

▶ **FILE #:** 9-A-12-SC

**AGENDA ITEM #:** 8

**AGENDA DATE:** 9/13/2012

▶ **APPLICANT:** JEFFERSON FEDERAL BANK

TAX ID NUMBER: 68 P C 01417  
 JURISDICTION: Council District 3  
 SECTOR PLAN: Northwest City  
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)  
 ZONING: R-1 (Low Density Residential)  
 WATERSHED: Third Creek

▶ **RIGHT-OF-WAY TO BE CLOSED:** Monterey Rd

▶ **LOCATION:** Between northwest property line of parcel 068OA054 and Peppercorn Ln.

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

▶ **APPLICANT'S REASON FOR CLOSURE:** Construction does not meet City of Knoxville requirements

DEPARTMENT-UTILITY REPORTS: No objections from any departments or utilities have been received by staff as of 9/6/12.

**STAFF RECOMMENDATION:**

▶ **RECOMMEND** that City Council **APPROVE** the closure of the subject portion of Monterey Rd., subject to any required easements and subject to the following condition;

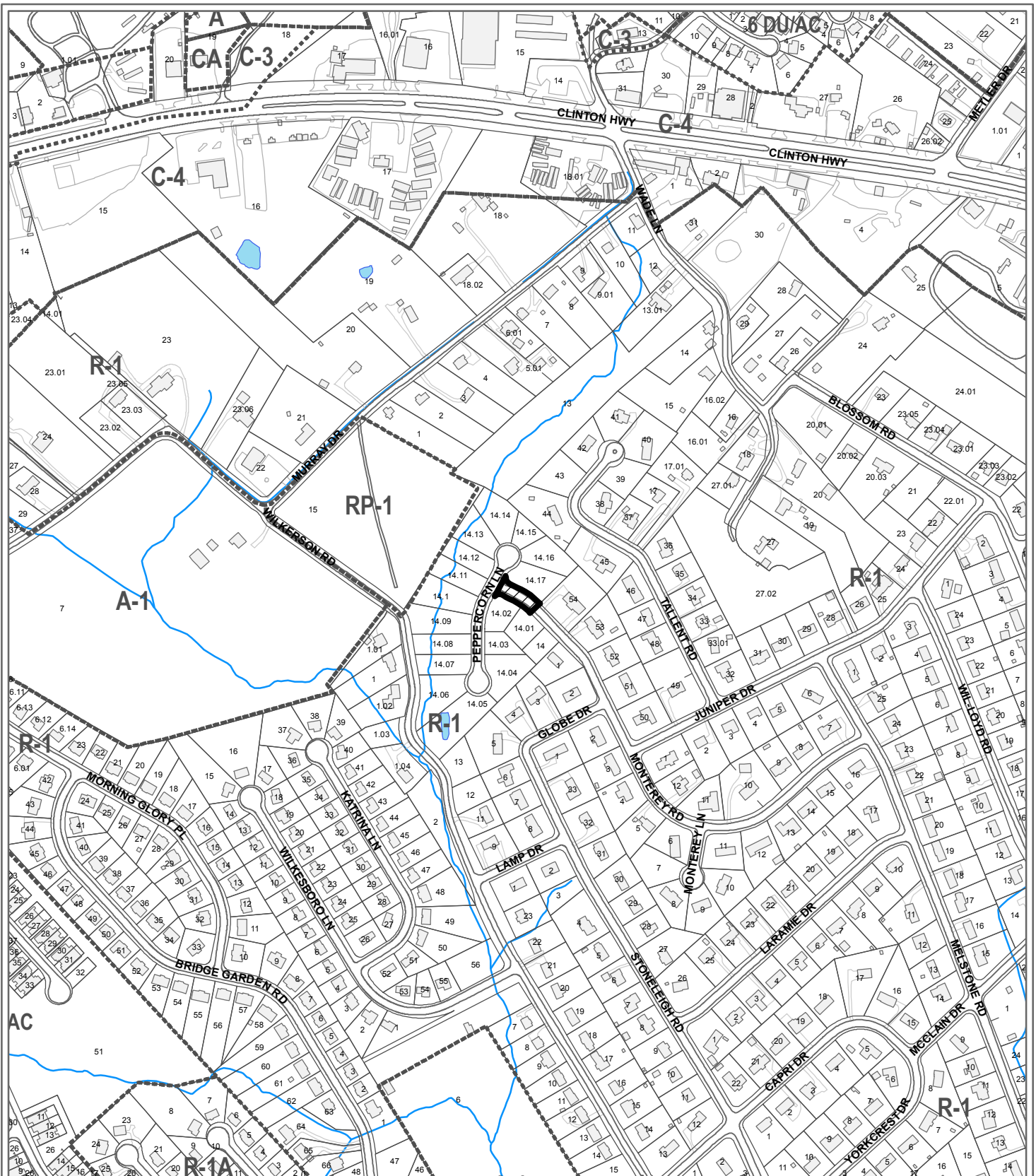
1. The four conditions included in the attached letter from City of Knoxville Engineering (dated August 28, 2012) must be addressed to the satisfaction of that department.

