



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

▶ **FILE #:** 1-A-18-SC

**AGENDA ITEM #:** 5

**AGENDA DATE:** 1/11/2018

▶ **APPLICANT:** GARY KOONTZ

TAX ID NUMBER:	81 A A 009	<a href="#">View map on KGIS</a>
JURISDICTION:	Council District 5	
SECTOR PLAN:	Northwest City	
GROWTH POLICY PLAN:	Urban Growth Area (Inside City Limits)	
ZONING:	C-6 (General Commercial Park)	
WATERSHED:	Second Creek	

▶ **RIGHT-OF-WAY TO BE CLOSED:** Rickard Dr

▶ **LOCATION:** Between southwest corner of parcel 081AA006 and intersection with Hero Rd.

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

▶ **APPLICANT'S REASON FOR CLOSURE:** Owner of property does not use road

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 Rickard Dr., 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 December 27, 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 all private property fronting on the right-of-way to be closed. It is staff's understanding that the purpose of this closure is to consolidate properties owned by Lance Cunningham Ford to the northeast for future expansion.

If approved, this item will be forwarded to Knoxville City Council for action on 2/13/2018 and 2/27/2018. 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.





CITY OF KNOXVILLE

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

December 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 Rickard Drive  
MPC File # 1-A-18-SC; Nearby City Block 45130

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. In order to prevent eliminating public connectivity to Hero Road, which is currently provided by Rickard Drive, the applicant must successfully complete the closure process for Hero Road, thereby eliminating the need for the portion of Rickard Drive to serve as access to Hero Road. It should be noted that the applicant has made application to close Hero Road and upon becoming effective, Rickard Drive may also become effectively closed, pending the approval of said applications.
2. To prevent a dead-end public right-of-way with no vehicular outlet, the applicant shall provide a means for a public turnaround or other approvable means to eliminate dead-ending traffic flow, subject to City Engineering approval.
3. The applicant will have (1) year to complete the above conditions or the closure shall be deemed null and void and of no effect.
4. The closing ordinance for Rickard Drive 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.

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. If facilities or utilities are found not feasible to the site development or use, they may be removed and relocated, subject to City Engineering and/or other applicable easement holder review and approval.

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



# RIGHT-OF-WAY CLOSURE



Name of Applicant: Gary Koontz  
Date Filed: 11/14/17 Fee Paid: \$750 File Number: 11-A-18-SC  
Map Number: 81 Zoning District: R1  City  County Sector: Northwest City  
Jurisdiction:  City 5th Councilmanic District

**INFORMATION:**

Name of Right-of-Way: Rickard Drive 081AA009  
Type of Right-of-Way:  Street  Alley  
Location of Right-of-Way:  
BETWEEN (City Block or Lot where appropriate) SW corner of Parcel 081AA006  
AND (City Block or Lot where appropriate) intersection with Hero Rd.  
Right-of-Way is: In Use  Yes  No Improved (example: paved)  Yes  No  
Reason for Closure: owner of property does not use road

**TO BE CLOSED:**

From: (Street, Alley, Other)  
From Hero Rd to approx  
250 ft west on Rickard Dr.  
411 ~~540~~  
540

To: (Street, Alley, Other)  
41540

**ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:**

Same as below.

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.

