

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

▶ **FILE #:** 2-B-14-AC

AGENDA ITEM #: 9

AGENDA DATE: 2/13/2014

▶ **APPLICANT:** MICHAEL BRADY INC.

TAX ID NUMBER: 93 D H 043
 JURISDICTION: Council District 3
 SECTOR PLAN: Central City
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
 ZONING: C-3 (General Commercial)
 WATERSHED: Third Creek

▶ **RIGHT-OF-WAY TO BE CLOSED:** Unnamed alley
 ▶ **LOCATION:** Between northeast corner of parcel 093DH043 and southeast corner of 093DH045 and northwest corner of parcel 093DH043 and dead end at former May St. (closed)

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

▶ **APPLICANT'S REASON FOR CLOSURE:** Property owner owns all properties adjoining this portion of the alley. The alley terminates into private property previously known as May Street. This street was closed with ordinance #3327.

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

STAFF RECOMMENDATION:

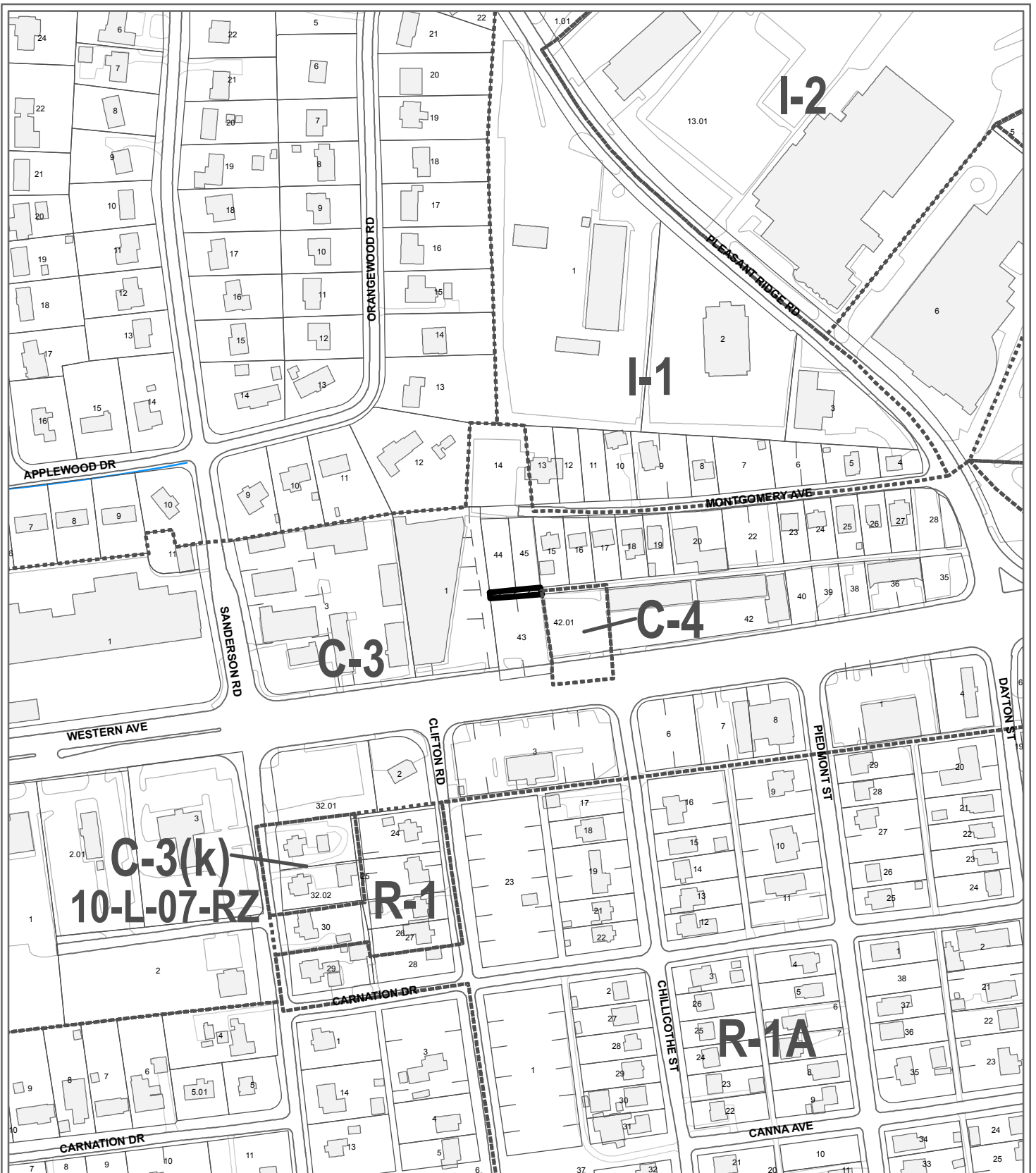
▶ **RECOMMEND that City Council APPROVE the closure of this unnamed alley, as requested, subject to any required easements:**

