



# CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

▶ FILE #: 4-A-19-SC

AGENDA ITEM #: 7

AGENDA DATE: 4/11/2019

▶ APPLICANT: CITY OF KNOXVILLE

TAX ID NUMBER: 82 P K 039 [View map on KGIS](#)

JURISDICTION: Council District 6

SECTOR PLAN: Central City

GROWTH POLICY PLAN:

ZONING: O-1 (Office, Medical, and Related Services) & OS-2 (Park & Open Space)

▶ RIGHT-OF-WAY TO BE CLOSED: Myrtle St

▶ LOCATION: Between northern right-of-way line of E. Fifth Avenue and terminus and dead-end

IS STREET:

(1) IN USE?: yes

(2) IMPROVED (paved)?: yes

▶ APPLICANT'S REASON FOR CLOSURE: The City will combine a portion of the closure area into their property at 1605 E. Fifth Avenue to support redevelopment

DEPARTMENT-UTILITY REPORTS:

### STAFF RECOMMENDATION:

▶ RECOMMEND that City Council APPROVE the closure of Myrtle Street between City Block 15082 and City Block 15083 subject to any required easements.

Staff has received no objections to the proposed closure.

Staff has received no objections from reviewing departments or utilities to this closure. However, should this right-of-way be closed, the City will reserve easements for all drainage facilities and KUB will require the following permanent easements for its utility facilities:

Gas - 12.5 feet on each side of the centerline of the gas line, 25 feet total width

Electric - 10 feet on each side of the centerline of the electric line, 20 feet total width

### COMMENTS:

If approved, the City intends to combine a portion of the closure area with their property at 1605 E. Fifth Avenue to support redevelopment. Planning staff recommend approval as requested.

If approved, this item will be forwarded to Knoxville City Council for action on 5/7/2019 and 5/21/2019. If denied, Knoxville-Knox County Planning Commission'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 a Planning Commission decision in the City.

OS-2



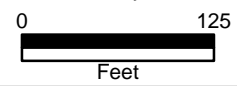
**4-A-19-SC  
CLOSURE OF PUBLIC RIGHT OF WAY**

Name of Street or Alley: Myrtle St  
 To be closed from: northern Right-of-Way line of Fifth Avenue  
 To be closed to: terminus and dead-end

Original Print Date: 3/18/2019 Revised:  
 Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: City of Knoxville

Map No: 82  
 Jurisdiction: City



## REQUEST FOR INFORMATION

### RIGHT-OF-WAY CLOSURE

TO: Knoxville Utilities Board  
Danny Beeler, Fire Marshal  
Steve Borden, Regional Director, TN Dept. of Transportation  
James R. Hagerman, P.E., Director of Engineering  
Sonny Partin, Plans Reviewer, Fire Dept.  
Kelly Parmain, AT&T  
Shannon Sims, AT&T  
Ben Davidson, Department of Engineering  
Charlotte Goforth, Department of Engineering

FROM: Amy Brooks, AICP

DATE: March 6, 2019

SUBJECT: Request closure of Myrtle Street between northern right-of-way line of Fifth Avenue and terminus and dead-end, City Block 15082 15083. Council District 6, Central City Sector. 4-A-19-SC

Please give us the following information in writing regarding this proposed closure if your agency has an objection, or any conditions you wish considered with this request:

1. Is there any present or anticipated future need for this street/alley which in your opinion would warrant retaining it for public use?
2. What present use does it serve?
3. What future use is anticipated?
4. Do you oppose closing (vacating) it?
5. If closed (vacated), would easements meet your needs?
6. If easement will meet needs, please state easements required.

This request will be considered by the Knoxville-Knox County Planning Commission on April 11, 2019. A map showing the street or alley in question is attached for your information.

