

▶ **FILE #:** 8-A-12-SC

**AGENDA ITEM #:** 9

**AGENDA DATE:** 8/9/2012

▶ **APPLICANT:** R2R STUDIO. LLC

TAX ID NUMBER: 108 C K 005  
 JURISDICTION: Council District 1  
 SECTOR PLAN: Central City  
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)  
 ZONING: C-7 (Pedestrian Commercial)  
 WATERSHED: Third Creek

▶ **RIGHT-OF-WAY TO BE CLOSED:** Cumberland Ave

▶ **LOCATION:** Between northwest side of parcel 108CK005 and northeast side of parcel 108CK005

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

▶ **APPLICANT'S REASON FOR CLOSURE:** Recommended by City of Knoxville Inspections and Permitting Department.

DEPARTMENT-UTILITY REPORTS: No objections from any departments or utilities have been received by staff as of 7/30/12.

**STAFF RECOMMENDATION:**

▶ **RECOMMEND** that City Council **APPROVE** the closure of the subject portion of right-of-way, subject to any required easements and subject to the following conditions:

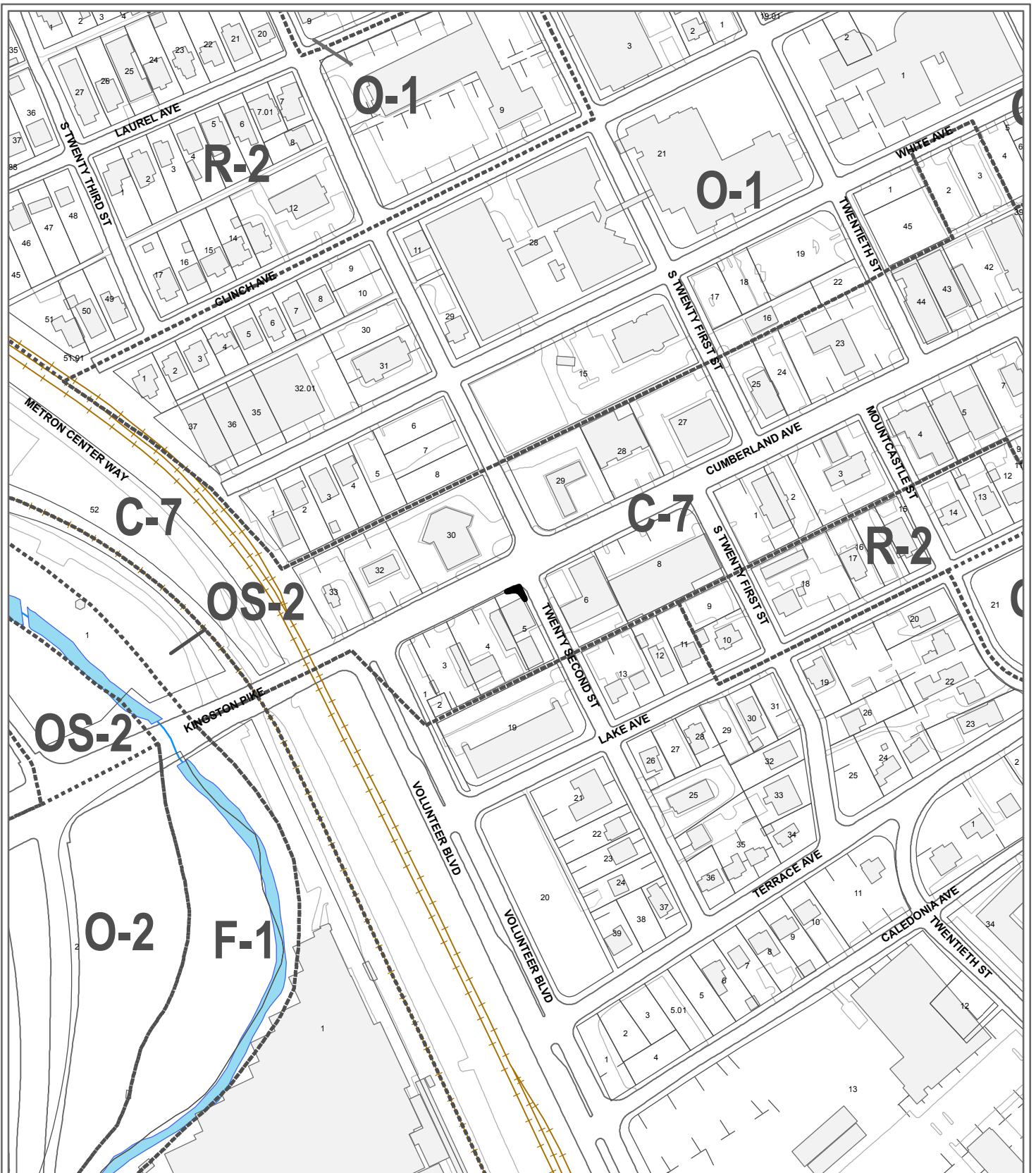
1. The three conditions included in the attached letter from City of Knoxville Engineering (dated July 23, 2012) must be addressed to the satisfaction of that department.

