

▶ **FILE #:** 1-A-14-SC

AGENDA ITEM #: 8

AGENDA DATE: 1/9/2014

▶ **APPLICANT:** STARBOARD PROPERTIES FOUR LLC

TAX ID NUMBER: 108 C K 005
 JURISDICTION: Council District 1
 SECTOR PLAN: Central City
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
 ZONING: FD - CU-2 (Cumberland Form District)
 WATERSHED: Third Creek

▶ **RIGHT-OF-WAY TO BE CLOSED:** Twenty Second St

▶ **LOCATION:** Between south side Cumberland Ave. and east side Twenty Second St.

IS STREET:

(1) IN USE?: No

(2) IMPROVED (paved)?: No

▶ **APPLICANT'S REASON FOR CLOSURE:** Recommended by City of Knoxville Building Inspections and Permitting Department.

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 proposed portion of right-of-way, as requested, subject to any required easements and subject to the following condition:

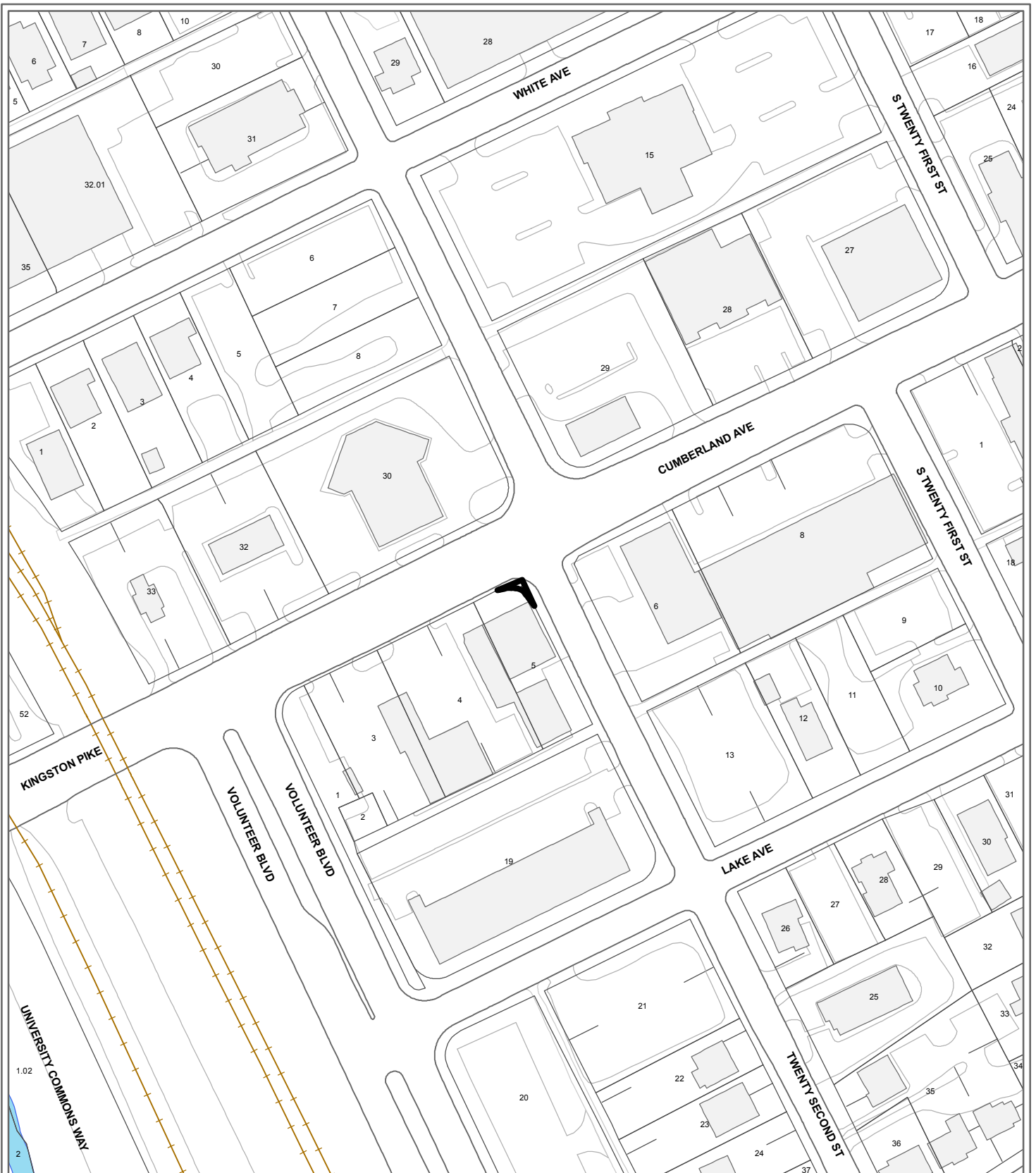
1. The 6 conditions included in the attached letter from City of Knoxville Engineering (dated December 17, 2013) must be addressed to the satisfaction of that department.

