

**First Reading: June 6, 2023**  
**Second Reading: June 13, 2023**

MR-2023-0032  
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Husch Blackwell LLP  
c/o SEB, LLC and SEB2, LLC  
District 7

ORDINANCE NO. 13988

AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED RIGHT-OF-WAY IN AN ALLEY LOCATED IN THE 3800 BLOCK OF ST. ELMO AVENUE, AS DETAILED ON THE ATTACHED MAPS, SUBJECT TO CERTAIN CONDITIONS.

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SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That an unopened right-of-way in an alley located in the 3800 block of St. Elmo Avenue, as detailed on the attached maps, be and is hereby closed and abandoned:

Abandonment of an unopened alley beginning at its intersection with east line of the 3800 block of Saint Elmo Avenue thence southeast some 90 feet to its intersection with the west line of the 3800 block of Tennessee Avenue. Said alley separates 3800 Saint Elmo Avenue, being Tax Map Number 155O-E-001 from 3904 Saint Elmo Avenue being Tax Map Number 155O-E-002.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall be approved subject to the following conditions:

- 1) Condition No. 1 from Ordinance No. 13484 still applies: auto-oriented uses, wholesaling with accessory warehousing, adult-oriented establishments, and self-storage facilities prohibited; and
- 2) Condition No. 2 – the unopened right-of-way extending between parcels 155O-E-001 and 155O-E-002 is approved to be abandoned but shall maintain pedestrian access. Pedestrian connectivity shall be provided between St. Elmo Avenue and Tennessee Avenue via a pedestrian access easement. The pedestrian access easement area shall


be located on either 155O-E-001 or 155O-E-002 between W. 38<sup>th</sup> Street and the intersection of St. Elmo Avenue and Tennessee Avenue in an area to be coordinated with the Department of Public Works during the plans review and permitting process. The pedestrian access easement shall at a minimum match the width of the unopened right-of-way that has been abandoned, shall not exclude structures from being constructed with the air space above the easement area, and shall be recorded prior to the issuance of a Certificate of Occupancy of any subsequently constructed buildings on parcels 155O-E-001 or 155O-E-002.

