

City of Chattanooga  
Petition for Waiver from Tennessee Heritage Protection Act  
Submitted April 16, 2018  
Request to be included on  
Tennessee Historical Commission Meeting June 15, 2018



# City of Chattanooga

Mayor Andy Berke

April 15, 2018

E. Patrick McIntyre, Jr.  
Executive Director and State Historic Preservation Officer  
Tennessee Historical Commission  
2941 Lebanon Pike  
Nashville, TN 37214

Re: Petition for Waiver, Patten Parkway Memorials

Dear Mr. McIntyre,

Enclosed with this letter is the Petition for Waiver concerning the memorials on Patten Parkway filed on behalf of the City of Chattanooga. The Petition for Waiver is being filed pursuant to the Tennessee Heritage Protection Act of 2016, T.C.A. 4-1-412. Please place this matter on the June 15, 2018 agenda of the Tennessee Historical Commission for consideration.

All required materials are included; however, if additional information is needed or if you have questions, please contact Blythe Bailey at 423-643-5955 or [bbailey@chattanooga.gov](mailto:bbailey@chattanooga.gov).

Sincerely,

Mayor Andy Berke  
City of Chattanooga

Attachments

PETITION FOR WAIVER COVER SHEET  
Document 02



**TENNESSEE HISTORICAL COMMISSION  
TENNESSEE HERITAGE PROTECTION ACT OF 2016  
PETITION FOR WAIVER COVER SHEET**



In accordance with T.C.A. § 4-1-412, an initial hearing before the Tennessee Historical Commission on a petition for waiver shall be scheduled at any regular Commission meeting no sooner than 60 calendar days after a petition is filed. Regular meetings of the Tennessee Historical Commission are normally held on the third Friday of February, June, and October. This cover sheet is designed to aid in the review of the petition for waiver. Refer to T.C.A. § 4-1-412 for procedural and term definitions.

**Petition Date:** \_\_\_\_\_

**Petitioning Entity:** \_\_\_\_\_

**Contact Name:** \_\_\_\_\_

**Address:**

**Phone Number:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**Memorial Owner/Managing Entity (if different):** \_\_\_\_\_

**Contact Name:** \_\_\_\_\_

**Address:**

**Phone Number:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**Memorial Name or Description:** \_\_\_\_\_

**Memorial Type** (check all that apply):

- |                                   |   |  |                                 |
|-----------------------------------|---|--|---------------------------------|
| <input type="checkbox"/> Artwork  | <input type="checkbox"/> Historic Display | <input type="checkbox"/> Plaque        | <input type="checkbox"/> Statue |
| <input type="checkbox"/> Bridge   | <input type="checkbox"/> Memorial         | <input type="checkbox"/> Preserve      | <input type="checkbox"/> Street |
| <input type="checkbox"/> Building | <input type="checkbox"/> Monument         | <input type="checkbox"/> Real Property |                                 |
| <input type="checkbox"/> Bust     | <input type="checkbox"/> Nameplate        | <input type="checkbox"/> Reserve       |                                 |
| <input type="checkbox"/> Flag     | <input type="checkbox"/> Park             | <input type="checkbox"/> School        |                                 |

**Memorial Subject Category** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Historic Conflict | <input type="checkbox"/> Historic Figure       |
| <input type="checkbox"/> Historic Entity   | <input type="checkbox"/> Historic Organization |
| <input type="checkbox"/> Historic Event    |  |

**Memorial Subject Description:**

**Memorial Location Description:**

**Memorial GPS Coordinates:** \_\_\_\_\_

**Memorial Location City:** \_\_\_\_\_

**Memorial Location County:** \_\_\_\_\_

**Waiver Type:**

- |                                       |  |
|---------------------------------------|--|
| <input type="checkbox"/> Alteration   | <input type="checkbox"/> Removal                         |
| <input type="checkbox"/> Rededication | <input type="checkbox"/> Renaming                        |
| <input type="checkbox"/> Relocation   | <input type="checkbox"/> Other Disturbance or Alteration |

**Waiver Type Description:**

**Basis Upon Which Waiver is Sought:**

**Required Attachments:**

- Proof that the memorial is or is located on public property
- Proof that the petitioning entity is a public entity exercising control of the memorial
- Detailed statement of the request and the basis upon which the waiver is sought
- Report(s) showing that there is a material or substantial need for a waiver based on historical or other compelling public interest
- Excel spreadsheet listing the names and addresses of any private entities, groups, or individuals, including, but not limited to, descendants, that may have an interest in receiving notice of the petition
- Copy of published notice of the petition for waiver stating the basis on which the waiver is sought and that a copy of the petition and all supporting reports will be provided to any interested party at no cost upon written request submitted to the petitioning entity on the website of the petitioning entity
- Copy of published notice of the petition for waiver stating the basis on which the waiver is sought and that a copy of the petition and all supporting reports will be provided to any interested party at no cost upon written request submitted to the petitioning entity in at least one newspaper of general circulation serving the area of the memorial
- Copy of published notice of the petition for waiver stating the basis on which the waiver is sought and that a copy of the petition and all supporting reports will be provided to any interested party at no cost upon written request submitted to the petitioning entity in at least one newspaper of general circulation serving Davidson County
- Photograph(s) of the memorial

**Deliver completed cover sheet and attachments to:**

E. Patrick McIntyre, Jr.  
Executive Director and State Historic Preservation Officer  
Tennessee Historical Commission  
2941 Lebanon Pike  
Nashville, TN 37214  
Patrick.McIntyre@tn.gov  
615-770-1550

City of Chattanooga  
Petition for Waiver  
Document 03

Patten Parkway Memorials are  
Located on Public Property



Gail Hart &lt;ghart@chattanooga.gov&gt;

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## Patten Parkway

1 message

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**Web Raulston** <wraulston@jonesraulston.com>

Thu, Apr 14, 2016 at 4:48 PM

To: Gail Hart &lt;ghart@chattanooga.gov&gt;

Great news! We found the deeds for the Patten Parkway right of way. City has owned the property since 1887. City has the whole thing including the sidewalks, right up to the buildings either side and the deeds fit the Chadwick Atlas map perfectly. City has everything except part of the sidewalk on the south side from Adolph Ochs. The remainder came from a Christian Motz, who owned the lot where the Volunteer Life Building now stands.

We will get this into a property report and ready for your review.

Thank you!

**Matthew W. Raulston, "Web"**

Vice President/Attorney\*

**JONES AND RAULSTON**  
TITLE INSURANCE

518 Georgia Ave. Suite 200

Chattanooga, TN 37403

P (423) 362-4333

F (423) 370-1236

[www.jonesraulston.com](http://www.jonesraulston.com)

**Jones Raulston Title Insurance Agency, Inc. is the first title company in Chattanooga who is ALTA Best Practices Certified.** This certification demonstrates our compliance with the procedures instituted to by the American Land Title Association in response to the Consumer Financial Protection Bureau.

\*Licensed in Georgia



This electronic message may contain information that is confidential and/or legally privileged. It is intended only for the use of the individual(s) and entity named as recipients in the message. If you are not an intended recipient of this message, please notify the sender immediately and delete the material from any computer. Do not deliver, distribute or copy this message, and do not disclose its contents or take any action in reliance on the information it contains.

Pursuant to Circular 230 issued by the United States Treasury Department and relating to practice before the Internal Revenue Service, any comment or opinion in this communication relating to a federal tax issue is not intended to be used, and cannot be used, by a taxpayer for the purpose of avoiding tax-related penalties that may be imposed on the taxpayer.

Please note carefully the Liability Exclusions and Limitations and the specific assurances afforded by this report. If you wish additional liability, or assurances other than as contained herein, please contact the Company for further information as to the availability and cost.

ORDER NO.: NU16-0274TN

**PLANT SERVICE INFORMATION REPORT  
JONES RAULSTON TITLE AGENCY, INC.  
518 GEORGIA AVENUE  
CHATTANOOGA, TENNESSEE 37403**

**DOES HEREBY ASSURE:**

City of Chattanooga  
Real Property Coordinator  
Attn: Gail Hart

**FEE: \$5,500.00**

who, by requesting this limited report agrees that the liability of the company hereunder shall not exceed the amount of the fee paid for this information and understands that such information is furnished from an examination of its property accounts or county property indices and that such information as to the matters herein specified pertaining to land herein described as follows:

**RECORD OWNERS:**

City of Chattanooga, Tennessee, a municipal corporation

**LEGAL DESCRIPTION:**

**Tract 1**

West one half, Patten Parkway Right of Way-Part of Tax Parcel 145D-V-027

In the First Civil District of Hamilton County, Tennessee and in the City of Chattanooga, Tennessee:

A lot known as Lot Number Eighteen on the Map of the City of Chattanooga on Georgia Avenue and lying and being One Hundred and Fifty feet North from Ninth Street on the East side of Georgia Avenue and fronting One Hundred feet on Georgia Avenue and extending Eastwardly of uniform width Two Hundred feet being Same property Quit claimed to A. S. Ochs by Lew Owen.

Last recorded deed and prior title is a deed recorded in Deed Book 52, Page 20, in the Register's Office of Hamilton County, Tennessee.

**Tract 2**

East one half, Patten Parkway Right of Way-Part of Tax Parcel 145D-V-027

In the First Civil District of Hamilton County, Tennessee and in the City of Chattanooga, Tennessee:

Commencing at a point on the west side of "A" Street (now known as Lindsay Street) in the City of Chattanooga One Hundred and Forty five (145) feet from the corner of Ninth Street Running thence along "A" Street northwardly One Hundred (100) feet thence back of the uniform width of One Hundred (100) feet West two hundred (200) feet adjoining on the North the Mrs. Fully Property on the south the Kelly & Davenport lot and on West The lot owned by the City on East by "A" Street it being intended hereby to convey One Hundred (100) feet fronting on said "A" Street Westwardly in Rear or East of the City lot fronting 100 feet on Georgia Avenue giving the city a uniform width of 100 feet for 400 feet through to "A" Street.

Last recorded deed and prior title is a deed recorded in Deed Book 52, Page 21, in the Register's Office of Hamilton County, Tennessee.

**Tract 3**

West one half of the south sidewalk, Patten Parkway-Part of Tax Parcel 145D-V-027

In the First Civil District of Hamilton County, Tennessee and in the City of Chattanooga, Tennessee:

A Strip of Land Eight feet wide off the North Side of Said C. Motz Lot on Georgia Avenue and beginning on Georgia Avenue in Said City and on the South Side of the School lot on Said Georgia Avenue now owned by the city and running thence Eastwardly along the line and adjoining said School property a uniform width of Eight feet a distance of Two Hundred feet more or less to line of what is Known as the Kelly and Davenport Lot.

Last recorded deed and prior title is a deed recorded in Deed Book 52, Page 19, in the Register's Office of Hamilton County, Tennessee.

**Tract 4**

North sidewalk, Patten Parkway-Part of Tax Parcel 145D-V-027

In the First Civil District of Hamilton County, Tennessee and in the City of Chattanooga, Tennessee:

A Strip of Land Eight feet wide and Beginning on Georgia Avenue in said City and on the South Side of the lot now owned by Adolph S. Ochs purchased from Key & Richmond by him Adjoining the City's Lot on said street and being thence East Wardly of a Uniform Width of Eight feet a distance of Four Hundred (400) feet more or less to "A" Street in said City.

Last recorded deed and prior title is a deed recorded in Deed Book 60, Page 482, in the Register's Office of Hamilton County, Tennessee.

**Tract 5**

East one half of the south sidewalk, Patten Parkway-Part of Tax Parcel 145D-V-027

In the First Civil District of Hamilton County, Tennessee and in the City of Chattanooga, Tennessee:

One other strip or parcel of land Eight feet wide & beginning on "A" Street in Said City on the South Side of the Lot Conveyed to the City by A. S. Ochs and Running thence West Wardly of a Uniform Width of Eight feet a distance of Two Hundred (200) feet more or less to Christian Motz Lot.

Last recorded deed and prior title is a deed recorded in Deed Book 60, Page 482, in the Register's Office of Hamilton County, Tennessee.

**ENCUMBRANCES OF RECORD:**

NONE

**LIENS OF RECORD:**

NONE

**EASEMENTS, RESERVATIONS, RESTRICTIONS, ETC:** Subject to the following:

Conditions set out in Deed Book 52, Page 19, in the Register's Office of Hamilton County, Tennessee; as to Tract 3.

Conditions set out in Deed Book 60, Page 482, in the Register's Office of Hamilton County, Tennessee; as to Tract 4.

Conditions set out in Deed Book 60, Page 482, in the Register's Office of Hamilton County, Tennessee; as to Tract 5.

Any and all utility, gas, water, and sewer lines which may exist.

**TAXES:**

Taxes for the year 2016 are lien, not yet due and payable.

County & City Taxes for the year 2015 are EXEMPT. Tax Map & Parcel No. 145D-V-027.

**OTHER:**

NONE

No guarantee is made as to the validity, legal effect or priority of any matter above shown, and if the information was requested by reference to a street address, no guarantee is made that said land is the same as said address.

Dated as of April 13, 2016.

