

First Reading: _____

Second Reading: _____

MR 2016-011
Claudia Pullen-SEB 2 LLC
District 7

ORDINANCE NO. _____

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE RIGHT-OF-WAY LOCATED IN THE 3800 BLOCK OF ST. ELMO AVENUE, DETAILED ON THE ATTACHED MAP, ON WHICH THE EXISTING BUILDING IS LOCATED, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That the right-of-way located in the 3800 block of St. Elmo Avenue, detailed on the attached map, on which the existing building is located, be and is hereby closed and abandoned:

Abandonment of a portion of the 3800 block of Saint Elmo Avenue right-of-way beginning at the northwest corner of Tax Map 1550-E-001 thence southwest some 248 feet to the southwest corner of said parcel, thence northwest 1'-5 1/4" to a point in the 3800 block of Saint Elmo Avenue right-of-way, thence northwest some 248 feet to another point in said right-of-way, thence 5'-1 1/4" southeast to the northwest corner of Tax Map No. 1550-E-001, the point of beginning.

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 AT&T, Comcast, City of Chattanooga Public Works, Tennessee American Water, and Hamilton County W.W.T.A., 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

An ordinance approving the request of SEB 2 LLC (Claudia Pullen), owner of the adjacent property, to abandon a portion of the right-of-way of the 3800 block of St. Elmo Avenue, detailed on the attached map, on which the existing building is located, as referenced in Case No. MR 2016-011.

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 Fund _____	N/A
City Amount Funded \$ _____	Provide Cost Center _____	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: SEB 2 LLC (Claudia Pullen)
Case No. MR 2016-011
3800 Block of St. Elmo Avenue

RECOMMENDATION: APPROVAL WITH CONDITIONS

This application was received by the Chattanooga-Hamilton County Regional Planning Agency (RPA) on December 8, 2015, from property owner, SEB 2 LLC (Claudia Pullen). The abandonment was approved by Planning Commission at its February 8, 2016 meeting (see attached case report and resolution). The agent is requesting the abandonment of a portion of the right-of-way along the 3800 block of St. Elmo Avenue. Upon a new survey, it was determined that a portion of the building is located within the right-of-way. The area of the building within the right-of-way is 113-feet, 3¼-inches long and tapers from a width of 5-feet, 1¼-inches down to 1-foot, 5¼-inches, as shown in the attached site 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 AT&T, Comcast, City of Chattanooga Public Works, Tennessee American Water, and Hamilton County W.W.T.A., as attached in the following package.

CLOSURE/ABANDONMENT APPLICATION FORM

CASE NUMBER:	MR 2016-011	Date Submitted: 12-8-2015	
(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 type="checkbox"/> Alley	<input checked="" type="checkbox"/> Street	<input type="checkbox"/> Sewer
	Name of Street or Right-Of-Way: Saint Elmo Avenue (part of)		
	<input type="checkbox"/> Open	<input type="checkbox"/> Unopened	Length/Width:
	Beginning: at the Northwest corner of parcel 1550-E-001		
	Ending: going in a Southwest direction to end of said parcel		
2 Property Information			
Property Address:	3800 block of Saint Elmo Avenue		
Property Tax Map Number(s):	1550-E-001		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Building is in the Right-Of-Way		
4 Site Characteristics			
Current Zoning:	C-2		
Current Use:	Office & Storage Units		
Adjacent Uses:	Commercial		
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: Claudia Pullen/SEB 2 LLC	Address: 325 Frazier Avenue Suite 206		
Check one:	<input checked="" type="checkbox"/> I am the property owner	<input type="checkbox"/> I am not the property owner	
City: Chattanooga	State: TN	Zip Code: 37405	Email: claudiapullen@terrallc.us
Phone 1: 423-486-1081	Phone 2: 423-774-7446	Phone 3:	Fax: 423-486-1082
6 Property Owner Information (if not applicant)			
Name: Same	Phone:		
Address:			
Office Use Only:			
Planning District: 8C	Neighborhood: CNAC, S. Broad Redevelopment, Alton Park, & Saint Elmo		
Hamilton Co. Comm. District: 6	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 type="checkbox"/> Plats, if applicable
Deed Book(s): 10309-63			
Plat Book/Page: 9-527	<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: 1789
Planning Commission meeting date: 2-8-2016		Application processed by: Marcia Parker	

MR-2016-011 City of Chattanooga
February 8, 2016

RESOLUTION

WHEREAS, Claudia Pullen/SEB 2 LLC petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga granting approval of a Mandatory Referral pursuant to T.C.A. 13-4-104 for abandonment of a portion of the 3800 block of Saint Elmo Avenue.