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:**

This section of Monterey Rd. was extended north from the existing street to serve as the access for a proposed residential development called Monterey Oaks. According to the City of Knoxville Department of Engineering, the streets within Monterey Oaks were not built to City specifications. Therefore, the City will not accept these streets as public rights-of-way. The streets have already been established with the recording of a subdivision plat, so this street closure application must be approved in order to put the rights-of-way back into private ownership. The applicant owns all the property fronting this right-of-way.

If approved, this item will be forwarded to Knoxville City Council for action on 10/16/2012 and 10/30/2012. 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 MPC.



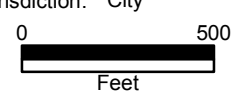
**9-A-12-SC  
CLOSURE OF PUBLIC RIGHT OF WAY**

Petitioner: Jefferson Federal Bank

Name of Street or Alley: Monterey Rd  
 To be closed from: northwest property line of parcel 0680A054  
 To be closed to: Peppercorn Ln.

Map No: 68  
 Jurisdiction: City

Original Print Date: 8/22/2012      Revised:  
 Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902



9-A-12-SC-Closure-Response



CITY OF KNOXVILLE

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

August 28, 2012

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

SUBJECT: Request to close a portion of Monterey Road Between northwest property line of CLT 068OA054 and the southern right-of-way line of Peppercorn Lane (to be closed MPC File # 9-C-12-SC) MPC File # 9-A-12-SC / City Block 40130

Mr. Brusseau:

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

1. The above described portion of Monterey Road serves Monterey Oaks Subdivision, which is recorded as Instrument No. 200704230066280. The property owner shall complete the platting process, to include a revised concept and design plan, and record a subdivision plat that combines all resulting land-locked properties in such a way that all have legal access to a public road.
2. Any resulting dead-end right-of-way shall terminate only with a dedicated public turn-around bonded and approved by the City Engineering Department.
3. 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.
4. 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 reserve easements for all drainage facilities and utilities, if any, located in or within five (5) feet of the property described herein.

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

Sincerely,

Benjamin D. Davidson, PLS, Technical Services Administrator

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



Knoxville Utilities Board



August 13, 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 9-A-12-SC  
 Block No. 40130  
 CLT No. 68  
 Parcel No. 14.02**

