

First Reading: _____
Second Reading: _____

MR-2013-007
Samuel W. Clemons, Surveyor
The McCallie School

ORDINANCE NO. _____

AN ORDINANCE CLOSING AND ABANDONING THE 2600
BLOCK OF BENNETT AVENUE, SUBJECT TO CERTAIN
CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
CHATTANOOGA, TENNESSEE, That the 2600 block of Bennett Avenue, more particularly
described herein, and as shown on the maps attached hereto and made a part hereof by reference,
be and is hereby closed and abandoned:

Abandonment of an unopened alley located in the south line of the
2600 block of Bennett Avenue thence southwest some 250 feet to
its intersection with the north line of the 2600 block of East 12th
Street. Said alley separates Lots 30 thru 34 from Lots 27 and 35, A.
S. Glovers Corrected Subdivision of Ridgedale, Plat Book 4, Page
34, ROHC. Tax Map Nos. 156C-J-001, 002, 008 and 030.

SECTION 2. BE IT FURTHER ORDAINED, That this closure and abandonment shall
be subject to AT&T – Southeast and the City of Chattanooga (Sanitary Sewer Only) to maintain
their easement in the full width.

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

/mms

City of Chattanooga



Resolution Request Form

(This form is only required for resolutions requiring expenditure of City funds)

Date: November 21, 2013

Preparer: William C. Payne

Department: Transportation

Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council): _____ District 9

A City Council Action is requested to approve the request for abandonment of the 2600 block of Bennett Avenue with AT&T - Southeast and City of Chattanooga (Sanitary Sewer Only) to maintain their easement in the full width, as referenced in Case No. 2013-007.

Name of Vendor/Contractor/Grant, etc.	N/A	New Contract/Project? (Yes or No)	N/A
Total project cost \$	N/A	Funds Budgeted? (YES or NO)	N/A
Total City of Chattanooga Portion \$	N/A	Provide Fund	N/A
City Amount Funded \$	N/A	Provide Cost Center	N/A
New City Funding Required \$	N/A	Proposed Funding Source if not budgeted	N/A
City's Match Percentage %	N/A	Grant Period (if applicable)	N/A

List all other funding sources and amount for each contributor.

Amount(s)	Grantor(s)
\$	

Agency Grant Number _____

CFDA Number if known _____

Other comments: (Include contingency amount, contractor, and other information useful in preparing resolution)

Approved by: 
DESIGNATED OFFICIAL/ADMINISTRATOR

Reviewed by: FINANCE OFFICE

Please submit completed form to @budget, City Attorney and City Finance Officer

Memorandum

To: Bill Payne
CC: Dennis Malone, Ed Bowen
From: Blythe Bailey
Date: 11/26/2013
Re: Case No. 2013-007 – 2600 Bennett Ave

I have completed the review of the case described herein. Portions of our alley abandonment tier system and policy are included here:

*It is the policy of the RPA 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.

The applicant owns all properties surrounding this ROW and it is unlikely that any time in the near future this would not be the case. We assume McCallie School's development plan makes the case for both no further public need and significant private interest. In future applications, this development plan may be required for our review. We recommend McCallie's plan consider provisions for reinstating what could be useful as a connector between properties if/when they are sold to independent parties in the future. We recognize this is an extremely unlikely scenario and so do not wish to hold up this process for this application.

The Transportation Department does not object to this request for abandonment.

Memorandum

To: Bill Payne
From: Ed Bowen
cc: Dennis Malone
Date: November 19, 2013
Re: Samuel W. Clemons
Case No. 2013-007
1400 Park Street
Recommendations for Requested ROW Abandonment

I have completed the review of Mr. Celmons' request regarding abandonment of an unopened alley located in the south line of the 2600 block of Bennett Avenue thence southwest some 250 feet to its intersection with the north line of the 2600 block of East 12th Street. Said alley separates Lots 30 thru 34 from Lots 27 and 35, A. S. Glovers Corrected Subdivision of Ridgedale, Plat Book 4, Page 34, ROHC. Tax Map 156C-J-001, 002, 008 and 030 as shown on the attached map. My comments are as follows:

- There is sanitary sewer infrastructure in the alley.
- RPA staff and Planning Commission recommend approval.
- Ridgedale Neighborhood Association supports the abandonment
- AT&T objects to the abandonment.