Abandonment of a portion of the 3800 block of Saint Elmo Avenue right-of-way beginning at the northwest corner of Tax Map 155O-E-001 thence southwest some 248 feet to the southwest corner of said parcel, thence northwest 1'-5 1/4" to a point in the 3800 block of Saint Elmo Avenue right-of-way, thence northwest some 248 feet to another point in said right-of-way, thence 5'-1 1/4" southeast to the northwest corner of Tax Map 155O-E-001, the point of beginning as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on February 8, 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,

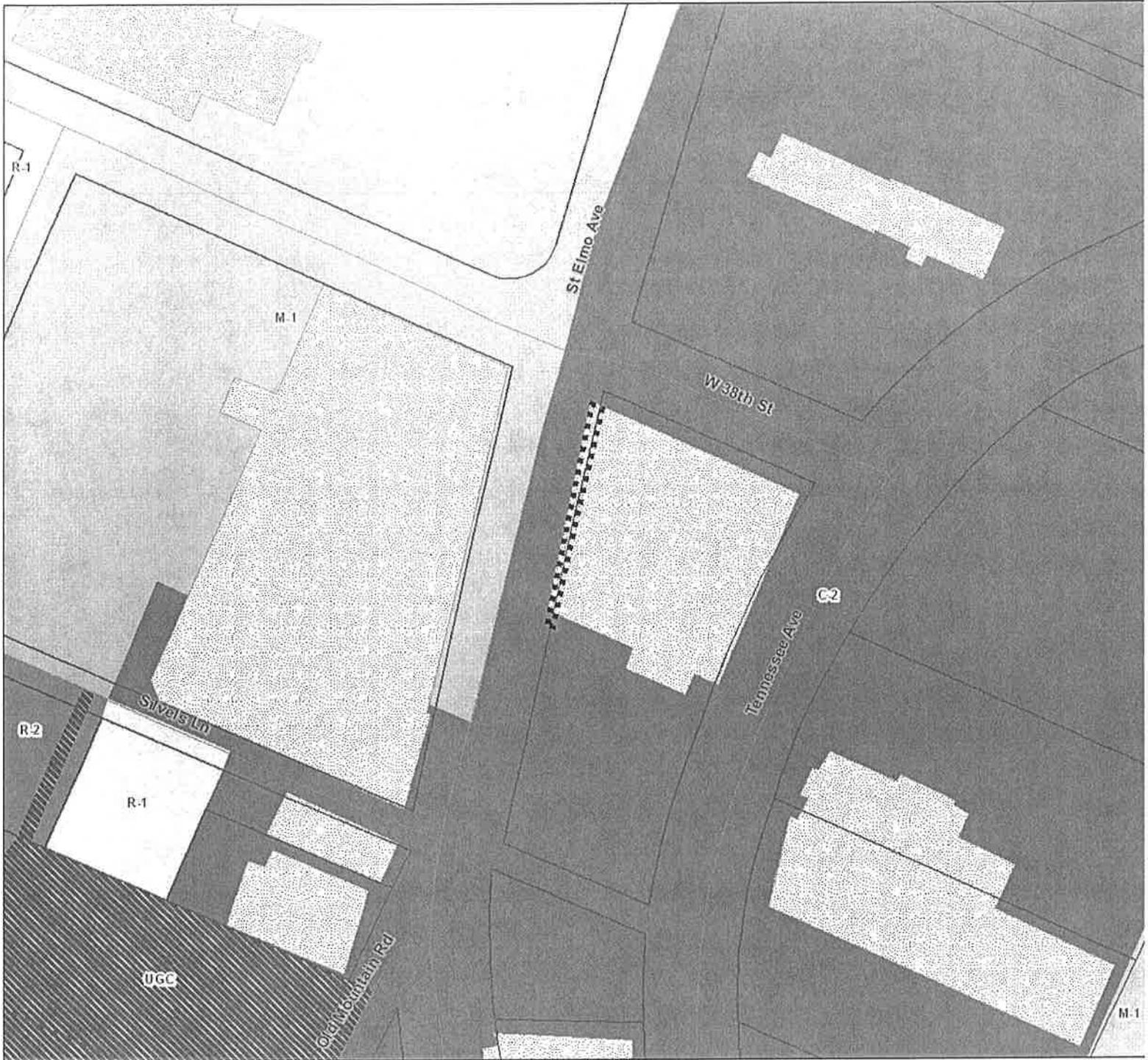
AND WHEREAS, the Planning Commission has studied the petition in relation to existing zoning and land use and potential patterns of development.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on February 8, 2016, recommended to the Members of the City Council of the City of Chattanooga that this petition for a Mandatory Referral for abandonment for a building that is in the right-of-way be approved.