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: June 13, 2023

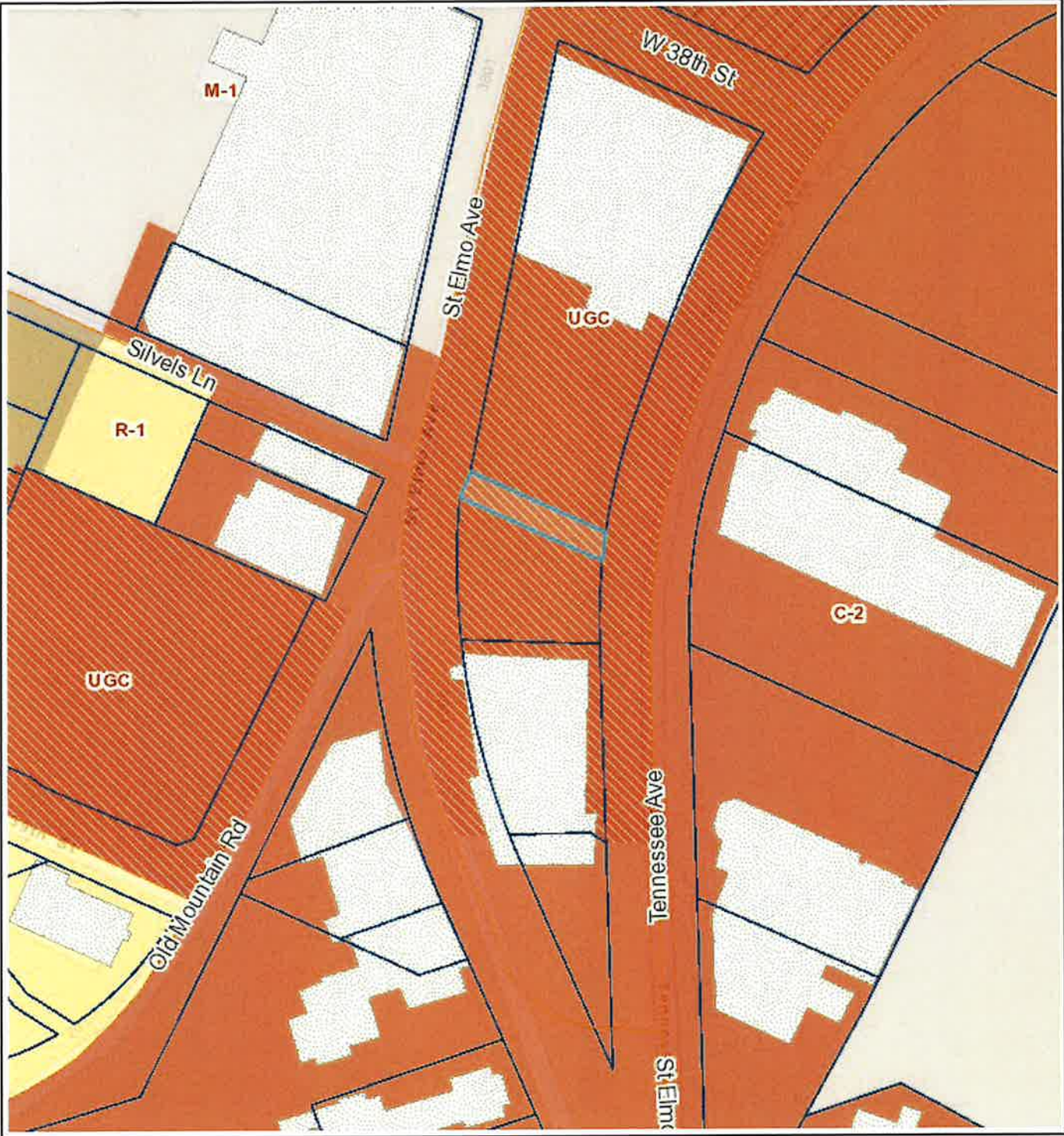
  
\_\_\_\_\_  
CHAIRPERSON

APPROVED:  DISAPPROVED:

  
\_\_\_\_\_  
MAYOR

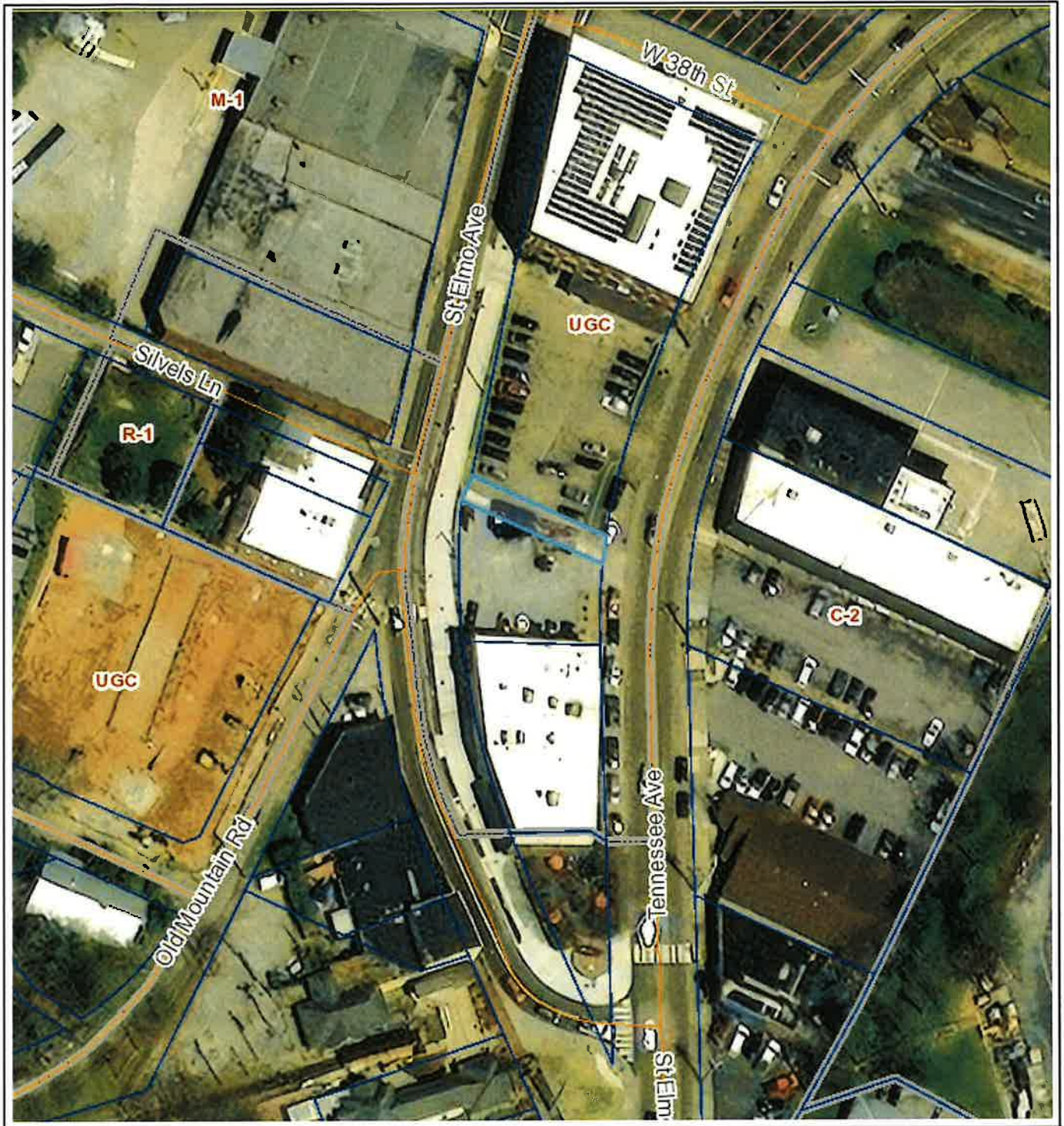
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# MR 2023-0032 Abandonment





