



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

► **FILE #:** 8-A-20-SC

**AGENDA ITEM #:** 5

**AGENDA DATE:** 8/13/2020

► **APPLICANT:** WADE LOVIN / MBI COMPANIES

TAX ID NUMBER: 70 N/A

[View map on KGIS](#)

JURISDICTION: Council District 6

SECTOR PLAN: East City

GROWTH POLICY PLAN: Within City limits

ZONING: n/a

WATERSHED: Love Creek

► **RIGHT-OF-WAY TO BE  
CLOSED:** Herman Ave.

► **LOCATION:** Between Timothy Ave. and Rutledge Pk. from the southwest corner of parcel 070LC001 to the midpoint of parcel 070MC016

IS STREET:

(1) IN USE?: No

(2) IMPROVED (paved)?: No

► **APPLICANT'S REASON  
FOR CLOSURE:** Road was never constructed or used by the public.

DEPARTMENT-UTILITY  
REPORTS: The City's Engineering Department, AT&T, and KUB have requested to retain any easements that may be in place.

## STAFF RECOMMENDATION:

- **Approve closure of Herman Avenue from Timothy Avenue to Rutledge Pike from the property line of parcel 070LC001 to the midpoint of parcel 070MC016, subject to any required easements, since it is undeveloped and staff has received no objections.**

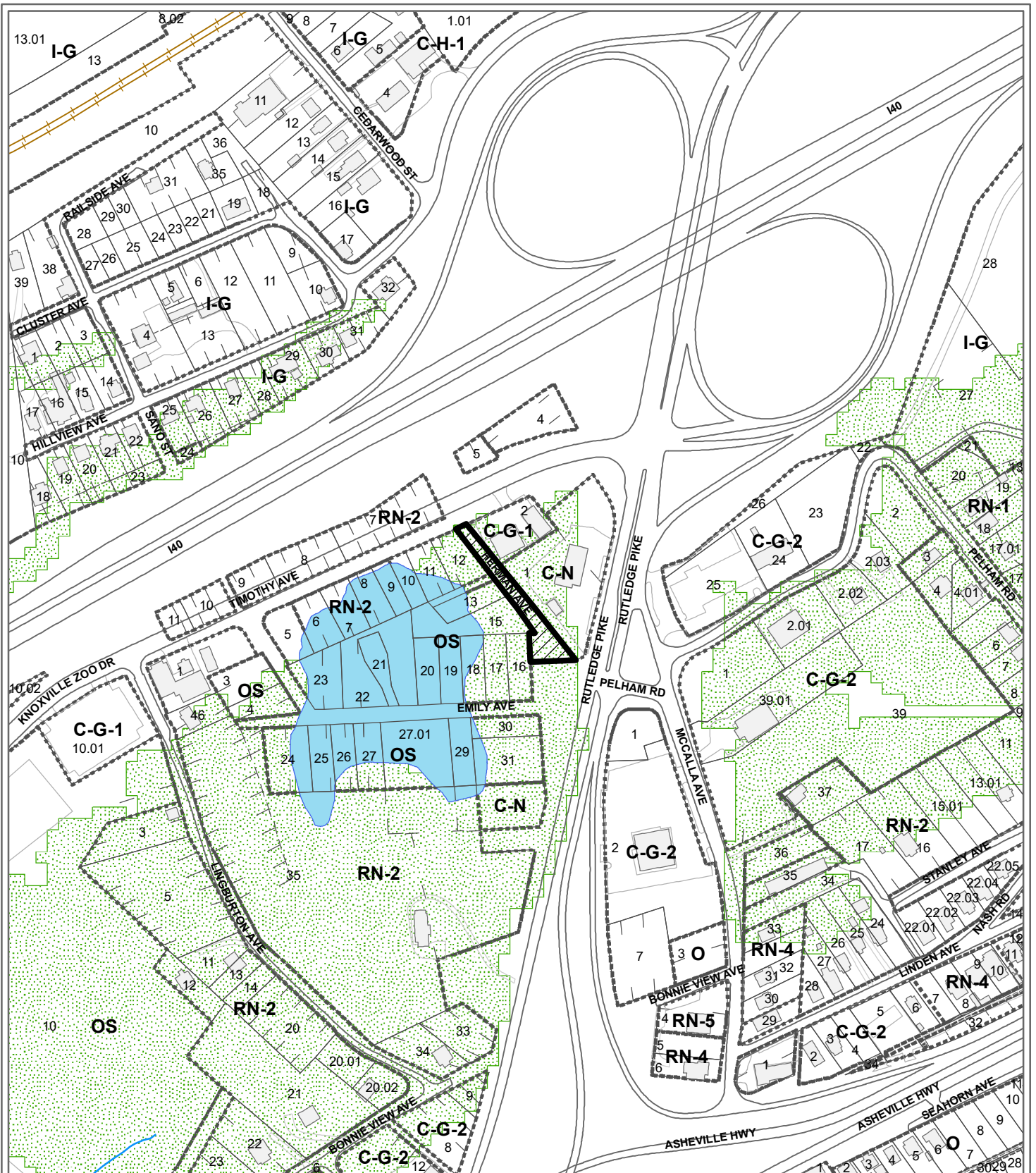
## COMMENTS:

1. The right-of-way runs from Timothy Avenue south to Rutledge Pike. It is undeveloped and does not provide access to any lots. The Addressing Department has confirmed its closure will not impact any existing addresses.
2. Staff has received no objections, but the following departments and organizations had these comments:
  - a. KUB: We have reviewed our records and find that we have existing utility facilities located within the subject right-of-way. The approximate locations of these facilities are 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 easements for its utility facilities:
    - i. Sewer – 7.5 feet on each side of the centerline of the sewer lines, 15 feet total width
    - ii. Gas – 7.5 feet on each side of the centerline of the gas lines, 15 feet total width
  - b. 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 there are any current facilities, located in or within five (5) feet of the property described herein. No easements are reserved if there are no current facilities within the closure area. If any existing 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.

- c. The City's Fire Department had no comments.
- d. TDOT had no Comments as the right-of-way does not appear to affect state assets.
- e. AT&T does not wish to relinquish any ROW or utility easements at this time.

If approved, this item will be forwarded to Knoxville City Council for action on 9/8/2020 and 9/22/2020. 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.



**8-A-20-SC  
CLOSURE OF PUBLIC RIGHT OF WAY**

Name of Street or Alley: Herman Ave.

To be closed from: Timothy Ave.

To be closed to: Rutledge Pk. from the southwest corner of parcel 070LC001 to the midpoint of parcel 070MC016

Original Print Date: 7/15/2020

Revised:

Knoxville - Knoxville Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Lovin / MBI Companies, Wade

Map No: 70

Jurisdiction: City

0 250  
Feet



**JULY 9, 2020**

Knoxville Utilities Board  
Danny Beeler, Fire Marshal  
Steve Borden, Regional Director, TN Dept. of Transportation  
Harold Cannon, Director, Department of Engineering  
Steve King, Department of Engineering  
Sonny Partin, Plans Reviewer, Fire Department  
Shannon Sims, AT&T  
Ben Davidson, Department of Engineering  
Charlotte Goforth, Department of Engineering

From: Michelle Portier, Senior Planner, Knoxville-Knox County Planning

**RE: REQUEST CLOSURE OF HERMAN AVENUE BETWEEN TIMOTHY AVENUE  
AND RUTLEDGE PIKE FROM THE SOUTHWEST CORNER OF PARCEL 070LC001  
TO THE MIDPOINT OF PARCEL 070MC016, COUNCIL DISTRICT 6, EAST CITY  
SECTOR. (8-A-20-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 August 13, 2020. A map showing the street or alley in question is attached for your information.

