

First Reading: _____

Second Reading: _____

MR 2016-038

Pryor Bacon/TTG Partnership

District 2

ORDINANCE NO. _____

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE RIGHT-OF-WAY ALONG BUSH STREET FROM NORTH MARKET STREET TO HAMILTON AVENUE, DETAILED ON THE ATTACHED MAP, TO ALLEVIATE ENCROACHMENT OF EXISTING BUILDING INTO RIGHT-OF-WAY, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That the right-of-way along Bush Street from North Market Street Hamilton Avenue, detailed on the attached map, to alleviate encroachment of existing building into right-of-way, be and is hereby closed and abandoned:

Abandonment of a portion of the northern right-of-way of the Unit Block of Bush Street beginning at the southwest corner of Tax Map 135D-C-011 thence southeast 138 feet to the southeast corner of said tax map thence south 12.3 feet to a point, thence northwest 138.6 feet to the southwest corner of said tax map the point of beginning. Said right-of-way separates Lot 1, Revised Plat of Lot 1, North Chattanooga Land Company Subdivision, Plat Book 97, Page 180, ROHC from the unit block of Bush Street. Tax Map No. 135D-C-011.

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;
- 2) The City shall retain nine (9') feet of the right-of-way as measured from the back of the curb to the back of the sidewalk along the northern side of Bush Street; and
- 3) The abandonment shall be subject to the retention of a full-width utility easement(s) and the recommendations of said utilities, including the City of Chattanooga Public Works, 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 # 2

An ordinance approving the request of Pryor Bacon/TTG Partnership, owner of the adjacent property, to abandon a portion of the right-of-way along Bush Street from North Market Street to Hamilton Avenue, detailed on the attached map, to alleviate encroachment of existing building into right-of-way as referenced in Case No. MR 2016-038.

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: Pryor Bacon / TTG Partnership
Case No. MR 2016-038
Bush Street @ N. Market Street

RECOMMENDATION: APPROVAL WITH CONDITIONS

This application was received by the Chattanooga-Hamilton County Regional Planning Agency (RPA) on January 25, 2016, from property owner, Pryor Bacon / TTG Partnership. The abandonment was approved by Planning Commission at its March 14, 2016 meeting (see attached case report and resolution). The agent is requesting the abandonment of a portion of the right-of-way along the Bush Street from N. Market Street to Hamilton Avenue.

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.
- The City shall retain 9-feet of right-of-way as measured from back of curb to back of sidewalk along the northern side of Bush Street
- Subject to the retention of a full-width utility easement(s) and the recommendations of said utilities, including City of Chattanooga Public Works, as attached in the following package.

CLOSURE/ABANDONMENT APPLICATION FORM

CASE NUMBER:	MR 2016-038	Date Submitted:	1-25-2016
(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 type="checkbox"/> Alley	<input checked="" type="checkbox"/> Street	<input type="checkbox"/> Sewer
	Name of Street or Right-Of-Way: Bush Street		
	<input type="checkbox"/> Open	<input type="checkbox"/> Unopened	Length/Width:
	Beginning: See attached Drawing		
	Ending:		
2 Property Information			
Property Address:	Bush Street at N. Market		
Property Tax Map Number(s):	135D-C-011		
3 Proposed Development			
Reason for Request and/or Proposed Use:	To correct property line & requested by City Transportation Department		
4 Site Characteristics			
Current Zoning:	C-7		
Current Use:	Retail		
Adjacent Uses:	Retail/Office		
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: Pryor Bacom/TTG Partnership		Address: PO Box 23224	
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: 37422	Email: pryor3@pryorbacon.com
Phone 1: 423-855-5554	Phone 2: 423-413-5555	Phone 3:	Fax:
6 Property Owner Information (if not applicant)			
Name: Same		Phone:	
Address:			
Office Use Only:			
Planning District: 1NS		Neighborhood: CNAC, N. Shore Neighborhood, Hill City, N. Shore Merchants Collective	
Hamilton Co. Comm. District: 6	Chatt. Council District: 2	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 checked="" 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): 10330-254			
Plat Book/Page: 97-180		<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"/>		<input checked="" type="checkbox"/>	Check
		Check Number: 15088	
Planning Commission meeting date: 3-14-2016		Application processed by: P Dodd & M Parker	

MR-2016-038 City of Chattanooga
March 14, 2016

RESOLUTION

WHEREAS, Pryor Bacon & TTG Partnership 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 northern right-of-way of the Unit Block of Bush Street.

