

▶ **FILE #:** 5-A-13-SC

AGENDA ITEM #: 7

AGENDA DATE: 5/9/2013

▶ **APPLICANT:** SITE, INC.

TAX ID NUMBER: 154 09807
 JURISDICTION: Council District 2
 SECTOR PLAN: Southwest County
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
 ZONING: PC-1 (Retail and Office Park) (K)
 WATERSHED: Tennessee River

▶ **RIGHT-OF-WAY TO BE CLOSED:** Town Center Blvd

▶ **LOCATION:** Between southwest side of parcel 98.11, 229 feet northwest of S. Northshore Dr. centerline and northwest side of parcel 98.07, 696 feet northwest of S. Northshore Dr. centerline

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

▶ **APPLICANT'S REASON FOR CLOSURE:** Per the City of Knoxville Engineering Department requirements. Retaining wall was constructed in right-of-way. Part of the water quality system constructed in right-of-way.

DEPARTMENT-UTILITY REPORTS: No objections from any departments or utilities have been received by staff as of the date of this report.

STAFF RECOMMENDATION:

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

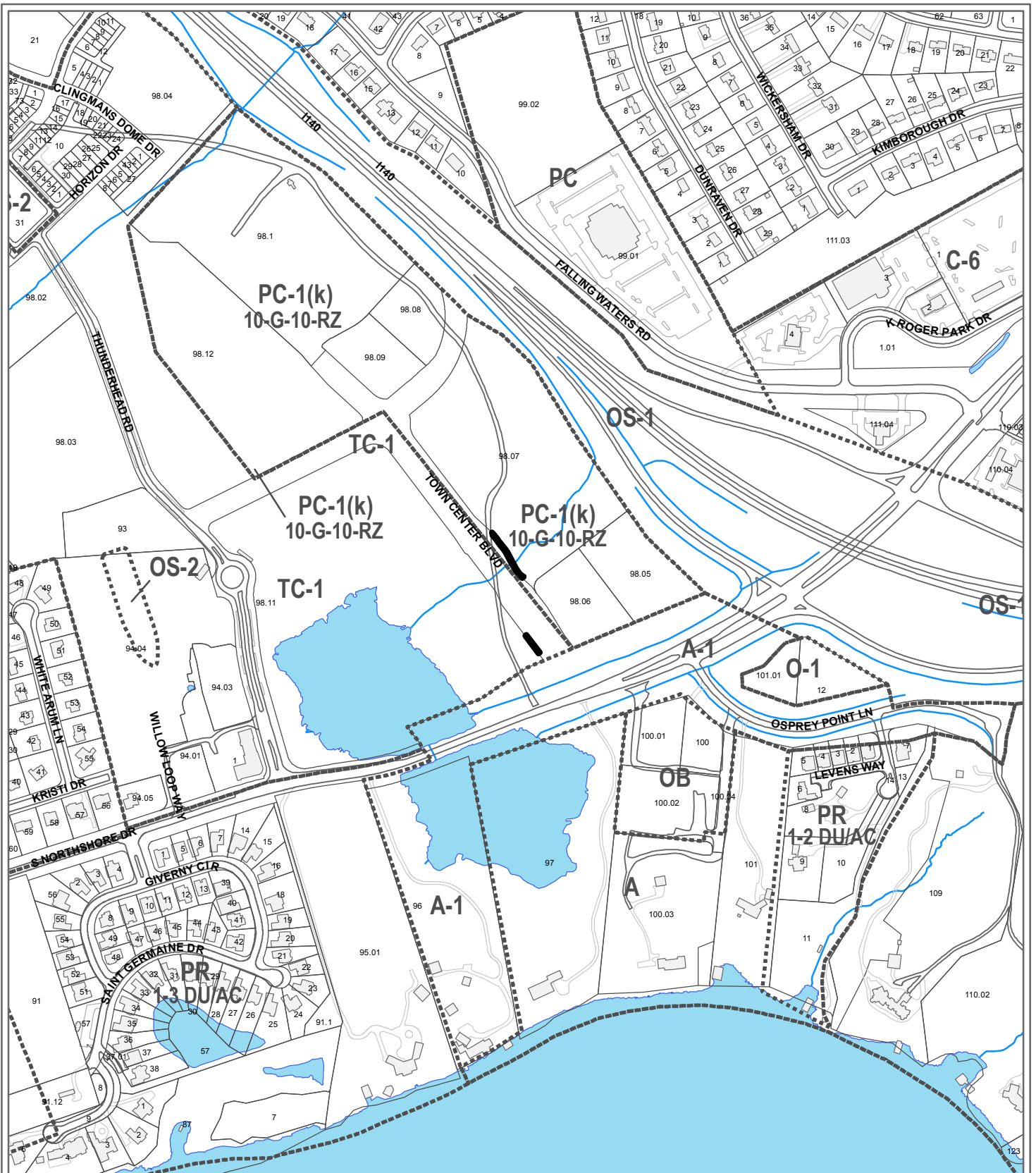
1. The five conditions included in the attached letter from City of Knoxville Engineering (dated May 1, 2013) must be addressed to the satisfaction of that department.