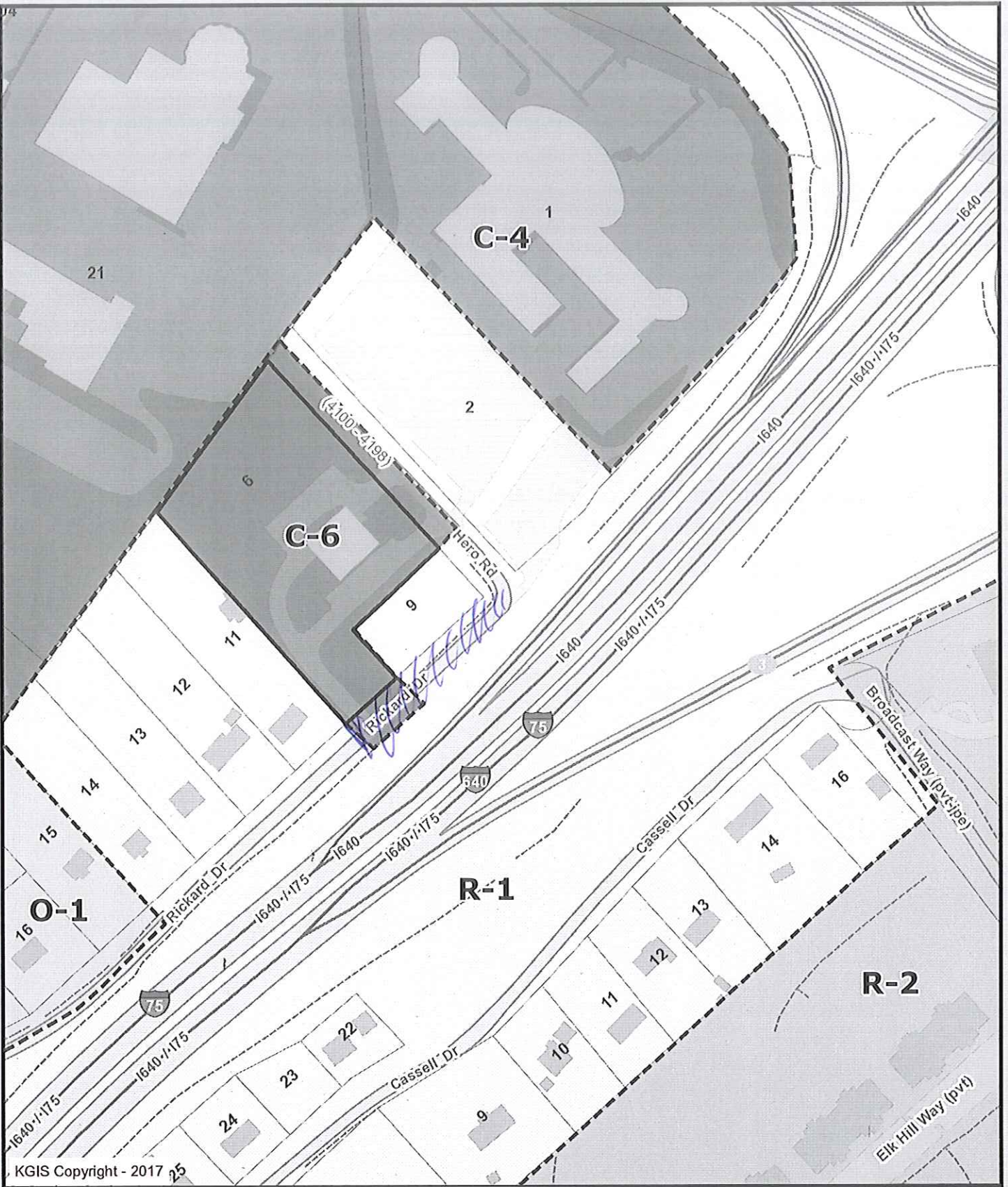
Signature: [Signature]

Gary Koontz 3232 Tazewell Pl Knoxville TN 37918 548-1010

Name: (Print) Address • City • State • Zip • Phone • Fax

APPLICATION ACCEPTED BY: [Signature]



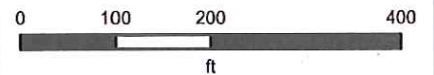


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### Letter Portrait

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**SHEET 1**  
**OF 1**

**RESUBMIT TITLE COMMITMENT INFORMATION**

THE TITLE COMMITMENT WAS PREPARED BY TERRY HOBSON AND THE TITLE INSURANCE COMPANY, COMMITMENT NO. 17770307N, DATED JANUARY 11, 2018.

