

▶ **FILE #:** 11-A-13-SC **AGENDA ITEM #** 6  
 POSTPONEMENT(S): 11/14/13-12/12/13 **AGENDA DATE:** 1/9/2014

▶ **APPLICANT:** MONDAY PROPERTIES

TAX ID NUMBER: 80 D B 016  
 JURISDICTION: Council District 5  
 SECTOR PLAN: Northwest City  
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)  
 ZONING: C-4 (Highway and Arterial Commercial)  
 WATERSHED: Second Creek

▶ **RIGHT-OF-WAY TO BE CLOSED:** Portion Tillery Rd  
 ▶ **LOCATION:** Between Clinton Hwy. and north property line of parcel 080DB01901

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

▶ **APPLICANT'S REASON FOR CLOSURE:** Previous survey dedicated more right-of-way than was required due to an incorrect location of the centerline of Tillery Rd. The closure is for a strip of land that will not affect Tillery Rd. (see attached exhibit).

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

**STAFF RECOMMENDATION:**

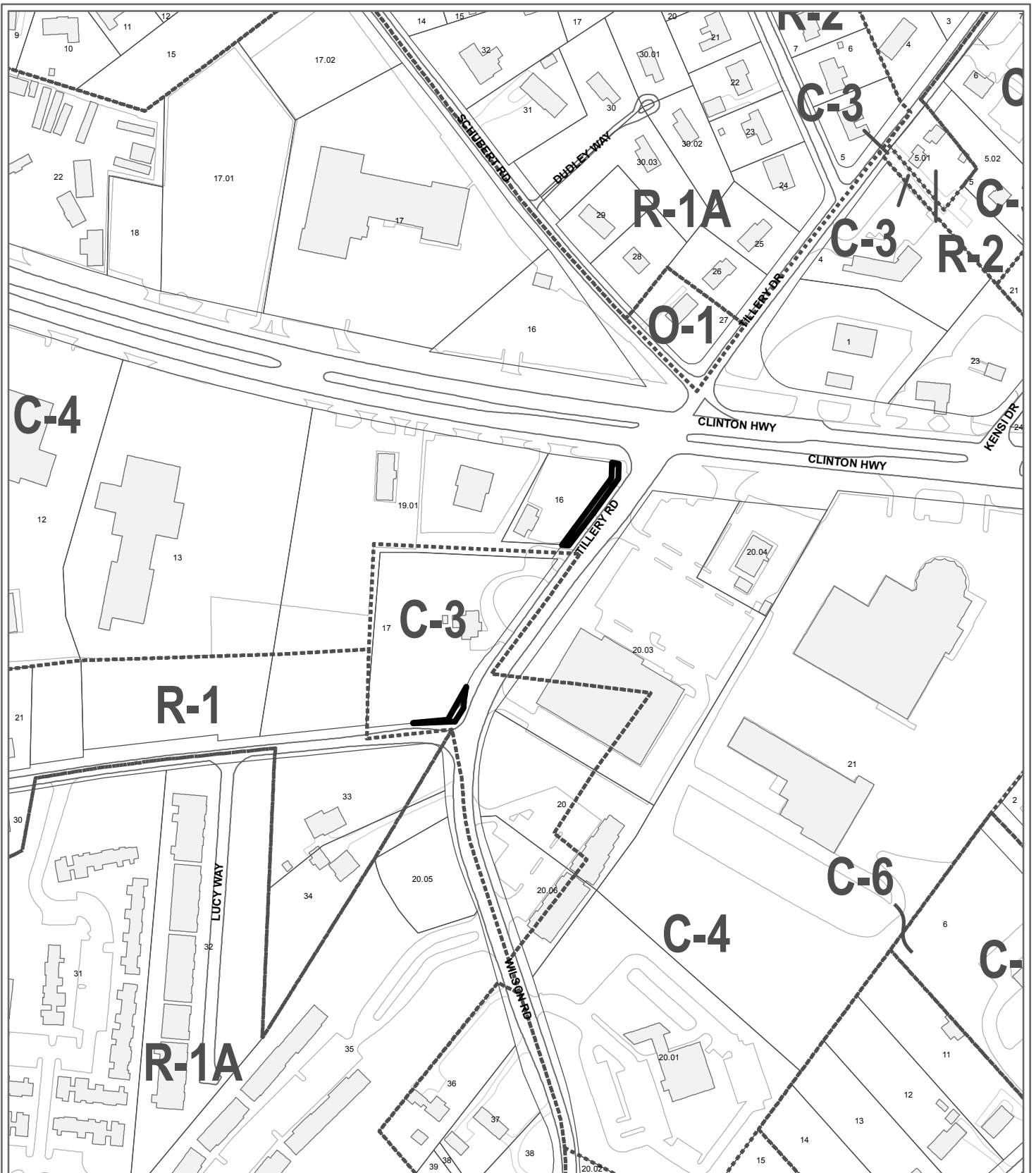
- ▶ **RECOMMEND** that City Council **APPROVE** the closure of this portion of Tillery Rd., as requested, subject to any required easements and subject to the following condition:
1. The 6 conditions included in the attached letter from City of Knoxville Engineering (dated December 20, 2013) must be 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:**