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

COMMENTS:

The existing plat of record dedicated a radius at the subject corner. However, there's an outdoor seating patio along the front of the building, the corner of which is in the right-of-way because of the dedication. The purpose of the closure is to get the patio back on private property. This closure will not have any physical impact to Twenty Second St. or Cumberland Ave. and will not result in any change in traffic patterns. With the recommended conditions from City Engineering and no objections received, staff recommends approval.

If approved, this item will be forwarded to Knoxville City Council for action on 2/4/2014 and 2/18/2014. 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.



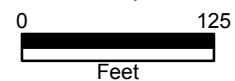
**1-A-14-SC
CLOSURE OF PUBLIC RIGHT OF WAY**

Petitioner: Starboard Properties Four LLC

Name of Street or Alley: Twenty Second St
 To be closed from: south side Cumberland Ave.
 To be closed to: east side Twenty Second St.

Map No: 108
 Jurisdiction: City

Original Print Date: 12/19/2013 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



1-A-14-SC-cor-City Eng



CITY OF KNOXVILLE

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

December 17, 2013

Mr. Mike Brusseau, Principal Planner, Metropolitan Planning Commission
Suite 403, City County Building
Knoxville, Tennessee 37901



SUBJECT: Request to close a portion of right-of-way at intersection of Cumberland Ave & Twenty Second St
MPC File # 1-A-14-SC
City Block 10441

Dear Mr. Brusseau:

The City Engineering Department has no objections to close a portion of the right-of-way, provided the following conditions are met subject to Engineering Approval:

1. Owner agrees to change the closure area to only be that portion that the concrete patio, located at 2200 Cumberland Avenue, currently encroaches upon. (Please, refer to the calls L3, L4, and C3 as shown on attached map labeled 10441-E).
2. A survey exhibit must be delivered to City Engineering that accurately locates and describes the area to be closed. The exhibit must be certified by a licensed land surveyor. The subdivision plat required in item number 3 may also be used as the instrument to describe the closure area, in lieu of an exhibit map. However, an exhibit or preliminary subdivision plat may be used to expedite the closure process due to the time required for subdivision plat approvals. The exhibit map or preliminary subdivision map must be delivered to the Engineering Department no later than **January 14, 2014**. If this deadline cannot be met, or if the submittal does not contain adequate information to locate the closure area, postponement may be required.
3. The owner agrees to dedicate new right-of-way areas as shown on map 10441-E. This dedication must be accomplished by completing the platting process. If a different surveying company is employed to complete this process, every effort should be made to duplicate the intent as shown on Map 10441-E when submitting updated surveying plans/plats.
4. 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.
5. 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.
6. Should this right-of-way be closed, the City will will reserve an easement for all utilities, if any, located in or within five (5) feet of the area to be closed.

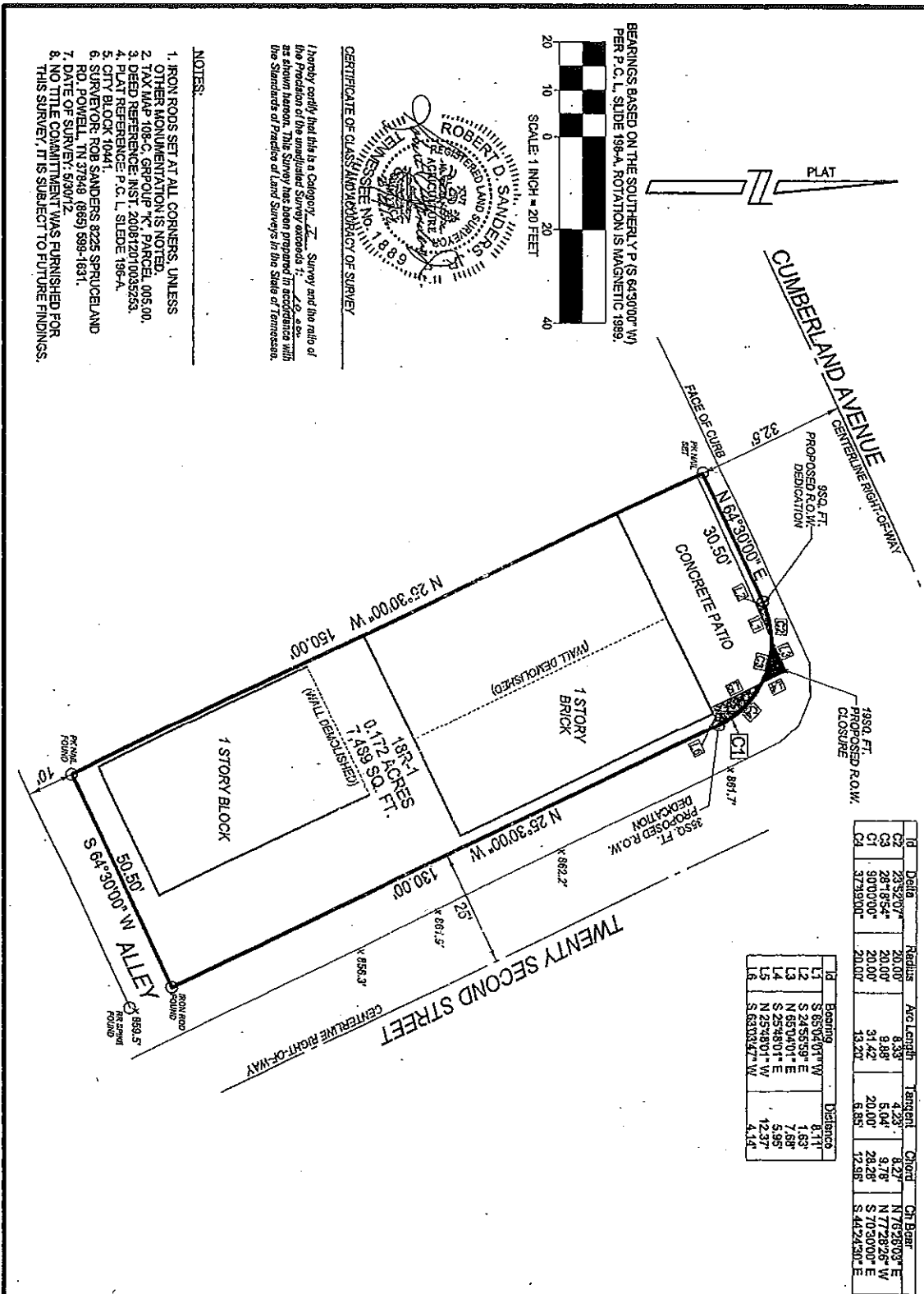
Sincerely,

Benjamin D. Davidson, PLS, Technical Services Administrator

Attachment

C: Brently J. Johnson, P.E., R.L.S., Engineering Planning Chief

10441-E



ID	Bearing	Radius	Area Length	Tangent	Chord	Ch. Bear.
C2	23°30'00" W	20.00'	8.33'	2.00'	8.27'	N 75°30'00" E
C3	28°16'54" W	20.00'	9.88'	5.04'	9.78'	N 72°30'00" W
C4	50°00'00" W	20.00'	31.42'	20.00'	28.28'	S 70°30'00" E
C4	37°30'00" W	20.00'	13.20'	8.85'	12.98'	S 44°24'30" E

ID	Bearing	Distance
L1	S 65°00'00" W	8.11'
L2	S 25°30'00" E	1.53'
L3	N 65°00'00" E	7.88'
L4	S 25°48'01" E	3.55'
L5	N 23°48'01" W	12.37'
L6	S 83°38'47" W	4.14'

10441-E

10441-E

HIGHLAND SURVEYING
 4725 SPRUCELAND ROAD, KNOXVILLE, TN 37918
 PHONE: (615) 655-1111 FAX: (615) 655-1111

BOUNDARY SURVEY
LOT 18R-1 WHITE'S PARK PLACE SUBDIVISION
 2200 CUMBERLAND AVENUE

NINTH CIVIL DISTRICT KNOX COUNTY, TENNESSEE
 TENTH WARD CITY OF KNOXVILLE, TENNESSEE

1-A-14-SC-cor-KUB



Knoxville Utilities Board



December 12, 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 1-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 L. Patterson'.

Greg L. Patterson, P.E.
Engineering

GLP/ggt



Fire Prevention Bureau

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

Memorandum

Date: December 16, 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. Ogden	Approved	None
2. 22 nd and Cumberland	Approved	None 1-A-14-SC