Respectfully submitted,



John Bridger
Secretary



MR 2016-011 Abandonment

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. MR-2016-011:
Approve



75 ft



Chattanooga Hamilton County Regional Planning Agency



PLANNING COMMISSION CASE REPORT

Case Number: MR 2016-011

PC Meeting Date: 02-08-16

Applicant Request

Mandatory Referral for abandonment of portion of Saint Elmo Avenue

Property Location: 3800 block of Saint Elmo Avenue

Property Owner: Claudia Pullen/SEB 2, LLC

Applicant: Claudia Pullen/SEB 2, LLC

Project Description

- Proposal: Applicant would like to have a portion of Saint Elmo Avenue abandoned due to an existing building being in the right-of-way.

Site Analysis

Site Description

- Location: Beginning at the corner of Saint Elmo Avenue and West 38th Street at the northwest corner of parcel 1550-E-001 moving southwest to the end of said parcel at the corner of Saint Elmo Avenue and Silvels Lane:
- While the majority of Saint Elmo Avenue has a Functional Classification designation of an Urban Principal Arterial, this section is a local road without a Functional Classification designation.
- An existing building on parcel 1550-E-001 encroaches slightly onto the City's right-of-way.
- Saint Elmo Avenue at this section is one lane in either direction with bike lanes and sidewalks on both sides.

