

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

▶ **FILE #:** 9-A-10-AC

AGENDA ITEM #: 5

AGENDA DATE: 9/9/2010

▶ **APPLICANT:** MORGAN S. CANTEY

TAX ID NUMBER: 121 D F 001
 JURISDICTION: Council District 2
 SECTOR PLAN: West City
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
 ZONING: R-1 (Low Density Residential)
 WATERSHED: Tennessee River

▶ **RIGHT-OF-WAY TO BE CLOSED:** Unnamed alley
 ▶ **LOCATION:** Between Iskagna Drive and southern terminus

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

▶ **APPLICANT'S REASON FOR CLOSURE:** The unnamed alley is no longer accessed by properties on either side of the alley

DEPARTMENT-UTILITY REPORTS: No objections have been received by staff as of 9/1/10.

STAFF RECOMMENDATION:

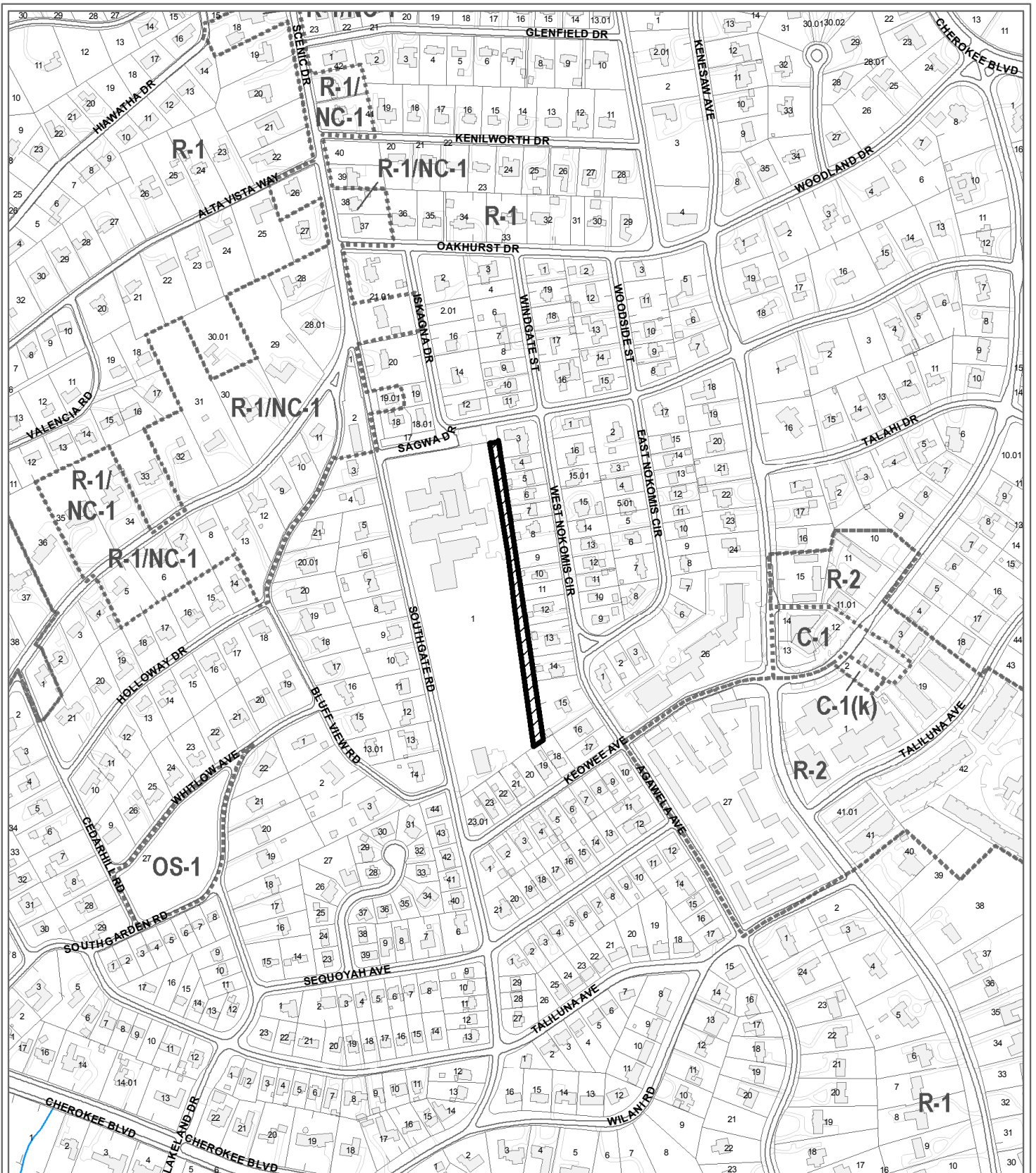
▶ **RECOMMEND** that City Council **APPROVE** the closure of the unnamed alley, subject to any required easements.