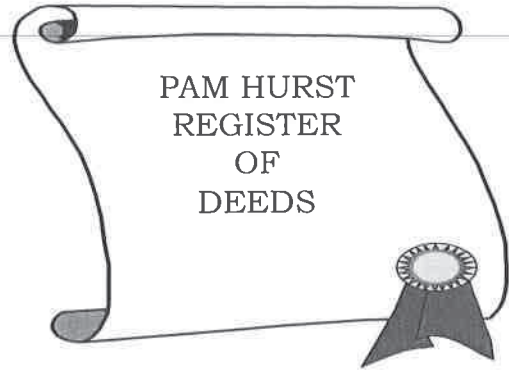
Jones Raulston Title Insurance Agency, Inc.

By: 

Matthew W. Raulston, Vice-President

Pam Hurst, REGISTER

Hamilton County Register's Office  
625 Georgia Ave Room 400 Courthouse  
PO BOX 1639  
CHATT. ,TN 37401  
Phone: (423) 209-6560  
Fax: (423) 209-6561



Fax Number: <b>jsartain@jonesraulston.com</b>	Date: <b>4/14/16</b>	Time:
To: <b>JP Sartain</b>	From: <b>Sheldon W.</b>	
Company Name: <b>Jones-Raulston Title</b>	Number of Pages, Including Cover Page:	<b>5</b>
Message:  Per your request, I am faxing you the document(s) recorded in <b>Book 52, Pages 19, 20, and 21</b>  <i>AKA "Record Z, Vol. 2, Pages 19, 20, 21"</i>		
Thank you. Have a NICE DAY!		
Please visit our web page - <a href="http://www.hamiltontn.gov/register">www.hamiltontn.gov/register</a> EMAIL ADDRESS: <a href="mailto:register@hamiltontn.gov">register@hamiltontn.gov</a>		

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I solemnly swear that I am lawfully seized and possessor  
of said Real Estate have full power and lawful authority to sell  
and convey the same that the title is clear free and unincumbered  
And I will forgo warrant and defend the same against all  
lawful claims this 10<sup>th</sup> day of January 1887  
J. L. McCollum  
E. A. McCollum  
Ordey Baldwin.

State of Ohio  
County of Cuyahoga } Before me Joseph J. Plank a Notary Public  
in and for the County and State aforesaid personally appeared  
Ordey Baldwin the within named Bargainer with whom I am  
personally acquainted and who acknowledged that he executed  
the within instrument for the purposes therein contained Witness my  
hand and official seal this 10<sup>th</sup> day of January 1887  
Joseph J. Plank  
Notary Public in and for Cuyahoga County Ohio

State of Tennessee  
Hamilton County } Personally appeared before me Jas. P.  
McMillen a Notary Public in for said County J. L. McCollum & E. A. McCollum  
The within named bargainer with whom I am personally acquainted  
and who acknowledged that they executed the within named instrument  
for the purposes therein contained and E. A. McCollum wife of the said  
J. L. McCollum having appeared before me privately and apart from  
her husband the said E. A. McCollum acknowledged the execution  
of the said deed to have been done by her free, voluntarily and undistur-  
bably without compulsion or constraint from her said husband  
and for the purposes therein expressed Witness my hand at office  
this 10<sup>th</sup> day of January 1887  
Jas. P. McMillen  
Notary Public  
Hamilton County Tennessee

The above deed and certificate  
were filed for registration 15<sup>th</sup> day of January 1887 at 10<sup>30</sup> AM Eastern in Book  
Book No 7 Page 111 and recorded in Book No. Vol. 2 Page 187  
Witness my hand at office in Chattanooga  
W. D. Beck Register

For and in consideration of the sum of Eight Hundred dollars to me in  
hand paid the receipt whereof is hereby acknowledged I Christian Metz  
of the city of Chattanooga Tennessee have this day bargained sold transferred  
and conveyed and by deed presents do hereby bargain sell transfer  
convey and confirm unto the Board of Mayor and Aldermen of  
the City of Chattanooga Tennessee their Successors and assigns for  
ever for the use of the public as a sidewalk the following strip  
of Real Estate Situate in said City of Chattanooga Hamilton  
County Tennessee to wit A Strip of Land eight feet wide off the  
North side of said C. Metz Lot on Georgia Avenue and beginning  
on Georgia Avenue in said City and on the South side of the  
School lot on said Georgia Avenue now owned by the City and  
running thence Eastwardly along the line and adjoining said School  
property a uniform width of eight feet a distance of five hundred  
feet more or less to line of what is known as the Holly Swamp

Lot. To have and to hold said Strip or parcel of Real Estate  
Above described for Siderwalk purposes unto the said Board  
of Mayor and Aldermen of the City of Chattanooga Their Successors  
and assigns forever I Covenant that I am lawfully seized of  
said land have a good right to convey it and that it is never  
claimed by I furthermore bind myself my heirs and person  
at Representatives to warrant and forever defend the title to said  
Strip of land against the lawful claims of all persons whomsoever  
in Reasonable whereof I have hereto set my hand and seal  
this 4th day of January 1887 Christ Motz <sup>Deed</sup>  
And I here Regine Motz wife of said C. Motz hereby join  
in the above conveyance for the purpose of driving and  
releasing all Homestead or Dower I have or could enjoy  
therein or all other Estate I could have which I hereby  
fully do for the Considerations aforesaid This 4th day of January 1887  
State of Tennessee } Regina Motz <sup>Deed</sup>

Hamilton County } Personally appeared before me Julius  
Ochs a Notary Public for said County duly Commissioned  
and qualified Christian Motz the within named bargainer with  
whom I am personally acquainted and who acknowledges  
that they executed the within instrument for the purposes  
therein contained and Regina Motz wife of the said Christian  
Motz having appeared before me privately and apart from  
her husband the said Regina Motz acknowledges the Execu-  
tion of the said Deed to have been done by her freely voluntarily  
and understandingly without Compulsion or Constraint from  
her said husband and for the purposes therein Express  
Witness my hand and official seal this 4th day of January 1887  
Julius Ochs  
Notary Public

State of Tennessee }  
Hamilton County } The above deed and Certificate was  
filed for registration 15 January 1887 at 11<sup>40</sup> AM Entered in State  
Book No 4 Page 115 and Recorded in Book 7 Volume 2 Page 190-20  
Witness my hand at office in Chattanooga  
H. B. B. C. D. Register

For and in Consideration of the Sum of one dollar to me paid  
By the Board of Mayor and Aldermen of the City of Chattanooga  
Tennessee and the other good and valuable Considerations me  
thereunto receiving the Receipt of all of which is hereby acknowledged  
I Adolph S. Ochs hereby remise Release and forever Quit claim  
unto the said Board of Mayor and Aldermen of the City of  
Chattanooga Tennessee Their Successors and assigns all my  
right title interest and Estate in and to a certain piece  
or parcel of land lying and being situate in the City of  
Chattanooga Hamilton County Tennessee and described as  
follows A lot known as Lot Number Eighteen on the Map  
of the City of Chattanooga on Georgia corner <sup>being</sup> <sup>and</sup>

Real Estate  
 Said Board  
 in Succession  
 ally seized of  
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 2 Page 19020  
 Register  
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 of Chattanooga  
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 of the City of  
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 certain piece  
 the City of  
 described as  
 on the Map  
 adjoining  
 and being

One Hundred and Fifty feet North from North Street on the East Side of Georgia Avenue and fronting One Hundred feet on Georgia Avenue and extending Eastward of uniform width Five Hundred feet being same property quit claimed to A. S. Ochs by Geo Owen To have and to hold said premises with all the privileges and appurtenances to the same belonging unto the said Board of Mayor and Aldermen Their Successors and assigns forever In testimony whereof I have hereunto set my hand and seal this 4<sup>th</sup> day of January 1887

State of Tennessee  
 County of Hamilton  
 Personally appeared before me Julius Ochs a Notary Public for said County duly commissioned and qualified Adolph S. Ochs with whom I am personally acquainted and who acknowledges that he executed the within instrument for the purposes therein contained Witness my hand and seal this 4<sup>th</sup> day of January 1887 Julius Ochs Notary Public

State of Tennessee  
 Hamilton County  
 The above deed and Certificate was filed for Registration 15 Jan 1887 at 11 A.M Entered in Note Book Vol Page 115 and Recorded in Book 2 Vol 2 Page 2021 Witness my hand at office in Chattanooga Adolph S. Ochs Register

For and in consideration of the Sum of Nine Thousand Five Hundred Dollars paid and to be paid as follows Eighteen Hundred Dollars Cash in hand paid The receipt whereof is heretofore acknowledged and the assuming of the payment by the Board of Mayor and Aldermen of the City of Chattanooga Tennessee which they heretofore do of the two Notes Executed by said A. S. Ochs to Ad Wisdom for the property hereinafter conveyed for \$500 each dated 15 day of December 1886 and due in Six months and two year Respectively from date with interest payable annually and for payment of said notes to Madison a Lien is also heretofore retained on said lot herein conveyed and for the other good and valuable Consideration 700 Dollars receiving I Adolph S. Ochs of the City of Chattanooga Tennessee have this day bargained sold transferred and conveyed and by these presents do hereby bargain sell transfer convey and confirm unto the Board of Mayor and Aldermen of the City of Chattanooga Tennessee Their Successors and assigns forever the following described Real Estate Situated in the City of Chattanooga Hamilton County Tennessee to wit Commencing at a point on the west side of A Street in the City of Chattanooga One Hundred and Forty feet (145) feet from the corner North Street Running thence along A Street Northwardly One Hundred (100) feet thence back of the uniform width of One Hundred (100) feet and two Hundred (200) feet adjoining on the North the Mrs Pally Property on the South the Kelly & Darnsforth lot and on West the lot owned by the City and on East by A Street in being intended heretofore to convey

One Hundred (100) feet fronting on Said A. Street immediately  
in Rear or East of the City Lot fronting 100 feet on Georgia Avenue going  
The City a uniform width of 100 feet for 400 feet through to the  
Street. To have and to hold Subject to the Lien aforesaid Said  
Above described Real Estate unto the Said Board of Mayor  
and Aldermen of the City of Chattanooga Tennessee Their Successors  
and assigns forever in fee simple but with privilege to Said  
A. S. Ochs to remove at any time the buildings of Said Real Estate by  
him freely conveyed now situate thereon they not being included  
in this Conveyance but Expressly Reserved and Retained  
possession of by him I covenant to and with Said Board  
of Mayor and Aldermen that I was lawfully seized of Said  
Realty have a good right to convey the same and that the same  
is unincumbered save by the purchase money due Said A. J.  
Wiedow thereon I furthermore bind Myself My heirs and  
personal representatives to warrant and forever defend the  
title to Said Real Estate against the lawful Claims of all  
persons whomsoever Witness My hand and Seal 30th December  
1886 Adolph S. Ochs

And I Mrs Effie M Ochs wife of the said A. S. Ochs hereby  
join in the foregoing Conveyance for the purpose of waiving  
releasing and relinquishing which I here do all homestead down  
or other Estate or right I have or could enjoy in and to  
the Realty described in the foregoing deed and join therein for  
the Consideration therein named This December 30th 1886  
Effie M Ochs

State of Tennessee } Personally appeared before me Julius  
Hamilton County } Ochs a Notary Public for Said County  
duly Commissioned and qualified Adolph S. Ochs the within  
named bargainer with whom I am personally acquainted  
and who acknowledges that they executed the within instrument  
for the purpose therein contained and Effie M Ochs wife  
of the said Adolph S. Ochs; having appeared before me private  
and apart from her husband the said Adolph S. Ochs  
acknowledged the execution of the said deed to have been  
done by her freely voluntarily and understandingly without  
compulsion or constraint from her said husband and for the  
purpose therein expressed Witness My hand and official Seal  
this 30th day of December 1886 Julius Ochs  
Notary Public

State of Tennessee }  
Hamilton County } The above deed and Certificate was  
filed for registration Jan 15<sup>th</sup> 1887 at 11<sup>th</sup> AM Entered in Note Book  
No 4 Page 115 Recorded in Book 20 Vol 2: P 21122  
Witness My hand at office in Chattanooga  
H. B. Brown

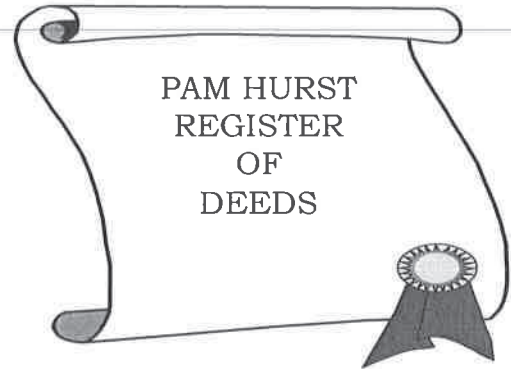
Office of County Judge  
High Whited. Judge Chattanooga Tennessee 1887  
In a certain deed James M. H. Hildred made to A. S. Ochs

of S. Ochs conveyed and by 1<sup>st</sup> 1887 and  
registered above that same book in the fee and lawful  
with 9<sup>th</sup> 1886 seems to have been the



Pam Hurst, REGISTER

Hamilton County Register's Office  
625 Georgia Ave Room 400 Courthouse  
PO BOX 1639  
CHATT. ,TN 37401  
Phone: (423) 209-6560  
Fax: (423) 209-6561



Fax Number: <b>jsartain@jonesraulston.com</b>	Date: <b>4/14/16</b>	Time:
To: <b>JP Sartain</b>	From: <b>Sheldon W.</b>	
Company Name: <b>Jones-Raulston Title</b>	Number of Pages, Including Cover Page:	<b>3</b>
Message:  Per your request, I am faxing you the document(s) recorded in <b>Book H, Vol. 3, Page 482</b>		
Thank you. Have a NICE DAY!		
Please visit our web page - <a href="http://www.hamiltontn.gov/register">www.hamiltontn.gov/register</a> EMAIL ADDRESS: <a href="mailto:register@hamiltontn.gov">register@hamiltontn.gov</a>		

The Great Seal of the State of Tennessee  
Agriculture  
Commerce  
1806

State of Tennessee  
Chattanooga Court  
The foregoing Charter & Certificate of Probate Registration  
in this Court in an Office of the Secretary of State with the Great Seal  
of the State superseded was returned to me this 28th day of Novr 1887 at 8 o'clk  
and said Secretary Seal & Certificate by me received in Book N Vol 3 page  
481 & 82 Volume my hand at office in Chattanooga T.C. Beck Register  
Per J.H. Woodson Dep. Register

For in Consideration of the sum of One Dollar to me in hand paid  
& the other good & valuable Considerations me thereunto Moving & Adverting &c.  
from this day given transferred donated & conveyed & by these presents  
do hereby give transfer donate and convey unto the Board of Mayor & Aldermen  
of the City of Chattanooga Tennessee for ever for the use of the  
public of said City for pds. With only the following strips or parcels of  
Real Estate in said City of Chattanooga & Hamilton County Tennessee to wit  
A Strip of Land Eight feet wide and Beginning on Georgia Avenue in said  
City and on the south side of the lot now owned by Adolph J. Ochs stretching  
from May & Richmond by line adjoining the City Lot on said street and being  
thence East Wards of a Survey Middle of Eight feet a distance of Four  
Hundred (400) feet more or less to H's Street in said City  
Also One other Strip or parcel of Land Eight feet wide & beginning at a  
Street in said City on the south side of the Lot conveyed to the City by  
Ad Ochs and being thence West Wards of a Survey Middle of Eight feet  
a distance of Two Hundred (200) feet more or less to Christian  
Meth. Ch. But this conveyance is made only on condition and  
is to accept that the Board of Mayor & Aldermen of the  
City of Chattanooga shall within a reasonable time open & devote  
to public use former a Street alongside each of the strips herein  
conveyed being two streets through from Georgia Avenue to a Street  
each of 20 feet wide their entire length from Georgia Avenue to a  
Street except the part of each Street in front of the City Hall  
to which may then be reduced to 22 1/2 feet for a distance of 100 feet  
to have & to hold said strips of Land herein conveyed upon the  
Conditions herein named unto said Board of Mayor & Aldermen of the  
City of Chattanooga for their use and former for Testimony whereof  
I have hereunto set my hand and seal this 4th day of January 1887  
Adolph J. Ochs

John J. Woodson, Personal Applicant before me Julius Ochs a Notary Public for said  
Hamilton County, County Clerk, Commissioner & Adolph Ochs the within named  
Donor with whom I am personally acquainted and who acknowledged that  
executed the within instrument for the purposes therein contained Notaries  
My hand & official seal this 4th day of Jan'y 1887  
Julius Ochs  
Notary Public  
Hamilton County Tenn  
2000  
1887  
The above said papers were filed for record in Book 22 517  
at 8 o'clk in the noon Book of page 87 recorded in the Vol 3 page 482 Per J.H. Woodson Dep. Register  
Volume my hand at office in Chattanooga

I Eff Ochs hereby declare that I am the true and lawful owner of  
the claim secured by the within instrument in record  
I know of no other person or persons who have any  
claim or right in the premises to same in full this 11th Nov 1888  
Adolph Ochs  
Notary Public  
Hamilton County Tenn

In  
Case  
of  
the  
Estate  
of  
John  
J.  
Woodson  
deceased  
vs  
The  
City  
of  
Chattanooga  
Tennessee  
for  
the  
purpose  
of  
determining  
the  
validity  
of  
the  
above  
said  
instrument  
of  
conveyance  
this  
11th  
day  
of  
Nov  
1888  
Per  
J.H. Woodson  
Dep. Register



City of Chattanooga  
Petition for Waiver  
Document 04

The City of Chattanooga is a Public Entity  
Exercising Control of the Patten Parkway Memorials

# CHATTANOOGA CITY CHARTER

## Title 15

### **PUBLIC WORKS, STREETS, SEWERS AND AIRPORTS<sup>1</sup>**

- Ch. I. In General, §§ 15.1--15.18**
- Ch. II. Sewerage System, §§ 15.19--15.43**
- Ch. III. Removal, Relocation And Installation Of Utilities In Connection With Public Improvements, §§ 15.44--15.60**
- Ch. IV. Gas, Water, Sewer And Other Connections By City, §§ 15.61--15.75**
- Ch. V. Abutting Property Law of 1907 Relative To Streets And Sidewalks, §§ 15.76--15.85**
- Ch. VI. Sidewalk Improvement Act Of 1915, §§ 15.86--15.95**
- Ch. VII. Metropolitan Improvement Act Of 1927, §§ 15.96--15.105**
- Ch. VIII. Improvement Act Of 1931, §§ 15.106--15.115**

#### **CHAPTER I. IN GENERAL**

##### **Sec. 15.1. Authority of city relative to public works, streets, generally.**

Said City of Chattanooga shall have full control, authority and power over all streets, alleys, sidewalks and sewers, and the building, altering, repairing, cleaning and improving the same, including the power to fix and change the grades of all streets, alleys, sidewalks and sewers, to determine their width, size, location and grade, and to order and enforce by law the grading, laying down, repairing and cleaning of sidewalks by the owners of abutting property, and to procure for the benefit of said city, by condemnation in the name of the city council, as now provided by law for such condemnation proceedings by purchase or otherwise, as now provided by law, any and all necessary property for widening or extending streets, and for enlarging and extending sewers when necessary to do so.

Said council shall also have the absolute control of the expenditure of all moneys and funds arising from taxation or any other source, for street and sewer purposes; and the mayor shall also have control and management over all gangs, forces or individuals condemned to, or in any way placed on street or sewer work by conviction and judgment of any court or order or judgment of any court or order or judgment of any other lawful authority; and over all scavenger

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<sup>1</sup>**Cross references**-General authority over streets and sidewalks, § 2.1(7); general authority over bridges, culverts, sewers and gutters, § 2.1(8); general authority to provide for lighting of streets, § 2.1(9).

## CHATTANOOGA CITY CHARTER

and street cleaning forces. (Pub. Acts 2nd Sess. 1890, Ch. 1, § 8; Priv. Acts 1911, Ch. 10, §§ 13, 17, 20; Ord. No. 11272, 05-02-02)

### **Sec. 15.2. Authority to establish, operate airports.**

The City of Chattanooga, Tennessee, is hereby empowered in its corporate capacity to establish, construct, equip, maintain and operate an airport for the use of aeroplanes and other aircraft, and may through its city council lease or acquire real property for such use either within or without the corporate limits of said city.

The city council of the said city are hereby authorized to acquire in the name of the said city all necessary property for airports or landing fields, and parks or parkways, either within or without the corporate limits of said city, by purchase or by condemnation proceedings as now provided by law for the condemnation of property for school sites and street purposes by municipalities. (Priv. Acts 1929, Ch. 2, §§ 2, 3; Ord. No. 11272, 05-02-02)

### **Sec. 15.3. Adjustment of assessments for public improvements.**

The city council of the City of Chattanooga is hereby authorized and empowered to adjust assessments heretofore or hereafter made for public improvements where, in the opinion of said council, on account of changed conditions the assessments are materially in excess of the benefits which have accrued to the property so assessed. Provided, however, that the person applying for an adjustment shall agree to pay promptly the installment assessments after such adjustment shall have been made. (Priv. Acts 1935, Ch. 647, § 8; Ord. No. 11272, 05-02-02)

### **Sec. 15.4. New assessments when original assessment declared invalid.**

If any assessment heretofore or hereafter made by said city of property, or any special assessment made pursuant to any improvement act shall be declared invalid by a court of competent jurisdiction the city council are hereby empowered to make a new assessment on property for the year, or years, so declared to be invalid and shall adopt the assessment made by the tax assessor of Hamilton County, Tennessee, as the assessment of said property by said city. The reassessment of improvement assessments shall be made as provided in the Improvement Act authorizing the original assessment. (Priv. Acts 1935, Ch. 647, § 9; Ord. No. 11272, 05-02-02)

**Sec. 15.5. Reserved.**  
(Ord. No. 11013, § 1, 5-9-00)

### **Sec. 15.6. Negotiations with lowest responsible bidder for work to be done on cost-plus, etc., basis.**

After bids have been advertised and received for making any public improvement the mayor may negotiate with the lowest responsible bidder to have such bidder make such public improvement by force account or on a cost-plus basis, if, in the opinion of the mayor, the making

## CHATTANOOGA CITY CHARTER

of such agreement is advantageous to the city, and such agreement shall be in writing and approved by the city council. (Priv. Acts 1949, Ch. 607, § 3; Ord. No. 11272, 05-02-02)

### **Sec. 15.7. City authorized to condemn property of railroads and other corporations for street, etc., widening purposes.**

The city council of the City of Chattanooga are hereby specifically authorized and empowered to condemn and take the property, buildings, privileges, rights and easements, etc., of railway companies, or other corporations, their lessees, trustees and receivers, and any other person, firm or corporation that may be in possession of, using or controlling all or any part of the rights-of-way and properties of such railway companies or other corporations, and to condemn and acquire other property for the purpose of relocating tracks, buildings and other structures of such railway companies or other corporations, all in the manner and mode and upon the terms provided in sections 3397 to 3401 of the Code of Tennessee for the year 1932 [T.C.A. §§ 7-31-108--7-31-111], when it is necessary that the property of such railway companies or other corporations be acquired in order to widen any street, alley or sidewalk within the corporate limits of the City of Chattanooga. (Priv. Acts 1947, Ch. 548, § 2; Ord. No. 11272, 05-02-02)

### **Sec. 15.8. Authority of water company to contract for collection of sewer charges.**

Chapter No. 91, Public Acts of Tennessee of 1867 and 1868, entitled as set out in the caption hereof, be, and the same is hereby amended so as to authorize the City Water Company of Chattanooga (successor to the Chattanooga Water Company) and its successors and assigns, to enter into contracts with the City of Chattanooga, or other public agency owning and operating a sewerage system, to bill and collect sewer service charges as an added designated item on its water service bills, or otherwise, and to contract with the City of Chattanooga, or other public agency, not to accept payment of water service charges without the simultaneous payment of sewer service charges, and to discontinue water service to sewer users who fail and refuse to pay sewer service charges, and not to re-establish water service until such time as sewer service charges due have been paid. (Priv. Acts 1951, Ch. 249, § 1)

**Editor's note-**Public Acts 1867-68, Ch. 91, which is not set out in this compilation, is the act chartering the Chattanooga Water Company.

**Cross reference-**Authority of city to enter into contracts with water company for collection of sewer charges, § 15.20(m).

### **Secs. 15.9 -- 15.18. Reserved.**

## CHAPTER II. SEWERAGE SYSTEM

### **Sec. 15.19. Definitions.**

The following terms, wherever used or referred to in this Act [chapter], shall have the following meaning, unless a different meaning appears from the context:

## CHATTANOOGA CITY CHARTER

- (a) The term "city" shall mean the City of Chattanooga, Tennessee.
- (b) The term "board" shall mean the city council of the City of Chattanooga, Tennessee.
- (c) The term "federal agency" shall include the United States of America, the President of the United States of America, the Reconstruction finance Corporation, or any other agency, instrumentality or corporation of the United States of America which has heretofore been or may hereafter be designated, created or authorized by or pursuant to any Act of Congress of the United States of America to make allowances or grants to municipalities.
- (d) The term "sewerage system" shall be construed to include all or any part of the following: The collecting system, intercepting and out-fall sewers, pumping facilities, and treatment, purification and disposal plants, the disposition of sewage and industrial waste. (Priv. Acts 1949, Ch. 602, § 2; Ord. No. 11272, 05-02-02)

### **Sec. 15.20. Powers of city generally.**

The city, acting by and through its board, shall have power, and is hereby authorized to:

- (a) Construct a sewerage system within or partially within and partially without the corporate limits of the city.
- (b) Operate and maintain a sewerage system for its own purposes or for the benefit and use of its inhabitants, and also to operate and maintain such sewerage system for the benefit and use of persons, firms and corporations within the corporate limits of the city, and persons, firms and corporations, including municipal corporations, which are situated or whose residence or places of business are situated outside the corporate limits of the city but within Hamilton County, Tennessee, and within a radius of twenty (20) miles from the corporate limits of the city.
- (c) Contract with the City of Rossville, Georgia, to jointly construct and operate a sewerage system, and to agree with said city for the apportionment of the construction and operating cost between the two (2) municipalities.
- (d) Contract with Hamilton County, Tennessee, or any county adjacent to the city located in another state, for the furnishing of sewerage service to the county or to the inhabitants thereof where by furnishing such service the public health of the city will be protected and stream pollution eliminated.
- (e) Accept from any federal agency or from the State of Tennessee or any agency of said state grants for or in aid of the construction of a sewerage system.



