

First Reading: _____

Second Reading: _____

MR 2016-072

Jim Richards

District 1

ORDINANCE NO. _____

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE RIGHT-OF-WAY LOCATED ALONG NORTH MARKET STREET AT 405 NORTH MARKET STREET, DETAILED ON THE ATTACHED MAP, TO ALLEVIATE ENCROACHMENT OF EXISTING BUILDING INTO THE RIGHT-OF-WAY, 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 along North Market Street at 405 North Market Street, detailed on the attached map, to alleviate encroachment of existing building into the right-of-way, be and is hereby closed and abandoned:

Abandonment of a 3 foot wide portion of the western right-of-way of the 400 block of North Market Street beginning at the southeast corner of 405 North Market Street thence northwest some 48 feet.
Tax Map No. 135D-B-010.

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, EPB, Tennessee American Water, AT&T, Chattanooga Gas, 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 # __1__

An ordinance approving the request of Jim Richards, agent for the owner of the adjacent property M Street Chatt LLLC, to abandon a portion of the right-of-way along North Market Street at 405 North Market Street, detailed on the attached map, to alleviate encroachment of existing building into the right-of-way, as referenced in Case No. MR 2016-072.

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: Jim Richards for M Street Chatt LLLC
Case No. MR 2016-072
405 North Market Street

RECOMMENDATION: APPROVAL WITH CONDITIONS

This application was received by the Chattanooga-Hamilton County Regional Planning Agency (RPA) on March 23, 2016, from Jim Richards for property owner, M Street Chatt LLLC. The abandonment was approved by Planning Commission at its May 9, 2016 meeting (see attached case report and resolution). The applicant is requesting the abandonment of a portion of the right-of-way of the 400 block of North Market Street.

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, EPB, Tennessee American Water, AT&T, Chattanooga Gas, and Comcast, as attached in the following package.

CLOSURE/ABANDONMENT APPLICATION FORM

CASE NUMBER:	MR 2016-072	Date Submitted: 3-23-2016
(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 <input type="checkbox"/> Other	
Name of Street or Right-Of-Way: North Market Street		
<input type="checkbox"/> Open <input type="checkbox"/> Unopened Length/Width: 48'L x 3'W		
Beginning: Southeast corner of existing building going in a Northwest direction approximately 48 feet		
Ending: Northeast corner of existing building		
2 Property Information		
Property Address:	405 North Market Street	
Property Tax Map Number(s):	135D-B-010	
3 Proposed Development		
Reason for Request and/or Proposed Use:	Right-of Way extends into existing building Partial Abandonment of encroachment	
4 Site Characteristics		
Current Zoning:	C-7	
Current Use:	Under construction	
Adjacent Uses:	M-1 & M-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: Jim Richards		Address: 7663 Harrier Hill
Check one:	<input type="checkbox"/> I am the property owner	<input checked="" type="checkbox"/> I am not the property owner
City: Signal Mountain	State: TN	Zip Code: 37377
Email: jrichards5guys@epbfi.com		
Phone 1: 423-605-1253	Phone 2:	Phone 3:
Fax:		
6 Property Owner Information (if not applicant)		
Name: M Street Chatt LLLC		Phone:
Address: 832 Georgia Avenue Chattanooga, TN 37402		
Office Use Only:		
Planning District: 1NS		Neighborhood: CNAC, N. Shore Neighborhood, Hill City, N. Shore Merchants, N. Side Cherokee Community Assn
Hamilton Co. Comm. District: 6	Chatt. Council District: 1	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): 10629-458		
Plat Book/Page: 64-230	<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: 1025		
Planning Commission meeting date: May 9 th , 2016		Application processed by: Marcia Parker

MR-2016-072 City of Chattanooga
May 9, 2016

RESOLUTION

WHEREAS, Jim Richards 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 /M Street Chatt LLLC for abandonment of a portion of the western right-of-way of the 400 block of North Market Street.

