

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

▶ **FILE #:** 4-B-14-SC

AGENDA ITEM #: 9

AGENDA DATE: 4/10/2014

▶ **APPLICANT:** CHRISTOPHER J. PEASE

TAX ID NUMBER: 82 P C 006
 JURISDICTION: Council District 4
 SECTOR PLAN: Central City
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
 ZONING: C-2 (Central Business District) & I-3 (General Industrial)
 WATERSHED: First Creek

▶ **RIGHT-OF-WAY TO BE CLOSED:** Abilene Place
 ▶ **LOCATION:** Between N. Sixth Avenue and eastern terminus

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

▶ **APPLICANT'S REASON FOR CLOSURE:** Enhance 1116 N. Sixth Avenue warehouse office project by cleaning up closed, graveled road and paving it for parking use.

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 this portion of Abilene Place, as requested, subject to any required easements and subject to the following condition:

1. The 6 conditions included in the attached letter from City of Knoxville Engineering (dated March 28, 2014) must be addressed to the satisfaction of that department.

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

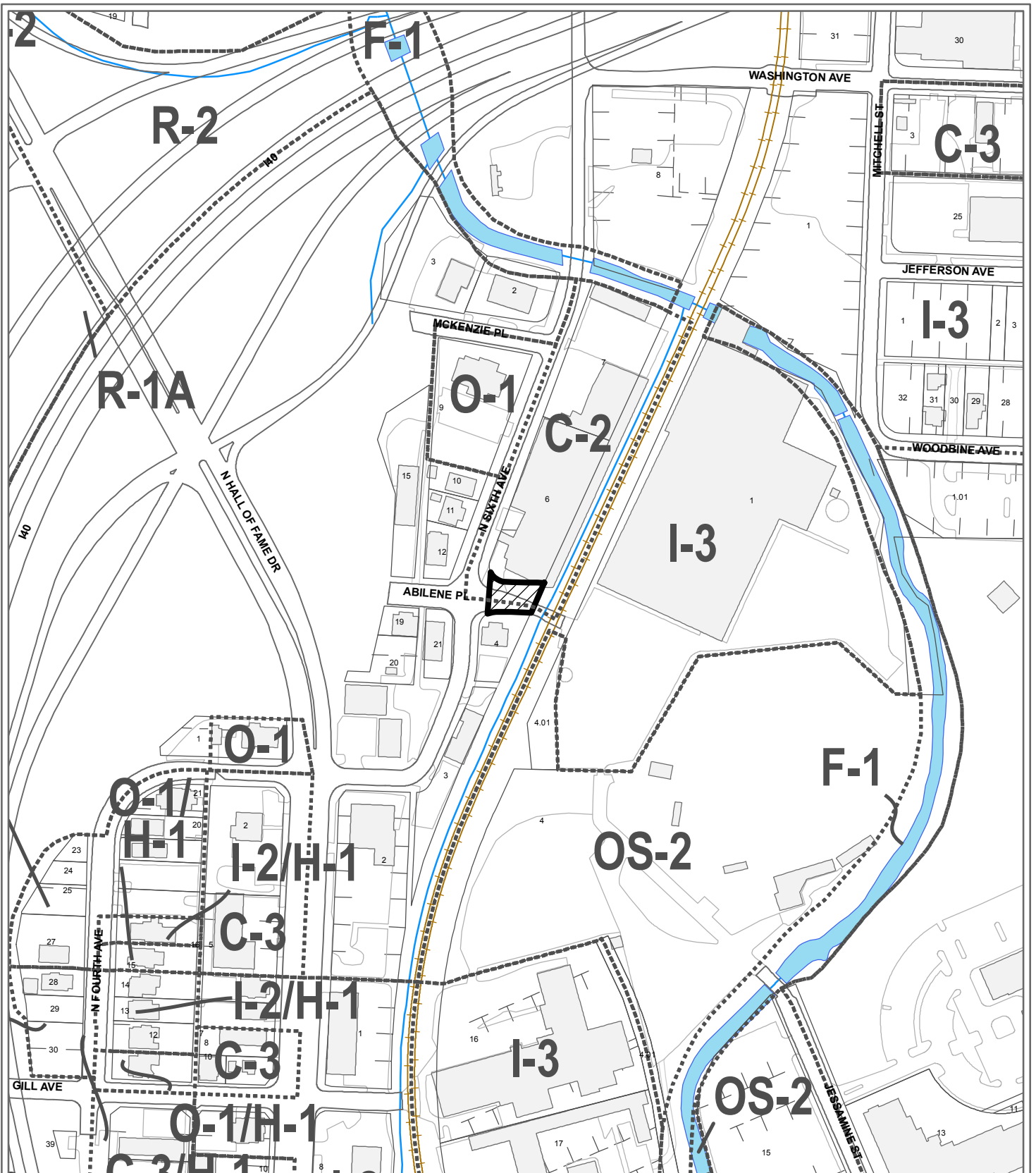
COMMENTS:

