



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

▶ **FILE #:** 3-A-07-SC **AGENDA ITEM #:** 5  
 POSTPONEMENT(S): 3/8/2007 & 4/12/2007 **AGENDA DATE:** 6/14/2007

▶ **APPLICANT:** RIVERGATE, LLC

TAX ID NUMBER: 92 092  
 JURISDICTION: Council District 3  
 SECTOR PLAN: Northwest County  
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)  
 ZONING: R-1 (Low Density Residential)

▶ **RIGHT-OF-WAY TO BE CLOSED:** Amherst Rd.  
 ▶ **LOCATION:** Between Amherst Rd. and Piney Grove Church Rd.

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

▶ **APPLICANT'S REASON FOR CLOSURE:** Amherst Rd. realignment has removed this road section from public use.

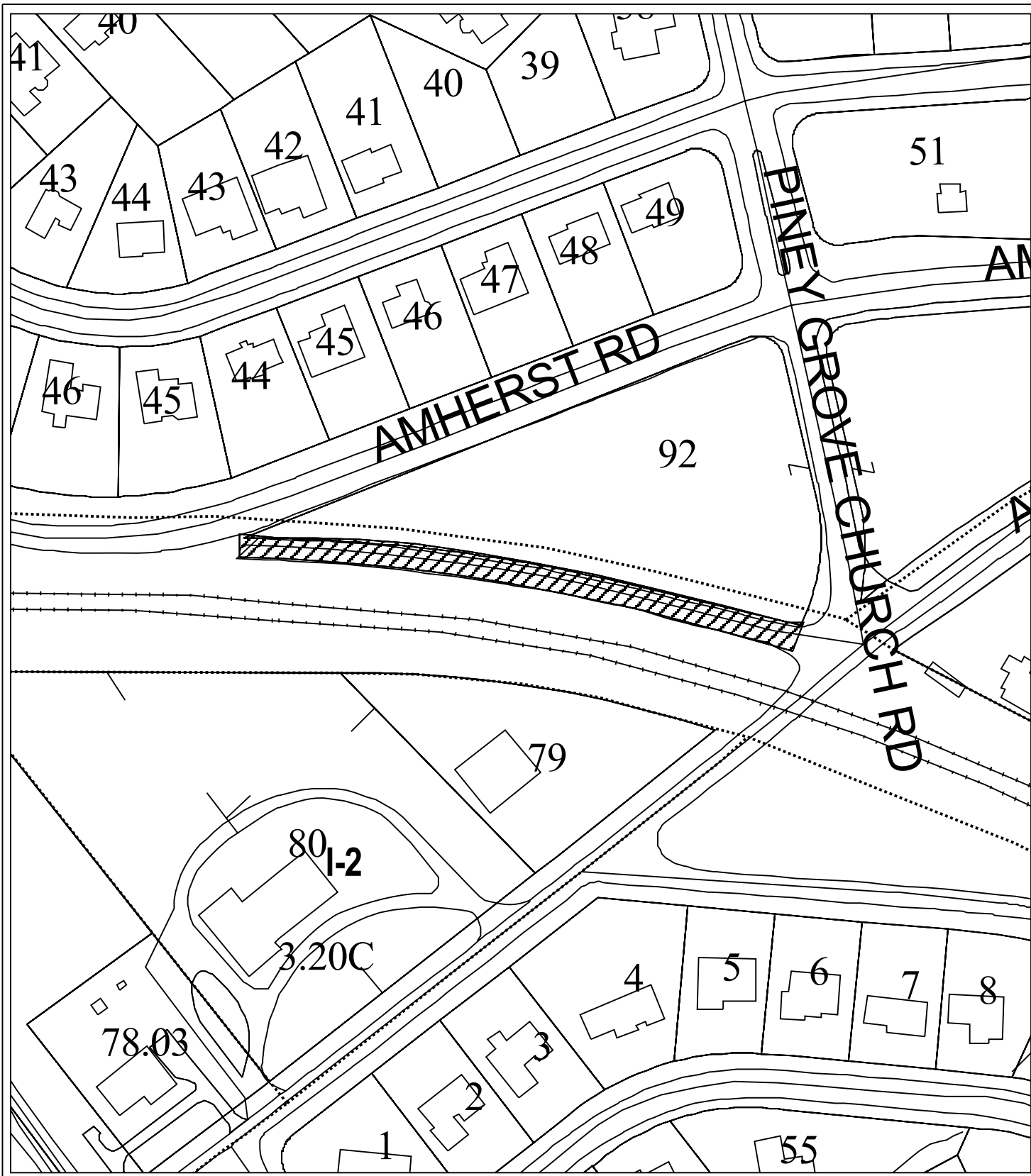
DEPARTMENT-UTILITY REPORTS: There are utilities in this right-of-way that will need to have easements retained for maintenance.

