

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

▶ **FILE #:** 8-B-17-SC

AGENDA ITEM #: 16

AGENDA DATE: 8/10/2017

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

TAX ID NUMBER: 108 H A 022 [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:** Rule St

▶ **LOCATION:** Between southern R-O-W line of Vandeventer Avenue and southern R-O-W line of Mynatt Avenue

IS STREET:
 (1) IN USE?: Yes
 (2) IMPROVED (paved)?: Yes

▶ **APPLICANT'S REASON FOR CLOSURE:** The property owner on both sides of the street is a food manufacturer, and the public would benefit more from the closure and gating off of the property for food safety reasons than they do utilizing it as a pass-through street. Closing this portion of the street will not limit access to any other properties.

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 a portion of Rule St., as requested, subject to any required easements and subject to the following condition:**

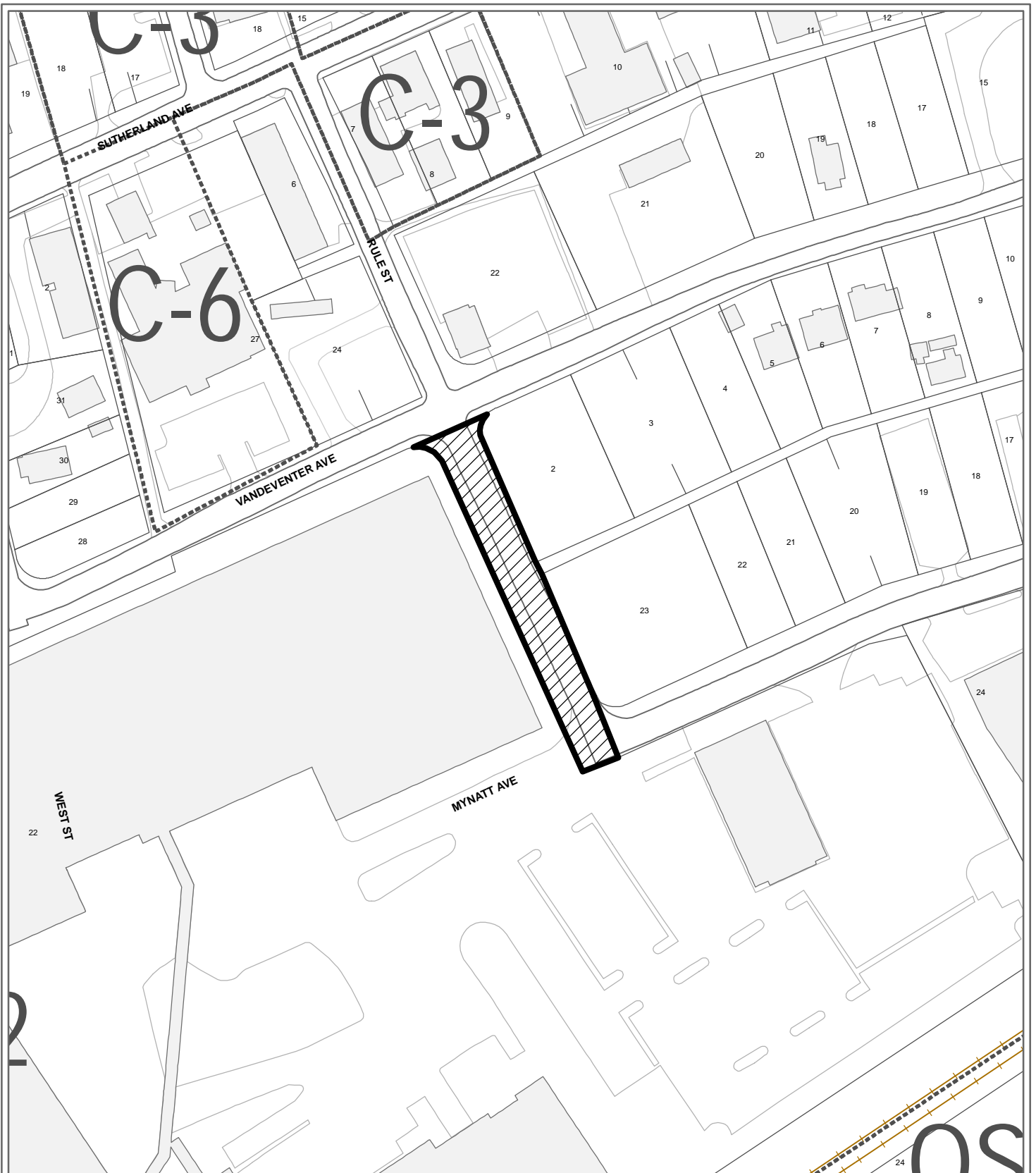
1. The 4 conditions included in the attached letter from City of Knoxville Engineering (dated July 31, 2017) must be addressed to the satisfaction of that department.

