



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

► **FILE #:** 11-A-20-SC

**AGENDA ITEM #:** 7

**AGENDA DATE:** 11/12/2020

► **APPLICANT:** MATT BRAZILLE / CIVIL AND ENVIRONMENTAL CONSULTANTS, INC

TAX ID NUMBER: 95 001

[View map on KGIS](#)

JURISDICTION: Council District 6

SECTOR PLAN: Central City

GROWTH POLICY PLAN: Within city limits

ZONING: RN-6 (Multi-Family Residential Neighborhood)

WATERSHED: First Creek

► **RIGHT-OF-WAY TO BE CLOSED:** E. Summit Hill Dr. (northern portion of ROW beginning behind sidewalk 10' from curb)

► **LOCATION:** Between S. Bell St. and Martin Luther King Jr Ave.

IS STREET:

(1) IN USE?: Yes

(2) IMPROVED (paved)?: Yes

► **APPLICANT'S REASON FOR CLOSURE:** For continued redevelopment of the KCDC Austin Homes site. Per the approved Concept Plan for the development, the slip ramp from MLK to Summit will be removed and converted to a traditional right turn. The proposed right-of-way line will be placed at the back of the sidewalk (10' from curb) along the length of the closure.

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 a portion of E. Summit Hill Avenue right-of-way as described, subject to any required easements, because staff has received no objections and it will enable redevelopment of this area, subject to one condition.**

The applicant must have a plan approved by City Engineering showing the alignment of the new proposed right-of-way and provide a boundary map and/or written property description of the area of right-of-way that is to be closed. The boundary map and description should be certified by a TN registered land surveyor and must be supplied prior to the closure being considered at City Council as the closure area must be described in the closing ordinance documents.

## COMMENTS:

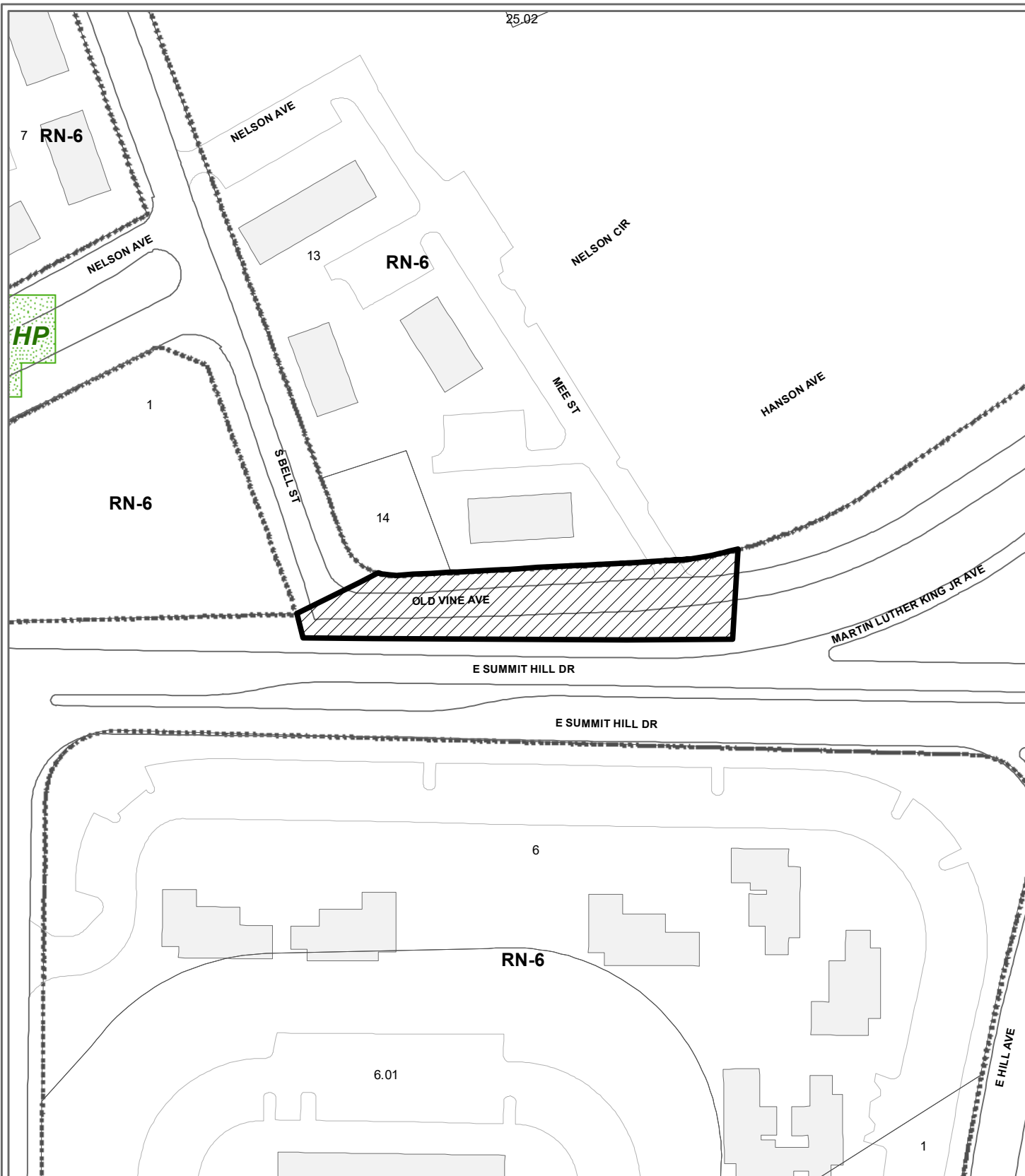
This request includes the portion of the right-of-way north of the paved portion of E. Summit Hill Avenue and contains Old Vine Road, a developed right-of-way that was closed in 2004 (Case # 8-C-04-SC). The portion of the E. Summit Hill right-of-way to be closed would begin 10 feet from the street curb, behind the sidewalk. The sidewalk would remain in the E. Summit Hill Avenue right-of-way. However, E. Summit Hill Avenue sits atop an embankment that separates it from the property being developed by the applicant's client, Knoxville's Community Development Corporation (KCDC), and part of the embankment is included in the portion of the

