

ORDINANCE NUMBER: 2015-11

AN ORDINANCE ABANDONING RIGHT-OF-WAY BETWEEN SOUTH STREET  
AND FAIRVIEW STREET IN SIGNAL MOUNTAIN, TENNESSEE

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**WHEREAS,** property owners of adjacent lots have requested the abandonment of an unopened and unused right-of-way which lies between South Street and Fairview Street as shown on the attached tax and parcel map for this area in the Town; and

**WHEREAS,** the right-of-way is not used for public transportation and does not provide the only means of public road access to adjacent properties; and

**WHEREAS,** the Town has no intention of utilizing the right-of-way for public transportation in any proposed development plan; and

**WHEREAS,** the Signal Mountain Municipal Planning Commission has reviewed and recommended the proposed abandonment of the right-of-way as required by T.C.A. § 13-4-104.

**SECTION 1.** BE IT ORDAINED BY THE TOWN COUNCIL OF SIGNAL MOUNTAIN, TENNESSEE, that there be and is hereby abandoned the unopened portion of East Street that lies between South Street and Fairview Street, more particularly described herein and as shown on the tax and parcel maps attached hereto and made a part of by reference:

Abandonment of a portion of the unopened East Street right-of-way in Block Twenty-Three (23), amended plat of Mountain Land Company, Tract Two (2), as recorded in Plat Book 8, Page 23, in the Register's Office of Hamilton County, Tennessee, being bounded on the east by the 30' right-of-way of Fairview Street, on the west by that portion of said East Street previously abandoned, on the north by Tax Map Nos. 107L G 008 and 107L G 009, and on the south by Tax Map Nos. 107L G 026 and 107L G 027.

**SECTION 2.** BE IT FURTHER ORDAINED that the Town of Signal Mountain, Tennessee retains its right to maintain any existing utility easements within the right-of-way abandoned by this Ordinance and to temporarily use the area adjacent to utility lines for construction or repair when necessary as determined by the Town or its assignees. This abandonment shall not impact any utility or maintenance easements of the Town which are provided by adjoining property owners as additional consideration for this abandonment.

**SECTION 3.** BE IT FURTHER ORDAINED that this Ordinance shall take effect on the 16<sup>th</sup> day of November, 2015, conditioned upon the delivery to the Town of executed easement

agreements from Charles H. Beasley IV, Teresa E. Beasley, Robert F. Phlegar and Harriett L. Phlegar.

Recommended by Planning Commission: May 1, 2014

Passed on first reading: September 14, 2015

Passed on second reading: October 12, 2015



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Mayor, Dick Gee



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Recorder

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Date

10/12/15

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Date

10-12-15