Abandonment of a portion of the northern right-of-way of the Unit Block of Bush Street beginning at the southwest corner of Tax Map 135D-C-011 thence southeast 138 feet to the southeast corner of said tax map thence south 12.3 feet to a point, thence northwest 138.6 feet to the southwest corner of said tax map the point of beginning. Said right-of-way separates Lot 1, Revised Plat of Lot 1, North Chattanooga Land Company Subdivision, Plat Book 97, Page 180, ROHC from the unit block of Bush Street. Tax Map 135D-C-011 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on March 14, 2016,

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

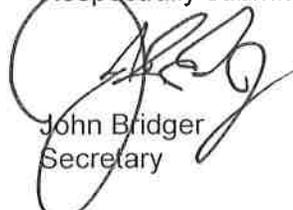
AND WHEREAS, no one was present in opposition to the petition,

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

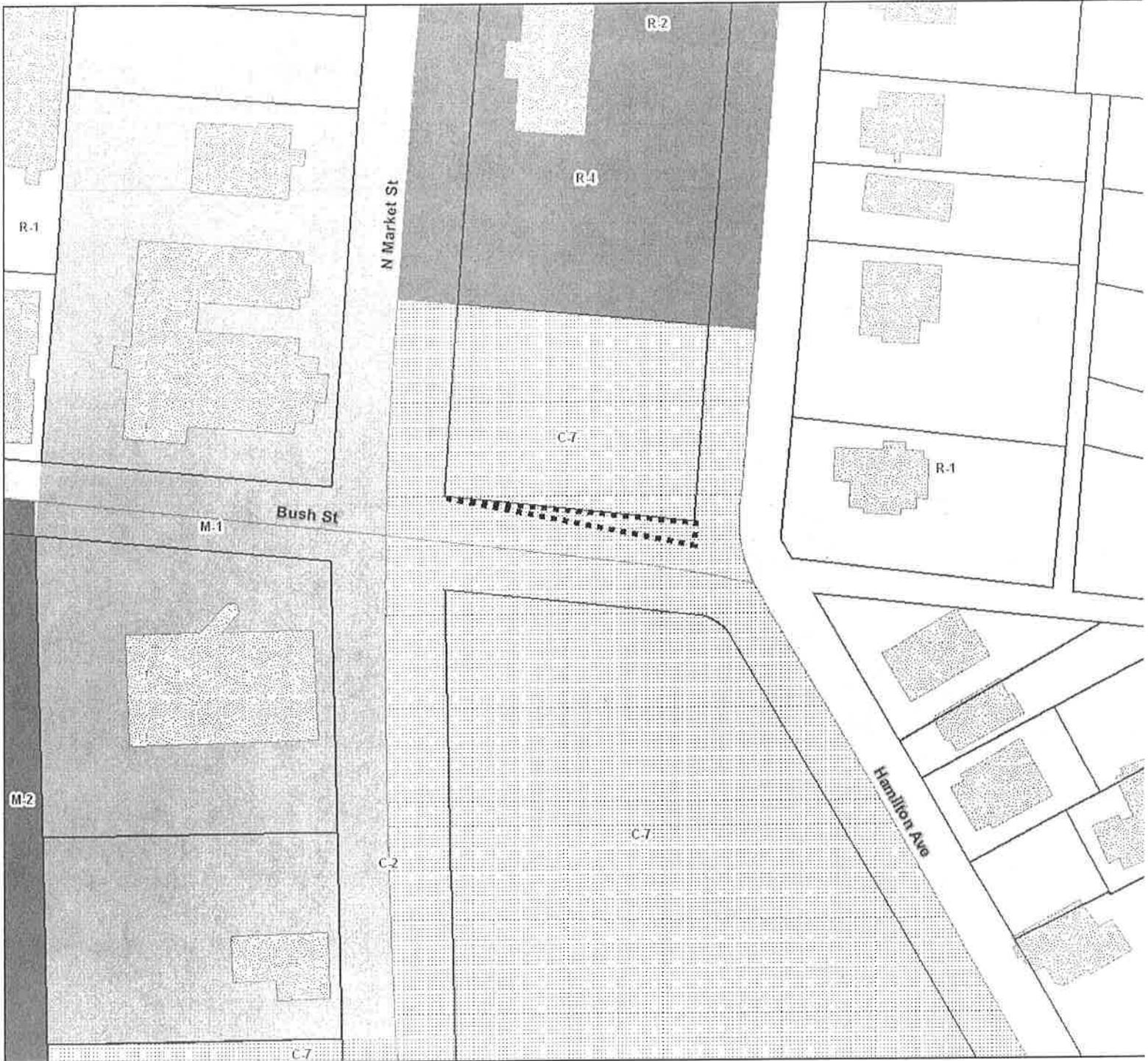
AND WHEREAS, the Planning Commission has determined that the proposal is consistent with the surrounding uses.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on March 14, 2016, recommended to the Members of the City Council of the City of Chattanooga that this petition for Street Closure to correct property line be approved.