No objections to this closure have been received from reviewing departments, and the right-of-way is not needed for access to any properties.

COMMENTS:

This portion of the unnamed alley is located within a private parking lot. All adjacent properties to the right-of-way are under the same ownership and that owner agrees with the closure. The unnamed alley will still provide access from the east to the private property at its western end. But, it will cut off at the edge of the existing parking lot, rather than in the middle of it. See the attached aerial photo, which shows the area to be closed. Staff has heard opposition to the closure from a citizen who reports that trucks use the alley and exit to Western Ave. through the private parking lot within which this subject right-of-way is located. Access to the parking lot from the alley will not change as a result of this closure, as the alley to remain will end at the edge of the private property. However, any vehicular access through the parking lot will be subject to permission by the owner of the property, which is no different than the existing situation. Currently, there is no public right-of-way access from the end of the alley to Western Ave., and that will not change if this closure is approved. In the past, this unnamed alley terminated at May St., a one time public right-of-way that was closed by City Council ordinance 3327 in 1963, reverting the land into private ownership.

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.

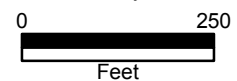


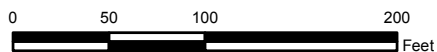
**2-B-14-AC
CLOSURE OF PUBLIC RIGHT OF WAY**

Name of Street or Alley: Unnamed alley
 To be closed from: northeast corner of parcel 093DH043 and southeast corner of 093DH045
 To be closed to: northwest corner of parcel 093DH043 and dead end @ former May St. (closed)
 Original Print Date: 1/27/2014 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Michael Brady Inc.

Map No: 93
 Jurisdiction: City





Date: 02/05/2014

City of Knoxville
 Department of Engineering
 MPC February 13, 2014

PROPOSED CLOSURE

CB 19110

Agenda Item # 9

2-B-14-AC - 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 a portion of an unnamed alley off May St (closed)
MPC File # 2-B-14-AC; City Block 19100

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 that reads "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-B-14-AC 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-B-14-AC
Block No. 43800
CLT No. 93
Parcel No. 12/43/44/45**

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 facilities.

- Electric – 25 feet on each side of the centerline of the electric line, 50 feet total width
- 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

