

First Reading: _____

Second Reading: _____

MR 2016-075
C. Keith McCallie
District 2

ORDINANCE NO. _____

AN ORDINANCE CLOSING AND ABANDONING AN UNNUMBERED, UNOPENED BLOCK OF FOREST AVENUE AND AN ADJACENT, UNOPENED ALLEY, DETAILED ON THE ATTACHED MAP, TO FACILITATE CONSTRUCTION OF RETAINING WALLS AND DRIVEWAY ACCESS FOR 344 SYLVAN STREET, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That an unnumbered, unopened block of Forest Avenue and an adjacent, unopened alley, detailed on the attached map, to facilitate construction of retaining walls and driveway access for 344 Sylvan Street, be and are hereby closed and abandoned:

Abandonment of an unnumbered and unopened portion of Forest Avenue beginning at its intersection with the north line of the 800 block of Forest Avenue thence some 145 feet northeast to its intersection with the south line of the 300 block of Sylvan Street. Said avenue separates Lot 1, Amended Map of Frazier Addition, Plat Book 11, Page 41, ROHC, from an unplatted tract of land located at 807 Forest Avenue. Tax Map Nos. 126M-K-006 and 011.

Abandonment of a portion of an unopened alley located beginning at its intersection with the unnumbered and unopened portion of Forest Avenue thence in a westerly direction some 50 feet to the southwest corner of Tax Map 126M-K-006. Said alley separates Lot 1 from Lot 67, Amended Map of Frazier Addition, Plat Book 11, Page 41, ROHC. Tax Map No. 126M-K-006 and 010.

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

the following conditions:

- 1) The applicant shall coordinate with the Chattanooga Department of Transportation regarding proposed driveway configuration and prior to making any adjustments to the nearby guardrail and street signage;
- 2) 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, EPB, and Comcast.

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: July 1, 2016

Preparer: Bertran Kuyrkendall

Department: Transportation

Brief Description of Purpose for Resolution/Ordinance: Res./Ord. # _____ Council District # 2

An ordinance approving the request of C. Keith McCallie, owner of the adjacent property, to abandon an unnumbered, unopened block of Forest Avenue and an adjacent, unopened alley, detailed on the attached map, to facilitate construction of retaining walls and driveway access for 344 Sylvan Street, as referenced in Case No. MR 2016-075.

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}
cc: Bert Kuyrkendall
Date: June 28, 2016
Re: C. Keith McCallie
Case No. MR 2016-075
Unnumbered, unopened block of Forest Avenue and adjacent alley

RECOMMENDATION: APPROVAL WITH CONDITIONS

This application was received by the Chattanooga-Hamilton County Regional Planning Agency (RPA) on March 28, 2016, from property owner C. Keith McCallie. The abandonment was approved by Planning Commission at its June 13, 2016 meeting (see attached case report and resolution). The applicant is requesting the abandonment the right-of-way of an unnumbered, unopened block of Forest Avenue and an adjacent, unopened alley. The requested abandonments will facilitate construction of any necessary retaining walls and driveway access to a new single family home to be located at 344 Sylvan Street.

The right-of-way of this unnumbered, unopened block of Forest Avenue is impractical for safe future connectivity because of the extreme slope, and this abandonment does not diminish the present or future value to the public of this right-of-way. 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 coordinate with the Chattanooga Department of Transportation regarding proposed driveway configuration and prior to making any adjustments to the nearby guardrail and street signage.
- 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, EPB, and Comcast, as attached in the following package.

