



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION  
CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY**

▶ **FILE #:** 12-B-06-SC

**AGENDA ITEM #:** 8

**AGENDA DATE:** 12/14/2006

▶ **APPLICANT:** DART LIVINGSTON

TAX ID NUMBER: 147 053.01  
 JURISDICTION: Council District 1  
 SECTOR PLAN: South County  
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)  
 ZONING: R-2 (General Residential)

▶ **RIGHT-OF-WAY TO BE CLOSED:** Unnamed street

▶ **LOCATION:** Between Topside Road and Alcoa Highway

IS STREET:  
 (1) IN USE?: No  
 (2) IMPROVED (paved)?: No

▶ **APPLICANT'S REASON FOR CLOSURE:** Increases total square footage for development of the subject adjacent parcel.

DEPARTMENT-UTILITY REPORTS: No objections received as of 12/5/2006; subject to any required easements

**STAFF RECOMMENDATION:**

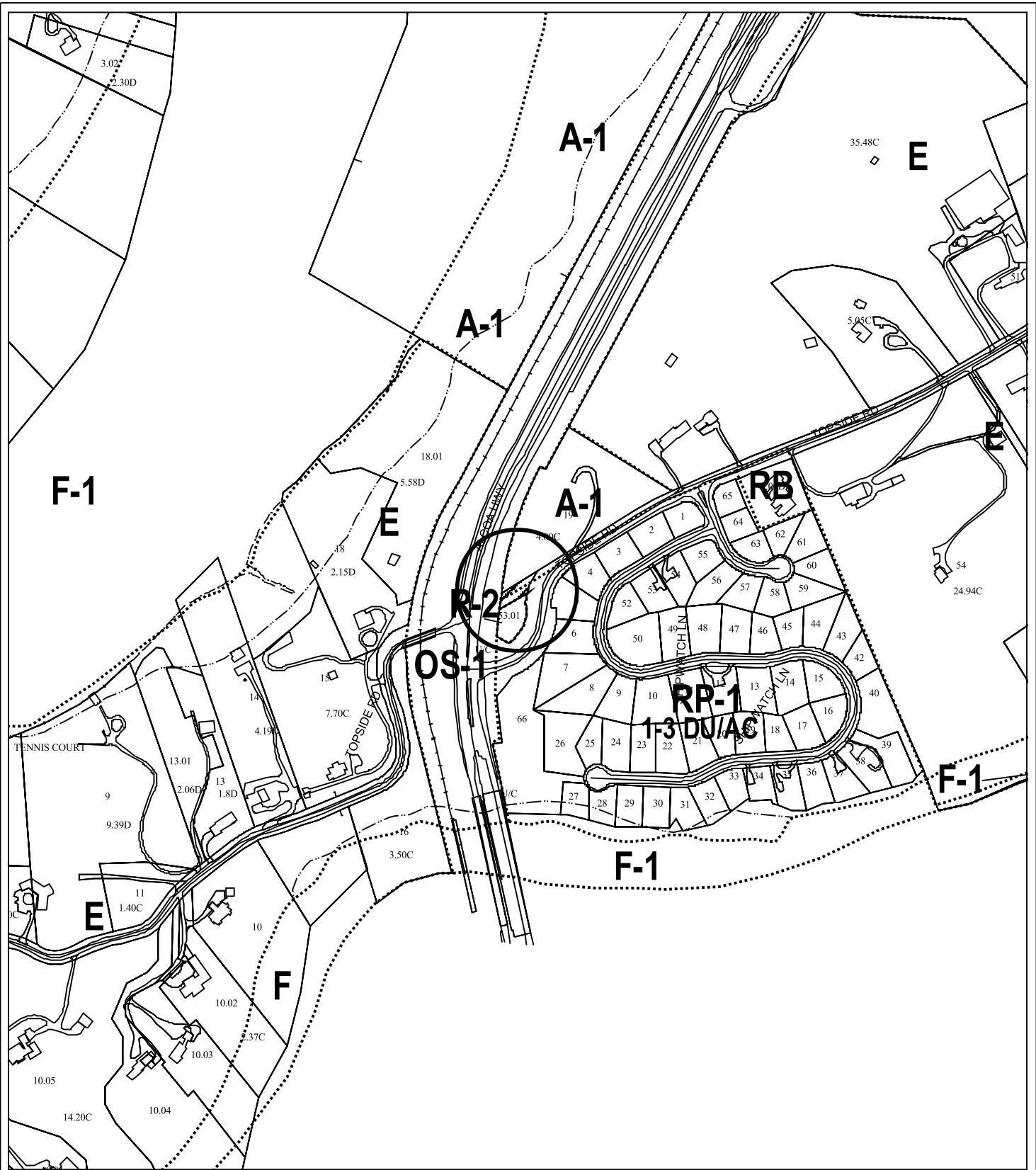
▶ **APPROVE the closure of the unnamed street, subject to any required easements.**

This street is an unimproved right of way and is not needed for public access in this area.

