



CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

► **FILE #:** 2-A-20-AC

AGENDA ITEM #: 5

AGENDA DATE: 2/13/2020

► **APPLICANT:** CENTRAL STREET HOLDINGS

TAX ID NUMBER:	81 N/A	View map on KGIS
JURISDICTION:	Council District 4	
SECTOR PLAN:	Central City	
GROWTH POLICY PLAN:	Urban Growth Area (Inside City Limits)	
ZONING:	N/A (right-of-way area); C-G-2 (General Commercial) is the adjacent zone	
WATERSHED:	Second Creek	

► **RIGHT-OF-WAY TO BE CLOSED:** Unnamed alley off of N. Central St. between E. Woodland Ave. and E. Scott Ave.

► **LOCATION:** Between N. Central St. and rear lot line of 1406 N. Central St. (parcel 081KF042)

IS ALLEY:

(1) IN USE?: no

(2) IMPROVED (paved)?: no

► **APPLICANT'S REASON FOR CLOSURE:** Alley not in use; topography would not make use a viable option

DEPARTMENT-UTILITY REPORTS:	No departments or utilities have any comments, though the City's Engineering Department, KUB, and AT&T have requested to retain any easements that may be in place.
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STAFF RECOMMENDATION:

► **Approve closure of the unnamed alley from N. Central Avenue to the rear lot line of 1406 N. Central St., subject to any required easements, since it does not provide access to any lots and staff has received no objections.**

COMMENTS:

1. The alley runs parallel to and between E. Scott and E. Woodland Avenues, then turns north at the lot line of parcel 081 F K 042 and connects with E. Woodland Avenue, so the portion of the alley requested for closure does not provide access to any properties.
2. Staff has received no objections, but the following departments and organizations had these comments:
 - 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. 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.
 - 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 (see supplemental documentation). 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: Electric - 10 feet on each side of the centerline of the electric line, 20 feet total width.

- AT&T does not wish to relinquish any ROW or utility easements at this time.
- The City's Fire Department, TDOT, and KUB had no comments.

If approved, this item will be forwarded to Knoxville City Council for action on . 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 to appeal a Planning Commission decision in the City.



**2-A-20-AC
CLOSURE OF PUBLIC RIGHT OF WAY**

Name of Street or Alley: unnamed alley off of N. Central St. between E. Woodland Ave. and E. Scott Ave.
 To be closed from: N. Central St.
 To be closed to: rear lot line of 1406 N. Central St. (parcel 081KF042)

Original Print Date: 1/13/2020 Revised:
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Central Street Holdings

Map No: 81

Jurisdiction: City

0 125
 Feet



JANUARY 10, 2020

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: Michelle Portier, AICP

RE: REQUEST PARTIAL CLOSURE OF UNNAMED ALLEY OFF OF N. CENTRAL STREET BETWEEN E. WOODLAND AVENUE AND E. SCOTT AVENUE, CLOSING AREA BETWEEN N. CENTRAL STREET AND REAR LOT LINE OF 1406 N. CENTRAL STREET (PARCEL ID 081KF042). COUNCIL DISTRICT 4, CENTRAL CITY SECTOR. (2-A-20-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 February 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, February 3, 2020 will be considered as no objection by your agency.

C: Amy Brooks, AICP
Attachment: Application



Fire Prevention Bureau

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

Memorandum

Date: January 14, 2020

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. 2-A-20-AC	Approved	None
2. 2-A-20-SC	Approved	None, recommend access to parking lot for City Court while still operational.
3. 2-B-20-AC	Approved	None



Michelle Portier <michelle.portier@knoxplanning.org>

February ROW closures

SIMMS, SHANNON R <ss3775@att.com>

Mon, Feb 3, 2020 at 9:07 AM

To: Michelle Portier <michelle.portier@knoxplanning.org>

AT&T does not wish to relinquish any easement or ROWs at this time.

