



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

▶ **FILE #:** 3-A-14-SC

AGENDA ITEM #: 8

AGENDA DATE: 3/13/2014

▶ **APPLICANT:** THE COURTLAND GROUP LLC

TAX ID NUMBER:	94 E F 012 & 013
JURISDICTION:	Council District 6
SECTOR PLAN:	Central City
GROWTH POLICY PLAN:	Urban Growth Area (Inside City Limits)
ZONING:	C-3 (General Commercial)

▶ **RIGHT-OF-WAY TO BE CLOSED:** Portion on south side W. Magnolia Ave.

▶ **LOCATION:** Between Ogden St. and N. Central St.

IS STREET:

(1) IN USE?:	No
(2) IMPROVED (paved)?:	Yes

▶ **APPLICANT'S REASON FOR CLOSURE:** To add landscaping and additional facilities to adjoining properties to south.

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:**

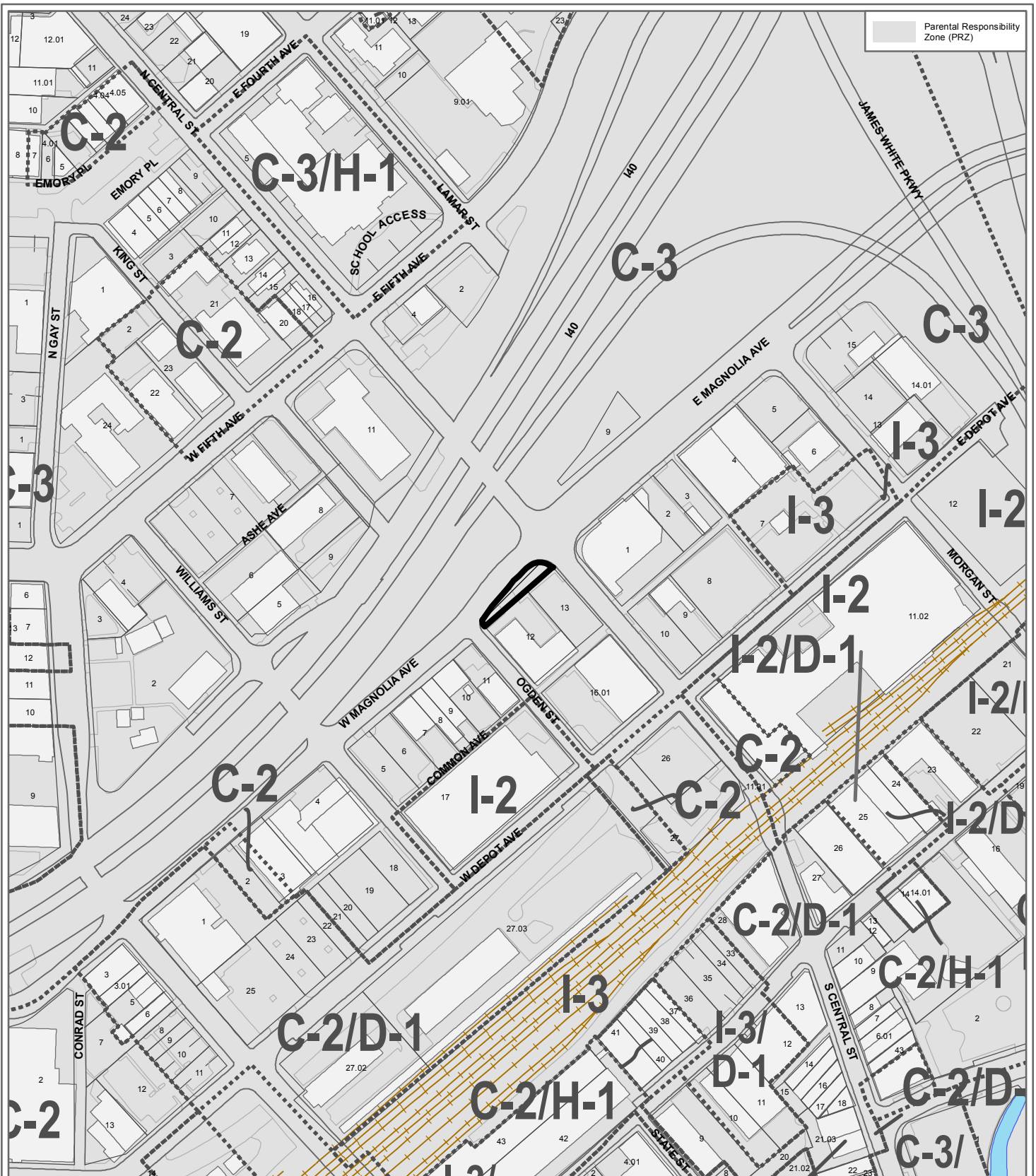
1. The 7 conditions included in the attached letter from City of Knoxville Engineering (dated February 17, 2014) must be addressed to the satisfaction of that department.