Staff has received no objections to this closure. The applicant has obtained signatures from all adjoining property owners, including the school board, indicating agreement with the request.

COMMENTS:

The Knox County Board of Education voted to approve a resolution to close this alley adjacent to Sequoyah Elementary School at their regular session meeting on June 2, 2010.

If approved, this item will be forwarded to Knoxville City Council for action on 10/5/2010 and 10/19/2010. 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.



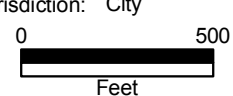
**9-A-10-AC
CLOSURE OF PUBLIC RIGHT OF WAY**

Petitioner: Cantey, Morgan S.

Name of Street or Alley: Unnamed alley
 To be closed from: Iskagna Drive
 To be closed to: southern terminus

Map No: 121
 Jurisdiction: City

Original Print Date: 8/23/2010 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





February 3, 2010

TO: Metropolitan Planning Commission

FROM: Shannon Simms
AT&T
9733 Parkside Dr.
Knoxville, TN 37922

SUBJECT: Morgan S. Cantey - Closure of unnamed alley between Iskagna Dr and Southern Terminu. City Block 24883 24884 Council District 2, West City Sector – 9-A-10-AC

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,

A handwritten signature in cursive script that reads "Shannon R. Simms".

Shannon Simms



Knoxville Utilities Board

August 6, 2010



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 9-A-10-AC

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 enclosed 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
Sewer – 7.5 feet on each side of the centerline of the wastewater 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) 558-2291.

