

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

▶ **FILE #:** 2-B-15-AC

**AGENDA ITEM #:** 6

**AGENDA DATE:** 2/12/2015

▶ **APPLICANT:** REGAS PROPERTIES, LLC

TAX ID NUMBER: 94 E F 018  
 JURISDICTION: Council District 6  
 SECTOR PLAN: Central City  
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)  
 ZONING: C-3 (General Commercial)  
 WATERSHED: First Creek

[View map on KGIS](#)

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

▶ **LOCATION:** Between Williams Street and W. Depot Avenue

IS ALLEY:

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

▶ **APPLICANT'S REASON FOR CLOSURE:** To facilitate the redevelopment of this downtown tract of land

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 the recommended portion of the unnamed alley only (portion from Williams St. southwest to northeast corner of parcel 094EF022), subject to any required easements and subject to the following condition:

1. The 4 conditions included in the attached letter from City of Knoxville Engineering (dated January 28, 2015) 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.

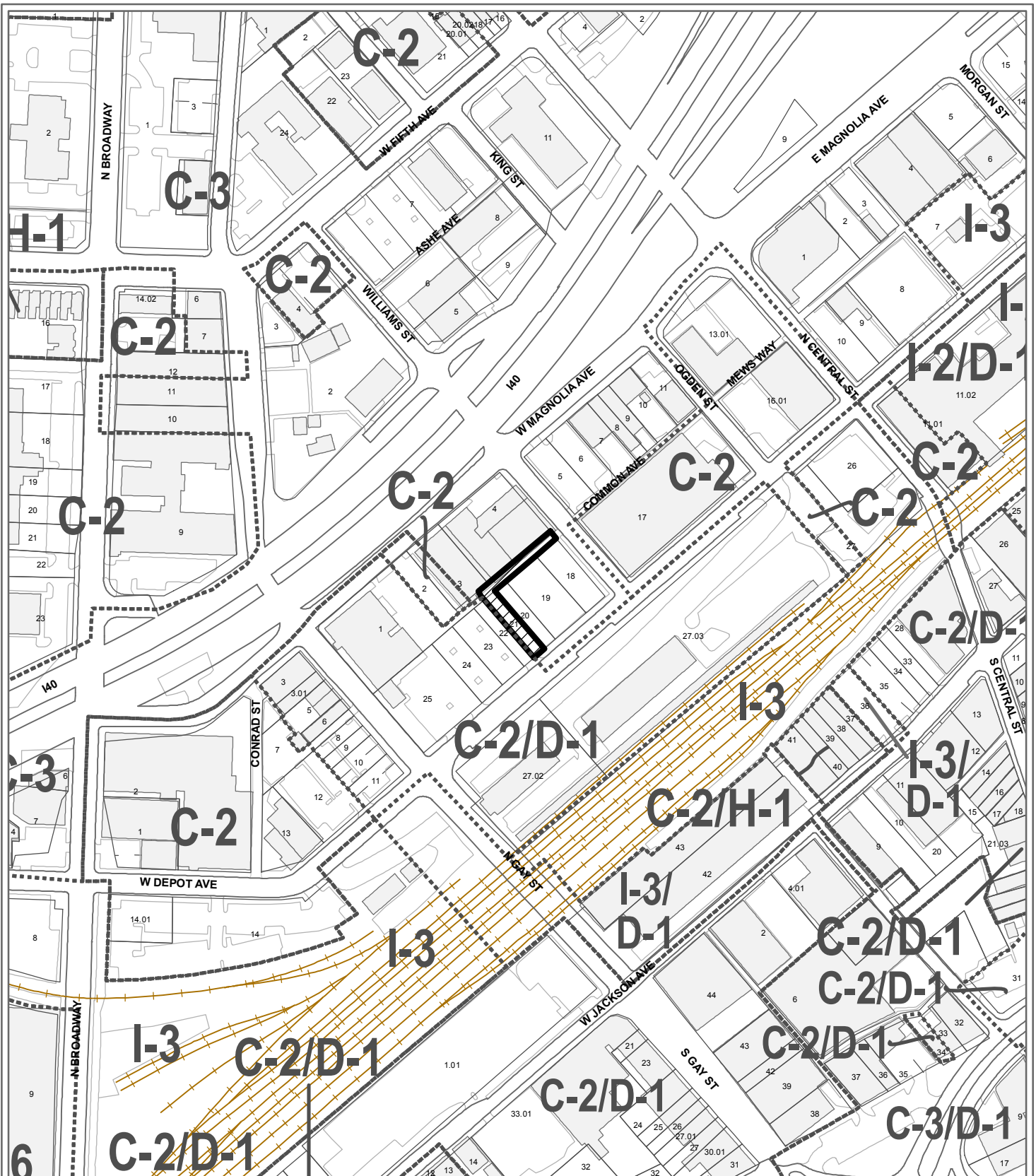
**COMMENTS:**

The portion of the alley that intersects with W. Depot Ave. is not recommended for closure because, according to City Engineering, it is owned in fee simple by the City and that rights were not obtained via standard right-of-way dedication. Therefore, this property would have to be reviewed by committee before determining its disposition. It is not subject to the normal MPC closure process.

The applicant has control of all properties adjacent to the right-of-way. If approved, the ownership of the right-of-way would be transferred to the adjacent property owners.

If approved, this item will be forwarded to Knoxville City Council for action on 3/17/2015 and 3/31/2015. 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-15-AC  
CLOSURE OF PUBLIC RIGHT OF WAY**

Name of Street or Alley: Unnamed alley  
 To be closed from: Williams Street  
 To be closed to: W. Depot Avenue

Original Print Date: 1/23/2015      Revised:  
 Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Regas Properties, LLC

Map No: 94  
 Jurisdiction: City  
 0      250  
 Feet





## CITY OF KNOXVILLE

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

January 28, 2015

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

SUBJECT: Amended Conditional Closure Letter  