This street is improved but is not needed for access to any parcels. According to the City of Knoxville Engineering Department, the railroad crossing at the end of Abilene Place has now been closed, which means that the access that once existed into the adjacent property to the east is no longer available. There is currently a large red and white 'road closed' sign at the end of Abilene Place, before the railroad crossing, likely placed there by the railroad authority. Once closed, the right-of-way will be consolidated with the adjacent parcels to the north and south. The applicant owns these two properties.

The applicant reports that the closure is requested to enhance the 1116 N. Sixth Avenue warehouse office project by cleaning up the closed, graveled road and paving it for parking.

If approved, this item will be forwarded to Knoxville City Council for action on 5/13/2014 and 5/27/2014. 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.



**4-B-14-SC
CLOSURE OF PUBLIC RIGHT OF WAY**

Name of Street or Alley: Abilene Place
 To be closed from: N. Sixth Avenue
 To be closed to: eastern terminus

Original Print Date: 3/25/2014 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Pease, Christopher J.

Map No: 82
 Jurisdiction: City
 0 250
 Feet



CITY OF KNOXVILLE

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

March 28, 2014

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

SUBJECT: Proposed Closure of Abilene Place between N Sixth Ave and eastern terminus
City Blocks 11582 and 11583

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 applicant must coordinate with Sola Development LLC, who own property this day known as Tax Map 082, Insert P, Group D, Parcel 001.00, and have them provide a written statement to the City of Knoxville stating whether or not they approve of the proposed closure area. Engineering support may be subject to change, making this letter null and void, dependent upon Sola Development LLC's response.
2. Currently the only noted public access into the property is at the eastern terminus of Abilene Place. This access is unusable due to the removed railroad crossing in that area. The Sola Development should be involved in the decision making process to determine if they have any plans to enter into any new crossing agreements with the railroad for future access in this area. If there are feasible plans for a new crossing at the eastern terminus of Abilene Place, then the applicant may be required to grant an approvable easement to Sola Development LLC, subsequent owners, or heirs and assigns for ingress/egress to N Sixth Ave and over the closure area. Particular care should be taken by the affected landowners for this option, as minimum widths for access must be taken into consideration when drafting easement documentation. Other acceptable plans for access to a public right-of-way will also be considered for approval depending upon proposed agreements with any landowners in the vicinity.
3. Currently the Sola Development LLC accesses the property by crossing over the City of Knoxville property, this day known as Tax Map 082, Insert P, Group D, Parcel 004.00, to Jessamine St. No record easements for this passage have been noted at the time of this document. Should this area be closed with no other agreements made for access, Sola Development LLC must execute an agreement with the City of Knoxville, if feasible, and record applicable documentation, providing legal access to and from their property. This statement does not serve as a guarantee that the City of Knoxville will enter into any easement agreement for access with Sola Development LLC, only that consideration will be made.
4. 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.
5. There shall be one (1) year allotted for the above conditions to be met, or the closure shall be considered null and void and of no effect.

CITY OF KNOXVILLE



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

6. 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.