Sincerely,

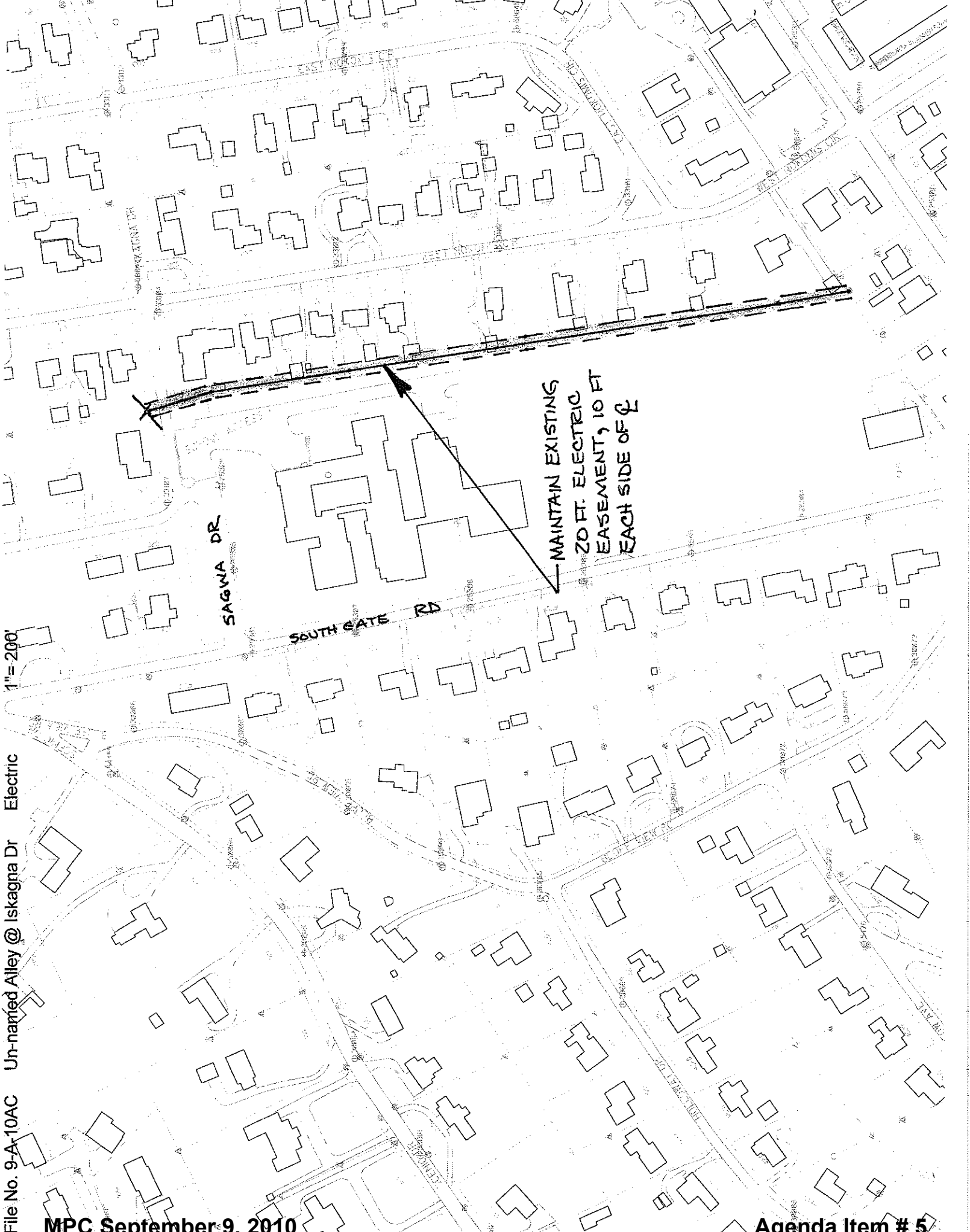
Greg L. Patterson, P.E.
Engineering

GlT/ggt

Enclosure



File No. 9-A-10AC Un-named Alley @ Iskagna Dr Sewer





KNOXVILLE-KNOX COUNTY

M P C

METROPOLITAN PLANNING COMMISSION

T E N N E S S E E

Suite 403 - City County Building
400 Main Street
Knoxville Tennessee 37902
865-215-2500
FAX-215-2068
www.knoxmpc.org

RIGHT-OF-WAY CLOSURE

Name of Applicant: Morgan S. Cantey

Date Filed: 7/19/2010 Fee Paid: 400⁰⁰/₁₀₀ File Number: 9-A-10-AC

Map Number: 121 Zoning District: _____ City County Sector: West

Jurisdiction: City 2ND Councilmanic District

INFORMATION:

Name of Right-of-Way: unnamed

Type of Right-of-Way: Street Alley

Location of Right-of-Way:

BETWEEN (City Block or Lot where appropriate) South line of Iskagna

AND (City Block or Lot where appropriate) South to terminus

Right-of-Way is: In Use Yes No Improved (example: paved) Yes No

Reason for Closure: See attached documentation

TO BE CLOSED:

From: (Street, Alley, Other)

Iskagna

To: (Street, Alley, Other)

Dead end

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Morgan S. Cantey 1011 Nokomis Circle, Knoxville, TN 37919 525-3689
Name: (Print) Address City State Zip Phone Fax

AUTHORIZATION OF APPLICATION:

I hereby certify that I am the authorized applicant, or representing the applicant and ALL property owners involved in this request or holders of option on same

Signature:

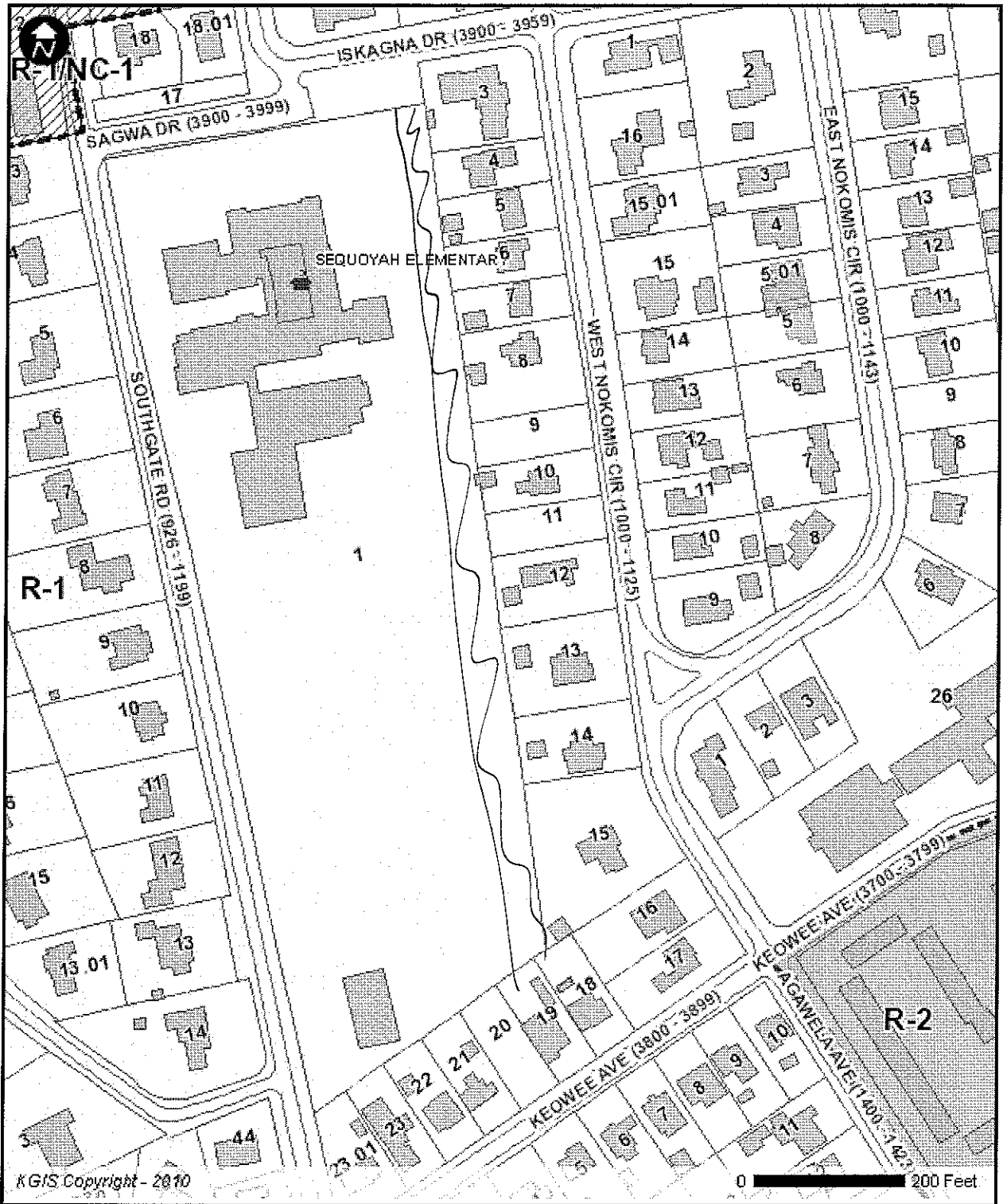
Morgan S. Cantey 1011 Nokomis Circle, Knoxville, TN 37919
Name: (Print) Address City State Zip Phone Fax

APPLICATION ACCEPTED BY:

RIGHT-OF-WAY CLOSURE CANVASS FORM

All owners and holders of option on property abutting the proposed closure must sign the list below and express their opinion about this closure. A map showing the location and addresses of these properties must accompany this application.