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

COMMENTS:

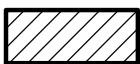
The applicant proposes to close this excess right-of-way along W. Magnolia Ave., in order to install landscaping, parking and other facilities to serve the adjacent commercial establishment to the south. W. Magnolia Ave. is a state right-of-way. Therefore, TDOT will have to approve this closure through their surplus property process within 2 years of the City Ordinance date, as required by condition #6. Easements will need to be maintained for access by utility providers, if needed.

If approved, this item will be forwarded to Knoxville City Council for action on 4/15/2014 and 4/29/2014. 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.



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

Petitioner: The Courtland Group LLC



Name of Street or Alley; Portion on south side of W. Magnolia Ave.

To be closed from: Ogden St.

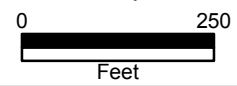
To be closed to: N Central St.

Original Print Date: 2/24/2014
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Map No: 94

Jurisdiction: City



3-A-14-SC-cor-CityEng



CITY OF KNOXVILLE

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

February 17, 2014

Jeffrey I. Nash, President
The Courtland Group
129 S Central Street
Knoxville, TN 37902
865-524-2525
jnash@courtlandgroup.com

SUBJECT: MPC File No. 3-A-14-SC
Proposed Closure of a Portion of W Magnolia Ave adjacent to CLT 094EF012 and 094EF013
City Block 08183

Mr. Nash:

The City Engineering Department has no objections to close the above described right-of-way area provided the following conditions, subject to City Engineering approval, are met:

1. Engineering will support closing the right-of-way area provided it is offset a minimum of (1) foot from any existing sidewalks in the area, and a minimum of (2) feet shall be offset from any traffic or pedestrian control devices in the area.
2. The applicant shall furnish a survey exhibit map, certified by a licensed surveyor, adequately describing the closure area for descriptive purposes. The map shall meet Engineering requirements and show adequate details to delineate the closure area while maintaining approvable offset distances *and layout* from the sidewalks and control devices stated in item number 1.
3. To meet closure boundary description requirements for submittal to City Council, the survey exhibit map must be delivered to Engineering on or before the meeting date on which the closure application is to be reviewed by MPC.
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. Should this right-of-way be closed, a new easement will be required for AT&T to install new utilities in the area of this closure. AT&T must provide the Engineering Department written verification that this condition has been satisfactorily met for their purposes. AT&T will also reserve easements for any other existing easements that lie within the proposed closure area.
6. This proposed closure is part of a TDOT right-of-way area and must be approved by the State through a surplus property process. The applicant must complete this process with the State and obtain clear title to the property. Notice of title must be made by deed and recorded in the Knox County Register of Deeds Office. Upon approval of closure at City Council, the applicant shall have (2) years, from the City Ordinance date, to complete this surplus property process or the closure shall be considered null and void and of no effect.

for info... [unclear] ...

7. 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



Knoxville Utilities Board

3-A-14-SC-cor-KUB



February 14, 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 3-A-14-SC
Block No. 18183
CLT No. 94
Parcel No. 12 & 13**