After review of the Abandonment request, maintaining the above referenced right-of-way does not serve the Public's interest.

Therefore, I recommend the following: The request for abandonment is approved subject to conditions.

- Subject to a full-width easement for AT&T Southeast and the city of Chattanooga (sanitary sewer only).



REGIONAL PLANNING AGENCY
DEVELOPMENT RESOURCE CENTER
DEVELOPMENT SERVICES 1250 MARKET ST.
Chattanooga, Tennessee 37402
423-668-2287

Dear Property Owner:

This notice is sent to you as a courtesy to inform you that an application has been made for a change in your neighborhood. A description of the proposed change is included below.

This notice does not require action on your part, nor is it a summons. However, if you wish to support or oppose the proposed change, you may want to attend a public hearing to be held by the Chattanooga-Hamilton County Regional Planning Commission.

The hearing will take place at **1:00 p.m. In County Commission Room, Hamilton County Court House, 4th Floor, 625 Georgia Avenue, Chattanooga, Tennessee.**

The Planning Commission recommendation will be sent to the local government having jurisdiction, for their action.

<p>Schedules of when cases will be heard by local governments (if not deferred at Planning Commission) <u>City of Chattanooga:</u> Second Tuesday of the following month, 6:00 p.m. (closures will be placed on agenda by the City Engineers Office) <u>Hamilton County:</u> Third Wednesday of the following month, 9:30 a.m.</p>

DATE OF PUBLIC HEARING: January 14th, 2013

TIME: 1:00 PM

**LOCATION: County Commission Room, 4th Floor
Hamilton County Court House
625 Georgia Avenue
Chattanooga, Tennessee 37402**

CASE NO. MR 2013-007

JURISDICTION: Chattanooga

APPLICANT: Samuel W. Clemons

TYPE OF CHANGE: Abandonment of an Alley Way beginning in the 2600 block of Bennett Avenue going in a South West direction to East 12th Street approximately 250 feet plus or minus

LOCATION: 2600 block of Bennett Avenue

(SEE MAP ON REVERSE SIDE)

Right-Of-Way Closure/Abandonment Request Form

Chattanooga-Hamilton County



Regional Planning Agency

1250 Market Street
Suite 2000
Development Resource Center
Chattanooga, Tennessee
37402
Phone: 423-668-2287
Fax: 423-668-2289
www.chrcpa.org

Office Use Only

Case Number: MR 2013-007
Date Submitted: 11-15-2012
Planning District: 8B
County District: 6
City District: 8
Jurisdiction: Chattanooga
Neighborhood: Brainerd Unity Group/Ridgedale Community
Staff Action:
PC Action/Date:
Legis. Action/Date:

Print Form

Closure/Abandonment Request:

- Street
 Alley
 Sewer Easement
 Other: _____

Right-of-Way Location / Information

Name of Street or ROW: unnamed alley off the 2600 block of Bennett Avenue
 Open
 Unopened

Beginning: Alley beginning at the 2600 block of Bennett Avenue going in a Southwest direction

Ending: to East 12th Street approximately 250 feet plus or minus

Tax Map Number: 156C-J-001, 002, 008, 030

Reason for Request/Proposed Use: McCallie School owns both sides of the alley way. To add to Property.

Applicant Information

All communication by phone, fax, email, or mail will be with the Applicant. If you are not the property owner, you will need to submit a letter from the property owners(s) indicating that you are acting as their agent in filing this application (e.g. engineer, architect, consultant, broker, etc.).

