

**First Reading:** \_\_\_\_\_  
**Second Reading:** \_\_\_\_\_

MR-2014-128  
Townson Ensberg

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CLOSING AND ABANDONING A  
PORTION OF THE 1500 BLOCK OF ADAMS STREET,  
SUBJECT TO CERTAIN CONDITIONS.

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SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
CHATTANOOGA, TENNESSEE, That a portion of the 1500 block of Adams 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 a portion of the 1500 block of Adams Street,  
beginning at the southwest corner of Tax Map No. 145L-J-029,  
and going northwest along the east side of Adams Street  
approximately 140 feet to the northwest corner of the same parcel.  
Tax Map No. 145L-J-029.

SECTION 2. BE IT FURTHER ORDAINED, That this abandonment shall be subject to  
the retention of a full-width utility easement as requested by AT&T.

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

# City of Chattanooga



## Resolution Request Form

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

Date: February 9, 2015

Preparer: Bert Kuyrkendall

Department: Transportation

**Brief Description of Purpose for Resolution:**

Resolution Number (if approved by Council):

District 7

A City Council Action is requested to approve the request of Townson Ensberg for abandonment of a portion of the 1500 block of Adams Street, beginning at the southwest corner and going northeast along the east side of Adams Street approximately 140 feet to the northeast corner of the same parcel. As referenced in Case No. MR 2014-128.

**RECOMMENDATION IS FOR APPROVAL .**

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: \_\_\_\_\_

Reviewed by: FINANCE OFFICE

DESIGNATED OFFICIAL/ADMINISTRATOR

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

# Memorandum

**To:** Brandon Sutton *BS*

**From:** Kari Lawman

**cc:** Bertran Kuyrkendall

**Date:** February 6, 2015

**Re:** Townson E. Engsberg  
Case No. MR 2014-128  
1500 Block of Adams Street (District 7)

Abandonment Request: **RECOMMENDATION FOR APPROVAL**

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I have completed the review of Townson Engsberg's request for abandonment of a portion of the 1500 Block of Adams Street, beginning at the southwest corner of Tax Map 145L-J-029 and going northeast along the east side of Adams Street approximately 140 feet to the northwest corner of the same parcel. Tax Map 145L-J-029 as shown on the attached map.

My comments are as follows:

- The City of Chattanooga has no conflicting sewer infrastructure in the subject portion of the unopened alley.
- The Chattanooga Department of Transportation approves of the abandonment.
- Utilities object to the abandonment. (AT&T)
- The Planning Commission recommends approval of closure of the unopened alleyway as described.

Therefore, I recommend approval of the aforementioned Abandonment Request, with the following condition:

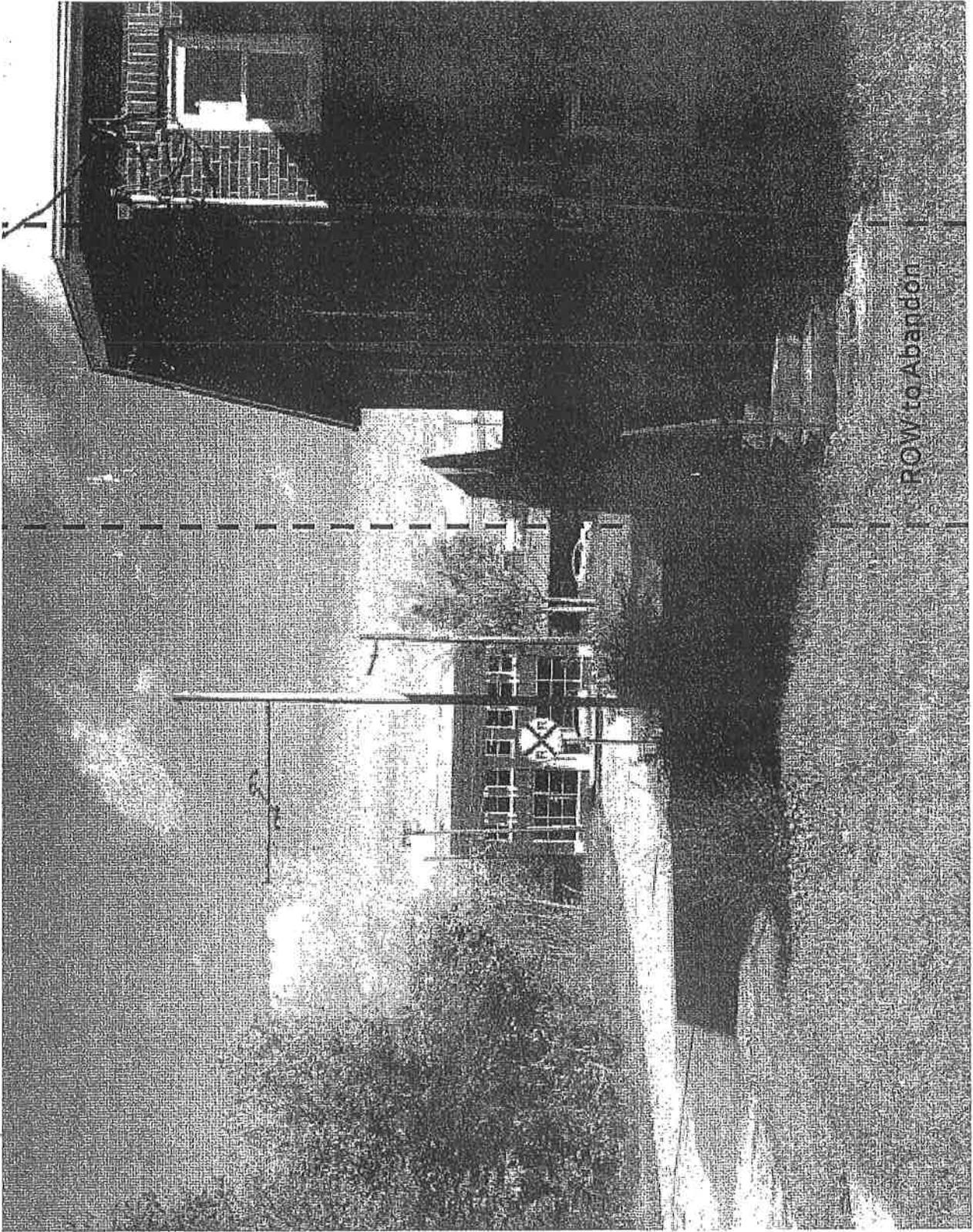
- Subject to the retention of a full-width utility easement for the said utilities.

WO# 142256

Chattanooga-Hamilton County Regional Planning Agency

# CLOSURE/ABANDONMENT APPLICATION FORM

<b>CASE NUMBER:</b>	<b>MR 2014 -128</b>	<b>Date Submitted: 10-10-2014</b>
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)		
<b>1 Applicant Request</b> (Mandatory Referral per TCA 13-4-104)		
<b>Closure/Abandonment</b>	<input type="checkbox"/> Alley	<input checked="" type="checkbox"/> Street
	<input type="checkbox"/> Sewer	<input type="checkbox"/> Other
Name of Street or Right-Of-Way: Adams Street		
	<input checked="" type="checkbox"/> Open	<input type="checkbox"/> Unopened
Length/Width: 15/10 x 140		
Beginning: From East 16 <sup>th</sup> Street going in a Northwest direction approximately 140 feet		
Ending: at the Alley-way		
<b>2 Property Information</b>		
Property Address:	1500 block of Adams Street	
Property Tax Map Number(s):	145L-J-029	
<b>3 Proposed Development</b>		
Reason for Request and/or Proposed Use:	Owner requests property line extension of 15' on the Northwest corner and 10' on the Southwest corner in order to get existing steps out of the City ROW. Steps are only access to upper floor. See attached sketch.	
<b>4 Site Characteristics</b>		
Current Zoning:	C-3	
Current Use:	Proposed use is mixed with residential & office	
Adjacent Uses:	M-1 & R-3	
<b>5 Applicant Information</b>		
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: Townson P. Engsborg	Address: 509 East Main Street	
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
Phone 1: 770-480-8077	Phone 2: 423-309-5727	Phone 3: _____
		Fax: _____
<b>6 Property Owner Information (if not applicant)</b>		
Name: Same	Phone: _____	
Address: _____		
<b>Office Use Only:</b>		
Planning District: 8A	Neighborhood: CNAC, Southside Historic District, Jefferson Heights	
Hamilton Co. Comm. District: 4	Chatt. Council District: 7	Other Municipality: _____
Staff Rec: _____	PC Action/Date: _____	Legislative Action/Date/Ordinance: _____
<b>Checklist</b>		
<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 type="checkbox"/> Total Acres to be considered: _____	<input checked="" type="checkbox"/> Deeds
		<input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s): 10237-862		
Plat Book/Page: 5-54	<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: 3537
Planning Commission meeting date: 12-8-2014		Application processed by: Marcia Parker



Site Characteristics

400  
Portion of the 1500 Block of Adams Street  
District: 8 Case: MR 2014-128  
Townson Engsberg



OPEN

OPEN

CLOSED





**MR 2014-128 Abandonment of a Portion of the 1500 blk of Adams St**



158 ft

Chattanooga Hamilton County Regional Planning Agency



MR-2014-128 City of Chattanooga  
December 8, 2014

RESOLUTION

WHEREAS, Townson P. Engsborg 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 a right-of-way located on the 1500 Block of Adams Street.