Policy

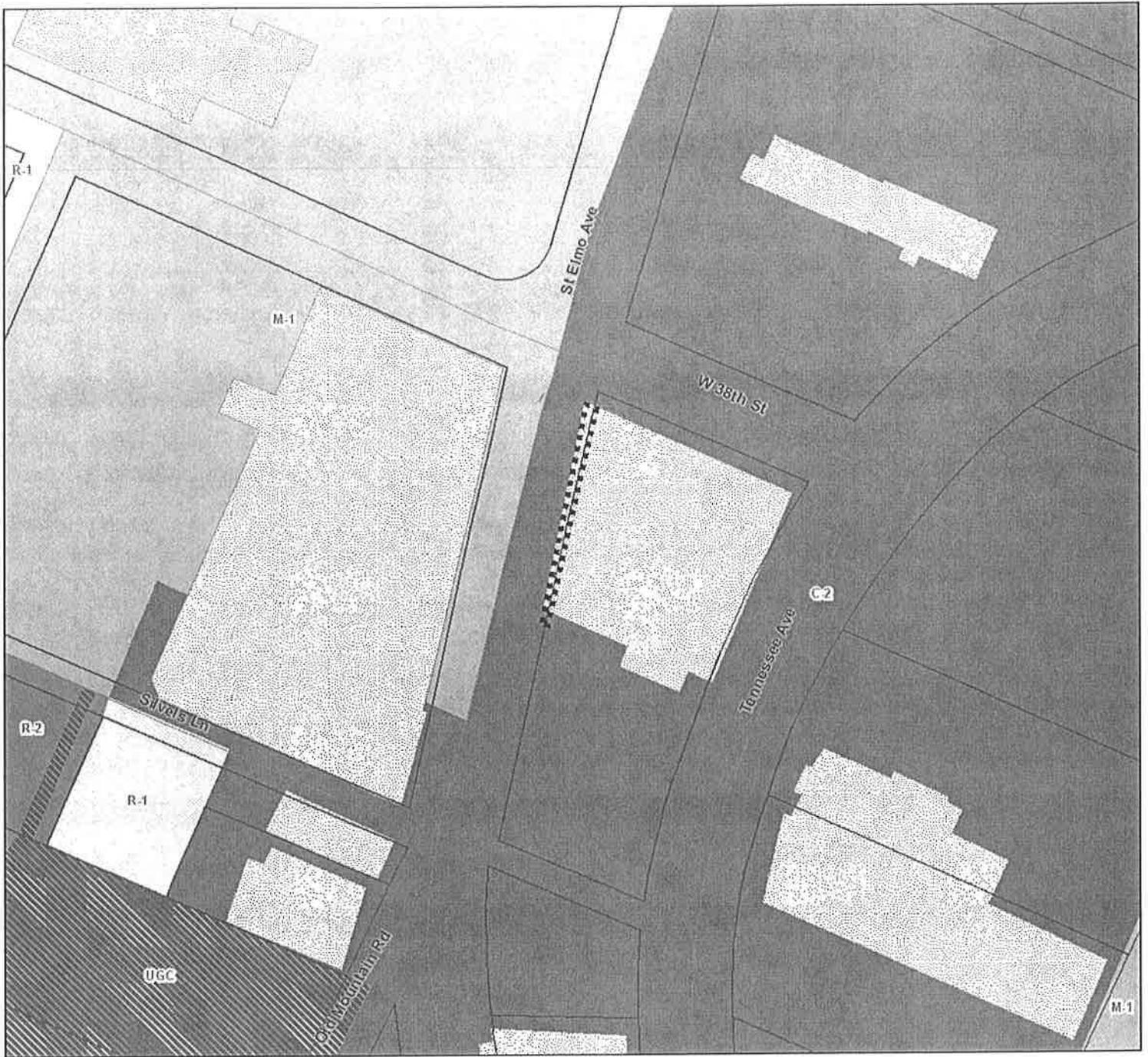
- It is the policy of the Regional Planning Agency and other public agencies to retain rights-of-way for public use and only to recommend the permanent closure and abandonment of rights-of-way when it is concluded that the public has no further need to retain this right-of-way and that its abandonment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

Key Findings

- The proposal is consistent with the development form of the area.
- The proposed structure does not raise concerns regarding location, lighting, or height.
- The proposal would not set a precedent for future requests.

