

▶ **FILE #:** 3-B-12-SC

AGENDA ITEM #: 8

AGENDA DATE: 3/8/2012

▶ **APPLICANT:** RIDGEBROOK II, LP

TAX ID NUMBER: 94 G G 003
 JURISDICTION: Council District 6
 SECTOR PLAN: Central City
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
 ZONING: R-2 (General Residential)
 WATERSHED: Third Creek

▶ **RIGHT-OF-WAY TO BE CLOSED:** Ridgebrook Ln
 ▶ **LOCATION:** Between Western Avenue and Major Avenue

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

▶ **APPLICANT'S REASON FOR CLOSURE:** Right-of-way is surrounded by the applicant's property and does not intersect with any other roads or serve any other properties. Applicant seeks to close right-of-way to gain better control over the use and maintenance of it. Prior to acquisition by applicant, the surrounding property was owned by Knoxville's Community Development Corporation, and the right-of-way was closed to public use.

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

STAFF RECOMMENDATION:

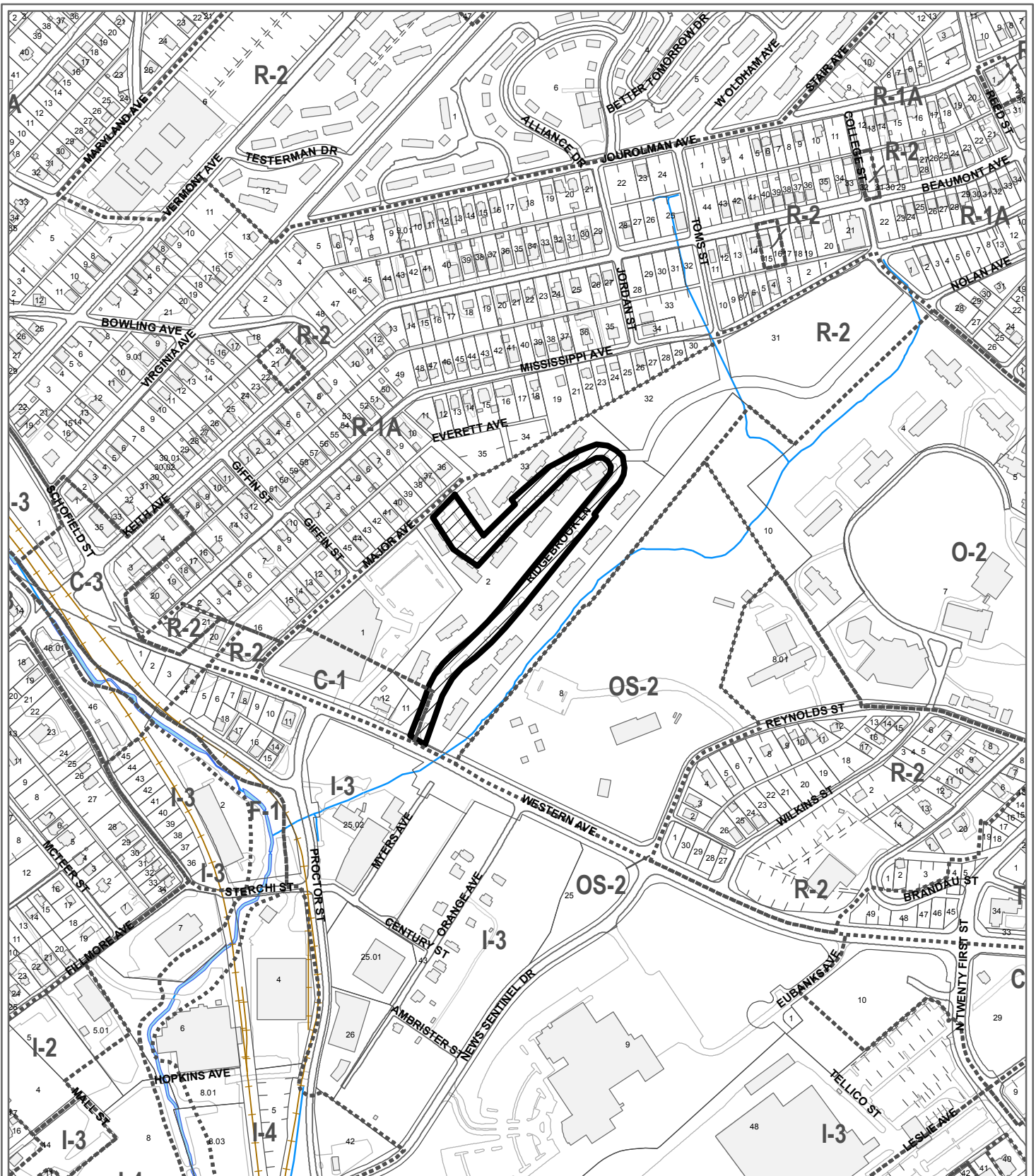
▶ **RECOMMEND** that City Council **APPROVE** the closure of Ridgebrook Lane, subject to any required easements.