Sincerely,

Benjamin D. Davidson

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

4-B-14-SC-COR-KUB



Knoxville Utilities Board



March 12, 2014

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 4-B-14-SC
Block No. 11582 & 11583
CLT No. 82
Parcel No. 6**

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 – 25 feet on each side of the centerline of the electric line, 50 feet total width
- Gas – 7.5 feet on each side of the centerline of the gas line, 15 feet total width
- Water – 7.5 feet on each side of the centerline of the water line, 15 feet total width

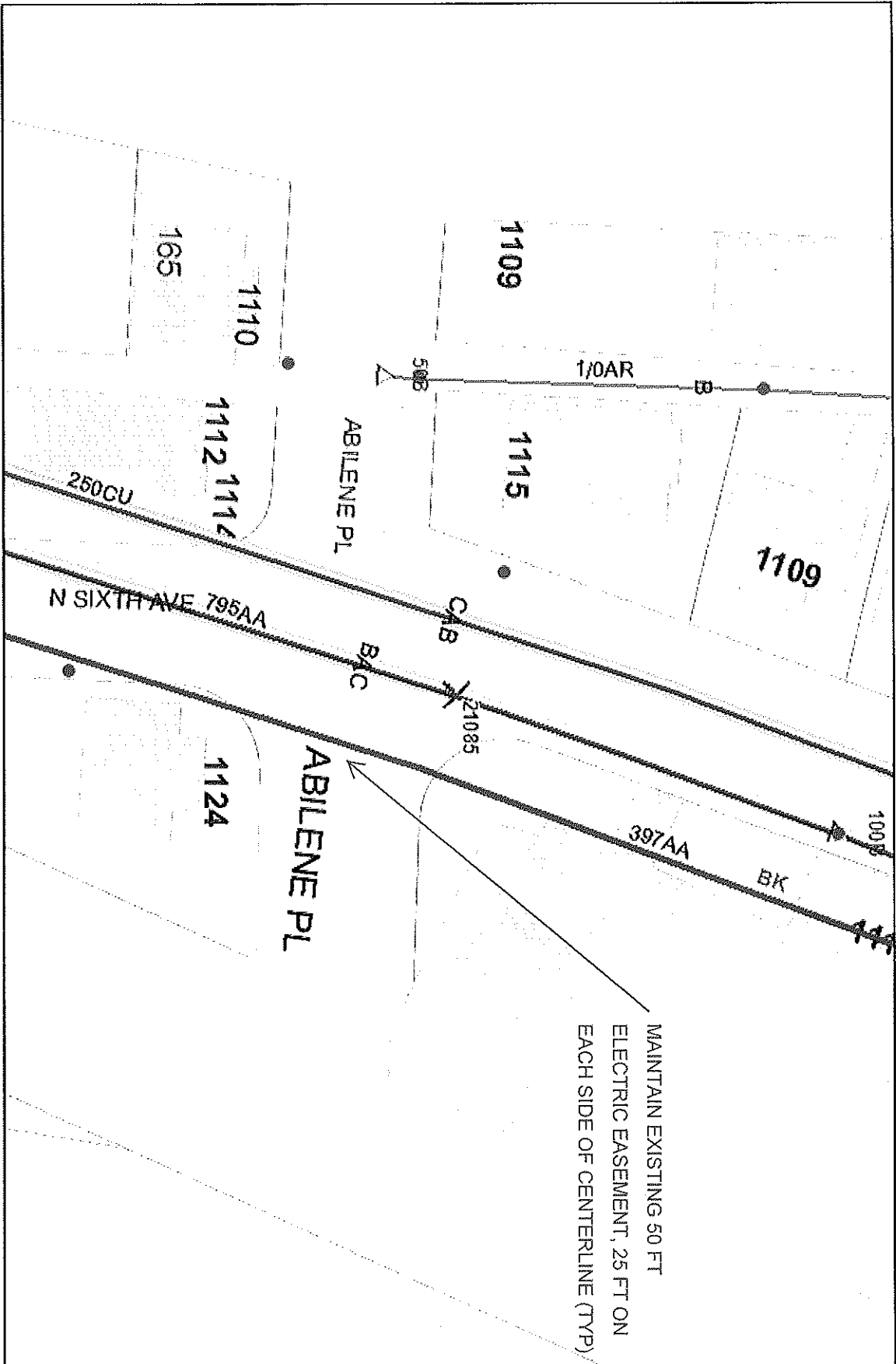
So long as these conditions are met, KUB has no objection to the closure of this right-of-way. If you have any questions regarding this matter, please call me at (865) 558-2291.