***PLEASE NOTE: Failure to reply to our office by Monday, July 27, 2020 will be considered as no objection by your agency.***

C: Amy Brooks, Planning Services Director, Knoxville-Knox County Planning  
Attachment: Application



Dori Caron <dori.caron@knoxplanning.org>

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## 8-A-20-SC August ROW closure

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**Sonny Partin** <spartin@knoxvilletn.gov>

Tue, Jul 28, 2020 at 7:53 PM

To: Dori Caron <dori.caron@knoxplanning.org>, Michelle Portier <michelle.portier@knoxplanning.org>

I apologize for the late response Michele and Dori, we are OK with this and approve it. Sonny

Sent from my iPhone

On Jul 9, 2020, at 9:54 AM, Dori Caron <dori.caron@knoxplanning.org> wrote:

[Quoted text hidden]

<8-A-20-SC\_ROW Package.pdf>



# CITY OF KNOXVILLE

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**Engineering**  
Benjamin D. Davidson, PLS  
Technical Services Administrator

July 24, 2020

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

SUBJECT: Closure of a portion of Herman Ave  
MPC File # 8-A-20-SC; Nearby City Block 13120 and 13110

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 there are any current facilities**, located in or within five (5) feet of the property described herein. No easements are reserved if there are no current facilities within the closure area. If any existing 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  
Technical Services/Department of Engineering  
Ph: 865-215-2103

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July 28, 2020

Michelle Portier  
Knoxville-Knox County  
Metropolitan Planning Commission  
Suite 403, City-County Building  
Knoxville, Tennessee 37902

Dear Ms. Portier:

**Re: Right-of-Way Closure Request 8-A-20-SC**

We have reviewed our records and find that we have existing utility facilities located within the subject right-of-way. The approximate locations of these facilities are 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 easements for its utility facilities.

Sewer – 7.5 feet on each side of the centerline of the sewer line, 15 feet total width  
Gas – 7.5 feet on each side of the centerline of the gas line, 15 feet total width

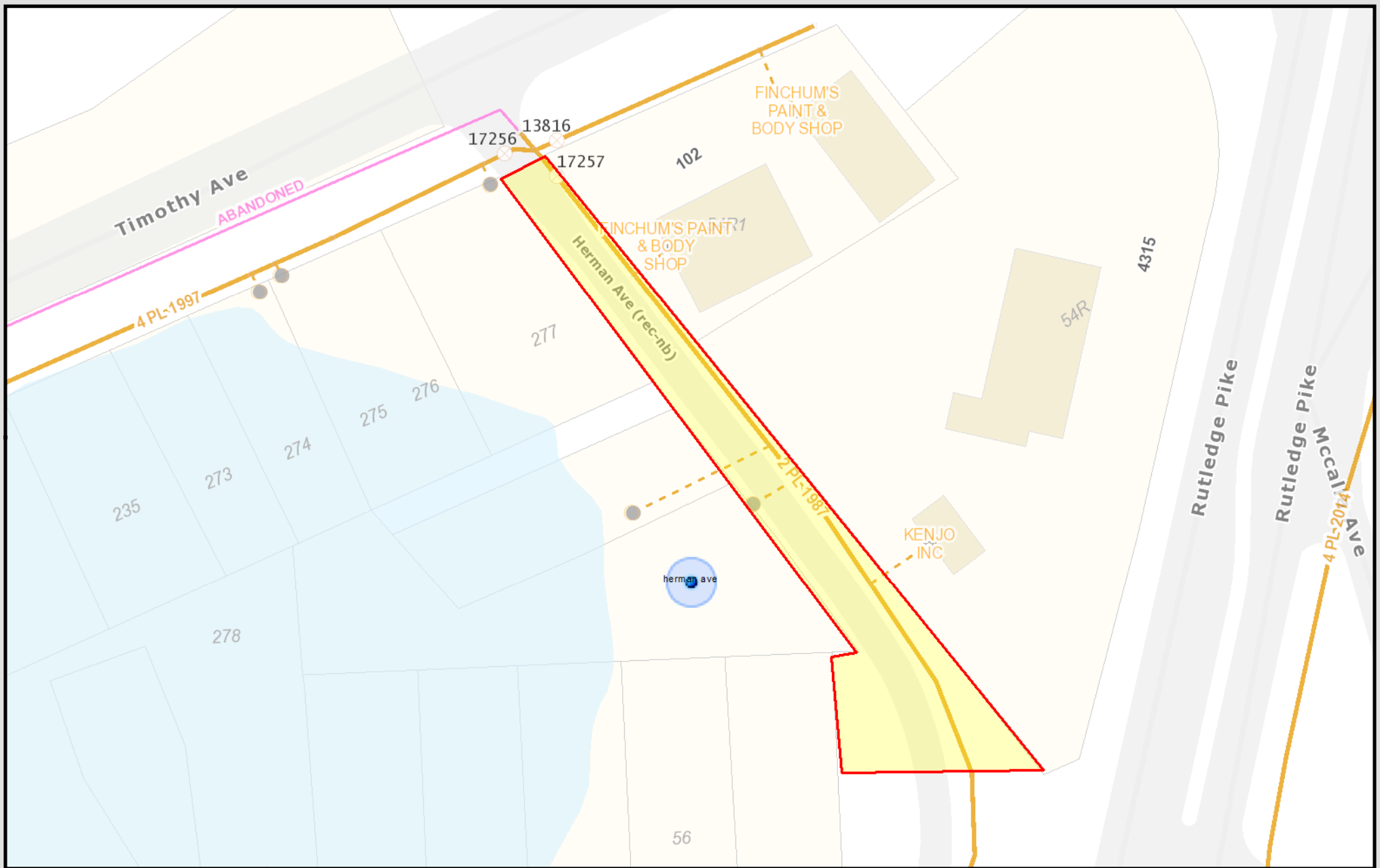
If you have any questions regarding this matter, please call me at (865) 558-2483.