- Property Owner
 Architect
 Engineer
 Optionee
 Purchaser of Property
 Trustee
 Other: Surveyor

Name: Samuel W. Clemons

Address: 300 Duggan Road

City: Jasper State: TN

Zip Code: 37347

Daytime Phone: 423-942-5001

Cell Phone: 423-314-4569

Other Phone:

Email: samclemons@charter.net

Fax:

Property Owner Information (if not applicant)

Name: The McCallie School/William Kropff

Address: 500 Dodds Avenue

Chattanooga, Tn

Phone: 423-493-5749

CHECKLIST (OFFICE USE ONLY)

Application Complete
 Deeds for property to be rezoned
 Ownership Verification (Tax Map Printout, Letter)
 Deed Book: 9367-228, 5605-618
 Map showing property to be rezoned
 Copy of Plats, if applicable
 Site Plan, if applicable
 Plat Book/Page: 3-34
 Total acres to be considered: N/A
 Notice Signs: How Many? 2
 Filing Fee: \$350.00
 Cash
 Check No: 191783
 Accepted by: Marcia Parker
 Date: 11/15/2012

MR-2013-007 City of Chattanooga
January 14, 2013

RESOLUTION

WHEREAS, Samuel W. Clemons, Surveyor/The McCallie School petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga the abandonment of an unopened alley located in the 2600 block of Bennett Avenue.

Abandonment of an unopened alley located in the south line of the 2600 block of Bennett Avenue thence southwest some 250 feet to its intersection with the north line of the 2600 block of East 12th Street. Said alley separates Lots 30 thru 34 from Lots 27 and 35, A. S. Glovers Corrected Subdivision of Ridgedale, Plat Book 4, Page 34, ROHC. Tax Map 156C-J-001, 002, 008 and 030 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on January 14, 2013,

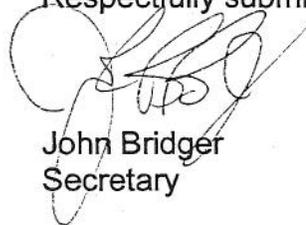
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

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

AND WHEREAS, the Planning Commission has studied the existing pattern of development.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on January 14, 2013, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved.

Respectfully submitted,



John Bridger
Secretary

Case Number: MR 2013-007

Applicant Request: Abandonment of Alley Right-Of-Way

Applicant: Samuel W. Clemons, Surveyor/The McCallie School
Property Address: 2600 block of Bennett Avenue
Jurisdiction: Chattanooga District 8/Hamilton County District 6
Neighborhood: Brainerd Unity Group/Ridgedale Community

Proposed Development

Site Plan Submitted: Not Applicable
Proposed Use: McCallie School owns both sides/to add to property

Site Characteristics

Current Zoning: C-2 Convenience Commercial & R-2 Residential
Current Use: Ballfield, Maintenance Building, Vacant Building
Adjacent Uses: Residential, Commercial
Length of Right-of-Way: Approximately 250 feet

STAFF RECOMMENDATION: APPROVE

Analysis

Extension of Existing Zoning? Not Applicable
Community Land Use Plan: Ridgedale Today (2002)
Proposed Use Supported by Community Land Use Plan? Not Applicable
Proposed Use Supported by Comprehensive Plan? Not Applicable

**PLANNING COMMISSION ACTION:
Approve**

Comments

Planning Staff: Request Overview

McCallie School is requesting closure of a public right-of-way that exists between two of the school's properties to combine these properties under the school's single ownership.

Right-of-way Abandonment and Closure requests are reviewed using the Right-of-Way Closure and Abandonment Policy adopted by the Chattanooga-Hamilton County Regional Planning Commission in January 1997 and the City of Chattanooga (Resolution 24532) in August 2005.

This right-of-way has been determined to be Unopened. The policy defines Unopened rights-of-way to be "dedicated for public use, but not maintained by the City." Review(s) of rights-of-way for closure are based on a tiered classification. This right-of-way is Tier 2 meaning it is not currently opened or only partially opened, but provides a limited level of service to the abutting property owners or to utilities. Applications for closure and abandonment are accepted on Tier 2 rights-of-way and reviewed using the adopted review factors and according to the tenets of this policy.

