



CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

▶ **FILE #:** 9-A-20-SC **AGENDA ITEM #:** 6
 POSTPONEMENT(S): 9/10/2020, 10/8/2020 **AGENDA DATE:** 11/12/2020

▶ **APPLICANT:** MIKE SOUEID

TAX ID NUMBER: 107 N/A [View map on KGIS](#)
 JURISDICTION: Council District 6
 SECTOR PLAN: Central City
 GROWTH POLICY PLAN: Inside City limits
 ZONING: RN-2 (Single-Family Residential Neighborhood)
 WATERSHED: Third Creek

▶ **RIGHT-OF-WAY TO BE CLOSED:** Cate Ave.
 ▶ **LOCATION:** Between Pilkay Rd. and Third Creek

IS STREET:
 (1) IN USE?: No
 (2) IMPROVED (paved)?: No

▶ **APPLICANT'S REASON FOR CLOSURE:** We are consolidating tiny lots and own both sides of this road. Its current layout is not conducive to development.

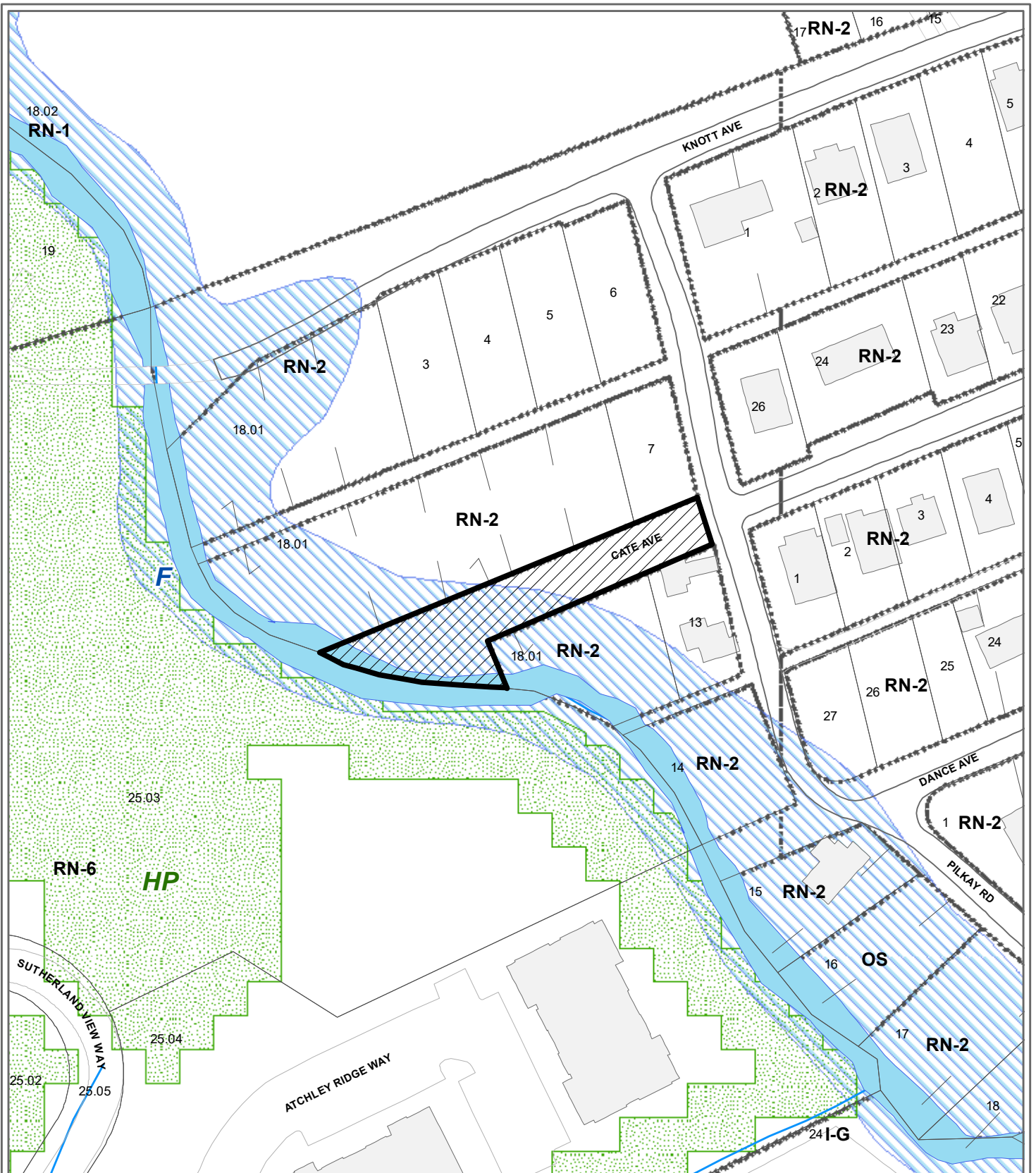
DEPARTMENT-UTILITY REPORTS: The City's Engineering Department and KUB have requested to retain any easements that may be in place.

