



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

▶ **FILE #:** 2-A-14-SC

AGENDA ITEM #: 10

AGENDA DATE: 2/13/2014

▶ **APPLICANT:** CLAUDE ROGER RILEY JR.

TAX ID NUMBER: 123 D A 00401
 JURISDICTION: Council District 1
 SECTOR PLAN: South City
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
 ZONING: R-1 (Low Density Residential)
 WATERSHED: Knob Creek

▶ **RIGHT-OF-WAY TO BE CLOSED:** Unnamed street

▶ **LOCATION:** Between Post Oak Lane and northern terminus

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

▶ **APPLICANT'S REASON FOR CLOSURE:** Street not used since conception and potential new owner wishes to consolidate lots 8, 9, 10 and 11.

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 DENY the closure of this unnamed street, based on the following:**

Although no objections from reviewing departments and utilities have been received, the staff has concern that public access through this street should be maintained to continue to provide future access to the large undeveloped properties to the north.

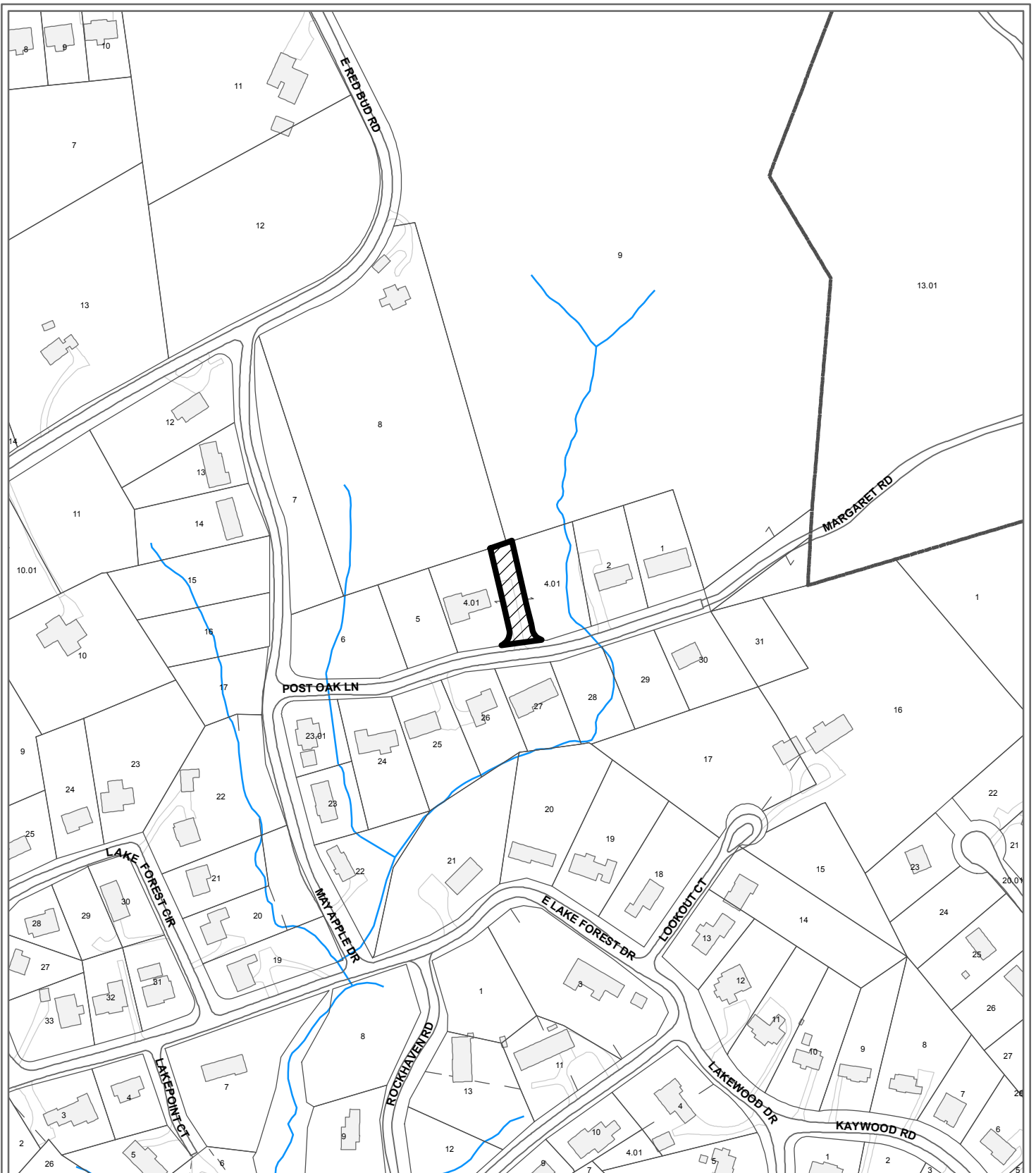
COMMENTS:

The purpose of this closure is to consolidate the properties owned by the applicant, one of which is split by this right-of-way, within which a private driveway is currently located. Although the properties to the north also have access to E. Red Bud Rd. or possibly May Apple Dr., the access to those properties through the subject right-of-way has the least topographic constraints. The most developable portion of the properties to the north is the area just north of the end of this right-of-way. The portions of that site adjacent to E. Red Bud Rd. and May Apple Dr. are much steeper. As lots along Post Oak Ln. were created in 1956, this subject right-of-way was likely included on the subdivision plat to provide access to the larger property to the north for possible future development. The reasoning for the creation of this "stub street" is sound and is still applicable today, despite changes in ownership over the years. If the properties to the north were to be developed in the future, the subject right-of-way would be appropriate to provide access, to promote connectivity and to minimize the need for extensive grading in order to gain access to E. Red Bud Rd. and/or May Apple Dr. Connectivity would mean access to Post Oak Ln., in addition to possible access to one of the other public streets to the north and west. The subject right-of-way is a little more than 40 feet in width, which meets Subdivision Regulations to provide access for up to 5 lots by way of a private Joint Permanent Easement. However, the right-of-way is

currently public, so if it were improved/paved to meet City Engineering requirements for public streets, more lots could be considered, based on the property's R-1 zoning.

All owners of property adjacent to the subject right-of-way (based on the City Ward Map), including the property owners of the large tract to the northwest (123DA008), have signed the owner canvassing form, indicating agreement with the proposed closure. Staff has not received a signature of agreement from the property owner of the tract to the northeast (123DA009), who also could be impacted, but technically does not have access to the subject right-of-way, based on the City Ward Map. This owner was not required to sign the application. A sign was posted on Post Oak Ln., at its intersection with this alley and an ad was placed in the newspaper, providing notice of this proposal. Postcards are not mailed out for right-of-way closures. As of the date of this report, staff has not heard of any opposition to the proposed closure.

If approved, this item will be forwarded to Knoxville City Council for action on 3/4/2014 and 3/18/2014. 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.



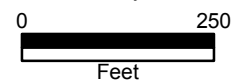
**2-A-14-SC
CLOSURE OF PUBLIC RIGHT OF WAY**

Name of Street or Alley: Unnamed street
 To be closed from: Post Oak Lane
 To be closed to: northern terminus

Original Print Date: 1/27/2014 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Riley Jr., Claude Roger

Map No: 123
 Jurisdiction: City



2-A-14-SC -cor- City Eng



CITY OF KNOXVILLE

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

February 3, 2014

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

SUBJECT: Closure of an unnamed right-of-way off Post Oak Ln
MPC File # 2-A-14-SC; City Block 29440

Mr. Brusseau:

The City Engineering Department has no objections to close the above reference right-of-way area.

However, 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,

A handwritten signature in cursive script, appearing to read "Benjamin D. Davidson".

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

C: Brentley J. Johnson, P.E., R.L.S., Engineering Planning Chief
Christopher S. Howley, P.E., Plans Review and Development Inspections

2-A-14-SC-cor-KUB



Knoxville Utilities Board



January 17, 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 2-A-14-SC

We have reviewed our records and, as far as we have been able to determine, KUB has no existing utility facilities located within the subject right-of-way and we have no objection to the requested closure. However, KUB does not release and hereby retains all easements and rights for existing utility facilities, whether or not identified in our research.

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

2-A-14-SC-cor-City Fire

2-A-14-SC



Fire Prevention Bureau

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

Memorandum

Date: January 27, 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. Alley @ Phillips Ave. 2A14AC	Approved	None
2. Unnamed St @ Post Oak Ln. 2A14SC	Approved	None
3. Unnamed alley @ May St. 2B14AC	Approved	None