

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

▶ **FILE #:** 8-B-17-AC

AGENDA ITEM #: 14

AGENDA DATE: 8/10/2017

▶ **APPLICANT:** BENCHMARK ASSOCIATES, INC. FOR REILY FOODS

TAX ID NUMBER: 108 A J 014 [View map on KGIS](#)
 JURISDICTION: Council District 6
 SECTOR PLAN: Central City
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
 ZONING: I-2 (Restricted Manufacturing and Warehousing)
 WATERSHED: Third Creek

▶ **RIGHT-OF-WAY TO BE CLOSED:** unnamed alley
 ▶ **LOCATION:** Between eastern R-O-W line of Rule St. and western R-O-W line of Cary St.

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

▶ **APPLICANT'S REASON FOR CLOSURE:** The area of requested closure is not, and has not been, utilized for right-of-way purposes, with no street improvements being in place. Said right-of-way is being requested for closure to aid in cleaning up Ward Maps that represent said alley within the boundaries of the owner's property and adjacent to 4 parcels fronting on Vandeventer Ave.

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

STAFF RECOMMENDATION:

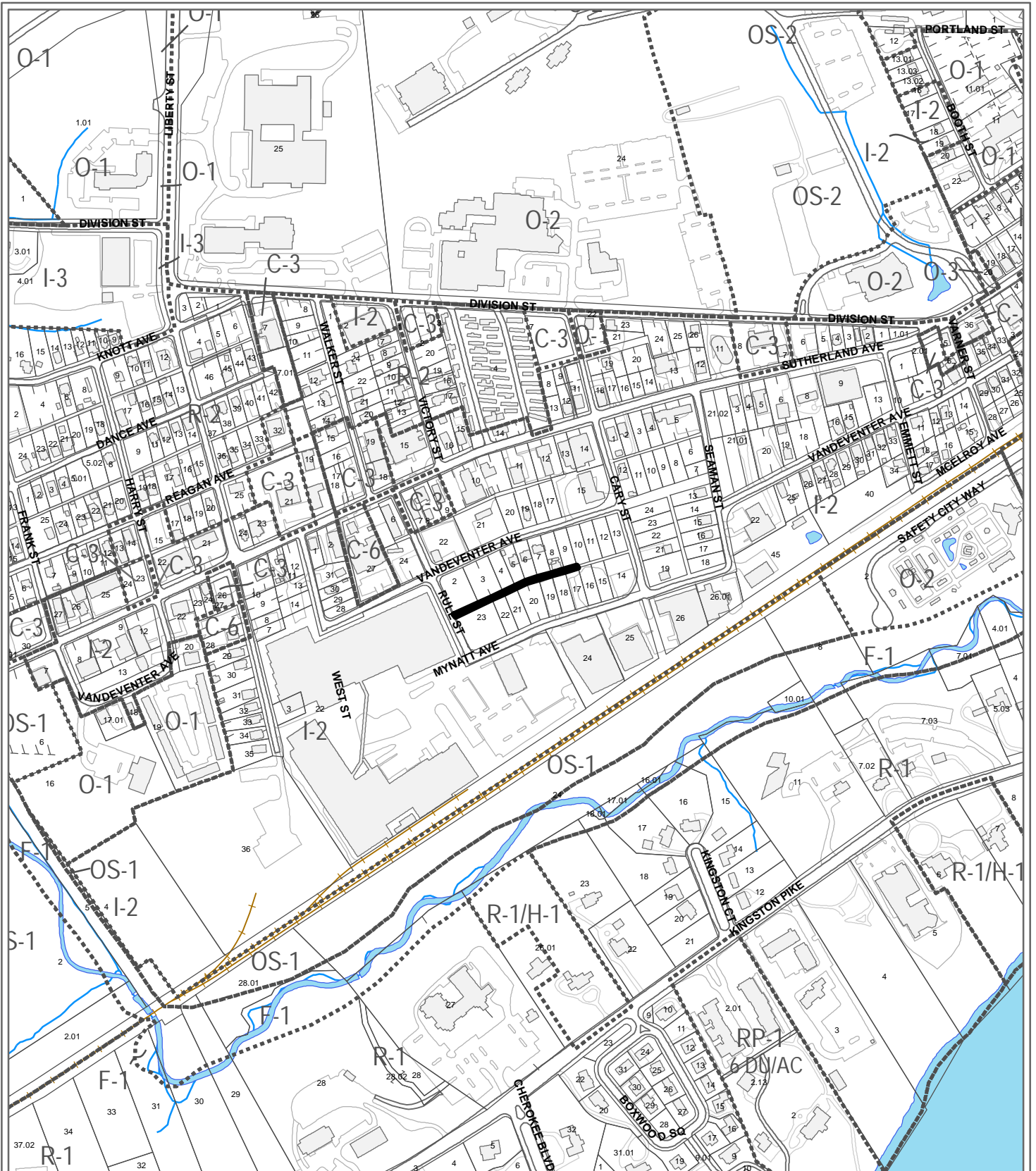
▶ **RECOMMEND that City Council APPROVE the closure of the requested portion of Rule Street, subject to any required easements.**