Sincerely,



Christian Wiberley, PE  
Engineering

CGW



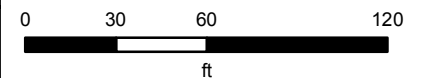
File No. 8-A-20-SC (Gas)

Herman Ave

**Knoxville Utilities Board**



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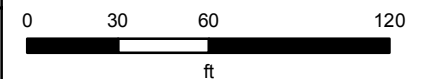
File No. 8-A-20-SC (Sewer)

Herman Ave

**Knoxville Utilities Board**



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400 Main Street  
Suite 403  
Knoxville, TN 37902  
P: 865.215.2507  
F: 865.215.2237

## Addressing Department Review and Comments

**File #:** 8-A-20-SC

**Tax Parcel ID:**

**Subdivision:**

**Owner/Applicant:**

**Surveyor:** Wade Lovin

**Company:** MBI Companies

**Email:** wadel@mbicompanies.com

**Date Submitted:** 6/25/20

**Review Type:** SC

**Unit or Phase:**

**Phone:**

**Office:** 865.584.0999

**Cell:**

**Fax:**

Visit our website: <http://www.knoxplanning.org/addressing> for a list of existing and available street names.

All subdivision and street names must conform to the Knoxville/Knox County Street Uniform Naming and Addressing Ordinance, Subdivision Regulations and the Administrative Rules of the Planning Commission.

Proposed and/or Existing Subdivision or Street Names	Results of Review, Corrections, and Comments (date subdivision or street name reserved)	Approved, Pending, Denied, Revise, Note
	The proposed closure of Herman Avenue will not have an impact on any existing addresses.	

**Comments may be modified based on new information from updated plans, field reviews or other agencies.**

Andrea Kupfer (865.215.3797) <a href="mailto:andrea.kupfer@knoxplanning.org">andrea.kupfer@knoxplanning.org</a>	<b>1<sup>st</sup> Review</b>	Donna Hill (865.215.3872) <a href="mailto:donna.hill@knoxplanning.org">donna.hill@knoxplanning.org</a>	<b>2<sup>nd</sup> Review</b>
	7/8/2020		7.14.20



Dori Caron &lt;dori.caron@knoxplanning.org&gt;

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## 8-A-20-SC August ROW closure

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

Tue, Jul 14, 2020 at 4:19 PM

TDOT District 18 has no comment regarding this closure as long as TDOT ROW is not diminished in any way.