Staff Recommendation

Approve

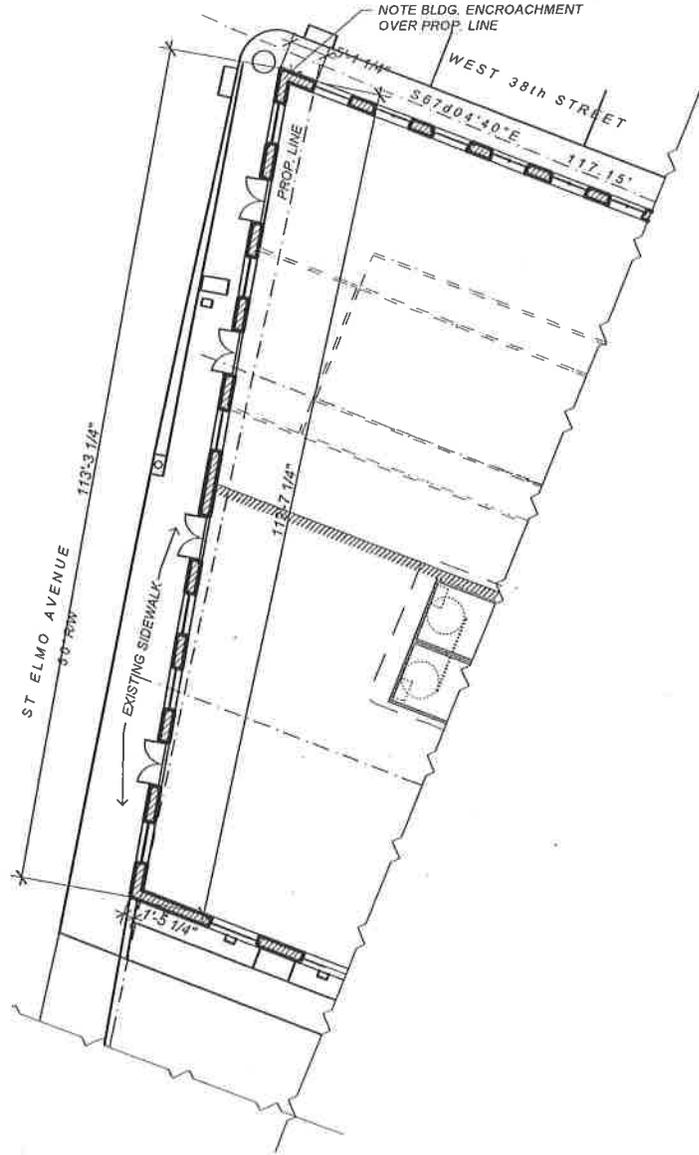


MR 2016-011 Abandonment

75 ft

Chattanooga Hamilton County Regional Planning Agency

NOTE: ENCROACHMENT INFORMATION BASED ON 1988 SURVEY BY
DAVID L. HOPKINS JR. #120 IN THE POSSESSION OF THE OWNER
NOTE BLDG. ENCROACHMENT
OVER PROP. LINE



Development Services



1250 Market Street

MEMORANDUM

TO: All Utilities and Others Concerned with Closure and Abandonment

FROM: Greg L. Haynes, Director

DATE: December 30th, 2015

To enable us to have a written record of your receipt of our notification and to provide for your convenience in responding, we are sending you a self-addressed post card on which we have listed each **closure and abandonment case for the February 8th, 2016 Planning Commission Meeting**. We appreciate your cooperation in checking the appropriate column for each case and returning the card to us. If easements and/or any other requirements are necessary, you may check comments forthcoming and send a letter with the pertinent information to our office. If nothing is required, the card alone will be sufficient.

In order to properly advise the Planning Commission and jurisdictional commission, it is necessary that we **hear from you by January 28th, 2016**.

We feel this procedure may expedite the process for all concerned, while providing us with an accurate record of each notification.

GLH: mp

Enclosure:



January 13, 2016

Mr. Greg L. Haynes, Director
Chattanooga-Hamilton County Regional Planning Agency
Development Resource Center
1250 Market Street, Suite 2000
Chattanooga, TN 37402

RE: Closures and Abandonment Case Number MR2016-011

Dear Mr. Haynes:

In regards to Case Number MR2016-011 for the February 8th, 2016 Planning Commission Meeting Agenda, AT&T Southeast cannot agree to closure since facilities are in this area. Please reserve any existing or future utility easements inside the proposed abandonment areas.

If additional information is needed, please contact me at 752-9133.

Thank You,

A handwritten signature in black ink, appearing to read "Roger L. Flood".

Roger L. Flood
Area Manager OSP Planning & Engineering Design

cc: RPC File

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Comcast Communications
2030 East Polymer Drive
P. O. Box 182249
Chattanooga, Tennessee 37422
423-855-3900

January 8, 2016

Regional Planning Agency
1250 Market Street
Suite 2000 Development Resource Center
Chattanooga, Tennessee 37402

RE:Case # MR 2016-011

Dear Greg:

Comcast does not concur to the closure case(s) in the 3800 block of Saint Elmo Avenue. Comcast has active service, on a portion of the proposed closure. Comcast would agree to the closure if an alternate route was provided and the rerouting of existing plant was performed at no cost to Comcast.

Sincerely,

Roger Spain
Construction Specialist 2

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MP 2016-011		X
Unsure of what is to be abandoned, please clarify.		
Shoreland State		
Is it just the east sidewalk of		
St. Elmo Ave @ 3800?		