Staff has received no objections from reviewing departments or utilities to this closure.

COMMENTS:

If approved for closure, the right-of-way will be combined with the adjacent tracts and converted to private property. The applicant owns all of the adjacent parcels adjacent to the proposed right-of-way to be closed. Having not received any objections to the closure, MPC staff recommends approval, as requested.

If approved, this item will be forwarded to Knoxville City Council for action on 9/12/2017 and 9/26/2017. 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.



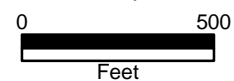
**8-B-17-AC
CLOSURE OF PUBLIC RIGHT OF WAY**

Name of Street or Alley: unnamed alley
 To be closed from: eastern R-O-W line of Rule St.
 To be closed to: Southeast corner of parcel 108AJ009

Original Print Date: 7/18/2017 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Benchmark Associates, Inc. for
 Reilly Foods

Map No: 108
 Jurisdiction: City



8-B-17-AC-cor-CityEng



CITY OF KNOXVILLE



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

July 27, 2017

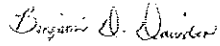
Mr. Mike Brusseau, AICP, Senior Planner
Knoxville-Knox County Metropolitan Planning Commission
City-County Building, Suite 403
Knoxville, Tennessee 37902

SUBJECT: Closure of a portion of an unnamed alley
MPC File # 8-B-17-AC;
City Block 24302

Mr. Brusseau:

The City Engineering Department has no objections to close the above described 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,



Benjamin D. Davidson, PLS, Technical Services Administrator
Department of Engineering
Ph: 865-215-2148



Knoxville Utilities Board

8-B-17-AC-cor-KUB



July 25, 2017

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 8-B-17-AC
Block No. 24302
CLT No. 108
Parcel No. 108AJ023**

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.

Sewer – 7.5 feet on each side of the centerline of the wastewater line, 15 feet total width