Thanks,

Shannon R. Simms

MANAGER OSP PLANNING & ENGINEERING DESIGN

AT&T Technology Operations, Construction & Engineering-SE

AT&T

9733 Parkside Dr, Knoxville, TN 37922

O: 865-539-8596 | ss3775@att.com

M:865-566-7068

From: Michelle Portier <michelle.portier@knoxplanning.org>

Sent: Friday, January 31, 2020 11:06 AM

To: Christian Wiberley <Christian.Wiberley@kub.org>; SIMMS, SHANNON R <ss3775@att.com>

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

Subject: Re: February ROW closures

Hello,

Just a friendly reminder that ROW comments are due Monday in case you hadn't had a chance to review them yet.

Thank you!

Michelle

On Fri, Jan 10, 2020 at 9:52 AM Dori Caron <dori.caron@knoxplanning.org> wrote:

| Good morning and happy Friday!

Attached are 3 requests for the February 13, 2020 Planning Commission meeting.

Have a great weekend!

Dori Caron

Senior Administrative Assistant

Direct Line: 865-215-2694

Email: dori.caron@knoxplanning.org



Knoxville-Knox County Planning | Knoxville Regional TPO

400 Main Street, Suite 403 | Knoxville, TN 37902

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Michelle Portier, AICP

Planner

865.215.3821





CITY OF KNOXVILLE

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

January 28, 2020

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

SUBJECT: Closure of an unnamed alley
MPC File # 2-A-20-AC; Nearby City Block 11042

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. 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

a

February 3, 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 2-A-20-AC

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.

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

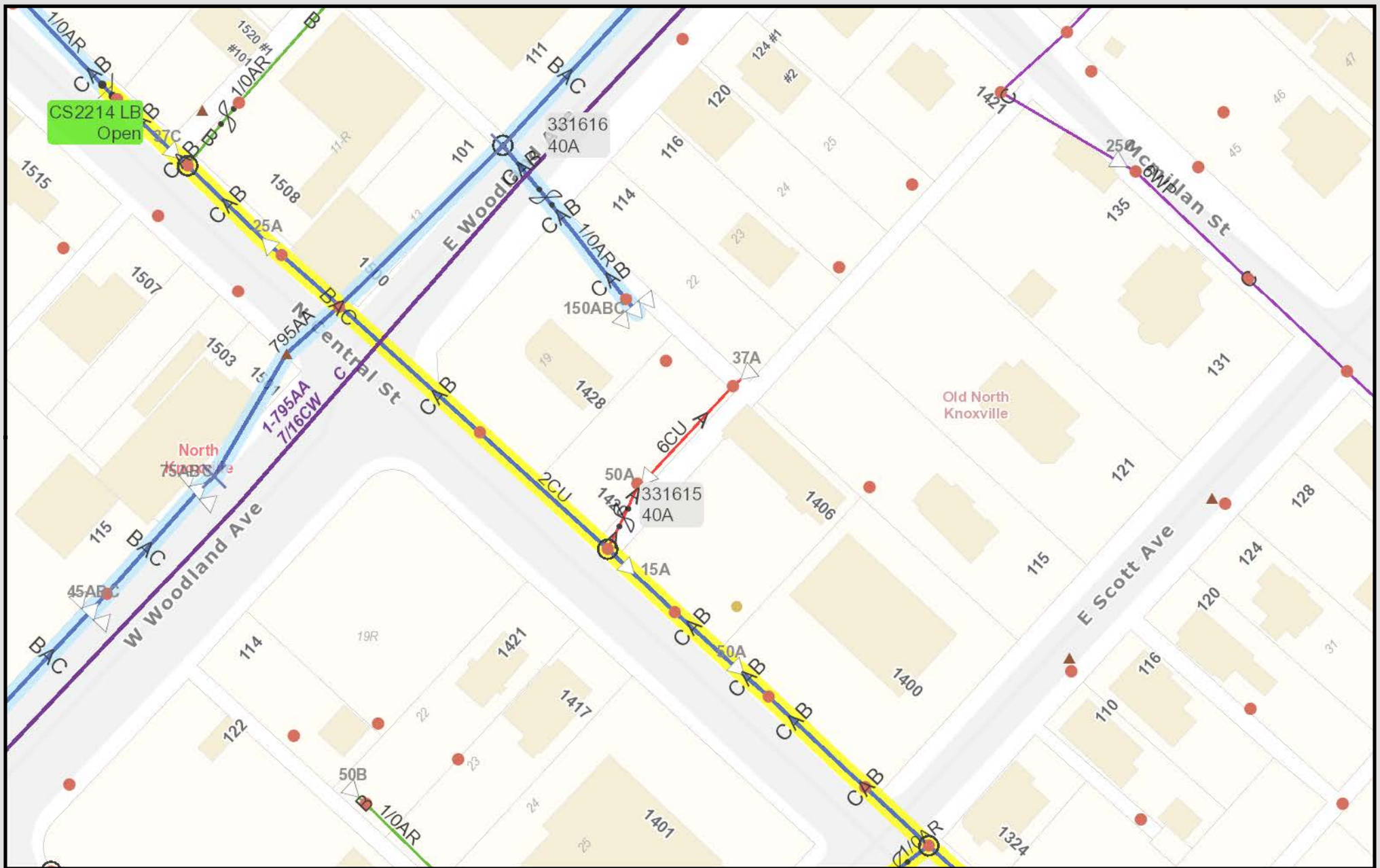
If you have any questions regarding this matter, please call me at (865) 558-2483.

