

▶ **FILE #:** 3-A-12-SC

AGENDA ITEM #: 7

AGENDA DATE: 3/8/2012

▶ **APPLICANT:** PERRY ENGINEERING, LLC

TAX ID NUMBER: 154 E E 001
 JURISDICTION: Council District 2
 SECTOR PLAN: Southwest County
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
 ZONING: C-6 (General Commercial Park)
 WATERSHED: Tennessee River

▶ **RIGHT-OF-WAY TO BE CLOSED:** S Northshore Dr

▶ **LOCATION:** Between Kroger Park Drive right-of-way and eastern property line of tax parcel 154EE001

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

▶ **APPLICANT'S REASON FOR CLOSURE:** The requested area for closure is grassy and outside of the current slopes of S. Northshore Dr. (State Route-332). TDOT has indicated that the area was purchased for widening of SR-332. The roadway has been widened and this portion of right-of-way is no longer needed by TDOT (letter attached). Kroger is requesting the additional property to expand the existing store and meet required building setback and landscape buffer requirements.

DEPARTMENT-UTILITY REPORTS: No objections have been received by staff as of 2/29/12.

STAFF RECOMMENDATION:

▶ **RECOMMEND that City Council APPROVE the closure of the subject portion of S. Northshore Drive right-of-way, subject to any required easements.**

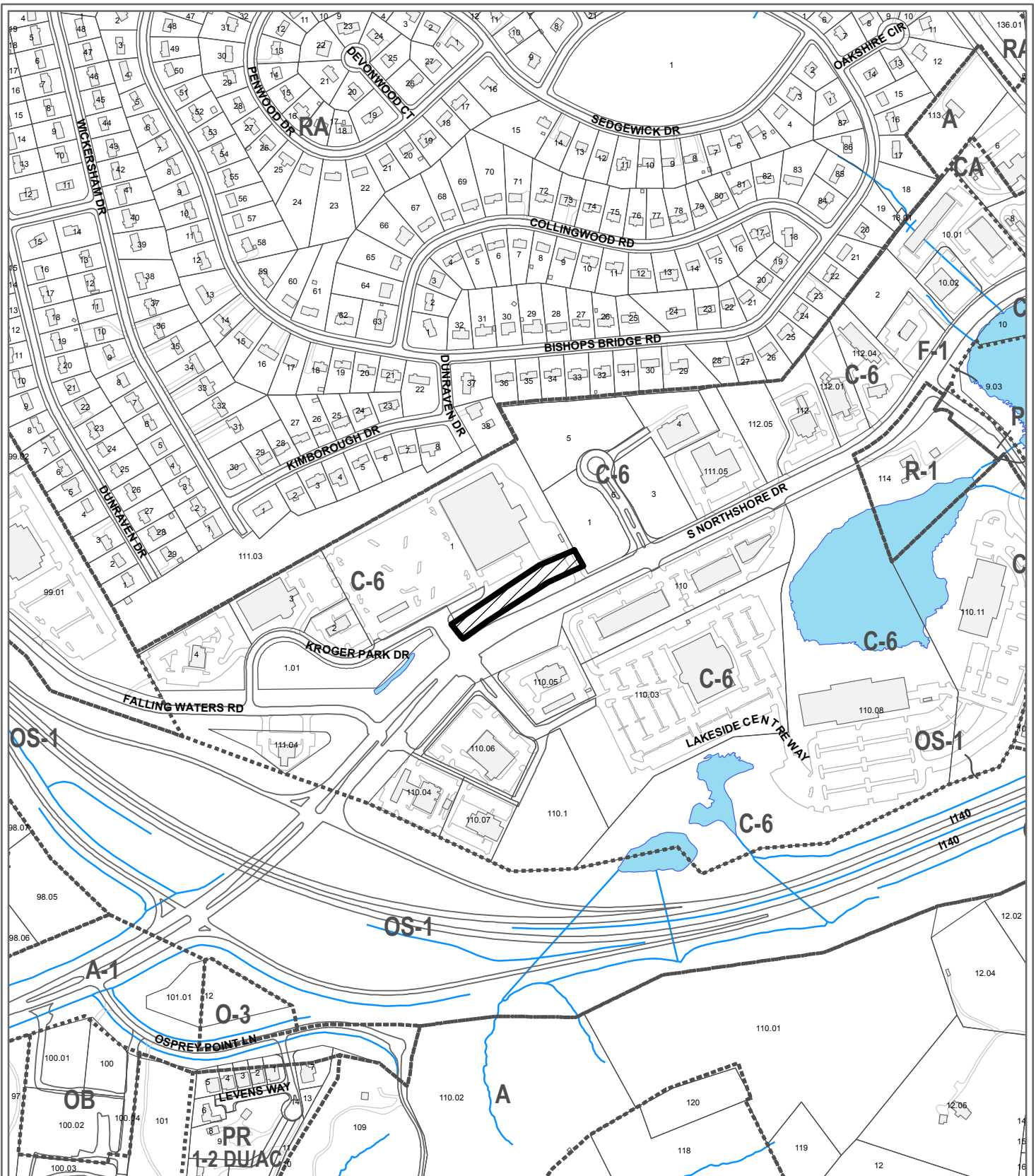
Staff has received no objections to this closure. The owner of the adjacent property to the north fronting along this right-of-way has signed the application indicating agreement with the proposed closure. The attached letters have been submitted by Regions Bank and TDOT, indicating their agreement with the closure.

