

**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
 CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY**

▶ **FILE #:** 9-C-12-SC

AGENDA ITEM #: 10

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:** Peppercorn Ln

▶ **LOCATION:** Between southwest terminus and northeast terminus

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 Peppercorn Ln., subject to any required easements and subject to the following condition;

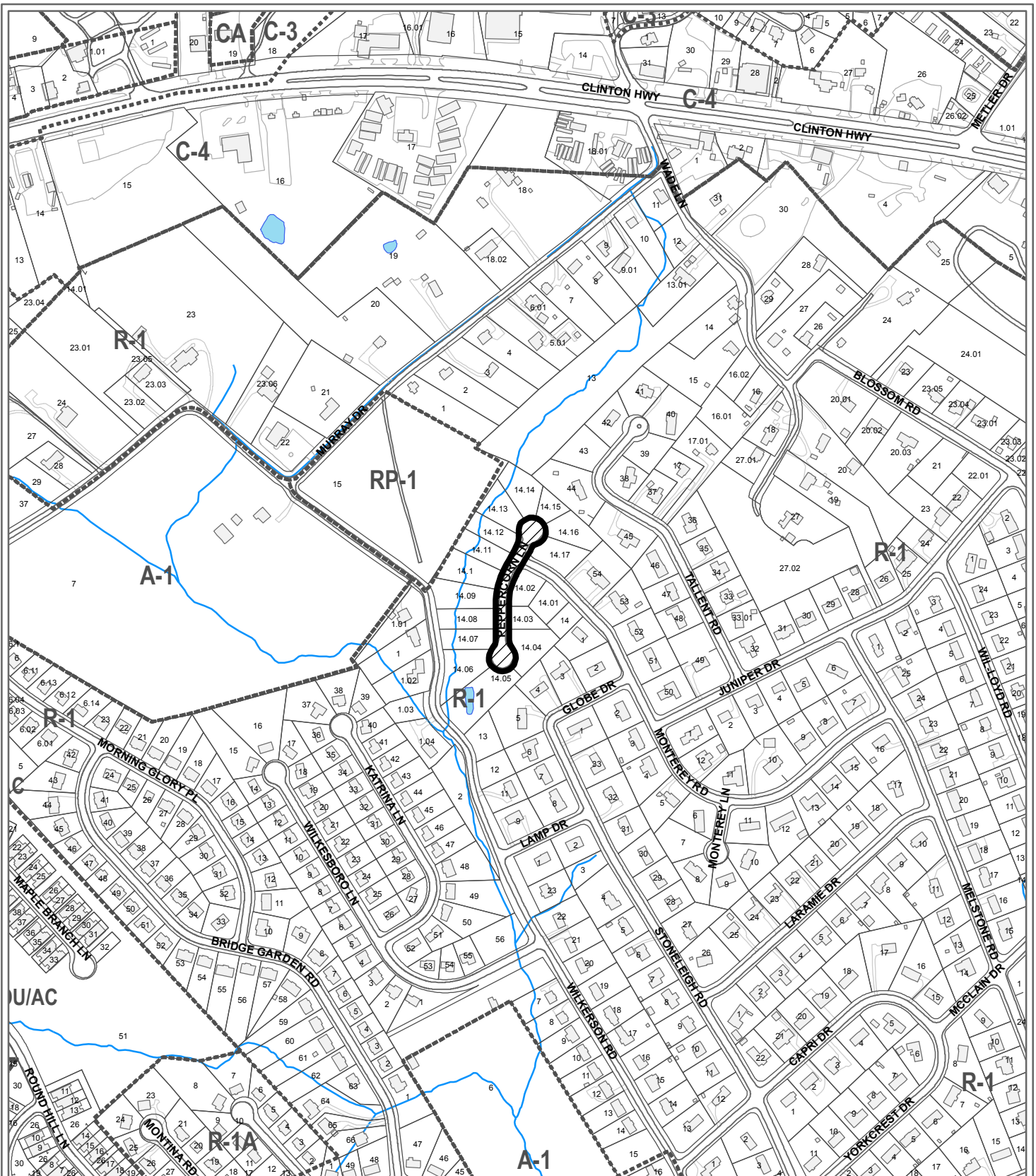
1. The four conditions included in the attached letter from City of Knoxville Engineering (dated August 28, 2012) must be addressed to the satisfaction of that department.