Sincerely,



Christian Wiberley, PE
Engineering

CGW



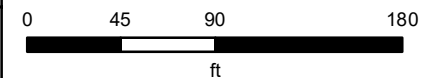
File No. 2-A-20-AC (Electric)

ROW at N Central St

Knoxville Utilities Board



Printed: 2/3/2020 at 10:49:38 AM



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Dori Caron <dori.caron@knoxplanning.org>

FW: E-Mail: February ROW closures

5 messages

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

Tue, Jan 28, 2020 at 3:21 PM

Please see district 18 comments below:

2-A-20-AC: No Comment

2-A-20-SC: No Right of Way Closure shall affect the State Owned Right of Way at this location

3-B-20-SC: No Comment

Thank you,



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
tn.gov/tdot

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

Sent: Friday, January 10, 2020 9:52 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>; James Hagerman <jhagerman@knoxvilletn.gov>; Liz Albertson <liz.albertson@knoxplanning.org>; Michelle Portier <michelle.portier@knoxplanning.org>; Shannon Sims <ss3775@att.com>; Sonny Partin <spartin@knoxvilletn.gov>; Steve Borden <Steve.Borden@tn.gov>; Laura Edmonds



RIGHT-OF-WAY CLOSURE



Name of Applicant: Central Street Holdings
Date Filed: 12/10/19 Fee Paid: 400.00 File Number: 2-A-20-AC
Map Number: 081 Zoning District: C-3 ☒ City ☐ County Sector: Central City
Jurisdiction: ☒ City 4th Council District

INFORMATION:

Name of Right-of-Way: Unnamed
Type of Right-of-Way: ☐ Street ☒ Alley
Location of Right-of-Way:
BETWEEN (City Block or Lot where appropriate) rear of 081KF042
AND (City Block or Lot where appropriate) N Central Street
Right-of-Way is: In Use ☐ Yes ☒ No Improved (example: paved) ☐ Yes ☒ No
Reason for Closure: Not in use. Topography would not make use
a viable option

TO BE CLOSED:

From: (Street, Alley, Other)	To: (Street, Alley, Other)
<u>rear of 081KF042</u>	<u>N. Central Street</u>

