



CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

► **FILE #:** 12-A-18-SC **AGENDA ITEM #:** 5

POSTPONEMENT(S): 12/13/2018 **AGENDA DATE:** 2/14/2019

► **APPLICANT:** UNIVERSITY OF TENNESSEE

TAX ID NUMBER: 108 C J 013 [View map on KGIS](#)

JURISDICTION: Council District 1

SECTOR PLAN: Central City

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ZONING: O-2 (Civic and Institutional)

► **RIGHT-OF-WAY TO BE
CLOSED:** Volunteer Blvd

► **LOCATION:** Between intersection of UT Dr. and Todd Helton Dr. and intersection
with W. Cumberland Ave.

IS STREET:

(1) IN USE?: Yes

(2) IMPROVED (paved)? Yes

► **APPLICANT'S REASON
FOR CLOSURE:** The request is consistent with other ROW closures approved by Knoxville-Knox County Planning within the core of the campus. The street is within the defined institutional zone as outlined on the campus master plan. As with the ROW closure of the other section of Volunteer Blvd., the campus plans to develop an extensive streetscape project, by improving the road, sidewalks, lighting, seating, and initiate landscape enhancements. The improvements should be similar to the improvements already implemented along Volunteer Blvd. By transferring the remaining section of this street it provides an opportunity to expedite the project to ensure we can standardize the design guidelines. The street shall continue to be a major road through campus, which shall also serve the public and mass transit.

DEPARTMENT-UTILITY
REPORTS: As of the date of this report, the applicant reports that City of Knoxville and University of Tennessee staff are working on an agreement to address issues concerning this proposed closure.

STAFF RECOMMENDATION:

► **RECOMMEND** postponement until the March 14, 2019 Planning Commission meeting, as per the applicant's request.

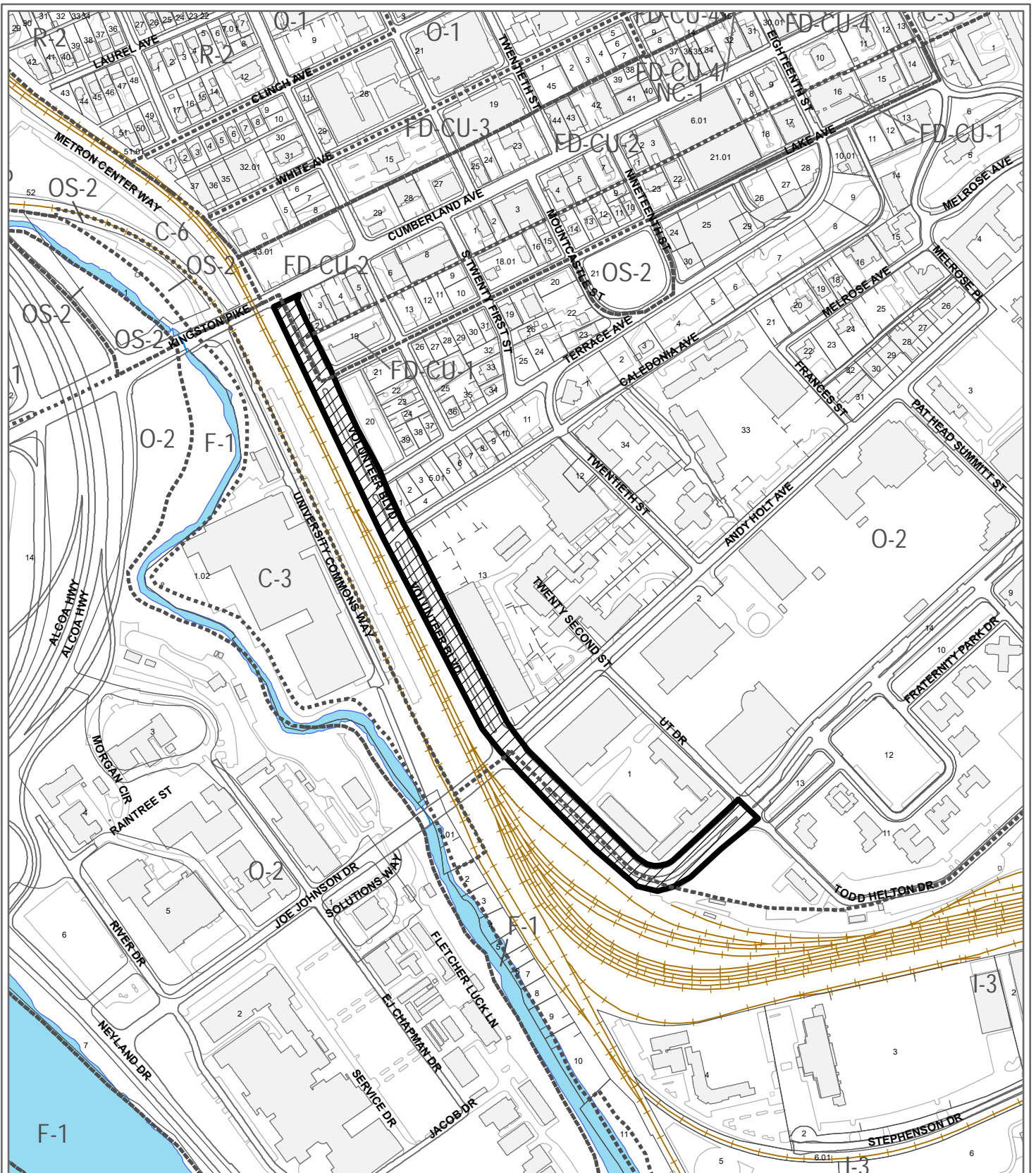
Postponement of this application will provide additional time for the City of Knoxville and University of Tennessee to negotiate and execute an agreement to address issues concerning this proposed closure.