**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)

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

**Sent:** Thursday, July 9, 2020 9:54 AM

**To:** Amy Brooks <amy.brooks@knoxplanning.org>; Ben Davidson <bdavidson@knoxvilletn.gov>; Charlotte Goforth <cgoforth@knoxvilletn.gov>; Christian Wiberley <Christian.Wiberley@kub.org>; Danny Beeler <dbeeler@knoxvilletn.gov>; Michelle Portier <michelle.portier@knoxplanning.org>; Shannon Sims <ss3775@att.com>; Sonny Partin <spartin@knoxvilletn.gov>; Steve Borden <Steve.Borden@tn.gov>; Steve King <sking@knoxvilletn.gov>; Harold Cannon <hcannon@knoxvilletn.gov>

**Subject:** [EXTERNAL] 8-A-20-SC August ROW closure

**\*\*\* This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. \*\*\***

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Dori Caron <dori.caron@knoxplanning.org>

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## 8-A-20-SC August ROW closure

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**PEARMAIN, KELLY** <kp6012@att.com>

Thu, Jul 9, 2020 at 1:10 PM

To: "SIMMS, SHANNON R" <ss3775@att.com>, "KNIGHT, ROBERT" <rk1580@att.com>

Cc: Dori Caron <dori.caron@knoxplanning.org>

Dori,

AT&T does not wish to relinquish any ROW or utilities easements at this time.

### Kelly Pearmain

Manager OSP Planning & Engineering Design

Access Construction & Engineering

Tennessee/Kentucky District

### AT&T – BellSouth Telecommunications, LLC

9733 Parkside Dr, Knoxville, TN 37922

o 865.539.8580| [kp6012@att.com](mailto:kp6012@att.com)

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**From:** SIMMS, SHANNON R <[ss3775@att.com](mailto:ss3775@att.com)>