Abandonment of a portion of the 1500 Block of Adams Street, beginning at the southwest corner of Tax Map 145L-J-029 and going northeast along the east side of Adams Street approximately 140 feet to the northwest corner of the same parcel. Tax Map 145L-J-029 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on December 8, 2014,

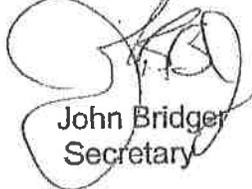
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

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 December 8, 2014, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved:

Respectfully submitted,

  
John Bridger  
Secretary

## STAFF CASE REPORT TO PLANNING COMMISSION

<b>Case Number:</b>	<b>MR-2014-128</b>	<b>PC Meeting Date: 12-8-14</b>
<b>Applicant Request:</b>	<b>Abandonment of a portion of the 1500 block of Adams Street</b>	
<b>Property Location:</b>	<b>1500 block of Adams Street at East 16<sup>th</sup> Street</b>	
<b>Property Owner:</b>	<b>Townson P. Engsberg</b>	
<b>Applicant:</b>	<b>Same</b>	
<b>Staff Recommendation:</b>	<b>APPROVE</b>	

### PROJECT ANALYSIS

#### RPA Land Use & Transportation Comments

##### Project Description

The applicant requests abandonment of a portion of the 1500 block of Adams Street beginning at East 16<sup>th</sup> Street going in a northeast direction approximately 140 feet. The width of the proposed abandonment decreases from 15 feet in the northern portion of the request to 10 feet in the southern portion of the request.

##### Site Description

The right-of-way is adjacent to property zoned C-3 Central Business Zone. The adjacent land uses include a vacant church, railroad right-of-way, and single-family residences.

##### Zoning History

The adjacent property at 501 East 16<sup>th</sup> Street was rezoned from R-3 Residential Zone to C-3 Commercial Zone in 2013.

##### Plans/Policies

This site is within the Southside Area Plan.

Right-of-way (ROW) 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.

## STAFF CASE REPORT TO PLANNING COMMISSION

The staff recommendation for this request was based on an evaluation of the following review factors. Each factor is followed by staff's comments:

FACTOR	STAFF COMMENTS
1. Width of the ROW	10 feet +/- to 15 feet +/-
2. Presence of or potential for the location of utilities	AT&T has located facilities in this area and requests that any existing or future utility easements inside the proposed abandonment area be reserved.
3. Currently open to traffic	Currently not open to traffic.
4. Potential for future use or which provide future connections to the existing street pattern or could provide needed services, and which are integral to the community's future development (i.e., access to abutting property, bypass for other streets, parking, etc.).	Limited potential for future use or future connections.
5. Type/condition of surface	ROW is unpaved and grassy. A staircase to the second story of the building located at 501 East 16 <sup>th</sup> Street is within the ROW.
6. Topography/grade – can it be built?	The existing topography does not preclude improvement of this ROW.
7. Will the closure and abandonment land-lock any property? If so, has a subdivision plat been submitted which eliminates this situation?	The adjacent property will maintain access off of East 16 <sup>th</sup> Street and the alley to the north of the property.
8. Extenuating circumstances as specified by the applicant, e.g. necessary for expansion of a business or industry.	The applicant intends to extend his property line 15 feet on the northwest corner and 10 feet on the southwest corner in order to get existing steps out of the City ROW. The steps are the only access to the second floor.

### City Departmental Infrastructure & Operational Comments

All land development projects are reviewed by City Engineering & Water Quality staff, Transportation Department staff, and the Land Development Office staff. In addition to the requirements of the City of Chattanooga Zoning Ordinance, all land development is further required to comply with current City of Chattanooga traffic regulations, building and development codes, storm water/water quality regulations, and the landscape ordinance.

### RPA Summary

The Regional Planning Agency is recommending approval of this closure request because the adjacent property will maintain access off of East 16<sup>th</sup> Street and the alley to the north of the property. Furthermore, the right-of-way has limited potential for future use.