CLOSURE/ABANDONMENT APPLICATION FORM

CASE NUMBER:	MR 2016-075	Date Submitted: 03/28/2016	
(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: Forest Ave & Unnamed alley			
	<input type="checkbox"/> Open	<input checked="" type="checkbox"/> Unopened	Length/Width: 145'/50'
Beginning: 1. Unnumbered block of Forest Ave beginning at the SE corner of 126M-K-006 & extending North Approximately 145' to the southernside of the 300 block of Sylvan Street			
Beginning: 2. Unopened & unnamed 12.5' wide alley beginning at the SE corner of 126M-K-006 & extend approximately 50' in a westerly direction to the SW corner of parcel 126M-K-006			
2 Property Information			
Property Address:	Unnumbered block of Forest Ave/unnamed & unopened 12.5' wide alley		
Property Tax Map Number(s):	126M-K-006, 010 and 011		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Access to 344 Sylvan from Forest Ave due to major topography issues on Sylvan St side		
4 Site Characteristics			
Current Zoning:	R-2		
Current Use:	Unimproved street		
Adjacent Uses:	Residential		
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: C. Keith McCallie		Address: 1611 Read Avenue	
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: 37408	Email: joinerybuild@gmail.com
Phone 1: 423-595-5502	Phone 2:	Phone 3:	Fax:
6 Property Owner Information (if not applicant)			
Name: Same	Phone:		
Address:			
Office Use Only:			
Planning District: 1NS		Neighborhood: CNAC, N Shore Nbrhd, Hill City	
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	<input checked="" type="checkbox"/> Total Acres to be considered:	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s): 10206/120, 5426/298, 7491/90			
Plat Book/Page: 11/41		<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: 341
Planning Commission meeting date: 05/09/2016		Application processed by: Marcia Parker	

MR-2016-075 City of Chattanooga
May 9, 2016

RESOLUTION

WHEREAS, C. Keith McCallie 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 abandonment of an unnumbered and unopened portion of Forest Avenue and an adjacent unopened alley.

Abandonment of an unnumbered and unopened portion of Forest Avenue beginning at its intersection with the north line of the 800 block of Forest Avenue thence some 145 feet northeast to its intersection with the south line of the 300 block of Sylvan Street. Said avenue separates Lot 1, Amended Map of Frazier Addition, Plat Book 11, Page 41, ROHC, from an unplatted tract of land located at 807 Forest Avenue. Tax Map 126M-K-006 and 011 as shown on the attached map.

Abandonment of a portion of an unopened alley located beginning at its intersection with the unnumbered and unopened portion of Forest Avenue thence in a westerly direction some 50 feet to the southwest corner of Tax Map 126M-K-006. Said alley separates Lot 1 from Lot 67, Amended Map of Frazier Addition, Plat Book 11, Page 41, ROHC. Tax Map 126M-K-006 and 010 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on May 9, 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 May 9, 2016, recommended to the Members of the City Council of the City of Chattanooga that this petition for a Mandatory Referral to abandonment to create better property access be approved.

Respectfully submitted,



John Bridger
Secretary



MR 2016-075 Abandonment

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. MR-2016-075: Approve



116 ft



PLANNING COMMISSION CASE REPORT

Case Number: MR-2016-075

PC Meeting Date: 05-09-16

Applicant Request**Mandatory Referral for Abandonment of Street Right-Of-Way**

Property Location:	Unnumbered block of Forest Ave at 344 Sylvan Avenue
Property Owner:	C. Keith McCallie (owns 344 Sylvan Avenue)
Applicant:	C. Keith McCallie

Project Description

- Proposal: To provide access to Forest Avenue from 344 Sylvan due to topographical issues.

Site Analysis**Site Description**

- Location: Beginning at the southeastern corner of parcel 126M-K-006 extending north approximately 145' to the southern side of the 300 block of Sylvan Street. Additionally, the unopened and unnamed 12.5' wide alley beginning at the southeastern corner of parcel 126M-K-006 extending approximately 50' in a westerly direction to the southwestern corner of parcel 126M-K-006.

