

1ST READING
2ND READING
INDEX NO.

10-9-07
10-16-07

MR-2007-110
Bragg Point Properties, LLC

ORDINANCE NO. 12029

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE UNIT BLOCK OF LAUREL DRIVE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That there be and is hereby closed a portion of the unit block of Laurel Drive, more particularly described below and as shown on the maps attached hereto and made a part hereof by reference:

Abandonment of a portion of the unit block of Laurel Drive beginning at the northeast corner of Tax Map 156E-A-025 thence southwest along the east line of said parcel some 105 feet thence 88 feet southeast to a point in the west line of Tax Map 156E-A-001 thence northeast along the west line of said parcel some 80 feet to its northwest corner, thence northwest some 121 feet to the northeast corner of Tax Map 156E-A-025, the point of beginning. Said portion of said drive separates Tax Map 156E-A-001 from 156E-A-025.

SECTION 2. BE IT FRUTHER ORDAINED, that this closure and abandonment shall be subject to

1. AT& T Southeast maintaining an easement in the full width;
2. The Planning Commission and City Engineer recommend the temporary closure of a part of the unopened unit block of Laurel Drive beginning at its northern boundary to be abandoned above thence northeastwardly some 220 feet to the south line of the unit block of Sheridan Avenue as shown on the attached map; and
2. The conditions stated on the attached Memorandum.

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


October 16, 2007.



CHAIRPERSON

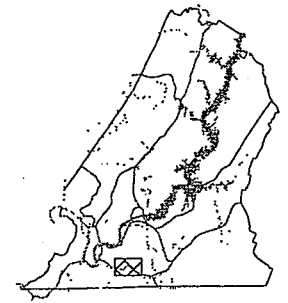
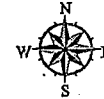
APPROVED: DISAPPROVED: _____