**PLEASE NOTE:** Failure to reply to our office by April 1, 2019 will be considered as no objection by your agency.

Attachment: Application

## REQUEST FOR INFORMATION

### RIGHT-OF-WAY CLOSURE

TO: Knoxville Utilities Board  
Danny Beeler, Fire Marshal  
Steve Borden, Regional Director, TN Dept. of Transportation  
James R. Hagerman, P.E., Director of Engineering  
Sonny Partin, Plans Reviewer, Fire Dept.  
Kelly Parmain, AT&T  
Shannon Sims, AT&T  
Ben Davidson, Department of Engineering  
Charlotte Goforth, Department of Engineering

FROM: Amy Brooks, AICP

DATE: March 6, 2019

SUBJECT: Request closure of unnamed alley between southern right-of-way of Phillips Avenue and northern right-of-way of a 10 ft. alley running through City Block 26046, City Block 26046 26052. Council District 1, South City Sector. 4-B-19-AC

Please give us the following information in writing regarding this proposed closure if your agency has an objection, or any conditions you wish considered with this request:

1. Is there any present or anticipated future need for this street/alley which in your opinion would warrant retaining it for public use?
2. What present use does it serve?
3. What future use is anticipated?
4. Do you oppose closing (vacating) it?
5. If closed (vacated), would easements meet your needs?
6. If easement will meet needs, please state easements required.

This request will be considered by the Knoxville-Knox County Planning Commission on April 11, 2019. A map showing the street or alley in question is attached for your information.

**PLEASE NOTE:** Failure to reply to our office by April 1, 2019 will be considered as no objection by your agency.

Attachment: Application

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March 15, 2019

Amy Brooks, Planning Services Manager  
Knoxville-Knox County  
Metropolitan Planning Commission  
Suite 403, City-County Building  
Knoxville, Tennessee 37902

Dear Ms. Brooks:

**Re: Right-of-Way Closure Request 4-A-19-SC**

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 facilities.

Gas – 12.5 feet on each side of the centerline of the gas line, 25 feet total width  
Electric – 10 feet on each side of the centerline of the electric line, 20 feet total width

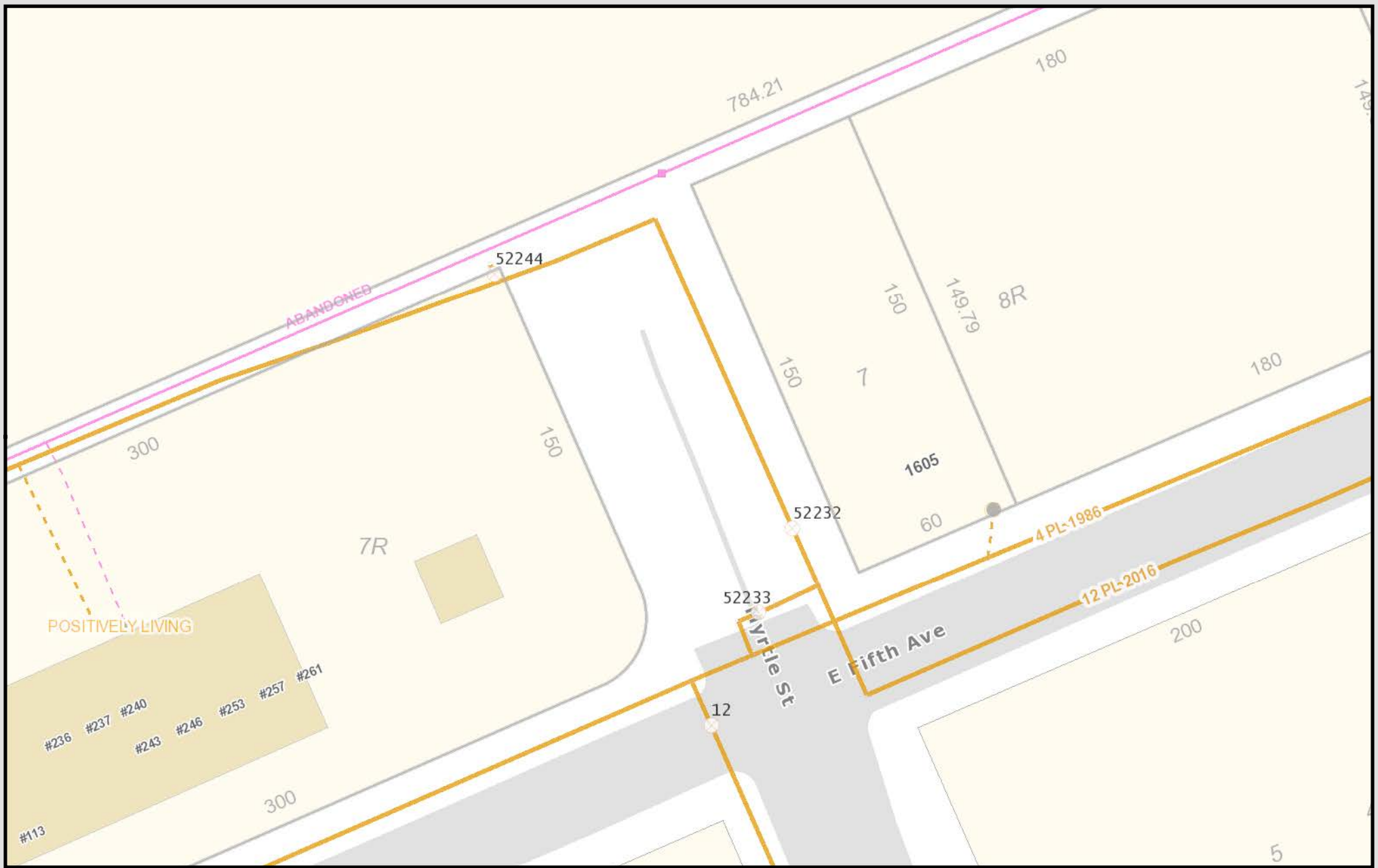
If you have any questions regarding this matter, please call me at (865) 558-2483.