right-of-way proposed for closure. Upon approval of this request, ownership of the closed part of the embankment would convert to the KCDC via quit claim deed, and KCDC would then be responsible for any repairs needed for that part of the embankment. The applicant has stated his client is aware of this situation.

Staff has received no objections, but the following departments and organizations had these comments:

1. The City's Fire Department has no issues with this request.
2. KUB: We have reviewed our records and, as far as we have been able to determine, KUB has no existing utility facilities located within the subject rights-of-way and we have no objection to the requested closures. However, KUB does not release and hereby retains all easements and rights for existing facilities, whether or not identified in our research.
3. AT&T does not wish to relinquish any ROW or utility easements at this time.
4. TDOT has no comments, as this closure does not affect any state owned rights-of-way.
5. The City Engineering Department has the following comments:
  - Per the standard process, 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.
  - We have no objections to close the above described right-of-way area, subject to the following condition being met:
    - 1) The applicant must have a plan approved by City Engineering showing the alignment of the new proposed right-of-way and provide a boundary map and/or written property description of the area of right-of-way that is to be closed. The boundary map and description should be certified by a TN registered land surveyor and must be supplied prior to the closure being considered at City Council as the closure area must be described in the closing ordinance documents.

If approved, this item will be forwarded to Knoxville City Council for action on 12/15/2020 and 1/12/2021. 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.



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

Name of Street or Alley: E. Summit Hill Dr. (northern portion of ROW beginning behind sidewalk 10' from curb)

To be closed from: S. Bell St.

To be closed to: Martin Luther King Jr Ave.

Original Print Date: 10/21/2020

Revised:

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

Petitioner: Brazille / Civil Engineering Consultants, Inc, Matt

Map No: 95

Jurisdiction: City

0 100  
Feet



**OCTOBER 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 E. SUMMIT HILL DR. (NORTHERN PORTION OF ROW BEGINNING BEHIND SIDEWALK 10' FROM CURB) BETWEEN S. BELL ST. AND MARTIN LUTHER KING JR AVE. COUNCIL DISTRICT 6, CENTRAL CITY SECTOR. (11-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 November 12, 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, October 26, 2020 will be considered as no objection by your agency.***

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



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

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**November ROW closures 11-A-20-SC and 11-B-20-SC**

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**Sonny Partin** <spartin@knoxvilletn.gov>  
To: Dori Caron <dori.caron@knoxplanning.org>

Mon, Oct 26, 2020 at 8:48 AM

Dori,

We have approved the ROW closures.

Sonny

**Asst. Chief Sonny Partin, CFPS****Deputy Fire Marshal****Knoxville Fire Department****400 Main St. Suite 462****Knoxville, Tn. 37902****865-215-2283 Office****From:** Dori Caron <dori.caron@knoxplanning.org>**Sent:** Friday, October 9, 2020 5:20 PM**To:** amy.brooks@knoxplanning.org; Ben Davidson <bdavidson@knoxvilletn.gov>; Charlo e Goforth <cgoforth@knoxvilletn.gov>; Chris an Wiberley <Christian.Wiberley@kub.org>; Danny Beeler <dbeeler@knoxvilletn.gov>; Harold Cannon <hcannon@knoxvilletn.gov>; Laura Edmonds <laura.edmonds@knoxplanning.org>; 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>**Subject:** November ROW closures 11-A-20-SC and 11-B-20-SC

Well,

[Quoted text hidden]



# CITY OF KNOXVILLE

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

October 23, 2020

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

**SUBJECT:** Closure of a portion of Summitt Hill Dr  
Planning File # 11-A-20-SC

The City Engineering Department has no objections to close the above described right-of-way area, subject to the following condition being met:

1. The applicant must have a plan approved by City Engineering showing the alignment of the new proposed right-of-way and provide a boundary map and/or written property description of the area of right-of-way that is to be closed. The boundary map and description should be certified by a TN registered land surveyor and must be supplied prior to the closure being considered at City Council as the closure area must be described in the closing ordinance documents.