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Joseph H Huie 800 S Gay St. Ste 1700 Knoxville TN 37929 865-523-6254
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: _____

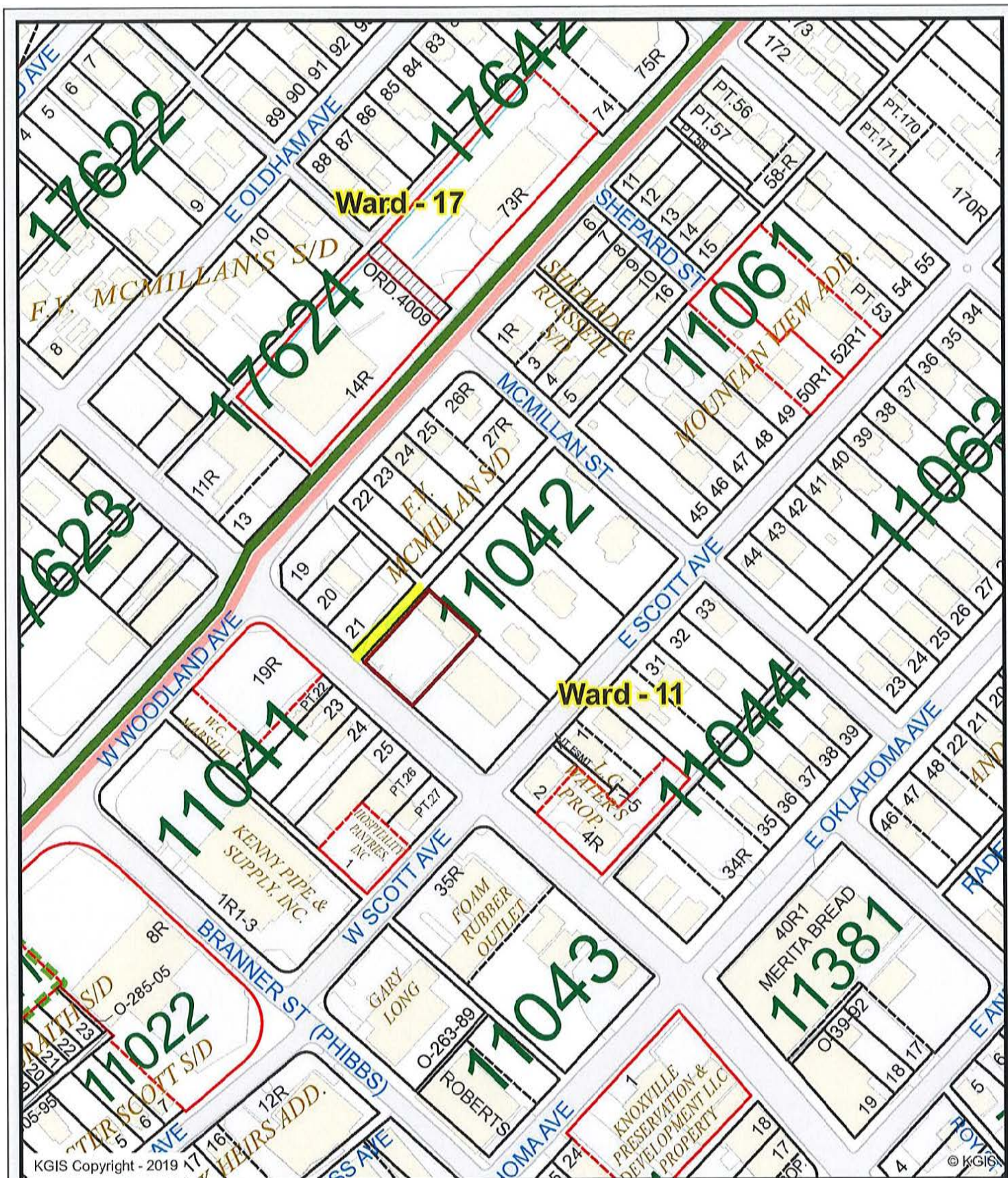
Joseph H. Huie 800 S Gay St. Suite 1700 Knoxville, TN 37929 523-6254 523-6749
Name: (Print) Address City State Zip Phone Fax

APPLICATION ACCEPTED BY: Marc Payne

RIGHT-OF-WAY CLOSURE CANVASS FORM

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.