Abandonment of a 3 foot wide portion of the western right-of-way of the 400 block of North Market Street beginning at the southeast corner of 405 North Market Street thence northwest some 48 feet. Tax Map 135D-B-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,

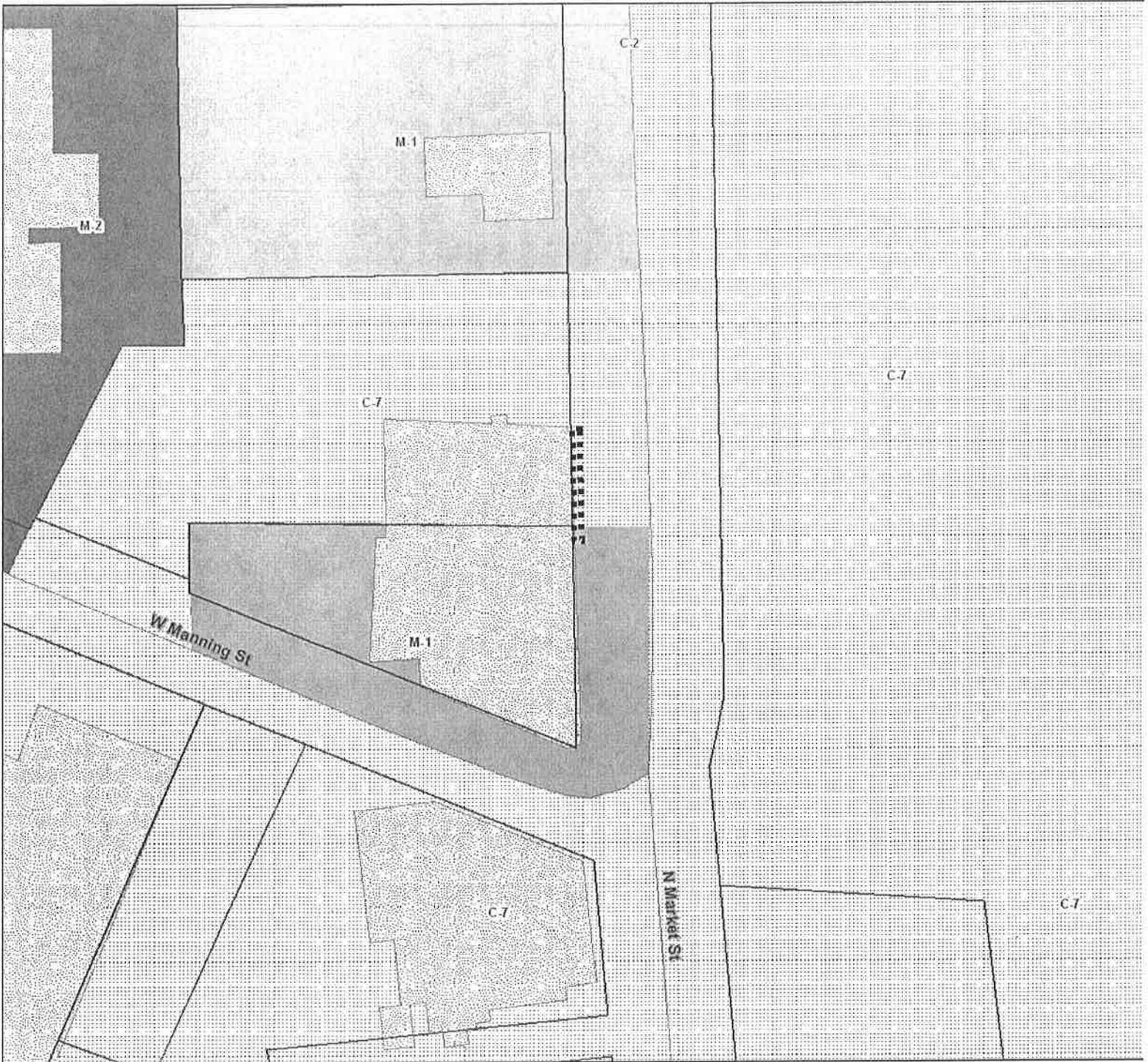
AND WHEREAS, the Planning Commission has studied the petition in relation to existing zoning and land use and potential patterns of development,

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 for building encroachment be approved.