With the above condition included, staff has received no objections to this closure. The applicant owns all the private property adjacent to this right-of-way.

**COMMENTS:**

The applicant owns all the property adjoining the right-of-way. The Knoxville Engineering Department has not expressed any objections to the proposed closure, as long as the attached conditions are met. The application states that the proposed closure was recommended by the Knoxville Department of Building Inspections and Permitting.

If approved, this item will be forwarded to Knoxville City Council for action on 9/4/2012 and 9/18/2012. 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.



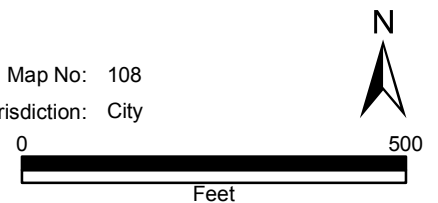
**8-A-12-SC  
CLOSURE OF PUBLIC RIGHT OF WAY**

Petitioner: R2R Studio, LLC

Name of Street or Alley: Cumberland Ave  
 To be closed from: northwest side of parcel 108CK005  
 To be closed to: northeast side of parcel 108CK005

Map No: 108  
 Jurisdiction: City

Original Print Date: 7/17/2012      Revised:  
 Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902





## CITY OF KNOXVILLE

Engineering  
James R. Hagerman, P.E.  
Director of Engineering

July 23, 2012

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

SUBJECT: Request to close a portion of right-of-way at intersection of Cumberland Ave & Twenty Second St  
MPC File # 8-A-12-SC / City Block 10441

Dear Mr. Brusseau:

The City Engineering Department has no objections to close a portion of the right-of-way, provided the following conditions are met:

1. Owner agrees to change the closure area to only be that portion that the concrete patio, located at 2200 Cumberland Avenue, currently encroaches upon (Please, refer to the attached exhibit). Before the proposed closure can be reviewed by City Council, a survey exhibit must be delivered to City Engineering that accurately locates and describes this area to be closed. The exhibit must be certified by a licensed land surveyor. The subdivision plat in item number 2 may also be used as the instrument to describe the closure area. However, the exhibit may expedite the closure process due to the time required for subdivision plat review.
2. The owner agrees to dedicate new right-of-way areas as shown on the attached exhibit. The dedication must be accomplished by completing the platting process. The subdivision plat must be recorded within one (1) year upon the final approval by City Council. Otherwise, this process will be deemed to be null and void and of no effect.
3. The closing ordinance shall state that the closure shall become effective only after the Department of Engineering has provided written verification to the City Recorder that all conditions have been met to its satisfaction.

Should this right-of-way be closed, the City will will reserve a 5 foot easement for all utilities, if any, located in or within five (5) feet of the area to be closed.

If you have any questions, please call. You may reach me at 215-4615.