[illegible]



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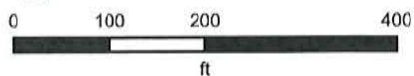
Letter Portrait

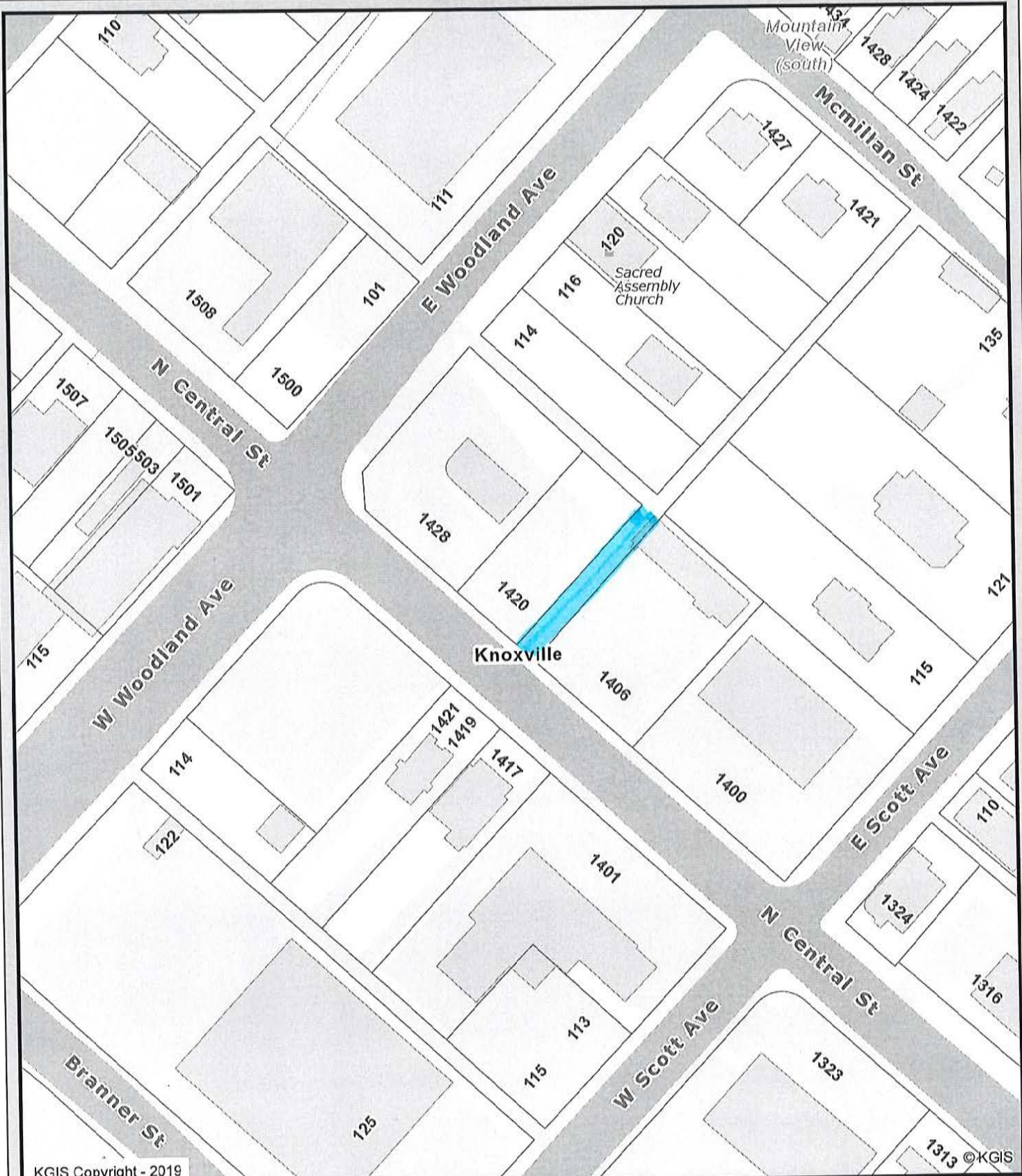
Knoxville - Knox County - KUB Geographic Information System