* Comments forthcoming

Chattanooga Gas Co.
 +field +ride



Marcia Parker <mparker@chattanooga.gov>

FW: 2016-011 Approval for Closure request for 3800 St Elmo Ave

1 message

Harold Hyde <hhyde@aglresources.com>
To: "mparker@chattanooga.gov" <mparker@chattanooga.gov>
Cc: Jonathan Vreeland <jvreelan@aglresources.com>

Tue, Jan 26, 2016 at 8:01 AM

After talking with you on the phone this morning and you explained this closure request is for the east side of St Elmo Ave., I am giving approval for this request. Chattanooga Gas has a main on the west side of St Elmo Ave and I did not want to relinquish our right to be there.

From: Marcia Parker [mailto:mparker@chattanooga.gov]
Sent: Tuesday, January 26, 2016 7:20 AM
To: Harold Hyde
Subject: 2016-011

Thank you Harold. Here is the info I have. Marcia

External Email - Click here to report this email as spam.

This message has been scanned for malware by Websense. www.websense.com

 **201601260647.pdf**
1814K



City of Chattanooga
DEPARTMENT OF TRANSPORTATION
DEVELOPMENT RESOURCE CENTER
1250 MARKET STREET, SUITE 3030
Chattanooga, Tennessee 37402-2713

January 26, 2016

Regional Planning Agency
Development Resource Center
Development Services
1250 Market Street
Chattanooga, TN 37402

Re: MR 2016-011
St. Elmo Avenue, 3800 Block

To Whom It May Concern:

The Chattanooga Department of Transportation has reviewed the request for partial abandonment at the subject address and agrees with closure along the building frontage only – approximately 113-feet based on exhibits submitted by the applicant. We would request that the public right-of-way return to its full width at the northwestern and southwestern corners of the building.

Sincerely,

A handwritten signature in black ink, appearing to read "Brandon Sutton".

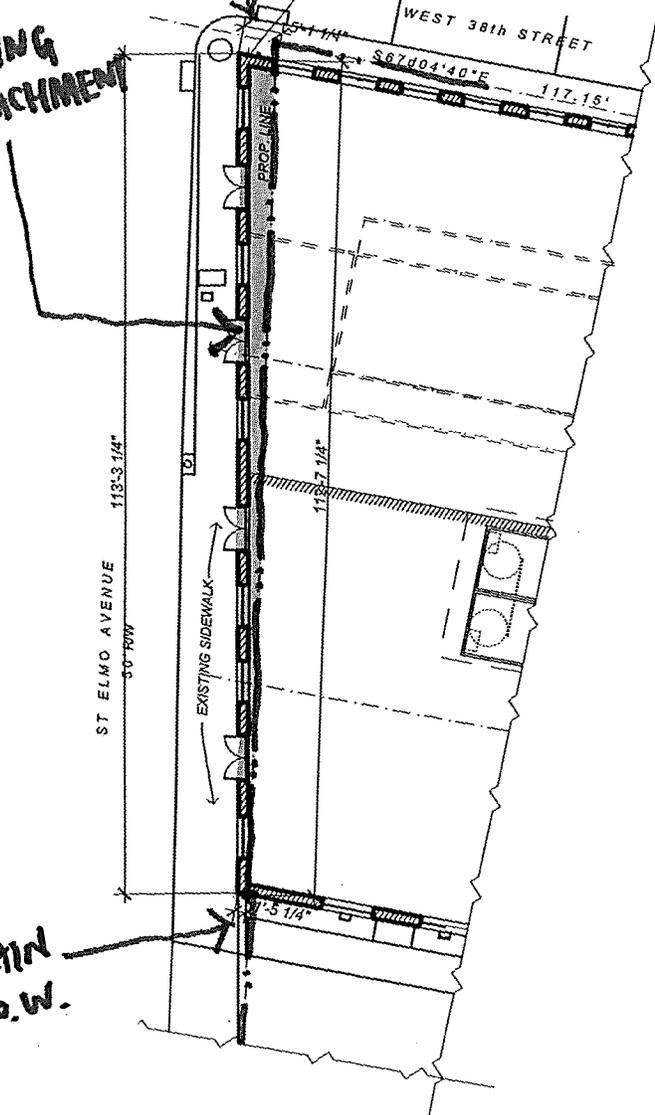
Brandon Sutton
Transportation Design Manager

Attachments: Sketch of Building Encroachment

RETAIN R.O.W.