Sincerely,



Christian Wiberley  
Engineering

CGW



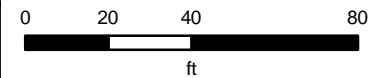
**File No. 4-A-19-SC Myrtle St. btwn. Fifth Ave. and terminus (Gas)**

City Block 15802 CLT Map 082

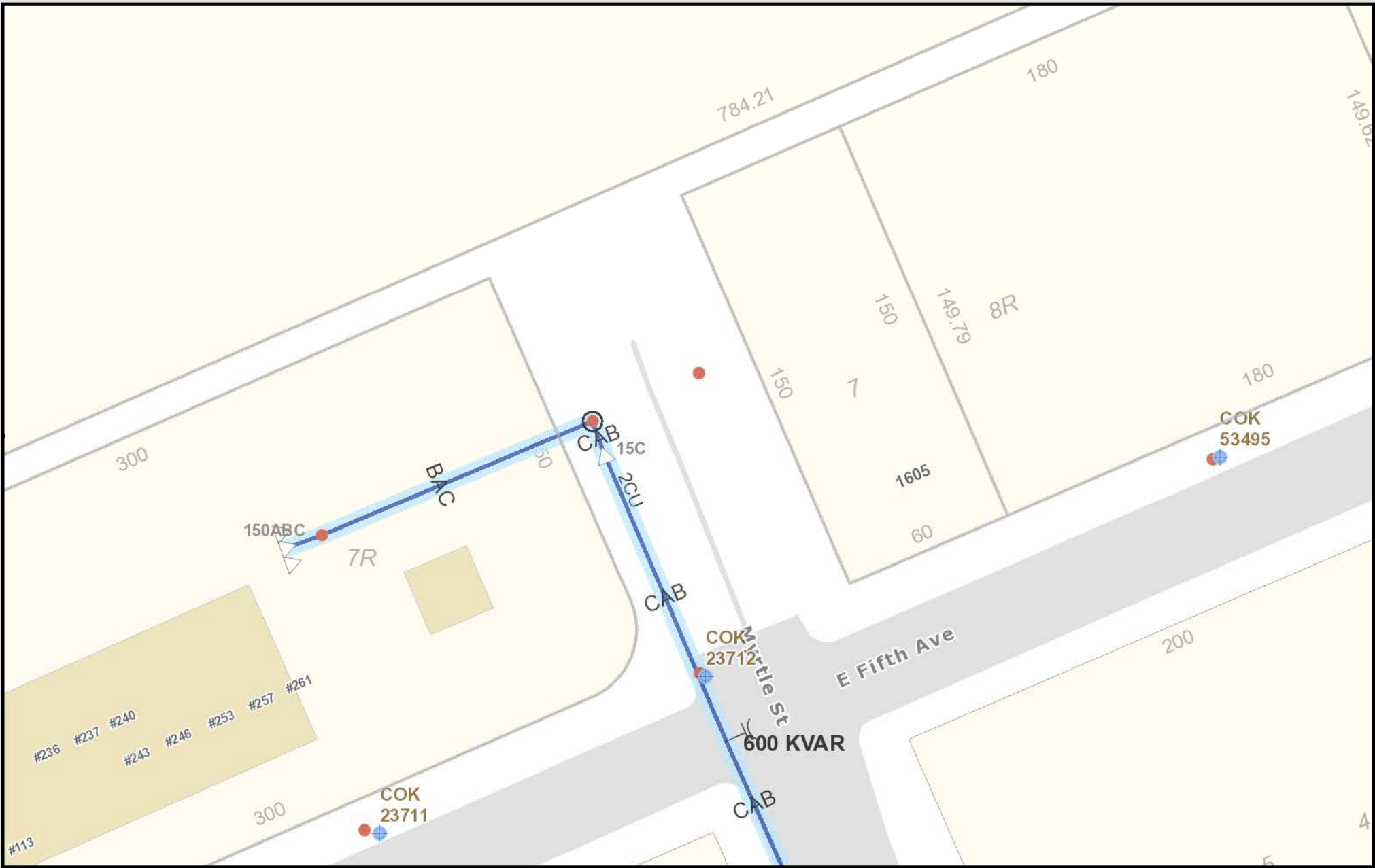
**Knoxville Utilities Board**



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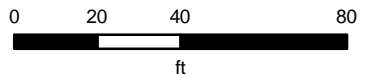
**File No. 4-A-19-SC Myrtle St. btwn. Fifth Ave. and terminus (Electric)**

City Block 15802 CLT Map 082

**Knoxville Utilities Board**



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## Fire Prevention Bureau

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

### Memorandum

Date: March 7, 2019

To: Dori Caron

From: Sonny Partin, Deputy Fire Marshal

Subject: Request for Information on Right of Way Closures, Fire Department Review

Road Name	Review Status	Comments
1. 4-B-19-AC	Approved	None
2. 4-A-19-SC	Approved	None





Dori Caron <dori.caron@knoxplanning.org>

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## April ROW memos

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**Steve Borden** <Steve.Borden@tn.gov>  
To: Dori Caron <dori.caron@knoxplanning.org>

Mon, Mar 11, 2019 at 10:28 AM

In case you need me to reconfirm, TDOT District 18 in Region 1 has no comment regarding 4-B-19-AC and 4-A-19-SC.



**Steven M. Borden, P.E.** | Director/Assistant Chief Engineer

TDOT – Region 1

[7345 Region Lane](#)

[Knoxville, TN 37914](#)