Staff has received no objections to this closure. The owner of the property fronting along this right-of-way has signed the application indicating agreement with the proposed closure.

COMMENTS:

The closure of Ridgebrook Lane as a public right-of-way will result in the property being combined with the adjacent parcels and becoming a private drive, to be maintained and controlled by the owners. Access will need to be maintained for the current residents of the development.

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.



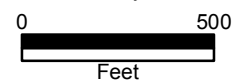
**3-B-12-SC
CLOSURE OF PUBLIC RIGHT OF WAY**

Name of Street or Alley: Ridgebrook Ln
 To be closed from: Western Avenue
 To be closed to: Major Avenue

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

Petitioner: Ridgebrook II, LP

Map No: 94
 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-B-12-SC
Block No. 21140, 21120
CLT No. 94
Parcel No. 3,33,2**

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
- Gas – 7.5 feet on each side of the centerline of the gas line, 15 feet total width
- 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

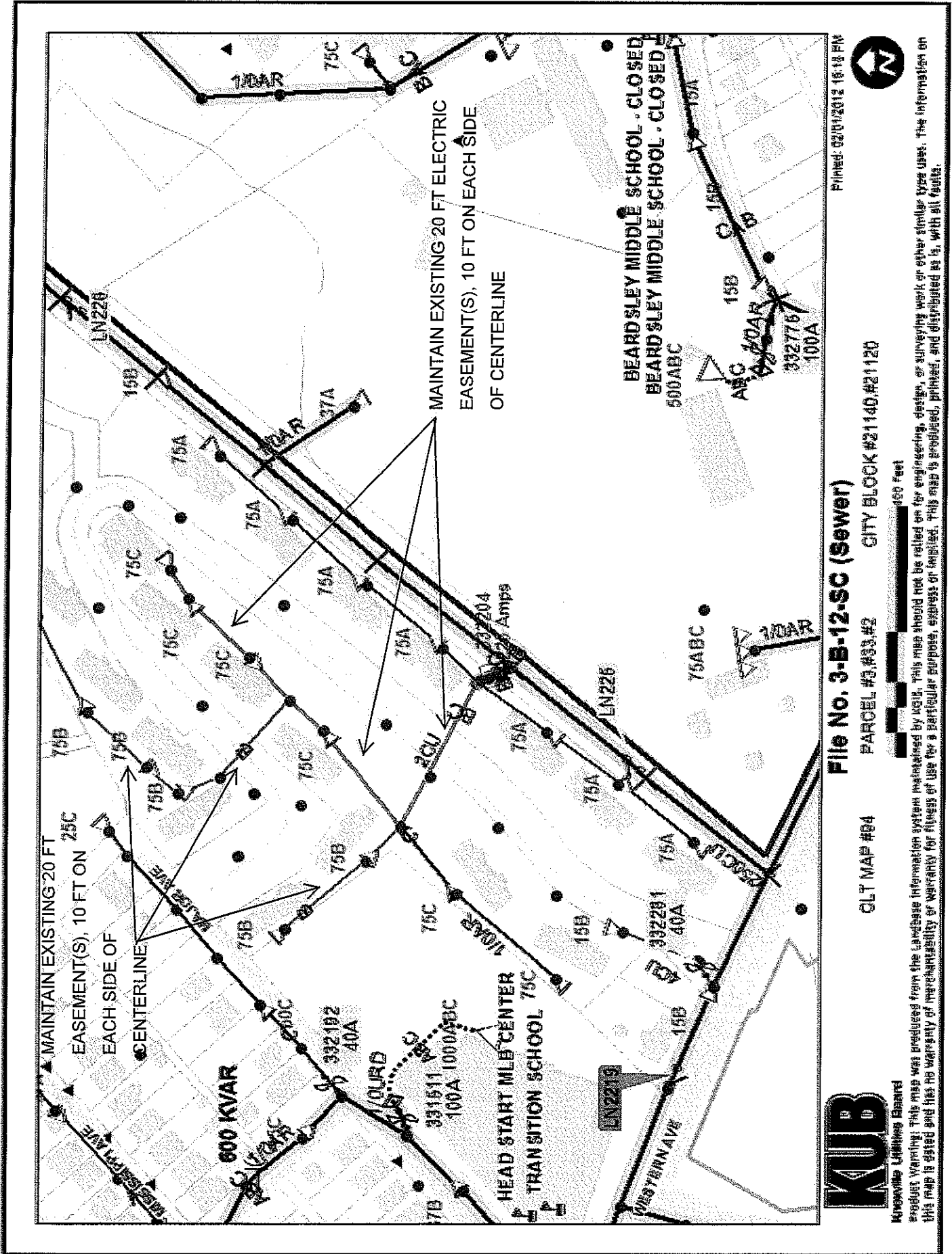
So long as these conditions are met, KUB has no objection to the closure of this right-of-way. If you have any questions regarding this matter, please call me at (865) 558-2291.