**Sent:** Thursday, July 9, 2020 1:05 PM

**To:** KNIGHT, ROBERT <[rk1580@att.com](mailto:rk1580@att.com)>

**Cc:** PEARMAIN, KELLY <[kp6012@att.com](mailto:kp6012@att.com)>

**Subject:** FW: 8-A-20-SC August ROW closure

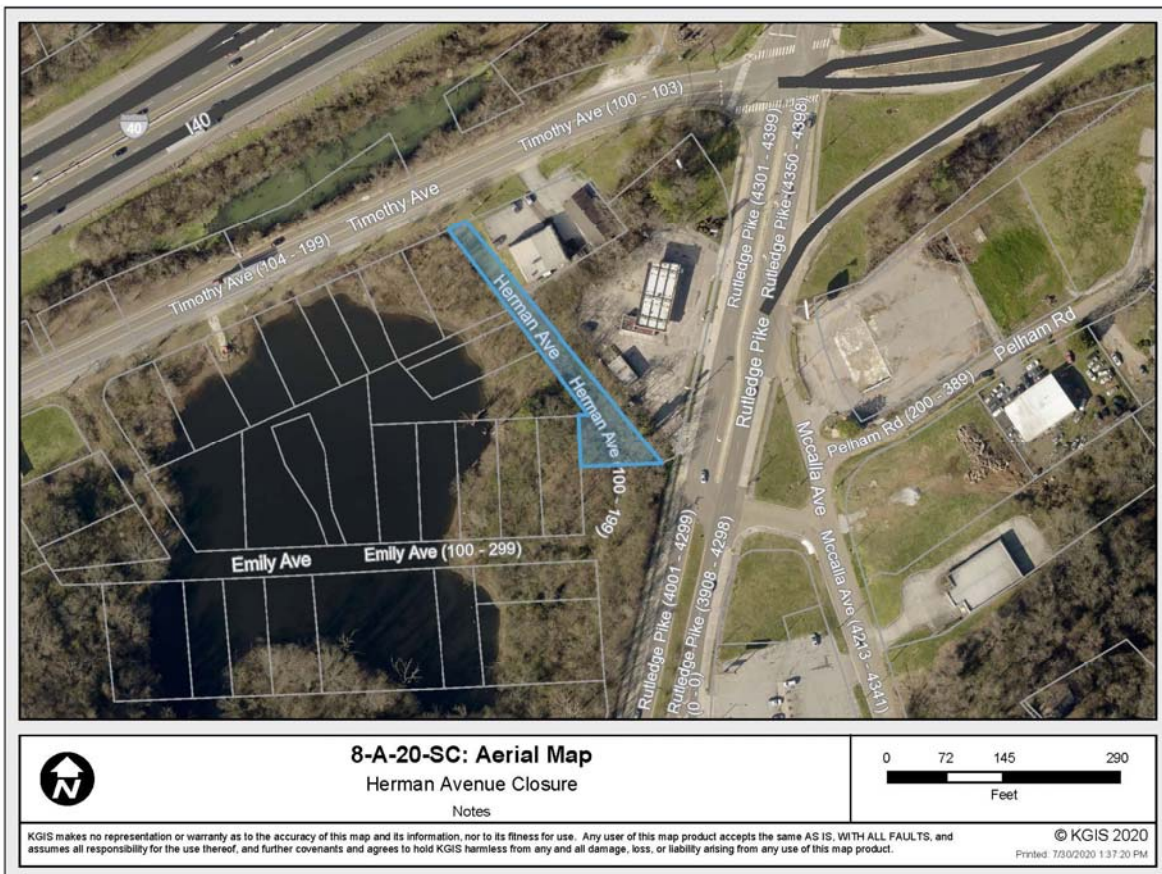
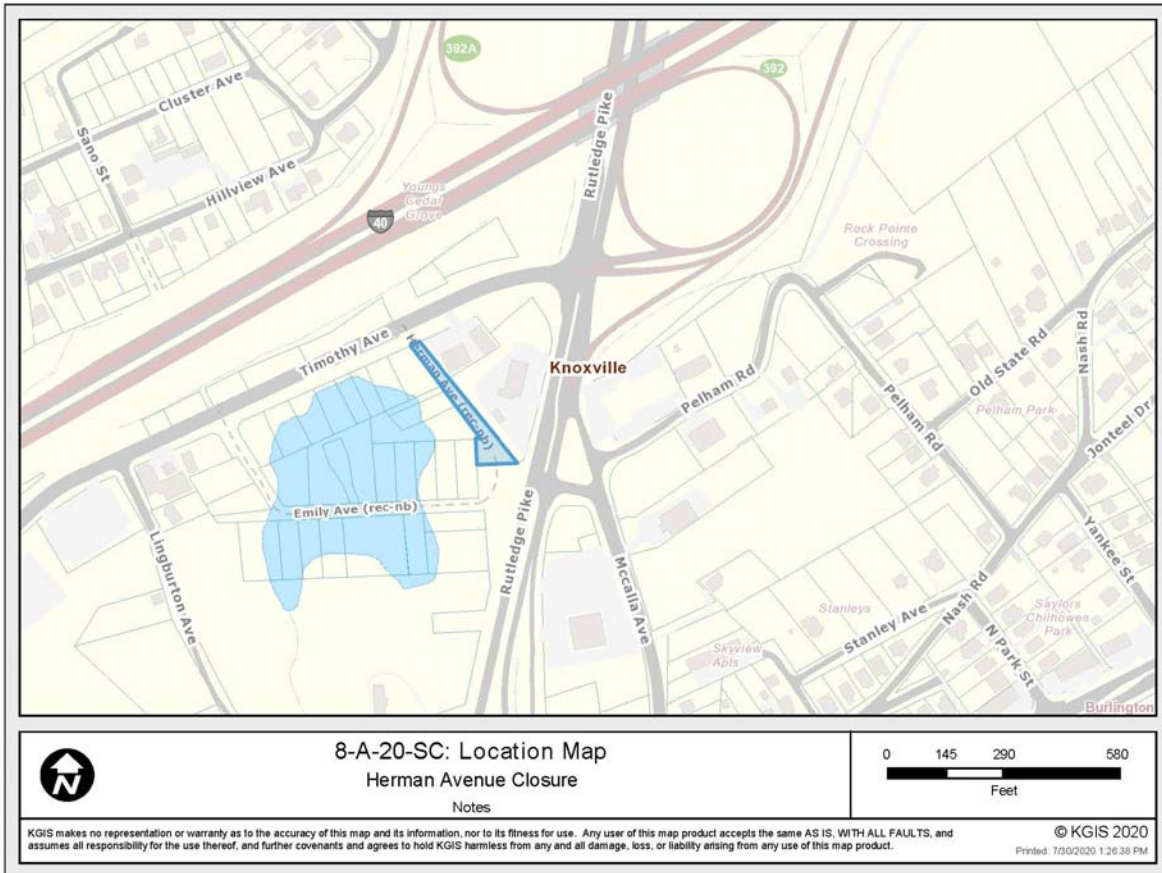
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## 8-A-20-SC