[\(865\) 594-2400](#)

[Steve.Borden@tn.gov](mailto:Steve.Borden@tn.gov)

[tn.gov/tdot](http://tn.gov/tdot)

[Quoted text hidden]



4-A-19-SC-Lor-AT&T

Dori Caron <dori.caron@knoxplanning.org>

**April ROW memos**

PEARMAN, KELLY <kp6012@att.com>  
To: Dori Caron <dori.caron@knoxplanning.org>

Mon, Mar 11, 2019 at 9:13 AM

Dori,

My statement to relinquish any easements or ROWs are in reference to these and any existing easements/ROWs that may be in question.

**Kelly Pearmain**

MGR OSP PLNG & ENG DESIGN

AT&T Technology Operations, Construction & Engineering SE

**AT&T**

9733 Parkside Dr

Knoxville, TN 37922

O:865-539-8580 / kp6012@att.com

**From:** Dori Caron <dori.caron@knoxplanning.org>  
**Sent:** Monday, March 11, 2019 9:11 AM  
**To:** PEARMAN, KELLY <kp6012@att.com>  
**Subject:** Re: April ROW memos

Good morning Kelly,

[Quoted text hidden]

[Quoted text hidden]



# CITY OF KNOXVILLE

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

March 19, 2019

Knoxville-Knox County Planning  
City-County Building, Suite 403  
Knoxville, Tennessee 37902

**SUBJECT:** Closure of a portion of Myrtle St  
MPC File # 4-A-19-SC; Nearby City Block 15082

**MPC:**

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,

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

Suite 403 • City County Building  
400 Main Street  
Knoxville, Tennessee 37902  
865 • 215 • 2500  
FAX • 215 • 2068  
www.knoxmpc.org