STAFF RECOMMENDATION:

▶ **Postpone this item for 30 days to the December 10, 2020 Planning Commission meeting to allow the applicant more time to acquire all needed signatures on the canvass form.**

Having all signatures of abutting property owners is a requirement for requesting closure of a right-of-way as stated on the canvass form, which is part of the application.

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.



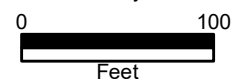
**9-A-20-SC
CLOSURE OF PUBLIC RIGHT OF WAY**

Petitioner: Mike Soueid

Name of Street or Alley: Cate Ave.
 To be closed from: Pilkay Rd.
 To be closed to: Third Creek

Map No: 107
 Jurisdiction: City

Original Print Date: 8/13/2020 Revised:
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902





Michelle Portier <michelle.portier@knoxplanning.org>

[Planning Applications] Rezoning Request

Fri, Aug 17, 2020 at 2:12 PM

20 messages

Michelle Portier <michelle.portier@knoxplanning.org>

To: Timothy J Howell <tim@tnlds.com>

Hi Timothy,

Both of these rezonings will require sector plan amendments as well. The current sector plan (a.k.a. future land use map) has these properties designated as TDR, which does not allow RN-6 zoning.

To include the sector plan amendment, you can check that box on the top of the application (right above where you have checked Rezoning), and fill out the sector plan area (also with the rezoning) on the 2nd page of the application. RN-6 is only allowed in the HDR (High Density Residential) land use class, so you will need to ask for that, and put something in there about multifamily development and the density you are looking for.

Also, for the ROW closures you are requesting in September, we are missing the signature of the development on the other side of the creek to the west (Sutherland Park). You can add that name and signature to the existing page 2 with the rest of the signatures, assuming you still have a copy of that. Let me know if you don't.

If you have any questions, please let me know.
Michelle

On Sat, Aug 15, 2020 at 6:55 AM Timothy J Howell <tim@tnlds.com> wrote:

[Quoted text hidden]

[Quoted text hidden]

Michelle Portier <michelle.portier@knoxplanning.org>

Fri, Aug 21, 2020 at 10:01 AM

To: Timothy J Howell <tim@tnlds.com>

Timothy,

I wanted to reach out regarding the signatures on the ROW closure cases to make sure you saw that in my last email. Let me know if you have any questions on that or the application.

Michelle
[Quoted text hidden]

Timothy J Howell <tim@tnlds.com>

Fri, Aug 21, 2020 at 10:04 AM

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

I did see it. I have been dealing with a lot here but I will see if I still have the paper copies to get it signed. If not, can print the signature page, have the owner to get it signed, then bring send it to you to attach to the original?

Respectfully,

Timothy J Howell

TN Registered Land Surveyor #2263
TN Rule 31 Listed General Civil Mediator
[Tennessee Land Development Services](#)
mobile (865) 742-2557
[Twitter](#) | [Linkedin](#) | [facebook](#)

[Quoted text hidden]

With few exceptions, scheduling a survey is more putting the job in a queue rather than fitting it into a time slot on a specific day.

[Click here to understand scheduling](#)
[Click here for what is included in a land survey](#)

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[Quoted text hidden]

Michelle Portier <michelle.portier@knoxplanning.org>
To: Timothy J Howell <tim@tnlds.com>

Fri, Aug 21, 2020 at 10:53 AM

Yes, that's fine. Thank you.