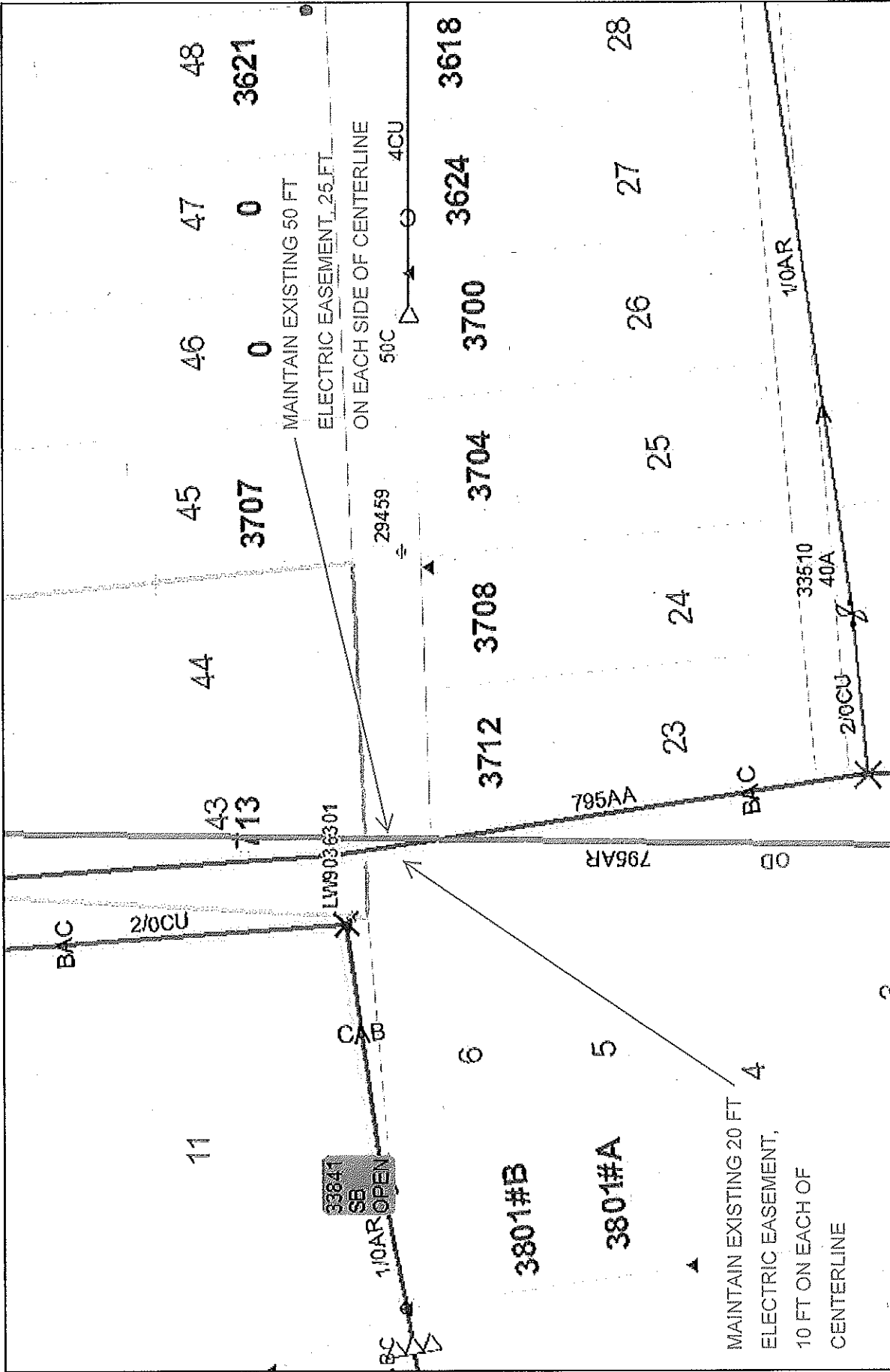
So long as these conditions are met, KUB has no objection to the closure of this right-of-way. If you have any questions regarding this matter, please call me at (865) 558-2291.

Sincerely,

Greg L. Patterson, P.E.
Engineering

GLP/ggt

Enclosure



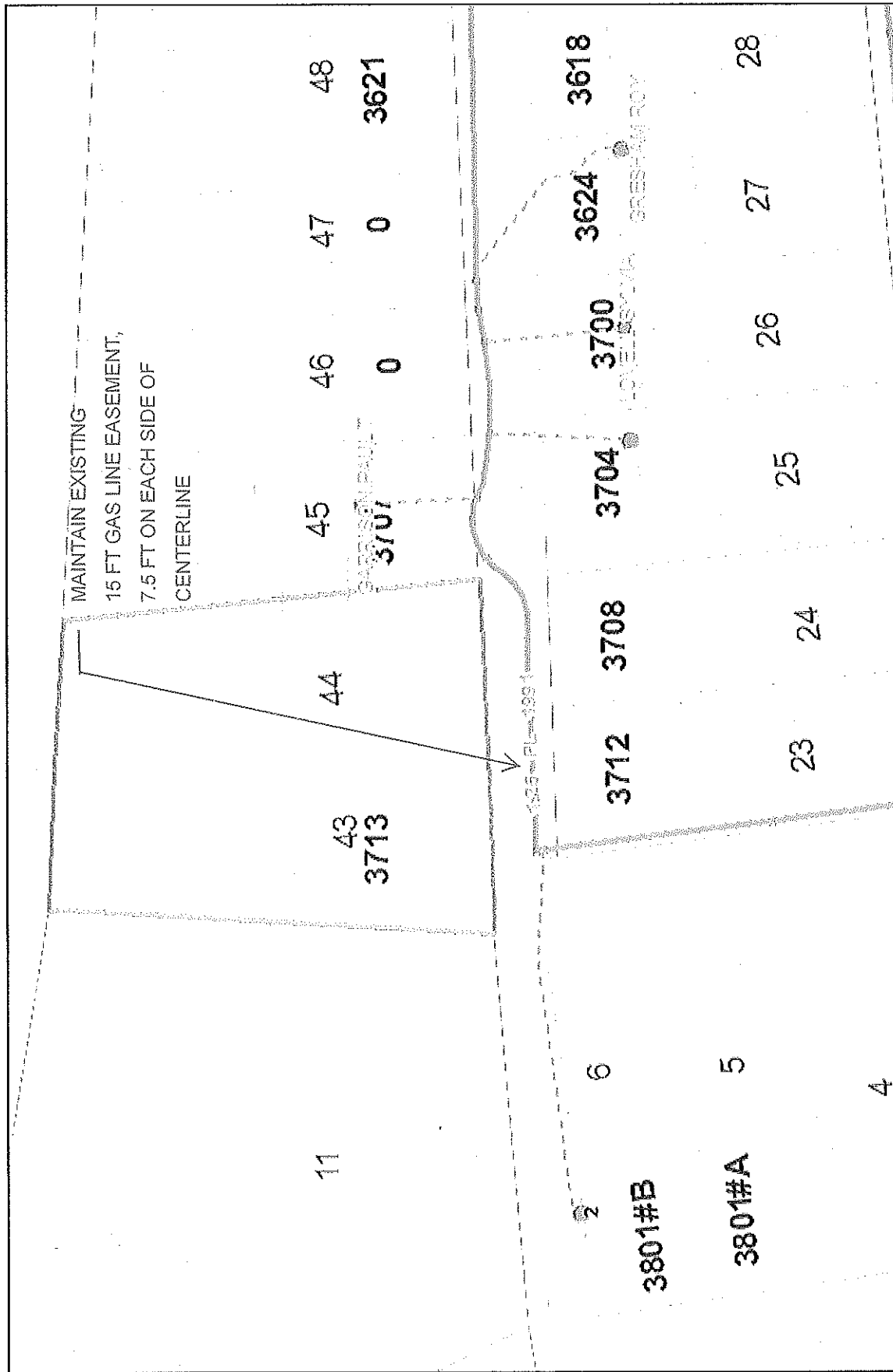
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Closure of Unnamed Alley at End of Montgomery Ave (Electric)

File No. 2-B-14-AC Map #93 Parcel(s) 12/43/44/45 City Block #43800



Product Warning: This map was produced from the Landbase information system maintained by KGIS. This map should not be relied on for engineering, design, or surveying work or other similar type uses. The information on this map is dated and has no warranty of maintainability or warranty for fitness of use for a particular purpose, express or implied. This map is produced, printed, and distributed as is, with all faults.