According to the applicant, this closure has been requested to correct an overdedication of right-of-way that occurred during the platting of the property. The traffic patterns on Tillery Rd. will not be affected by the closure of this portion of right-of-way along the west side of the street. With the recommended conditions from City Engineering and MPC 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.



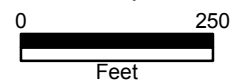
**11-A-13-SC  
CLOSURE OF PUBLIC RIGHT OF WAY**

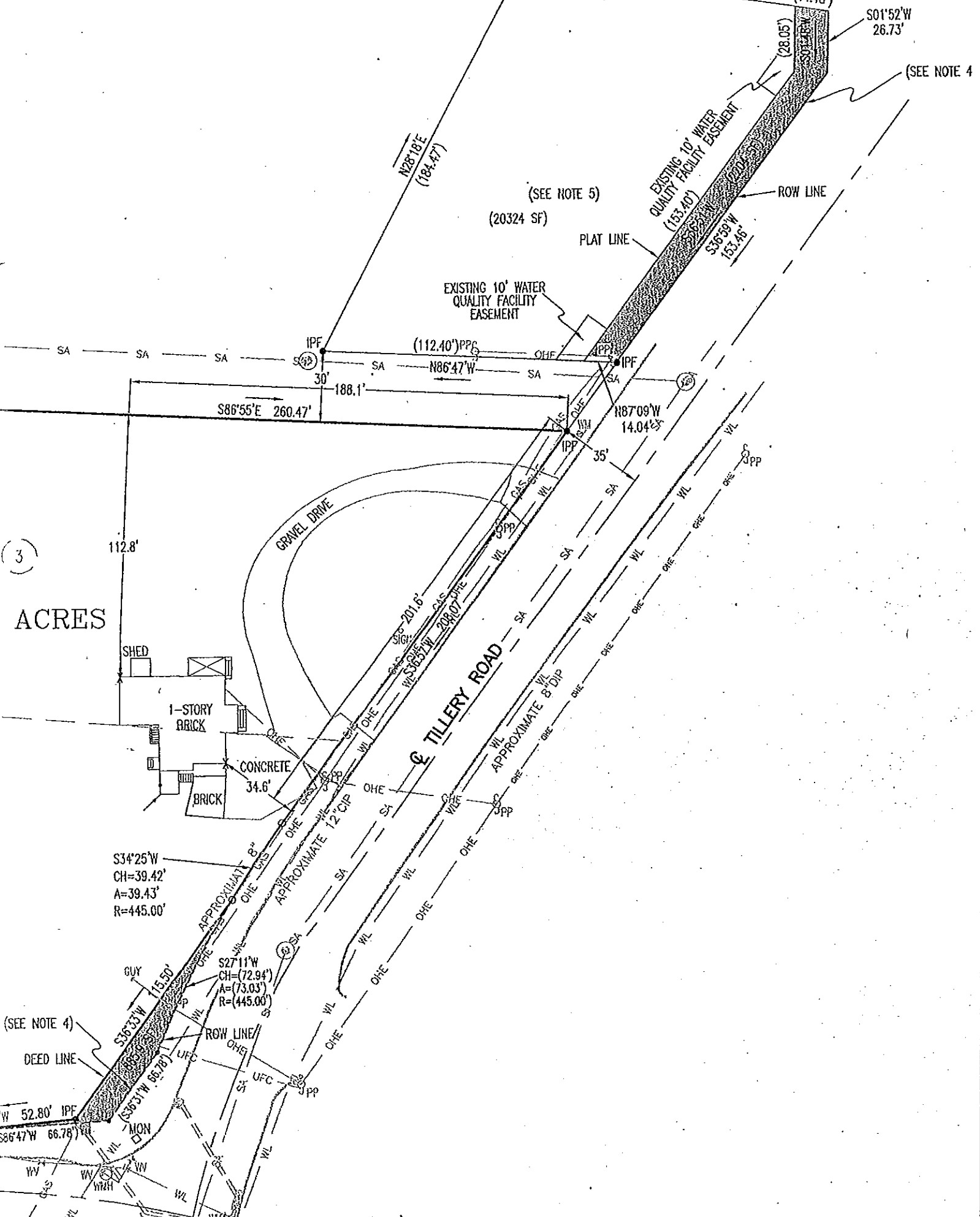
Name of Street or Alley: portion Tillery Rd  
 To be closed from: Clinton Hwy.  
 To be closed to: north property line of parcel 080DB01901