COMMENTS:

The closure of this portion of S. Northshore Dr. as a public right-of-way will result in the property being combined with the adjacent parcel to the north. This portion of the right-of-way is unimproved and is part of an open, grassy area. Approval of this request will have no impact on the paved portion of S. Northshore Dr.

If approved, this item will be forwarded to Knoxville City Council for action on 4/3/2012 and 4/17/2012. 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.



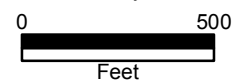
**3-A-12-SC
CLOSURE OF PUBLIC RIGHT OF WAY**

Name of Street or Alley: S Northshore Dr
 To be closed from: Kroger Park Drive right-of-way
 To be closed to: eastern property line of tax parcel 154EE001

Original Print Date: 2/17/2012 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Perry Engineering, LLC

Map No: 154
 Jurisdiction: City





Knoxville Utilities Board



February 2, 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 3-A-12-SC
Block No. 51011
CLT No. 154
Parcel No. 1**

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.

- Gas – 7.5 feet on each side of the centerline of the gas line, 15 feet total width
- Gas – 12.5 feet on each side of the centerline of the gas 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) 558-2291.

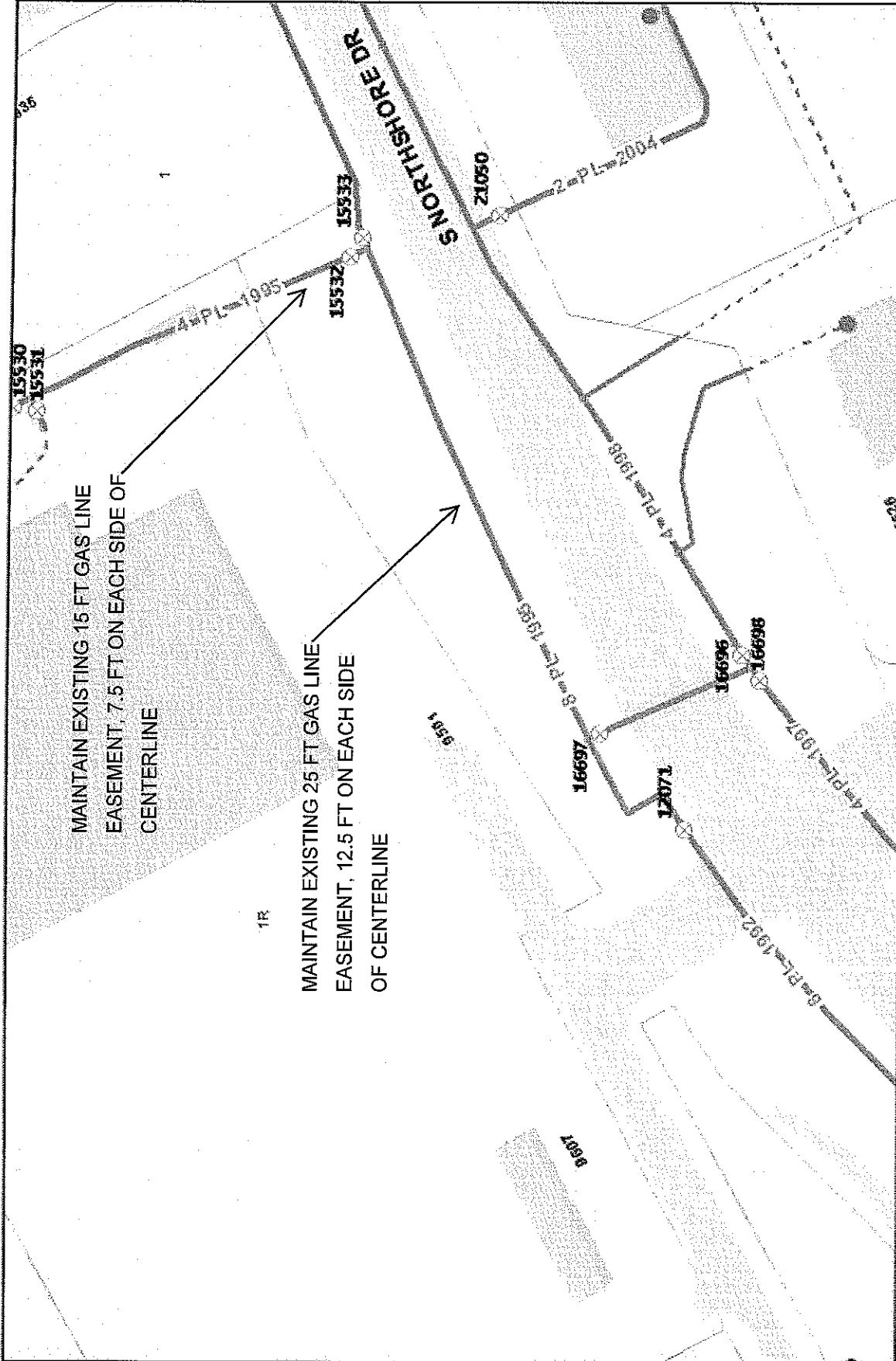
Sincerely,

A handwritten signature in black ink that reads 'Greg Patterson'.

Greg L. Patterson, P.E.
Engineering

glp/ggt

Enclosure



Printed: 02/01/2012 16:18 PM