Per the standard process, 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

a

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October 26, 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 Requests 11-A-20-SC and 11-B-20-SC**

We have reviewed our records and, as far as we have been able to determine, KUB has no existing utility facilities located within the subject right-of-ways and we have no objection to the requested closures. However, KUB does not release and hereby retains all easements and rights for existing facilities, whether or not identified in our research.

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

Sincerely,



Christian Wiberley, PE  
Engineering

CGW



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

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**November ROW closures 11-A-20-SC and 11-B-20-SC**

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

Tue, Oct 20, 2020 at 4:30 PM

TDOT District 18 Operations does not have any comment on either of the cases.



**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:** Friday, October 9, 2020 5:20 PM

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

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**November ROW closures 11-A-20-SC and 11-B-20-SC**

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**SIMMS, SHANNON R** <ss3775@att.com>  
To: Dori Caron <dori.caron@knoxplanning.org>

Tue, Oct 13, 2020 at 8:10 AM

Dori,

AT&T does not wish to relinquish any existing ROWs in this area at this time.

Thanks,

**Shannon R. Simms**

MANAGER OSP PLANNING & ENGINEERING DESIGN

Access Construction & Engineering

Tennessee/Kentucky District

**AT&T – BellSouth Telecommunications, LLC**

9733 Parkside Dr, Knoxville, TN 37922

M: 865-566-7068 | [ss3775@att.com](mailto:ss3775@att.com)

O: 865-539-8596 (**Try Mobile First**)

[Quoted text hidden]

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**2 attachments****ROW Package 11-A-20-SC\_.pdf**

2999K

**ROW Package 11-B-20-SC.pdf**

3000K



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

## Addressing Department Review and Comments

**File #:** 10-A-20-SC

**Tax Parcel ID:** N/A

**Subdivision:**

**Owner/Applicant:** Matt Brazille

**Surveyor:**

**Company:** Civil & Environmental Consultants

**Email:** mbrazille@cecinc.com

**Date Submitted:** 9/28/20

**Review Type:**

**Unit or Phase:**

**Phone:** 865.340.4945

**Office:**

**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 street closure should not have an impact on 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> 10/5/2020	Donna Hill (865.215.3872) <a href="mailto:donna.hill@knoxplanning.org">donna.hill@knoxplanning.org</a>	<b>2<sup>nd</sup> Review</b> 10.12.20
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11-A-20-SC