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

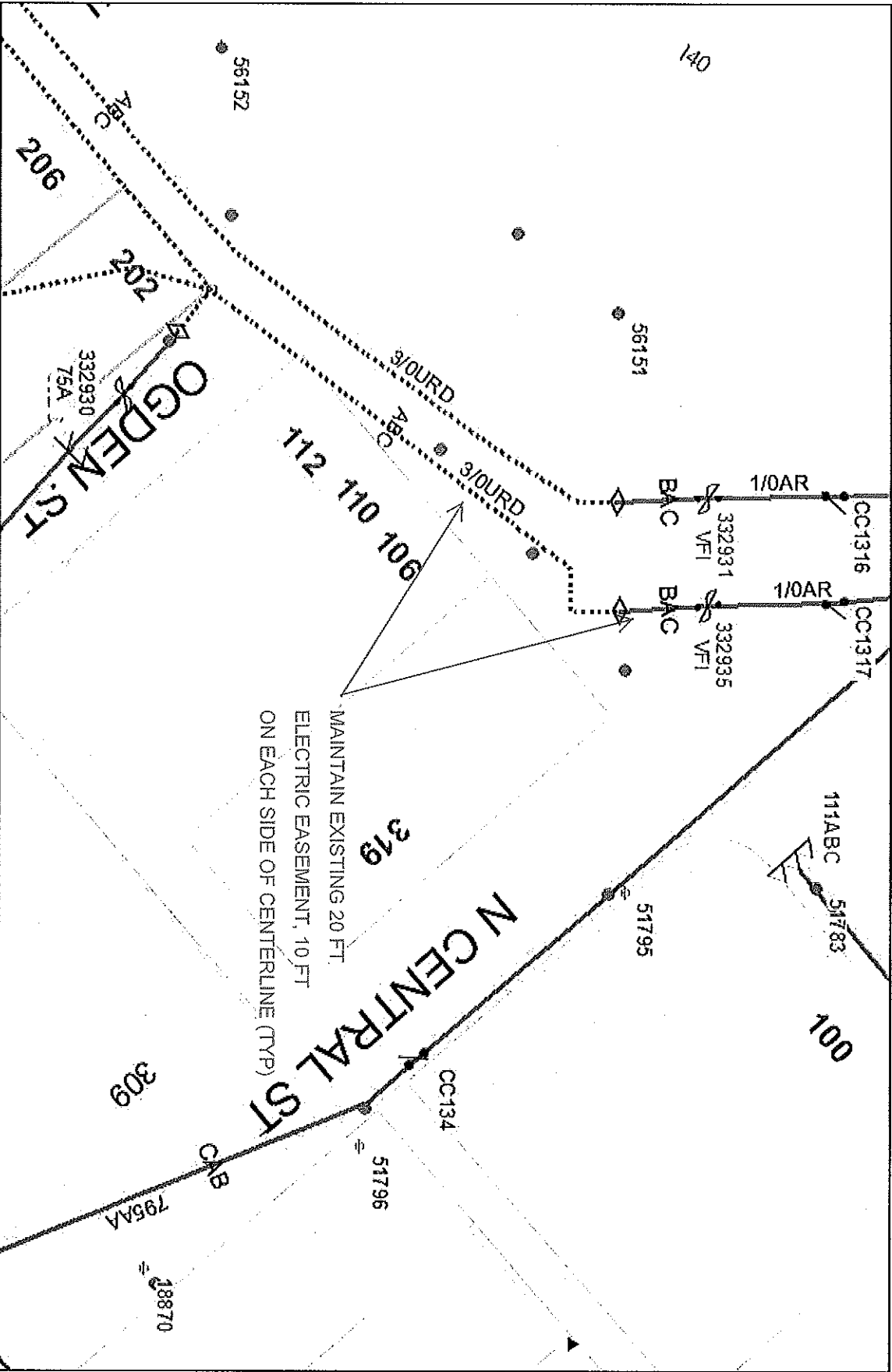
So long as these conditions are met, KUB has no objection to the closure of this right-of-way. If you have any questions regarding this matter, please call me at (865) 558-2291.

Sincerely,

Greg L. Patterson, P.E.
Engineering

GLP/ggt

Enclosure



Kironiwa Utilities Board

File No.3-A-14-SC W.Magnolia Ave between Ogden St & N. Central St

OLT MAP #94

CITY BLOCK #13183

PARCEL(S) 12 & 13

Printed: 02/12/2014 13:56 PM



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.

3-A-14-SC - cor - City Fire



Fire Prevention Bureau

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

Memorandum

Date: February 13, 2014
To: Mike Brusseau
From: Sonny Partin, Deputy Fire Marshal
Subject: Request for Information on Right of Way Closures, Fire Department Review

	Sector Name	Review Status	Comments
1.	3-A-14-AC	Approved	None
2.	3-B-14-AC	Approved	None
3.	3-A-14-SC	Approved	None
4.	3-B-14-SC	Approved	None
5.	3-C-14-SC	Approved	None