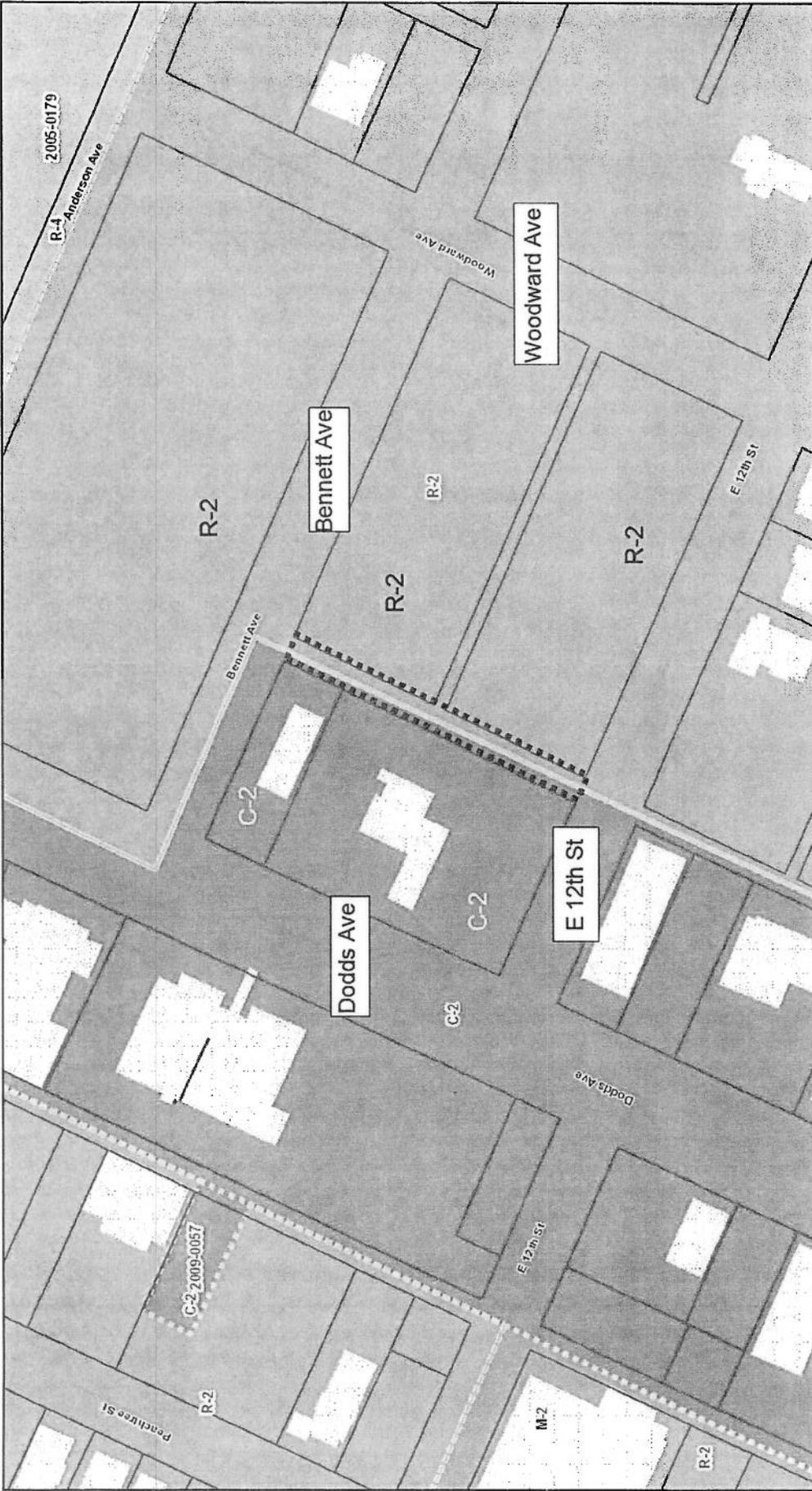
The evaluation of this closure is based on the following review factors:

1. Presence of or potential for the location of utilities
2. Currently not open to traffic

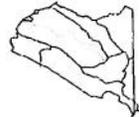
3. No potential for future public use
4. Type / condition of surface is grass and gravel, unmaintained by the City
5. The closure will not landlock any property
6. Applicant owns adjacent abutting properties and intends to use for private facilities

Staff Recommendation

Staff recommends approval as there is no apparent negative impact of this request to adjacent or surrounding properties, the closure will not landlock property, the property owner owns either side of the existing right-of-way, and it is currently not physically open to the public.