## Exhibit A. Contextual Images

Eagle view of the Martin Luther King Jr Ave / E. Summit Hill Avenue intersection



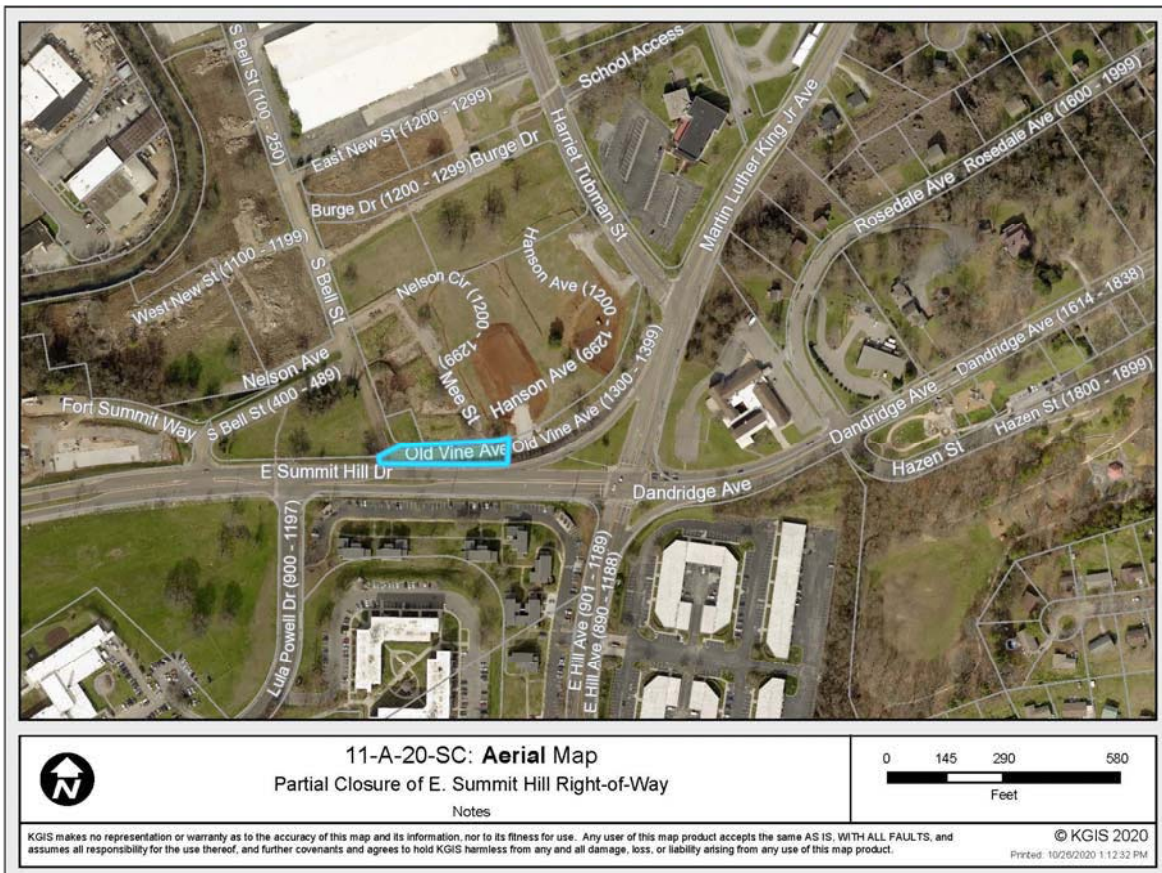
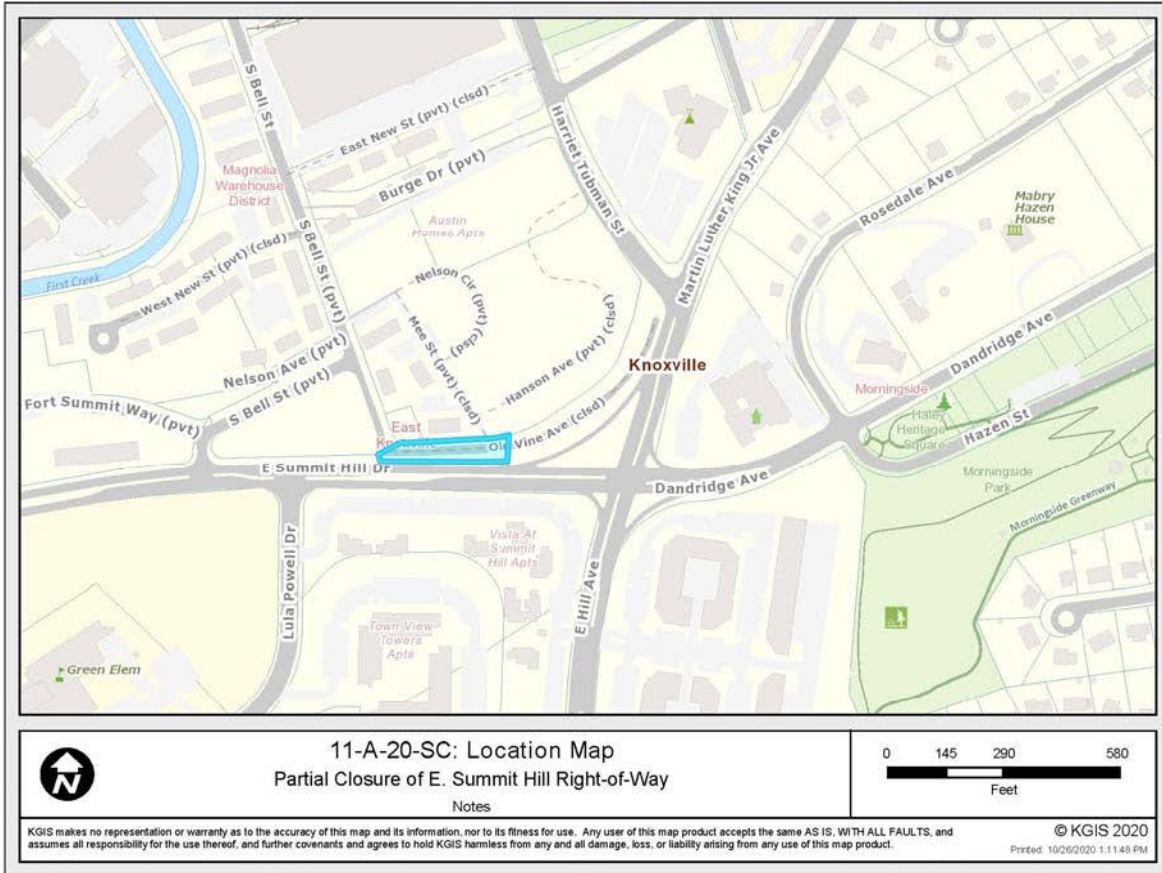
Street view of the E. Summit Hill Avenue embankment and Old Vine Rd which is a closed right-of-way