## CHATTANOOGA CITY CHARTER

(f) Contract debts for the construction of a sewerage system; to borrow money and to issue its bonds to finance such construction, and to provide for the rights of the holders of the bonds, and to secure the bonds as hereinafter provided.

(g) Fix, levy and collect fees, rents, tolls or other charges for connecting to and for the use of the sewerage system, including the use for industrial waste.

(h) Acquire, by purchase or the exercise of the right of eminent domain, any property or easements or other right or interest in property necessary for the construction, reconstruction, extension or enlargement of a sewerage system whether such property be within or without the city or partially within and partially without the city.

(i) Make contracts and execute instruments containing such terms, provisions and conditions as in the discretion of the board may be necessary, proper or advisable for the purpose of obtaining a grant, loan or other financial assistance from any federal agency or from the State of Tennessee by virtue of any Act of Congress or Act of the Legislature of Tennessee; to make all contracts and execute all other instruments necessary, proper or advisable in or for the furtherance of the construction of the sewerage system.

(j) Enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations in or for the furtherance of the construction of a sewerage system.

(k) Require the owner, tenant or occupant of each lot or parcel of land which abuts upon a street or other public way containing a sanitary sewer upon which lot or parcel a building exists for residential, commercial or industrial use to connect such building with such sanitary sewer and to cease to use any other means for the disposal of sewage, sewage waste or other polluting matter.

(l) Require the owner, tenant or occupant of each lot or parcel of land who is obligated to pay the charges made for the service furnished by the sewerage system to make a reasonable deposit in advance to insure the payment of such charges.

(m) Contract with the city water company of Chattanooga, its successors and assigns, for the billing and collection from each water user as an added and designated item on its water service bill the sewer service charges of the city, and to contract with said water company for it not to accept payment of water service charges without payment of the city sewer service charge, and for the company to discontinue water service to users who fail and refuse to pay sewer service charges, and not to re-establish water service until such time as sewer service charges due have been paid.

**Cross reference**-Authority of water company to contract for collection of sewer charges, § 15.8.

(n) Employ engineers, superintendents and other employees for the operation and maintenance of the sewerage system.

## CHATTANOOGA CITY CHARTER

(o) Perform any acts authorized under this Act [chapter] through or by means of its own officers, agents and employees or by contracts with private corporations, firms or individuals.

(p) Do all acts and things necessary convenient to carry out the powers expressly given in this Act [chapter]. (Priv. Acts 1949, Ch. 602, § 3; Priv. Acts 1951, Ch. 230, § 1)

### **Sec. 15.21. Proceeds from bonds, rents, fees, etc., to be deposited in separate account in city's name.**

All proceeds received from the sale of bonds issued under this Act [chapter] and all fees, rents, tolls, or other charges received by the city from the operation of the sewerage system, and all monies received from any federal agency or the State of Tennessee or state agency shall be paid to the city treasurer, who shall not commingle any money so received with any other monies of the city, but the monies received shall be deposited in a separate bank account, or accounts, in the name of the city. (Priv. Acts 1949, Ch. 602, § 4)

### **Sec. 15.22 -- 15.33. Repealed.**

**Editor's note**-Former §§ 15.22 through 15.33 inclusive relating to issuance of bonds relating to the sewer system repealed by Ord. No. 12766, § 29, 12-18-12. These Charter provisions have been superseded by the "Local Government Public Obligations Act of 1986", T.C.A. § 9-21-101 *et seq.*

(Ord. No. 12677, § 29, 12-18-12)

### **Secs. 15.34 -- 15.43. Reserved.**

## **CHAPTER III. REMOVAL, RELOCATION AND INSTALLATION OF UTILITIES IN CONNECTION WITH PUBLIC IMPROVEMENTS**

### **Sec. 15.44. Removal of poles, cables, etc., prior to widening, etc., of streets-City may require companies to do work.**

The City of Chattanooga, Tennessee, shall have the power to require the removal, in advance, by public service companies concerned, including the electric power board of Chattanooga, of all telephone, telegraph, light and power poles, towers, cables or lines and all water and gas mains or pipes which may be necessary or advisable in any street widening, straightening, paving, repaving or other street improvement project within said city. (Priv. Acts 1947, Ch. 604, § 2)

### **Sec. 15.45. Same-City may do work when company fails to do so.**

The City of Chattanooga, Tennessee, shall have the power to remove, or have removed, all telephone, telegraph, light and power poles, towers, cables, or lines and all water and gas mains and pipes, at the expense of the public service company concerned (including the electric

## CHATTANOOGA CITY CHARTER

power board of Chattanooga) in event of the failure or refusal of any public service company, after notice, to remove same, and to assess such public service company (including the electric power board of Chattanooga) for the cost and expense thereof, plus a penalty of ten per cent (10%). (Priv. Acts 1947, Ch. 604, § 4)

### **Sec. 15.46. Same-Assessment and penalty to constitute lien on property.**

Assessment made to cover the cost or expense incurred by the City of Chattanooga, Tennessee, in removing or having removed, telephone, telegraph, light and power poles, towers, cables or lines, water and gas mains or pipes, as provided in section 4 of this Act [15.45. of this compilation], together with the penalty of ten per cent (10%), shall operate as a levy and is hereby declared to be a lien upon any and all property of the public service company concerned located within said city, which lien shall be superior to all other liens, except liens for state, county and city ad valorem taxes and special assessments. (Priv. Acts 1947, Ch. 604, § 6)

### **Sec. 15.47. Installation of utilities by abutting property owners-City may require work to be done.**

The City of Chattanooga, Tennessee, shall have the power to require all abutting property owners on any street being widened, straightened, paved, repaved or otherwise improved, within said city to make such sewer, water, gas or other utility connections as may be necessary or advisable in advance of construction. (Priv. Acts. 1947, Ch. 604, § 3)

### **Sec. 15.48. Same-City may do work when owner fails to do so.**

The City of Chattanooga, Tennessee, shall have the power to make or have made all sewer, water, gas or other utility connections at the cost and expense of the abutting property owner concerned in the event of the owner's failure or refusal, after notice, to make such connections, and to assess such owner with the cost and expense thereof, plus a penalty of ten per cent (10%). (Priv. Acts 1947, Ch. 604, § 5)

### **Sec. 15.49. Same-Assessment and penalty to constitute lien on property.**

Any assessment made to cover the cost or expense incurred by the City of Chattanooga, Tennessee, in making sewer, gas, water or other utility connections, as provided in section 5 of this Act [15.48 of this compilation], together with the penalty of ten per cent (10%), shall operate as a levy and is hereby declared to be a lien upon that property of the abutting owner concerned where the connection or connections were made, which lien shall be superior to all other liens, except liens for state, county and city ad valorem taxes and special assessments. (Priv. Acts 1947, Ch. 604, § 7)

CHATTANOOGA CITY CHARTER

**Sec. 15.50. Certification and collection of assessments.**

The assessments authorized in sections 4 and 5 of this Act [15.45 and 15.48 of this compilation] shall be certified and collected in such manner as the city council may, by resolution, provide. (Priv. Acts 1947, Ch. 604, § 8; Ord. No. 11272, 05-02-02)

**Secs. 15.51 -- 15.60. Reserved.**

**CHAPTER IV. GAS, WATER, SEWER  
AND OTHER CONNECTIONS BY CITY**

**Sec. 15.61. City authorized to make connections at expense of abutting property owners.**

Without impairing the powers it already has with respect to requiring property owners to construct and connect sewers, gas, water and other connections, said city shall hereafter have the power to construct and connect sewers, gas, water and other connections at the expense of the abutting property owners in the manner hereinafter provided. (Priv. Acts 1929, Ch. 790, § 2)

**Sec. 15.62 -- 15.65. Repealed.**

**Editor's note**-Former §§ 15.62 through 15.65 inclusive relating to sewer districts repealed by Ord. No. 12677, § 30, 12-18-12.

**Secs. 15.66 -- 15.75. Reserved.**

**CHAPTER V. ABUTTING PROPERTY LAW OF 1907  
RELATIVE TO STREETS AND SIDEWALKS<sup>2</sup>**

**Secs. 15.76 -- 15.85. Reserved.**

**CHAPTER VI. SIDEWALK IMPROVEMENT ACT OF 1915<sup>3</sup>**

**Secs. 15.86 -- 15.95. Reserved.**

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<sup>2</sup>**Editor's note**-The abutting property law of 1907, consisting of Priv. Acts 1907, Ch. 149, is not set out in this compilation in order to conserve space and because of its limited interest. Various titles and names of officers and departments in said act are changed by Priv. Acts 1911, Ch. 10, adopting the commission form of government. The 1907 act has been specifically amended, as of Nov. 1, 1967, by the following: Priv. Acts 1909, Ch. 484; Priv. Acts 1915, Ch. 574; Priv. Acts 1917, Ch. 432, \_\_ 3,4; Priv. Acts 1919, Ch. 548; Priv. Acts 1921, Ch. 302; Priv. Acts 1921, Ch. 920.

<sup>3</sup>**Editor's note**-The sidewalk improvement act of 1915, consisting of Priv. Acts 1915, Ch. 131, is not set out in this compilation in order to conserve space and because of its limited interest. Said act has been amended, as of Nov. 1, 1967, by the following: Priv. Acts 1919, Ch. 548

**CHATTANOOGA CITY CHARTER**

**CHAPTER VII. METROPOLITAN IMPROVEMENT ACT OF 1927<sup>4</sup>**

**Secs. 15.96 -- 15.105. Reserved.**

**CHAPTER VIII. IMPROVEMENT ACT OF 1931<sup>5</sup>**

**Secs. 15.106 -- 15.115. Reserved.**

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<sup>4</sup>**Editor's note**-The metropolitan improvement act of 1927, consisting of Priv. Acts 1927, Ch. 457, is not set out in this compilation in order to conserve space and because of its limited interest. Said act has been amended, as of Nov. 1, 1967, by Priv. Acts 1929, Ch. 482 and Priv. Acts 1929, Ch. 665.

<sup>5</sup>**Editor's note**-The improvement act of 1931, consisting of Priv. Acts 1931, Ch. 727, is not set out in this compilation in order to conserve space and because of its limited interest. Said act has not been amended as of Nov. 1, 1967.

City of Chattanooga  
Petition for Waiver  
Document 05

REPORT  
Statement of the Request and  
Basis Upon Which the Waiver is Sought;  
Report Establishing a Material or Substantial  
Need Based on Compelling Public Interest

Before the Tennessee Historical Commission

PETITION FOR WAIVER

Report  
Including  
Statement of Request  
And  
Basis Upon Which Waiver is Sought

This Petition for Waiver is submitted pursuant to the Tennessee Heritage Protection Act of 2016. In accordance with Tennessee Code Annotated 4-1-412(c), the City of Chattanooga seeks to undertake a complete renovation and reconstruction of the existing Patten Parkway including the relocation and rededication of three war memorials located therein.

Patten Parkway is a one-block street configured around a small central public space with an eastbound and westbound driving lane on either side of a small central public space. Each travel lane on either side of the space includes diagonal metered public parking. The street and surrounding buildings have been designated as a National Register District of Historic Places since 1980. The space is framed on its south and north side by several historically contributing buildings such as the Volunteer Building and Volunteer Garage on its southside, a row of 19th century brick-constructed buildings and the former Ross Hotel (now Tomorrow Building) on its north side. The one block length of Patten Parkway terminates at Georgia Avenue to the west and Lindsay Street to the east. The space bounded by the two streets on the east and west and buildings on the north and south is approximately 400 ft long by 115 feet wide.

The street was the site of Chattanooga's original city market which was demolished in 1943 to make way for a new street configuration named after Mr. Z. C. Patten, of the Volunteer Life Insurance Company. Up until the 1940s the open space had historically featured the original City Market Square and Market house. Spanning approximately fifty (50) feet and set in the middle of the parkway, the historic market house would have been designed with a traditional clear span consisting of a center aisle with spaces for kiosks on either side. The new park design for the monuments, dedicated in 1950, significantly reduced the size of this space to only twenty-five (25) feet, presumably to better accommodate movement and storage of automobiles on the flanking one-way pairs. From the beginning the new, smaller public space housed monuments dedicated to Hamilton County servicemen who died during World War II.