Respectfully submitted,



John Bridger
Secretary



MR 2016-038 Abandonment

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. MR-2016-038: Approve



76 ft



PLANNING COMMISSION CASE REPORT

Case Number: MR 2016-038

PC Meeting Date: 03-14-16

Applicant Request

Mandatory Referral for abandonment of right-of-way

Property Location:	Unit block of Bush Street at North Market Street
Property Owner:	Pryor Bacom/TTG Partnership
Applicant:	Pryor Bacom/TTG Partnership

Project Description

- Proposal: Abandonment of a strip of right-of-way to alleviate encroachment by existing building on to right-of-way.

Site Analysis

Site Description

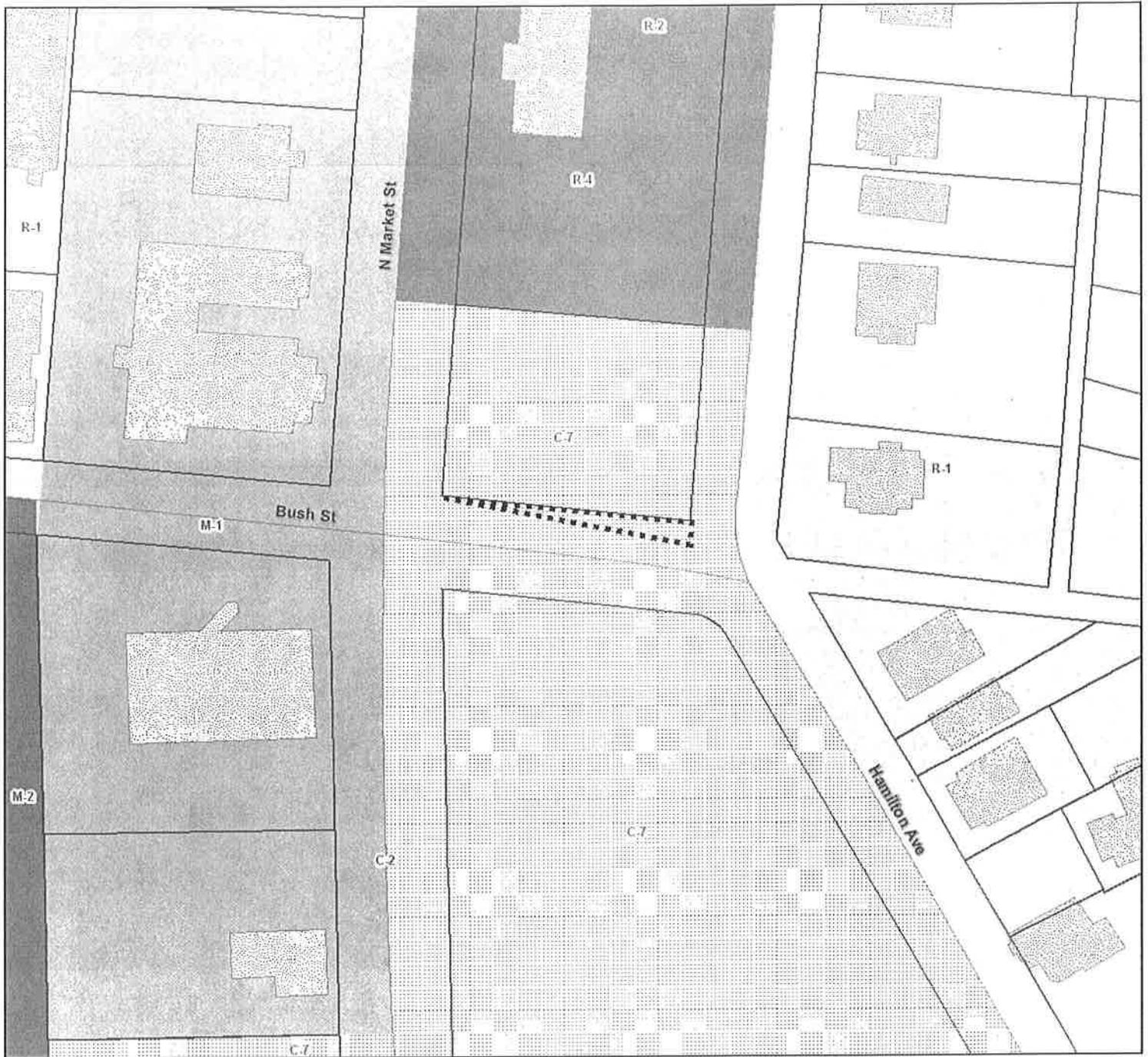
- Location: The right-of-way to be abandoned runs along the edge of the building fronting Bush Street from North Market Street to Hamilton Avenue.