NOTE: ENCROACHMENT INFORMATION BASED ON 1988 SURVEY BY
DAVID L. HOPKINS JR. #120 IN THE POSSESSION OF THE OWNER
NOTE BLDG. ENCROACHMENT
OVER PROP. LINE

BUILDING
ENCROACHMENT



ST ELMO AVENUE 113'-3 1/4"

WEST 38th STREET

S67d04'40"E 117.15'

EXISTING SIDEWALK

RETAIN R.O.W.



TENNESSEE
AMERICAN WATER

Megan Catalina
Tennessee American Water
Engineering Department
1500 Riverside Drive
Chattanooga, TN 37406

P 423-771-4777
F 423-267-9384

January 12th 2016

Chattanooga/Hamilton County Regional Planning Commission
1250 Market St, Suite 2000
Chattanooga, TN 37402

Re: Closure and Abandonment Case No. MR 2016-⁰¹¹~~018~~

To Director Greg L Haynes,

Tennessee American Water request that an easement be retained in the full width of the existing right-of-way in the Northwest corner of parcel 1550-E-001 and ending going in a southwest direction to end of said parcel.

Sincerely,

Megan Catalina
GIS Supervisor
Tennessee American Water

Abandonment/Closure Cards

Chattanooga Gas Co.
Harold Hyde

Case No.	Closure O.K.	
	Yes	No
MR 2016-011	X	X
Unclear of what is to be abandoned, please clarify. Harold Hyde		
Is it just the east sidewalk of St. Elmo Ave @ 3800?		
Changed to Yes Have letter in file		

* Comments forthcoming

Abandonment/Closure Cards

Dept. of Transportation
Ray Ruckhof

Case No.	Closure O.K.	
	Yes	No
MR 2016-011	✓	

* Comments forthcoming

Abandonment/Closure Cards

Chattanooga Fire Dept
Randall Herron

Case No.	Closure O.K.	
	Yes	No
MR 2016-011	RH	

* Comments forthcoming

Abandonment/Closure Cards

E.P.B.
Billy McChere

Case No.	Closure O.K.	
	Yes	No
MR 2016-011	✓	

* Comments forthcoming

Abandonment/Closure Cards

D.O.T.
Nackie Wolfe

Case No.	Closure O.K.	
	Yes	No
MR 2016-011	<input checked="" type="checkbox"/>	<input type="checkbox"/>

* Comments forthcoming
* This Sector of St. Elmo is NOT a state Rt!

Abandonment/Closure Cards

W.W.T.F.
Cleveland Grimes

Case No.	Closure O.K.	
	Yes	No
MR 2016-011	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* Comments forthcoming

Abandonment/Closure Cards

City Police Dept.
Wt. David Gibb

Case No.	Closure O.K.	
	Yes	No
MR 2016-011	<input checked="" type="checkbox"/>	<input type="checkbox"/>

* Comments forthcoming

Abandonment/Closure Cards

Design Engineering Division
Brandon Sutton

Case No.	Closure O.K.	
	Yes	No
MR 2016-011	<input checked="" type="checkbox"/>	<input type="checkbox"/>

* Comments forthcoming * abandonment for building frontage only.

Abandonment/Closure Cards

Comcast Cable
James Patterson
Koger Spain

Case No.	Closure O.K.	
	Yes	No
MR 2016-011		✓

* Comments forthcoming

Abandonment/Closure Cards

TN American water CO
Morgan Catalina

Case No.	Closure O.K.	
	Yes	No
MR 2016-011		X

* Comments forthcoming

Abandonment/Closure Cards

Don Mounts

Case No.	Closure O.K.	
	Yes	No
MP 2016-011		✓

* Comments forthcoming

Abandonment/Closure Cards

City Engineer
Bill Payne

Case No.	Closure O.K.	
	Yes	No
MR 2016-011		X
⊗ RETAIN 20' STORM SEWER EASEMENT		⊗

* Comments forthcoming

BWD
1/4/16