[Quoted text hidden]

Michelle Portier <michelle.portier@knoxplanning.org>
To: Timothy J Howell <tim@tnlds.com>

Mon, Aug 31, 2020 at 2:36 PM

Mr. Howell,

Any progress on that signature? Our documentation gets uploaded to the website and packets go out to Commissioners this Friday. Do you think you can send it to me by this Thursday?

Thank you,
Michelle

[Quoted text hidden]

Timothy J Howell <tim@tnlds.com>
To: Michelle Portier <michelle.portier@knoxplanning.org>

Mon, Aug 31, 2020 at 3:15 PM

I am reaching out to my client now to see if he has had any luck getting the signature.

Respectfully,

Timothy J Howell

TN Registered Land Surveyor #2263
TN Rule 31 Listed General Civil Mediator
[Tennessee Land Development Services](#)
mobile (865) 742-2557
[Twitter](#) | [Linkedin](#) | [facebook](#)

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[Quoted text hidden]

Timothy J Howell <tim@tnlds.com>
To: Michelle Portier <michelle.portier@knoxplanning.org>

Tue, Sep 1, 2020 at 8:10 AM

I hope to have you that signature(s) soon.

Attached are the rezoning requests (along with sector change requests).

You had specified that I needed to request it to be HDR, but I matched the adjoining MDR/RN-6 property (to avoid pocket zoning/sectoring). If this will not meet our request, please let me know and I will make it HDR instead.

Respectfully,

Timothy J Howell

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On 8/31/2020 2:36 PM, Michelle Portier wrote:

[Quoted text hidden]

2 attachments

 **Rezone RN-1.pdf**
2879K

 **Rezone RN-2.pdf**
2852K

Michelle Portier <michelle.portier@knoxplanning.org>
To: Timothy J Howell <tim@tnlds.com>

Tue, Sep 1, 2020 at 10:36 AM

The MDR land use does not support the RN-6 zone. There are some anomalies out there from when we adopted a new zoning ordinance that took effect on January 1, 2020, and that is the case in this situation. You will need to request the HDR land use classification.

[Quoted text hidden]

Timothy J Howell <tim@tnlds.com>
To: Michelle Portier <michelle.portier@knoxplanning.org>

Tue, Sep 1, 2020 at 11:33 AM

Ok, here are the apps with HDR

Respectfully,

Timothy J Howell

TN Registered Land Surveyor #2263
TN Rule 31 Listed General Civil Mediator
[Tennessee Land Development Services](#)
mobile (865) 742-2557
[Twitter](#) | [Linkedin](#) | [facebook](#)


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2 attachments

 **Rezone RN-1.pdf**
2938K

 **Rezone RN-2.pdf**
2911K

Michelle Portier <michelle.portier@knoxplanning.org>
To: Timothy J Howell <tim@tnlds.com>
Bcc: Amy Brooks <amy.brooks@knoxplanning.org>

Thu, Sep 3, 2020 at 4:34 PM

Mr. Howell,

Regarding the requests to close the rights-of-way, we will need to recommend postponement of both requests since we do not yet have the last signature on the canvass form. It would be heard at the October meeting.

Thank you,
Michelle

[Quoted text hidden]

Timothy J Howell <tim@tnlds.com>
To: Michelle Portier <michelle.portier@knoxplanning.org>

Thu, Sep 3, 2020 at 5:06 PM

Thanks. We have been having trouble tracking down an actual person who can sign.

Respectfully,

Timothy J Howell

TN Registered Land Surveyor #2263
TN Rule 31 Listed General Civil Mediator
[Tennessee Land Development Services](#)
mobile (865) 742-2557
[Twitter](#) | [Linkedin](#) | [facebook](#)

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[Quoted text hidden]

AUGUST 5, 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 CATE AVE. BETWEEN PILKAY RD. AND THIRD CREEK, BETWEEN CITY BLOCKS 50810 AND 50830, COUNCIL DISTRICT 6, CENTRAL CITY SECTOR. (9-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 September 10, 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, August 24, 2020 will be considered as no objection by your agency.

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



CITY OF KNOXVILLE

Engineering
Benjamin D. Davidson, PLS
Technical Services Administrator

August 20, 2020

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

SUBJECT: Closure of a portion of Cate Ave running west from Pilkay Rd to terminus at Third Creek
MPC File # 9-A-20-SC; City Block 50830

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



Dori Caron <dori.caron@knoxplanning.org>

September 2020 ROW closures: 9-A-20-AC and 9-A-20-SC

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

Wed, Aug 5, 2020 at 2:57 PM

Dori,

Our office has reviewed the two applications and have approved for fire dept access.