ADDRESS	SIGNATURE	Agree	Disagree
1123 W. NOKOMIS CIR.	<i>Lee J. Ingram</i> LEE J. INGRAM	✓	
1123 W. NOKOMIS CIR.	<i>Martha N. Ingram</i> MARTHA N. INGRAM	X	
1033 Nokomis Cr W	<i>Marshall T. Nelson</i> MARSHALL T. NELSON	✓	
1033 Nokomis Cr W	<i>Diana C. Nelson</i> DIANA C. NELSON	✓	
1021 Nokomis Circle W	<i>Paul Puryear</i> Paul Puryear	✓	
1111 Nokomis Circle W	<i>Mary Ann J. McArthur</i> Mary Ann J. McArthur	✓	
1111 W. Nokomis Circle W	<i>James Allen McArthur</i> James Allen McArthur	✓	
1201 Nokomis Circle	<i>Kathy O Duggan</i> Kathy O Duggan	✓	
1201 Nokomis Circle	<i>Geoff Duggan</i> Geoff Duggan	✓	
1209 Nokomis Circle	<i>Judith A. Stewart</i> Judith A. Stewart	✓	
1209 Nokomis Circle	<i>F. Clark Stewart Jr.</i> F. Clark Stewart Jr.	✓	
1025 W. Nokomis Cir.	<i>Melissa M. Millican</i> Melissa M. Millican	✓	
1015 W. NOKOMIS CIR	<i>Daniel M. Feller</i> Daniel M. Feller	✓	
1015 W NOKOMIS CIR.	<i>Claudia Dean</i> CLAUDIA DEAN	✓	
1129 W. Nokomis Cir	<i>Tom Lister</i> Tom Lister	✓	
1011 W. Nokomis Circle	<i>N. Christine Cantey</i> N. Christine Cantey	✓	
1011 W. NOKOMIS CIRCLE	<i>Morgan S. Cantey</i> Morgan S. Cantey	✓	