Proposed Closure of an unnamed alley off Williams Street  
MPC File # 2-B-15-AC; City Block 08181

Mr. Brusseau:

The City Engineering Department has found that a portion of the area requested for this proposed closure is owned in fee simple by the City of Knoxville and that rights were not obtained via standard right-of-way dedication. Therefore, this property would have to be reviewed by committee before determining dispositioning, rather than going through the normal MPC closure process.

The portion owned by the City was formerly known as all of Lot 47 of the Sneed King & Co's Railroad Addition to Knoxville, TN, and is on record in the City Engineering Office as B-6002. This area was acquired by the City from Regas Brothers, Inc. (D.B. 1651 P. 679). This portion was purposed to replace a portion of an alley that originally ran from N Gay Street to Williams Street that was closed by City Ordinance O-25-78 and amended in O-44-78.

The portion of alley that may be applied for closure through the MPC process runs westerly from Williams Street to the western line of Lot 48, as shown on the attached exhibit. MPC application 2-B-15-AC should be adjusted to only include this area proposed for closure. Lot 48 is part of Tax Map 094, Insert E, Group F, Parcel 003.00.

City Engineering recommends postponement for this request until it can be determined if the area formerly known as Lot 47 can be disposed. However, if the applicant wishes to proceed with an adjusted application, while removing the area formerly known as Lot 47, The City Engineering Department would support this closure provided the following conditions are met:

1. The effective closure of the alley running westerly from Williams Street to the western line of Lot 48 is dependent upon the area formerly known as Lot 47 being successfully classified as surplus property and the title being transferred from the City of Knoxville. The classification as surplus property and transfer of title from the City would end its current use as an alley and eliminate it becoming a dead-end right-of-way, if the portion of the alley running westerly from Williams Street is closed.
2. 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.
3. From the final City Ordinance date, the applicant shall have (18) months for the conditions listed above to be completed or the closure shall be considered null and void and of no effect.
4. 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.