**Memorial Subject Description:**

The three memorials in the space include (east to west):

1. 1949 - American Legion Post 14 Flagpole with inscription:  
"THIS MEMORIAL SPONSORED BY POST 14 AMERICAN LEGION 1949"
2. 1949/50 - World War II Monument with inscription:

“IN HUMILITY AND GRATITUDE THIS MEMORIAL IS DEDICATED TO THE MEMORY OF EACH SON OF THIS CITY AND COUNTY WHO GAVE HIS ALL AND TO HIS HOPE FOR A BETTER WORLD”

The inscription follows with individual names of six hundred eighty (680) names of servicemen. (Names are transcribed and included as an attachment to this Petition for Waiver.)

3. Marine Memorial with inscription:

“DEDICATED TO THE MEMORY OF THE MARINES OF HAMILTON COUNTY WHO GAVE THEIR LIVES IN SERVICE OF THEIR COUNTRY”

**Memorial Location Description:**

The memorials appear in the narrow public property that divides the existing eastbound travel lane and parking from the westbound travel lane and parking. They occur east to west, from Lindsay Street to Georgia Avenue and are shown in attached photos.

In recent years efforts have been underway to focus Chattanooga’s attention on revitalization of the core of the city’s downtown. In 2013 the River City Company commissioned a City Center plan that included five hundred (500) participants and covered the central core of the downtown including the center of the city at Market Street and Martin Luther King Boulevard.

Recommendations of the plan included a focus on housing, improving and updating our public space, and making our downtown street network friendlier to people. Additionally, in 2014, Mayor Andy Berke led a year-long public engagement process called Chattanooga Forward. Chattanooga Forward featured three public meetings as well as dozens of task force meetings focusing on each of six focus areas. The Downtown Task Force included recommendations to renew our focus on improving downtown public space which would support more opportunities for downtown living. The final report featured a recommendation to construct a new Patten Parkway. Most recently, Chattanooga’s newly established Innovation District, built around technology-centered job opportunity in the city center, recently unveiled an Innovation District framework plan. As with the City Center Plan and Chattanooga Forward, the framework plan for the Innovation District also recommended key public space improvements throughout the city center, including mention of the reconstruction of Patten Parkway to accommodate a wide range of activities and attract diverse audiences year-round.

More practically, in 2014, the City of Chattanooga identified much-needed stormwater improvement projects to improve flooding problems in some of the low-lying areas of our downtown. Much of our downtown is served by a combined sewer/stormwater system that, in some locations, has trouble accommodating heavy rain events. To combat these issues, Patten Parkway was identified as a location for a much-needed stormwater detention facility and funds were programmed to begin this work. Most of the surface of the street will need to be excavated to install an approximately five million gallon stormwater detention tank so that during major rain events our low-lying streets, such as at Market and 8th Street will not flood with combined sewer/stormwater. This work will require that the parkway be completely rebuilt.



The City of Chattanooga along with River City Company and the Chattanooga Design Studio, with support from the Benwood Foundation, has led the process to achieve a 30% developed design solution for the new Patten Parkway. A citizen steering committee has guided the development of the design with five key principles, including the marriage of history with innovation and need for the space to be resilient and flexible for a variety of uses. The spatial configuration is inspired by the layout of a historic market house, with a center aisle for circulation flanked by spaces for kiosks on either side. Because there are active businesses along the parkway, the new design retains on-street parking and in order to maximize the flexibility of use of the whole space, building face to building face, focuses permanent pedestrian spaces on the north and south sides of the parkway. The center of the parkway will accommodate pedestrian-friendly low design speed car traffic during normal day-to-day operation, but for special events, because the space is envisioned as one continuous pave-stone shared street, the whole space is highly flexible for a variety of uses. The city envisions a market function in the center of the space with trees and overhead canopy mimicking the colonnade and clear span of an historic market house building.

Additionally, the City is exploring two nearby spaces for relocation and rededication of the existing three war memorials subject to the granting of this Petition for Waiver. First, as befitting the dignity and memorial of the Hamilton County and Chattanooga veterans that have served our country, the axis of the new Patten Parkway will terminate in a plaza at the end of the parkway at 814 Lindsay Street, on the east side of Lindsay Street, as shown on the attached exhibits. Currently a public parking lot controlled by American Legion Post 14, this property is being designed for a new building that will be positioned at the formal end of Patten Parkway. Through initial discussion with the developers of this property, who have consulted with General Carl Levi, of the American Legion Post 14 (support letter included herein), the City is proposing to pursue design and eventual construction of a new war memorial plaza in this location that would house all of the monuments that are currently in the park space of Patten Parkway.

Alternatively, and because the City does not currently control the property at 814 Lindsay Street, we have identified a second possible location in Phillips Park, two blocks away, in the shadow of the Soldiers and Sailors Memorial Auditorium. The new memorial site in the park would be on axis with McCallie Avenue and also positioned within view of the historic Hamilton County Courthouse.

The steering committee sees advantages to both locations. The formality of the axial relationship of Patten Parkway at 814 Lindsay Street as well as the smaller, more serene public plaza to memorials of our war veterans on the far side of the parkway offers an elevated and refreshed location that bestows tremendous honor on the servicemen from our county and city. Likewise, the quiet, Phillips Park is off the beaten path and away from nightlife establishments, as well as in the shadow of our architectural history of the Hamilton County Courthouse and Soldiers and Sailors Memorial Auditorium.

This Petition for Waiver respectfully requests the Commission to honor the desires of the City of Chattanooga and the citizens that have participated in our multiple planning efforts to re-envision the public space of Patten Parkway in our downtown. The stormwater detention work as well as the desire to create a new, more flexible public space in the center of our city form a strong basis for seeking this waiver. We believe this Petition for Waiver establishes a compelling public need to relocate and rededicate the existing war memorials in Patten Parkway, thus providing clear and convincing evidence of a material or substantial need for the granting of a waiver.

City of Chattanooga  
Petition for Waiver  
Attachment 1

List of Names Included on the Existing World War II monument.

In Humility and Gratitude This Memorial is Dedicated to  
the Memory of Each Son of This City and County Who  
Gave His All and His Hope For a Better World.

First	MI	Last	suffix
John	E.	Abbott	
Robert	S.	Abeel	Jr.
Rufus		Abercrombie	
Richard	H.	Adair	
A.C.		Adams	
James	A.	Adams	
John	T.	Adams	
William	C.	Adams	
Houston	C.	Akins	
William	E.	Alexander	
Alton	W.	Allen	
James	H.	Allen	
Michael	M.	Allison	
Michael	E.	Amar	
Robert	L.	Amiel	
Henry		Andregg	Jr.
Henry		Applin	
Joe	N.	Armstrong	
Joseph	H.	Arnold	
Isaiah		Ash	Jr.
James	A.	Bacon	Jr.
Edward	A.	Bagwelll	
Fred		Bailey	Jr.
Grover	C.	Bailey	
Leonard	D.	Bailey	
Bobby	K.	Baker	
John	C.	Baker	
Oscar		Baker	
James	H.	Bales	
William	T.	Bales	Jr.
Albert	J.	Banther	
Albert		Barbee	
William	R.	Barger	
Floyd	W.	Barker	Jr.

In Humility and Gratitude This Memorial is Dedicated to  
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Otis	B.	Barnes	
Hubert	O.	Bass	
Ralph	T.	Bass	Jr
Harry	F.	Bauer	
Robert	W.	Baumgardner	
James	E.	Bazemore	
Earl		Bazzell	
George	H.	Bean	
Jessie	E.	Bean	
James	J.	Beene	Jr
James	E.	Bell	
James	T.	Bell	
Paul	W.	Bell	
Ernest	F.	Bennett	
Graham	R.	Betts	
Berlin		Biggs	
Otis	J.	Biggs	
John	H.	Binns	
Arnold	F.	Blake	
Carl	C.	Blake	
William		Blake	
James	W.	Blancett	
H.M.		Blanchard	II
Erial	W.	Bledsoe	
Harlie	J.P.	Bodine	Jr.
David	R.	Bodkin	
William	L.	Bone	
Harold	K.	Bonnie	
Nick		Bontos	
Raymond	J.	Bork	
Edward	F.	Boss	
Geroge		Boston	
Garnet	H.	Bowlin	
James	R.	Boyd	
Marshall	S.	Boyd	
Richard		Bradley	
G.	Terre	Brand	

In Humility and Gratitude This Memorial is Dedicated to  
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Gave His All and His Hope For a Better World.

Bernard	A.	Brannon	
Clarence		Braziel	
Claude		Brewer	
Hugh	H.	Brewer	Jr.
George	T.	Bright	
Nall		Bright	
Robert	L.	Brinkley	
Ralph	W.	Broom	
Alex	J.	Brown	
Clifford		Brown	
Daniel	H.	Brown	
Jesse	J.	Brown	
Joe	L.	Brown	
William	J.	Brown	
Joe	W.	Browning	
John	S.	Buckner	
John	W.	Burden	
Charles	D.	Burkhart	
Grover		Burnett	
William	H.	Burns	
Buol		Burt	
Joe	I.	Bush	
Samuel	A.	Bush	
Wade	H.	Butler	Jr.
John	C.	Byas	
Homer	L.	Cain	
John	B.	Caldwell	
Robert	W.	Callahan	
Clifford	E.	Camp	
Charles	H.	Campbell	
Fred	H.	Campbell	
Lonzo	E.	Campbell	
Anthony		Camposano	
Earl	F.	Cannon	Jr.
G.A.		Cantrell	
R.A.		Carmicheal	
Charles	C.	Carpenter	Jr.

In Humility and Gratitude This Memorial is Dedicated to  
the Memory of Each Son of This City and County Who  
Gave His All and His Hope For a Better World.

William	B.	Carroll	
Roy	D.	Cate	
Leonard	O.	Chadwick	
Robert	R.	Chadwick	
Robert	W.	Chamberlain	
Coy		Chambers	
David	C.	Chambers	
Luther		Chambers	
David	J.	Chambers	
Fred	D.	Chambers	
Thomas	W.	Chandler	
Thomas	A.	Chastant	
Jack		Childers	
G.	Stoke	Christians	
Ben	H.	Church	
Herman		Clark	Jr.
Jack	L.	Clark	
Otha		Clark	
Delmon	J.	Clayton	
Paul	W.	Clayton	
Warren	G.	Clift	
William	R.	Clift	
George	W.	Cline	
David	A.	Clingan	
Ernest	R.	Coffelt	
James	R.	Coffelt	
Alvin	W.	Coffman	
Fred	N.	Coleman	
Olon	H.	Coleman	
George	J.	Colton	
George	M.	Colton	
Leonard	R.	Colville	
Charles	M.	Conley	
John	W.	Conley	
Glenn	W.	Connelly	
Sam	R.	Connelly	Jr.
John	R.	Conner	

In Humility and Gratitude This Memorial is Dedicated to  
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Carl	W.	Cooke	
Thomas	H.	Cooper	
Johnnie	B.	Cope	
Grey	T.	Cotton	
Billy	J.	Cox	
Charles	T.	Crane	
Robert	L.	Crane	
William	G.	Crawley	
Robert	W.	Creighton	
James	R.	Crockett	
Jesse	J.	Cross	Jr.
Victor	L.	Culberson	
C.R.		Cunningham	Jr.
Claude	M.	Curtis	Sr.
John	L.	Curtis	
Paul	W.	Curtis	Jr.
Claude	B.	Cuzzort	
Clarence	A.	Dacus	
Hugh	S.	Daniel	
Marvin	N.	Dansby	
Henry	C.	Daugherty	Jr.
Clifford	M.	Daughtery	
Charles	B.	Davis	
Clyde	B.	Davis	
Herbert	C.	Davis	
James	A.	Davis	
John	H.	Davis	
Phillip		Davis	
Willie	H.	Davis	
Ronald	A.	Davison	
Samuel	H.	Deakins	
James	P.	Dean	
John	H.	Dean	
Paul	J.	Dean	
James	L.	Deathridge	
Harry	T.	Denney	
Hoyt	E.	Dixon	



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Gave His All and His Hope For a Better World.

Lee	E.	Dobson	
Cleveland	B.	Doe	
Benjamin	J.	Dominik	
William	E.	Dorsey	
John	H.	Dotson	
David		Dubrow	
Euliss	L	Duggan	
Fred	A.	Durham	
Henry	C.	Earl	
Charlie	L.	Early	
Ernest	L.	Eatly	
frank	B.	Earp	
Van	L.	Eastland	Jr.
Ernest		Echols	
Richard	E.	Edwards	
Dalmos	E.	Eldridge	
William	F.	Eldridge	
Richard	D.	Elmore	
Earl	W.	Elsa	
Vernon	O.	Enders	
Charles	E.	Etter	
Cary	A.	Evans	
Thomas	J.	Faerber	
Samuel	M.	Fanburg	
Rossie	L.	Fannin	
John	C.	Farmer	
John	W.	Farmer	
Raymond	W.	Fetterman	
John	H.	Ficken	Jr.
Eugene	H.	Finch	
William	T.	Findley	
James	C.	Fine	
Glenn	D.	Fischer	
Granville		Fleming	
Chester	G.	Floyd	
James	H.	Foley	Jr.
James	H.	Foster	

In Humility and Gratitude This Memorial is Dedicated to  
the Memory of Each Son of This City and County Who  
Gave His All and His Hope For a Better World.