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

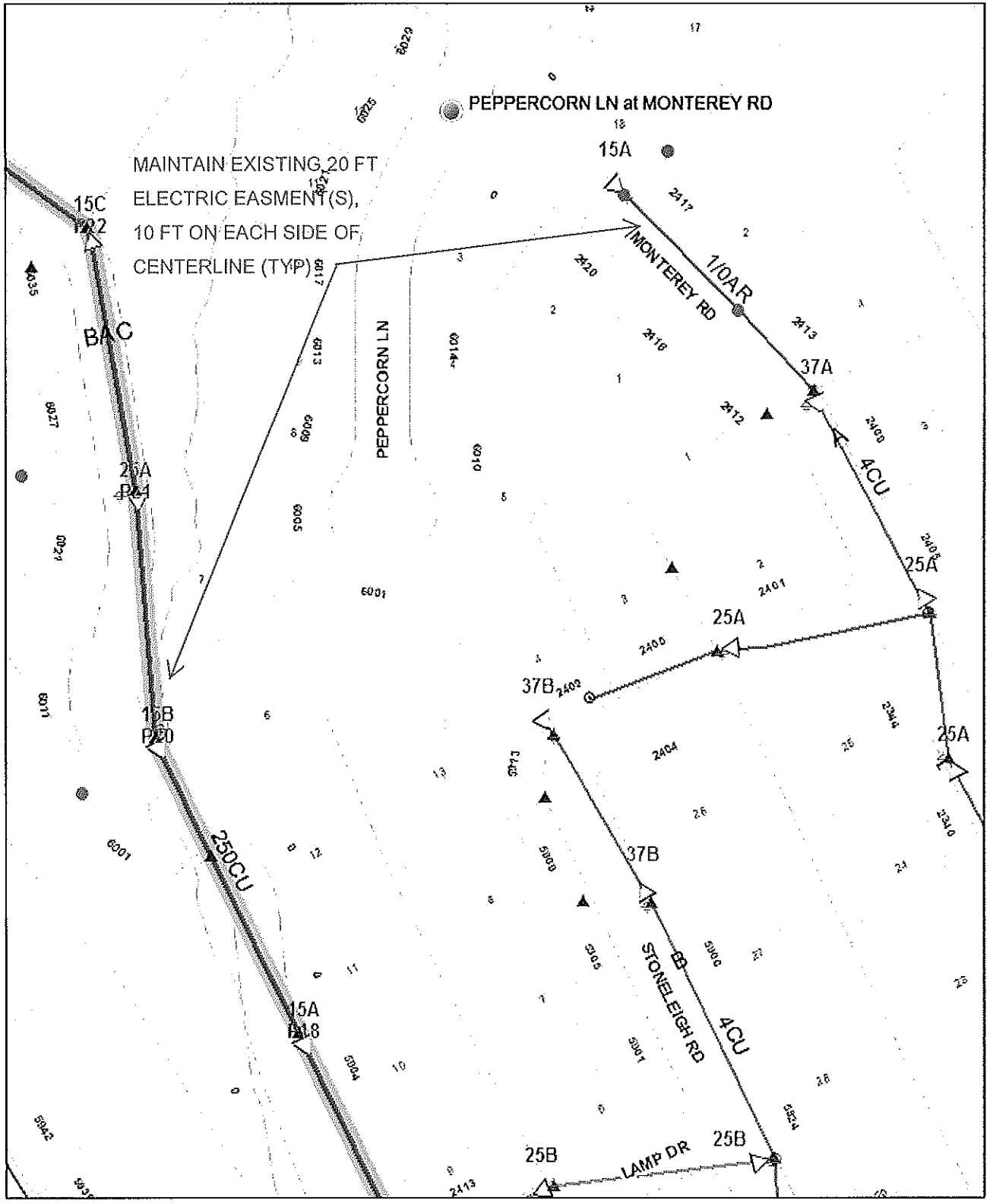
So long as these conditions are met, KUB has no objection to the closure of this right-of-way. If you have any questions regarding this matter, please call me at (865) 558-2291.