Sincerely,

Greg L. Patterson, P.E.
Engineering

glt/ggt

Enclosure



KUB
Knoxville Utilities Board

Product Warning: This map was produced from the Landscape 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 dated 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.

File No. 3-B-12-SC (Sewer)

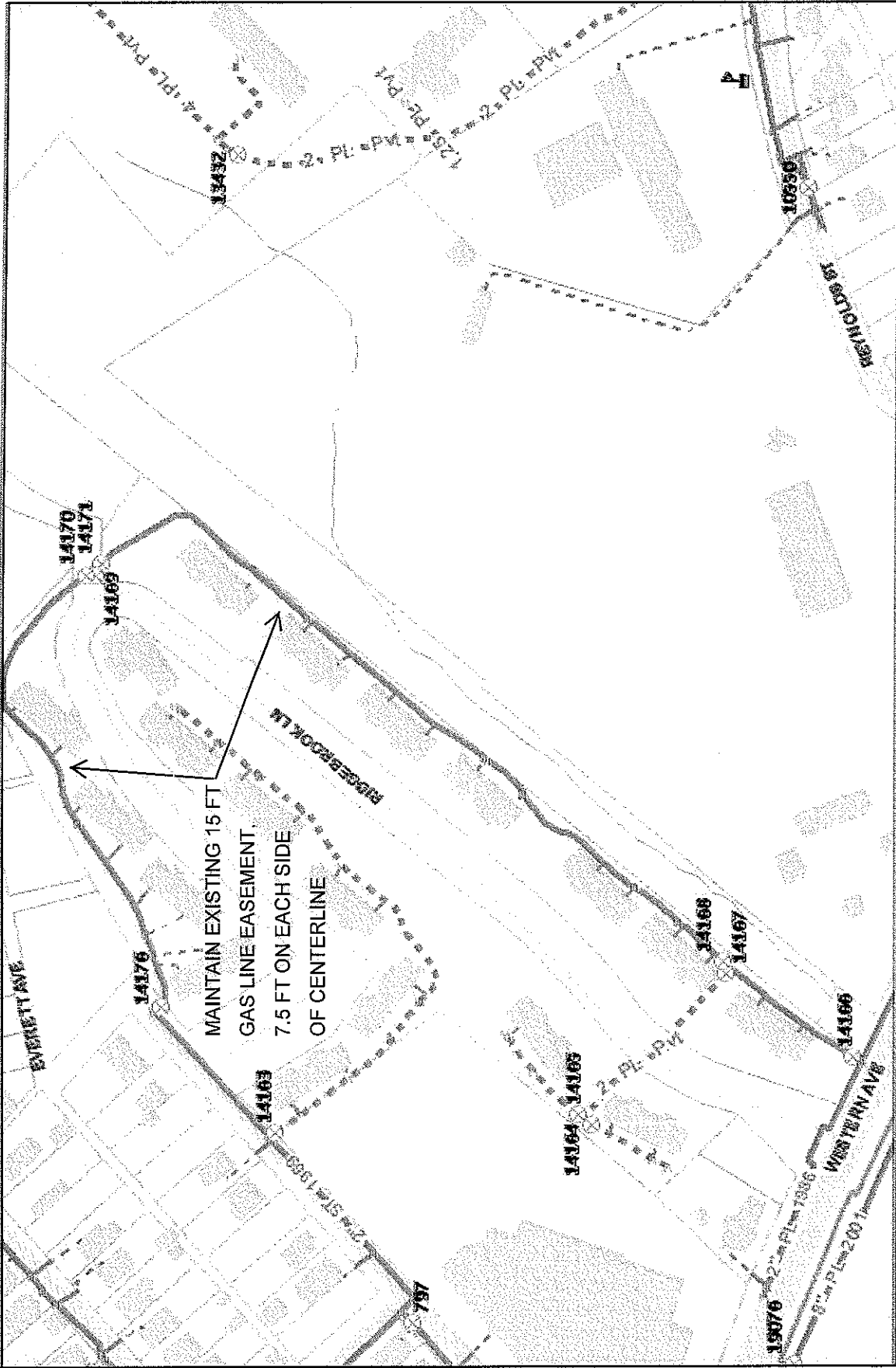
CLT MAP #84

PARCEL #3, #33, #2

CITY BLOCK #21140, #21120

Filed: 02/01/2012 10:18 AM





Plat No. 02/01/2012 16.18 PM

File No. 3-B-12-SC (GAS)