Adam		Franklin	
Edwin	F.	Frazier	
Clyde	J.	Friddell	
Robert	J.	Frist	
Carl	R.	Fryar	
James	A.	Fuller	
Thurman	S.L.	Gaddis	
Andrew	J.	Gandy	Jr.
Claude	R.	Garmandy	Jr.
Wallace	B.	Garner	
George	L.	Gavinlock	
Erfurt	J.	Gentry	
Jesse		George	
Jeff	R.	Gibbs	
Gerald	W.	Gledhill	
Forrest	F.	Godfrey	
Ernest	P.	Goforth	
A.K.		Goins	
William	D.	Goodlet	
Paul	F.	Goodman	
Clinton	F.	Goodwin	Jr.
Frank	D.	Goodwin	Jr.
Harris	A.	Gould	
Louis	E.	Graham	
Adam	S.	Grant	
Frederick	M.	Grayson	
Donald	H.	Greene	Jr.
James	G.	Greene	Jr.
Joseph	G.	Gregory	
Roy	W.	Gregory	
James	R.	Griswold	
Robert	L.	Griswold	
Frank	H.	Grooms	
Milton		Gross	
Roger	W.	Gunn	
George	M.	Guy	
Marion	O.	Hagan	Jr.

In Humility and Gratitude This Memorial is Dedicated to  
the Memory of Each Son of This City and County Who  
Gave His All and His Hope For a Better World.

Calvin	H.	Hale	
Thomas	E.	Hale	
John	D.	Hall	
Robert	L.	Hall	Jr.
Samuel	N.	Hall	
Frank	C.	Hamilton	
Jack	W.	Hammell	
Robert	G.	Hampton	
Oscar		Handly	Jr.
Arry	J.	Hanes	
Paul	A.	Hanes	
Chester	B.	Haney	
C.	Robe	Hankins	
Samuel	F.	Hanssard	Jr.
Tommie	M.	Harden	
Walter		Hardyman	Jr.
Harry	L.	Harper	
Tennyson	C.	Harrell	
Campbell	L.	Harris	
Edward	E.	Harris	
Harold	L.	Harris	
J.D.		Harris	Jr.
William	R.	Harris	
Bethel		Harrison	
Hobart	E.	Hartline	Jr.
Clarence	J.	Hawkins	
John	W.	Hawkins	
Warren	H.	Hayden	
Thomas	F.	Hayes	
William	P.	Hemphill	Jr.
Sam	B.	Henry	
L.G.		Hensley	Jr.
Edward	C.	Herndon	
William	J.	Herriott	
Samson		Hershfield	
Leon		Hickman	
Kenneth	Delm	Hicks	

In Humility and Gratitude This Memorial is Dedicated to  
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William		Hickson	Jr.
Edward	E.	Hilderbrand	
Newton	M.	Hilliard	
Charles		Hilz	
Floyd	L.	Hipp	Jr.
Wallace	H.	Hixon	
Milburn	L.	Hodges	
Richard	E.	Holland	
James	E.	Holley	
Herbert	N.	Hollis	Jr.
Andrew	J.	Holloway	
William	K.	Holmes	
Walter	A.	Holt	
Carl	D.	Houser	
Henry	R.	Howard	Jr.
William	H.	Hoyt	Jr.
Francis	R.	Hubbuch	
Thomas	O.	Hudson	
Ben	F.	Huffine	Jr.
Evan	P.	Hughes	
Raymond	V.	Hunter	
Harold	W.	Hutcherson	
Aaron	F.	Jackson	
Kenneth	L.	Jackson	
Lawrence	H.	Jackson	
John		James	
Leonard	I.	James	
William	G.	Jamison	
James	R.	Jennings	III
Grady	L.	Johnson	
Richard	H.	Johnson	Jr.
Julian	S.	Johnston	
Henry	C.	Joiner	
Frederick	D.	Jones	
H.V.		Jones	
Joe	L.	Jones	
Oscar		Jones	

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Winfred	C.	Jones	
Bert	E.	Kaylor	
John		Keef	
Albert	G.	Kelly	
Eugene	D.	Kelly	
Ola	B.	Kelso	Jr.
Alex	M.	Kendrick	
Phillip	E.	Kenwell	
Rueuben	G.	Kerby	
Charnold	A.	Kerley	
Ruben	L.	Killian	
Richard	H.	Kimball	
John	M.	King	
William	C.	Kinley	
John	M.	Kirkland	
Frederick		Knittle	
Charles	B.	Krause	
John	L.	Lackey	
Dan	M.	Lamb	
Eugene	H.	Lambdin	
J.P.		Lancaster	Jr.
Melvin	O.	Lancaster	
Raymond	F.	Lancaster	
Earl	E.	Landreth	
Gordon	B.	Lane	
Harry	C.	Lang	
James	W.	Lanier	
Ralph	C.	Lansford	
Dewey	A.	Lappin	
T.C.		Lawhorn	
James	L.	Lawson	
Kirk	E.	Lawson	
Fred	T.	Ledford	
Raymond	O.	Ledford	
Ralph	H.	Leverette	
Eddi	L.	Ledi	
Robert	D.	Levy	

In Humility and Gratitude This Memorial is Dedicated to  
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Geroge	S.	Lewwlyln	
Lake		Lewis	
Marvin	N.	Lewis	Jr.
Donald	R.	Linam	
Benjamin	F.	Lingerfelt	Jr.
Charlie	R.	Little	
John	A.	Llewellyn	
Joe	W.	Loftis	Jr.
James	R.	London	
Clarence	W.	Long	
Donald	L.	Long	
Eulis	F.	Long	
William	H.	Lowery	
Willard	L.	Lowman	
Brents	M.	Lowry	Jr.
Harry	M.	Lupher	Jr.
Ballard		Lyerly	
Charles	E.	Lynn	
Tom		MacCrimmon	
Henry	M.	Madaris	Jr.
Jewel	G.	Maddox	
Wilson		Maddox	
Harold	G.	Manning	
Leslie	A	Manning	
Robert	L	Manning	
Geroge		Mannon	
Jimmie	G.	Martin	Jr.
Theodore	G.	Martin	
William	L.	Massey	
Marshall	F.	Masterson	
Edward	J.	Matherly	
Charles	E.	Matthews	
George	R.	Maupin	
James	M.	Maxon	Jr.
Jack	A.	Maxwell	
Henry	F.	Maynard	
William	K.	Mayo	

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Walter	R.	McBee	
J.	Nels	McBrayer	
Stewart		McClain	
Johnnie	V.	McClelland	
C.K.		McClure	Jr.
Homer		McClure	
Ralph	W.	McClure	
John	W.	McCluskey	
Hal		McCreary	
Louis	S.	McCullohs	
Clyde	E.	McDaniel	
Robert	C.	McGee	
Christopher	C.	McIntosh	
Robert	B.	McIntosh	
William	T.	McKenna	Jr.
William	F.	McKibben	
Raymond	C.	McKinney	
Robert	H.	McMahon	
Harrison	E.	McMillan	
Gano	E.	McPherson	Jr.
Joseph	I.	McWhorter	
L.A.		McWhorter	Jr.
John	T.	McWilliams	
Lawrence	W.	Medlin	
Walter	N.	Meroney	
Elmer	L.	Miles	
Albert		Miller	
Jack	B.	Miller	
Luther		Miller	Jr.
Ralph	M.	Miller	
Gaines	I.	Milligan	
James	B.	Milligan	
Clark	W.	Mills	
Roy	A.	Mills	
W.	Scott	Milne	
Dvid	T.	Minor	
Homer	J.	Mitts	Jr.

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Marvin	R.	Mizell	
Wendell	T.	Moffitt	
Jerry	S.	Monds	
James	L.	Moody	
Clarence		Mooneyham	Jr.
Elmer	E.	Moore	
Frank		Moore	
Thomas	J.	Moore	Jr.
Travis	L.	Moore	
Walter	B.	Moore	Jr.
Barney	C.	Morgan	
James	S.	Morgan	
James	R.	Morrell	
Joe	D.	Morris	
Robert	C.	Morrison	Jr.
Henry	B	Mosely	
Roy	E.	Mosely	
James	W.	Moyer	
George	D.	Mullins	
Lester	C.	Mullins	
Raymond		Mullins	
Marion	E	Murphy	Jr.
Andrew	D.	Mynatt	
Hadley		Neff	
Henry	A.	Nichols	
Clarence	E.	Nolan	
Gerkin	C.	Norris	Jr.
Berlin	G.	Oakes	
Leon	E.	O'Daniel	
William	H.	Odell	Jr.
Edward		Oldham	
Thomas	D.	Oles	
Perry	L.	Oliver	
Ernest	D.	O'Neal	
George		Orr	
Roy		Owensby	
Mack	C.	Pardue	Jr.



In Humility and Gratitude This Memorial is Dedicated to  
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Charles	H.	Park	
Thomas	E.	Park	
John	F.	Parker	
Milo	G.	Parker	Jr.
Norman	R.	Parlier	
Graham	S.	Parten	
Groover	W.	Partin	
Robert		Partin	
K.C.		Patterson	
Robbins		Patton	
Charles	C.	Payne	
Harold		Payne	
Hobson	A.	Pearson	
Samuel	W.	Peeples	Jr.
Harvey	O.	Pennington	
Frank	H.	Pennybacker	
D.W.		Peters	
Grover	G.	Phillips	
Mamerd	E.	Phillips	
James	E.	Pickett	
Reed	B.	Pickett	
Jack	E.	Pinion	
William	E.	Pinion	
Layton	W.	Pippin	
John	J.	Poe	
Fred		Poole	
James	H.	Pratchard	
Charlie	W.	Presly	
James	C.	Price	
Hoyt	C.	Prince	Jr.
H.	Kenn	Pryor	
Hubert		Pullins	
Willard	M.	Radford	
Robert	B.	Randle	
James	W.	Rawlings	
George	W.	Ray	
Harold	S.	Ray	

In Humility and Gratitude This Memorial is Dedicated to  
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James	H.	Reavley	
Willard	M.	Redford	
Alphonzo		Reese	
Charles	R.	Reeves	
Marvin	K.	Rex	
Charles	E.	Rhodes	
Bethel	A.D.	Rich	
Everette	E.	Ricketts	
John	L.	Rigsby	
Bill	E.	Bitchie	
Carl	F.	Roberson	
Leroy	P.	Roberson	
Carson	M.	Roberts	
Joe	W.	Roberts	
Noah	B.	Roberts	
Paul	A.	Roberts	
William	N.	Roberts	
William	P.	Roberts	
Elmer	F.	Robinson	
William	J.	Robinson	
Buley	G.	Rogers	
Harry	J.	Rogers	
James		Rogers	
John		Rogers	
Lester	C.	Rogers	
William	A.	Rogers	
William	B.	Rogers	
Alvin	R.	Rollins	
Robert	S.	Romines	
John	W.	Roney	
Albert	L.	Rose	
John	S.	Rose	
Ernest	L.	Ross	
B.H.		Rowland	Jr.
Sanford	G.	Roy	
L. Raymond		Runyan	
James	W.	Russell	

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Thomas	J.	Ryan	Jr.
Ralph	J.	Sageser	
Ernest	J.	Sampley	
Cleo		Sanders	
Powel	T.	Saterfield	
Calrton	L.	Saterfield	
William	E.	Saterfield	
Frank	T.	Saunders	Jr.
Fred	A.	Schlemmer	
David	O.	Schoocraft	
Richard	A.	Scoggins	
Jasper	N.	Scott	
Simeon	J.	Seals	
Charles	R.	Seay	
John	B.	Selman	
William	H.	Settles	
Charles	T.	Severs	
Robert	M.	Shannon	
John	E.	Sharp	
Frank	E.	Shell	Jr.
Edgar		Shepherd	
Wallace	B.	Shipplett	
Anthony	B.	Shirley	Jr.
George	W.	Shoemaker	
William	G.	Shultz	
William	G.	Simmons	
James	G.	Sims	
John	G.	Sims	
Jules	G.	Sims	
James		Silvey	
William	J.	Sizemore	
Charles	E.	Skipper	
Willis	A.	Smartt	Sr.
Willard	D.	Smiddle	
Able L.	J.	Smith	
Albert		Smith	
Edward	M.	Smith	

In Humility and Gratitude This Memorial is Dedicated to  
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Gave His All and His Hope For a Better World.

Ernest	R.	Smith	
G. Hershell		Smith	
G.H.	Miller	Smith	
Gene	M.	Smith	
George	H.	Smith	
Gordon	D.	Smith	
Henry	C.L.	Smith	
Horace	L.	Smith	
Hubert	R.	Smith	Jr.
Johnnie	C.	Smith	
Lawrence	D.	Smith	
Malcom	H.	Smith	
Russell	R.	Smith	
William	R.	Smith	
Woodrow	W.	Smith	
Samuel		Spector	
Floyd	M.	Spray	
Robert	A.	Springer	
Wales	O.	Standifer	
William	T.	Standifer	
Lewis	O.	Starr	
Clyde	E.	Stephens	
James	B.	Stephens	
Terrell	H.	Stephens	
Carlyle	L.	Stevens	
George	M.	Stewart	
Horace	F.	St.Johns	
Roy	B.	Strickland	
William	R.	Stubblefield	
William	E.	Stulce	
Leroy	M.	Sullivan	
Edward	G.	Taliaferro	
James	S.	Tallent	
Beacher	F.	Taylor	
Carl	P.	Tague	
J.B.		Thomas	
Roy	E.	Thomas	Jr.