Original Print Date: 10/30/2013      Revised:  
 Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Monday Properties

Map No: 80  
 Jurisdiction: City





3  
ACRES

(SEE NOTE 4)

(SEE NOTE 5)

(SEE NOTE 4)

MPC January 9, 2014

Agenda Item # 6

11-A-13-SC - Tillery Rd Portion



# CITY OF KNOXVILLE

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

December 20, 2013

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 Tillery Rd adjacent to CLT 080DB016  
MPC File # 11-A-13-SC; City Block 41610

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 agrees to adjust requested closure area in original MPC File 11-A-13-SC to only be the portion of Tillery Rd immediately adjacent to CLT 080DB016.
2. The applicant shall combine the proposed closure area into the adjoining property known as CLT 080DB016 by completing the subdivision platting process.
3. The applicant shall dedicate traversable access easements to an existing public right-of-way, per Engineering Policy No. 5, for existing Water Quality Facility Easements. These easements were dedicated by plat recorded in the Knox County Register of Deeds as Instrument No. 200601060057904 and in the Engineering Records as Map No. 41610-G. The traversable easements shall be dedicated on the subdivision plat required in item 2 above.
4. The applicant shall have one (1) year to complete conditions listed in items 2 and 3 or the closure shall be considered null and void and of no effect.
5. 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.
6. 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*

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

11-A-13-SC-con KUB



Knoxville Utilities Board



October 10, 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 11-A-13-SC  
Block No. 41610  
CLT No. 80  
Parcel No. 16 and 17**

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 – 10 feet on each side of the centerline of the electric line, 20 feet total width  
Gas – 12.5 feet on each side of the centerline of the gas line, 25 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.