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

COMMENTS:

The applicant either owns or has provided signatures from all owners of properties fronting on the right-of-way to be closed, indicating agreement with the closure.

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.



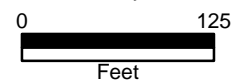
**8-B-17-SC
CLOSURE OF PUBLIC RIGHT OF WAY**

Name of Street or Alley: Rule St
 To be closed from: southern R-O-W line of Vandeventer Avenue
 To be closed to: southern R-O-W line of Mynatt Avenue

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

Petitioner: Benchmark Associates, Inc for
 Reily Foods

Map No: 108
 Jurisdiction: City





CITY OF KNOXVILLE

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

July 31, 2017

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

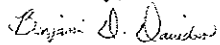
SUBJECT: Closure of Rule St between southern right-of-way line of Vandeventer Ave and southern right-of-way line of Mynatt Ave
City Block 24302 & 24294
MPC File # 8-B-17-SC

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/owner shall be responsible for placing signage and/or structures, approvable by the City Engineering Department, that clearly mark the area as no longer being a public right-of-way or thoroughfare.
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. The applicant shall have one (1) year to complete conditions listed above, unless otherwise stated in a particular item, 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.

Sincerely,



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



Knoxville Utilities Board

8-B-17-SC_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-SC
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.

- 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
- Water – 7.5 feet on each side of the centerline of the water line, 15 feet total width

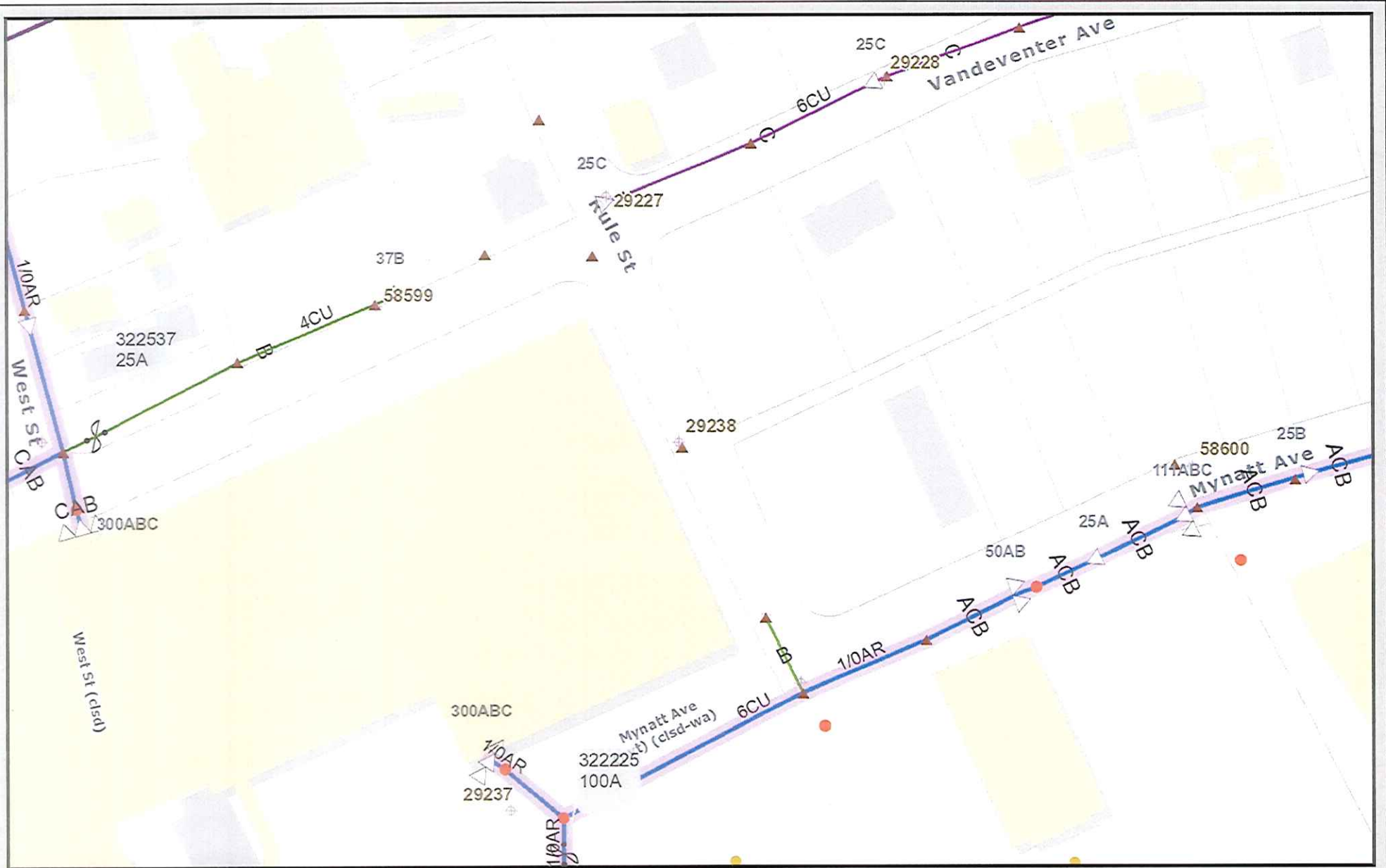
So long as these conditions are met, KUB has no objection to the closure of this right-of-way. If you have any questions regarding this matter, please call me at (865) 558-2291.

Sincerely,

Christian G. Wiberley
Engineering

CGW/ggt

Enclosure



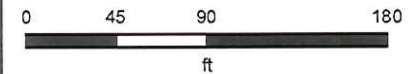
File No. 8-B-17-SC Rule St. btwn Vandeventer Ave. and Mynatt Ave. (Electric)

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

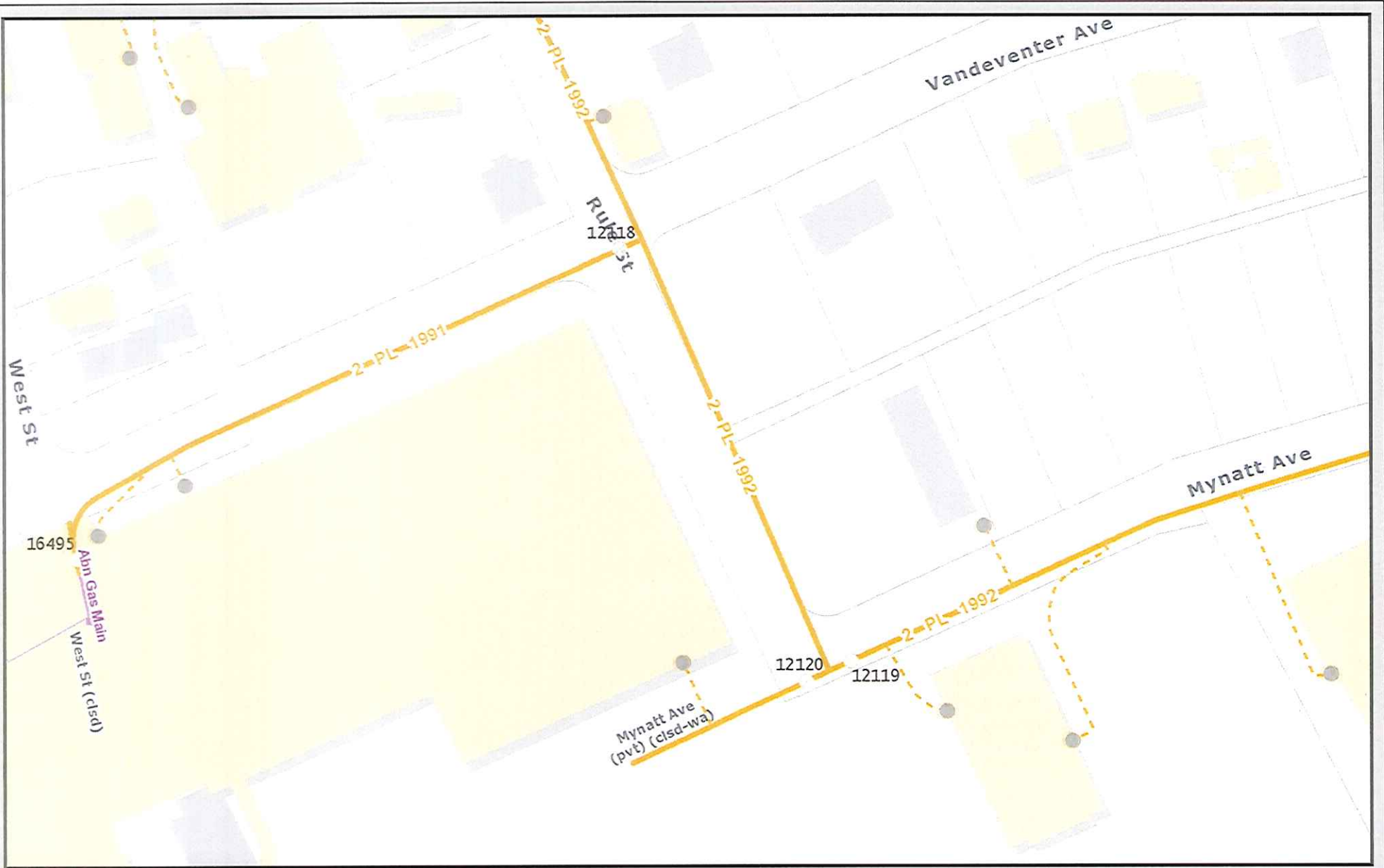
Knoxville Utilities Board



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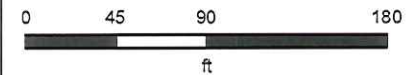
File No. 8-B-17-SC Rule St. btwn Vandeventer Ave. and Mynatt Ave. (Gas)

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

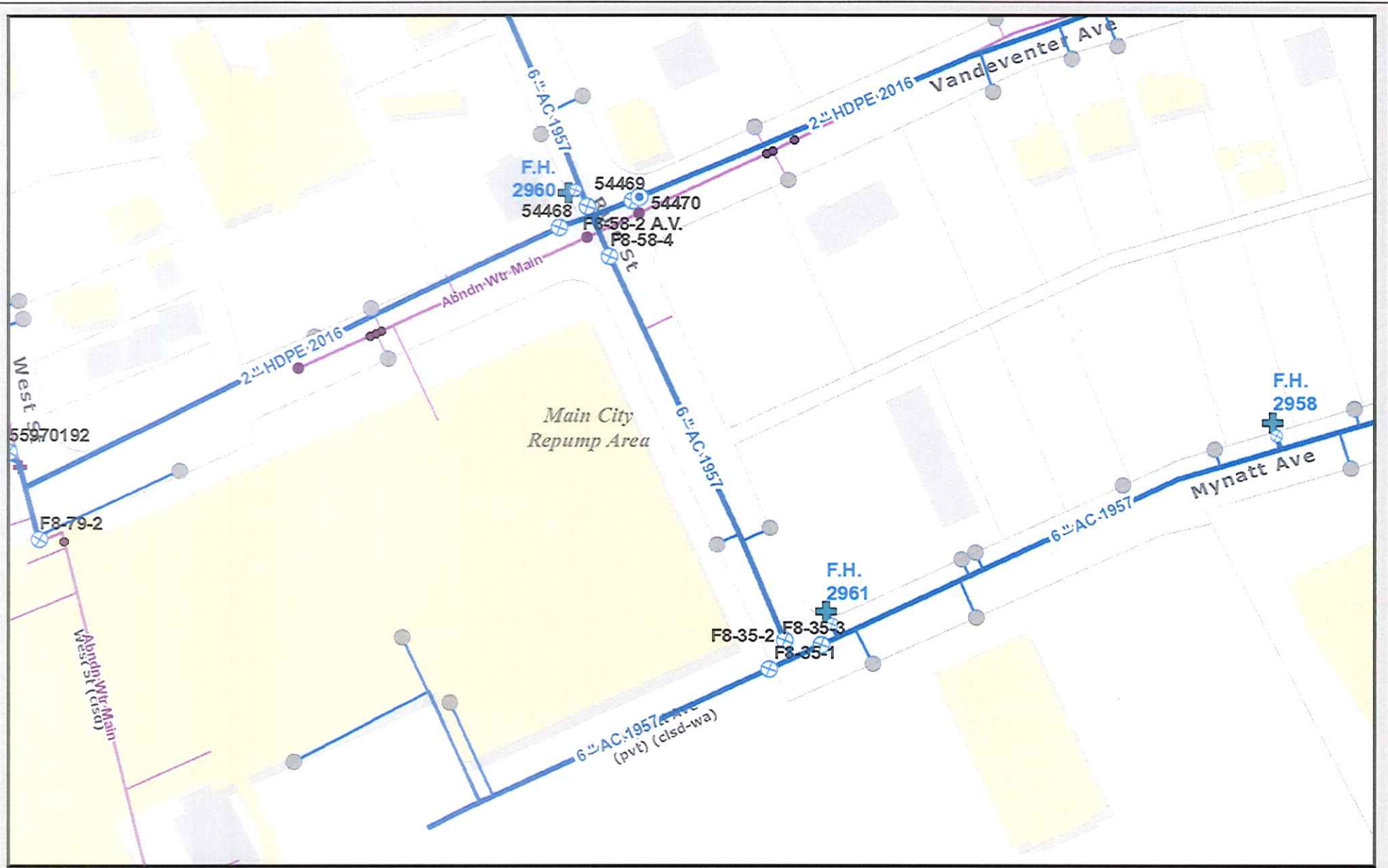
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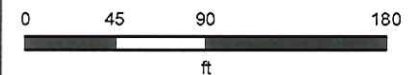
File No. 8-B-17-SC Rule St. btwn Vandeventer Ave. and Mynatt Ave. (Water)

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

Knoxville Utilities Board



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400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
FAX • 215 • 2068
www.knoxmpc.org

RIGHT-OF-WAY CLOSURE



Name of Applicant: Benchmark Associates, Inc. for Reily Foods

Date Filed: 26 June 2017 Fee Paid: \$750.00 File Number: 8-B-17-SC

Map Number: 108 Zoning District: I-2 City County Sector: _____

Jurisdiction: City 6th Councilmanic District

INFORMATION:

Name of Right-of-Way: Rule Street

Type of Right-of-Way: Street Alley

Location of Right-of-Way:

BETWEEN (City Block or Lot where appropriate) City Block 24294

AND (City Block or Lot where appropriate) City Block 24302

Right-of-Way is: In Use Yes No Improved (example: paved) Yes No

Reason for Closure: The property owner on both sides of the street is a food manufacturer, and the public would better benefit more by the closure and gating off of the property for food safety reasons than they do utilizing it as a pass through street. Closing this portion of the street will not limit access to any other properties.

TO BE CLOSED:

From: (Street, Alley, Other)
the Southerly margin of Vandeventer Ave.

To: (Street, Alley, Other)
the intersection with Mynatt Ave.

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

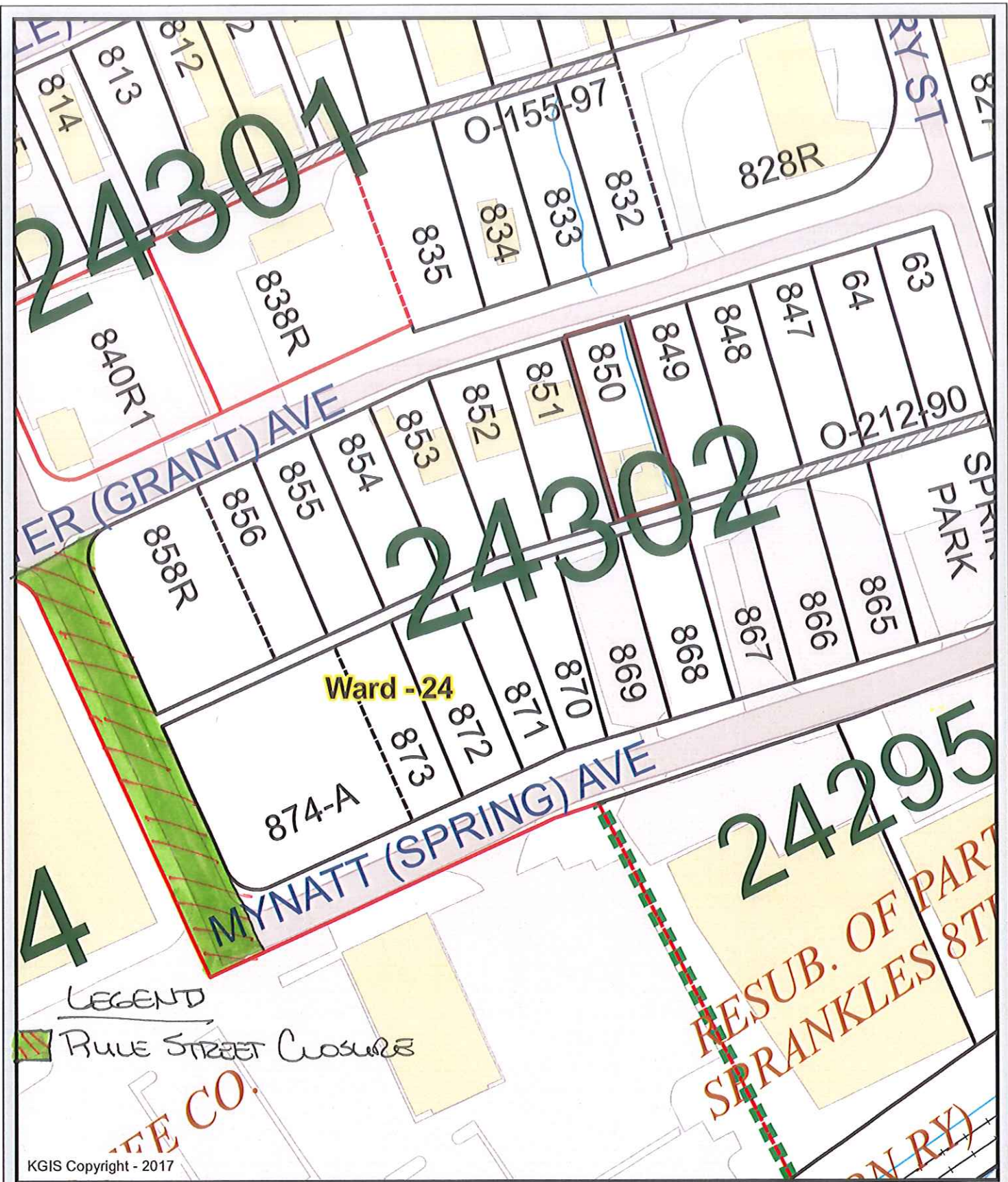
AUTHORIZATION OF APPLICATION:

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: Sherry Michienzi 6-27-17

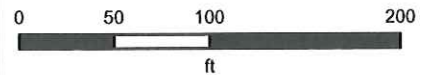


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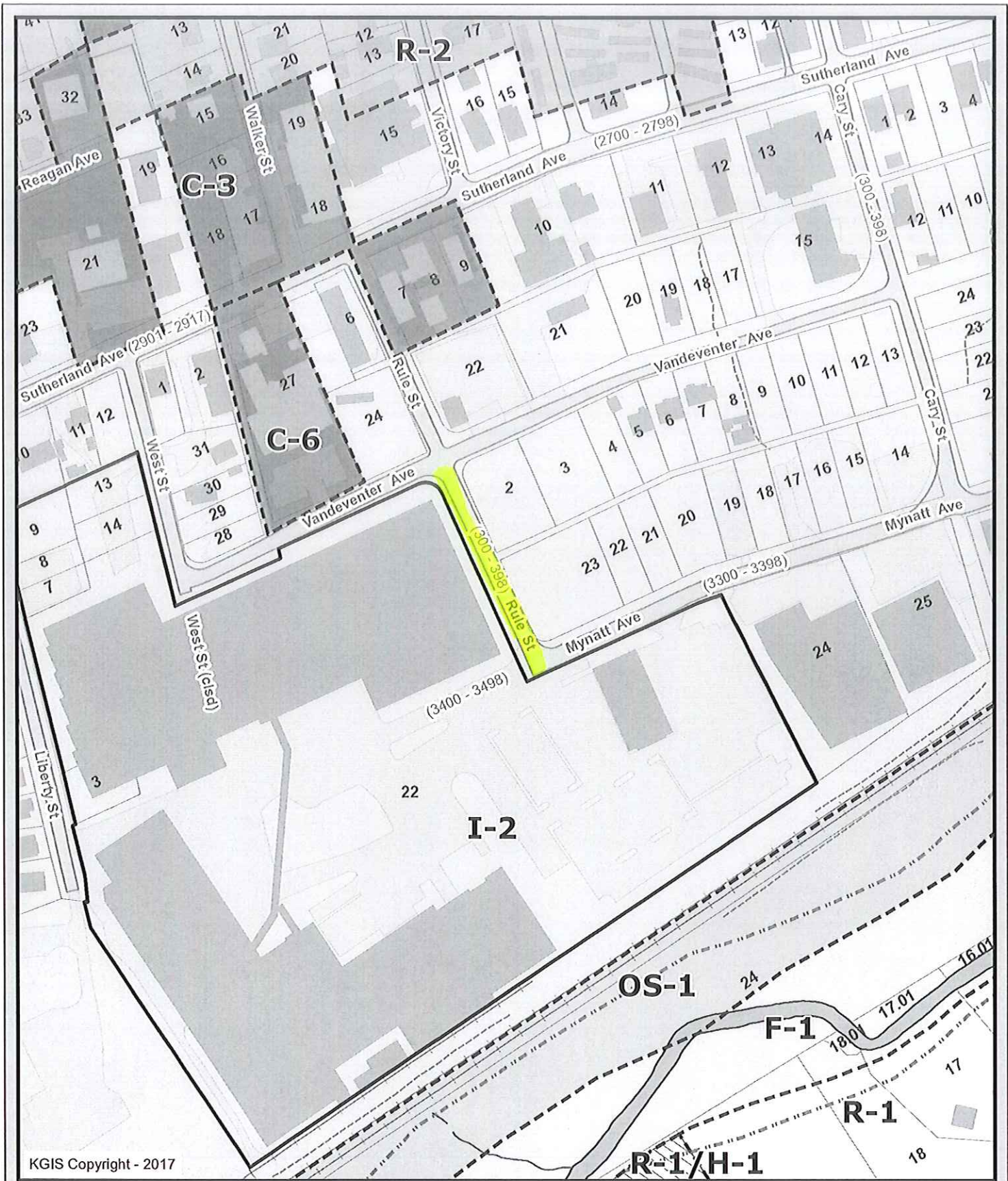
Proposed Mynatt Avenue Closure

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Knoxville - Knox County - KUB Geographic Information System



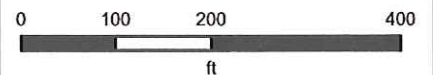
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Letter Portrait

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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

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