COMMENTS:

On November 27th, 2018 a meeting was held with staff from the Planning Commission, UT, and City of Knoxville to discuss issues and concerns such as permanent public access easement in perpetuity, loss of 187

parking spaces, and potential infrastructure and intersection improvements. At the conclusion of the meeting, consensus was reached to postpone the request, in order to provide sufficient time for an agreement to be reached between the City of Knoxville and UT.

If approved, this item will be forwarded to Knoxville City Council for action on 3/12/2019 and 3/26/2019. 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.



12-A-18-SC
CLOSURE OF PUBLIC RIGHT OF WAY

Name of Street or Alley: Volunteer Blvd
 To be closed from: Intersection of UT Dr. and Todd Helton Dr.
 To be closed to: W. Cumberland Ave.

Original Print Date: 11/15/2018 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: University of Tennessee

Map No: 108

Jurisdiction: City

0 500
 Feet



1/23/2019

12-A-18-SC-PP-2-14-19

Knoxville - Knox County Planning Mail - [MPC Comment] Fwd: MPC Postponement

Executive Director

Knoxville-Knox County Planning | KnoxPlanning.org

400 Main Street, Suite 403 | Knoxville, TN 37902

865.215.3758



Planning

KNOXVILLE | KNOX COUNTY



----- Forwarded message -----

From: **Maples, Jeff M** <maples@utk.edu>

Date: Wed, Jan 23, 2019 at 1:12 PM

Subject: FW: MPC Postponement

To: gerald.green@knoxplanning.org <gerald.green@knoxplanning.org>

Cc: David Brace <dbrace@knoxvilletn.gov>, Anne Wallace (awallace@knoxvilletn.gov) <awallace@knoxvilletn.gov>, wlyons@knoxvilletn.gov <wlyons@knoxvilletn.gov>

Mr. Green,

I was just informed that Jeff Archer has recently resigned from MPC. I have been working with Jeff on two ROW closure applications previously submitted by the University. These two file numbers are 12-A-18-SC (Volunteer Blvd.) and 12-B-18-SC (Todd Helton Drive). In order to address concerns from City Engineering, the University and the City are finalizing an agreement which should assist in securing approval for these two items. At this point, we need some additional time so I am asking for the postponement of both files from the February MPC meeting to the March MPC meeting.

I appreciate your cooperation in granting this request, and please let me know if you require any additional documentation.

From: Anne Wallace [mailto:awallace@knoxvilletn.gov]

Sent: Wednesday, January 23, 2019 11:58 AM

To: Maples, Jeff M <maples@utk.edu>; Jeff Archer <jeff.archer@knoxplanning.org>

Cc: David Brace <dbrace@knoxvilletn.gov>; William Lyons <wlyons@knoxvilletn.gov>

Subject: RE: MPC Postponement



Fire Prevention Bureau

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

Memorandum

Date: November 29, 2018

To: Jeff Archer and Sherry Michienzi

From: Sonny Partin, Deputy Fire Marshal

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

Road Name	Review Status	Comments
1. Volunteer Blvd. 12-A-18-SC	Approved	Road is being transferred from City to UT, not closed.
2. Todd Helton 12-B-18-SC	Approved	Road is being transferred from City to UT, not closed.



Jeff Archer <jeff.archer@knoxmpc.org>

12-B-18-SC

Ben Davidson <bdavidson@knoxvilletn.gov>
To: Jeff Archer <jeff.archer@knoxmpc.org>

Wed, Nov 28, 2018 at 11:17 AM

Hello Jeff,

Please see the support letter for the closure of Todd Helton Dr (12-B-18-SC).

We are expecting UT to table or postpone Volunteer Blvd 12-A-18-SC. We would wish to object to that closure for this upcoming meeting if they do not postpone or table based on needing more allowance to sort through the many conditions that still have to be addressed. Will you be conversing with Jeff Maples to get his reply to postpone or table?

Sincerely,

Benjamin D. Davidson, PLS

TN Registered Land Surveyor No. 2543

Technical Services Administrator

City of Knoxville, Department of Engineering

Ph: 865-215-2103; email: bdavidson@knoxvilletn.gov

Technical Services Staff are: Donna Redden, Billy Dalton, Sandra Schade,

Vicky Harrell, Charlotte Goforth, and Matthew Plyler

From: Jeff Archer [mailto:jeff.archer@knoxmpc.org]

Sent: Tuesday, November 20, 2018 6:57 AM

To: Ben Davidson <bdavidson@knoxvilletn.gov>

Subject: Fwd: MPC December 2018 ROW closures

Ben,

I just wanted to follow up with you to see if City Engineering was going to provide comments on the University of Tennessee's ROW closure application for Vol. Blvd., applications are attached. If you can get me this review by Monday morning that would be great.

Thank you,

Jeff

----- Forwarded message -----

From: **Dori Caron** <dori.caron@knoxmpc.org>

Date: Tue, Nov 13, 2018 at 10:16 AM

Subject: MPC December 2018 ROW closures

To: Ben Davidson <bdavidson@knoxvilletn.gov>, Charlotte Goforth <cgoforth@knoxvilletn.gov>, Jim Hagerman <jhagerman@knoxvilletn.gov>, SIMMS, SHANNON R <ss3775@att.com>, Steve King <sking@knoxvilletn.gov>, Jeff Archer <jeff.archer@knoxmpc.org>, Amy Brooks <amy.brooks@knoxmpc.org>, KNIGHT, ROBERT <rk1580@att.com>

Good morning,

For December.

Thank you.

--

Dori Caron

Senior Administrative Assistant

Knoxville-Knox County Metropolitan Planning Commission

Knoxville Regional Transportation Planning Organization

400 Main Street

Suite 403

Knoxville, TN 37902

865-215-2694

dori.caron@knoxmpc.org

dori.caron@knoxtrans.org

--

Jeff Archer, AICP
Principal Planner
Knoxville / Knox Metropolitan Planning Commission
400 Main St, Suite 403
Knoxville, TN 37902
(865) 215-3821



12-B-18-SC_Todd Helton Dr Closure Response.doc
240K



November 28, 2018

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 12-A-18-SC
Block No. 10680
CLT Map 108**

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
Water – 7.5 feet on each side of the centerline of the water line, 15 feet total width
Sewer – 7.5 feet on each side of the centerline of the sewer line, 15 feet total width
Electric – 10 feet on each side of the centerline of the electric line, 20 feet total width
Underground Electric – 7.5 feet on each side of the centerline of the electric line, 15 feet total width

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

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Wiberley", is written over a horizontal line.

Christian Wiberley
Engineering

CGW

Metropolitan Planning Commission
Jeff Archer
Suite 403 City County Building
400 Main St
Knoxville TN 37902

RE: Right-of-Way Closure; File 12-A-18-SC; Volunteer Blvd from Cumberland to Todd Helton

Mr Archer,

AT&T (Bellsouth) does not wish to relinquish its rights and access to this right-of-way as established with the City of Knoxville. The portion of Volunteer Blvd identified in this request has extensive Underground, Buried, Aerial structures and communications cables. AT&T has a manhole duct system in place almost the full length of this project. That system has multiple fiber optic and copper cables as well as vacant ducts for future growth and maintenance requirements. There is an aerial portion of copper cable on poles from the Cumberland Ave intersection extending several spans down Volunteer Blvd. At the Andy Holt intersection there are several direct buried copper cables. Throughout the length of Volunteer Blvd there are multiple road crossing conduits that serve various buildings.

AT&T's will reserve the right to maintain its capital investments built within the public utility right of way. It is currently in use to provide communications to multiple building along Volunteer Blvd. We anticipate these facilities to remain in use and future upgrades to the network are anticipated. AT&T will require access to all existing structures including Manholes and Handholes. This access includes maintaining the ability to bring equipment and materials to these locations at AT&T's discretion. Closure of this right of way has the potential to limit access to our existing facilities and structure.

The maintenance and improvement of public roads is in conjunction with existing public utilities. This process allows for consultation and concurrence, to ensure existing and future services are not interrupted or rendered un buildable. Streetscapes projects are undertaken to both beautify the street and maintain the right of way for current and future growth. The closing of this right of way could allow future private streetscapes, lighting, or road improvements to be done without consultation and result in diminished access for maintenance and growth.

Sincerely

Robert P. Knight

Robert P. Knight
MGR OSP PLNG & ENGR DESIGN
9733 Parkside Dr
Knoxville TN 37922
865-539-5243

RIGHT-OF-WAY CLOSURE

Name of Applicant: University of Tennessee

Date Filed: 10-8-18 Fee Paid: 750⁰⁰ File Number: 12-A-18-5C

Map Number: 108 Zoning District: 0-2 ☒ City ☐ County Sector: _____

Jurisdiction: ☒ City 2 Councilmanic District

RECEIVED

OCT 18 2018

Metropolitan
Planning Commission

INFORMATION:

Name of Right-of-Way: Volunteer Boulevard

Type of Right-of-Way: ☒ Street ☐ Alley

Location of Right-of-Way:

BETWEEN (City Block or Lot where appropriate) From intersection of UT Drive and Todd Helton Dr.

AND (City Block or Lot where appropriate) West Cumberland Avenue

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

Reason for Closure: This request is consistent with other ROW closures approved by MPC within the core of the campus. This street is within the defined institutional zone as outlined in the campus master plan. As with the ROW closure of the other section of Volunteer Boulevard, the campus plans to develop an extensive streetscape project, by improving the road, sidewalks, lighting, seating, and initiate landscape enhancements. These improvements should be similar to the improvements already implemented along Volunteer Boulevard. By transferring the remaining section of this street it provides an opportunity to expedite this project and to ensure we can standardize design guidelines. This street shall continue to be a major road through campus, which shall also serve the public and mass transit.

TO BE CLOSED:

From: (Street, Alley, Other)

The intersection of UT Drive and Todd Helton Drive

To: (Street, Alley, Other)

West Cumberland Avenue

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Jeff Maples 405B Andy Holt Tower Knoxville Tennessee 37996-0145 974-3061/9743-3536
 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: _____

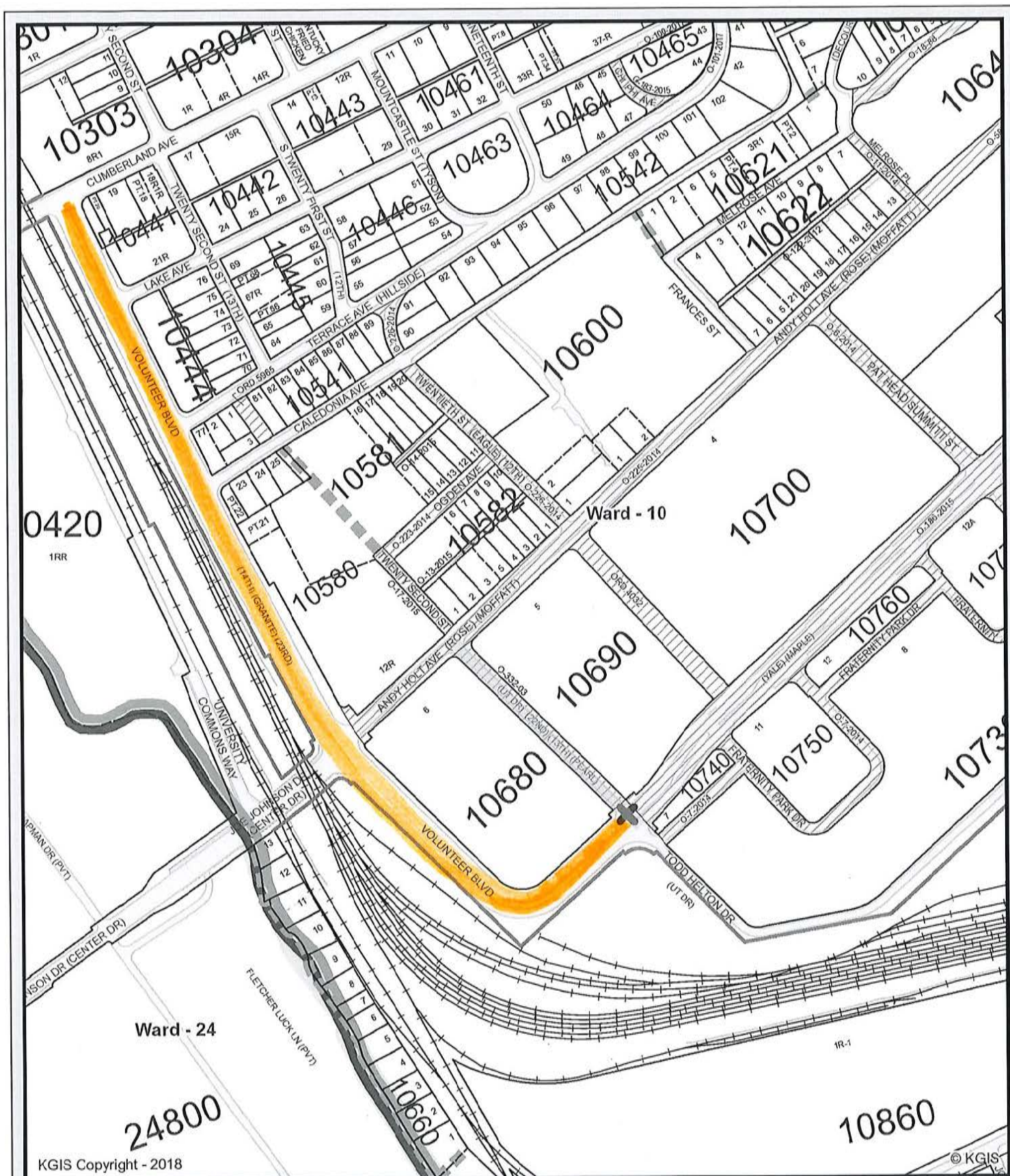
10/3/18

Jeff Maples 405B Andy Holt Tower Knoxville Tennessee 37996-0145 974-3061/974-3536
 Name: (Print) Address • City • State • Zip • Phone • Fax

APPLICATION ACCEPTED BY: Sherry Michener

[illegible]

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.