### Exhibit A. Contextual Images







# RIGHT-OF-WAY CLOSURE

Name of Applicant: Wade Lovin (MBI Companies)

Date Filed: 6/25/2020

Fee Paid: \_\_\_\_\_

File Number: 8-A-20-9C

Map Number: 70

Zoning District: NA

☒ City

☐ County

Sector: East City

Jurisdiction: ☒ City

6

Council District

## INFORMATION:

Name of Right-of-Way: Herman Ave

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

Location of Right-of-Way:

BETWEEN (City Block or Lot where appropriate) City Block 13120

AND (City Block or Lot where appropriate) City Block 13110

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

Reason for Closure: Road was never constructed on used by the public

## TO BE CLOSED:

From: (Street, Alley, Other)

Rutledge Pike @ SW corner of Parcel  
ID 070LC001 to midpoint of  
Parcel ID 070MC016

To: (Street, Alley, Other)

Timothy Avenue Southern R.O.W.

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

Wade Lovin

299 N Weisgarber Road, Knoxville, Tn 37919

865-584-0999 wadeh@mbicompanies.com

Name: (Print)

Address

City

State

Zip

Phone

Email

## 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: W. Lovin

Wade Lovin

299 N Weisgarber Road, Knoxville, Tn 37919

865-584-0999 wadeh@mbicompanies.com

Name: (Print)