Key Findings

- The proposal is consistent with the development form of the area.
- The proposed structure does raise concerns regarding location, lighting, or height.

Staff Recommendation

Approve



MR 2016-038 Abandonment



Chattanooga Hamilton County Regional Planning Agency

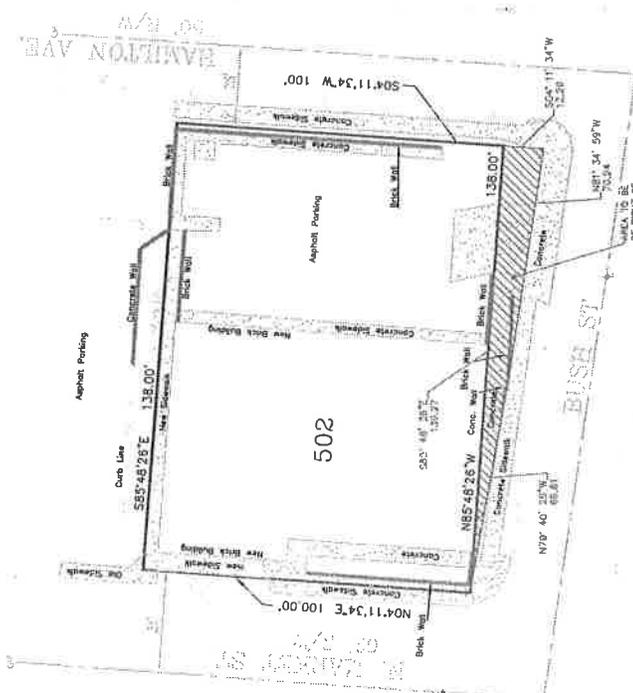


76 ft



NORTH AZIMUTH: TENNESSEE GRID (NAD 83)
 ELEVATION DATUM: MEAN SEA LEVEL (NGVD 88)