# CITY OF KNOXVILLE

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

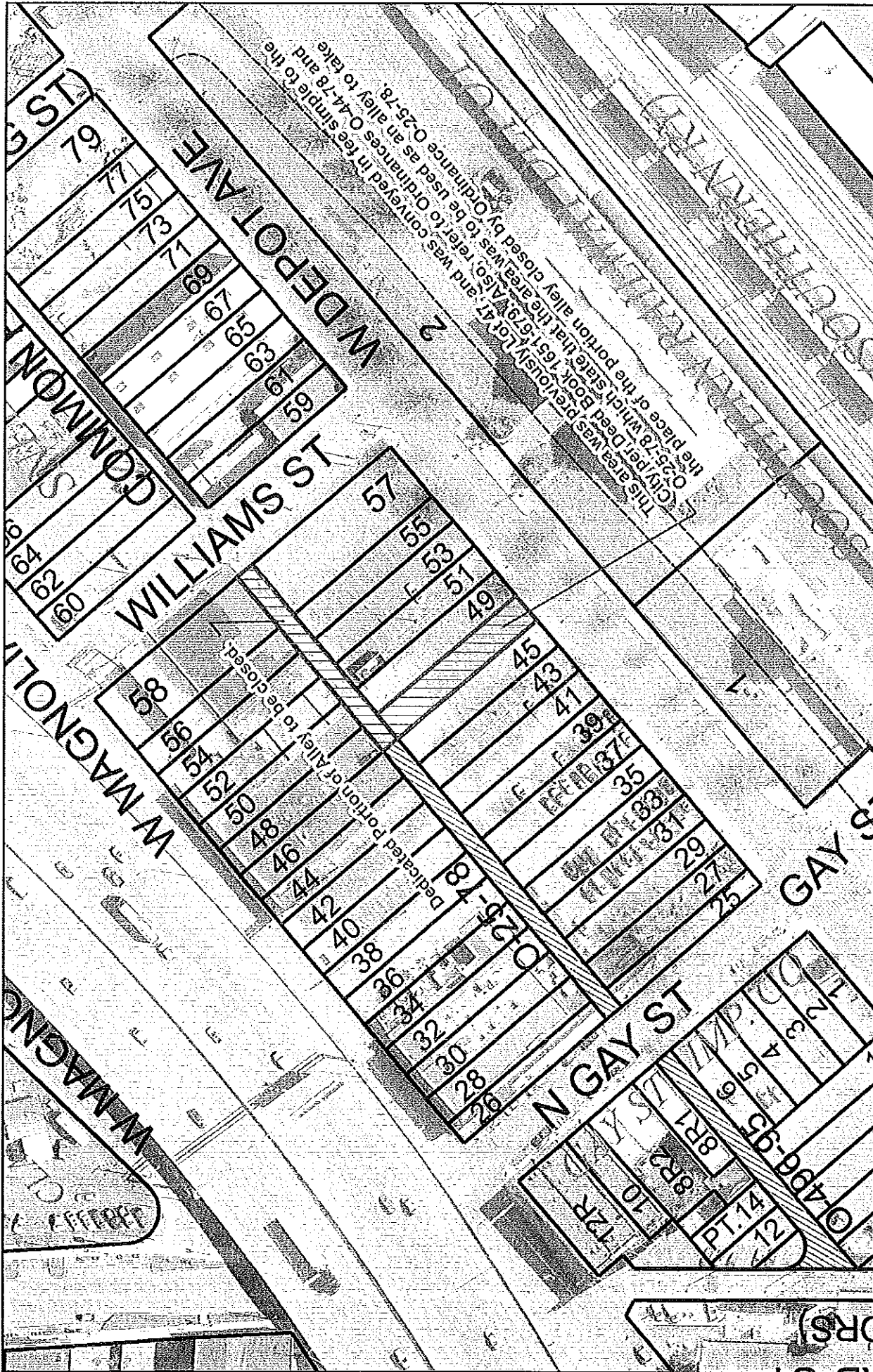
Attachment: Exhibit Map

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

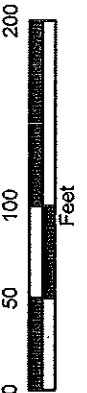
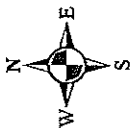
C: Brentley J. Johnson, P.E., R.L.S., Engineering Planning Chief  
Christopher S. Howley, P.E., Plans Review and Development Inspections