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KGIS Copyright - 2019

Letter Portrait

Knoxville - Knox County - KUB Geographic Information System



Printed: 12/9/2019 at 11:05:25 AM



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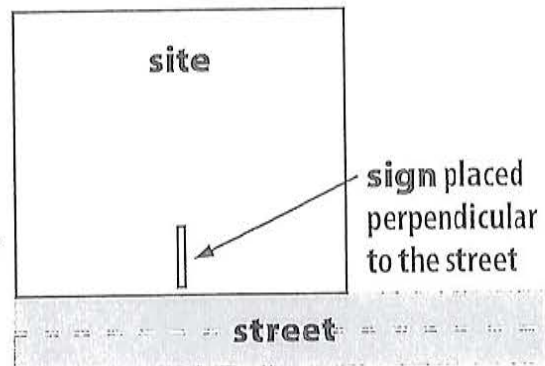
REQUIRED SIGN POSTING AGREEMENT

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:

1/29/20 and 2/14/20
(15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: Joseph H. Huie

Printed Name: Joseph H. Huie

Phone: 865-523-6254 Email: jhuie@tnvalleytitle.com
m. 865-567-4517

Date: 12/10/19

File Number: _____

Joe Huie

From: Ben Davidson <bdavidson@knoxvilletn.gov>
Sent: Monday, October 14, 2019 1:30 PM
To: Joe Huie
Subject: Alley Closure off N Central St
Attachments: rowclose Application_Edit.pdf

Hello Mr. Huie,

This email is to inform you that Engineering has no objections to the closure of the unnamed alley as it runs between 1420 and 1406 N Central Street. To initiate the closure process you would need to contact Knoxville-Knox Planning and complete a right-of-way closure application. I have attached a copy of that application for convenience.

Sincerely,

Benjamin D. Davidson, PLS
TN Licensed 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

RIGHT-OF-WAY CLOSURE

Name of Applicant: Central Street Holdings

Date Filed: _____ Fee Paid: _____ File Number: _____

Map Number: _____ Zoning District: _____ ☐ City ☐ County Sector: _____Jurisdiction: ☐ City _____ Councilmanic District

INFORMATION:

Name of Right-of-Way: Unnamed alleyType of Right-of-Way: ☐ Street ☒ Alley

Location of Right-of-Way:

BETWEEN (City Block or Lot where appropriate) E. Woodland AvenueAND (City Block or Lot where appropriate) E. Scott AvenueRight-of-Way is: In Use ☐ Yes ☒ No Improved (example: paved) ☐ Yes ☒ NoReason for Closure: Alley is not in use. It is on a steep slope and would be unusable in any case.

TO BE CLOSED:

From: (Street, Alley, Other)

Central Street

To: (Street, Alley, Other)

Unnamed alley parallel to Central Street

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Joseph H. Huie 800 S. Gay Street, Ste 1700, Knoxville, TN 37929 865-523-6254 865-523-6749
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: Jason H. HuieJoseph H. Huie 800 S. Gay Street, Ste. 1700, Knoxville, TN 37929 865-523-6254 865-523-6749
Name: (Print) Address • City • State • Zip • Phone • Fax

APPLICATION ACCEPTED BY: