

▶ **FILE #:** 3-A-08-SC

AGENDA ITEM #: 8

AGENDA DATE: 12/10/2009

▶ **APPLICANT:** HABITAT FOR HUMANITY

TAX ID NUMBER: 81 P C 002-004
 JURISDICTION: Council District 5
 SECTOR PLAN: Central City
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
 ZONING: R-1A (Low Density Residential) / IH-1 (Infill Housing Overlay)
 WATERSHED: Third Creek

▶ **RIGHT-OF-WAY TO BE CLOSED:** Evans St

▶ **LOCATION:** Between Bonny Avenue and south to terminus at parcel 081PC003

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

▶ **APPLICANT'S REASON FOR CLOSURE:** Consolidation of property

DEPARTMENT-UTILITY REPORTS: No objections were received by MPC staff as of 12/1/09.

STAFF RECOMMENDATION:

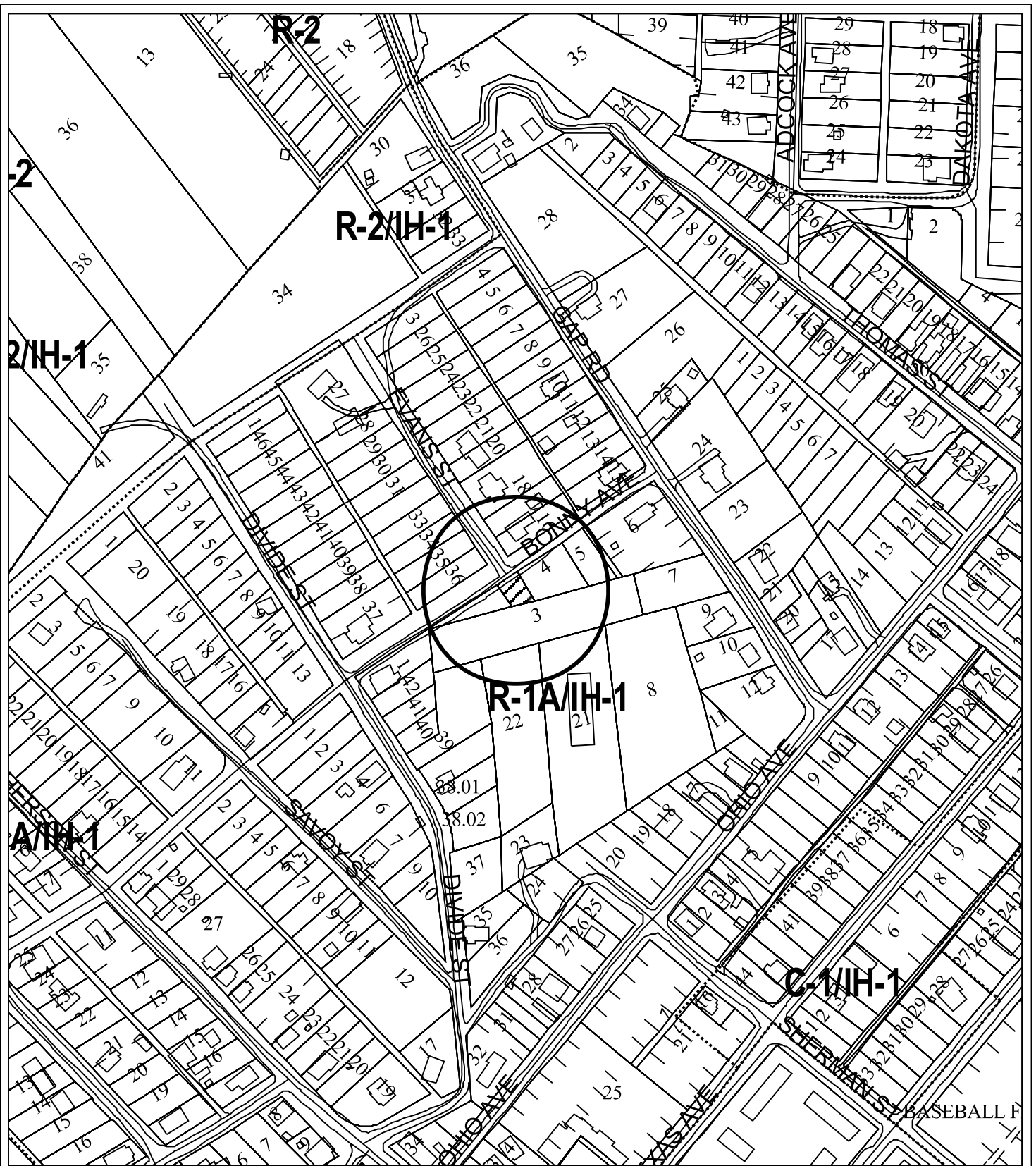
▶ **RECOMMEND** that City Council **APPROVE** the closure, subject to any required easements.

Staff has received no objections to this street closure. The closure of this section of Evans St. will not adversely impact public access to property in the area, or access through the community.

COMMENTS:

The City of Knoxville Engineering Department had previously opposed this request, because there were concerns of leaving parcel 3 landlocked. This proposal had been tabled since March 13, 2008. Since then, the applicant has worked with Engineering to address their concerns. Engineering has now submitted an updated letter, dated November 16, 2009, stating no objection to the request (attached). Therefore, staff also recommends approval of the request.

If approved, this item will be forwarded to Knoxville City Council for action on 1/12/2010 and 1/26/2010. 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-08-SC
CLOSURE OF PUBLIC RIGHT OF WAY**

Petitioner: Habitat for Humanity

Map No: 81

Jurisdiction: City

Name of Street or Alley: Evans St
 To be closed from: Bonny Avenue
 To be closed to : Terminus at parcel 081PC003

Original Print Date: 02/26/08 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

November 16, 2009

Mr Mike Brusseau, Senior Planner
Metropolitan Planning Commission
Suite 403, City County Building
Knoxville, Tennessee 37901



SUBJECT: Request to Close a Portion of Evans Street
MPC File # 3-A-08-SC / City Block 19160

Dear Mr. Brusseau:

This request was filed in February of 2008 by Knoxville Habitat for Humanity, Inc., to close that portion of Evans Street that lies southeast of Bonny Avenue. Closing this right-of-way at that time would have landlocked CLT Parcel #081-P-C-003, which was owned by an absentee owner. For that reason the Engineering Department could not support this request (see my letter of February 29, 2008 to Ken Pruitt), and it was tabled. This request has now been untabled and will be heard at the December 10 MPC meeting.

Habitat for Humanity recently acquired CLT Parcel #081-P-C-003, the parcel mentioned above. They already owned Parcels 081-P-C-002 and 004.

Parcel 081-P-C-002 fronts along the southeast side of Bonny Avenue and the southwest side of Evans Street. Parcel 004 fronts along the southeast side of Bonny Avenue and the northeast side of Evans Street. Therefore, once this portion of Evans Street is closed, all of it can be conveyed to Habitat.

I am told that Habitat plans to consolidate closed Evans Street with the three parcels and re-subdivide the total so that no property will be landlocked. Therefore, the Engineering Department does not object to this request.

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: David McGinley, P.E., Chief, Stormwater Division, Engineering Division
File

mb091116clsEvansSt 3-A-08-SC doc

CITY OF KNOXVILLE

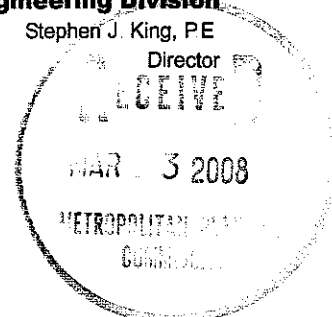
BILL HASLAM, MAYOR



Engineering Division

Stephen J. King, P.E.

Director



February 29, 2008

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

SUBJECT: Request to Close a Portion of Evans Street
MPC File # 3-A-08-SC / City Block 19160

Dear Mr. Pruitt:

This is a request to close the dead end portion of Evan Street southeast of Bonny Avenue.

According to both the City ward map and the Property Assessor's property map, closing this right-of-way will eliminate the primary access to CLT Parcel 081-P-C-003, which appears to belong to an absentee property owner.

I have talked to the applicant and understand that the absentee owner has not agreed to this closure and, in fact, may not be aware of it yet.

If not for this issue, City Engineering would not object to this request. However, unless the owner of this tax parcel agrees, we cannot support it.

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

Sincerely,

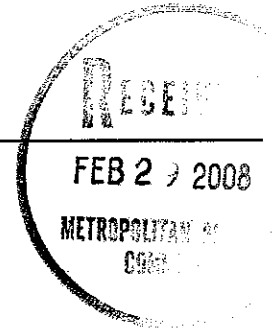
Floyd R. Smith, R.L.S., Technical Services Administrator

- C: 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

kp080229clsEvansSt 3-A-08-SC doc



Knoxville Utilities Board



February 27, 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 3-A-08-SC

We have reviewed our records and, as far as we have been able to determine, KUB has no existing utility facilities located within the subject right-of-way and we have no objection to the requested closure. However, KUB does not release and hereby retains all easements and rights for existing utility facilities, whether or not identified in our research.

If you have any questions regarding this matter, please call me at (865) 558-2752.

Sincerely,

Cheryl E. Myers
Engineering

cem/ggt

Enclosure



February 27, 2008

TO: Metropolitan Planning Commission

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

SUBJECT: HABITAT FOR HUMANITY – Closure of Evans Street from Bonny
Avenue to terminus of parcel 81 PC 003. Council District 5, Central City
Sector – 3-A-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