



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

▶ **FILE #:** 7-C-08-SC

AGENDA ITEM #: 12

AGENDA DATE: 7/10/2008

▶ **APPLICANT:** GERDAU AMERISTEEL

TAX ID NUMBER: 94 A A 013
 JURISDICTION: Council District 5
 SECTOR PLAN: Central City
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
 ZONING: I-3 (General Industrial)
 WATERSHED: Third Creek

▶ **RIGHT-OF-WAY TO BE CLOSED:** Tennessee Ave.

▶ **LOCATION:** Between Western Ave. and Schofield St.

IS STREET:
 (1) IN USE?: Yes
 (2) IMPROVED (paved)?: Yes

▶ **APPLICANT'S REASON FOR CLOSURE:** For safety and environmental reasons. (See attached letter.)

DEPARTMENT-UTILITY REPORTS: No objections received as of 6/24/08; subject to all requested easements.

STAFF RECOMMENDATION:

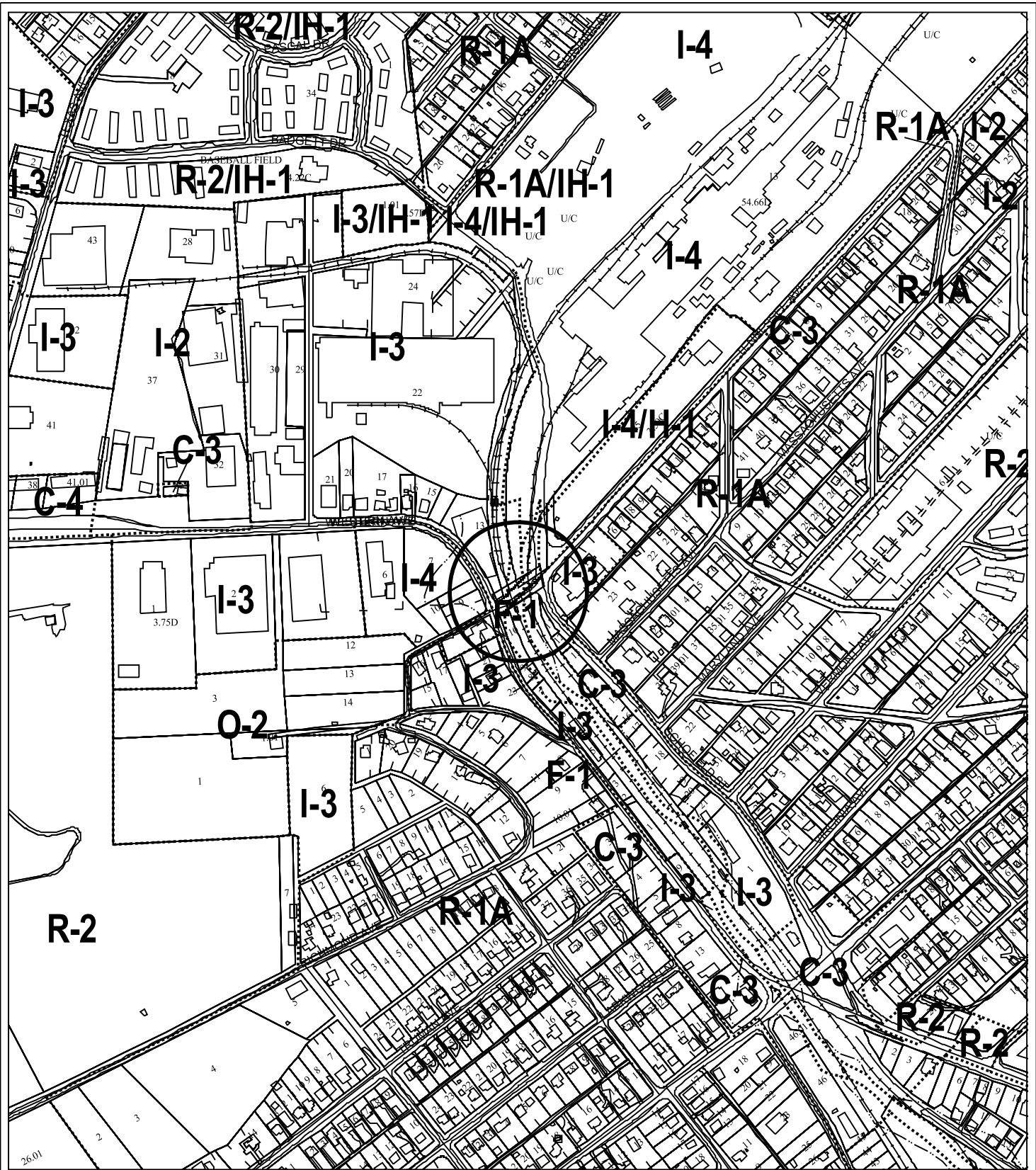
▶ **APPROVE** the physical closure of this street section, subject to the requested easements, but not the relinquishing of the ownership of any of the ROW until the completion of the Western Ave. improvements. (See letters from TDOT and City Engineering.)

Closure of this street section will not impede the function of the remainder of Tennessee Ave. through the neighborhood, and is expected to improve traffic safety caused by large trucks becoming stuck in the dip located within this street section at the at-grade railroad crossing. (See attached letter.)

COMMENTS:

The future improvement and realignment of Western Ave. through this area will also require this section of Tennessee Ave. to be closed, but some or all of the right-of-way may become part of the the realigned Western Ave right-of-way.

If approved, this item will be forwarded to Knoxville City Council for action on 8/12/2008 and 8/26/2008. 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.



**7-C-08-SC
CLOSURE OF PUBLIC RIGHT OF WAY**

Petitioner: Gerdau Merisel
 Map No: 94
 Jurisdiction: City

Name of Street or Alley: Tennessee Ave.
 To be closed from: Western Ave.
 To be closed to: Schofield St.
 Original Print Date: 06/19/08 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



CITY OF KNOXVILLE

BILL HASLAM MAYOR



Stephen J. King, P.E.

Director of Public Works

Brently J. Johnson, P.E., R.L.S.

Deputy Director of Engineering

July 1, 2008

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



SUBJECT: Request to Close a Portion of Tennessee Avenue
MPC File # 7-C-08-SC / City Block 19524, 19620 & 19720

Dear Mr. Pruitt:

This is a request by Arthur Seymour, Jr., on behalf of Gerdau Ameristeel to close that portion of Tennessee Avenue between Western Avenue and Schofield Street, a distance of approximately 150 feet.

The Tennessee Department of Transportation (TDOT) is presently preparing to improve State Route 62 (Western Avenue) in this area. Current plans for State Project No. 47023-1257-14 call for the subject portion of Tennessee Avenue to be eliminated and encompassed by these improvements.

On June 17, 2008 City Council approved Resolution R-185-08, which authorized the mayor to execute a proposal with TDOT for this project. Because the subject right-of-way will be needed for the project, the Engineering Department does not support abandoning it as requested. However, we would support closing it to traffic until the roadway is eliminated after appropriate public notice and input.

I have explained our concerns to Mr. Seymour. If you have any questions, please call.

Sincerely,

A handwritten signature in cursive script that reads "Floyd R. Smith".

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

C: Arthur Seymour, Jr. (Fax only: 865-637-5249)
Oliver Farris, TDOT (Fax only: 865-594-2495)
Debra C. Poplin, Law Director
Sharon Boyce, Senior Attorney, Law Dept.
Brent Johnson, P.E., Deputy Director, Engineering Dept.
David McGinley, P.E., Chief, Stormwater Section
File

kp080701-2clsTnAve 7-C-08-SC doc

May 28, 2008

Metropolitan Planning Commission
City County Bldg, Suite 403
400 Main Street
Knoxville, TN 37902

Re: Closing Tennessee Avenue between Schofield Street & Western Avenue

This request is brought about for several reasons, two of which are safety and environmental issues. Additionally, when IDOT widens and realigns Western Avenue, a project that is probably two to three years away, this portion of Tennessee Avenue will permanently disappear. Lastly, even though this portion of Tennessee Avenue is posted, "No Trucks", more than half the trucks entering or leaving our plant that is located on Tennessee continue to use this portion of the road.

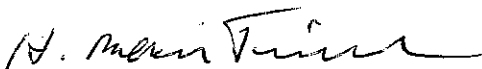
In less than forty feet, two railroad tracks cross Tennessee Avenue. One of these is the Holston River Railroad, formerly Norfolk Southern, and the other is the CSX. In addition, there is a short bridge between the two tracks spanning a fork of Third Creek. The difference in elevation between the two tracks is about eight feet. On several occasions, trucks loaded with scrap coming to our plant have bottomed out on the track, resulting in a ruptured fuel tank allowing spillage of diesel fuel into the creek.