**Proposed Closure (MPC 2-B-15-AC)**

City Property and Alley off W Depot Ave and Williams St

Date: 1/16/2015



Path: X:\CityEng\Resident\Ward\_exhibit.mxd



CITY OF KNOXVILLE

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

January 26, 2015

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

SUBJECT: Proposed Closure of an unnamed alley off Williams Street  
MPC File # 2-B-15-AC  
City Block 08181

Mr. Brusseau:

The City Engineering Department has found that a portion of the area requested for this proposed closure is owned in fee simple by the City of Knoxville and that rights were not obtained via standard right-of-way dedication. Therefore, this property would have to be reviewed by committee before determining dispositioning, rather than going through the normal MPC closure process.

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City Engineering recommends postponement for this request until it can be determined if the area formerly known as Lot 47 can be disposed.

Should this right-of-way be closed, and the Lot 47 area disposed, 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.

Attachment: Exhibit Map

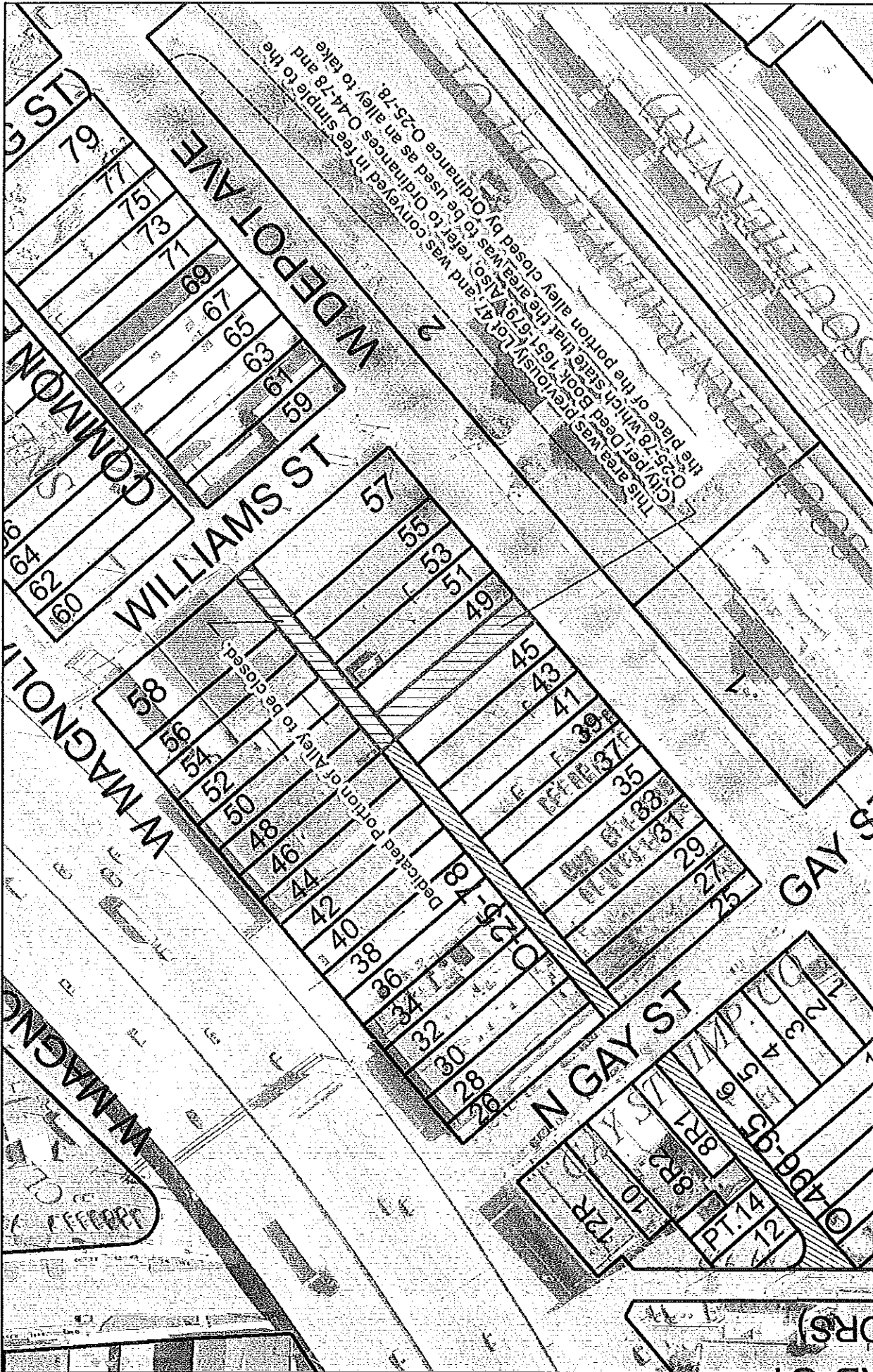
Sincerely,

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

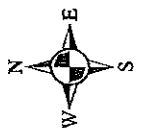
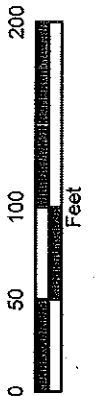




**Proposed Closure (MPC 2-B-15-AC)**

City Property and Alley off W Depot Ave and Williams St

Date: 1/16/2015



Path: X:\City\Engn\Redden\Warc\_exhibit.mxd



2-B-15-AC-cor-CityFire



## Fire Prevention Bureau

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

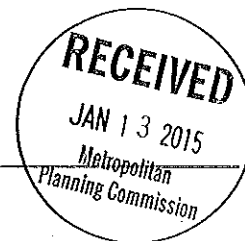
### Memorandum

Date: January 22, 2015  
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. 2-A-15-AC	Approved	None
2. 2-B-15-AC	Approved	None



Knoxville Utilities Board



January 9, 2015

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-15-AC  
Block No. 08181  
CLT No. 94  
Parcel No. 21**

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 – 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

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.