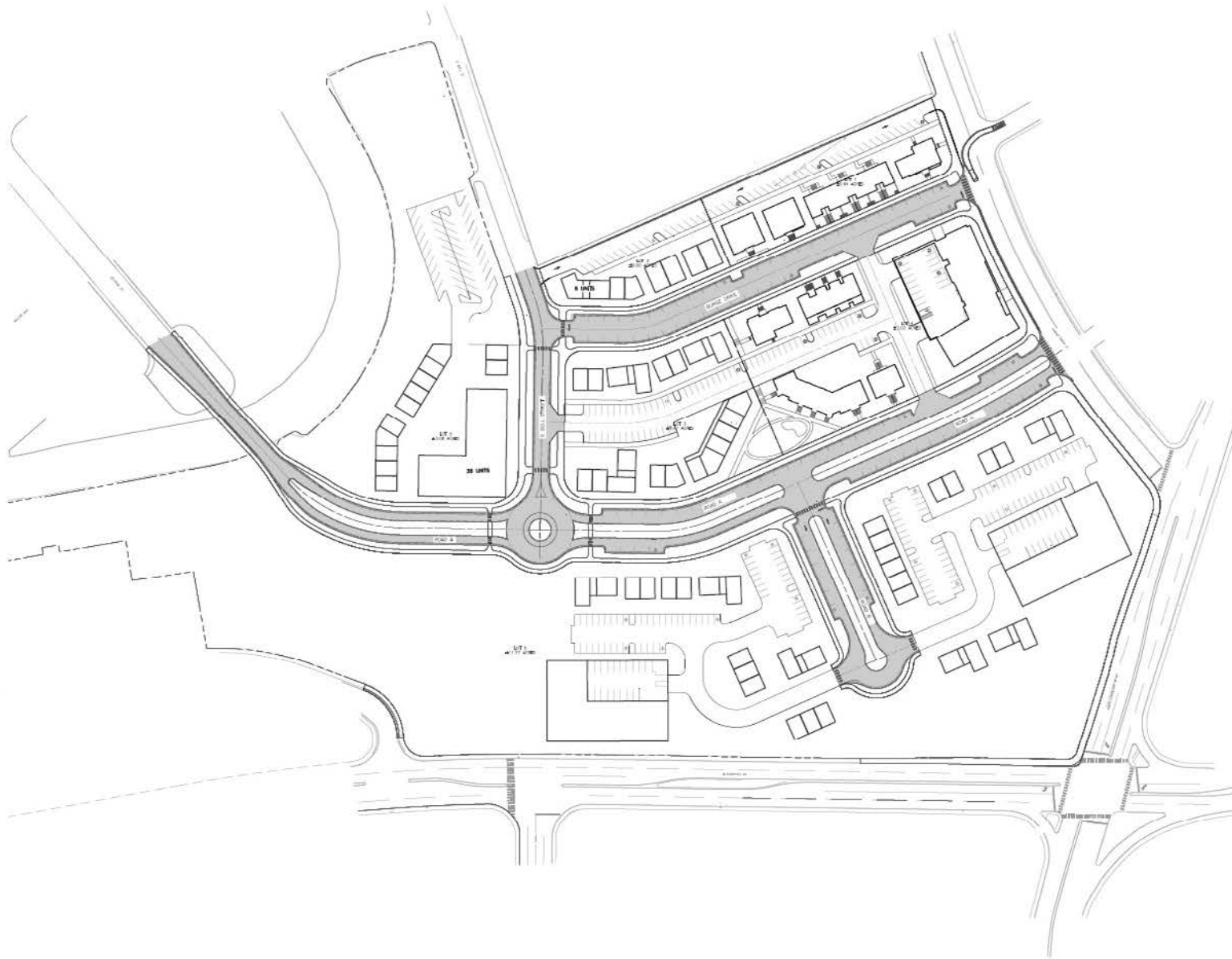
# 11-A-20-SC

## Exhibit A. Contextual Images





# Exhibit B. Concept Plan for Knoxville Community Development Corporation Approved in December 2019 (Case # 12-SF-19-C)



LEGEND	
[Symbol]	PROPOSED BOUNDARY
[Symbol]	EXISTING PROPERTY LINE/RIGHT-OF-WAY
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REVISION RECORD