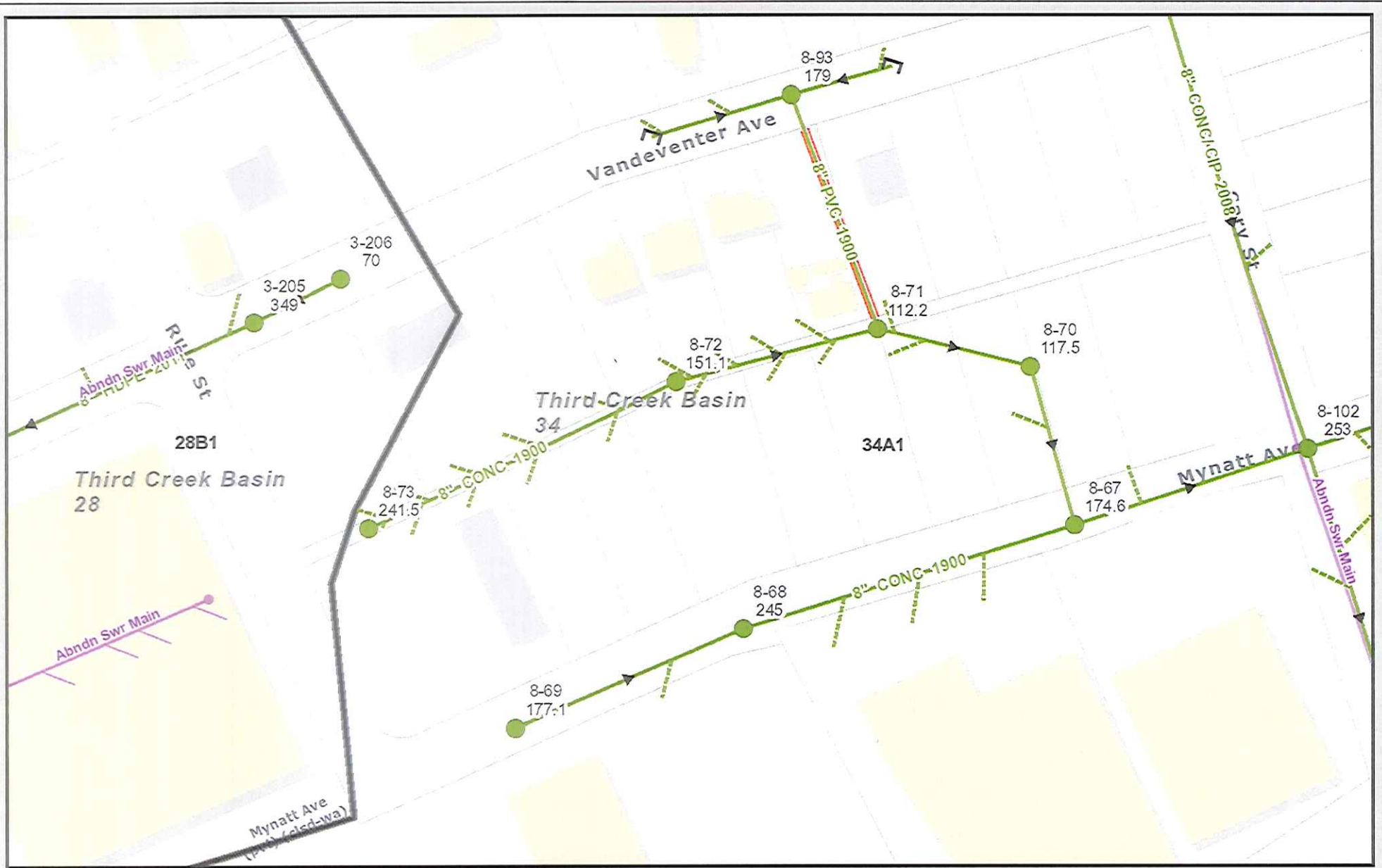
So long as these conditions are met, KUB has no objection to the closure of this right-of-way. If you have any questions regarding this matter, please call me at (865) 558-2291.

Sincerely,

Christian G. Wiberley
Engineering

CGW/ggt

Enclosure



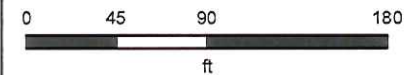
File No. 8-B-17-AC Unnamed alley btwn Rule St. and Cary St. (Sewer)

City Block #24302 CLT Map #108 Parcel #108AJ023

Knoxville Utilities Board



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KNOXVILLE-KNOX COUNTY
M P C
 METROPOLITAN
 P L A N N I N G
 C O M M I S S I O N
T E N N E S S E E
 Suite 403 • City County Building
 400 Main Street
 Knoxville, Tennessee 37902
 865 • 215 • 2500
 F A X • 215 • 2068
 www.knoxmpc.org

RIGHT-OF-WAY CLOSURE



Name of Applicant: Benchmark Associates, Inc. for Reily Foods
 Date Filed: 19 June 2017 Fee Paid: \$400.00 File Number: B-B-17-AC
 Map Number: 108 Zoning District: I-2 City County Sector: _____
 Jurisdiction: City 6th Councilmanic District

INFORMATION:

Name of Right-of-Way: Unnamed Alley
 Type of Right-of-Way: Street Alley
 Location of Right-of-Way:
 BETWEEN (City Block or Lot where appropriate) Within City Block 24302, E. of Rule Street
 AND (City Block or Lot where appropriate) the terminus of the Alley closed by Ord. 0-212-90
 Right-of-Way is: In Use Yes No Improved (example: paved) Yes No
 Reason for Closure: The area of requested closure is not, and has not been, utilized for right-of-way purposes, with no street improvements being in place. Said right-of-way is being requested for closure to aid in cleaning up Ward Maps that represent said alley within the boundaries of the owner's property and adjacent to 4 parcels fronting on Vandeventer Ave.