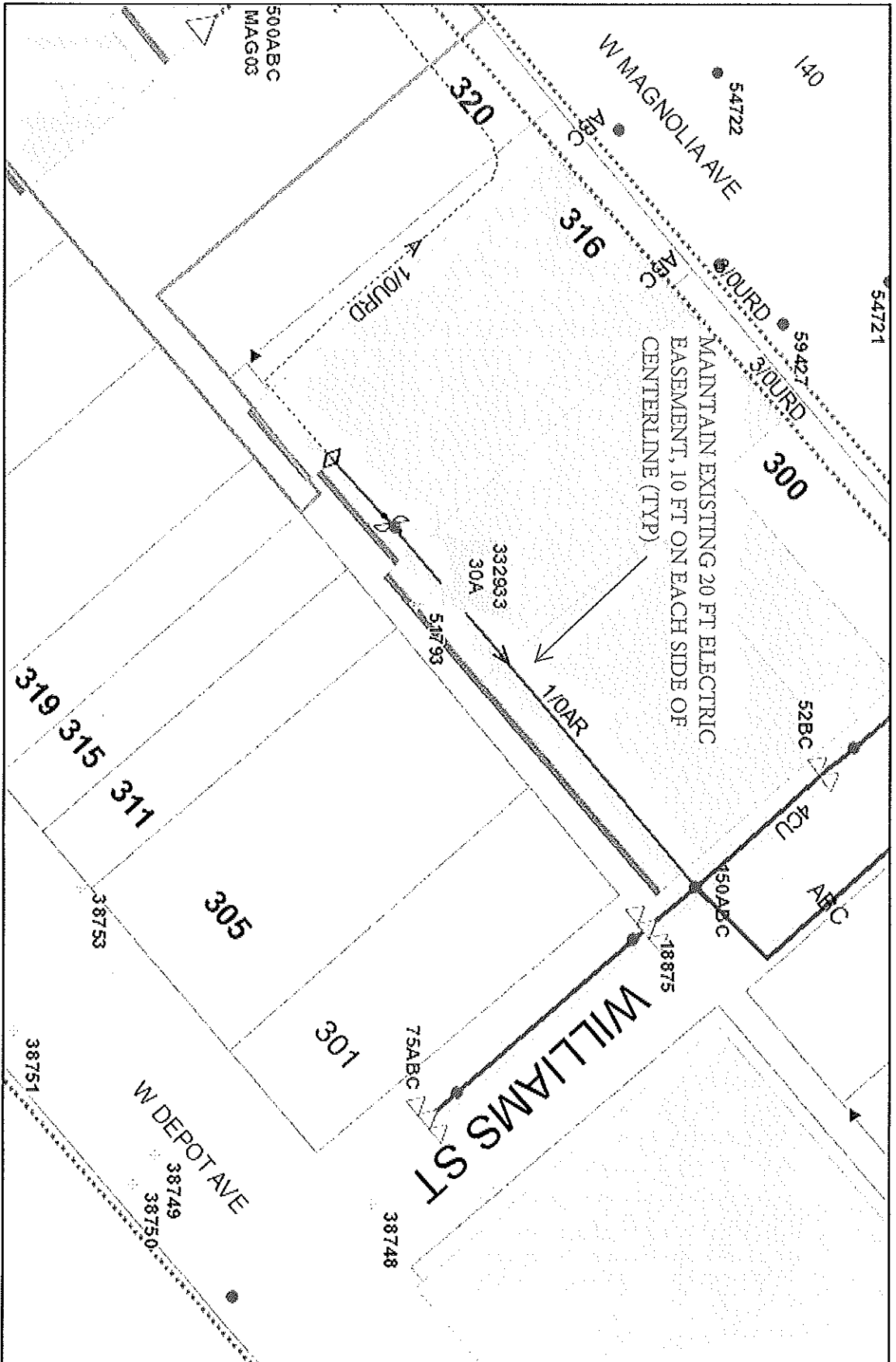
Sincerely,

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

Greg L. Patterson, P.E.  
Engineering

GLP/ggt

Enclosure



Knowlton Utilities Board

File No. 2-B-15-AC

Closure of Unnamed Alley

Electric

CITY BLOCK #08181 OLT MAP #94 PARCEL #21 ( W. Depot Ave to Williams St)