MR 2013-007 Abandonment of the 2600 block of Bennett Ave



109 ft



January 2, 2013

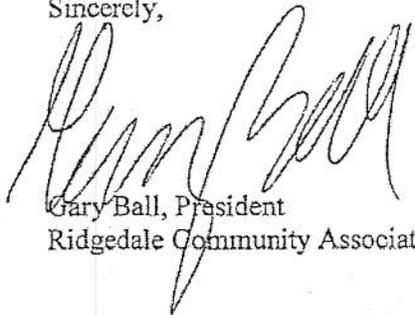
Attn: Greg Haynes
Director of Development Services
Chattanooga-Hamilton County Regional Planning Agency
Development Resource Center
1250 Market Street, Suite 200
Chattanooga, TN 37402

RE: Abandonment Notice – Case No: MR 2013-007

Dear Mr. Haynes

The Ridgedale Community Association has no issue with McCallie School's proposed alley closure off the 2600 block of Bennett Avenue. Thank you for your office notifying us of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Ball", is written over the typed name and title.

Gary Ball, President
Ridgedale Community Association



AT&T - Southeast
300 East M. L. King Blvd.
Chattanooga, TN 37403

T: (423)752-9018
F: (423)267-0120
www.att.com

January 02, 2013

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's Case Numbers MR2013-007

Dear Mr. Haynes:

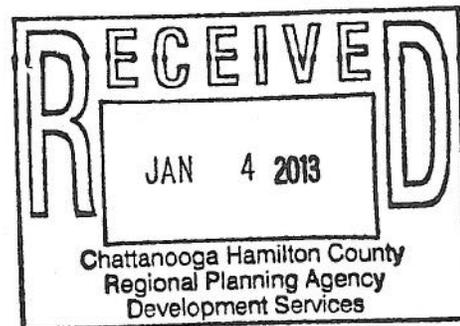
In regards to Case Number MR2013-007 for the January 14, 2013, Planning Commission Meeting Agenda, AT&T Southeast cannot agree to closure since facilities are in this area. Please reserve any existing or future utility easements inside the proposed abandonment areas.

If additional information is needed, please contact me at 752-9132.

Thank You,

Jon Mounts
Manager OSP Planning & Engineering Design

cc: RPC File



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Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-007	X	
MR 2013-011		X

* Comments forthcoming

Comcast Cable
Mike Schlotz

Bill Smith
Don Murray

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-007		✓
MR 2013-011	✓	

* Comments forthcoming

* Please reserve any existing or future utility easements inside the proposed abandonment area.

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR-2013-007	✓	
MR. 2013-011-GAS MAINS		✓

* Comments forthcoming

Chattanooga Gas Co.
avoid Hyde

E.P.R.
B. P. Meeker

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-007	✓	
MR 2013-011		✓

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-007	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2013-011	<input checked="" type="checkbox"/>	<input type="checkbox"/>

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-007	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2013-011	<input checked="" type="checkbox"/>	<input type="checkbox"/>

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-007	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2013-011	<input checked="" type="checkbox"/>	<input type="checkbox"/>

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR - 2013-007	<input type="checkbox"/>	<input type="checkbox"/>
MR 2013-011	<input checked="" type="checkbox"/>	<input type="checkbox"/>

* Comments forthcoming

Chattanooga Fire Dept
~~Chattanooga Fire Dept~~
 FIRE MARSHAL
 NAME WORKING

Tenn American water co.
 Robbie Harvey

Dept. of Transportation
 Ray Kucher

City Police Dept
 David Kelley

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-007 (X)	X	
MR 2013-011		
(X) RETAIN W/ SANITARY SEWER BASINMENTS		

* Comments forthcoming

CITY ENGINEER
Bill Payne

12/13/12
BMD

Dept of Transportation
Mickie Wolfe

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-007	✓	
MR 2013-011	✓	

* Comments forthcoming

A

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
M.R. 2013-007	✓	
MR 2013-011	✓	

* Comments forthcoming

Traffic Engineering
John Vandinkie