TO BE CLOSED:

From: (Street, Alley, Other) <u>Easterly margin of Rule Street</u>	To: (Street, Alley, Other) <u>The terminus of the alley closed by City Ordinance 0-212-90</u>
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ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Benjamin J. Moorman, PO Box 23892, Knoxville, TN 37933 - (865)692-4090 - (865)692-4091
 Name: (Print) Address • City • State • Zip • Phone • Fax

AUTHORIZATION OF APPLICATION:

I hereby certify that I am the authorized applicant, or representing the applicant and ALL property owners involved in this request or holders of option on same.
 Signature: Benjamin J. Moorman
Benjamin J. Moorman, PO Box 23892, Knoxville, TN 37933 - (865)692-4090 - (865)692-4091
 Name: (Print) Address • City • State • Zip • Phone • Fax

APPLICATION ACCEPTED BY: [Signature]

RIGHT-OF-WAY CLOSURE CANVASS FORM

All owners and holders of option on property abutting the proposed closure must sign the list below and express their opinion about this closure. A map showing the location and addresses of these properties must accompany this application.

ADDRESS	SIGNATURE	Agree	Disagree
3346, 3316 Vandeventer	Ave. Reily Foods Company	x	
3326 Vandeventer Ave.	Robert A. & Phyllis A. Lane	x	
3330 Vandeventer Ave.	Johnnie & Jack Watson	x	
3332 Vandeventer Ave.	Joyce Aileen Seaton	x	
3319, 3327, 3331, 3341, 3343	Mynatt Ave. Reily Foods Company	x	
* All affected property owners are represented above. Robert A. & Phyllis			
A. Lane also own Parcel ID 108AJ008 and Reily Foods Company own the			
balance of the affected parcels that do not have addresses assigned at			
this time.			



BENCHMARK ASSOCIATES, INC.

10308 Hardin Valley Road
Knoxville, TN 37932

Member
Tennessee Association
of Professional Surveyors

Land Surveyors  Land Planners

Phone (865) 692-4090
Facsimile (865) 692-4091

Robert A. & Phyllis A. Lane
3326 Vandeventer Avenue
Knoxville, Tennessee 37919

Re: Alley Closure

We, Robert A. and Phyllis A. Lane, have been advised of the plans of Reily Foods Company to close the alley that is immediately adjacent to our property.

We support the plans of Reily Foods Company to close the alley that is immediately adjacent to our property.

or

_____ We are not opposed to the request of Reily Foods Company to close the alley that is immediately adjacent to our property.

Sincerely,

Robert A. Lane

Date

Phyllis A. Lane

Date



BENCHMARK ASSOCIATES, INC.

10308 Hardin Valley Road
Knoxville, TN 37932

Member:
Tennessee Association
of Professional Surveyors

Land Surveyors  Land Planners

Phone (865) 692-4090
Facsimile (865) 692-4091

Johnnie & Jack Watson
3330 Vandeventer Avenue
Knoxville, Tennessee 37919

Re: Alley Closure

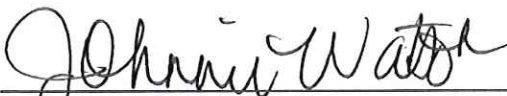
We, Johnnie and Jack Watson, have been advised of the plans of Reily Foods Company to close the alley that is immediately adjacent to our property.

We support the plans of Reily Foods Company to close the alley that is immediately adjacent to our property.

or

We are not opposed to the request of Reily Foods Company to close the alley that is immediately adjacent to our property.

Sincerely,



Johnnie Watson

4-21-17

Date



Jack Watson

6-21-17

Date



BENCHMARK ASSOCIATES, INC.

10308 Hardin Valley Road
Knoxville, TN 37932

Member
Tennessee Association
of Professional Surveyors

Land Surveyors  Land Planners

Phone (865) 692-4090
Facsimile (865) 692-4091

Ms. Joyce Aileen Seaton
3332 Vandeventer Avenue
Knoxville, Tennessee 37919

Re: Alley Closure

I, Joyce Aileen Seaton, have been advised of the plans of Reily Foods Company to close the alley that is immediately adjacent to my property.

I support the plans of Reily Foods Company to close the alley that is immediately adjacent to my property.