Address

City

State

Zip

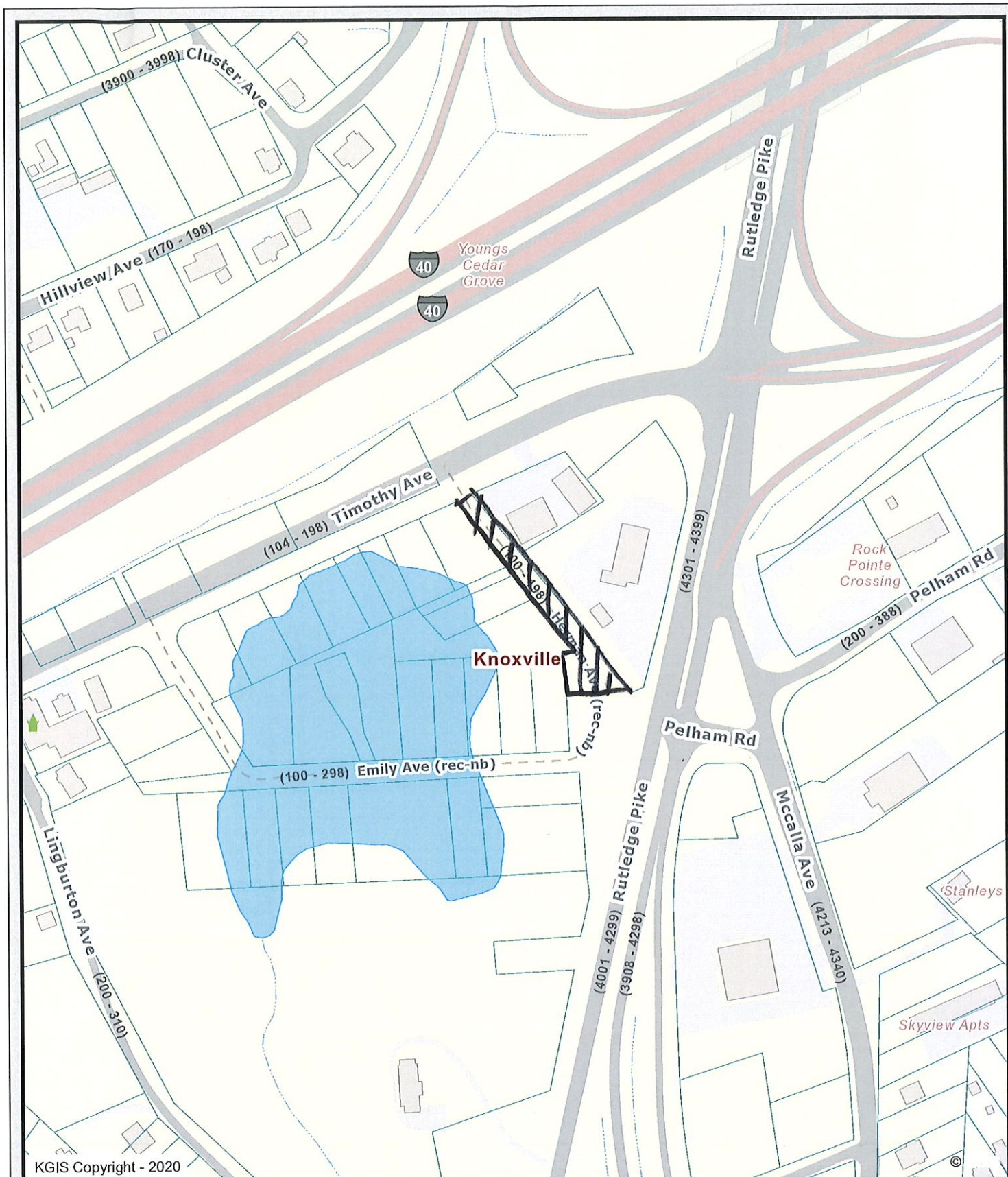
Phone

Email

APPLICATION ACCEPTED BY: [Signature]

[illegible][illegible][illegible]





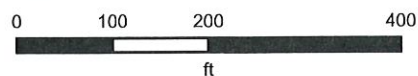
KGIS Copyright - 2020

## Right-of-Way to be Closed

Knoxville - Knox County - KUB Geographic Information System



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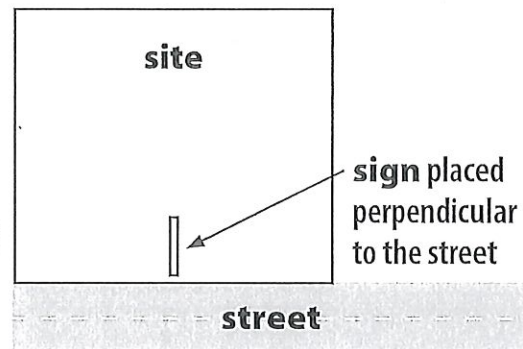
## REQUIRED SIGN POSTING AGREEMENT

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 Administrative Rules and Procedures.

At the time of application, 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 Planning 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. Planning 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 Planning Commission 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 Planning Commission 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:

7/29/2020 and 8/14/2020  
(15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: H. Wade Lovin

Printed Name: H. Wade Lovin

Phone: 865-584-0999 Email: wadel@mbicompanies.com

Date: 6/25/2020

File Number: 8-A-20-5C