MR 2023-0032 Abandonment



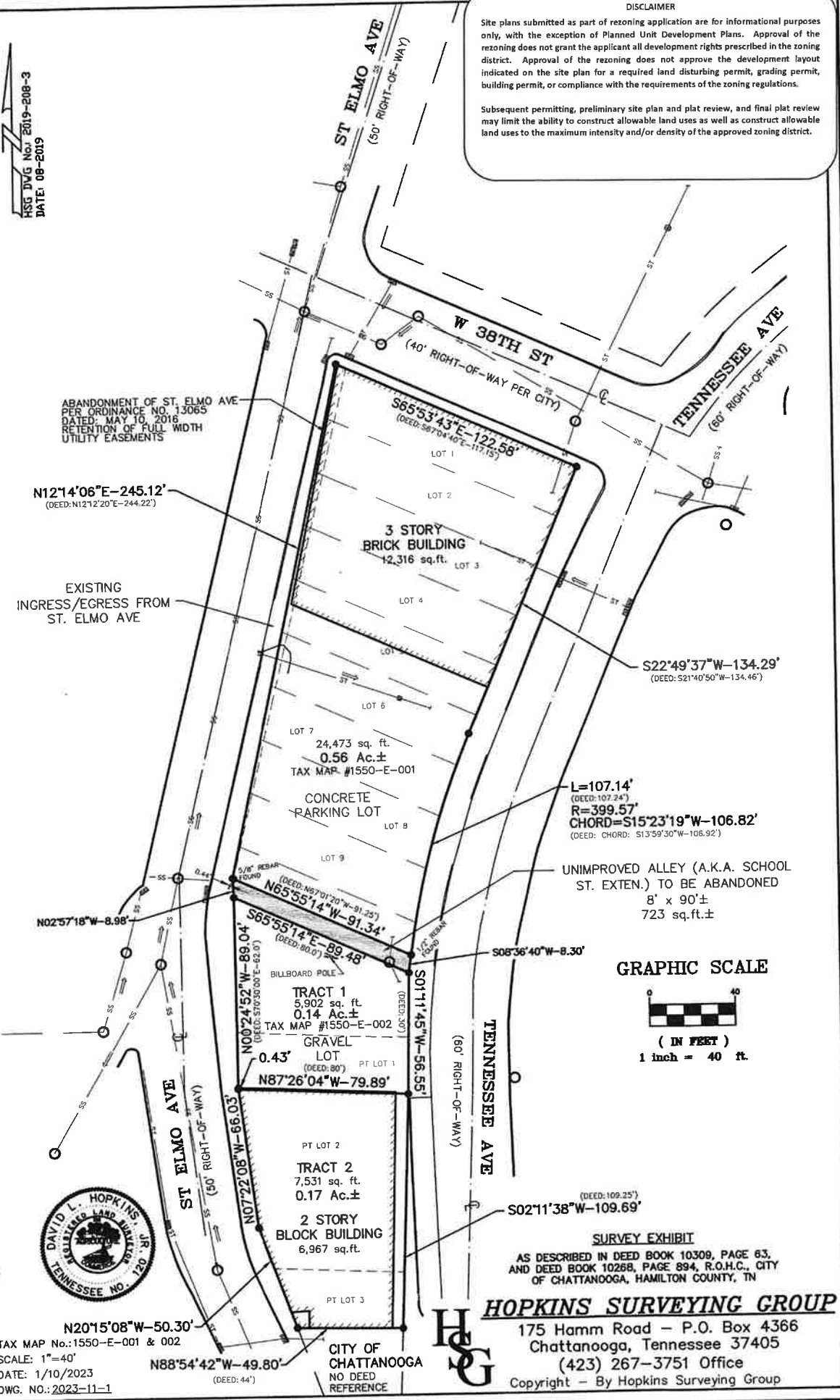
HSG DWG No. 2019-208-3  
DATE: 08-2019

**DISCLAIMER**  
Site plans submitted as part of rezoning application are for informational purposes only, with the exception of Planned Unit Development Plans. Approval of the rezoning does not grant the applicant all development rights prescribed in the zoning district. Approval of the rezoning does not approve the development layout indicated on the site plan for a required land disturbing permit, grading permit, building permit, or compliance with the requirements of the zoning regulations.  
  
Subsequent permitting, preliminary site plan and plat review, and final plat review may limit the ability to construct allowable land uses as well as construct allowable land uses to the maximum intensity and/or density of the approved zoning district.

ABANDONMENT OF ST. ELMO AVE  
PER ORDINANCE NO. 13065  
DATED: MAY 10, 2016  
RETENTION OF FULL WIDTH  
UTILITY EASEMENTS

N12°14'06"E-245.12'  
(DEED: N12°12'20"E-244.22')

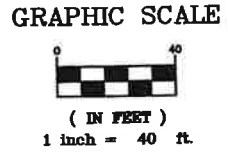
EXISTING  
INGRESS/EGRESS FROM  
ST. ELMO AVE



S22°49'37"W-134.29'  
(DEED: S21°40'50"W-134.46')

L=107.14'  
(DEED: 107.24')  
R=399.57'  
CHORD=S15°23'19"W-106.82'  
(DEED: CHORD: S13°59'30"W-106.92')

UNIMPROVED ALLEY (A.K.A. SCHOOL  
ST. EXTEN.) TO BE ABANDONED  
8' x 90'±  
723 sq.ft.±



N20°15'08"W-50.30'  
TAX MAP No.: 1550-E-001 & 002  
SCALE: 1"=40'  
DATE: 1/10/2023  
DWG. NO.: 2023-11-1

N88°54'42"W-49.80'  
(DEED: 44')

CITY OF CHATTANOOGA  
NO DEED  
REFERENCE



**SURVEY EXHIBIT**  
AS DESCRIBED IN DEED BOOK 10309, PAGE 63,  
AND DEED BOOK 10268, PAGE 894, R.O.H.C., CITY  
OF CHATTANOOGA, HAMILTON COUNTY, TN

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