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Civil & Environmental Consultants, Inc.  
2754 Cherokee Farm Way, Suite 101 - Knoxville, TN 37920  
PH: 863.777.5897 Fax: 863.777.5819  
www.ceeinc.com

KNOXVILLE'S COMMUNITY  
DEVELOPMENT CORPORATION  
AUSTIN HOMES  
INFRASTRUCTURE IMPROVEMENTS  
KNOXVILLE, KNOX COUNTY, TN

CONCEPT SITE LAYOUT PLAN

NO.	DATE	DESCRIPTION
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Revised: 12/20/2019  
PLANNING COMMISSION NUMBER:  
12-SF-19-C



PRELIM.  
FOR  
REVIEW  
CP204



# RIGHT-OF-WAY CLOSURE

Name of Applicant: Matt Brazille  
Date Filed: 9/28/20 Fee Paid: \_\_\_\_\_ File Number: 11-A-20-SC  
Map Number: 095 Zoning District: RW-6 City ☒ County Sector: (2 rights-of-way, separated into 2 separate applications)  
Jurisdiction: ☒ City 6 Council District \_\_\_\_\_

## INFORMATION:

Name of Right-of-Way: Portion of Summit Hill Drive, Portion of MLK Jr. Avenue (Old Vine Ave.)  
Type of Right-of-Way: ☒ Street ☐ Alley  
Location of Right-of-Way:  
BETWEEN (City Block or Lot where appropriate) South Bell Street (closed) / SW Corner of Parcel 095HC001  
AND (City Block or Lot where appropriate) Harriet Tubman Street Western ROW Extends MLK Jr. Ave.  
Right-of-Way is: In Use ☒ Yes ☐ No Improved (example: paved) ☒ Yes ☐ No  
Reason for Closure: For continued redevelopment of the KDC Austin Homes site. Per the approved concept plan for the development, the slip ramp from MLK to Summit will be removed and converted to a traditional right turn. The proposed ROW line will be placed at the back of sidewalk (10' from curb) along the length of the closure.

## TO BE CLOSED:

From: (Street, Alley, Other)  
S. Bell St. (closed) / SW Corner of Parcel 095HC001

To: (Street, Alley, Other)  
Harriet Tubman Street Western ROW line MLK Jr. Ave. (to a point behind sidewalk 10' from curb)

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

Matt Brazille 2704 Cherokee Farm Way, Suite 101 Knoxville, TN 37920 (865) 340-4945  
Name: (Print) Address • City • State • Zip • Phone • Email

## AUTHORIZATION OF APPLICATION:

mbrazille@cecinc.com

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.

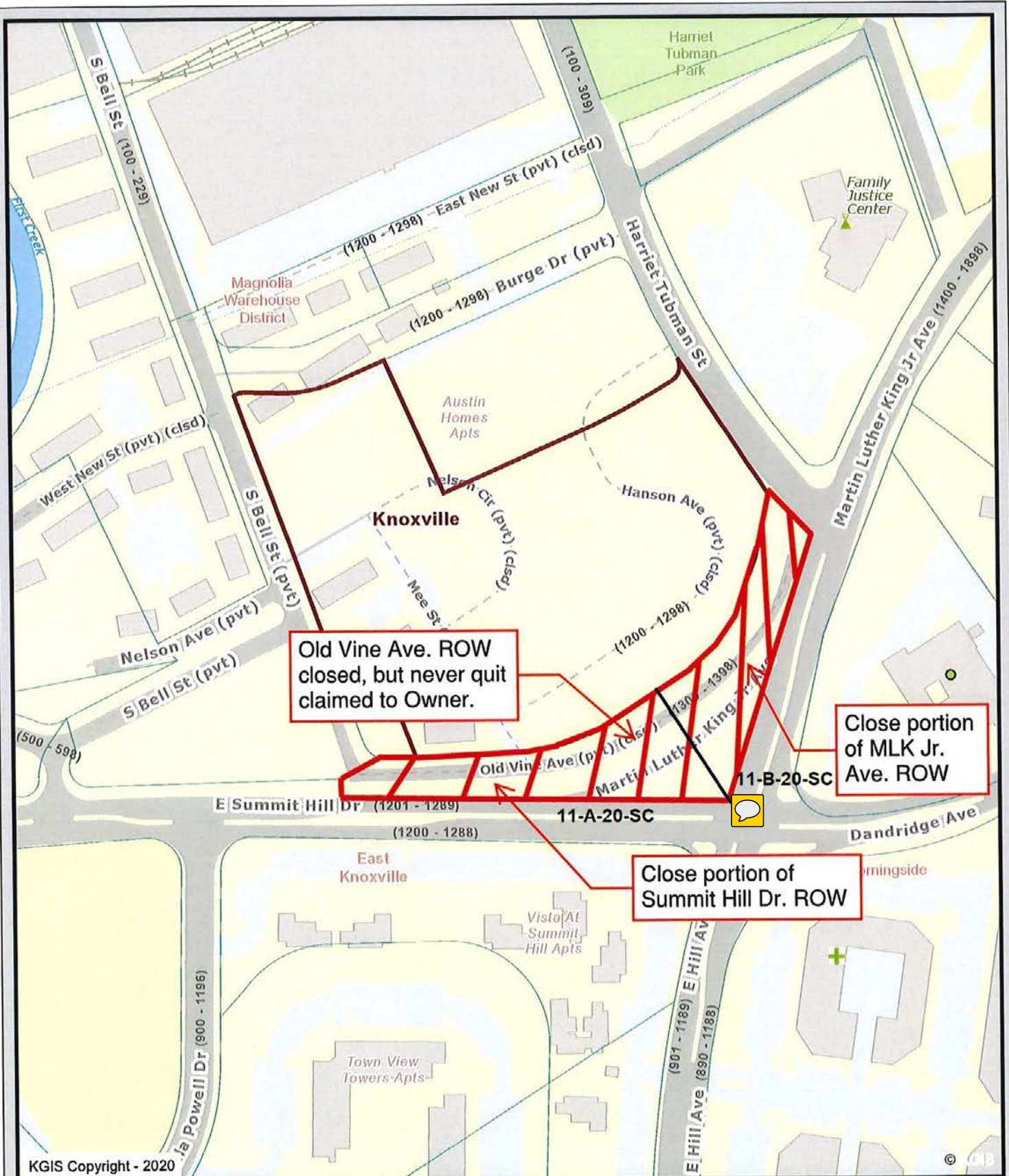
Signature: Matt W. Brazille, P.E.  
2704 Cherokee Farm Way

Matt Brazille Suite 101 Knoxville TN 37920 865-340-4945 mbrazille@cecinc.com  
Name: (Print) Address • City • State • Zip • Phone • Email

## APPLICATION ACCEPTED BY:

Sherry Michener





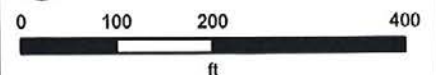
## KCDC Austin Homes

Right-of-Way Closure  
Summit Hill Drive and MLK Jr. Avenue

Knoxville - Knox County - KUB Geographic Information System



Printed: 9/22/2020 at 10:24:48 AM



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.

# 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]



Source: KGIS

09/22/2020

<https://www.kgis.org/parcelreports/ownercard.aspx?id=095GA013>

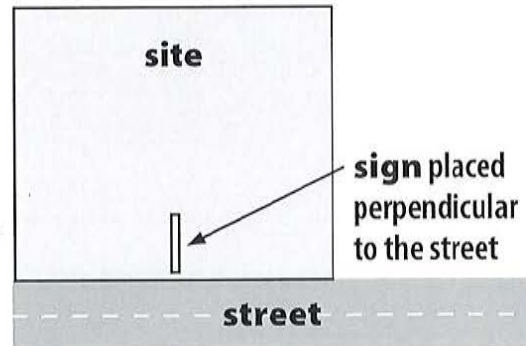
## REQUIRED SIGN POSTING AGREEMENT

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:

Oct 28<sup>th</sup> (Wed) and Nov 13<sup>th</sup> (Fri)  
 (15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: Matt W. Brazille

Printed Name: Matt Brazille

Phone: 865-340-4945 Email: mbrazille@cecine.com

Date: 9-28-20

File Number: 11-A-20-SC





# RIGHT-OF-WAY CLOSURE

Name of Applicant: Matt Brazille

Date Filed: 9/28/20 Fee Paid: \_\_\_\_\_ File Number: 11-A-20-SC

Map Number: 095 Zoning District: RW-6 ☐ City ☐ County Sector: \_\_\_\_\_

Jurisdiction: ☒ City 6 Council District

## INFORMATION:

Name of Right-of-Way: Portion of Summit Hill Drive, Portion of MLK Jr. Avenue (Old Vine Av.)

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

### Location of Right-of-Way:

BETWEEN (City Block or Lot where appropriate) South Bell Street (closed) / SW Corner of Parcel 095HC001  
 AND (City Block or Lot where appropriate) Harriet Tubman Street Western ROW Extents

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

Reason for Closure: For continued redevelopment of the KDC Austin Homes site. Per the approved concept plan for the development, the slip ramp from MLK to Summit will be removed and converted to a traditional right turn. The proposed ROW line will be placed at the back of sidewalk (10' from curb) along the length of the closure.

## TO BE CLOSED:

From: (Street, Alley, Other)

S. Bell St. (closed) / SW Corner of Parcel 095HC001

To: (Street, Alley, Other)

Harriet Tubman Street Western ROW Line

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

Matt Brazille 2704 Cherokee Farm Way, Suite 101 Knoxville, TN 37920 (865) 340-4945

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

## AUTHORIZATION OF APPLICATION:

mbrazille@cecinc.com

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: Matt W. Brazille, P.E.

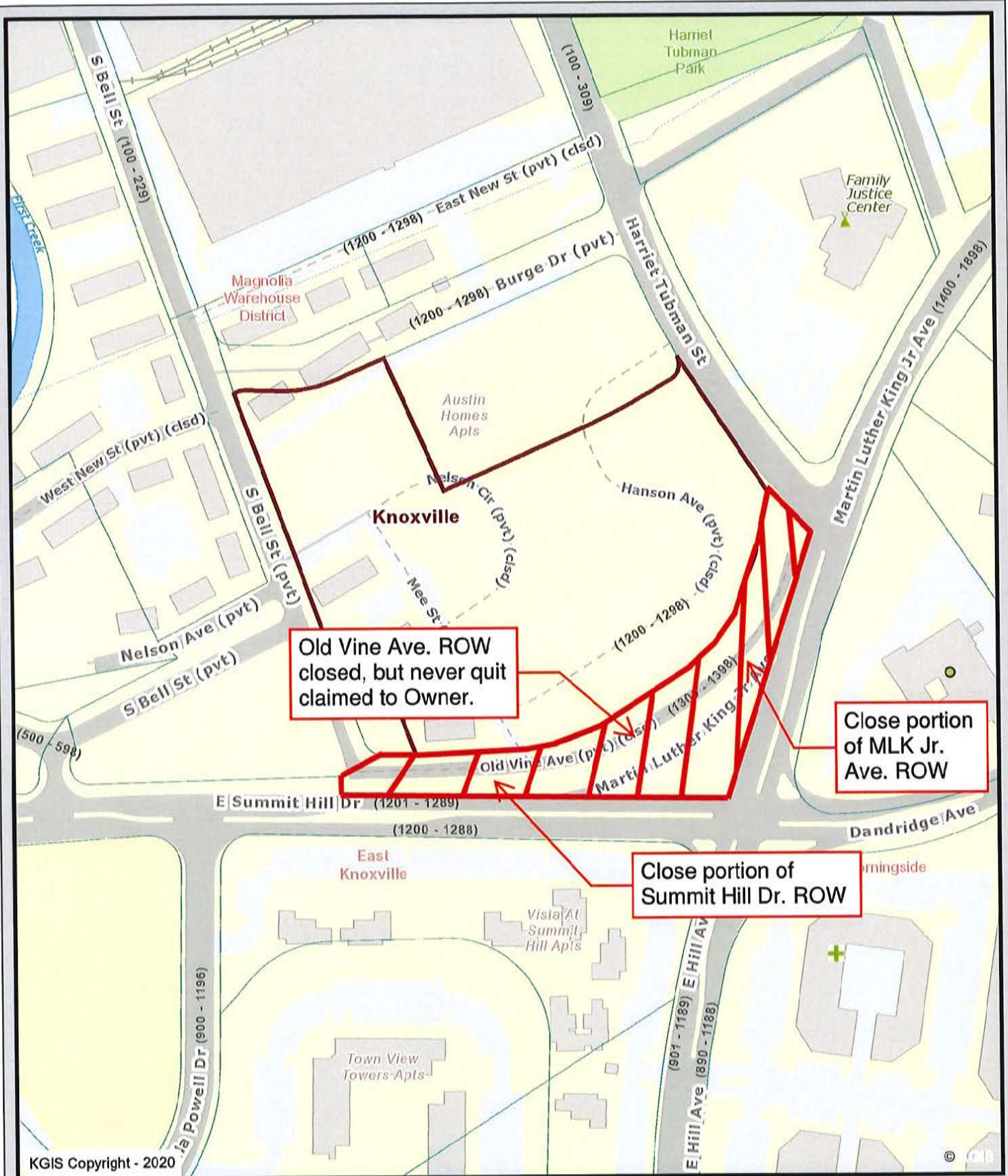
Matt Brazille 2704 Cherokee Farm Way Suite 101 Knoxville TN 37920 865-340-4945 mbrazille@cecinc.com

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

## APPLICATION ACCEPTED BY:

Sherry Michener





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## KCDC Austin Homes

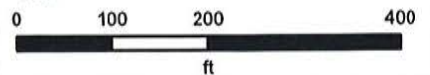
Right-of-Way Closure

Summit Hill Drive and MLK Jr. Avenue

Knoxville - Knox County - KUB Geographic Information System



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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.