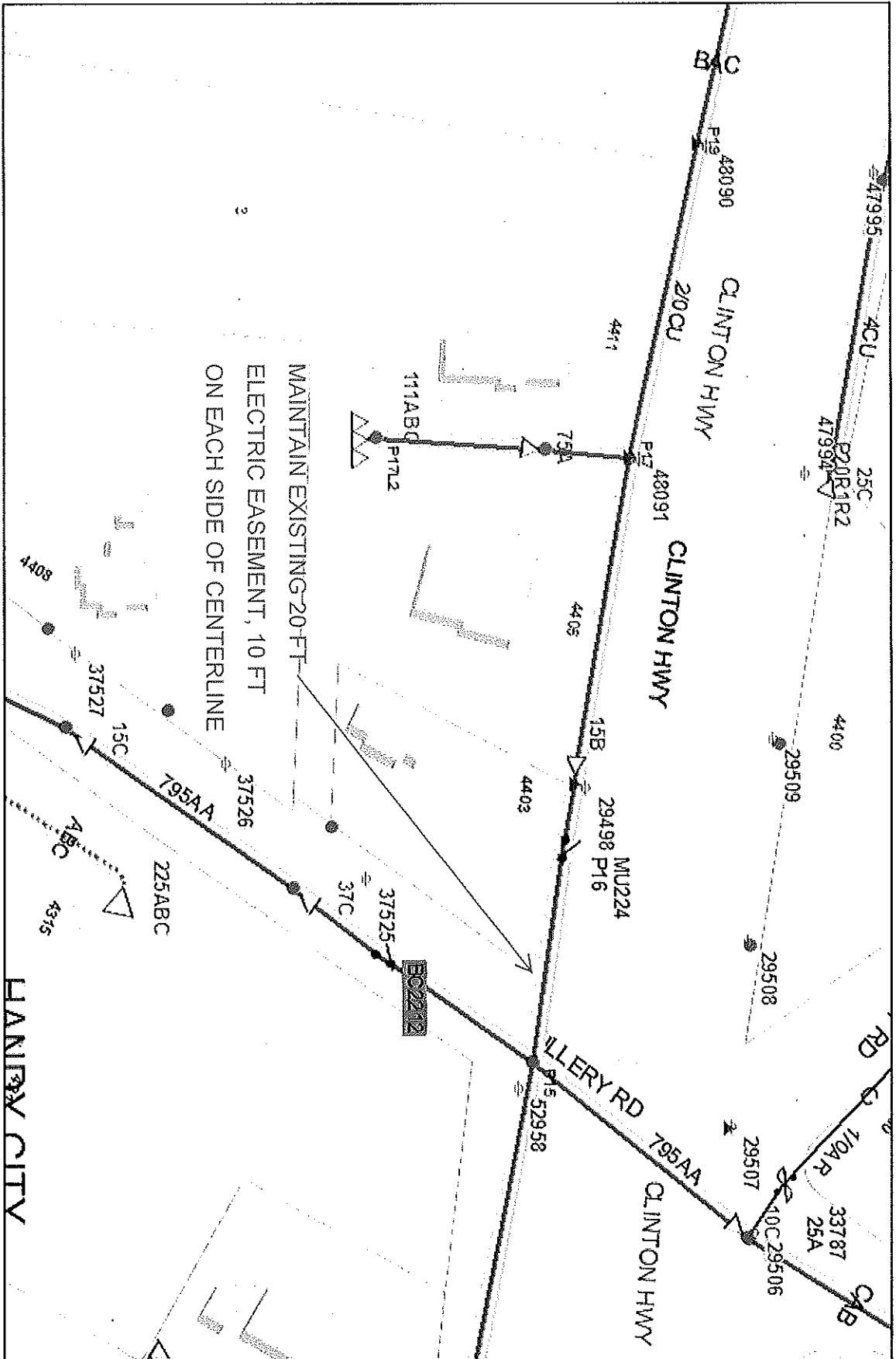
Sincerely,

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

Greg L. Patterson, P.E.  
Engineering

GLP/ggt

Enclosure



File No. 11-A-13-SC Tillery Road R.O.W. Closure (Electric)

OLI Map #80

Parcel(s) 16 & 17

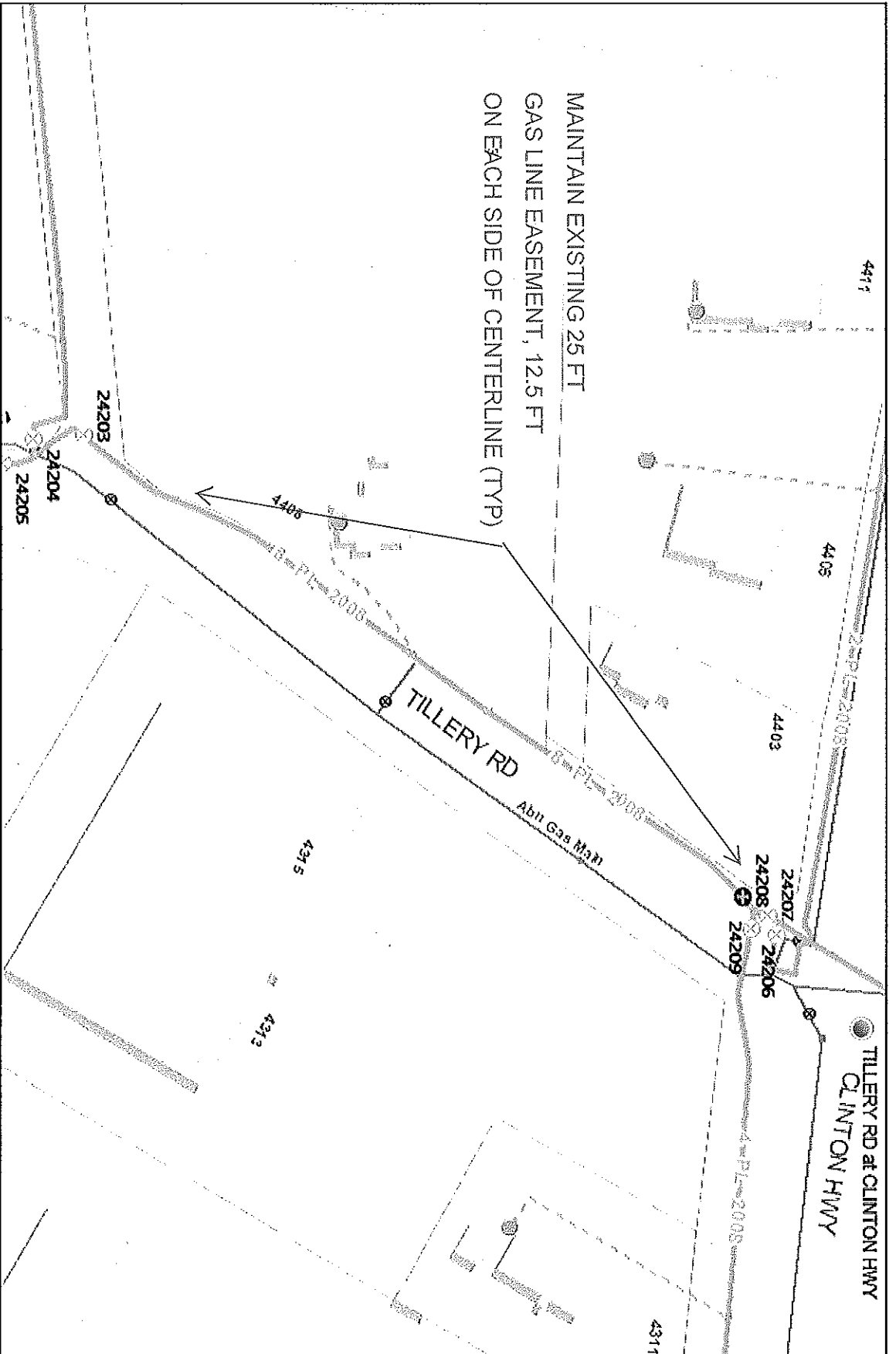
City Block #41610

HANLEY CITY

Printed: 10/10/2012 11:42 AM



Known as Utilities Board  
 Product Warning: This map was produced from the Lantabase information system maintained by KGIS. This map should not be relied on for engineering, design, or surveying work or other similar type uses. T2a information on this map is dated and has no warranty of merchantability 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.



**File No. 11-A-13-SC**  
CLT Map #80

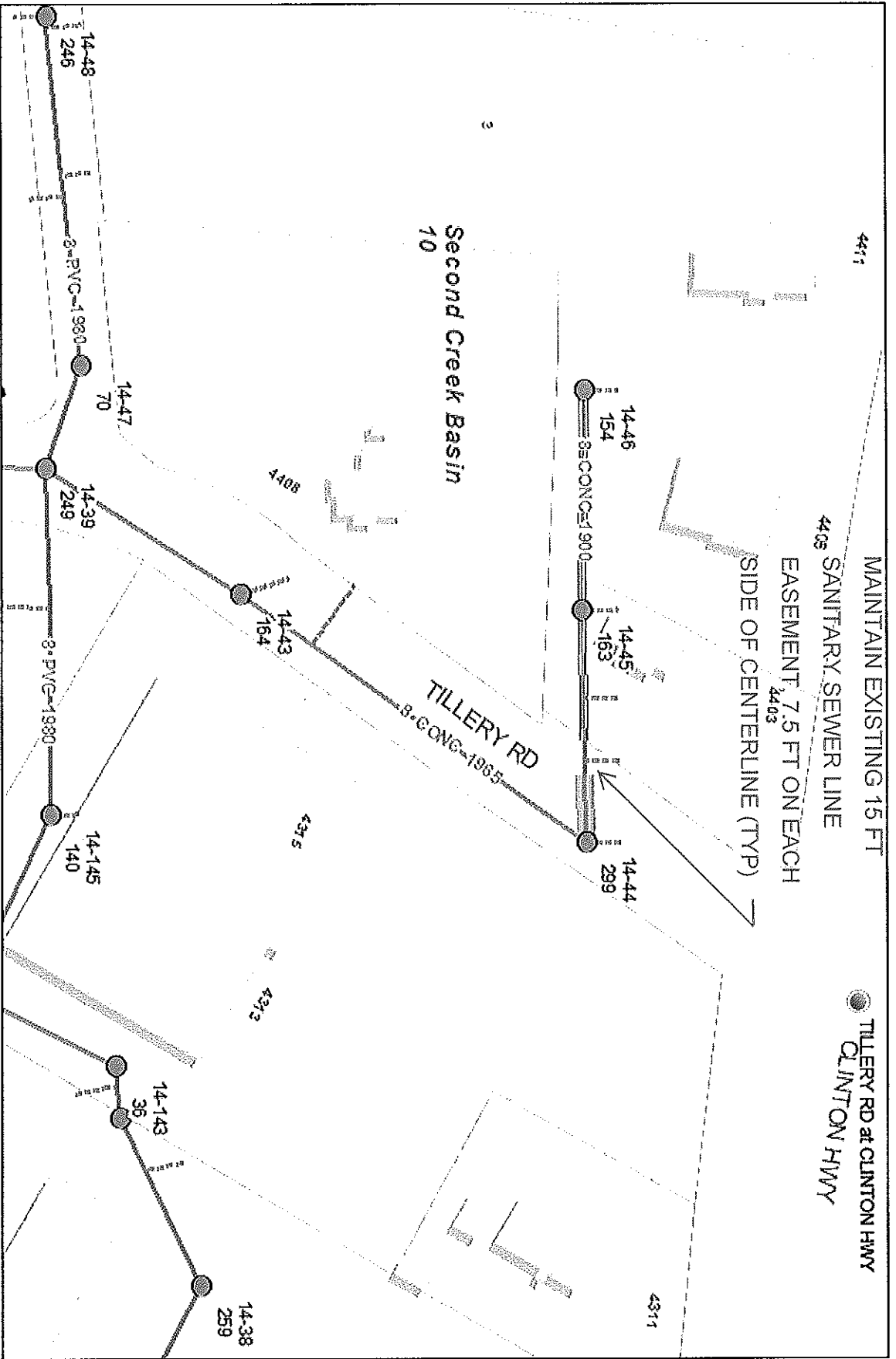
**Tillery Road R.O.W. Closure**  
Parcel(s) 16 & 17  
City Stock #41810

**(Gas)**

Printed: 10/10/2012 11:55 AM



**Knownable Utilities Board**  
Product Warning: This map was produced from the Landbase Information System maintained by KUB. 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 merchantability 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.



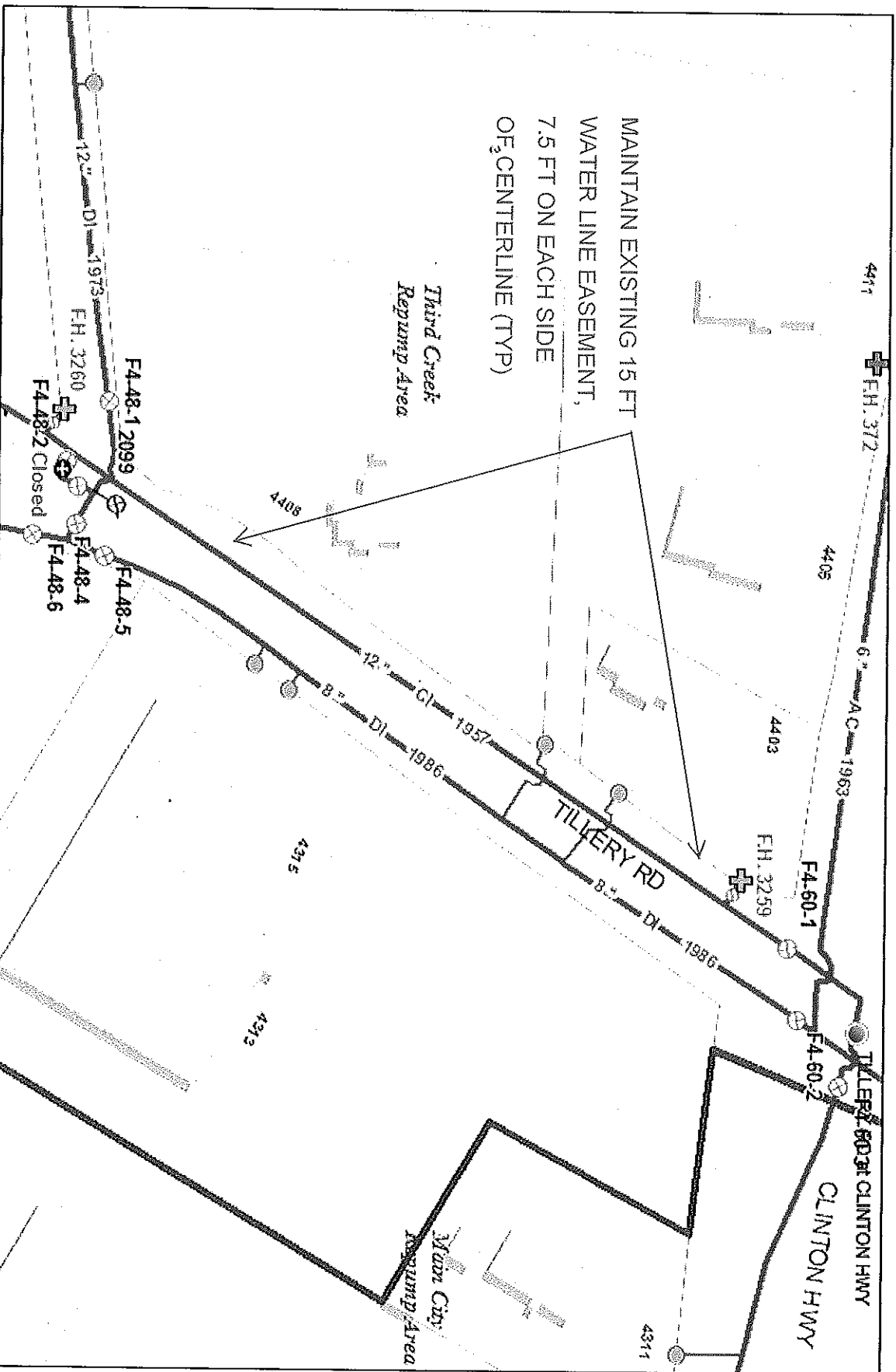
**File No. 11-A-13-SC** **Tillery Road R.O.W. Closure** (Sewer)  
 CLT Map #80 **Parcel(s) 16 & 17** City Block #41610