CLT MAP #84

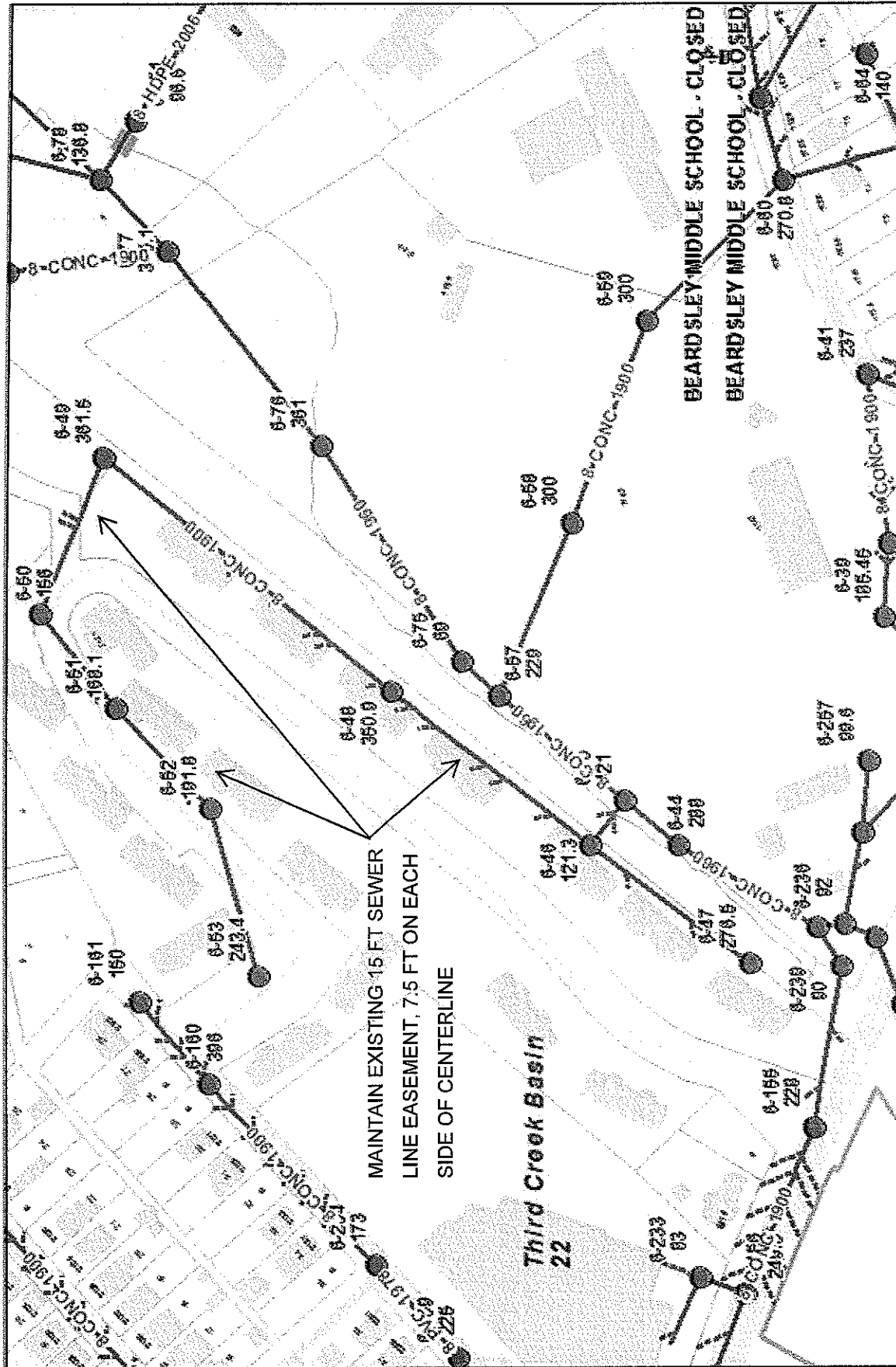
PARCEL #3, #33, #2

CITY BLOCK #21140, #21120

0-50 Feet

KUB
Knoxville Utilities Board

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File No. 3-B-12-SC (Sewer)