Due to the increase in our outbound rail traffic, we are now doing some of our own switching of rail cars across Tennessee Avenue. This requires us to post crossing guards on Tennessee, which is especially dangerous at night due to decreased visibility. We also would like to be able to spot rail cars on the CSX in the Tennessee Avenue right of way.

There is no traffic signal at the intersection of Tennessee and Western Avenues, nor are there turn lanes in either direction on Western. This results in traffic backups when trucks are turning off of Western onto Tennessee.

In considering alternate routes, the closing of this portion of Tennessee will necessitate eastbound traffic on Western go approximately two-tenths of a mile further east to Keith Avenue, where there is a turn lane and a traffic signal, then west on Schofield.

Sincerely,



H. Blair Trimble
Senior Advisor

Enclosures: Knoxville Police Department report
Gerdau Ameristeel Security report
Tennessee Department of Transportation drawings

HBT/mkh

Nash, Steve

From: David Rausch [DRausch@cityofknoxville.org]
Sent: Thursday, April 24, 2008 4:32 PM
To: Nash, Steve
Cc: Gordon Catlett; Monty Houk; Sterling Owen IV; William Roehl
Subject: Closure of Tennessee between Western and Schofield

Steve, this is to confirm our conversation about the Police Department's position on closing Tennessee Avenue between Western Avenue and Schofield. We do not have an objection to this action. It will not effect Police response in this area. Traffic from Tennessee Avenue can use Schofield to Keith to exit onto Western Avenue, which would actually be safer as it is a traffic signal controlled intersection. The collisions that happen at Western and Schofield are caused mostly due to the blind curb where the street intersects. This would help the City of Knoxville to reduce collisions at this location and will help Gerdau Ameristeel to reduce the damage to your delivery vehicles. It sounds like a win-win to all. Please let me know if you have any other questions or concerns that we may be of assistance.

Regards,

Captain David Rausch
West District Commander
Knoxville Police Department
Knoxville, Tennessee
865-215-7532



WALDEN SECURITY

INCIDENT REPORT

Date: 20 SEPT 07

Client: GERDA AMERISTEEL Location: 1919 TENNESSEE AVE. KNOXVILLE, TN 37921 From: 1059 To: 1151

Person(s) Involved (name/description)	W/V/S*	Address	Telephone Number
SWARD, EDDIE	N/A	OLD MIDWAY ROAD LENOIR CITY, TN 37172	986-9426
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

*Witness (W), Victim (V), Suspect (S)

Description of Incident (Explain in detail: Who; What; When; Where; How; Use additional pages if necessary)

AT 1059 SECURITY OFFICER ED FRANKLIN NOTIFIED ME THAT AN INCOMING SEMI-TRUCK TO THE FACILITY, HAD DAMAGED HIS DRIVER'S SIDE FUEL TANK WHILE CROSSING THE RAILROAD TRACKS ON TENNESSEE AVE., AND HAD SPILLED DIESEL FUEL FROM THE POINT OF IMPACT TO WHERE THE DRIVER HAD STOPPED AT; (IN FRONT OF THE GATEHOUSE AT GATE ONE.) I ARRIVED ON THE SCENE AT 1103 AND OBSERVED G/A EMPLOYEE DAVID MOORE IN THE PROCESS OF PUTTING AN AB SORBANT ON THE EFFECTED AREAS. G/A EMPLOYEES SCOT WOODBY AND TODD MARTIN ARRIVED SHORTLY THEREAFTER AND ASSISTED IN THE PROCESS. AT 1134 I BLOCKED ONCOMING TRAFFIC AT THE RAILROAD TRACK ON TENNESSEE AVE. BRIEFLY WHILE MOORE AND WOODBY CONTINUED THE APPLICATION AND CLEAN UP OF THE AB SORBANT UNTIL 1142. AT 1151 THE G/A EMPLOYEES (CON'T.)

Action Taken (Incident Resolved?)	Emergency Notifications
① GERDA AMERISTEEL ENVIRONMENTAL DEPARTMENT (MILES, CHRIS) NOTIFIED	<input type="checkbox"/> Police - Report No.: <input checked="" type="checkbox"/> Client Representative: ^{CHRIS MILES} @ 1101
② SPILL CLEANED UP BY G/A EMPLOYEES MOORE, MARTIN, AND WOODBY	<input type="checkbox"/> Fire Dept./EMS: <input type="checkbox"/> Branch Management:

Security Officer Signature: SMITH, S.D. Registration No.: 00604965(TN) Date: 20 SEPT 07
S.D. Smith Page 1 of 2

Management Review (Note additional actions taken, including appraisal of officer performance.)