Respectfully submitted,



John Bridger
Secretary



MR 2016-072 Abandonment

PLANNING COMMISSION RECOMMENDATION FOR CASE NO.MR- 2016-072: Approve



58 ft



PLANNING COMMISSION CASE REPORT

Case Number: MR-2016-072

PC Meeting Date: 05-09-16

Applicant Request

Mandatory Referral for Street Abandonment

Property Location:	405 North Market Street
Property Owner:	M Street Chatt LLLC
Applicant:	Jim Richards

Project Description

- Proposal: To abandon a portion of the right-of-way of North Market Street to remove the encroachment of existing building.

Site Analysis

Site Description

- Location: The site is on the western side of North Market Street approximately 100 feet north of the North Market Street and Manning Street intersection. The abandonment would be along the face of the building approximately 3 feet wide by 48 feet long.

Plans/Policies/Regulations

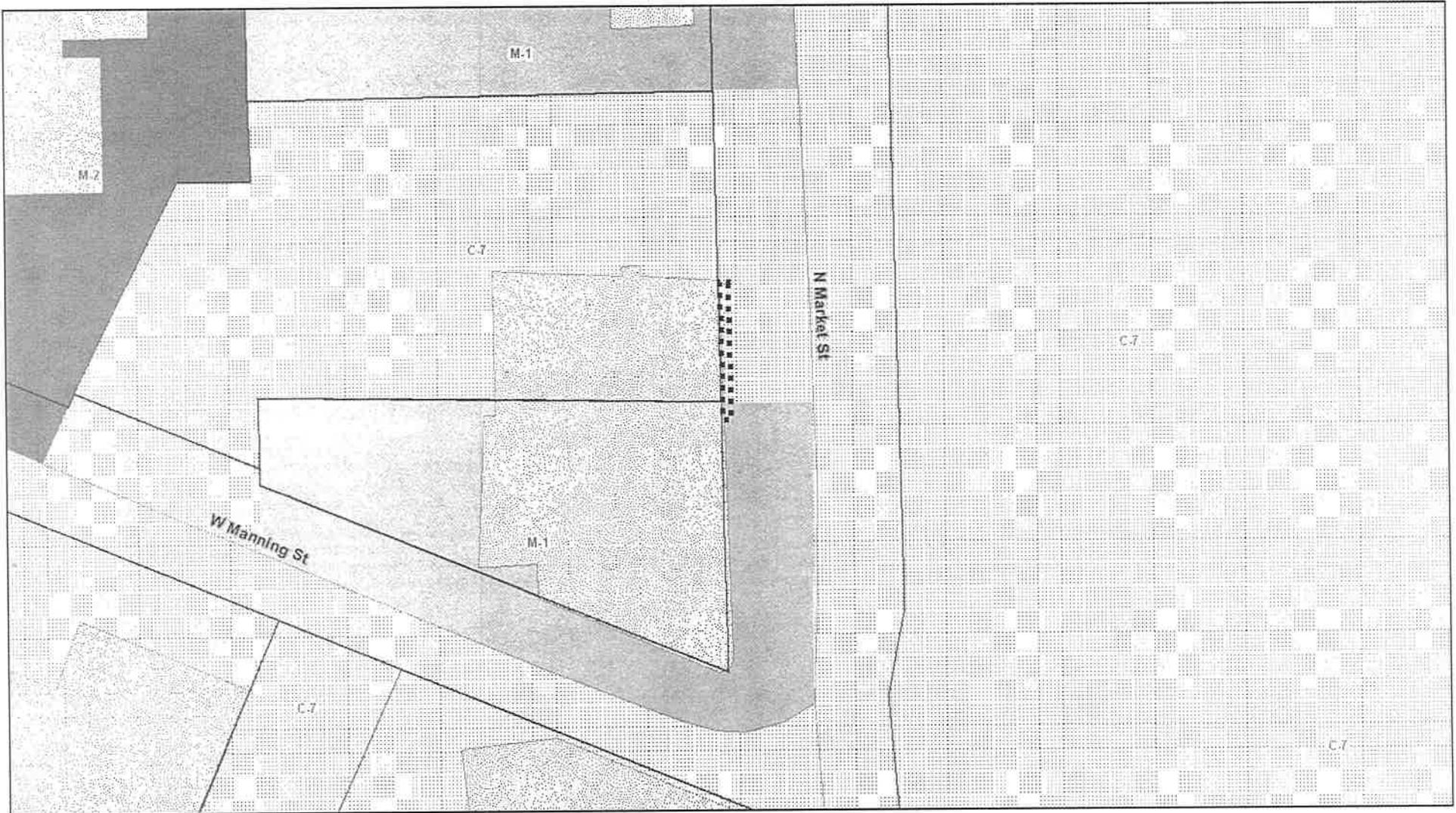
- The North Shore Plan (adopted by City Council in 2007) recommends Medium Intensity Mixed-use built with an urban form.
- Tennessee Code Annotated (13-4-104) requires the Planning Commission to review the widening, narrowing, relocation, vacation, change in use, acceptance, acquisition, sale or lease 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.