Printed: 10/10/2012 11:50 AM

**Known: Utilities Board**  
 Product Warning: This map was produced from the Landbase Information system maintained by KUB. 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 merchantability 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.





MAINTAIN EXISTING 15 FT  
 WATER LINE EASEMENT,  
 7.5 FT ON EACH SIDE  
 OF CENTERLINE (TYP)



**File No. 11-A-13-SC Tillery Road R.O.W. Closure (Water)**  
 CLT Map #80 Parcel(s) 16 & 17 City Block #41610



**Known Utilities Board**  
 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 merchantability 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.

Printed: 10/10/2013 11:50 AM

11-A-13-SC - doc - City Fire

11-A-13-SC



## Fire Prevention Bureau

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

### Memorandum

Date: October 23, 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. Tillery Rd.	Approved	None

---

**Fwd: AGENDA ITEM #: 8**

1 message

---

**Mark Donaldson** <mark.donaldson@knoxmpc.org> Wed, Nov 13, 2013 at 5:20 PM  
To: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>, Buz Johnson <Buz.Johnson@knoxmpc.org>, Tom Brechko <Tom.Brechko@knoxmpc.org>, Dan Kelly <Dan.Kelly@knoxmpc.org>

----- Forwarded message -----

From: **Mike Phillips** <mkphillips58@gmail.com>  
Date: Wed, Nov 13, 2013 at 1:34 PM  
Subject: AGENDA ITEM #: 8  
To: [mark.donaldson@knoxmpc.org](mailto:mark.donaldson@knoxmpc.org), [lredmon865@gmail.com](mailto:lredmon865@gmail.com)  
Cc: Debbie Phillips <debphillips518@gmail.com>

I'm against the Right of being closed om Tillery road at the Monday property. The reason is when the city worked on the intersection of Wilson and Tillery they curved Tillery towards Wilson. This causes full size pickup trucks and bigger to have to wait some times to make a right hand turn onto Tillery if there is a vehicle waiting to turn right onto Wilson or left onto Tillery.

The City of Knoxville engineers agreed they made a mistake when the intersection was re-done a few years ago. The intersection needs to be fixed and closing the right of way would just increase the cost to the city and therefore to the tax payers.

Mike Phillips  
1307 Michaels Lane  
Knoxville, Tn 37912  
[865-223-2322](tel:865-223-2322)