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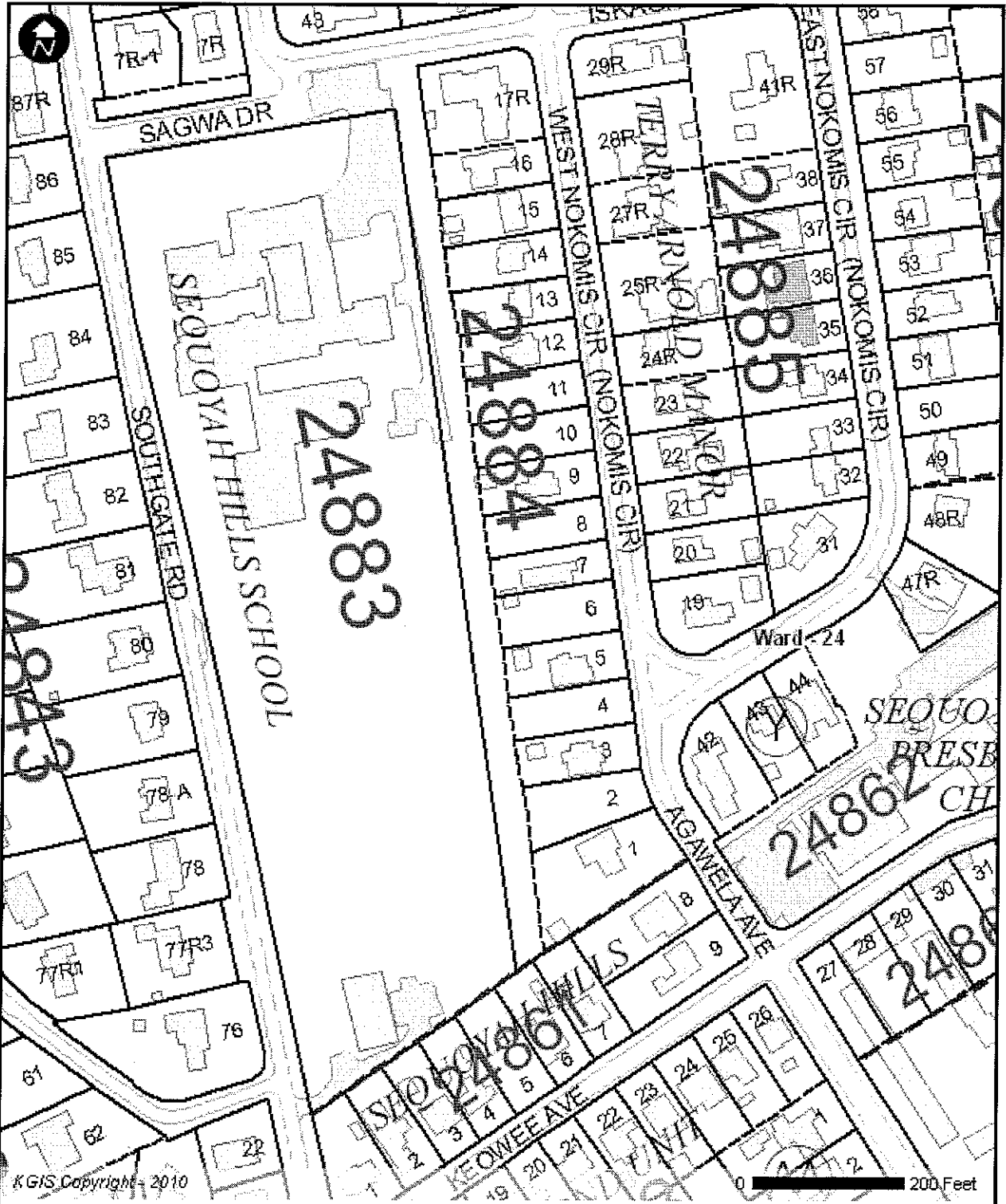
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KGIS - 606 Main St - Suite 150 - Knoxville, TN 37772 - www.kgis.org

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RESOLUTION

**A RESOLUTION OF THE COMMISSION
OF KNOX COUNTY, TENNESSEE,
IN SUPPORT OF THE CLOSURE OF AN
UNNAMED ALLEY BORDERING
SEQUOYAH ELEMENTARY SCHOOL.**

RESOLUTION: R-10-6-914

REQUESTED BY: COMMISSIONER
SAUNDERS

PREPARED BY: KNOX COUNTY LAW
DIRECTOR'S OFFICE

APPROVED AS TO FORM
AND CORRECTNESS: *Joseph G. Jarraf*
DIRECTOR OF LAW

APPROVED: *June 23, 2010*
DATE

VETOED: _____
DATE

VETO
OVERRIDE: _____
DATE

MINUTE
BOOK _____ PAGE _____

WHEREAS, there presently exists an unnamed alley 22 feet in width running from the south line of Iskagna Drive approximately 1,188 feet southerly to its terminus at the rear of lots fronting on Keowee Avenue in the City of Knoxville (the "Alley"); and

WHEREAS, the Alley lies between the property of Knox County, being the Sequoyah Elementary School property, and Lots 1 through 18 of the Terry Arnold Manor Subdivision, as shown on the map of same recorded in Map Cabinet A, Slide 288-D, in the Knox County Register's Office; and

WHEREAS, the owners of Lots 1 through 18 of Terry Arnold Manor Subdivision abutting on the east side of the Alley desire to petition for its closure upon the condition that upon closure by the City of Knoxville, the underlying fee simple title thereto shall vest one-half in the owners on each side thereof; and

WHEREAS, by Resolution dated June 2, 2010, the Knox County Board of Education resolved not to oppose a petition to close the Alley; and

WHEREAS, Knox County recognizes that the Alley has never been closed by the City of Knoxville and that any ownership rights it may have therein is limited to the western one-half and extend only to the centerline of the Alley from the Sequoyah Elementary School property; and

WHEREAS, the Knox County Commission desires to affirm the foregoing recitations and consent to the closure of the Alley and the division of the same as herein stated.