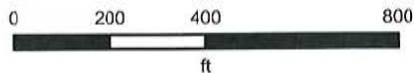
Letter Portrait

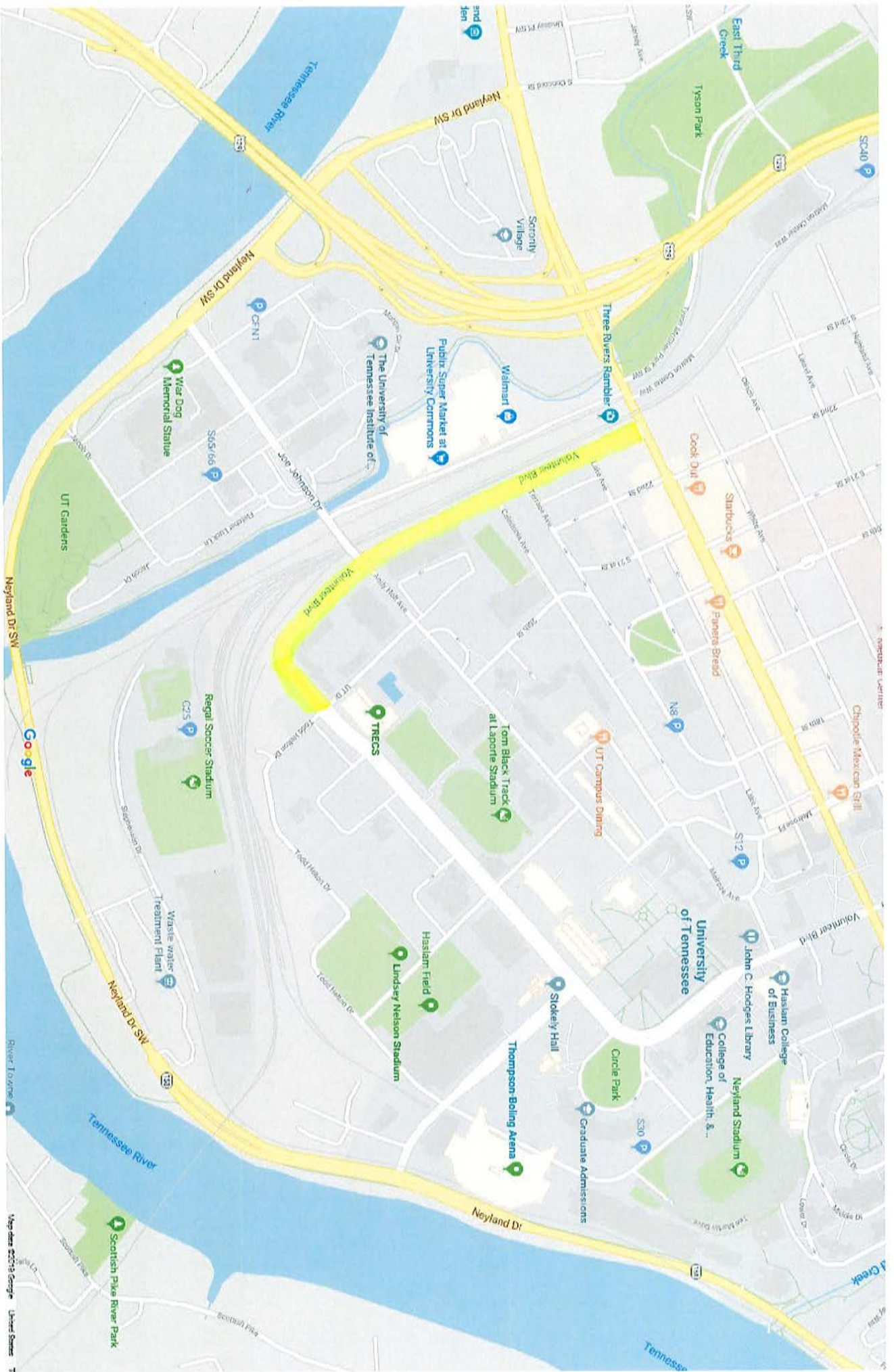
Knoxville - Knox County - KUB Geographic Information System

KGIS makes no representation or warranty as to the accuracy of his map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.