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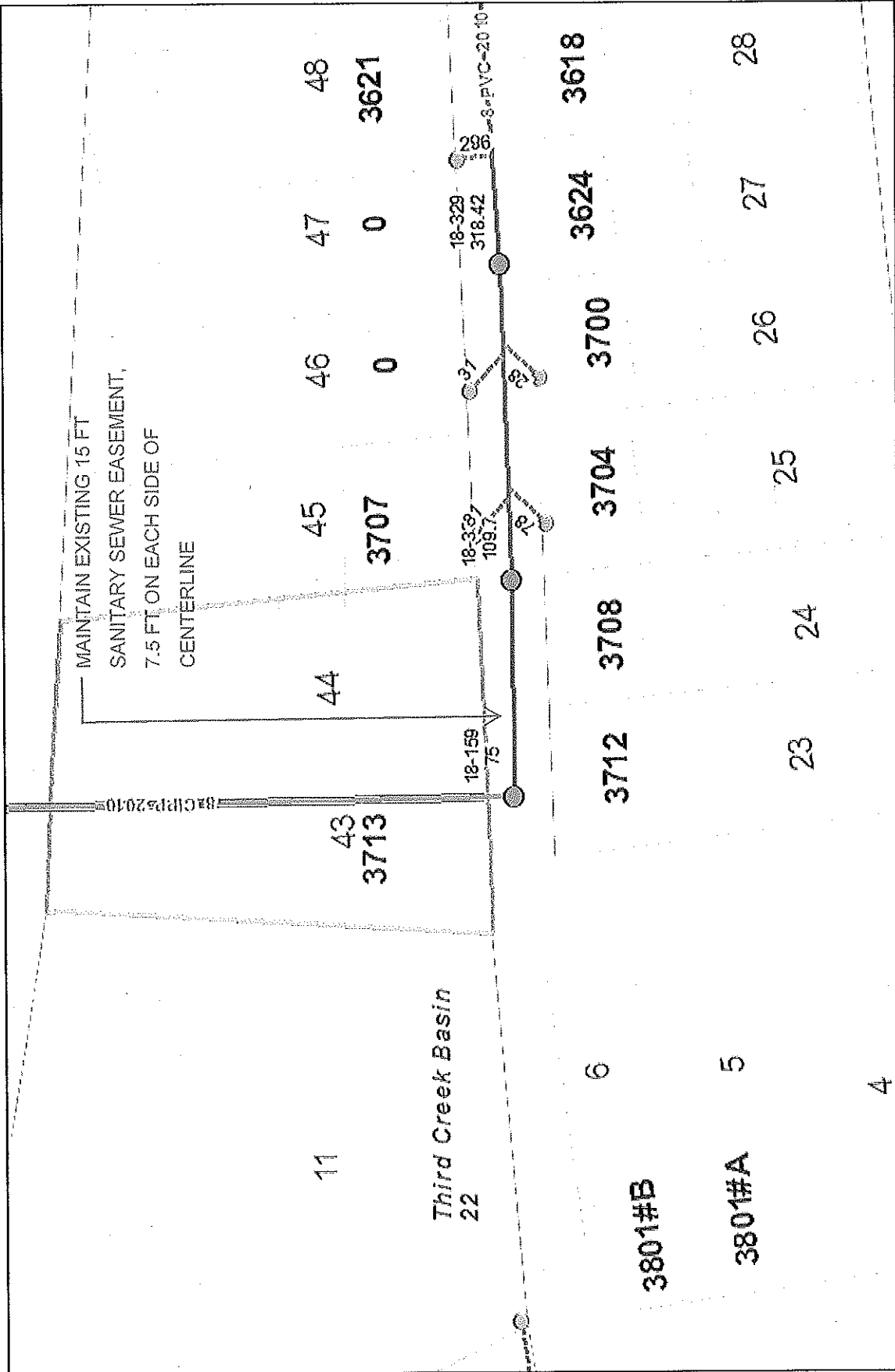


Closure of Unnamed Alley at End of Montgomery Ave (Gas)