In Humility and Gratitude This Memorial is Dedicated to  
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William	L.	Thomas	Jr.
Walter	H.	Thompson	
Robert	H.	Thorpe	
Fred	W.	Tittsworth	
George	P.	Toth	
Orville	M.	Tollett	
Neal		Trotter	Jr.
Floyd	A.	Tudor	
James	L.	Turner	Jr.
Thomas	O.	Tyner	Jr.
Ernest	F.	Ulrickson	
Burl	W.	Underwood	
Melvin	F.	Underwood	
Albert	I.	Vanzant	
Alvin	W.	Vanzant	
Lawrence	E.	Varner	
Lloyd	Z.	Voiles	
John	E.	Wagner	
William	D.	Wahl	Jr.
William	T.	Walden	
Miles	N.	Walker	
William	A.	Walker	
Fred	J.	Walley	
Henry	P.	Walley	
James	P.	Walsh	
B. Glenn		Warbington	
Woodrow		Washington	Sr.
Joseph	S.	Wattles	
Charles	A.J.	Webster	
James	T.	Westerfield	
William	C.	Wheat	Jr.
Vernon	E.	Wheeler	
Joseph	L.	Whitehead	
W.P.		Wilhoite	
Thomas	J.	Wilkins	
Clarence	E.	Williams	
Dexter	D.	Williams	

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Norman	E.	Williams	
W.L.		Williams	Jr.
Edward	T.	Wilson	
Harry	S.	Wilson	
James	C.	Wilson	
Joseph	R.	Wilson	
Manuel	B.	Wilson	
Robert	E.	Wilson	
William	H.	Wilson	III
Walter	A.	Wit	Jr.
Roland	B.	Wofford	
Joe	C.	Wolfe	
Lawrence	C.	Womack	
Thomas	F.	Woodhead	
Raymond	E.	Wright	
W. Garnett		Wright	
Arley	H.	Yoder	

City of Chattanooga  
Petition for Waiver  
Attachment 2

Letters of Support

Monday, April 9, 2018

Mr. E. Patrick McIntyre, Jr.  
Executive Director and State Historic Preservation Officer  
**TENNESSEE HISTORICAL COMMISSION**  
2941 Lebanon Pike  
Nashville, TN 37214

Re: WWII Monument Relocation Application  
Patten Parkway, Chattanooga, TN

Dear Mr. McIntyre,

It is our honor and pleasure to supply the State Historical Preservation Office and Tennessee State Historical Commission with this letter of support of the proposed relocation of the World War II Veterans Monument currently located in the Patten Parkway median in conjunction with the redesign of the Parkway.

The American Legion Post 14 representatives have reviewed the preliminary design plans for redevelopment (approximately 30% Design Development) with the City of Chattanooga, Chattanooga Design Studio and River City Company. These plans indicate significant changes to the configuration and transportation patterns of the Parkway, and suggesting the War Memorial to be relocated. We feel that the proposed relocation of the Monument to the east end of the Parkway and across Lindsay Street is a significant and appropriate location that would highlight and respect the Monument and those it serves in a way that it cannot accomplish in its current location.

Over the last several decades this Memorial has declined, suffering from vandalism, age and general wear and tear of the outdoor elements. This relocation would allow the Memorial to be cleaned and repaired back to its original glory, while also giving it the respect and prominence it so deserves in our City, for the men and women who served our Country, for their Families, and for the Citizens of Chattanooga.

Thank you for your consideration of the relocation request. We look forward to working with the City of Chattanooga to finalize the details of the plans and to your review and determination in the coming months.

Sincerely,



Carl E. Levi,  
Brigadier General, US Army (retired)  
The American Legion, Post 14





**HAMILTON COUNTY, TENNESSEE**  
**OFFICE OF THE COUNTY MAYOR**  
**JIM M. COPPINGER**

March 28, 2018

Mr. E. Patrick McIntyre, Jr.  
Executive Director and State Historic Preservation Officer  
Tennessee Historical Commission  
State Historic Preservation Office  
2941 Lebanon Pike  
Nashville, TN 37214

Mr. McIntyre,

I am writing to express my support of the public project to improve and rehabilitate Patten Parkway into a more high quality public plaza. The 2013 City Center Plan, which included participation of several hundred citizens, strongly recommended new investment in a redesign of the space and the City is moving forward towards implementation of this part of the plan.

Citizens of Hamilton County have tremendous respect for all of our country's veterans who have given so much to our country and to this county. We are very supportive of the plan to relocate and rededicate all of the monuments that are currently in the parkway. The new design offers a fresh and elevated position for these monuments that we think is necessary and appropriate to honor the sacrifice of the men and women who have served our country during times of war.

Hamilton County Government supports the relocation of the memorials currently located in Patten Parkway and supports the City's petition for a waiver from the Tennessee Heritage Protection Act.

Sincerely,

A handwritten signature in blue ink that reads "Jim M. Coppinger".

Jim M. Coppinger  
County Mayor

April 2, 2018

Mr. E. Patrick McIntyre, Jr.  
Executive Director and State Historic Preservation Officer  
Tennessee Historical Commission  
State Historic Preservation Office  
2941 Lebanon Pike  
Nashville, TN 37214

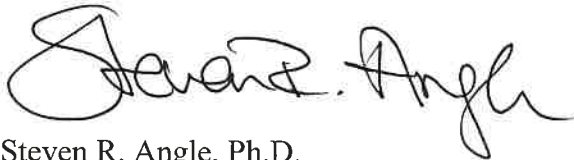
Mr. McIntyre,

Please accept this letter as support from The University of Tennessee at Chattanooga for the City of Chattanooga's petition for waiver from the Tennessee Heritage Protection Act. Since Mayor Andy Berke's year-long public process, Chattanooga Forward, from 2013 and 2014, the University and the City have been working closely to assure that our university amenities and our downtown amenities are full integrated and that our students and citizens become interchangeable in the city.

We see the new design of the Patten Parkway plaza as a critical component of this commitment to this town and gown strategy. Further, the better flexibility and usability of the new plaza design will be a destination for our students. The University has tremendous respect for our nation's veterans, and we believe that the new design, which will create a new and improved location for the memorials better integrated into the public space of the plaza, is an appropriate and improved location.

As Chancellor, I fully support the project, including the moving and rededication of the memorials to continue to honor and respect the great service men and women of our country.

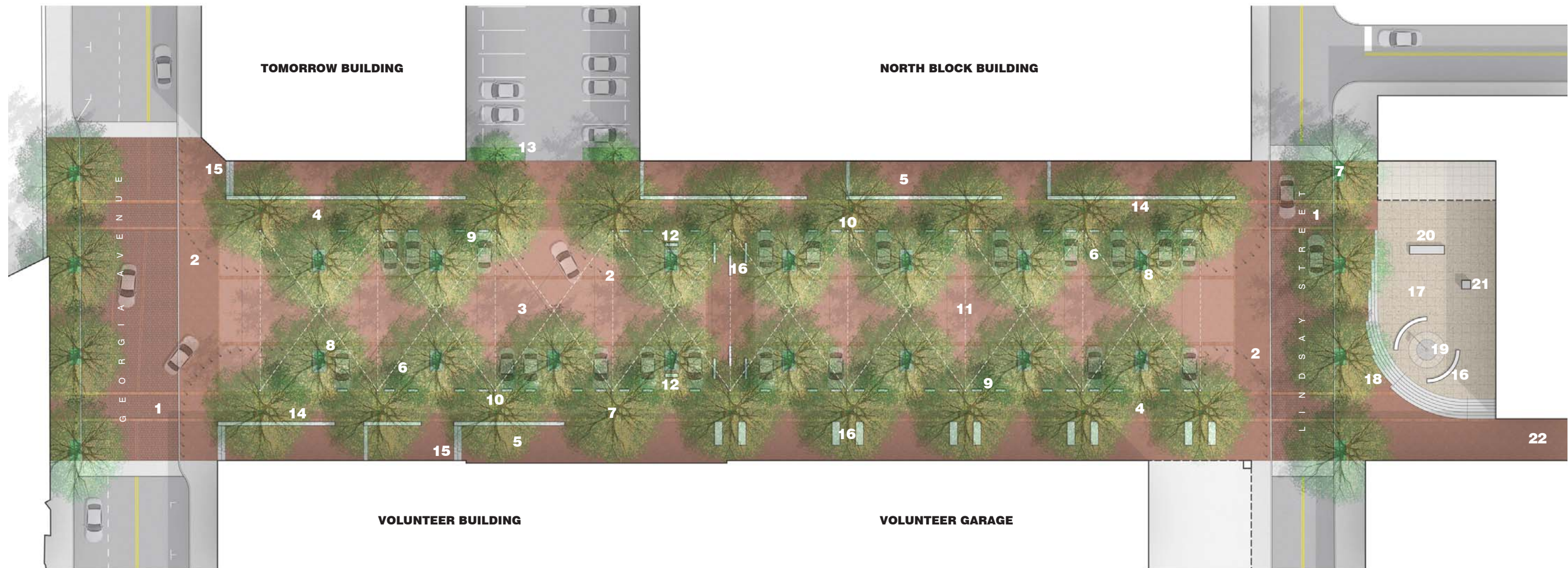
Sincerely,



Steven R. Angle, Ph.D.  
Chancellor

City of Chattanooga  
Petition for Waiver  
Attachment 3

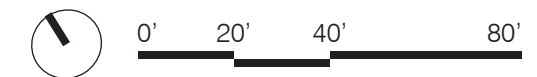
Drawings of Proposed Two Locations for Relocation and Rededication

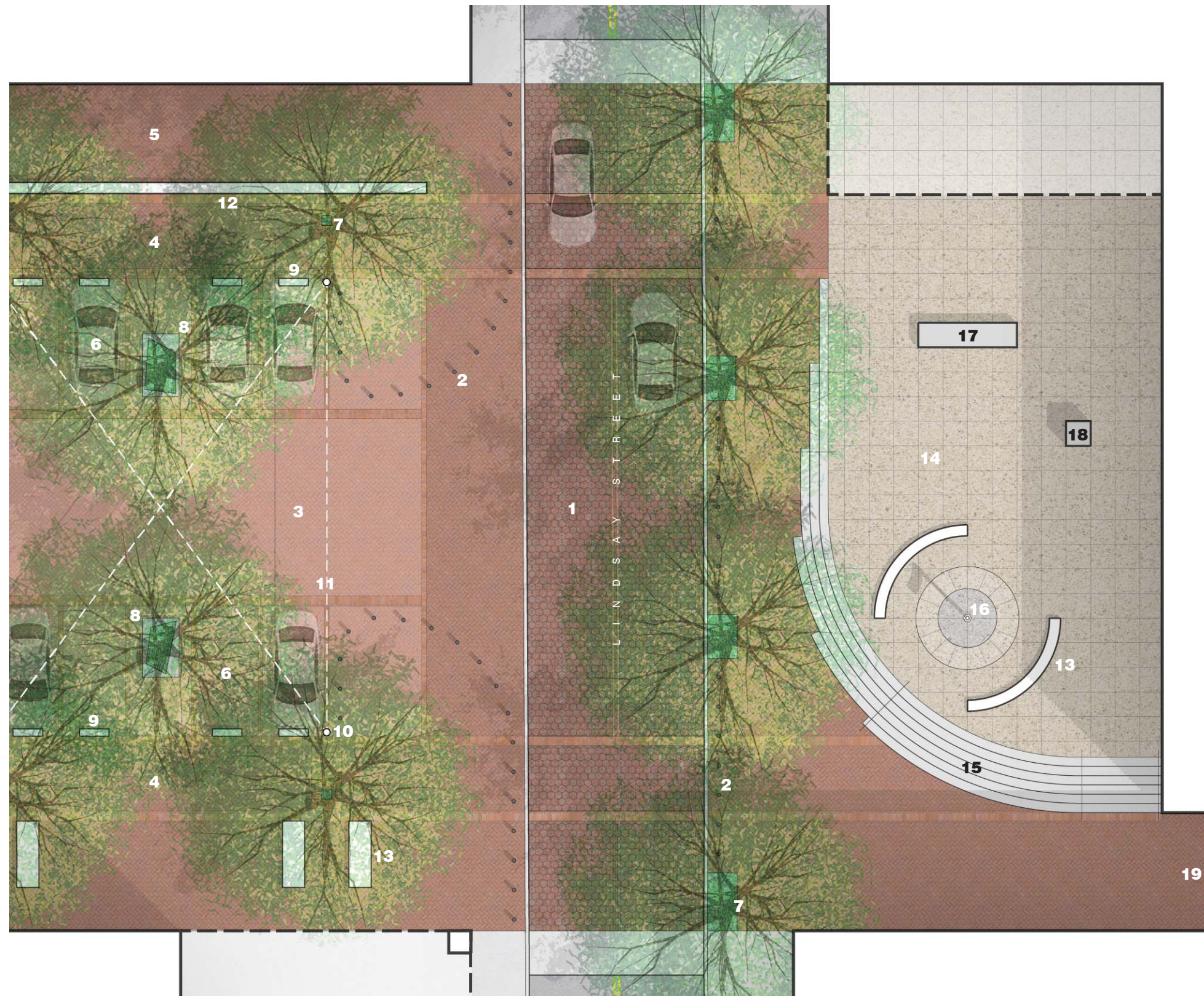


- |   |                                   |                                |                                      |  |
|---|-----------------------------------|--------------------------------|--------------------------------------|--|
| <b>1</b> Raised Traffic / Crosswalk Table | <b>6</b> 90 Degree Parking Stall  | <b>11</b> Light Cables         | <b>16</b> Freestanding Bench         | <b>21</b> World War II Memorial Column |
| <b>2</b> Traffic Demarcation Bollard      | <b>7</b> Canopy Tree              | <b>12</b> Parking Kiosk        | <b>17</b> Sandstone Plaza            | <b>22</b> Pedestrian Alley             |
| <b>3</b> Central Drive Aisle              | <b>8</b> Metal Tree Guard / Bench | <b>13</b> Historical Marker    | <b>18</b> Gathering Steps            |  |
| <b>4</b> Pedestrian Walkway               | <b>9</b> Car Barrier / Bench      | <b>14</b> Terrace Seating Wall | <b>19</b> American Legion Flag Pole  |  |
| <b>5</b> Gathering Terrace                | <b>10</b> Light Pole              | <b>15</b> Terrace Steps        | <b>20</b> World War II Memorial Wall |  |