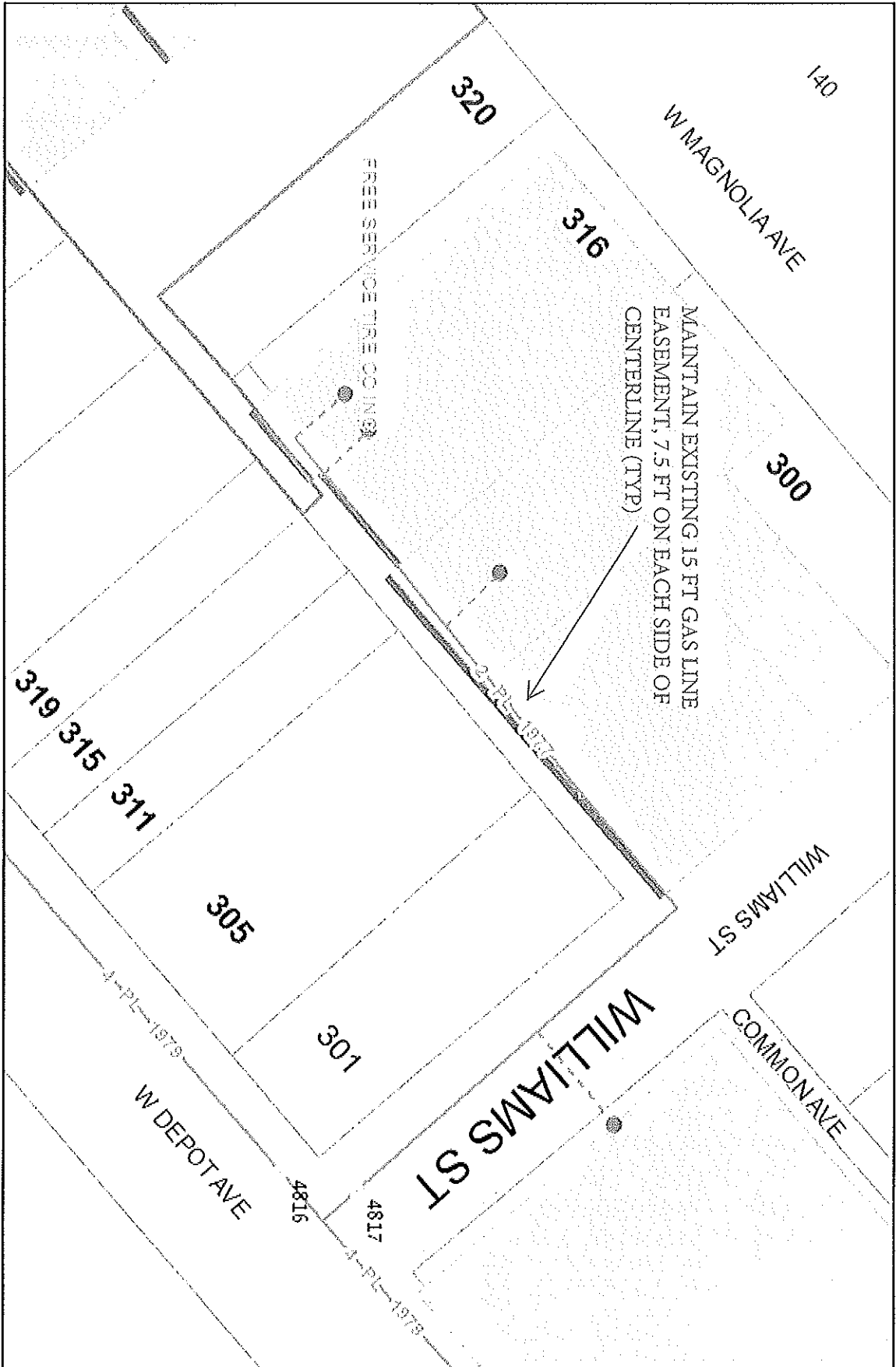


100 Feet

Printed: 01/09/2015 1:53:54 AM



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 stated 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.



Knowlton Utilities Board

File No. 2-B-15-AC

Closure of Unnamed Alley

Gas

CITY BLOCK #08181 CLT MAP #94 PARCEL #21 ( W. Depot Ave to Williams St)



100 Feet

Printed: 01/09/2015 10:54 AM



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Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

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## FW: Signatures

1 message

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**Rusty Baksa** <rbaksa@ldstn.com>

Tue, Jan 6, 2015 at 10:39 AM

To: "bettyjo.mahan@knoxmpc.org" <bettyjo.mahan@knoxmpc.org>

Cc: "michael.brusseau@knoxmpc.org" <michael.brusseau@knoxmpc.org>, Matt Hasbrouck <mhasbrouck2014@gmail.com>

Betty Jo & Mike - here are the signatures for the Regas/Free Service Tire alley closure that we submitted last week. Note the email below describing the situation where the Free Service Tire representative was on a cruise and signed via electronic signature. I will forward another email that is a backup to the conversations between the two property owners.

Thanks

Rusty

E. J. (Rusty) Baksa, P.E.

Principal Engineer

Land Development Solutions

310 Simmons Road, Suite K

Knoxville, TN 37922

(865) 671-2281 - telephone

(865) 671-2283 - fax

[rbaksa@ldstn.com](mailto:rbaksa@ldstn.com)

[www.ldstn.com](http://www.ldstn.com)

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**From:** Matt Hasbrouck [mailto:[mhasbrouck2014@gmail.com](mailto:mhasbrouck2014@gmail.com)]

**Sent:** Monday, January 05, 2015 8:01 AM

**To:** Rusty Baksa

**Subject:** Signatures



Rusty,

Attached are the signatures for the Right-of-way closures at Regas. I have the email back up for Eloise's signature as she was on a cruise when she received the email.

I can bring you the originals when I drop the check off for Bridgewater if you need them.

*Matt Hasbrouck*

**TDH, Inc.**

865-389-8095



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)

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 **Right-of-way closure signatures.pdf**  
588K

**Stefanie Hess**

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**From:** Eloise P Wexler II  
**Sent:** Sunday, January 04, 2015 10:45 PM  
**To:** Stefanie Hess; Doug White  
**Cc:** Eloise P Wexler II; Lisa Birch  
**Subject:** MAGNOLIA AVENUE ALLEY WAY CLOSURE FORMS - Re: FW: Regas Square Alley Closure Form  
**Attachments:** archive.knoxmpc.org\_dandf\_forms\_rowclose.pdf

Doug -

Evidently my e-mail auto-responder must have gone into Stefanie's junk/trash file! I left for vacation in the Western Caribbean on 12/28 and returned this morning, 1/4/2014....Sorry for the delay! Please accept my apologies!

Are DIGITAL SIGNATURES acceptable?

If not, please let me know and I will print out page 3, execute it, scan it back in and forward to you via PDF e-mailed attachment.

QUESTION: Do you want my name as shown - or do you want me to execute as the President of Heritage? If so - please be as specific as possible as to exactly how you want me to execute it so that I can get it back to you without any further delays!

Eloise

Eloise



**Eloise P Wexler II,**

**CFA, CDPE, BPOR, ACP**

**RE/MAX Prestige Realty**

9 North "O" Street

Lake Worth, FL 33460

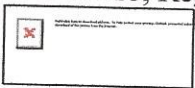
**Cell:** 561-305-1108 **Office:** 561-540-8979 **E-Fax:** 561-491-6526

**Email:** [EloiseWexler@Gmail.com](mailto:EloiseWexler@Gmail.com)

**Web Site:** [www.MakePalmBeachCountyHome.com](http://www.MakePalmBeachCountyHome.com)

"Equator Platinum REO Certified"

ResNet Pro, Registered | DispoSolutions Registered



On Tue, Dec 30, 2014 at 4:22 PM, Stefanie Hess <[stefanie@bwptn.com](mailto:stefanie@bwptn.com)> wrote:

Ms. Wexler- my apologies. Please disregard the first email. Attached are the full documents from Mr. White. He will need your signature in 2 places (next to the West Magnolia addresses) on page 3 of the attachment. Please call him on [865-740-5500](tel:865-740-5500) for review.

Thank you,

Stefanie Hess

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**From:** Matt Hasbrouck [mailto:[mhasbrouck2014@gmail.com](mailto:mhasbrouck2014@gmail.com)]

**Sent:** Tuesday, December 30, 2014 4:15 PM

**To:** 'Stefanie Hess'

**Subject:** Regas Square Alley Closure Form

Stefanie,

Attached is the form that both Doug and Eloise need to sign for the request to close the Alley at the Regas site. Page 3 has the locations for them to sign as Doug has the first 4 locations and Eloise has the last 2 locations and they will both need to check agree next to each location.

*Matt Hasbrouck*

**TDH, Inc.**

[865-389-8095](tel:865-389-8095)



This email has been checked for viruses by Avast antivirus software.

[www.avast.com](http://www.avast.com)