# RIGHT-OF-WAY CLOSURE

Name of Applicant: City of Knoxville

Date Filed: 2/22/19 Fee Paid: N/A File Number: 4-A-19-5C

Map Number: 082 Zoning District: OS-2\_OS-3  City  County Sector: \_\_\_\_\_

Jurisdiction:  City 6 Councilmanic District



### INFORMATION:

Name of Right-of-Way: Myrtle St

Type of Right-of-Way:  Street  Alley

#### Location of Right-of-Way:

BETWEEN (City Block or Lot where appropriate) City Block 15082

AND (City Block or Lot where appropriate) City Block 15083

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

Reason for Closure: The City will combine a portion of the closure area into their property at 1605 E Fifth Ave to support redevelopment.

### TO BE CLOSED:

From: (Street, Alley, Other)  
northern right-of-way line of E Fifth Ave

To: (Street, Alley, Other)  
terminus and dead-end

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

Benjamin D. Davidson 400 Main St, City County Bldg, Rm 462, Knoxville, TN 37902, 865-215-2103

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.

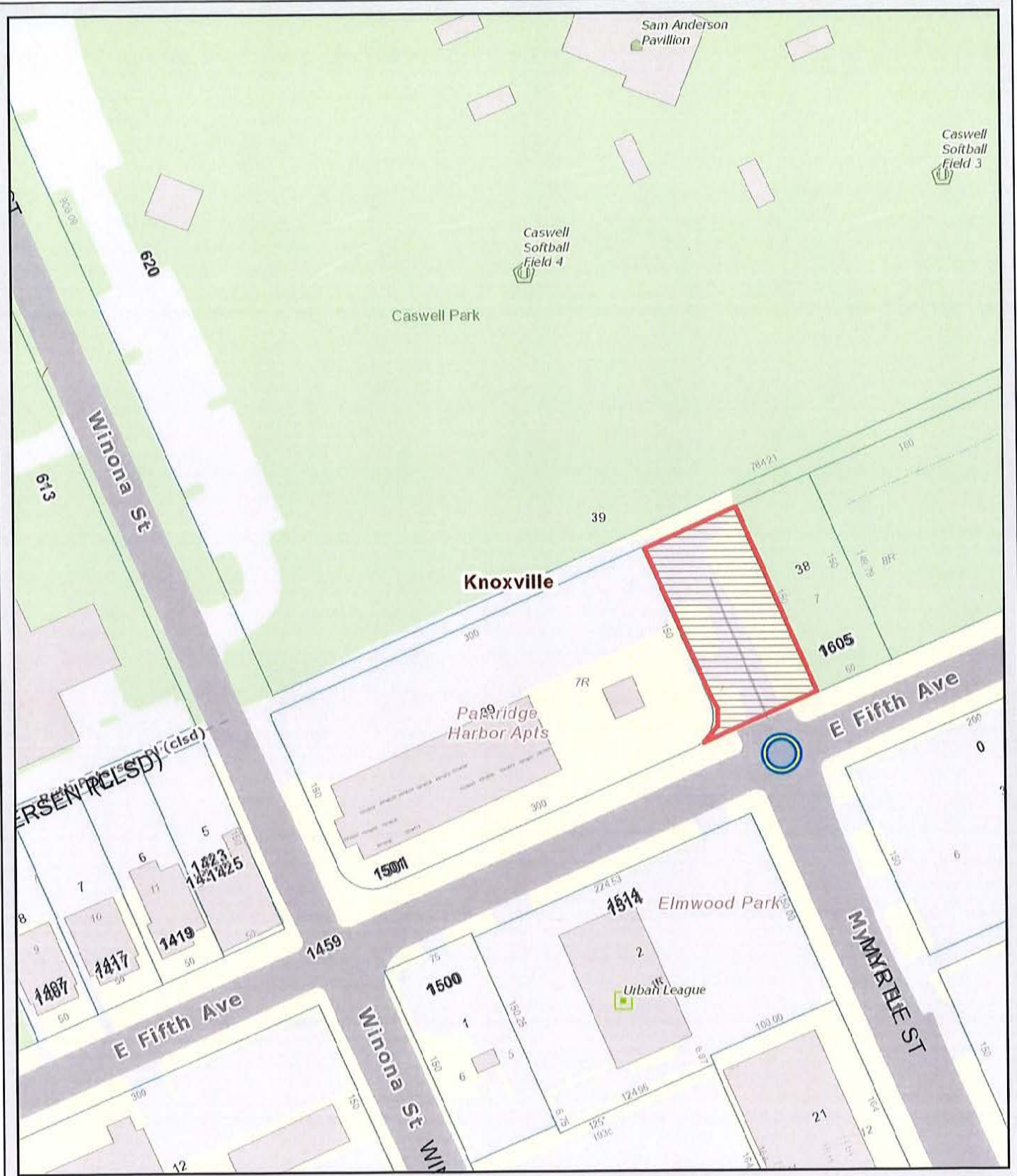
Signature: [Signature] 2-22-19

Benjamin D. Davidson 400 Main St, City County Bldg, Rm 462, Knoxville, TN 37902, 865-215-2103

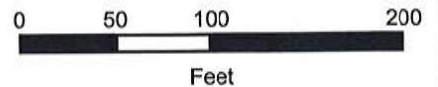
Name: (Print) Address • City • State • Zip • Phone • Fax

APPLICATION ACCEPTED BY: [Signature]





**Tax Map View**  
 Myrtle St Proposed Closure Area



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**PROPERTY ASSESSOR'S OFFICE - KNOX COUNTY, TENNESSEE**  
**MAP DEPARTMENT - OWNERSHIP CARD**

Source: KGIS

02/18/2019

ACTIVE      NORMAL

District	Map	Insert	Group	Parcel	Ward	Property Location				
	82	P	K	39	15	1501 E FIFTH AVE				
Subdivision				Block	Lot	Plat	Dimensions ( shown in ft. )		Acreage	