DATE: Oct 19 '07, 2007



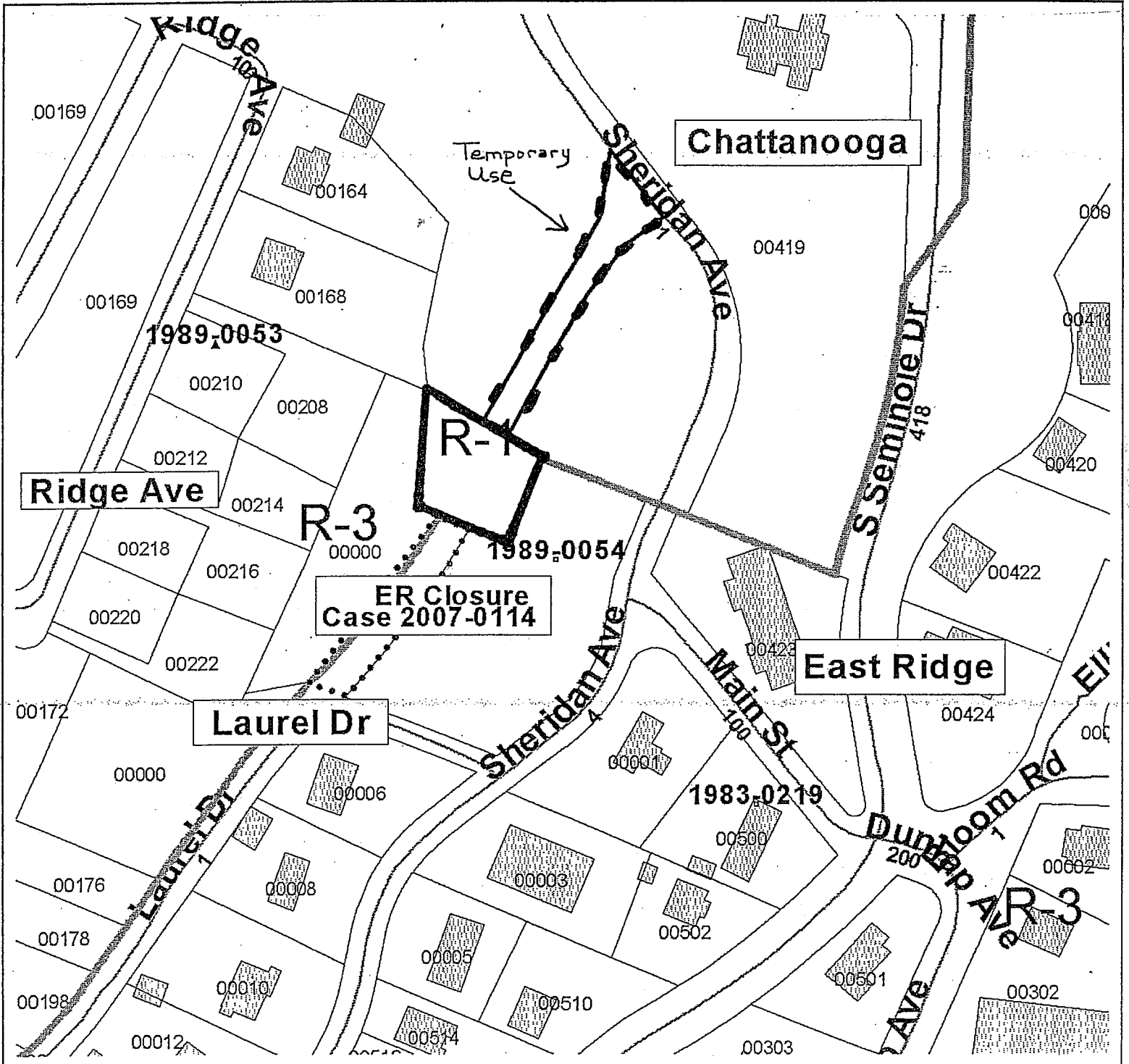
MAYOR

/add



CHATTANOOGA
CASE NO.: 2007-0110
PC MEETING DATE: 7/9/2007
MR ABANDON STREET R-O-W

1 in. = 125.0 feet



PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2007-110: Approve, subject to approval of City Engineer and all public utilities and recommend a Temporary Use Permit on the right-of-way north of this to Sheridan Avenue.

THE BROWNSTONES & CARRIAGE HOMES AT BRAGG POINT

BROWNSTONES : PHASE I

2007-110 & 114

964.7 +

CARRIAGE HOMES : PH

SOUTH CREST ROAD

NATIONAL PARK
BRAGG RESERVATION

RIDGE AVE

1050

Chattanooga
East Ridge

CONCEPTUAL SITE PLAN

1" = 60'

EXTENT OF PROPERTY
OWNED BY CITY

ART



Memorandum

To: Bill Payne
From: Bill Cannon
Date: September 11, 2007
Re: Bragg Point Properties, LLC - Case No. 2007-110
(Unit block of Laurel Drive)
Recommendations for Requested Unopened ROW Abandonment

I have completed the review of Bragg Point Properties request regarding the abandonment of the unopened ROW beginning at the northeast corner of Tax Map 156E A 025 thence southwest along the east line of said parcel 105' ± thence 88' ± southeast to a point in the west line of Tax Map 156E A 001 thence northeast along the west line of said parcel some 80 feet to its northwest corner, thence northwest some 121 feet to the northeast corner of Tax Map 156E A 025, the point of beginning. In addition it is recommended that temporary closure be obtained for a portion of the unopened unit block of Laurel Drive beginning at its northern boundary to be abandoned above thence northeastwardly 220' ± to the south line of the unit block of Sheridan Ave. as shown on the attached map. My comments are as follows:

1. The ROW for this unopened ROW is 105' ± in width. This was verified by the Plat dated August 10, 1907 (Plat Book 5, Page 56) and a land survey conducted by Surveying Group, Inc. dated October 31, 1993 (Plat Book 50, Page 263).
2. The existing ROW is not open to traffic, is not surfaced, is not used as a service road or parking.
3. At this time, there are plans to develop this property (Bragg Point Land Company). The requested use for this land is to construct town homes / garden homes.
4. The following Public interest and Utility Owners noted objections to the Abandonment.
 - AT&T Southeast (formerly BellSouth)
5. AT&T Southeast (formerly BellSouth) has addressed its objection in written format stating they would not object if arrangements were made to maintain existing easements in the proposed abandonment area.

After review of the Abandonment and Temporary Closure request, maintaining the existing Rights - of - Way does not serve the Public's interest on Laurel Drive.

Therefore, I recommend that the request for abandonment of the ROW be approved pending retention of all utility easements, routing rights, and right of ingress/egress for the full width and length of the existing ROW. In addition the temporary closure of the above referenced portion of ROW should be approved with the understanding that no permanent structures can be built on the property, but fencing, gates, or similar appurtenances could be placed in the area. In addition, the City of Chattanooga reserves the right to remove any appurtenances, at anytime for ingress/egress to City utilities. The cost of repair or replacement of such items will be at the expense of the owner.