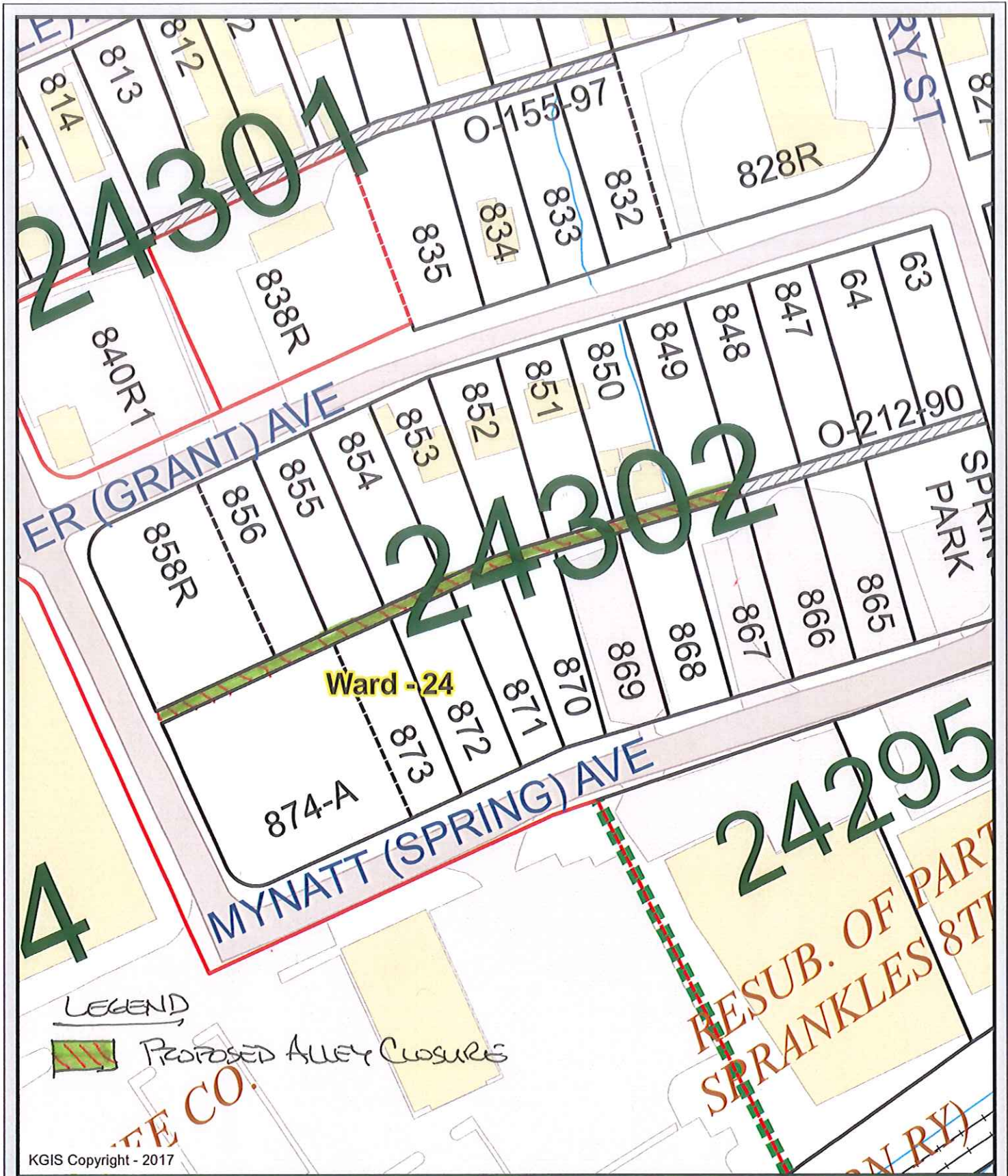
or

I am not opposed to the request of Reily Foods Company to close the alley that is immediately adjacent to my property.

