

**First Reading: February 2, 2021**  
**Second Reading: February 9, 2021**

MR-2020-0175  
Dane Bradshaw  
Riverton LLC  
District 2

ORDINANCE NO. 13648

AN ORDINANCE ESTABLISHING AN EASEMENT ACROSS CITY-OWNED REAL PROPERTY LOCATED AT 1210 MERCER STREET FOR THE CONSTRUCTION OF A PUBLIC RIGHT-OF-WAY WITHIN THE EASEMENT.

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**WHEREAS**, Riverton LLC ("Riverton") and the City of Chattanooga (the "City") desire to have a public right of way over a portion of real property located at 1210 Mercer Street, Lupton City, Tennessee owned by the City (the "Property") providing north-south connectivity from Dixie Circle across a railroad crossing to real property owned by Riverton; and

**WHEREAS**, the change of use of the Property into a public right-of-way has been recommended by the mandatory referral of the Chattanooga-Hamilton County Regional Planning Commission in Petition No. MR-2020-0175; and

**WHEREAS**, Riverton has agreed to construct the new public right-of-way for the purpose of dedicating the right-of-way to public use.

**NOW, THEREFORE, BE IT ORDAINED,**

1. That the City approves granting Riverton an easement over the Property more particularly described on Exhibit A and shown on Exhibit B (the "Easement Area") for the purpose of constructing a roadway to be dedicated to public use providing north-south connectivity from the roadway know as Dixie Circle to the Riverton property (parcel 118K A 046) and permitting Riverton to install, maintain and replace

signage and landscaping, which signage and landscaping will comply with applicable City regulations..

2. That the City will assure the Easement Area and a distance of thirty (30') feet on either side of the Easement Area (the "Temporary Construction Easement Area") are in a condition suitable for road construction in the ordinary and customary course.
3. That Riverton shall pay for the engineering design, fees and construction of the public right-of-way within the Easement Area.
4. Riverton shall obtain permits and approvals from the City of Chattanooga Land Development Office as required for any construction work.
5. The City shall retain the right to install, maintain and replace utilities, including the utilities and in the locations specified on the utility cards attached with this Ordinance.
6. That an agreement for the construction of the public right-of-way with terms approved by the Office of the City Attorney may be executed, pursuant to Chattanooga Code Section 2-548, by the Mayor, the Department of Public Works for the City of Chattanooga, or Chattanooga Department of Transportation.
7. That Riverton will abandon the existing non-exclusive twenty-five foot (25') easement across the Property recorded in Deed Book 5382, Page 495 in the Register's Office for Hamilton County, Tennessee.

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading: February 9, 2021

  
\_\_\_\_\_  
CHAIRPERSON

APPROVED:  DISAPPROVED:

  
\_\_\_\_\_  
MAYOR

**EXHIBIT A**

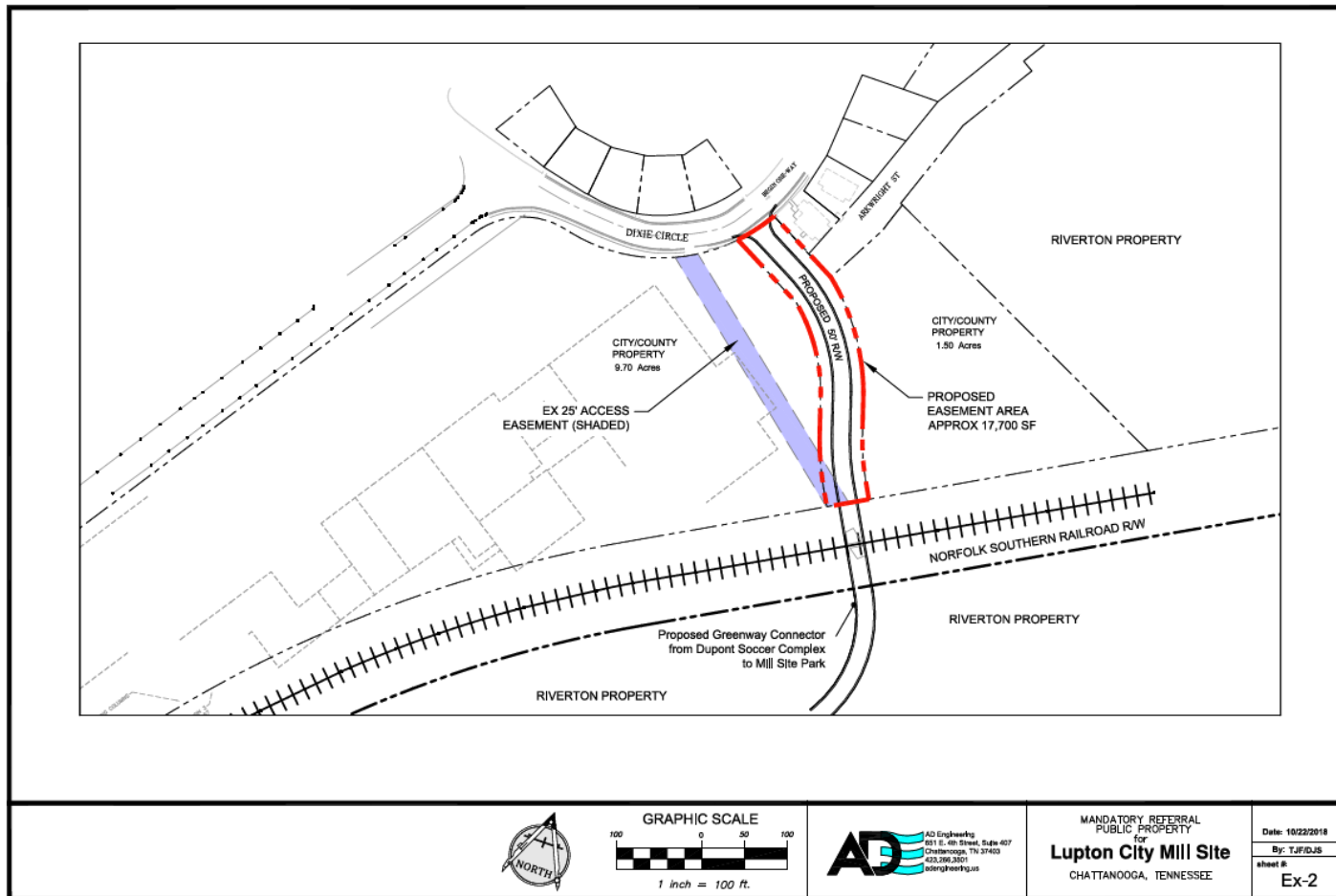
Easement Property

Legal Description

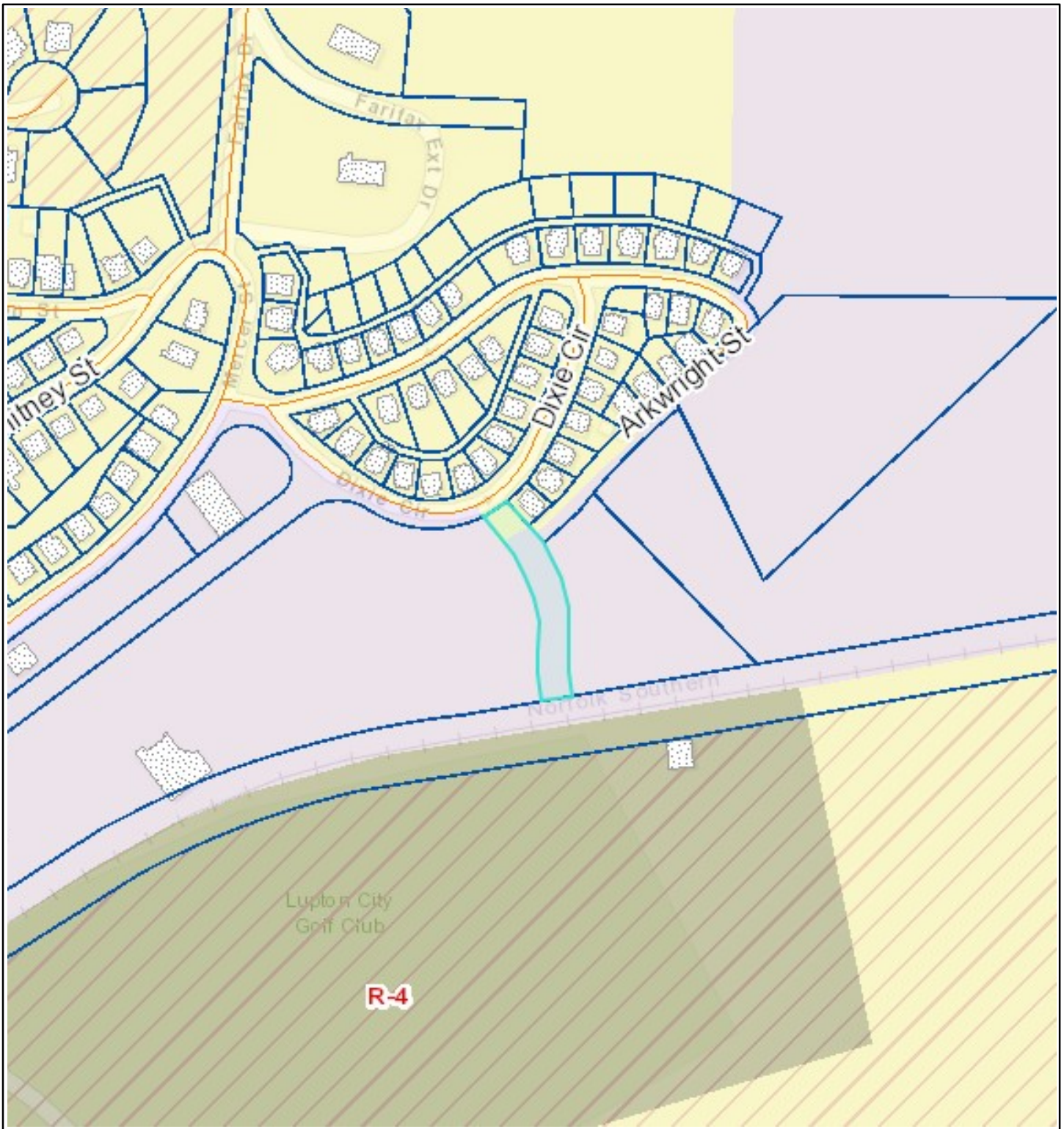
Beginning at a point on the south line of Dixie Circle at the northwest corner of Tax Map No. 118E-G-020, thence southeastwardly 97.62 feet, then southwestwardly on a radius of 261.14 feet with a chord of length of 141.72 feet, thence southwest 50.73 feet, thence on a 275.00 foot radius with a chord length of 53.97 feet, then southeast 21.43 feet to point at the intersection of the Norfolk Southern Railroad right-of-way (a point in the south line of Tax Map No. 118E-006.03 being approximately 332.90 feet southwest from the southeast corner of said Tax Map), then southwest along said southern line 50.00 feet, thence northeast 21.44 feet, then along a radius of 325.00 feet with a chord length of 63.78 feet, then northeast 50.00 feet, thence along a radius of 211.41 feet with a chord length of 109.14 feet, thence northwest 100.99 feet to the intersection of the south line of Dixie Circle, and finally along the south line of Dixie Circle on a radius of 231.91 with a chord length of 50.86 to POINT OF BEGINNING, approximately 17,700 square feet, more or less.

# EXHIBIT B

## Depiction of Easement Area



# MR 2020-0175 Mandatory Referral for Other Public Use



PLANNING COMMISSION RECOMMENDATION: APPROVE