WALDEN SECURITY

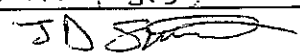
INCIDENT REPORT

Continuation Page

Client: GERDAN AMERISTEL Location: 1919 TENNESSEE AVE Date: 20 SEPT 07
KNOXVILLE TN 37921 From: 1059
 To: 1151

Description of Incident (Explain in detail: Who; What; When; Where; How; Use additional pages if necessary)

(FROM PREVIOUS PAGE) LEFT THE SCENE. THE DAMAGED TRUCK WAS DRIVEN BY EDDIE SWARD, OF CIRCLE "H" TRUCKING COMPANY. THE TRUCK NUMBER WAS 26, AND THE LICENSE PLATE NUMBER: T463419 (STATE OF TENNESSEE). MR. SWARD WAS PULLING TRAILER NUMBER T-93, EMPTY, AT THE TIME OF THE INCIDENT. THERE WERE NO INJURIES, BECAUSE OF THE INCIDENT; AND AT NO TIME WAS ANY OF THE FUEL SPILLED IN CONTACT WITH ANY GROUND WATER OR STORM DRAINS. THE WEATHER AT THE TIME WAS CLEAR AND WARM WITH HIGH VISIBILITY. THERE IS NO VIDEO FOOTAGE AVAILABLE OF THE INCIDENT. END OF REPORT.

Security Officer Signature: SMITH, J.D. Registration No.: 00604965(TN) Date: 20 SEPT 07
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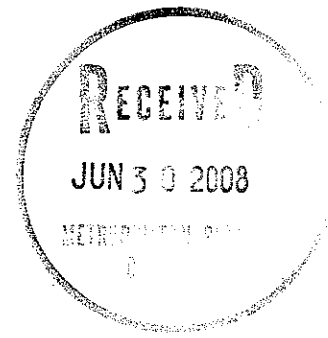
Management Review (Note additional actions taken, including appraisal of officer performance.)

Reviewed by: _____ Registration No.: _____ Date: _____



STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
P. O. BOX 58
KNOXVILLE, TENNESSEE 37901

June 27, 2008



JUN 30 RECD

7-C-08-SC

Mr. Ken Pruitt
Metropolitan Planning Commission
City County Bldg, Suite 403
400 Main Street
Knoxville, TN 37902

RE: Closure of Tennessee Avenue from Western Avenue to Schofield Street

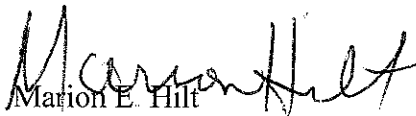
Dear Mr. Pruitt:

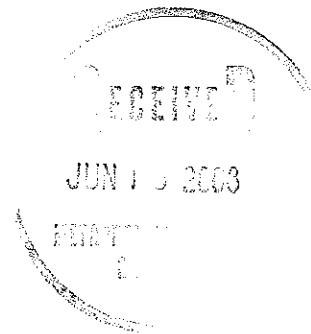
The Department of Transportation does not have an objection to the closure of this area on Tennessee Avenue; however, we do object to the conveyance of public property in this area. State Project # 47023-1261-14 is most likely to require air space, utility rights and other property acquisition in this area. Therefore, we would to avoid any unnecessary hardship for potential owners when the prospect that the State will have to acquire property in this area is great.

If the closure of this roadway entails, in any way, the conveyance of property in this area, the Department of Transportation officially objects to the closure of Tennessee Avenue from Western Avenue to Schofield Street.

For further discussion of this matter, please contact me at 594-2493 or Mr. Oliver Farris at 594-2496

Sincerely,


Marion E. Hilt
Staff Attorney



June 13, 2008

TO: Metropolitan Planning Commission

FROM: Walter Primm
AT&T
9733 Parkside Dr.
Knoxville, TN 37922

SUBJECT: GERDAU AMERISTEEL – Closure of Tennessee Avenue from Western Avenue to Schofield Street. Council District 5, Central City Sector – 7-C-08-SC.

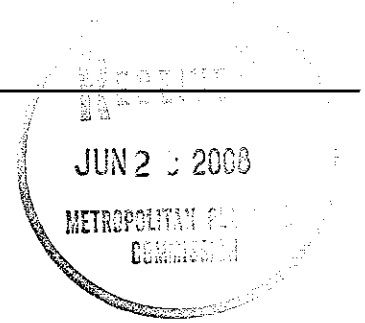
AT&T has facilities in this area. The closing will be satisfactory as originally proposed with an easement to maintain and replace our plant as needed in the area in question.

