

First Reading: September 14, 2021
Second Reading: September 21, 2021

MR-2021-0132
ASA Engineering
c/o Allen Jones on behalf of
1402 Cemetery, LLC
c/o Chris Henegar
District 8

ORDINANCE NO. 13716

AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY IN THE 1400 BLOCK OF CEMETERY AVENUE, AS DETAILED ON THE ATTACHED MAP, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That an unopened alley in the 1400 block of Cemetery Avenue, as detailed on the attached map, be and is hereby closed and abandoned:

Abandonment of an unopened alley beginning at the southeast corner of 146P-F-037 and a point 4 feet north of the southwest most corner of 146P-F-038 thence some 60 feet northeast to a dead end. Tax Map Number 146P-F-038.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall be approved subject to the applicant obtaining necessary permits and approvals from the City of Chattanooga Land Development Office as required for any subsequent construction work. Please note Council action for this item does not constitute a permit for construction.

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: September 21, 2021



CHAIRPERSON

APPROVED: DISAPPROVED:



MAYOR

/mem

Memorandum

To: Ben Taylor
From: Brandon Sutton
cc: Eric Asboe
Date: August 24, 2021
Re: Asa Engineering c/o Allen Jones for 1402 Cemetery LLC c/o Chris Henegar
Case No. MR 2021-0132
Unopened Alley on the 1400 blk of Cemetery Avenue

RECOMMENDATION: APPROVAL WITH CONDITIONS

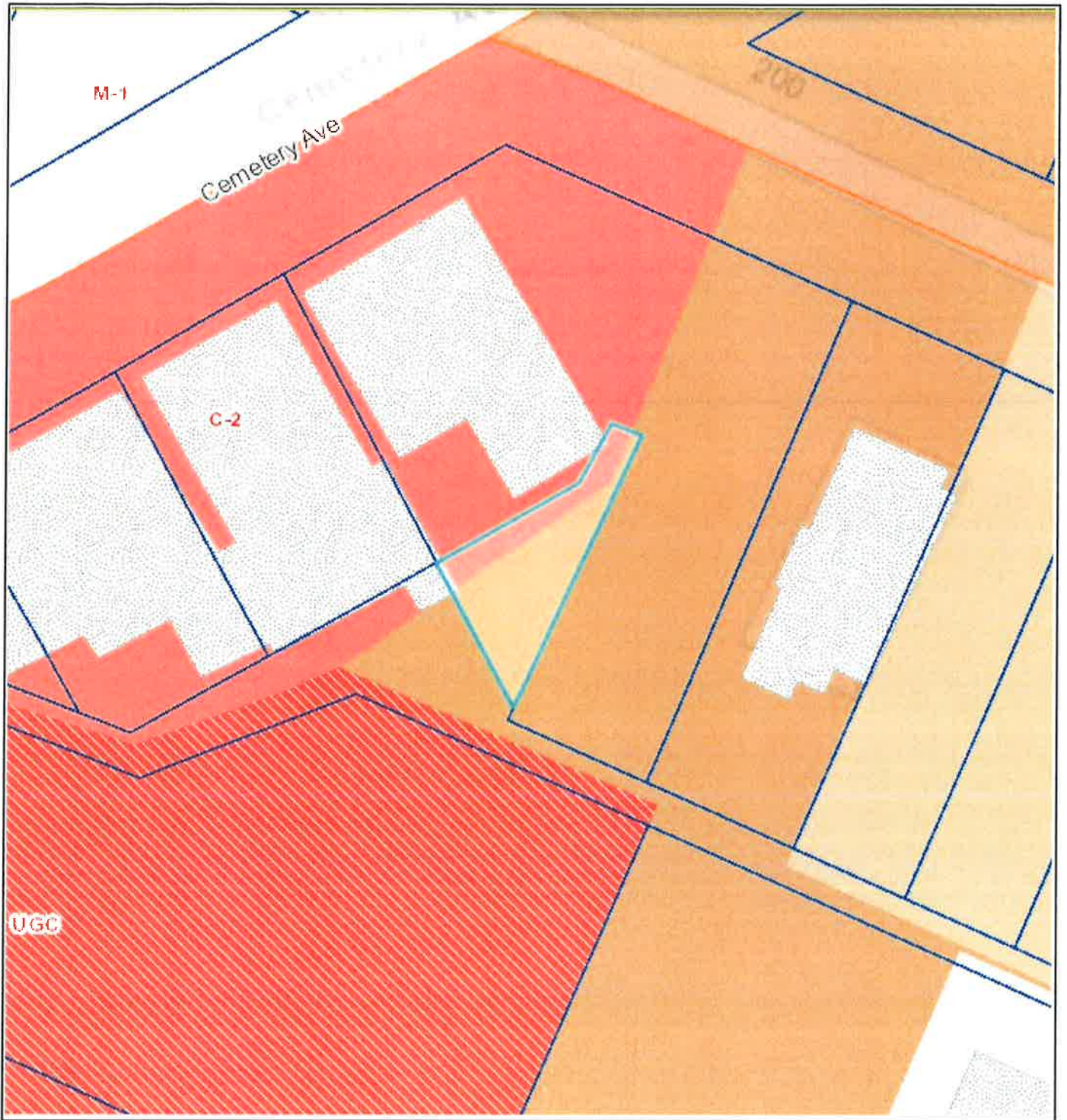
This application was received by the Chattanooga-Hamilton County Regional Planning Agency (RPA) on June 28, 2021 from Asa Engineering c/o Allen Jones for 1402 Cemetery LLC c/o Chris Henegar. The applicant is requesting abandonment of an unopen alley right-of-way, as detailed in the attached resolution and summarized above. RPA staff recommended approval of the abandonment. The abandonment was approved by Planning Commission at its August 9, 2021 meeting (see attached case report and resolution).

After review, the requested right-of-way is classified as Tier 3. Tier 3 rights-of-way are dedicated for public use but are not maintained by the City. They are not physically open and provide no access to the abutting property owners or to utilities. The public has no further need to retain the requested alleyway right-of-way because existing property lines prevent it from ever connecting to E 14th Street. The requested abandonments allow the owner to have full use of the subject property for a proposed development, which is a significant private 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 as required for any subsequent construction work. Please note Council action for this item does not constitute a permit for construction.

MR 2021-0132 Abandonment



PLANNING COMMISSION RECOMMENDATION
FOR CASE NO. MR-2021-0132: Approve.