Sincerely,

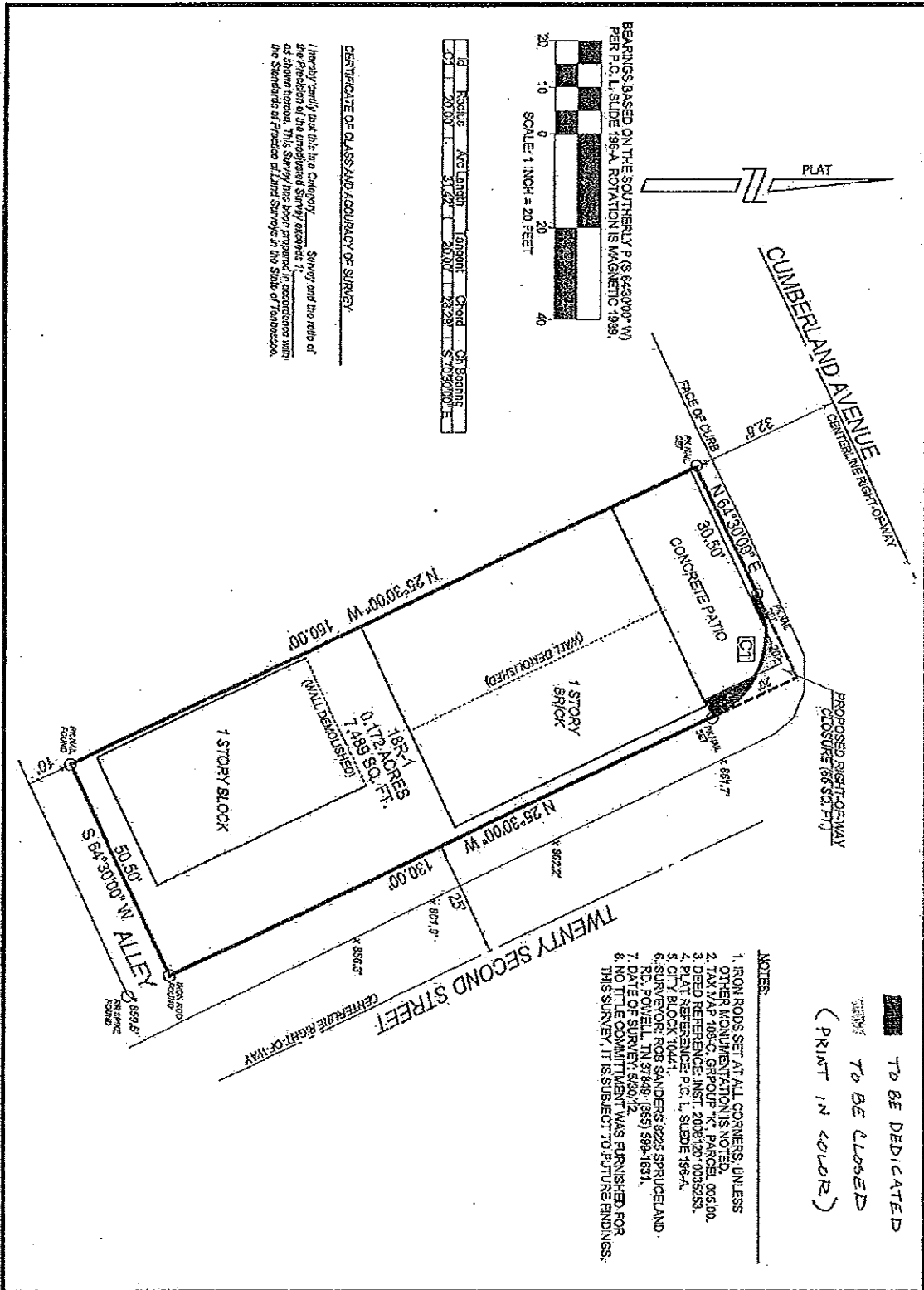
Benjamin D. Davidson, PLS, Technical Services Administrator

Attachments

C: James R. Hagerman, P.E., Director of Engineering  
Brently J. Johnson, P.E., R.L.S., Engineering Planning Chief

12055\_8-A-12-SC\_Closure Response\_MIKE BRUSSEAU.doc

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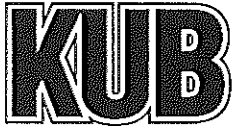


**BOUNDARY SURVEY**  
**LOT 18R-1 WHITE'S PARK PLACE SUBDIVISION**  
 2200 CUMBERLAND AVENUE

NINTH CIVIL DISTRICT KNOX COUNTY, TENNESSEE  
 TENTH WARD CITY OF KNOXVILLE, TENNESSEE

**HIGHLAND SURVEYING**  
 1115 EAST CLAY ROAD PO BOX 1115  
 POWELL, TN 37049 FAX: (615) 584-4912  
 www.hlsurvey.com

**TO BE DEDICATED**  
**TO BE CLOSED**  
**(PRINT IN COLOR)**



Knoxville Utilities Board



July 10, 2012

Mr. Mike Brusseau  
Knoxville-Knox County  
Metropolitan Planning Commission  
Suite 403, City-County Building  
Knoxville, Tennessee 37902

Dear Mr. Brusseau:

**Re: Right-of-Way Closure Request 8-A-12-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) 558-2291.

Sincerely,

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

Greg L. Patterson, P.E.  
Engineering

glp/ggt