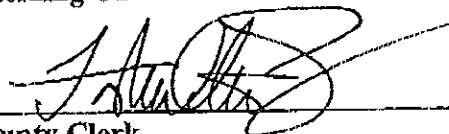
NOW THEREFORE BE IT RESOLVED BY THE COMMISSION OF KNOX COUNTY AS FOLLOWS:

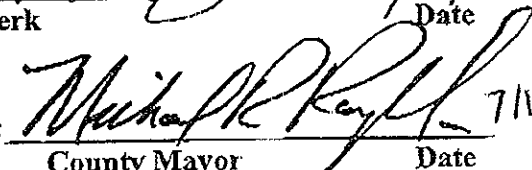
1. That Knox County does not and will not oppose a petition to the Metropolitan Planning Commission and the Knoxville City Council to close the Alley.
2. Knox County makes no claim to the ownership of the underlying fee simple title to the portion of the Alley lying on the east side of the centerline thereof.
3. Upon closure of the Alley by the City of Knoxville, the eastern one-half shall be quit claimed to the owners of the adjacent lots in Terry Arnold Manor Subdivision, and the western one-half shall be quit claimed to Knox County as part of the Sequoyah Elementary School property.

BE IT FURTHER RESOLVED, that if any notifications are to be made to effectuate this Resolution, then the County Clerk is hereby requested to forward a copy of this Resolution to the proper authority.

BE IT FURTHER RESOLVED, that this Resolution is to take effect from and after its passage, as provided by the Charter of Knox County, Tennessee, the public welfare requiring it.


 Presiding Officer of the Commission 6/28/10
Date


 County Clerk 6/29/10
Date

Approved: 
 County Mayor 7/1/10
Date

Vetoed: _____
 County Mayor Date

KNOX COUNTY BOARD OF EDUCATION



Indya Kincannon
Chair

Dr. James P. McIntyre, Jr.
Superintendent

MEMBERS
Sam Anderson
Cindy Buttry
Dr. Daniel P. Murphy
Karen Carson
Thomas Deakins
Rex Stooksbury
Patrick Richmond
Robert Bratton

Sara Denton
Student Representative

Terry Alexander
Executive Assistant

June 3, 2010

Morgan Cantey
1011 West Nokomis Circle
Knoxville, TN 37919

Dear Mr. Cantey:

The Knox County Board of Education voted to approve the Resolution not to oppose the petition to the Metropolitan Planning Commission to close the alley bordering Sequoyah Elementary School at their Regular Session meeting on June 2nd, 2010. Enclosed is a copy of that resolution for your information and records.

Thank you. Please call if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Terry S. Alexander".

Terry S. Alexander
Executive Assistant

RESOLUTION

REQUESTED BY: DR. DAN MURPHY

**PREPARED BY: KNOX COUNTY
LAW DIRECTOR'S
OFFICE**

**APPROVED AS TO FORM AND
CORRECTNESS: _____**

**KNOX COUNTY LAW
DIRECTOR**

**A RESOLUTION OF THE BOARD OF EDUCATION
FOR KNOX COUNTY, TENNESSEE**

WHEREAS, there is an unnamed alley running from the South line of Iskagna to its terminus in the rear of properties fronting on Keowee Avenue; and

WHEREAS, the unnamed alley borders on Sequoyah Elementary School property; and

WHEREAS, the unnamed alley is no longer accessed by properties on either side of the alley; and

WHEREAS, closure of the alley will result in the property on the west side of the alley being added to the Sequoyah Elementary School lot,

THEREFORE, BE IT RESOLVED that the Knox County Board of Education does not oppose the petition to the Metropolitan Planning Commission to close the alley.

APPROVED: _____



CHAIR, KNOX COUNTY BOARD OF EDUCATION

Approved by
Knox County Board of Education
06/02/10 JA