Sincerely,

Greg L. Patterson, P.E.
Engineering

GLP/ggt

Enclosure



File No. 4-B-14-SC Closure of Abilene Place (Electric)

Parcel #6 City Block #11582 & 11583 CLT Map #82



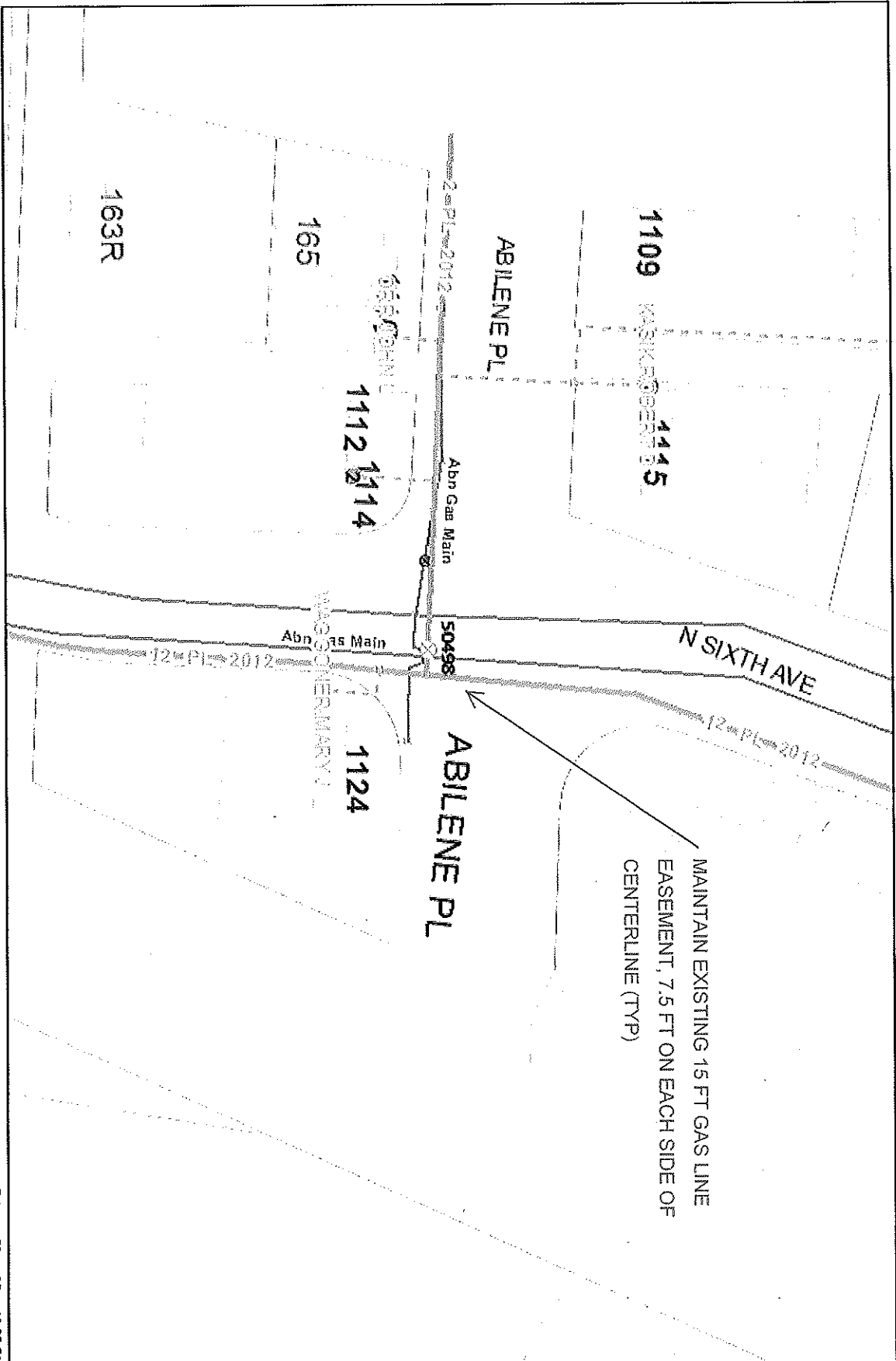
Knowable Utilities Board

100 Feet



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File No. 4-B-14-SC Closure of Abilene Place (Gas)