Sincerely,


Joyce Aileen Seaton


Date

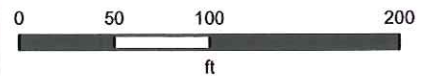


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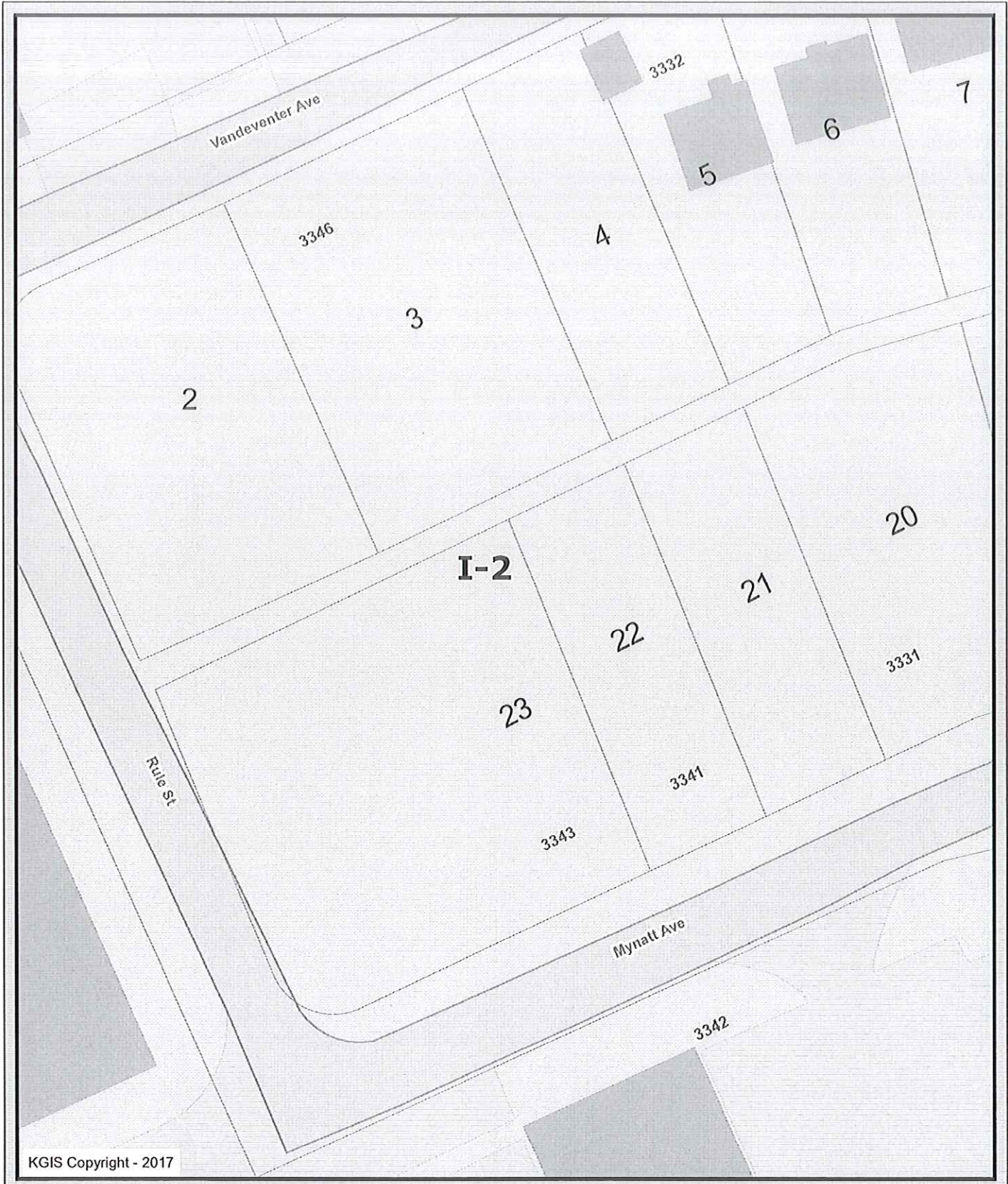
Proposed Alley Closure

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Knoxville - Knox County - KUB Geographic Information System



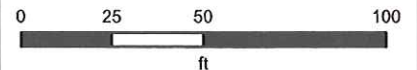
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Letter Portrait

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Knoxville - Knox County - KUB Geographic Information System



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REQUIRED SIGN POSTING AGREEMENT FORM

For all rezoning, plan amendment, concept plan, use on review, BZA variance, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted MPC/BZA Administrative Rules and Procedures. When applicable, MPC staff will provide a sign to post on the property at the time of application.

The sign must be posted in a location that is clearly visible from the nearest adjacent street. If the property has more than one street frontage, then the sign should be placed along the higher classified street. MPC staff may recommend a preferred location for the sign to be posted at the time of application.

The sign must be posted no later than two weeks prior to the scheduled MPC/BZA hearing and must remain in place until after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted no later than two weeks prior to the next MPC/BZA meeting.

MPC staff will provide the first sign(s) for no additional charge as part of the application fees. If the sign(s) are lost or stolen and need to be replaced, then the applicant will be responsible for picking up a new sign from the MPC offices. The applicant will be charged a replacement fee for the second sign consistent with the agency's cost of purchasing each sign.

I hereby agree to post the sign provided on the subject property on or before July 27, 2017 consistent with the guidelines provided above:

Signature: Linda Ault for Benchmark Assoc.

Printed name: Benchmark Associates for Reily Foods

MPC/BZA File #: 8-B-17-SC, 8-C-17-SC, 8-B-17-AC

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
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www.knoxmpc.org