K.	
	Yes	No
MR 2016-045	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2016-046	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2016-045	✓	
MR 2016-046	✓	

* Comments forthcoming

Bell South
Jon mounts

Emailed 3-10-16
Karen B Flood "KF1071 at att.com"