Thank you,


Walter Primm



Knoxville Utilities Board



June 19, 2008

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 7-C-08-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.

- Electric – 10 feet on each side of the centerline of the electric line, 20 feet total width
- Gas – 12.5 feet on each side of the centerline of the gas line, 25 feet total width
- Sewer – 7.5 feet on each side of the centerline of the wastewater line, 15 feet total width
- Water – 12.5 feet on each side of the centerline of the water line, 25 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.

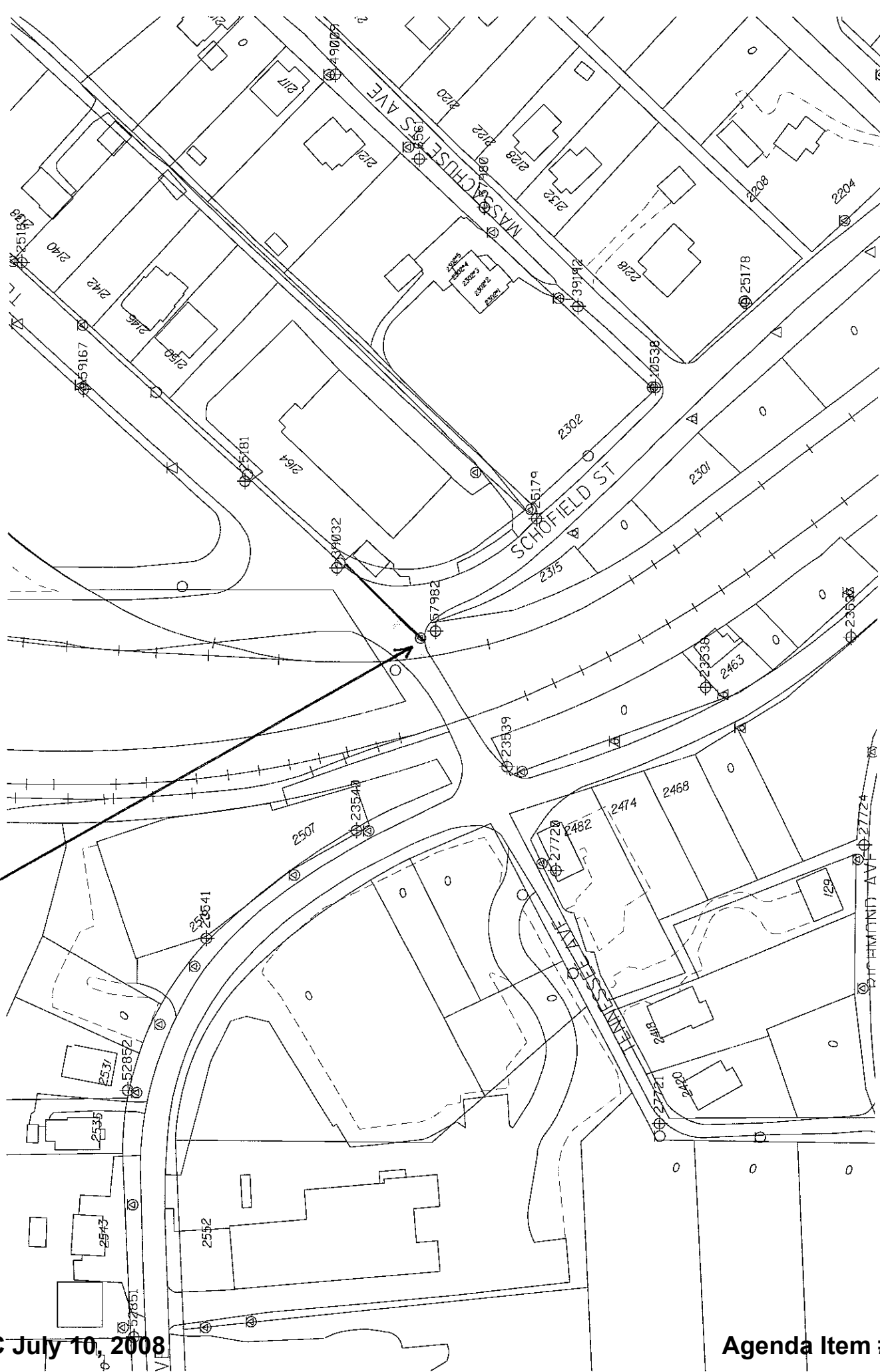
Sincerely,

Cheryl E. Myers
Engineering

cem/ggt

Enclosure

GERDAU AMERISTEEL (TN) - ELECTRIC - MAINTAIN 20' EASEMENT



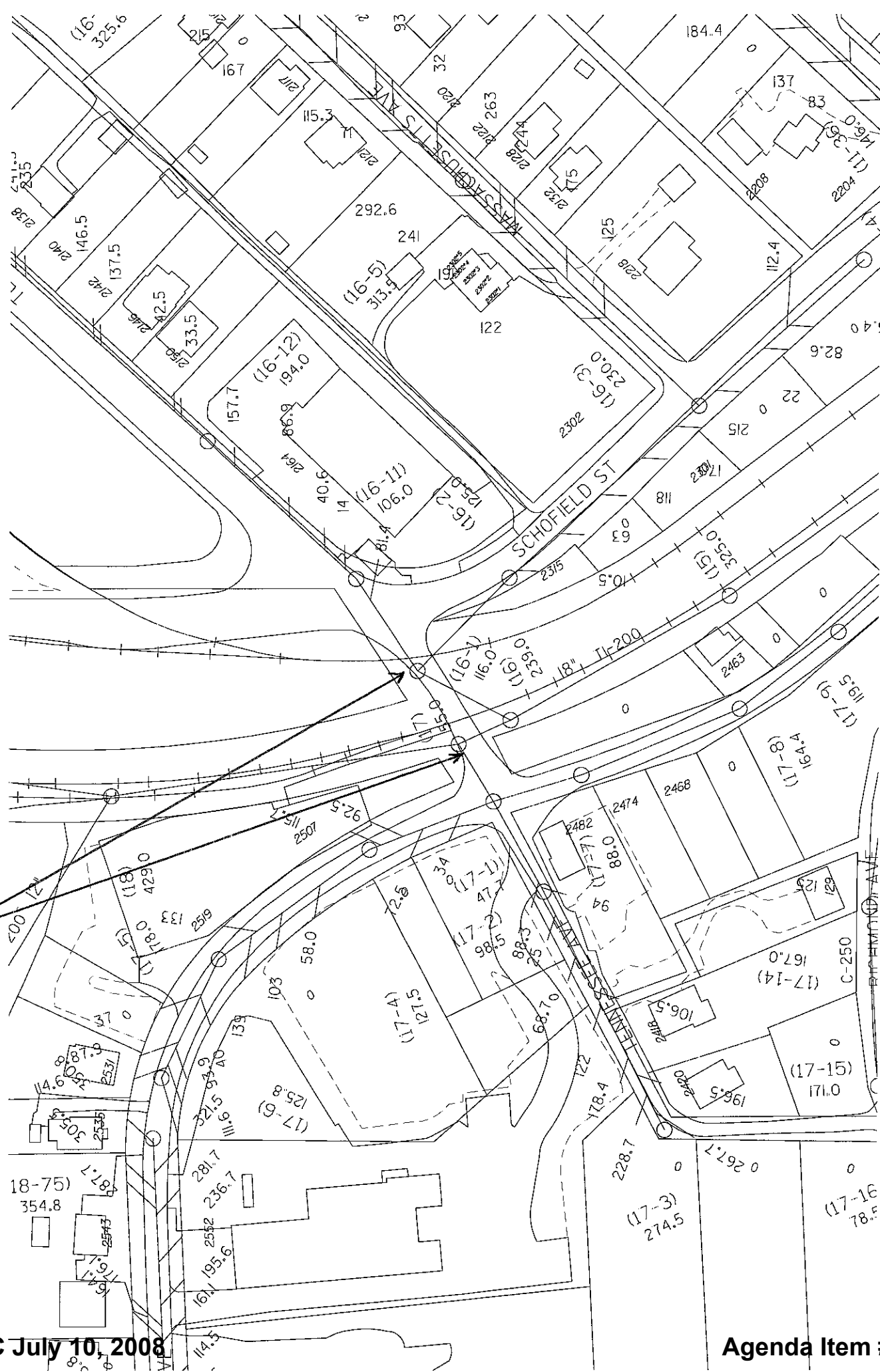
MPC July 10, 2008

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GERDAU AMERISTEEL (TN) - SEWER - MAINTAIN 15' EASEMENT

MPC July 10, 2008

Agenda Item # 12



GERDAU AMERISTEEL (TN) - WATER - MAINTAIN 25' EASEMENT

MPC July 10, 2008

Agenda Item # 12