### LINDSEY STREET OPTION - STREET PLAN

Chattanooga Memorial Relocation  
Chattanooga, Tennessee



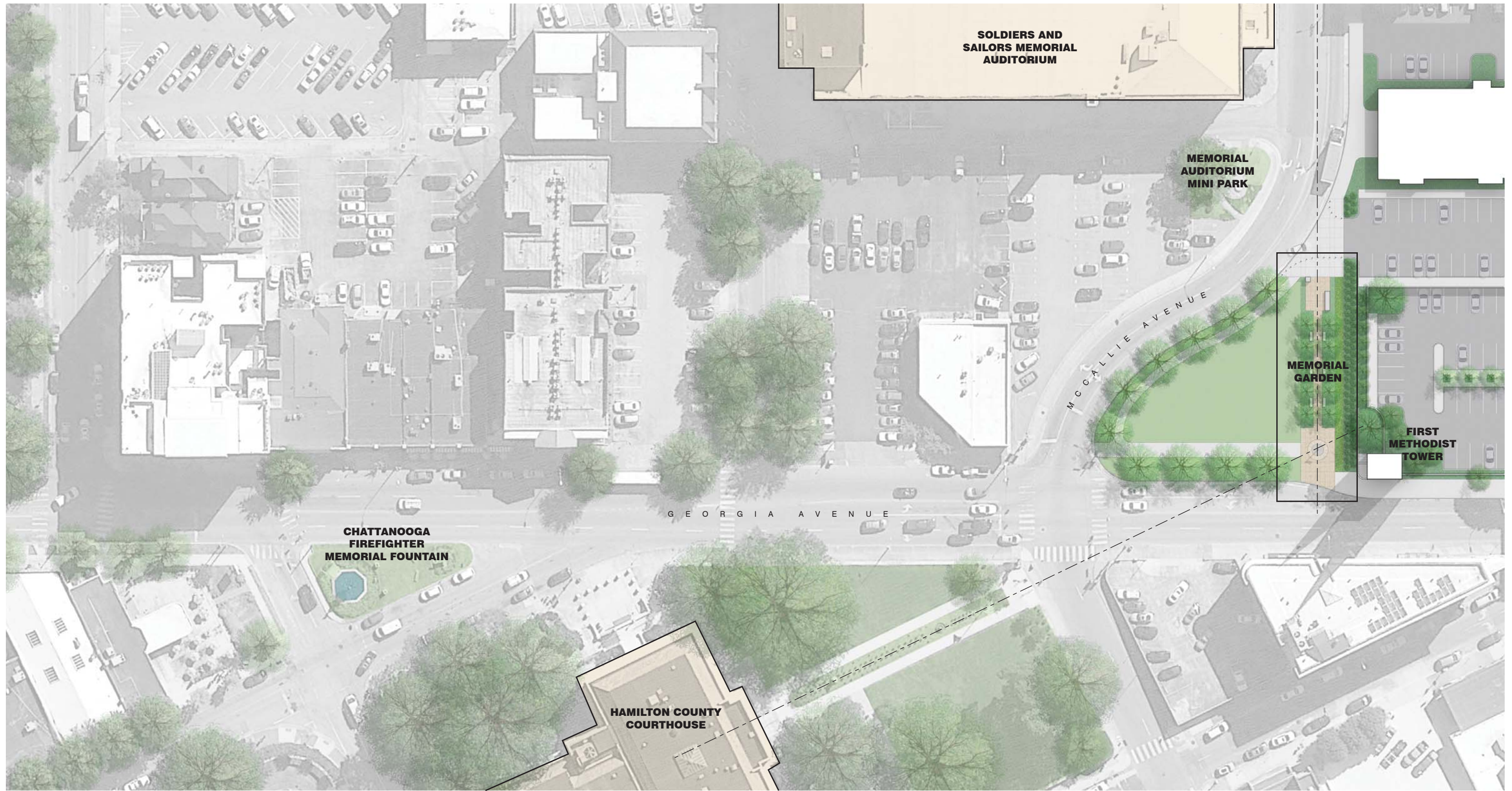


- 1** Raised Traffic / Crosswalk Table
- 2** Traffic Demarcation Bollard
- 3** Central Drive Aisle
- 4** Pedestrian Walkway
- 5** Gathering Terrace
- 6** 90 Degree Parking Stall
- 7** Canopy Tree
- 8** Metal Tree Guard / Bench
- 9** Car Barrier / Bench
- 10** American Legion Light Pole
- 11** Light Cables
- 12** Terrace Seating Wall
- 13** Freestanding Bench
- 14** Sandstone Plaza
- 15** Gathering Steps
- 16** American Legion Flag Pole
- 17** World War II Memorial Wall
- 18** World War II Memorial Column
- 19** Pedestrian Alley

**LINDSEY STREET OPTION - MEMORIAL PLAN**

Chattanooga Memorial Relocation  
 Chattanooga, Tennessee

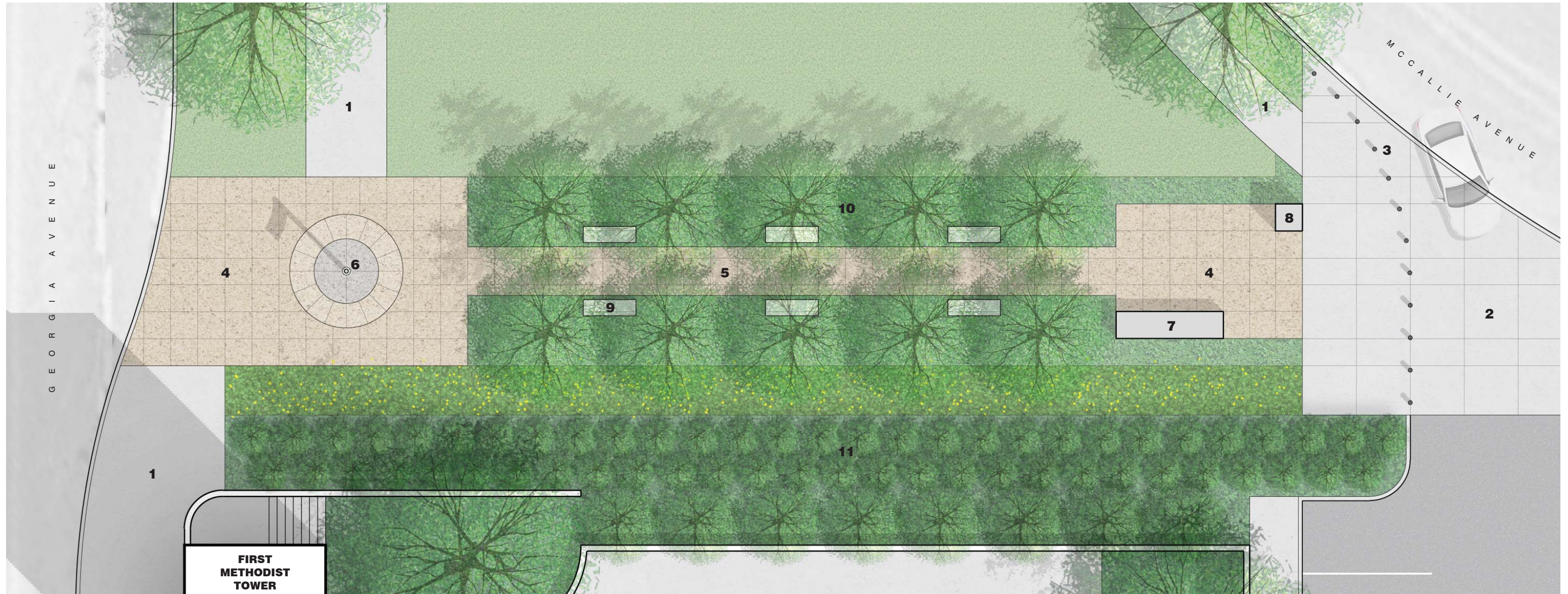




**GEORGIA AVENUE OPTION - DISTRICT PLAN**

Chattanooga Memorial Relocation  
Chattanooga, Tennessee





- |  |                                       |
|--|---------------------------------------|
| <b>1</b> Concrete Sidewalk               | <b>7</b> World War II Memorial Wall   |
| <b>2</b> Concrete Plaza / Parking Access | <b>8</b> World War II Memorial Column |
| <b>3</b> Bollard Demarcation             | <b>9</b> Garden Bench                 |
| <b>4</b> Sandstone Plaza                 | <b>10</b> Garden Allee                |
| <b>5</b> Garden Walkway                  | <b>11</b> Garden / Buffer Planting    |
| <b>6</b> American Legion Flag Pole       |                                       |

**GEORGIA AVENUE OPTION - MEMORIAL PLAN**

Chattanooga Memorial Relocation  
 Chattanooga, Tennessee



City of Chattanooga  
Petition for Waiver  
Attachment 4

Copies of Published Notice of the  
Petition for Waiver:  
The Chattanooga Times Free Press  
The Tennessean  
Chattanooga.gov website



Thursday, April 12, 2018 ) E1

**LEGAL NOTICE**

City of Chattanooga

**Public Notice - City of Chattanooga  
Petition for Waiver  
Patten Parkway Memorials**

The City of Chattanooga hereby gives public notice of its intention to petition the Tennessee Historical Commission for a waiver that would allow it to relocate and rededicate three memorial features currently in Patten Parkway to one of two nearby locations. The memorials named as they currently exist in Patten Parkway east to west are one, American Legion Post 14 flag pole, two, World War II Monument, and three, Marine Memorial. The City, after conducting two major public planning efforts, one, the Center City Plan 2014, and, two, the Innovation District Plan, 2018, as well as a series of steering committee and stakeholder meetings, has determined that Patten Parkway is due for a major renovation and rehabilitation. Further, the City has determined through recent stakeholder and steering committee design meetings that the space of Patten Parkway will be vastly improved by a new plaza design that will offer a more flexibility of use and that with the new design, the memorials can be relocated and rededicated in a way that brings renewed honor to those wars veterans so memorialized. The City has established two proposed new locations for the rededicated memorials, one, at the end of the axis of the new Patten Parkway on land historically owned by the American Legion Post 14, designed as a plaza at the terminus of the new public space of Patten Parkway. Two, on city controlled property of the current Phillips Park, two blocks away, appropriately located within view of the Soldiers and Sailors Memorial Auditorium and the historic Hamilton County Courthouse. The City has the support of the American Legion Post 14 for the first location, but does not yet control that property and is submitting the second location as another viable and appropriate location. Once the City's Petition for Waiver is filed, a copy of the petition and supporting documentation will be available at no cost upon written request to the Chattanooga Department of Transportation, 1250 Market Street, Suite 3030, Chattanooga, TN, 37402. These materials will also be available at <http://www.chattanooga.gov/transportation/transportation-resources>.







## Transportation

  
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## Public Notice - City of Chattanooga Petition for Waiver - Patten Parkway Memorials

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Street Closure Map

Transportation Project Updates

### Administration

Development Resource Center  
1250 Market Street, Suite 3030 ([map](#))  
Chattanooga, TN 37402  
Office Hours: 8 am to 4:30 pm  
Phone: (423) 643-5950

Request new or report problems with  
existing traffic control devices by  
calling 311, (423) 643-6311, or  
by [visiting CHA311.com](http://CHA311.com).

City of Chattanooga  
Petition for Waiver  
Attachment 5

Photographs