CLT MAP #84

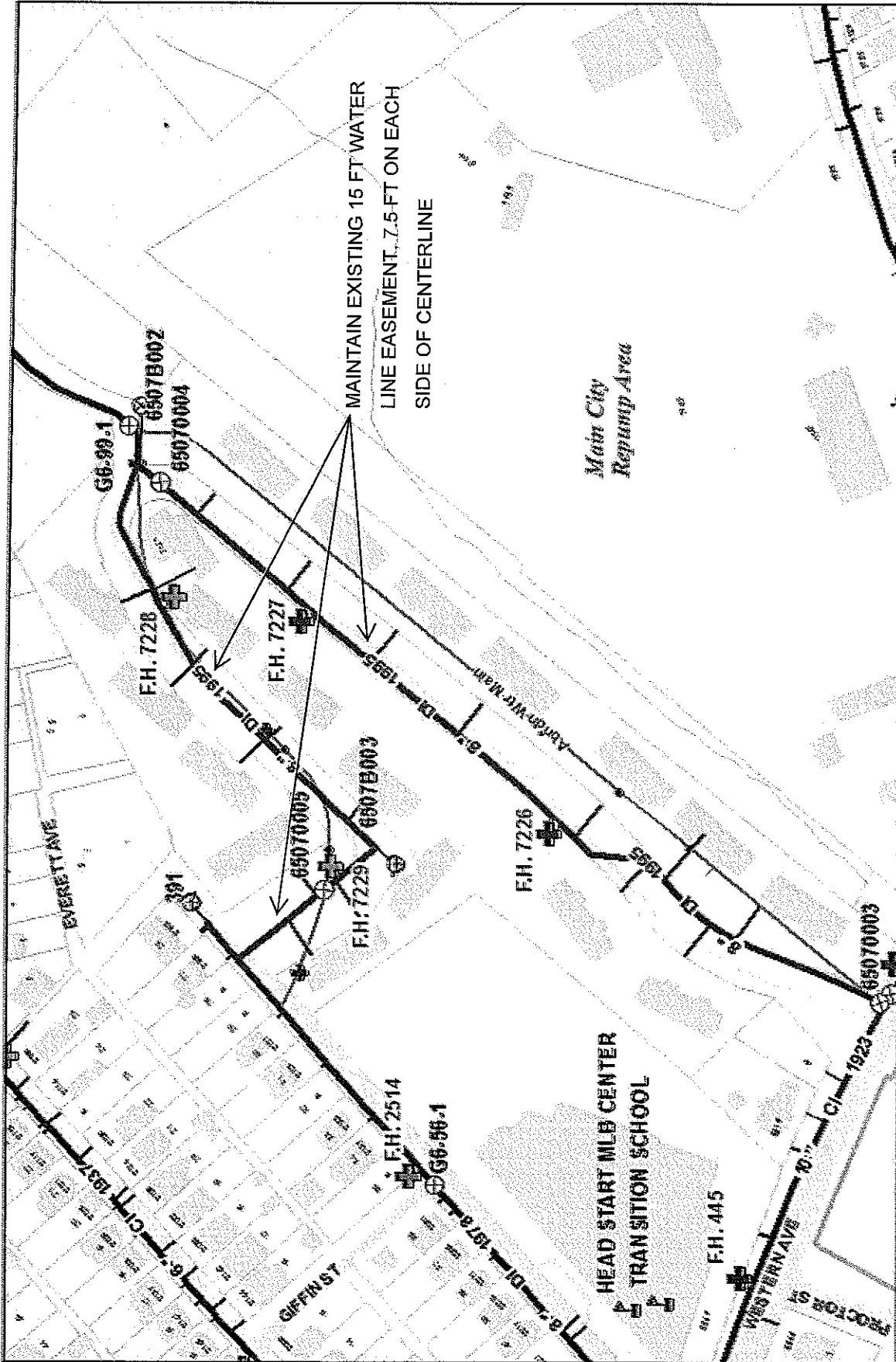
PARCEL #3, #33, #2

CITY BLOCK #2140, #21120

0+00 Feet

KUB
Knoxville Utilities Board

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Printed: 02/07/2012 16:18 PM



File No. 3-B-12-SC (Water)

PARCEL #3, #33, #2 CITY BLOCK #21 140, #21 120

CLT MAP #94

300 Feet



Known as Utility Maps

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Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

Fwd: Ridgebrook Road Closure

1 message

Dan Kelly <dan.kelly@knoxmpc.org>**Tue, Jan 24, 2012 at 7:58 AM**

To: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

Cc: michael.brusseau@knoxmpc.org

----- Forwarded message -----

From: **Brian D. Blind <bdb@tennlaw.com>**

Date: Fri, Jan 20, 2012 at 3:59 PM

Subject: Ridgebrook Road Closure

To: dan.kelly@knoxmpc.org

Mr. Kelly,

Following up on our discussion this afternoon, the IDB Board Chairman who executed the Right-of-Way Closure consent was Edward Poore.

Also, to the extent it may be helpful, attached is a copy of the Industrial Development Board Resolution that approves the efforts by Ridgebrook II, L.P. to have Ridgebrook Lane closed (the Resolution was executed by IDB Board Chairman Edward Poore and Secretary Louise R. Frazier).

Ridgebrook II, L.P. leases the surrounding property from the IDB under a PILOT arrangement. As such, though the IDB holds bare legal title, Ridgebrook II, L.P. is essentially the "owner" for all other purposes and the true party in interest.

Please let me know if you have any questions or need any additional information.

Thank you very much for your assistance.

Brian

--Brian D. Blind, Esq.
Gentry, Tipton & McLemore, P.C.
900 S. Gay Street, Suite 2300
Knoxville, Tennessee 37902
Phone: [\(865\) 525-5300](tel:(865)525-5300)
Fax: [\(865\) 637-6761](tel:(865)637-6761)
Email: bdb@tennlaw.com


Web: www.tennlaw.com**MPC March 8, 2012****Agenda Item # 8**

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--

Dan Kelly
MPC, Development Services Manager
[\(865\) 215-2500](tel:(865)215-2500)

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158K

RIGHT-OF-WAY CLOSURE

Name of Applicant: Ridgebrook II, L P

Date Filed: 1/20/12 Fee Paid: \$750.00 File Number: 3-B-12-SC

Map Number: 094GB Zoning District: R-2 City County Sector: Central City

Jurisdiction: City 6 Councilmanic District



INFORMATION:

Name of Right-of-Way: Ridgebrook Lane

Type of Right-of-Way: Street Alley

Location of Right-of-Way:
 BETWEEN (City Block or Lot where appropriate) Intersects on the Northern side of Western Avenue approximately one block west of
 AND (City Block or Lot where appropriate) Malcom Martin Park (21120)

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

Reason for Closure: Right of way is surrounded by the applicant's property and does not intersect with any other roads or serve any other properties. Applicant seeks to close right of way to gain better control over the use and maintenance of the right of way. Prior to acquisition by applicant, the surrounding property was owned by Knoxville's Community Development Corporation and the right of way was closed to public use.