**STAFF RECOMMENDATION:**

▶ **WITHDRAW the requested closure form the agenda because Knox County Commission records show that this right-of-way was closed 2/26/1996 prior to annexation.**

This section of Amherst Rd. was relocated several years ago, and this portion of the right-of-way was closed, for public access. The Knox County Commission approved the closure of this street section prior to this area's annexation into the City of Knoxville. A deed to transfer the former right-of-way to the adjoining property owners may be obtained from the city or county law department.

If approved, this item will be forwarded to Knoxville City Council for action on 7/17/2007 and 7/31/2007. 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.



**3-A-07-SC  
CLOSURE OF PUBLIC RIGHT OF WAY**

Petitioner: Rivergate, LLC

Map No: 92

Jurisdiction: City

Name of Street or Alley: Amherst Rd.  
 To be closed from: Amherst Rd.  
 To be closed to: Piney Grove Church Rd.

Original Print Date: 02/22/07 Revised:  
 Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902





June 6, 2007

Mr. Ken Pruitt, Principal Planner  
Metropolitan Planning Commission  
Suite 403, City County Building  
Knoxville, Tennessee 37901

SUBJECT: Request to Close a Portion of Amherst Road  
MPC File # 3-A-07-SC / City Block 45530

Dear Mr. Pruitt:

This rescinds a letter of February 27, 2007, sent on my behalf and which stated that City Engineering did not oppose this request. However, since then we have become aware of some new and pertinent information.

This right-of-way has already been closed. It was closed by County Commission at the 2<sup>nd</sup> reading on February 26, 1996. It was not annexed into the City until November 27, 2001 (Ordinance #O-403-01).

Because there is no longer any right-of-way to be closed, City Engineering cannot support this request going forward. I have discussed this in advance with both the applicant and his client's attorney.

If you have any questions, please call. You can reach me at 215-2148.

Sincerely,

A handwritten signature in black ink that reads "Floyd R. Smith".

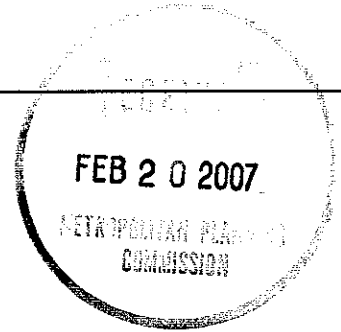
Floyd R. Smith, R.L.S., Technical Services Administrator

C: Sharon Boyce, Senior Attorney, City Law Department  
David McGinley, P.E., Chief, Stormwater Section, Engineering Division  
Mark Geldmier, P.E., Chief, Traffic Engineering Section, Engineering Div.  
Tom Clabo, P.E., Chief, Civil Engineering Section, Engineering Division  
File

*kp070606 cls amherst rd 3-A-06-SC doc*



Knoxville Utilities Board



February 19, 2007

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 3-A-07-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.

Water – 7.5 feet on each side of the centerline of the water line, 15 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  
Engineering

cem/ggt

Attachment

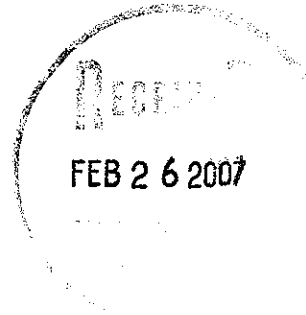
c/att: File—Engineering



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BellSouth Telecommunications, Inc.  
9733 Parkside Drive  
Knoxville, TN 37922

February 21, 2007



TO: Metropolitan Planning Commission

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

SUBJECT: RIVERGATE LLC. – Closure of an unused portion of Amherst Road from  
Amherst Road (relocated) to Piney Grove Church Road. Council District  
3, Northwest County Sector – 3-A-07-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,

Walter M. Primm