File No. 3-A-12-SC

CLT MAP #154 PARCEL #1 CITY BLOCK #51011

250 Feet

KUB Knoxville Utilities Board

product Warning: This map was produced from the Landbase Information system maintained by KUB. This map should not be relied on for engineering, design, or surveying work or other similar type uses. The information on this map is cited and has no warranty of merchantability or warranty for fitness of use for a particular purpose, express or implied. This map is produced, printed, and distributed as is, with all faults.



February 3, 2012

TO: Metropolitan Planning Commission

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

SUBJECT: CITY OF KNOXVILLE – Closure of State Route 332 (South Northshore Dr)
from Kroger Park Drive Right-of-Way to eastern property line of tax map 154EE001,
Council District 2, Southwest County Sector-3-A-12-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,

Shannon Simms



[Enter Title Here]

[Enter Subtitle Here]

[Enter Notes Here]

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

Printed: 2/28/2012 at 3:05 PM

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M P C

METROPOLITAN
P L A N N I N G
C O M M I S S I O N

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: PERRY ENGINEERING, LLC

Date Filed: 1/23/2012 Fee Paid: \$750.00 File Number: 3-A-12-SC

Map Number: 154E Zoning District: C-6 City County Sector: SOUTHWEST COUNTY

Jurisdiction: City 2 Councilmanic District

INFORMATION:

Name of Right-of-Way: STATE ROUTE 332 (SOUTH NORTHSORE DRIVE)