**COMMENTS:**

The closure of this unimproved right of way will allow the applicant to claim the portion of the right of way up to the centerline for future development. The remainder of the right of way would be incorporated with the property to the north which is owned by a natural gas utility company. A letter from the gas company (dated October 20, 2006) is attached indicating that they do not object to this closure.

If approved, this item will be forwarded to Knoxville City Council for action on 1/16/2007 and 1/30/2007. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



**12-B-06-SC  
CLOSURE OF PUBLIC RIGHT OF WAY**

Petitioner: Dart Livingston

Map No: 147

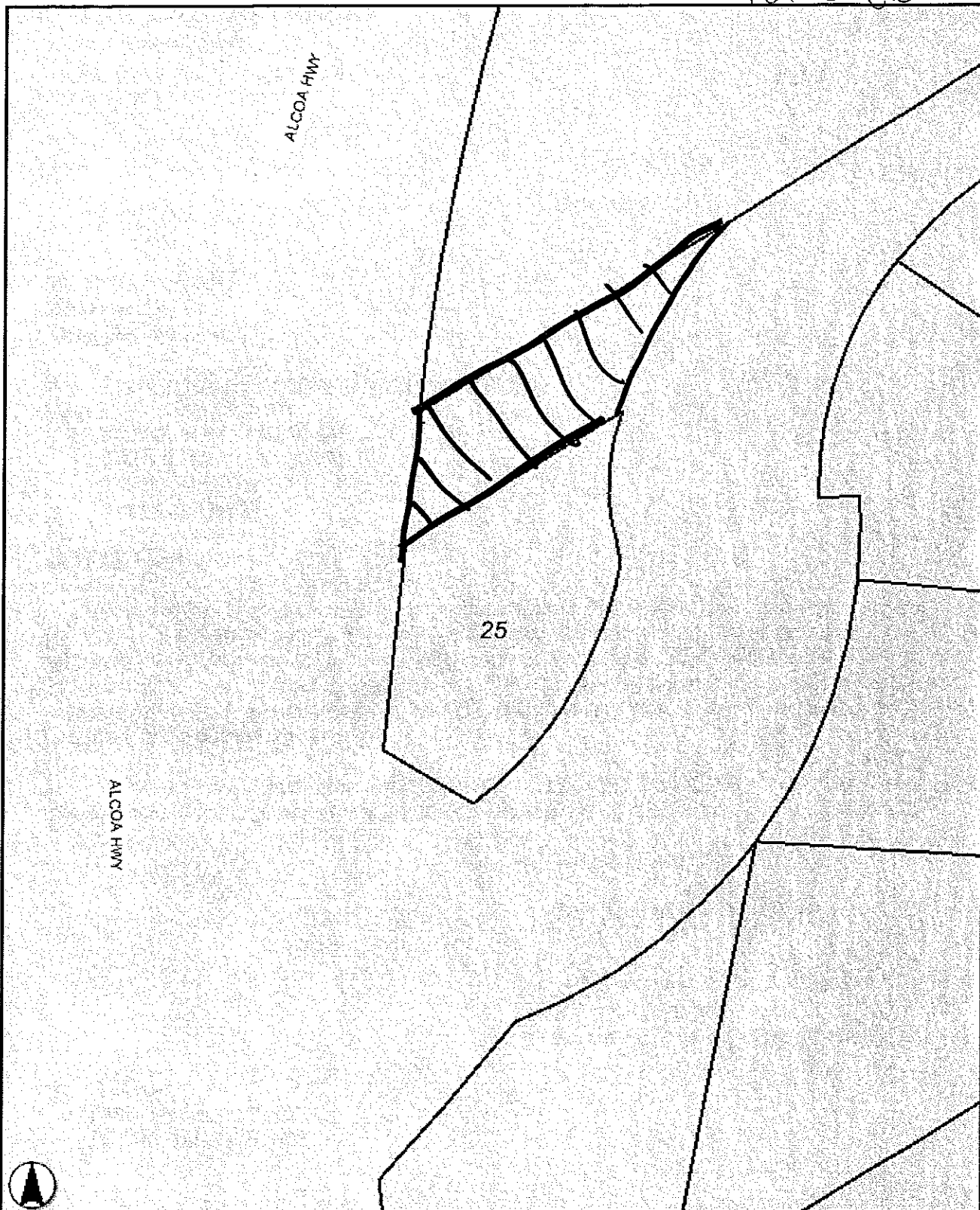
Jurisdiction: City

Name of Street or Alley: Unnamed street  
 To be closed from: Topside Road  
 To be closed to : Alcoa Highway