TO BE CLOSED: Entirety of Ridgebrook Lane

From: (Street, Alley, Other) <u>Western Avenue</u>	To: (Street, Alley, Other) <u>Major Avenue (Ridgebrook Lane right of way already dead-ends before Major Avenue intersection).</u>
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ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Brian D. Blind 900 S Gay Street, Suite 2300 Knoxville Tennessee 37902 865-525-5300 865-637-6761
 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

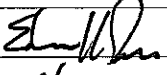
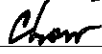
Phillip O. Lawson President of Ridgebrook GP LLC General Partner of Ridgebrook II L P
 Signature: Phillip O. Lawson

900 S. Gay Street, Suite 2000 Knoxville Tennessee 37902 865-549-7411 865-824-7216
 Name: (Print) Address City State Zip Phone Fax

APPLICATION ACCEPTED BY: [Signature]

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
c/o Egerton, McAfee, Armistead & Davis, P C	The Industrial Development Board of the County of Knox *	X	
900 S Gay Street, Suite 1400	By: 		
Knoxville, Tennessee 37902	Its: 		

* The applicant is the beneficial owner of all property abutting the subject right of way. However, the Industrial Development Board of the County of Knox currently holds bare legal title to the property and the property is leased to the applicant under a PILOT lease. At the end of the term of the PILOT lease it is expected that the applicant will become the fee simple owner of the property.

GENTRY, TIPTON & McLEMORE

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
RIVERVIEW TOWER, SUITE 2300
900 SOUTH GAY STREET
KNOXVILLE, TENNESSEE 37902



MAILING ADDRESS:
POST OFFICE BOX 1990
KNOXVILLE TENNESSEE 37901

TELEPHONE (865) 525-5300
TELECOPIER (865) 637-6761

E-MAIL: LAWYERS@TENNLAW.COM
WWW.TENNLAW.COM

SEVIER COUNTY OFFICE:
2430 TEASTER LANE, SUITE 210
PIGEON FORGE, TENNESSEE 37863

MACK A. GENTRY*
JAMES S. TIPTON, JR.
W. MORRIS KIZER**
TIMOTHY M. McLEMORE
MAURICE K. GUINN
BRADLEY H. HODGE
E. JEROME MELSON±
DANNY P. DYER+
TERESA M. RANKIN
JOHN G. BROCK
BRIAN D. BLIND
TYLER C. HUSKEY
JOEL D. ROETTGER
MEG P. BROWN***
GREG D. MEADOWS

* ALSO ADMITTED IN COLORADO
** SUPREME COURT RULE 31 MEDIATOR
± CERTIFIED AS A CIVIL TRIAL SPECIALIST
+ ALSO ADMITTED IN KENTUCKY
*** ALSO ADMITTED IN NEW YORK

January 20, 2012

HAND DELIVERED

Knoxville/Knox County Metropolitan Planning Commission
Suite 403, City-County Building
400 Main Street
Knoxville, Tennessee 37902

Re: Right-of-Way Closure Request

Dear Sir or Madam:

On behalf of our client, Ridgebrook II, L.P., enclosed is a request for a Right-of-Way Closure, along with our firm's check in the amount of \$750.00 representing payment of the application fee. The request is to close Ridgebrook Lane in its entirety, including without limitation the parking areas currently located within the right-of-way. We have also enclosed a print out of a KGIS map, which has been marked to show the location of Ridgebrook Lane.

The subject property adjoining Ridgebrook Lane is technically owned by The Industrial Development Board of the County of Knox and leased to Ridgebrook II, L.P. under a PILOT arrangement, but Ridgebrook II, L.P. is the beneficial owner of the site. The enclosed request includes the consent of The Industrial Development Board.

Please place this request on the next available meeting agenda.

If you have any questions or need additional information, please let me know. Thank you for your assistance.

Very truly yours,

Brian D. Blind

bdb/cdf.1 1631E/1631 - Ridgebrook II

Enclosures