With the above condition included, staff has received no objections from reviewing departments to this closure.

COMMENTS:

The closure of the portions of right-of-way, as proposed, will prevent the private retaining walls that were built in the subject areas from being located in the public right-of-way. Staff has not heard from any opposition to this closure as of the date of this report.

If approved, this item will be forwarded to Knoxville City Council for action on 6/11/2013 and 6/25/2013. 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.



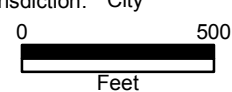
**5-A-13-SC
CLOSURE OF PUBLIC RIGHT OF WAY**

Name of Street or Alley: Town Center Blvd
 To be closed from: S/W side of parcel 98.11, 229 feet NW of S. Northshore Dr. centerline
 To be closed to: N/Wt side of parcel 98.07, 696 feet NW of S. Northshore Dr. centerline

Original Print Date: 4/24/2013 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Site, Inc.

Map No: 154
 Jurisdiction: City



CITY OF KNOXVILLE



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



May 1, 2013

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

SUBJECT: MPC File # 5-A-13-SC: Closure of Town Center Blvd near CLT 154 98.11 and 154 98.07
City Block 51008

Mr. Brusseau:

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

1. The owner shall complete the platting process to consolidate the closure areas into the adjoining properties and to accomplish the following subsequent items:
 - a. Dedicate easements for public use over the current sidewalks, which lie within the areas of the closure.
 - b. Agree to and define a "no construction restriction" in the closure areas.
 - c. Abandon any proposed/recorded Drainage and Water Quality Facility Easements to relocate and dedicate new Drainage and Water Quality Facility Easements, per the actual location of any applicable Drainage and Water Quality Facilities affected. This requirement is due to particular Drainage and Water Quality Facilities being built outside of current easement areas.
2. A maintenance agreement for the applicable sidewalk portions, over which the public easements are dedicated, shall be executed with the City of Knoxville before any plats will be accepted for recording.
3. Upon final approval by City Council, the applicant shall have one (1) year to complete these conditions. If the conditions are not met in the allotted time, this closure shall be deemed null and void and of no effect.
4. The closing ordinance shall state that this closure shall become effective only after the Engineering Department has provided written verification, to the City Recorder, that conditions have been satisfactorily met.
5. 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.

Sincerely,

Benjamin D. Davidson, PLS, Technical Services Administrator, Department of Engineering
Ph: 865-215-2148

C: Christopher S. Howley, P.E., Plans Review and Development Inspections
Curtis Williams, P.E., Stormwater Management

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City County Building • Room 480 • 400 Main Street, • P.O. Box 1631 • Knoxville, Tennessee 37901

Office: (865) 215-2148 • Fax (865) 215-2631 • Email: jhagerman@cityofknoxville.org

www.CityOfKnoxville.org



Knoxville Utilities Board



April 8, 2013

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 5-A-13-SC
Block No. 51008
CLT No. 154
Parcel No. 98.07**

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.