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:

Peppercorn Ln. was constructed to provide access for to residential lots in a 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 an MPC decision in the City.




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

Name of Street or Alley: Peppercorn Ln
 To be closed from: southwest terminus
 To be closed to: northeast terminus

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

Petitioner: Jefferson Federal Bank

Map No: 68
 Jurisdiction: City
 0  500
 Feet



9-C-12-SC - city of Knoxville



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 Peppercorn Lane Between southwest terminus and northeast terminus
MPC File # 9-C-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. Peppercorn Lane 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-C-12-SC
Block No. 40130
CLT No. 68
Parcel No. 41.02**

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

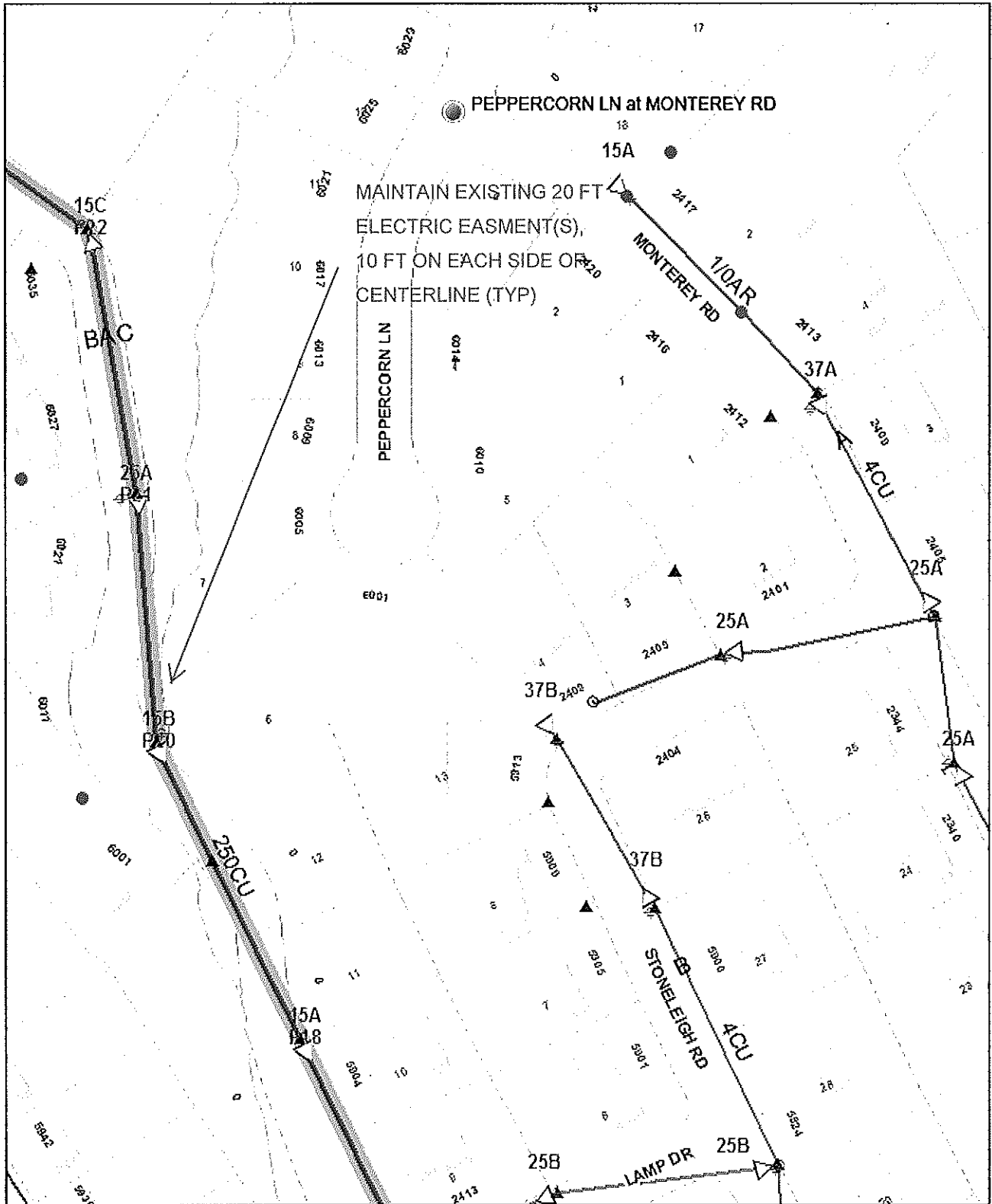
So long as these conditions are met, KUB has no objection to the closure of this right-of-way. If you have any questions regarding this matter, please call me at (865) 558-2291.

