



CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

▶ **FILE #:** 12-B-18-SC **AGENDA ITEM #:** 6

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

▶ **APPLICANT:** UNIVERSITY OF TENNESSEE

TAX ID NUMBER: 108 F C 011 [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) / I-3 (General Industrial)

▶ **RIGHT-OF-WAY TO BE CLOSED:** Todd Helton Dr

▶ **LOCATION:** Between intersection of Chamique Holdsclaw Dr. & Pat Head Summit St. and intersection with Volunteer Blvd.

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 the Planning Commission 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.

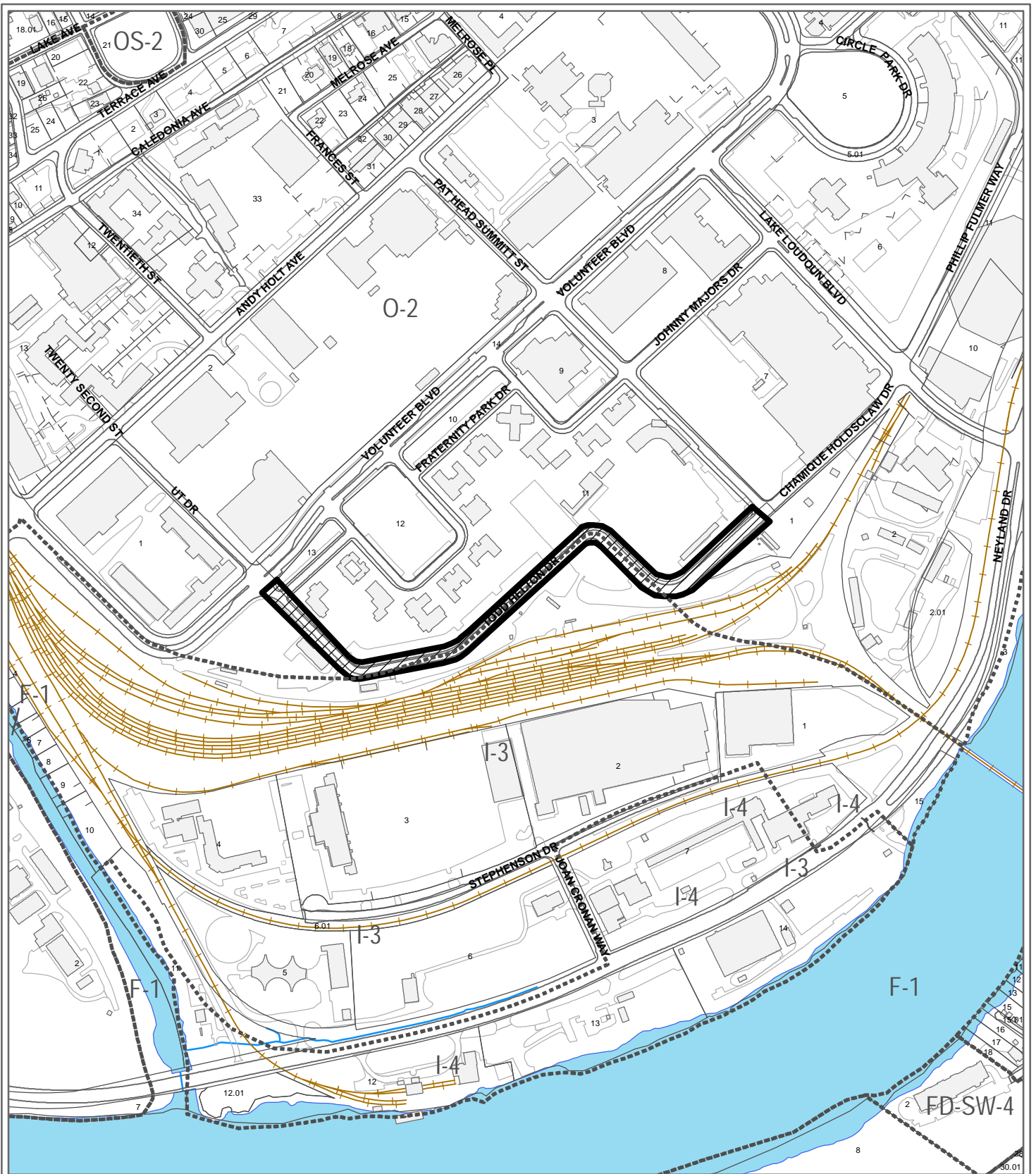
STAFF RECOMMENDATION:

▶ **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.

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-B-18-SC
CLOSURE OF PUBLIC RIGHT OF WAY**

Petitioner: University of Tennessee

Name of Street or Alley: Todd Helton Dr
 To be closed from: From intersection of Chamique Holdsclaw Dr. & Pat Head Summit St.
 To be closed to: Volunteer Blvd.

Map No: 108
 Jurisdiction: City

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



1/23/2019

12-B-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.



Knoxville Utilities Board

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-B-18-SC
Block No. 10730
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

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 the typed name.

Christian Wiberley
Engineering

CGW



CITY OF KNOXVILLE

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

November 28, 2018

Knoxville-Knox County Metropolitan Planning Commission (MPC)
City-County Building, Suite 403
Knoxville, Tennessee 37902

SUBJECT: Closure of Todd Helton Dr
MPC File #12-B-18-SC; Nearby City Block 10730

MPC:

The City Engineering Department has no objections to close the above described right-of-way area.

Sincerely,

A handwritten signature in green ink that reads "Benjamin D. Davidson".

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
 8 6 5 • 2 1 5 • 2 5 0 0
 F A X • 2 1 5 • 2 0 6 8
 www.knoxmpc.org

RIGHT-OF-WAY CLOSURE

Name of Applicant: University of Tennessee

Date Filed: 10-8-18 Fee Paid: 750⁰⁰ File Number: 12-B-18-SC

Map Number: 108 Zoning District: 0-2-3 City County Sector: _____

Jurisdiction: City 2 Councilmanic District



INFORMATION:

Name of Right-of-Way: Todd Helton Drive

Type of Right-of-Way: Street Alley

Location of Right-of-Way:

BETWEEN (City Block or Lot where appropriate) From intersection of Chamique Holdsclaw Drive & Pat Head Summitt St.

AND (City Block or Lot where appropriate) Volunteer Boulevard

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 other street ROW closures the campus plans to implement various campus projects, which involves extensive street and sidewalk improvements, along with landscaping and a potential expansion to the baseball stadium. By transferring this street to the University it provides an opportunity to expedite these projects and to ensure we can standardize design guidelines. This street shall continue to remain open to vehicles and therefore able to serve both the public and mass transit.

TO BE CLOSED:

From: (Street, Alley, Other)

The intersection of Chamique Holdsclaw and Pat Head Summitt St.

To: (Street, Alley, Other)

Volunteer Boulevard and UT Drive

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

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

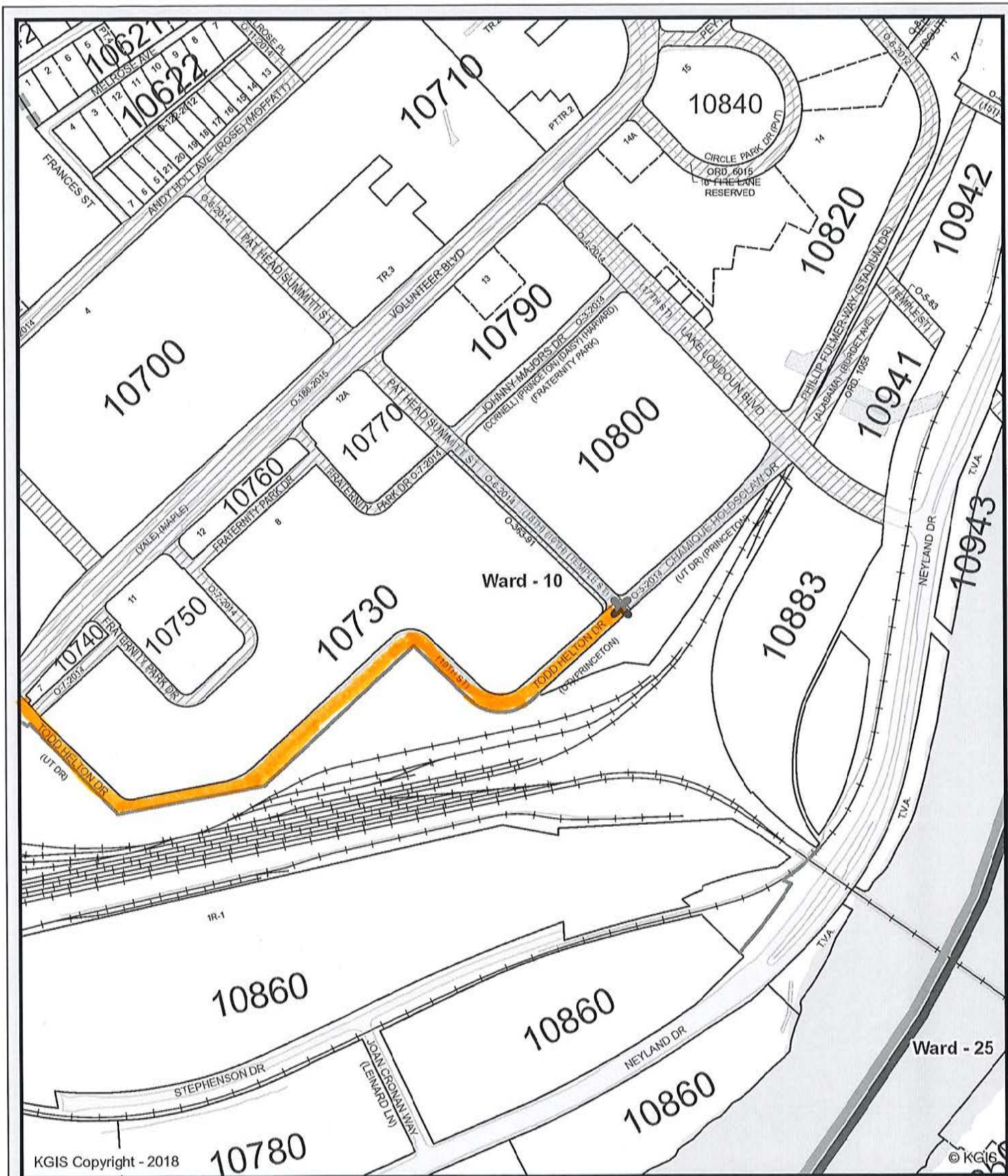
AUTHORIZATION OF APPLICATION:

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: *Jeff Maples* 10/2/18

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: *James Reed*

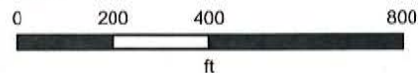


KGIS Copyright - 2018

© KGIS

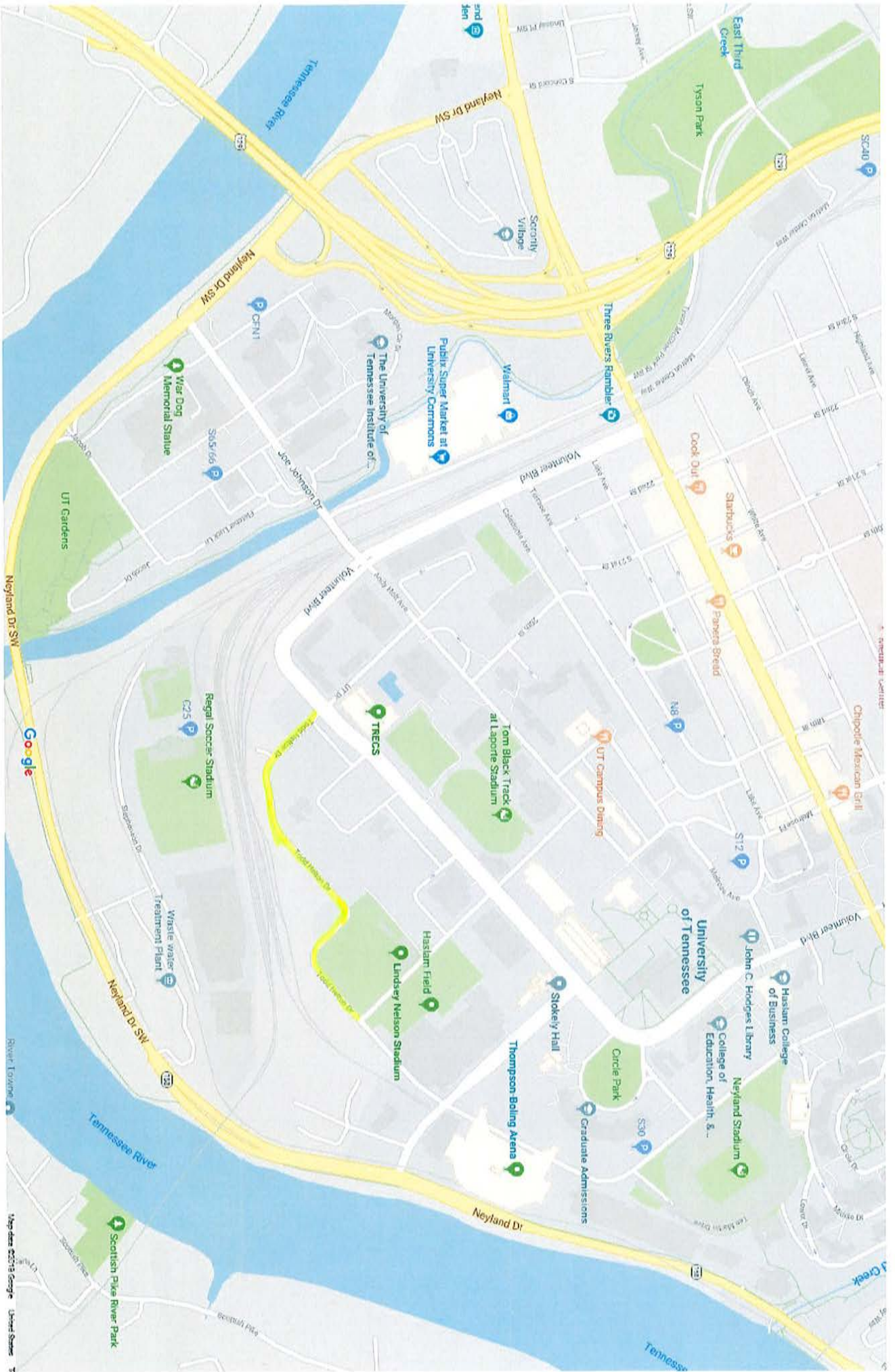
Letter Portrait

Printed: 10/9/2018 at 9:07:04 AM



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.



**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

AAGC2AF7E20F45F...

Sr. Vice Chancellor for Finance & Administration

CSX TRANSPORTATION, INC.



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

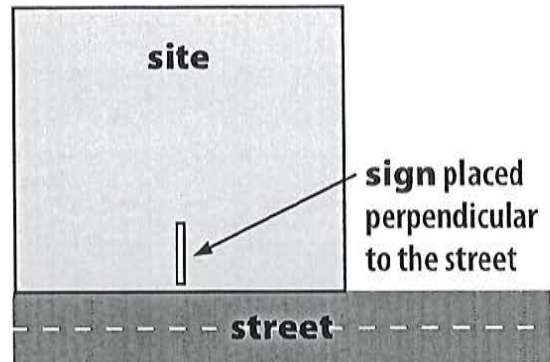
REQUIRED SIGN POSTING AGREEMENT

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 and 12/14/18
(15 days before the MPC meeting) (the day after the MPC meeting)

Signature: *Sarah Hoel*

Printed Name: Sarah Hoel

Phone: 805-974-3061 Email: shoel@utk.edu

Date: 10/18/18

MPC File Number: 12-B-18-5C