

▶ **FILE #:** 1-A-11-SC **AGENDA ITEM #:** 5

POSTPONEMENT(S): 1/13/11-6/9/11 **AGENDA DATE:** 9/8/2011

▶ **APPLICANT:** **SCHAAD COMMERCIAL INVESTMENTS, LLC**

TAX ID NUMBER: 92 092  
 JURISDICTION: Council District 3  
 SECTOR PLAN: Northwest County  
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)  
 ZONING: A-1 (General Agricultural)  
 WATERSHED: Ten Mile Creek

▶ **RIGHT-OF-WAY TO BE CLOSED:** **Amherst Rd**  
 ▶ **LOCATION:** **Between Piney Grove Church Rd. (east end) and relocated portion of Amherst Rd. (west end)**

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

▶ **APPLICANT'S REASON FOR CLOSURE:** **This portion of Amherst Rd. right-of-way was closed by Knox County Commission in Feb. 1996 and was never transferred to adjacent owner. Subsequently, the City of Knoxville annexed this right-of-way. The owner seeks redress with the City.**

DEPARTMENT-UTILITY REPORTS: No objections have been received by staff as of 8/29/11.

**STAFF RECOMMENDATION:**

▶ **WITHDRAW the request, as recommended by the City of Knoxville Engineering Department. (see attached letter, dated Dec. 30, 2010)**

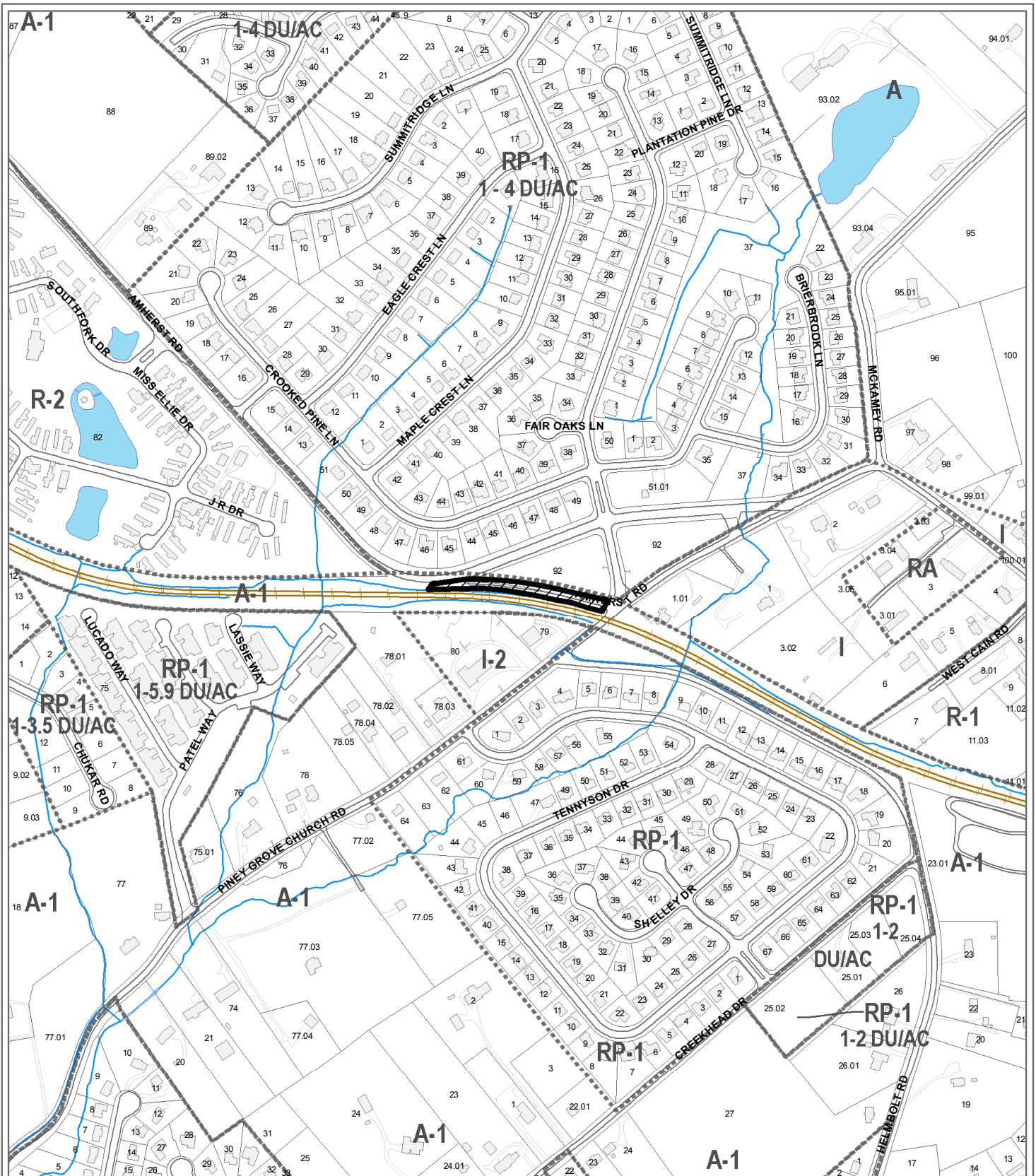
As indicated in the attached letter from the City of Knoxville Engineering Department, this closure is not necessary, and should not proceed. The City Engineering Dept. maintains that this road has already been closed by Knox County Commission in 1996 prior to being annexed into the City. The applicant has been advised that a deed must be prepared by the City Law Department in order to convey the closed/abandoned property to the adjacent property owner. It is staff's understanding that the deed was being prepared as of December 30, 2010, the date of the letter.

