

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

▶ **FILE #:** 10-A-07-SC (REVISED)

AGENDA ITEM #: 7

AGENDA DATE: 8/14/2008

▶ **APPLICANT:** **NORTHSHORE COMMONS, LLC (REFERRED BACK TO MPC BY CITY COUNCIL)**

TAX ID NUMBER: 121 G C 001 & 025
 JURISDICTION: Council District 2
 SECTOR PLAN: West City
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
 ZONING: O-1 (Office, Medical, and Related Services), O-3 (Office Park) and R-1 (Low Density Residential)
 WATERSHED: Fourth Creek

▶ **RIGHT-OF-WAY TO BE CLOSED:** **B Dr**

▶ **LOCATION:** **Between S. Northshore Dr. and dead end**

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

▶ **APPLICANT'S REASON FOR CLOSURE:** **Northshore Commons, LLC owns all property on both sides of B Drive to its dead end. The only property accessible from B Drive is owned by Northshore Commons, LLC.**

DEPARTMENT-UTILITY REPORTS: No objections received as of 8/7/2008; subject to any easements required.

STAFF RECOMMENDATION:

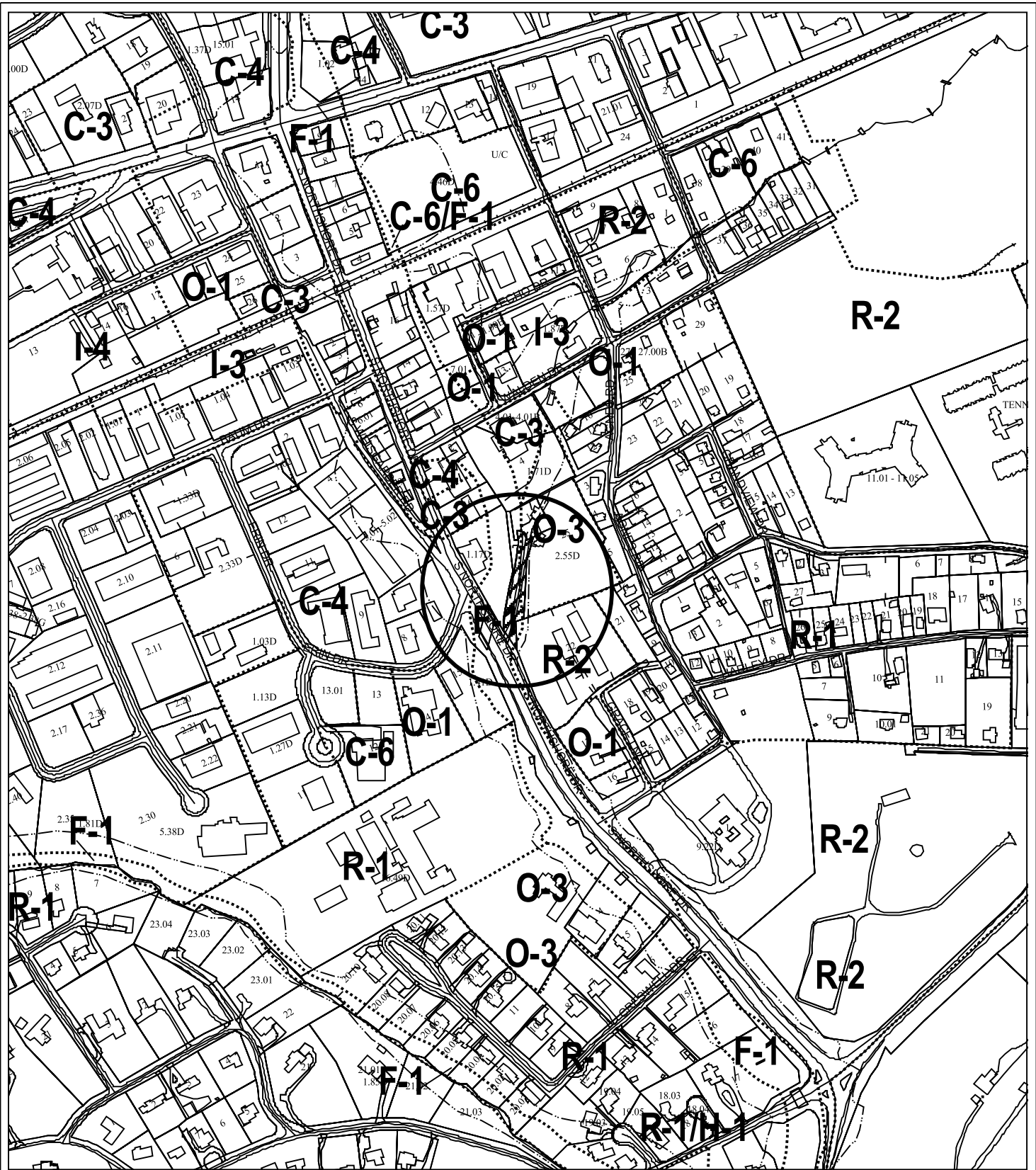
▶ **APPROVE this expanded closure, subject to any required easements and the conditions of the City Engineering Department. (See attached letter.)**