File No. 2-5-14-AC Map #93 Parcel(s) 12/43/4/45 City Block #43800



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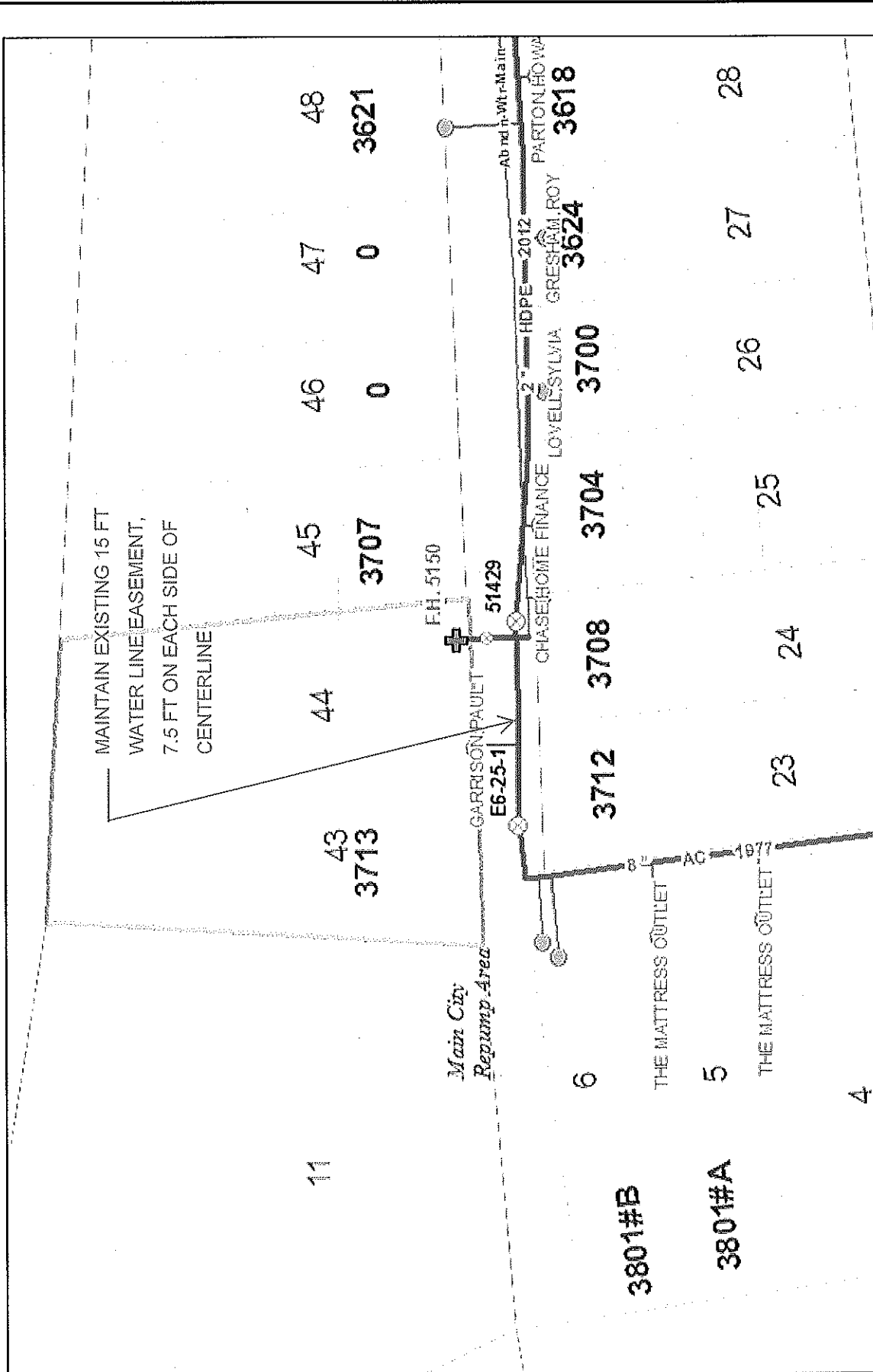


Closure of Unnamed Alley at End of Montgomery Ave (Sewer)

File No. 2-B-14-AC Map #93 Parcel(s) 12/43/4/45 City Block #43800



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Closure of Unnamed Alley at End of Montgomery Ave (Water)

File No. 2-E-14-AC Map #93 Parcel(s) 12/43/4/45 City Block #43800



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2-B-14-AC -cor-City Fire

2-B-14-AC



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 |