Printed: 10/9/2018 at 9:04:13 AM





**AGREEMENT BETWEEN CSX AND THE UNIVERSITY OF TENNESSEE
REGARDING ACCESS TO CSX PROPERTY**

This Agreement is entered into by and between the University of Tennessee, an instrumentality of the State of Tennessee, on behalf of its Knoxville campus (the "University"), and [CSX Transportation, Inc., a Virginia corporation ("CSX") as of the 1st day of October, 2018.

WHEREAS, the University is in negotiations with the City of Knoxville, Tennessee to assume responsibility for Todd Helton Drive and Volunteer Boulevard (the "Roads"), upon which the Roads will become private roads maintained by the University;

WHEREAS, the Roads provide the primary access for point for CSX to access its operations located west of the Roads, as defined herein;

WHEREAS, the City of Knoxville will not transfer the Roads to the University without the consent of all property owners on the Roads who may be affected by such transfer;

WHEREAS, CSX has requested that the University enter this Agreement pursuant to which the University will provide CSX access to its property from the Roads after the University assumes responsibility for the Drive prior to granting such consent;

NOW, THEREFORE, CSX and the University agree as follows:

1. In consideration for CSX's consent, when the City of Knoxville transfers the Roads to the University, the University shall provide legal access to a right-of-way for ingress and egress to the CSX owned properties located south and southwest of Todd Helton Drive and Volunteer Boulevard for so long as the University holds title to the Roads. The University shall not rescind such access without the written consent of CSX or its successor or assigns, and this Agreement shall be binding upon the University and its successors or assigns.
2. CSX and the University agree that if there is a need to temporarily impede CSX's access from the Roads for activities such as road or sidewalk improvements, the University will provide reasonable notice and cooperate with CSX to minimize or eliminate the impact to access.
3. In consideration for the University's agreement herein to provide a right-of-way from the Roads as specified herein, CSX agrees to consent to the transfer of the Roads from the City of Knoxville to the University and to execute such documentation as is required by the City of Knoxville prior to effecting such transfer. Further, CSX agrees that its use of the access to the Roads shall be consistent with the use of access to the Roads as of the date hereof.
4. This Agreement shall be governed by the laws of the State of Tennessee.
5. This Agreement may be signed in one or more counterparts, each of which shall be an original with the same force and effect as if the signatures thereto and hereto were upon the same instrument.

6. This Agreement constitutes the whole agreement of the parties hereto related to the Drive. No modification or waiver of any provision of this Agreement shall be effective unless the same is in a writing signed by all parties to this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

THE UNIVERSITY OF TENNESSEE

DocuSigned by:

Chris Cimino

10/2/2018

AAGC2AF7E36F46F...

Sr. Vice Chancellor for Finance & Administration

CSX TRANSPORTATION, INC.



MATTHEW CLIFFING
SENIOR MANAGER - REAL ESTATE
CSX TRANSPORTATION, INC.

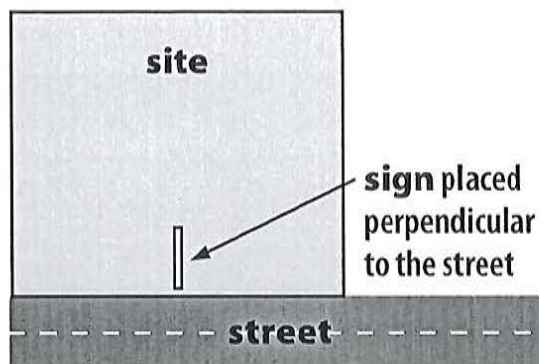
REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted MPC Administrative Rules and Procedures.

At the time of application, MPC staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the MPC offices. The applicant will be charged a fee of \$10 for each replacement sign.

LOCATION AND VISIBILITY

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



TIMING

The sign(s) must be posted 15 days before the scheduled MPC public hearing and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted 15 days before the next MPC meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

11/29/18

(15 days before the MPC meeting)

and

12/14/18

(the day after the MPC meeting)

Signature: _____

Printed Name: _____

Phone: _____

Email: _____

Date: _____

MPC File Number: _____