Sincerely,

Greg L. Patterson, P.E.  
 Engineering

gp/ggt

Enclosure



**Closure of Monterey Rd File No. 9-A-12-SC Electric**

led: 03/13/2012 10:14 AM

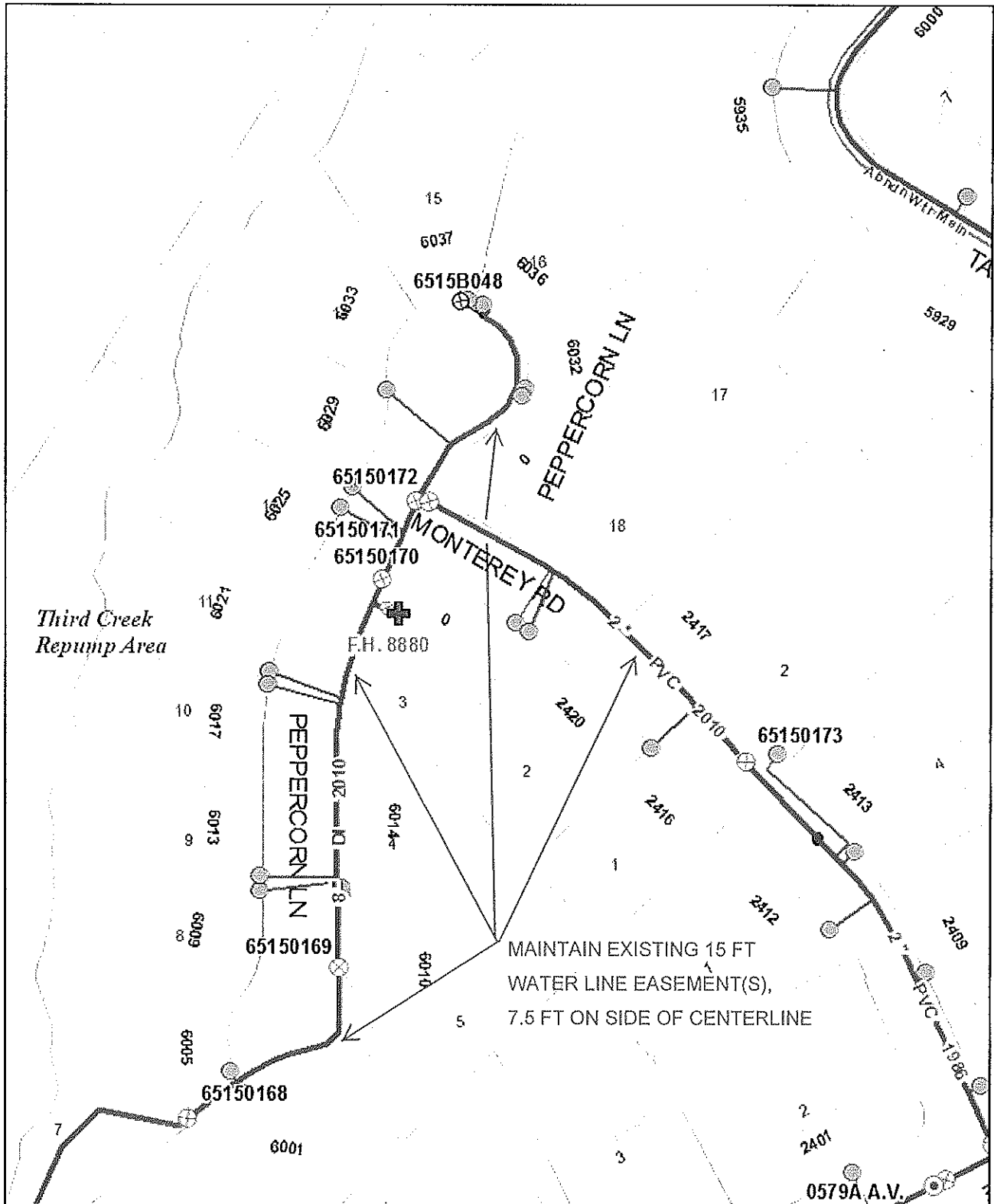
Parcel #14.02      CLT Map #68      City Block #40130



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Knoxville Utilities Board

**Closure of Monterey Rd File No. 9-A-12-SC Water**

dated: 03/13/2012 9:57 AM

Parcel No. 14.02 CLT Map #88 City Block #40130



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