ELMWOOD ADD RESUB				-	7R-	<a href="#">M221-B</a>	300 X 150		1.02 - A.C. Deeded	
									0.00 - A.C. Calculated	
Owner				Sale Date	Book	Page	Sale Price	Mailing Address		
BROWN DAVID G & IRBY ANGELYN DOWNING WEST ETAL				2/14/1969	<a href="#">1400</a>	19	\$ 220,000	PO BOX 1641 DYERSBURG, TN 38025		
				5/6/1991	<a href="#">2039</a>	258				
VOA PROPERTY CORPORATION OF KNOXVILLE INC				10/23/1991	<a href="#">2054</a>	222	\$ 500,000	PO BOX 96 KNOXVILLE, TN 37901		
				10/23/1991	<a href="#">2054</a>	536				
BROWN DAVID G & IRBY ANGELYN DOWNING WEST ETAL				5/6/1991	<a href="#">2118</a>	710		PO BOX 1641 DYERSBURG, TN 38025		
POSITIVELY LIVING				8/22/2002	<a href="#">20020823</a>	0015946	\$ 592,725	1501 E FIFTH AVE KNOXVILLE, TN 37917		

**Remarks**

L/A

*Parent Parcel*

*Parent Instrument Number*

*Previous Parcel ( Split From )*

*Next Parcel ( Merged Into )*

PROPERTY ASSESSOR'S OFFICE - KNOX COUNTY, TENNESSEE  
 MAP DEPARTMENT - OWNERSHIP CARD

Source: KGIS

ACTIVE NORMAL

02/18/2019

District	Map	Insert	Group	Parcel	Ward	Property Location				
	82	P	K	38	15	1605 E FIFTH AVE				
Subdivision				Block	Lot	Plat	Dimensions ( shown in ft. )		Acreage	
ELMWOOD ADDN PT 8				19-	7-	<a href="#">3-120</a>	60 X 150		0.00 - A.C. Deeded	
									0.00 - A.C. Calculated	
Owner				Sale Date	Book	Page	Sale Price	Mailing Address		
DAVIS L LYNN				11/15/1989	<a href="#">1994</a>	75	\$ 79,900	1605 E FIFTH AVE KNOXVILLE, TN 37915		
				1/11/1991	<a href="#">2035</a>	543				
CITY OF KNOXVILLE				8/31/2000	<a href="#">20000913</a>	0018467	\$ 100,000	PO BOX 1631 KNOXVILLE, TN 37901		

Remarks

ATTRIBUTES FROM NCR LOADER

Parent Parcel

Parent Instrument Number

Previous Parcel ( Split From )

Next Parcel ( Merged Into )