Type of Right-of-Way: Street Alley

Location of Right-of-Way: All within City Block 51011

BETWEEN (City Block or Lot where appropriate) KROGER PARK DRIVE RIGHT-OF-WAY

AND (City Block or Lot where appropriate) EASTERN PROPERTY LINE OF TAX MAP 154E, GROUP "E", PARCEL 1.00

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

Reason for Closure: THE REQUESTED AREA FOR CLOSURE IS GRASSY AND OUTSIDE OF THE CURRENT SLOPES OF STATE ROUTE 332 (SOUTH NORTHSORE DRIVE). TDOT HAS INDICATED THAT THE AREA WAS PURCHASED FOR WIDENING OF STATE ROUTE 332. THE ROADWAY HAS BEEN WIDENED AND NO LONGER NEEDED BY TDOT (SEE ATTACHED LETTER). KROGER IS REQUESTING THE ADDITIONAL PROPERTY TO EXPAND THE EXISTING STORE AND MEET REQUIRED BUILDING SETBACK AND LANDSCAPE BUFFER REQUIREMENTS.

TO BE CLOSED:

From: (Street, Alley, Other)

KROGER PARK DRIVE RIGHT-OF-WAY

To: (Street, Alley, Other)

EASTERN PROPERTY LINE OF TAX MAP 154E, GROUP "E", PARCEL 1.00

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

JASON MORELOCK 100 NORTH MAIN STREET
PERRY ENGINEERING, LLC SUITE F GOODLETTSVILLE TN 37072 615-855-2220 615-855-2221
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: Jason Morelock

JASON MORELOCK 100 NORTH MAIN STREET
PERRY ENGINEERING, LLC SUITE F GOODLETTSVILLE TN 37072 615-855-2220 615-855-2221
Name: (Print) Address City State Zip Phone Fax
275 PANKAKE DR ATLANTA GA 30345 770-496-7516 770-496-7586

APPLICATION ACCEPTED BY: Brechko

RIGHT-OF-WAY CLOSURE CANVASS FORM

All owners and holders of option on property abut SIGN HERE posed 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
NORTH: KROGER LIMITED PARTNERSHIP I 9501 SOUTH NORTSHORE DRIVE	<i>Paul Kroger Lem</i> <i>Paul Xhajanka Atlant 60</i>	✓	
EAST: REGIONS BANK 1935 PINNACLE POINT WAY	* SEE ATTACHED LETTER		✓
SOUTH & WEST TDOT RIGHT-OF-WAY STATE ROUTE 332 SOUTH NORTSHORE DRIVE	* SEE ATTACHED LETTER		✓

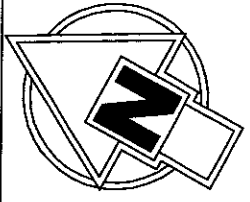


SCALE: 1" = 100'
 DATE: 01-20-2012
 FILE: 125-070

RIGHT-OF-WAY CLOSURE
 KROGER GA-526
 9501 SOUTH NORTSHORE DRIVE
 KNOXVILLE KNOX COUNTY, TN

SHEET NUMBER
C-1

STATE PLANE COORDINATE SYSTEM NAD-83



HOLROB-NORTSHORE DEVELOPMENT
 GENERAL PARTNERSHIP
 PINNACLE POINTE WAY
 TAX MAP 154, GROUP E, PARCEL 005
 INSTRUMENT #: 20060905-0020786