This right-of-way is no longer needed to provide public access in this area. The applicant has acquired the adjoining property and intends to combine this right-of-way with the adjoining property for future development. Any future access would come from S. Northshore Drive.

COMMENTS:

The applicant has included the other adjoining properties to B Drive at S. Northshore Dr. to participate in this request so that all of B Drive to S. Northshore Dr. is now being requested for closure. This amendment eliminates the Engineering Department's concern that leaving a remnant of this right-of-way would result in some adjacent property not having the minimum required frontage on S. Northshore Dr., which is now the sole means of access to these properties.

If approved, this item will be forwarded to Knoxville City Council for action on 9/9/2008 and 9/23/2008. 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.



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

Petitioner: Northshore Commons, LLC
 Map No: 121
 Jurisdiction: City

Name of Street or Alley: B Dr
 To be closed from: S. Northshore Drive
 To be closed to: Dead end

Original Print Date: 08/07/08 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



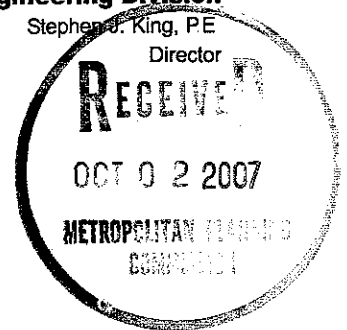
CITY OF KNOXVILLE

BILL HASLAM, MAYOR



Engineering Division

Stephen J. King, P.E.
Director



October 2, 2007

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

SUBJECT: Request to Close a Portion of B Drive
MPC File # 10-A-07-SC / City Block 49170

Dear Mr. Pruitt:

A survey plat recorded October 14, 2005 as Instrument No. 200510140034227 shows the existing B Drive right-of-way, the pavement within the right-of-way, and Fourth Creek running along the west side of B Drive. It also shows all of the pavement and much of the right-of-way to be within a "100 year floodway."

If granted, this request will close most of B Drive, but approximately 130 feet at its intersection with S. Northshore Drive will remain. This closure will also landlock Lot 88 and the remainder of Lot 89 of Park Realty's Bearden and Lyons View Addition, Second Unit (Map Book 17, Pg. 156).

The Engineering Department can support this request only if the following conditions are met:

1. The south limit of this closure shall be defined by a line running perpendicular across the road from the southernmost corner of the unbuildable lot on the west side of B Drive as shown on the above referenced plat;
2. A plat to combine Lots 88 and 89 with other properties so that no landlocked property remains and to dedicate right-of-way for a turn-around at the new end of B Drive must be recorded with the Register of Deeds;
3. The new turn-around must be constructed to City standards; and
4. The plat must be recorded within one year from the date City Council gives its final approval for the closure; otherwise, this closure will become null and void.

Please note that the floodway issues indicated on Map Inst. 200510140034227 will require a "No-Rise" study, and possibly FEMA approval, before any permits can be issued.

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

Sincerely,



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

- C: Ed Shultz, Attorney (fax only: 865-637-6050)
- Sharon Boyce, Senior Attorney, City Law Department
- David McGinley, P.E., Chief, Stormwater Section, Engineering Division
- Mark Geldmeier, P.E., Chief, Traffic Engineering Section, Engineering Div.
- Tom Clabo, P.E., Chief, Civil Engineering Section, Engineering Division
- File

kp071002 cls b-drive 10-A-07-SC doc



Knoxville Utilities Board

September 14, 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 10-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 for its utility facility.

Sewer – 7.5 feet on each side of the centerline of the wastewater line, 15 feet total width
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) 558-2291.

Sincerely,

Greg L. Patterson
Engineering

glp/ggt

Enclosure