Key Findings

- The proposal is consistent with the development form of the area.

Staff Recommendation

Approve



MR 2016-072 Abandonment



46 ft

Chattanooga Hamilton County Regional Planning Agency



April 5, 2016



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

RE: Case No. 2016-072

Dear Mr. Haynes:

EPB has located within the petitioned right-of-way, electrical and communications facilities which must be maintained for the use and benefit of our customers. We will not object to the closure, however, provided the entire petitioned right-of-way is reserved as an easement for the operation, maintenance, rebuilding, and replacement of these facilities and for ingress and egress to them.

Thank you for the courtesy notice.

Sincerely,

A handwritten signature in blue ink that reads 'William McGhee'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

William McGhee
Right-of-Way Agent
EPB



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

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

April 6th 2016

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

Re: Closure and Abandonment Case No. MR 2016-072

To Director Greg L Haynes,

Tennessee American Water request that an easement be retained in the full width of the abandonment beginning at the southeast corner of existing building going in a northwest direction approximately 48' to the Northeast corner of existing building.

Sincerely,

Megan Catalina
GIS Supervisor
Tennessee American Water



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 black ink, appearing to read "Roger L. Flood".

Roger L. Flood
Area Manager OSP Planning & Engineering Design

cc: RPC File

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Chattanooga Gas™

An **AGL Resources** Company

2207 Olan Mills Drive
Chattanooga, TN 37421

866 643-4138 phone
www.chattanoogagas.com

April 20, 2016

Chattanooga Hamilton County Regional Planning Agency
1250 Market Street
Chattanooga, TN 37402

Dear Sir:

Re: MR 2016-068, MR 2016-072 and MR 2016-074

There are conflicts with the proposed abandonment due to natural gas mains in these areas.

Please contact Harold Hyde with Chattanooga Gas at 423-490-4262 for additional information.

Sincerely,

Harold Hyde
Operations Foreman

Enclosures

HH/kbd



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

April 27, 2016

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

RE:Case # MR 2016-072

Dear Marcia:

Comcast does not concur to the closure case(s) at 405 North Market Street. 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

CITY Engineer
Bill Payne

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

* Comments forthcoming

Chattanooga Gas Co.
Harold Hyde

Abandonment/Closure Cards

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	✓	
Kearse, Neale 4-6-16		

* Comments forthcoming

643-5918

Abandonment/Closure Cards

F.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

TN American water CO.
Megan Catalina

Abandonment/Closure Cards

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

* Comments forthcoming

Abandonment/Closure Cards

Dept. of Transportation
Michelle 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 Zucker

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

Whittanooga 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 Stain

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
Eloveland 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