**TITLE DESCRIPTION**

(TAX PARCEL 081A-1-00)

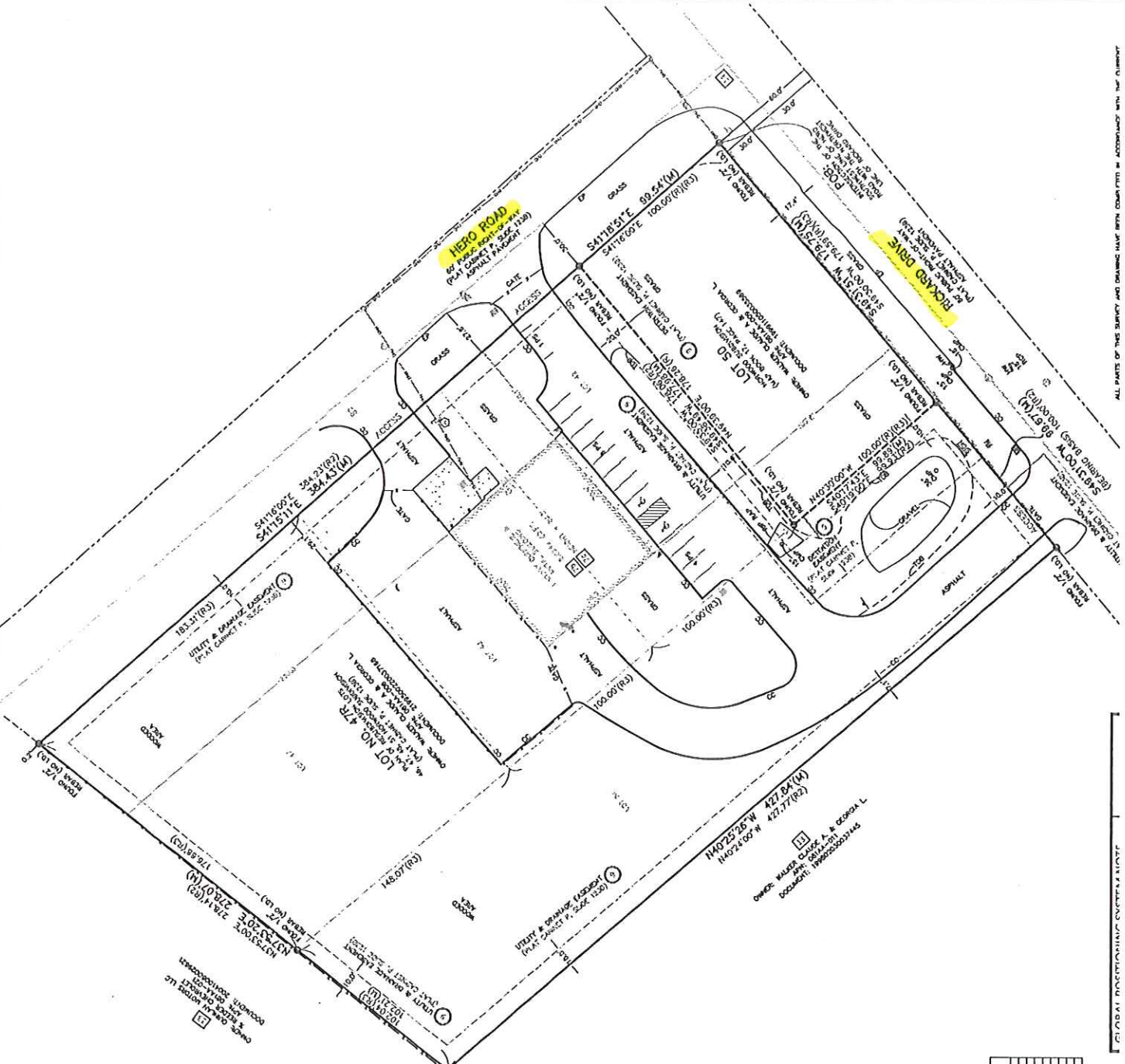
LAND IN KNOX COUNTY, TENNESSEE, BEING LOT NO. 49, ON THE PLAN OF RECONSTRUCTION LOT 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

(TAX PARCEL 081A-1-00)

THIS SURVEY DESCRIBES AND DIVIDES THE SAME LAND AS DESCRIBED IN THE TITLE COMMITMENT AS REFERENCED ABOVE.