THE UTILITIES AND STRUCTURES AS SHOWN ON THIS PLAN WERE FOUND PER ABOVE GROUND EXAMINATION OF THE SITE, BASED ON VISIBLE INDICATIONS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL EXACT LOCATIONS OF UTILITIES AND STRUCTURES AND OTHER STRUCTURES BEFORE THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INFORMATION SHOWN ON THIS PLAN OR ANY ASSOCIATED PLAN FOR THIS PROJECT - INCLUDING PLANS OF THE SAME PREPARED BY OTHERS. CALL BEFORE YOU DIG! CA (800)-282-7411, TN (800)-351-1111



20 10 0 20 40
 SCALE NUMBER

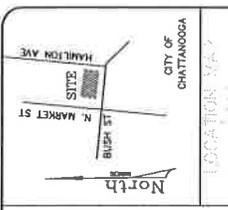
SURVEYOR'S CERTIFICATION:
 I, THE SURVEYOR, HEREBY CERTIFY THAT THIS SURVEY IS A CATEGORY 1 SURVEY AND THAT THE RATIO OF PRECISION OF THE UNADJUSTED OBSERVATIONS IS AS SHOWN HEREON. I FURTHER CERTIFY THAT I HAVE SURVEYED THE PROPERTY SHOWN HEREON AND THAT THE SAME IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE: 12/22/2016
 SCALE: 1"=20'
 SHEET NO. 01
 JOB NO. 222222

SURVEYOR
 TENN. REG # 1959

BEGINNING POINT SURVEYS, INC.
 1000 W. MARKET ST.
 CHATTANOOGA, TN 37402
 (423) 263-1111

AS-BUILT PLAN



Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2016-030		✓
MR 2016-032	✓	
MR 2016-034	✓	
MR 2016-038	✓	

* Comments forthcoming

W.W. H. Cleveland Games

Tilson Utility District
Greg Butler

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2016-032		✓
- We have a water main supplying residences on the road. If all residences are removed and the need for the current water system is removed then HUD is in support of closure; if given written approval of all landowners that are in agreement		

* Comments forthcoming

3-4-16 P.C.

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2016-034	✓	
MR 2016-038		X

* Comments forthcoming

Comcast Cable
Roger Spain / James Patters

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2016-030	✓	
MR 2016-032		✓
MR 2016-034	✓	
MR 2016-038	✓	

* Comments forthcoming

IN American water & Megan Catalina

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2016-030	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2016-032	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2016-034	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2016-038	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Hyde - 2-25-16		

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2016-030	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2016-032	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2016-034	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2016-038	<input checked="" type="checkbox"/>	<input type="checkbox"/>

* Comments forthcoming

Dept of Transportation
 Mike White
 Dept of Transportation

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2016-032	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2016-034	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2016-038	<input checked="" type="checkbox"/>	<input type="checkbox"/>

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2016-032	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2016-034	<input checked="" type="checkbox"/>	<input type="checkbox"/>
RETAIN 20' STORM SEWER EASEMENT		
RETAIN 20' SANITARY SEWER EASEMENT		

* Comments forthcoming

City Engineer
 Bill Payne

BMO/2/2/1

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2016-032	✓	
MR 2016-034	✓	
MR 2016-038	✓	

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2016-032		RH
MR 2016-034		RH
MR 2016-038		RH

* Comments forthcoming

Chattanooga Fire Dept.
Kandall Ferron

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2016-030	✓	
MR 2016-032	✓	
MR 2016-034	✓	
MR 2016-038	✓	

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2016-030	✓	
MR 2016-032	✓	
MR 2016-034	✓	
MR 2016-038	✓	

* Comments forthcoming

W. P. B.
Billy McHenry

Abandonment/Closure Cards

Abandonment/Closure Cards

BWD
2/17/16

Don Mount
Bill

Case No.	Closure O.K.	
	Yes	No
MR 2016-030	✓	
MR 2016-032		✓
MR 2016-034		✓
MR 2016-038	✓	

* Comments forthcoming

CITY ENGINEER
BILL FAYNE

Case No.	Closure O.K.	
	Yes	No
MR 2016-038	✓	
RETAIN A 20' STORM SEWER EASEMENT		

* Comments forthcoming