LOT 5
 NORTSHORE CIRCLE SUBD.
 INSTRUMENT #: 20070518-0094567

REGIONS BANK
 1935 PINNACLE POINTE WAY
 TAX MAP 154, GROUP E, PARCEL 001
 INSTRUMENT #: 20071105-0037234

LOT 1
 NORTSHORE CIRCLE SUBD.
 INSTRUMENT #: 20070518-0094567

CYNTHIA S. IBSON
 LOT 38, BLOCK G
 FARMINGTON SUBDIVISION
 BOOK 2222, PAGE 1041

TESTERMAN CONSTRUCTION COMPANY, INC.
 BOOK 1632, PAGE 379

Kroger
 EXISTING KROGER
 61,224 S.F.
 F.F.E. 879.52

PREFCO XIX LIMITED PARTNERSHIP
 9501 SOUTH NORTSHORE DRIVE
 TAX MAP 154, GROUP E, PARCEL 001
 BOOK 2236, PAGE 375

LOT 1R
 REPLAT OF LOT 1
 OF THE KROGER PROPERTY
 INSTRUMENT #: 20030909-0029579

REQUESTED RIGHT-OF-WAY CLOSURE AREA = 0.78 ACRES

SOUTH NORTSHORE DRIVE
 (STATE ROUTE 332)
 RIGHT-OF-WAY WIDTH VARIES
 PAVEMENT WIDTH VARIES

KROGER PARK DRIVE
 RIGHT-OF-WAY WIDTH VARIES
 PAVEMENT WIDTH VARIES

EXISTING KROGER
 FUEL CENTER




STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
Right-of-Way Division
SUITE 600 JAMES K. POLK BUILDING
NASHVILLE, TENNESSEE 37243-0337


JOHN C. SCHROER
COMMISSIONER

BILL HASLAM
GOVERNOR

MEMORANDUM

TO: Mr. Paul Degges
Chief Engineer

THRU: Mr. Jeff Jones 
Assistant Chief Engineer

FROM: Mr. Jeff Hoge, Director 
Right-of-Way Division

DATE: June 3, 2011

SUBJECT: Sale of State Owned Real Property
Project No RS-332(2)
County: Knox
Tract No: 428
Requester: Randy Perry / The Kroger Company

The Excess Land Sub-Committee met recently and discussed the above referenced request. The requested area is grassy about 50 to 65 feet from right-of-way. Kroger would like the additional property to expand their building and still meet the required setback and 25 foot landscape buffer.

The requested area is outside the current slopes and is not needed. The area was purchased for widening of SR-332. The roadway has been widened under project RS-332(2) and the requested property is no longer needed.

Mr Paul Degges
June 3, 2011
Page 2

The Excess Land Sub-Committee is recommending that the requested property be sold for fair marked value.

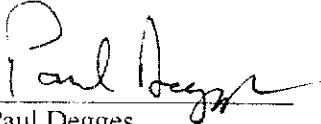
Should you concur in the Committee's recommendation, please sign in the space provided and forward to Commissioner Schroer.

Should you need additional information in regard to this matter, please advise.

JH: cs

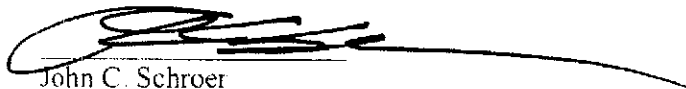
cc: Mr. Steve Borden
Mr. Oliver Farris
Mr. Tim Webster
Mr. Randy Perry Kroger Company

Recommended:


Paul Degges
Chief Engineer

Date: 6/26/11

Approved:


John C. Schroer
Commissioner

Date: JUN 27 2011

Brenda L. Starnes
Vice President
Corporate Real Estate-Portfolio Administration
Regions Corporate Real Estate/Properties
250 Riverchase Parkway, Suite 600
Birmingham, Alabama 35244
Brenda.starnes@regions.com



October 19, 2011

Mr. Tim Webster
State of Tennessee
Tennessee Department of Transportation
P. O. Box 58
Knoxville, TN 37901

RE: Request to Buy State Owned Real Property
Project RS-332(2)/4705-2226-04
County: Knox
Tract: na/428
Requestor: The Kroger Company

Dear Mr. Webster:

On October 13, 2011, you were notified of our interest to purchase the above referenced property. Since that time we have completed further investigations into the matter and have determined that we will not be pursuing this property purchase. This letter is to serve as notice of our cancellation of our earlier request to purchase.

Thank you for your assistance in this matter. Please contact me with any additional questions at 205-560-7142.

Sincerely,

A handwritten signature in cursive script that reads "Brenda L. Starnes".

Brenda L. Starnes
Vice President

CC: Paul Xhajanka
Kroger