Parcel #6 City Block #11582 & 11583 CLT Map #82



Kronos Utility Board

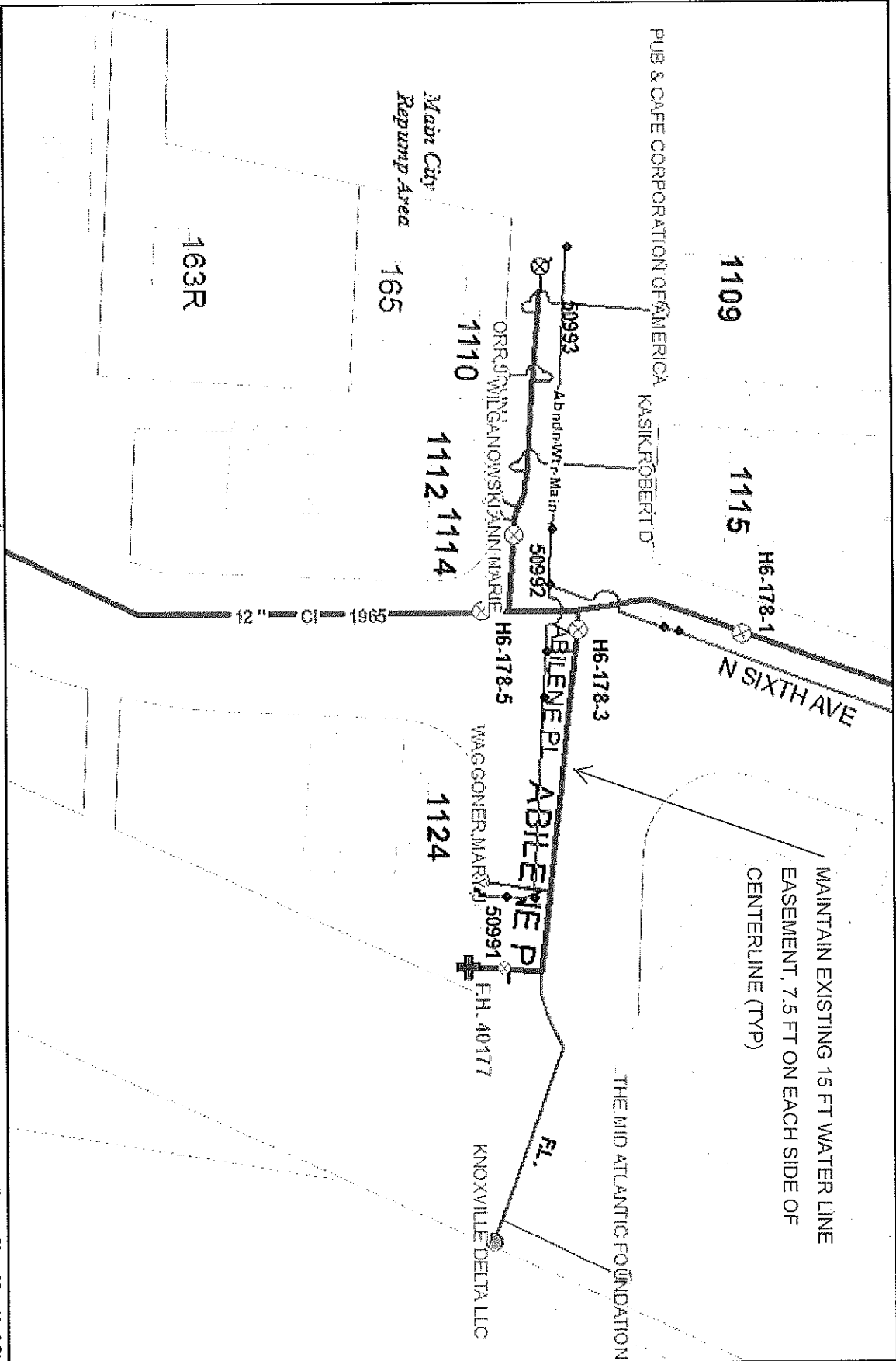
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File No. 4-B-14-SC Closure of Abilene Place (Water)

Parcel #6

City Block #11582 & 11583

CLT Map #82



Knoxville Utilities Board

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4-B-14-SC



Fire Prevention Bureau

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

Memorandum

Date: March 17, 2014
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. Cora St.	Approved	None
✓ 2. Abilene Pl.	Approved	None