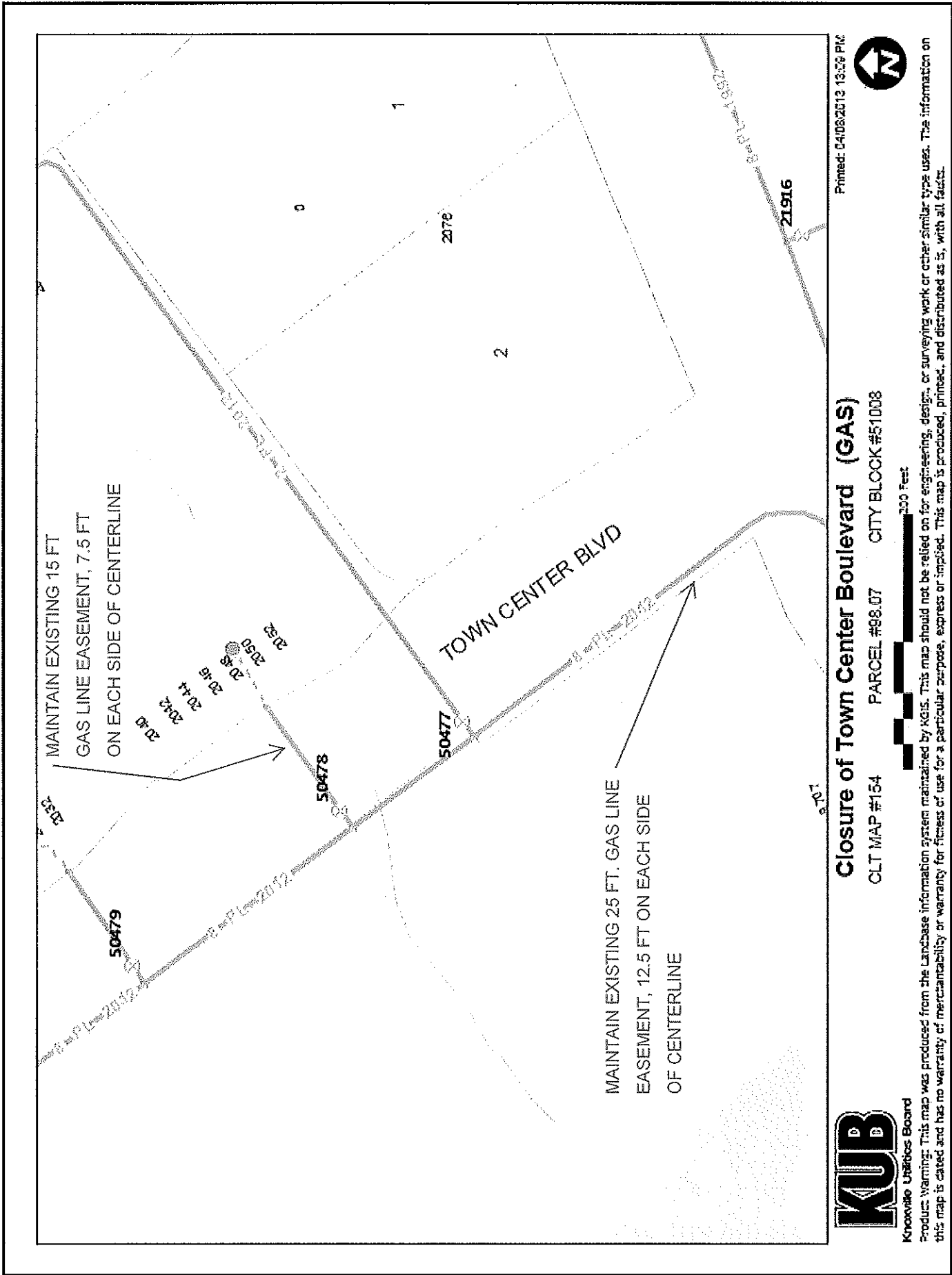
Sincerely,

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

Greg L. Patterson, P.E.
Engineering

glp/ggt

Enclosure





Fire Prevention Bureau

City of Knoxville
400 Main Street, Suite 539
Knoxville, TN 37902

Memorandum

Date: April 15, 2013
To: Mike Brusseau
From: Sonny Partin, Deputy Fire Marshal
Subject: Request for Information on Right of Way Closures, Fire Department Review

Road Name	Review Status	Comments
1. Town Center Blvd.	Approved	Retaining wall does not interfere with our access.