Plans/Policies/Regulations

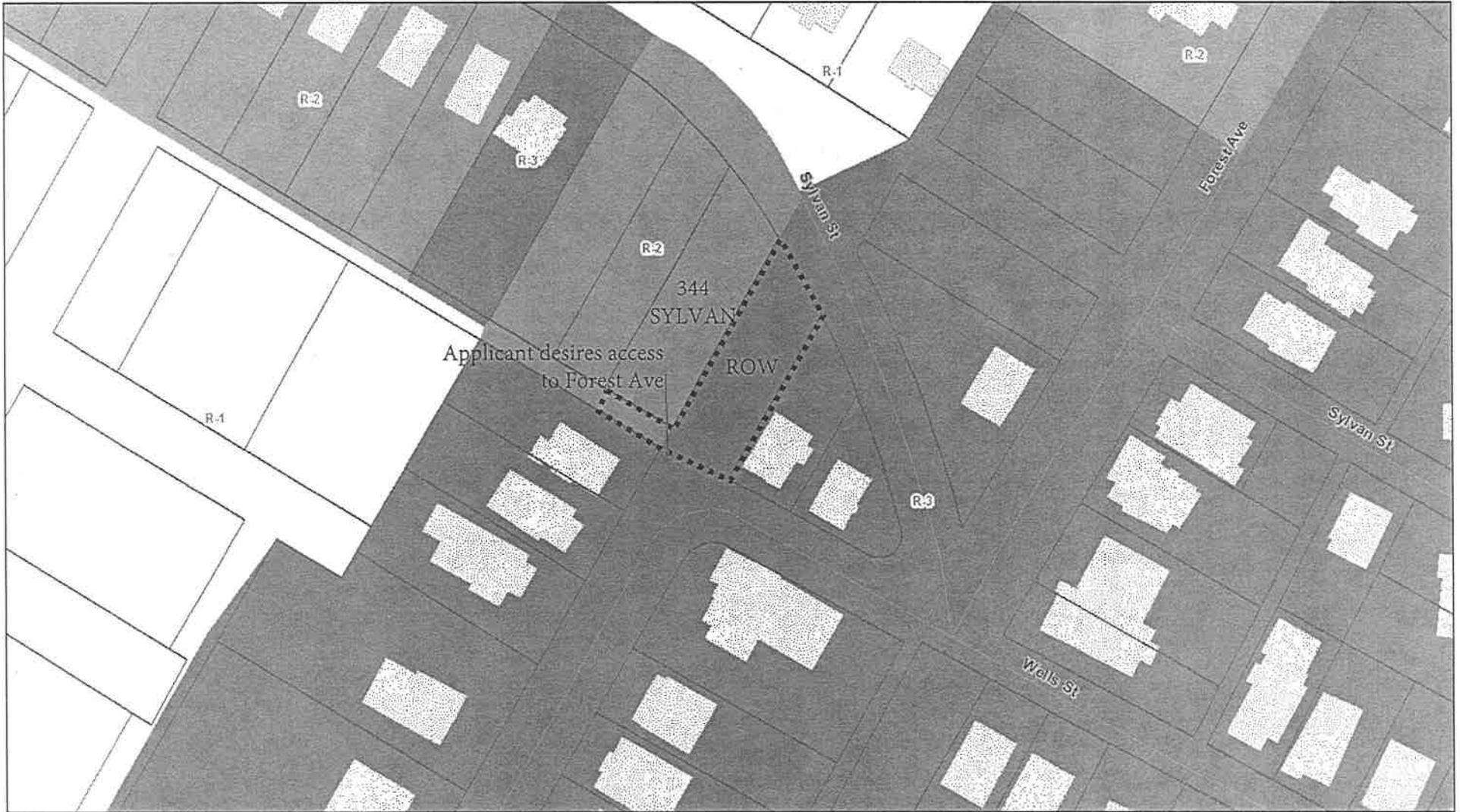
- The Hill City – Northside Neighborhood Plan (adopted by City Council in 2003) recommends “maintaining trees and hillsides to prevent erosion.”
- Tennessee Code Annotated (13-4-104) requires the Planning Commission to review the widening, narrowing, relocation, vacation, change in use, acceptance, acquisition, sale or lease of any street or public way, ground, place, property or structure. Failure of the Planning Commission to act within 30 days shall be deemed an approval.
- This policy, adopted by the Planning Commission on January 13, 1997, gives guidance regarding alley and street right-of-way closure and abandonment requests. 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 proposal is consistent with the development form of the area.
- Chattanooga Department of Transportation notes the topography of the right-of-way makes public use unlikely.

Staff Recommendation

Approve



MR 2016-075 Abandonment



93 ft

Chattanooga Hamilton County Regional Planning Agency





AT&T – Tennessee
300 East ML King Blvd
Chattanooga, TN 37403

T: (423)423-9133
F: (423)423-0210
rl7928@att.com

April 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 MR2016-068, MR2016-072, MR2016-074 & MR2016-075

Dear Mr. Haynes:

In regards to Case Number MR2016-068, MR2016-072, MR2016-074 and MR2016-075 for the May 9th, 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 cursive script, appearing to read "Roger L. Flood".

Roger L. Flood
Area Manager OSP Planning & Engineering Design

cc: RPC File

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Abandonment/Closure Cards

CITY Engineer
Bill Payne

Case No.	Closure O.K.	
	Yes	No
MR 2016-068	✓ (+)	
MR 2016-072	✓ (X)	
MR 2016-074	✓ (X) (+)	
MR 2016-075	✓	
⊕ RETAIN 20' SANITARY SEWER EASEMENT		
⊕ RETAIN 20' STORM SEWER EASEMENT		

* Comments forthcoming

Abandonment/Closure Cards

E.P.B.
Billy McGehee

Case No.	Closure O.K.	
	Yes	No
MR 2016-068		✓
MR 2016-072		✓
MR 2016-074	✓	
MR 2016-075		✓

* Comments forthcoming

Abandonment/Closure Cards

Chattanooga Gas Co.
Harold Hyde

Case No.	Closure O.K.	
	Yes	No
MR 2016-068 Gas main in area		X
MR 2016-072 " " "		X
MR 2016-074 " " "		X
MR 2016-075	✓	
Harold Hyde 4-6-16		

* Comments forthcoming

643-5918

Abandonment/Closure Cards

TN American Water Co.
Meagan Catalina

Case No.	Closure O.K.	
	Yes	No
MR 2016-068	X	
MR 2016-072		X
MR 2016-074		X
MR 2016-075	X	

* Comments forthcoming

Abandonment/Closure Cards

DEPT. OF TRANSPORTATION
 Ms. Sadie Wolfe

Case No.	Closure O.K.	
	Yes	No
MR 2016-068	✓	
MR 2016-072	✓	
MR 2016-074	✓	
MR 2016-075	✓	

* Comments forthcoming

Abandonment/Closure Cards

CITY POLICE DEPT.
 Lt. David Gibbo

Case No.	Closure O.K.	
	Yes	No
MR 2016-068	✓	
MR 2016-072	✓	
MR 2016-074	✓	
MR 2016-075	✓	

* Comments forthcoming

Abandonment/Closure Cards

DEPT OF TRANSPORTATION
 Amy Zuckner

Case No.	Closure O.K.	
	Yes	No
MR 2016-068	✓	
MR 2016-072	✓	
MR 2016-074	✓	
MR 2016-075	✓	

* Comments forthcoming

Abandonment/Closure Cards

Bell South
 Jon Mounts

Case No.	Closure O.K.	
	Yes	No
MR 2016-068		✓
MR 2016-072		✓
MR 2016-074		✓
MR 2016-075		✓

* Comments forthcoming

Abandonment/Closure Cards

Chattanooga fire Dept.
Randall Herron

Case No.	Closure O.K.	
	Yes	No
MR 2016-068	RH	
MR 2016-072	RH	
MR 2016-074	RH	
MR 2016-075	RH	

* Comments forthcoming

Abandonment/Closure Cards

Comcast Cable
James Patterson/Roger Spain

Case No.	Closure O.K.	
	Yes	No
MR 2016-068		✓
MR 2016-072		✓
MR 2016-074		✓
MR 2016-075		✓

* Comments forthcoming

Abandonment/Closure Cards

WVTA
Cleveland Grimes

Case No.	Closure O.K.	
	Yes	No
MR 2016-068	✓	
MR 2016-072	✓	
MR 2016-074	✓	
MR 2016-075	✓	

* Comments forthcoming

Abandonment/Closure Cards

Dobson Engineering Division
Brandon Sutton

Case No.	Closure O.K.	
	Yes	No
MR 2016-068	✓	
MR 2016-072	✓	
MR 2016-074	✓	
MR 2016-075	✓	

* Comments forthcoming