

First Reading: _____
Second Reading: _____

MR-2013-115
Hopkins Surveying-Willow Plaza Realty

ORDINANCE NO. _____

AN ORDINANCE CLOSING AND ABANDONING OF AN UNOPENED ALLEY PARALLEL TO THE 2000 BLOCK OF SOUTH WILLOW STREET, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That an unopened alley parallel to the 2000 block of South Willow Street, 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 beginning at the southeast corner of Lot 2 of the Sutton and Anderson's Subdivision, Plat Book 5, Page 51, ROHC, thence southwest some 360 feet to the northeast corner of lot 12 of the same subdivision. Said alley separates lots 3 thru 11 from lots 16 thru 24 of said plat. Tax Map Nos. 156G-D-001, 156G-D-005, 156G-D-043, and 156G-D-044.

SECTION 2. BE IT FURTHER ORDAINED, That this closure and abandonment shall be subject to the retention of a full-width sanitary sewer easement.

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 22, 2013

Preparer: William C. Payne

Department: Transportation

Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council): DISTRICT 8

A City Council Action is requested to authorize the abandonment of an unopened alley parallel to the 2000 block of South Willow Street, as referenced in Case No. 2013-115. Also, subject to the condition stated on the attached Memorandum.

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

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: _____

Reviewed by: FINANCE OFFICE

DESIGNATED OFFICIAL/ADMINISTRATOR

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. 2013-115 – 2000 South Willow Street

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 ROW to the north and south that would have connected this ROW to public ways has previously been abandoned. We recommend the redevelopment plan consider provisions for secondary connection to the primary transportation network surrounding the site, but we believe due to the abandonment of the north and south sections of this ROW, these secondary connections could happen in any number of ways.

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

Memorandum

To: Bill Payne
From: Ed Bowen
cc: Dennis Malone
Date: November 21, 2013
Re: David Hopkins – Willow Plaza Realty
Case No. MR 2013-115
2038 S. Willow Street

Recommendations Regarding Abandonment Request

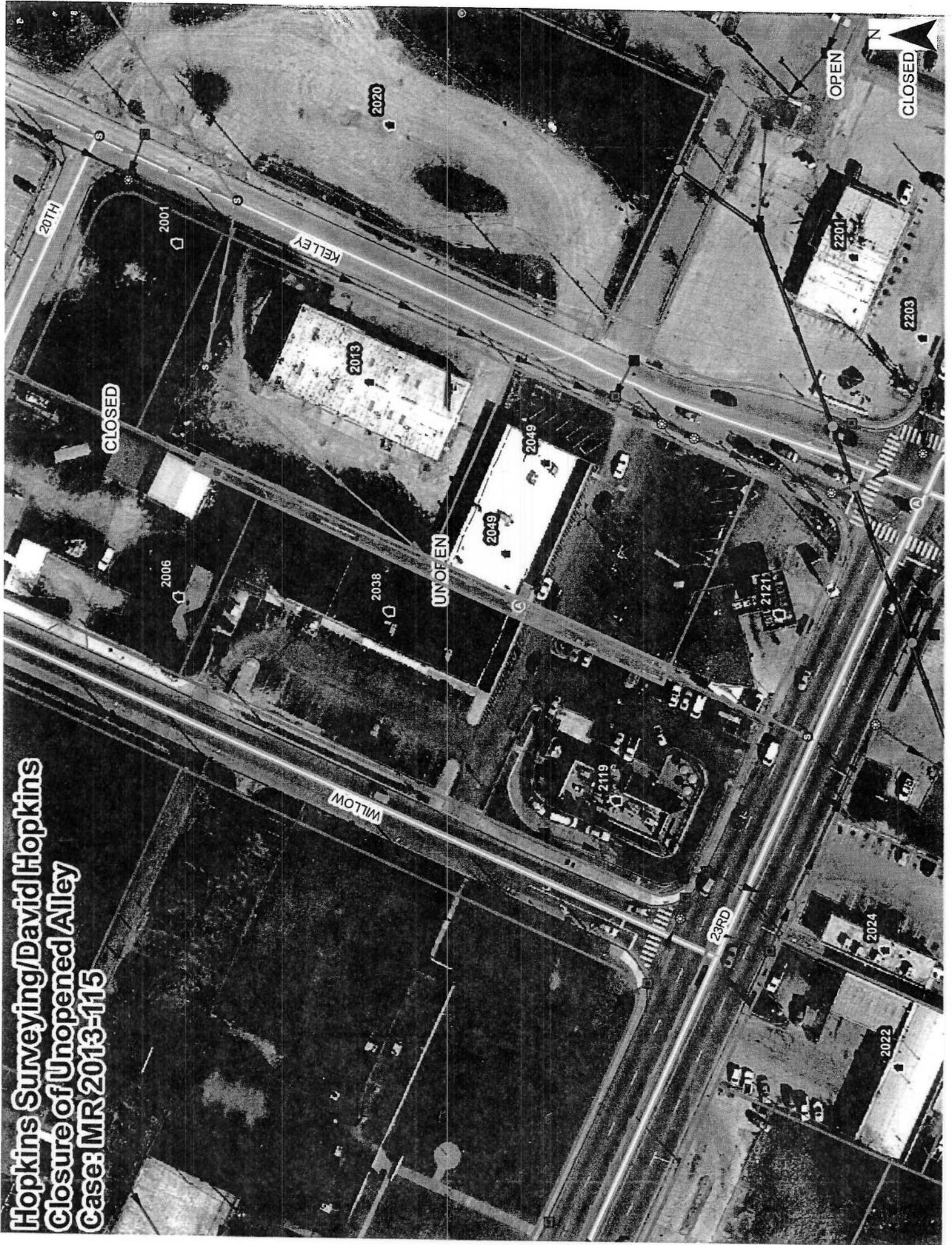
I have completed the review of Mr. Hopkins' request for the abandonment of an unopened alley beginning at the southeast corner of Lot 2 of the Sutton and Anderson's Subdivision, Plat Book 5, Page 51, ROHC, thence southwest some 360 feet to the northeast corner of Lot 12 of the same subdivision. Said alley separates lots 3 thru 11 from lots 16 thru 24 of said plat. Tax Maps 156G-D-001, 156G-D-005, 156G-D-043, and 156G-D-044 as shown on the attached map. My comments are as follows:

1. The subject portion of the unopened alley is 10' ± in width and 360' ± in length for an area of approximately 3,600 square feet.
2. The city of Chattanooga has sanitary sewer infrastructure in the subject portion of the unopened alley.
3. The City Traffic Engineer objects to the abandonment.
4. The Planning Commission recommended approval.
5. No utility owners noted objections to the abandonment.
6. The alley does not connect to any public right-of-way.
7. The northern and southern ends were abandoned earlier by the city of Chattanooga.

Therefore, I recommend the following: The request for abandonment of said portion of right-of-way is approved with this condition:

- Subject to the retention of a full-width sanitary sewer easement.

**Hopkins Surveying/David Hopkins
Closure of Unopened Alley
Case: MR 2013-115**



WO # 118909

CLOSURE/ABANDONMENT APPLICATION FORM

CASE NUMBER: MR 2013-115		Date Submitted: 08-09-2013	
(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 type="checkbox"/> Street	<input type="checkbox"/> Sewer <input type="checkbox"/> Other
Name of Street or Right-Of-Way:			
	<input type="checkbox"/> Open	<input checked="" type="checkbox"/> Unopened	Length/Width:
Beginning: at Lot 2 going in a southwest direction			
Ending: at Lot 12 going approximately 360 feet plus or minus			
2 Property Information			
Property Address:	2038 S. Willow Street		
Property Tax Map Number(s):	156G-D001, 156G-D-005, 156G-D-043, 156G-D-044,		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Alley Closure – Property Consolidation		
4 Site Characteristics			
Current Zoning:	M-1		
Current Use:	Physically Closed		
Adjacent Uses:	Office and Retail		
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: Hopkins Surveying		Address: 175 Hamm Road	
Check one:	<input type="checkbox"/> I am the property owner	<input checked="" type="checkbox"/> I am not the property owner	
City: Chattanooga	State: Tn.	Zip Code: 37405	Email: tht@hopkinssurveying.com
Phone 1: 423-267-3757	Phone 2:	Phone 3:	Fax:
6 Property Owner Information (if not applicant)			
Name: Willow Plaza Realty		Phone: 212-288-2070	
Address: 237 E. 81 st and 11 th , New York, New York, 10028			
Office Use Only:			
Planning District: 8c		Neighborhood: East Lake Crime Watch and Oak Grove Neighborhood	
Hamilton Co. Comm. District: 4	Chatt. Council District: 8	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 type="checkbox"/> Site Plan, if required	<input checked="" type="checkbox"/> Total Acres to be considered: 360 feet	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s): 9964-0252, 4358-0017, and 4458-0811			
Plat Book/Page: 5-51		<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 2
<input checked="" type="checkbox"/> Filing Fee: \$350.00	Cash	<input checked="" type="checkbox"/> Check	Check Number:
Planning Commission meeting date: 9-9-13		Application processed by: Trevor Slayton	

Tracy or Angel - Dave



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: September 9th, 2013

TIME: 1:00 PM

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

CASE NO. MR 2013-115

JURISDICTION: Chattanooga

APPLICANT: Hopkins Surveying/David Hopkins

TYPE OF CHANGE: Beginning at lot 2 going in a Southwest direction to lot 12 going approximately 360 feet plus or minus

LOCATION: Alley off of the 2000 block of South Willow

(SEE MAP ON REVERSE SIDE)

RESOLUTION

WHEREAS, Hopkins Surveying/Willow Plaza Realty 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 off of the 2100 block of East 23rd Street.

Abandonment of an unopened alley beginning at the southeast corner of Lot 2 of the Sutton and Anderson's Subdivision, Plat Book 5, Page 51, ROHC, thence southwest some 360 feet to the northeast corner of lot 12 of the same subdivision. Said alley separates lots 3 thru 11 from lots 16 thru 24 of said plat. Tax Maps 156G-D-001, 156G-D-005, 156G-D-043, and 156G-D-044 as shown on attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on September 9, 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 petition in relation to existing zoning and land use and potential patterns of development.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on September 9, 2013, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved.

Respectfully submitted,



John Bridger
Secretary

RPA STAFF RECOMMENDATION

Case Number: 2013-115 **PC Meeting Date:** 09-09-2013

STAFF RECOMMENDATION: APPROVE

Land Use & Transportation Comments

Planning Staff:

Applicant Request Overview
The applicant is requesting the closure of an unnamed alley between South Willow Street and South Kelly Street beginning at lot 2 and ending at lot 12.

Zoning History
Previous ordinances have closed portions of the alley north and south of the applicant's request.

On November 11, 1998 Ordinance 10795 closed and abandoned the alley beginning on the southwest line of East 20th Street 140 feet southeast of the southeast line of Willow Street, and extending southwest 145 feet to the southwest line of lots 3 and 24.

On November 6, 2009 Ordinance 12315 closed and abandoned the alley beginning at its intersection with the north line of the 2100 block of East 23rd Street thence northeast some 77 feet to the northwest corner of lot 15.

Plans/Policies
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.

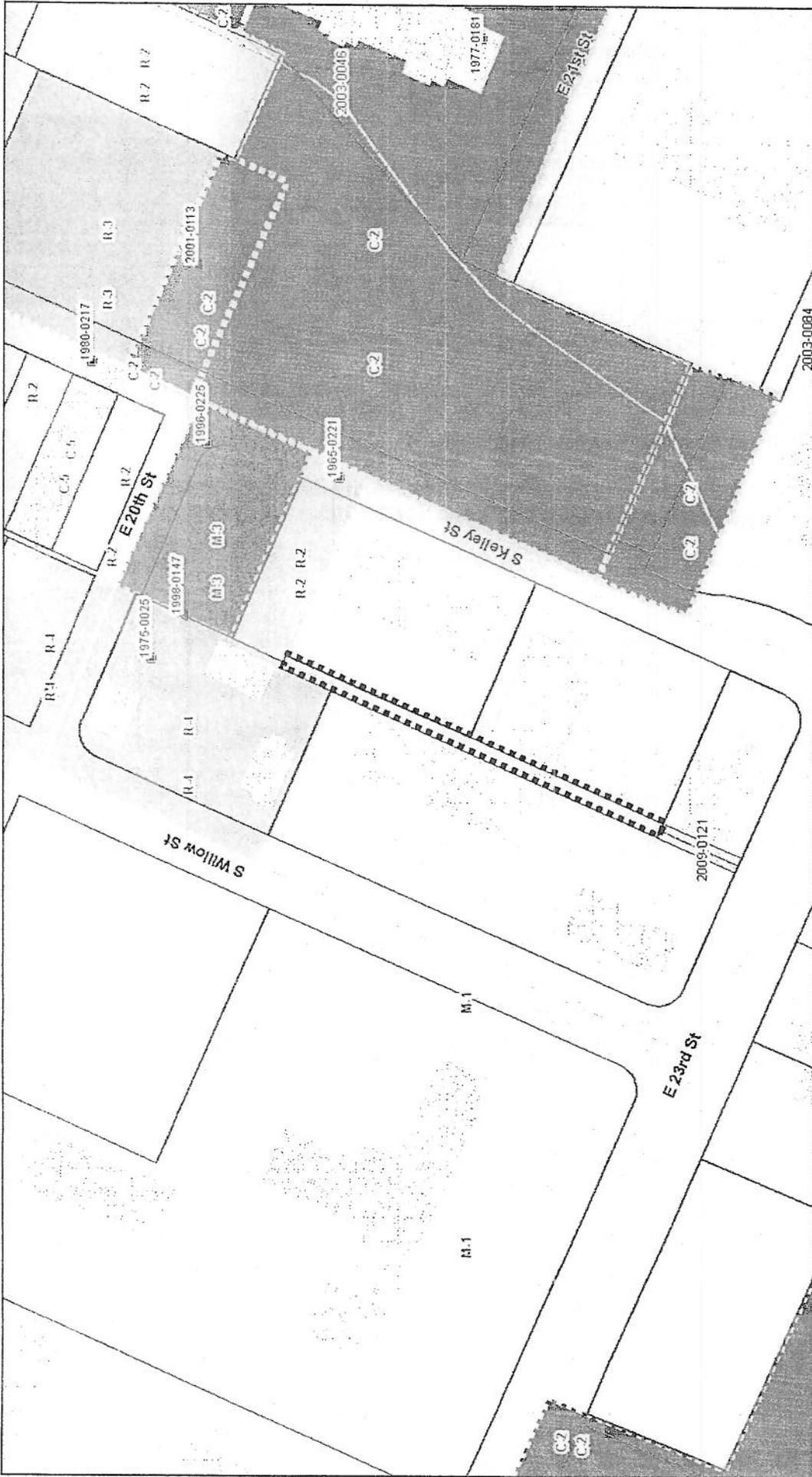
Review of rights-of-way for closure is based on a tiered classification. This right-of-way is Tier 3, rights-of-way which are not currently opened or which have never been opened. Applications for closure and abandonment will be accepted on Tier 3 rights-of-way and reviewed using the adopted review factors and according to the tenets of this policy.

The evaluation of this right-of-way street closure was based on the following review factors:

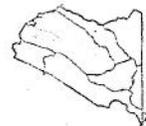
1. Width of the ROW is 13ft +/-
2. Presence of or potential for the location of utilities.
3. Currently not open to traffic.
4. Unlikely potential for future use.
5. Unpaved, largely overgrown with brush.
6. Adjacent properties will maintain access off of South Willow Street and Kelly Street.
7. The owner hopes to consolidate property.

RPA STAFF RECOMMENDATION

	<p><u>Staff Recommendation</u> The Regional Planning Agency is recommending approval of the closure request as there is no apparent negative impact of this request to adjacent or surrounding properties. Also, due to the abandonment of the rights-of-way to the north and south of this alley right-of-way, it is unlikely to provide future connectivity to the street network.</p>
Infrastructure & Operational Comments	
City of Chattanooga Staff:	<p>All land development projects are reviewed by appropriate City of Chattanooga departments. In addition, all land development in the City of Chattanooga is required to comply with current building codes, zoning regulations, water quality, and landscape regulations.</p> <p>Additional requirements, if needed, are indicated by the appropriate department below.</p> <p><u>Fire Department</u> The Chattanooga Fire Department has no issue with the alley closure.</p> <p><u>Department of Transportation</u> The Department of Transportation has no issue with the alley closure.</p> <p><u>City Engineer</u> The City Engineer recommends approval of the closure as long as a 20' sanitary sewer easement is retained.</p>



MR 2013-115 Abandonment of an Unopened Alley Parallel to the East Line of the 2000 block of S Willow St



125 ft

Chattanooga-Hamilton County
RPA
 Regional Planning Agency

Chattanooga Hamilton County Regional Planning Agency



**CITY OF CHATTANOOGA
PUBLIC WORKS DEPARTMENT
UNIFIED WORK ORDER**

Project/Funding:

Work Order Number: *11189909*



Address: 2038 S. WILLOW STREET

Tax Map/Grid: 145L

Required Work Type: ENG - RPA Cases		Category: ADMIN		Date Needed: 8/25/2013
WO Initiated: 8/15/2013 2:59:20 PM	Initiated By: KING, CAROLA	Requested By: 3	Priority: 8	Status: UNDINV
		Transferred To/Submitted to: BOWEN, EDWARD L - 8/15/2013 2:59:50 PM		

Instructions: Willow Plaza Realty, 237 E 81st and 11th, New York, NY 10028
212-288-2070
Hopkins Surveying, David Hopkins, 175 Hamm Road, Chattanooga, TN 37405
423-267-3757, tht@hopkinssurveying.com

Comments: By KING, CAROLA: 8/15/2013 3:03:34 PM Alley closure property consolidation

Date Completed: Supervisor: WO Closed :

Associated Service Request(s), if Any:

SR#	Date/Time Init.	Priority	Description	Problem Address
Customer Name			Customer Work Phone	Customer Zip

Work Comments/Results:

**Hopkins Surveying/David Hopkins
Closure of Unopened Alley
Case: MR 2013-115**



Abandonment/Closure Cards ^{BMD} 8/12/13

Case No.	Closure O.K.	
	Yes	No
MP 2013-115	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
MP 2013-116	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
RETAIN CO'S SANITARY SEWER EASEMENT		

* Comments forthcoming

B

CH [] RE []
 City Engineer
 Bill Payne

Development Services

MEMORANDUM

TO: All Utilities and Others Concerned with Closure and Abandonment

FROM: Greg L. Haynes, Director

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-115		
MR 2013-116		
<i>[Signature]</i>		

* Comments forthcoming

City Police Dept
David Frye

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-111		X
MR 2013-115	X	
MR 2013-116	X	

* Comments forthcoming

In American water co.
Robbie Harvey

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-111	✓	
MR 2013-115	✓	
MR 2013-116		

* Comments forthcoming

Dept of Installation
Mackie White

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-115		RH
MR 2013-116		RH

* Comments forthcoming

Chattanooga Fire Dept
Randall Hearn

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-115	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
MR 2013-116	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

Mathic Engineer
John VanVinkle

* Comments forthcoming - attached

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-111 8" gas main	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
MR 2013-115	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2013-116	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
Harold Hyde 8-26-13	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

Chattanooga Gas Co.
Harold Hyde

* Comments forthcoming

643-5911

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-111	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MR 2013-115	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
MR 2013-116	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

Comcast Cable T.V.
Mike Schlotz

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-111 Red Bank	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
MR 2013-115	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2013-116	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

Bell South
John Mounts

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

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-111	✓	
MR 2013-115	✓	
MR 2013-116	✓	

M.P.B.
Billy McEhoy

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-115	✓	
MR 2013-116	✓	
BOETTANN 20' SANITARY SEWER EASEMENT		

CITY ENGINEER
BILL TAYNE

4

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-111	✓	
MR 2013-115	✓	
MR 2013-116	✓	

TOP OF TRANSFORMATION
KAY KUCKER

* Comments forthcoming