Sincerely,

Greg L. Patterson, P.E.
Engineering

glt/ggt

Enclosure



Knoxville Utilities Board

Closure of Peppercorn Lane File No. 9-C-12-SC Electric

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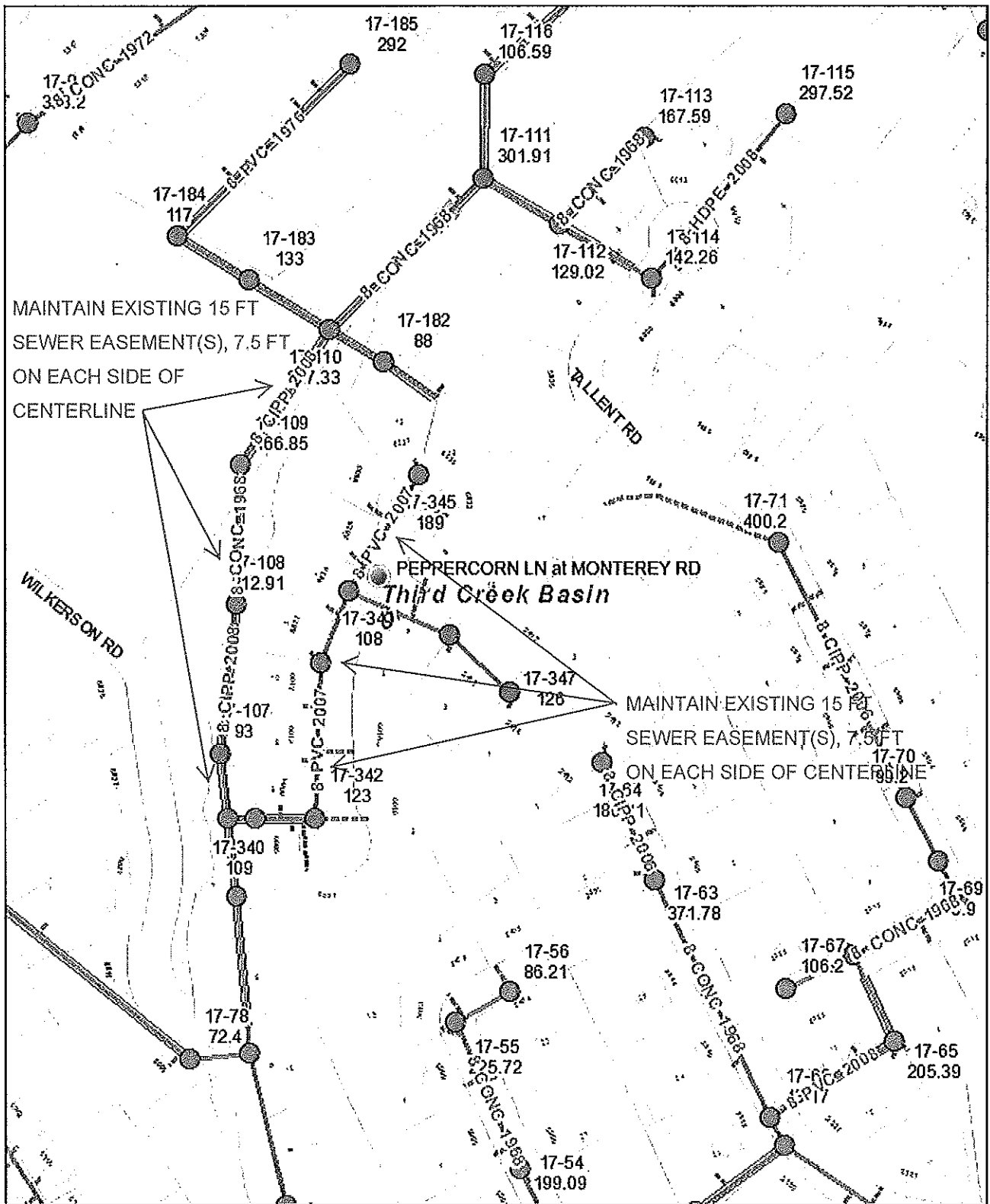
Parcel #14.02