ALTA/HSPS LAND TITLE SURVEY  
OF  
1301 & 1305 RICKARD DRIVE  
KNOX COUNTY  
KNOXVILLE, TENNESSEE

- SURVEYOR'S NOTES**
- BOUNDARIES OF THIS SURVEY ARE SHOWN ON THIS SURVEY ONLY ABOVE AND NOT VISIBLE.
  - ALL DIMENSIONS WITHIN THE COMPARISON AND OTHER REFERENCED LOCATED SURVEYS ARE BASED ON THE NORTH POINT-OF-IRONY LINE OF RICKARD DRIVE, WHICH BEARS S47°00'00" W, 100.00 FEET TO AN IRON PIN, 18 INCHES IN DIAMETER, UNLESS ANOTHER SOURCE OF INFORMATION IS SPECIFICALLY REFERENCED HEREON.
  - THIS SURVEY MEETS OR EXCEEDS THE SURVEY STANDARDS/STANDARDS OF CARE AS SET FORTH IN SECTION 8 OF THE TENN. ALTA/HSPS SURVEY REGULATIONS.
- 4 LAND AREA** 123,837.2 SQUARE FEET 2.889 ACRES
- BEARINGS** SHOWN HEREON ARE BASED ON THE NORTH POINT-OF-IRONY LINE OF RICKARD DRIVE, WHICH BEARS S47°00'00" W, 100.00 FEET TO AN IRON PIN, 18 INCHES IN DIAMETER, UNLESS ANOTHER SOURCE OF INFORMATION IS SPECIFICALLY REFERENCED HEREON.
- SURVEYOR'S NOTE**  
THERE IS NO VISIBLE EVIDENCE OF CONTIGUOUS OR SUBJECT PROPERTY.
- 5 PARKING SPACES**  
REGULAR = 13 HANDICAP = 2 TOTAL = 15
- 6 ACCESS TO PROPERTY**  
REGULAR ACCESS TO RICKARD DRIVE AND HERO ROAD, BOTH ARE DEDICATED PUBLIC STREETS OR HIGHWAYS.
- 7 EARTH MOVING NOTE**  
THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR OTHER EARTH MOVING WORK.
- 8 CONTIGUITY STATEMENT**  
THIS SURVEY IS CONTIGUOUS TO THE LEGAL DESCRIPTION AND CONTIGUOUS WITHOUT ANY GAPS, GAPS OR OVERLAPS.
- 9 SURVEYOR'S CERTIFICATE**  
I, TERRY HOBSON, A TENNESSEE CORPORATION AND LICENSED PROFESSIONAL SURVEYOR, DO HEREBY CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2018 MINIMUM STANDARD SURVEYING PRACTICES AND REGULATIONS, AND INCLUDES TIDES 2, 3, 4, 7(a), 7(b)(1), 7(c), 8, 9, 11, 14, AND 20 DATE OF PLAN ON MAP: 07/17/2017.



ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN CHECKED BY ME ACCORDING WITH THE CURRENT

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 11 2018	
KNOX COUNTY CLERK	



**Affidavit**

I, Lance Cunningham, give Gary Koontz permission to represent T&Y properties/ Lance Cunningham Ford to the Knoxville-Knox County Metropolitan Planning Commission. This is in regards to the property located at Rickard Road for purposes of road closure.



---

Lance Cunningham



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Witness

## 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 Dec 27, 2017 consistent with the guidelines provided above; and remove the sign within one week after the MPC/BZA decision.

Signature: \_\_\_\_\_

Printed name: \_\_\_\_\_

MPC/BZA File #: \_\_\_\_\_



Gary Koontz

1-A-18-SC / 1-B-18-SC