Original Print Date: 11/21/06 Revised:  
 Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902



12-B-06-SC



© KGIS 2006

0 68ft

### KGIS Map

KGIS - 606 Main St - Suite 150 - Knoxville TN 37902 - www.kgis.org

Printed: Mon Nov 6 2006

Disclaimer: KGIS makes no representation or warranty as to the accuracy of this map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof and luther covenants and agrees to hold KGIS harmless from any and all damage loss, or liability arising from any use of this map product. KGIS - Copyright © 2006



A Duke Energy Company

Greg B. Davisson, Sr. RW Representative  
Rights of Way & Land Department  
Transmission

12-B-06-SC  
East Tennessee Natural Gas, LLC  
1575 Downtown West Blvd.  
Knoxville, TN 37919

Direct Phone: 865.539-3283  
Fax: 865.539-3280  
E-mail: gbdavisson@duke-energy.com

October 20, 2006

Mr. Dart Livingston  
208 Blue Sky Dr.  
Maryville, TN 37801

Re: Topside Road – Proposed TDOT Quitclaim  
ETNG Fee Property  
3100-2, R/W Tract #1076  
3200-1, R/W Tract #1643  
3300-1, R/W Tract #1  
Knox County, TN

Dear Mr. Livingston:

This writing is pursuant to your verbal request that East Tennessee Natural Gas, LLC ("ETNG"), join you in petitioning the Tennessee Department of Transportation ("TDOT") to quitclaim their interest in an abandoned portion of Topside Road near the intersection of Alcoa Highway (U.S. 129). Said abandoned portion of roadway adjoins the northerly boundary of property on which you have an option to purchase and the southerly boundary of ETNG's property, as captioned above.

ETNG has no objection to your pursuing said petition with TDOT. However, we have no interest in participating, nor do we have an interest in being a benefactor of such a quitclaim.

Very truly yours,

East Tennessee Natural Gas, LLC

  
Greg B. Davisson  
Senior Right of Way Representative

cc: R. Acom  
File – Houston R/W&L  
File – Knoxville R/W&L

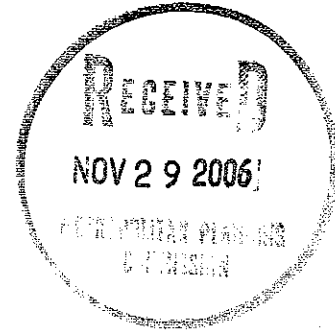


Knoxville Utilities Board



12-B-06 SC

November 27, 2006



Mr. Ken Pruitt  
Knoxville-Knox County  
Metropolitan Planning Commission  
Suite 403, City-County Building  
Knoxville, Tennessee 37902

Dear Mr. Pruitt:

**Re: Right-of-Way Closure Request 12-B-06-SC**

We have reviewed our records and find that we have existing utility facilities located within the subject right-of-way. The approximate location of these facilities is indicated on the attached prints. However, KUB does not release and hereby retains all easements and rights for existing utility facilities, whether or not shown on these prints.

Should this right-of-way be closed, KUB will require the following permanent easement(s) for its utility facility.

Electric – 10 feet on each side of the centerline of the electric line, 20 feet total width

So long as these conditions are met, KUB has no objection to the closure of this right-of-way. If you have any questions regarding this matter, please call me at (865) 558-2752.

Sincerely,

*Cheryl E. Myers*

Cheryl E. Myers  
Engineering

cem/ggt

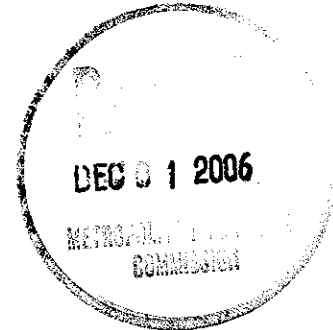
Attachment

c/att: File—Engineering

**BELLSOUTH**

BellSouth Telecommunications, Inc.  
9733 Parkside Drive  
Knoxville TN 37922

November 29, 2006



TO: Metropolitan Planning Commission

FROM: Walter M. Primm  
BellSouth  
9733 Parkside Dr.  
Knoxville, TN 37922

SUBJECT: DART LIVINGSTON -- Closure of unnamed street from Old East Topside  
Road starting from the point where it connects to the New East Topside  
Road to Alcoa Highway, Council District 1, South County Sector -- 12-B-06-SC

BellSouth has facilities in this area. The closing will be satisfactory as originally proposed with an easement to maintain and replace our plant as needed in the area in question.

Thank you,

A handwritten signature in cursive script, appearing to read "Walter M. Primm".

Walter M Primm