CLT Map #68

City Block #40130



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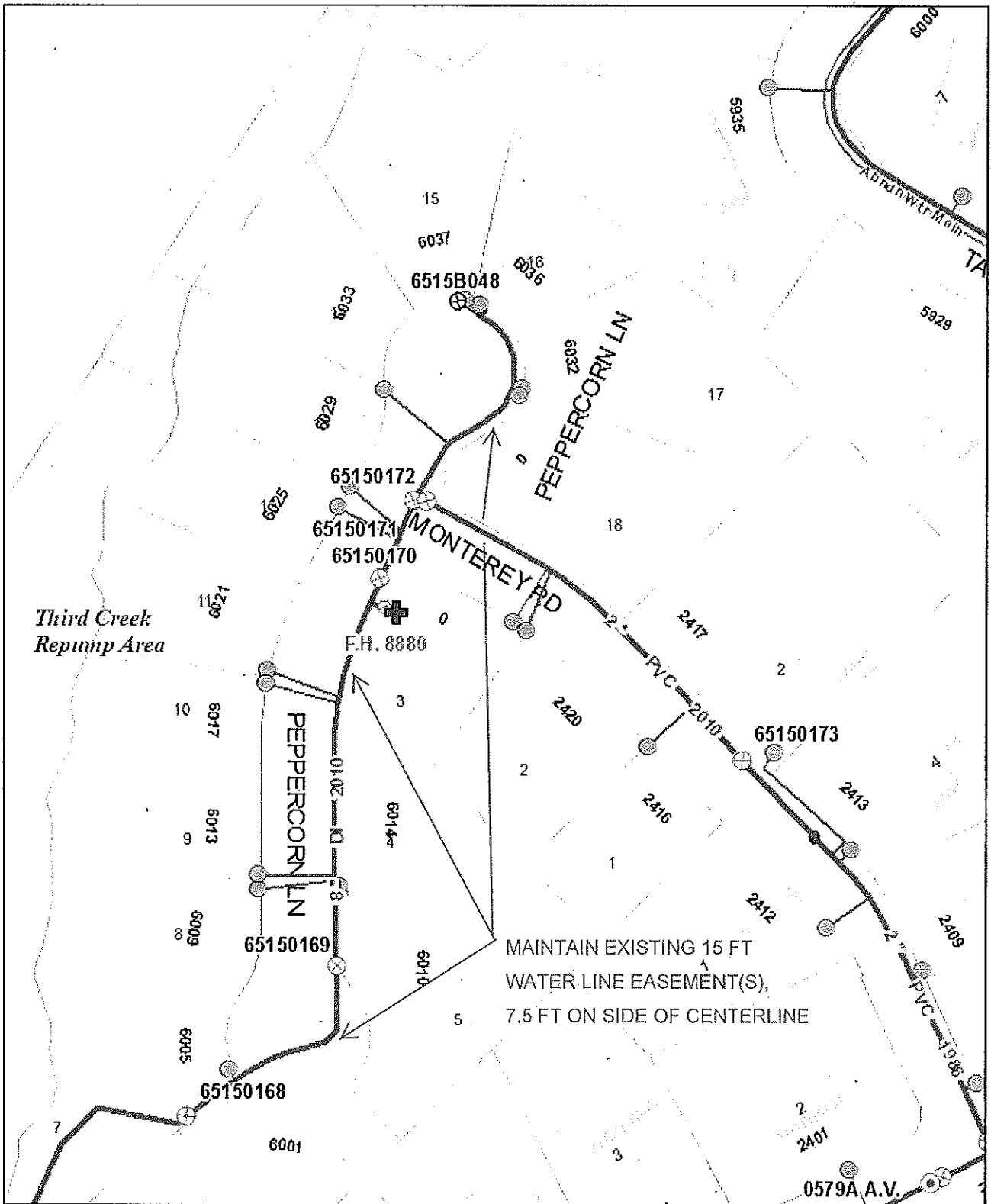
Closure of Peppercorn Lane File No. 9-C-12-SC Sewer

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Parcel #14.02 CLT Map #68 City Block #40130



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Closure of Peppercorn Lane File No. 9-C-12-SC Water

Parcel No. 14.02 CLT Map #68 City Block #40130



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