

First Reading: _____

Second Reading: _____

MR 2016-068
Paula Grant Shuford
District 2

ORDINANCE NO. _____

AN ORDINANCE CLOSING AND ABANDONING TWO PORTIONS OF THE RIGHT-OF-WAY LOCATED ALONG THE 1600 BLOCK OF HILLCREST ROAD AT 1698 RIVERVIEW ROAD, DETAILED ON THE ATTACHED MAP, TO ALLEVIATE ENCROACHMENT OF EXISTING BUILDING AND TO ENABLE NEW CONSTRUCTION, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That two portions of the right-of-way located along the 1600 block of Hillcrest Road at 1698 Riverview Road, detailed on the attached map, to alleviate encroachment of existing building and to enable new construction, be and are hereby closed and abandoned:

Abandonment of an eight foot wide section of the eastern right-of-way of the 1600 block of Hillcrest Road beginning at the northwest corner of 1698 Riverview Road thence southwest along the west line of said address some 175 feet to a point thence continuing 25 feet southwest and tapering to a point in said west line. Being part of 136B-B-020.

Abandonment of a forty foot wide section of the unopened northern right-of-way of the 1600 block of Hillcrest Road beginning at the southeast corner of 1698 Riverview Road thence northwest some 250 feet to a point in the south line of said address. Being part of 136B-B-020.

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

the following conditions:

- 1) The right-of-way will not be closed along any portion of Hillcrest Road, nor will right-of-way be reduced below fifty (50') feet at any point along Hillcrest Road;
- 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 City of Chattanooga Public Works, EPB, 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 #** 2

An ordinance approving the request of Paula Grant Shuford, owner of the adjacent property, to abandon two portions of the right-of-way along the 1600 block of Hillcrest Road at 1698 Riverview Road, detailed on the attached map, to alleviate encroachment of existing building and enable new construction, as referenced in Case No. MR 2016-068.

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*
cc: Bert Kuyrkendall
Date: June 28, 2016
Re: Paula Grant Shuford
Case No. MR 2016-068
1600 block of Hillcrest Road

RECOMMENDATION: APPROVAL WITH CONDITIONS

This application was received by the Chattanooga-Hamilton County Regional Planning Agency (RPA) on March 16, 2016, from property owner, Paula Grant Shuford. 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 two portions of the right-of-way of the 1600 block of Hillcrest Road.

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:***

- Right-of-way will not be closed along any portion of Hillcrest Road, nor will right-of way be reduced below 50 feet at any point along Hillcrest Road.
- 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, AT&T, Chattanooga Gas, and Comcast, as attached in the following package.

CLOSURE/ABANDONMENT APPLICATION FORM

CASE NUMBER:	MR 2016-068	Date Submitted: 3-16-2016	
(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: Parts of 2 areas of Hillcrest Road		
	<input checked="" type="checkbox"/> Open	<input type="checkbox"/> Unopened	Length/Width:
	Beginning: 1. Riverview Rd. & extending approximately 250' +/- Ending at Hillcrest Road		
	2. Beginning at the NE side of lot 6 & extending SW approximately 200'+/ -		
2 Property Information			
Property Address:	Parts of the 1600 block of Hillcrest Road		
Property Tax Map Number(s):	136B-B-020		
3 Proposed Development			
Reason for Request and/or Proposed Use:	One new lot to build new home at Southeast corner of parcel 136B-B-020		
4 Site Characteristics			
Current Zoning:	R-1		
Current Use:	Residential		
Adjacent Uses:	Residential & Golf Course		
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: Paula Grant Shuford		Address: 1698 Riverview Road	
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:
Phone 1: 423-667-8409	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 Neighborhood, Riverview	
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"/>	Total Acres to be considered:
<input checked="" type="checkbox"/>	Site Plan, if required	<input checked="" type="checkbox"/>	Deeds
<input checked="" type="checkbox"/>	Plats, if applicable	<input checked="" type="checkbox"/>	Notice Signs
Deed Book(s): 5228-182		Number of Notice Signs: 2	
Plat Book/Page: 3-33		<input checked="" type="checkbox"/>	Cash
<input checked="" type="checkbox"/>	Filing Fee: 350.00	<input checked="" type="checkbox"/>	Check
Check Number: 5209		Application processed by: Marcia Parker	
Planning Commission meeting date: May 9 th , 2016			

MR-2016-068 City of Chattanooga
May 9, 2016

RESOLUTION

WHEREAS, Paula Grant Shuford 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 two unopened portions of rights-of-way in the 1600 block of Hillcrest Road.

Abandonment of an eight foot wide section of the eastern right-of-way of the 1600 block of Hillcrest Road beginning at the northwest corner of 1698 Riverview Road thence southwest along the west line of said address some 175 feet to a point thence continuing 25 feet southwest and tapering to a point in said west line. Being part of 136B-B-020 as shown on the attached map.

Abandonment of a forty foot wide section of the unopened northern right-of-way of the 1600 block of Hillcrest Road beginning at the southeast corner of 1698 Riverview Road thence northwest some 250 feet to a point in the south line of said address. Being part of 136B-B-020 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 for abandonment of street right-of-way to create a new lot be approved.

Respectfully submitted,



John Bridger
Secretary



MR 2016-068 Abandonment

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. MR-2016-068: Approve



221 ft



Chattanooga Hamilton County Regional Planning Agency



PLANNING COMMISSION CASE REPORT

Case Number: MR-2016-068

PC Meeting Date: 05-09-16

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

Property Location:	1698 Riverview Road/250' of Hillcrest Road
Property Owner:	Paula Grant Shuford
Applicant:	Paula Grant Shuford

Project Description

- Proposal: Abandonment of approximately 250' of Hillcrest Road to alleviate existing building encroachment and create required area for new construction of a home at the corner of Hillcrest Road and Riverview Road.

Site Analysis**Site Description**

- Location: The portion of Hillcrest Road requested to be abandoned is on the northwest and southwest edge of 1698 Riverview (parcel 136B-B-020) located on the northern corner of the Riverview Road and Hillcrest Road intersection.

Plans/Policies/Regulations

- 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

- Chattanooga Department of Transportation has no plans to use the area proposed for abandonment
- The request does not negatively impact the access of existing properties.

Staff Recommendation

Approve



MR 2016-068 Abandonment



178 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. 2016-068

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 proposed petitioned right-of-way along the northwestern portion of the lot 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'.

William McGhee
Right-of-Way Agent
EPB



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 2016-068

Dear Marcia:

Comcast does not concur to the closure case(s) in the 1600 & 1700 blocks of Hillcrest Road. 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

Abandonment/Closure Cards

E.P.B
Billy McGhee

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.
Megan Catalina

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

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

* Comments forthcoming

Dept. of Transportation
 Judge Wolfe

Abandonment/Closure Cards

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

* Comments forthcoming

City Police Dept.
 Lt. David Gibbo

Abandonment/Closure Cards

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

* Comments forthcoming

Dept of Transportation
 Guy Zucker

Abandonment/Closure Cards

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

* Comments forthcoming

Bell South
 Jon Mounts

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

WJTA
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