**COMMENTS:**

MPC postponed this item at the January through March MPC meetings, at the request of the applicant.

Staff has received no objections to this closure. This portion of right-of-way is not needed for access to any properties. The applicant owns all of the adjacent property to the north. Railroad right-of-way is located to the south. This section of right-of-way is a remnant of the previous location of Amherst Rd., before it was relocated in the 1990's. It is not needed for access to any properties. The property to the north is owned by the applicant and has access to two other public rights-of-way.

If approved, this item will be forwarded to Knoxville City Council for action on 10/4/2011 and 10/18/2011. 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.

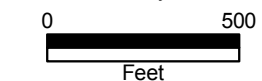


**1-A-11-SC  
CLOSURE OF PUBLIC RIGHT OF WAY**

Name of Street or Alley: Amherst Rd  
 To be closed from: Piney Grove Church Rd. (east end)  
 To be closed to: relocated portion of Amherst Rd. (west end)

Petitioner: Schaad Commercial Investments, LLC

Map No: 92  
 Jurisdiction: City



Original Print Date: 12/22/2010 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,

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

1-A-11-SC - cor - city engineering



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

RECEIVED

JAN - 3 2011

METROPOLITAN  
PLANNING COMMISSION

December 30, 2010

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

SUBJECT: Request to Close a Portion of Amherst Road  
MPC File # 1-A-11-SC / City Block 45530

Dear Mr. Brusseau:

This road has already been closed. It was closed by Knox County Commission in 1996 before the area was annexed into the City.

After annexation, a request to close this same right-of-way was filed with MPC on February 5, 2007 by Rivergate, LLC, (MPC File #3-A-07-SC). As stated in my attached letter to Ken Pruitt dated June 6, 2007, I pointed this out at that time. That request was withdrawn.

I discussed this with Mark Steinle, the property owner's contact person in this matter. Subsequently, he filed a request with our Law Department for a deed to the closed/abandoned property. I understand the deed is being prepared at this time.

Once again, the Department of Engineering recommends against proceeding with this request. It is not necessary.

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

Sincerely,

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

Attachment

C: Mark Steinle, R.L.S., BHN&Poe (Fax only: 588-6473)  
Lisa Hatfield, Attorney, City Law Department  
David McGinley, P.E., Chief, Stormwater Division, Dept. of Engineering  
John Hunter, P.E., Chief, Traffic Engineering Division, Dept. of Engineering  
File

*mb101230 clsAmherstRd 1-A-11-SC.doc*

400 MAIN STREET, SUITE 480, KNOXVILLE, TENNESSEE 37902

OFFICE: 865-215-2148 • FAX: 865-215-2631

EMAIL: BJOHNSON@CITYOFKNOXVILLE.ORG

WWW.CITYOFKNOXVILLE.ORG

**MPC September 8, 2011**

**Agenda Item # 5**

1-A-11-SC - cor - KUB



Knoxville Utilities Board



December 14, 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 1-A-11-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 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.

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

Sincerely,

A handwritten signature in cursive script that reads 'Greg L. Patterson'.

Greg L. Patterson, P.E.  
Engineering

glp/ggt

Enclosure