Sonny

Asst. Chief Sonny Partin, CFPS

Deputy Fire Marshal

Knoxville Fire Department

400 Main St. Suite 462

Knoxville, Tn. 37902

865-215-2283 Office

[Quoted text hidden]

a

August 24, 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 9-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 easement for its utility facilities.

Sewer – 12.5 feet on each side of the centerline of the sewer line, 25 feet total width

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

Sincerely,



Christian Wiberley, PE
Engineering

CGW

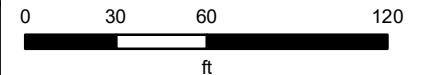


File No. 9-A-20-SC (Sewer)

Knoxville Utilities Board



Printed: 8/24/2020 at 11:30:46 AM



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Dori Caron <dori.caron@knoxplanning.org>

September 2020 ROW closures: 9-A-20-AC and 9-A-20-SC

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

Tue, Aug 18, 2020 at 4:22 PM

TDOT D18 Operations has no comment on either one.



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>

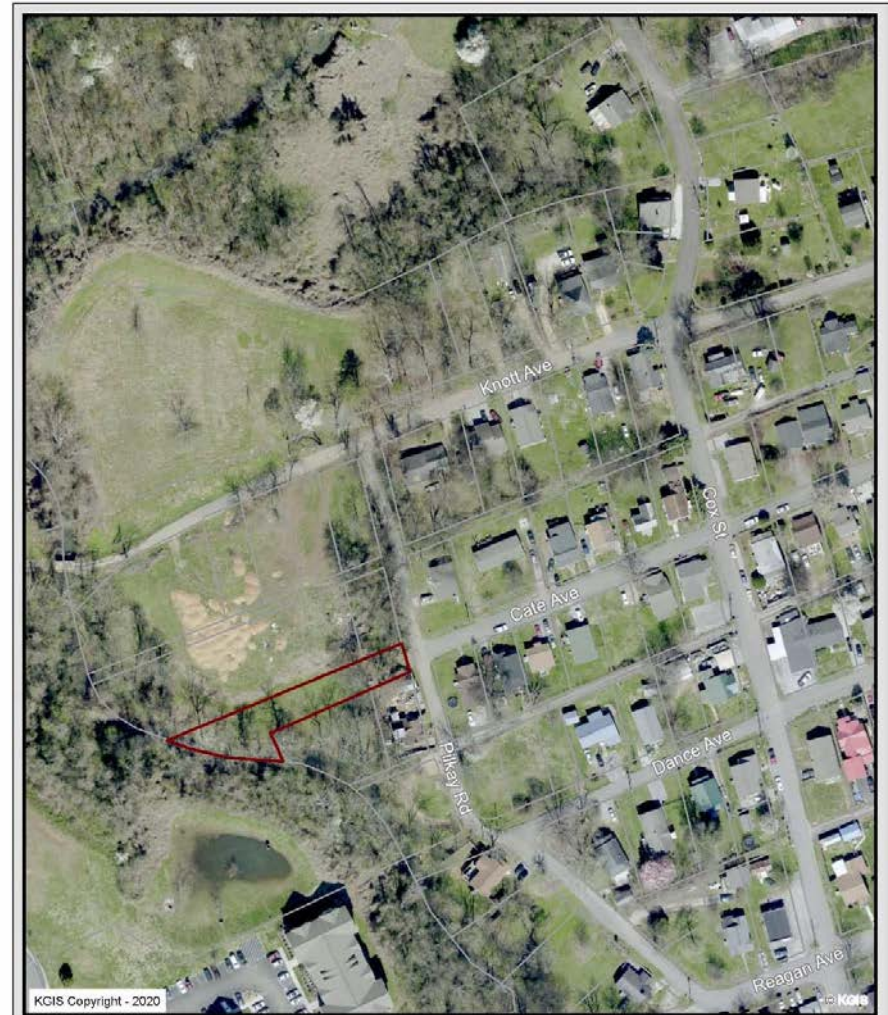
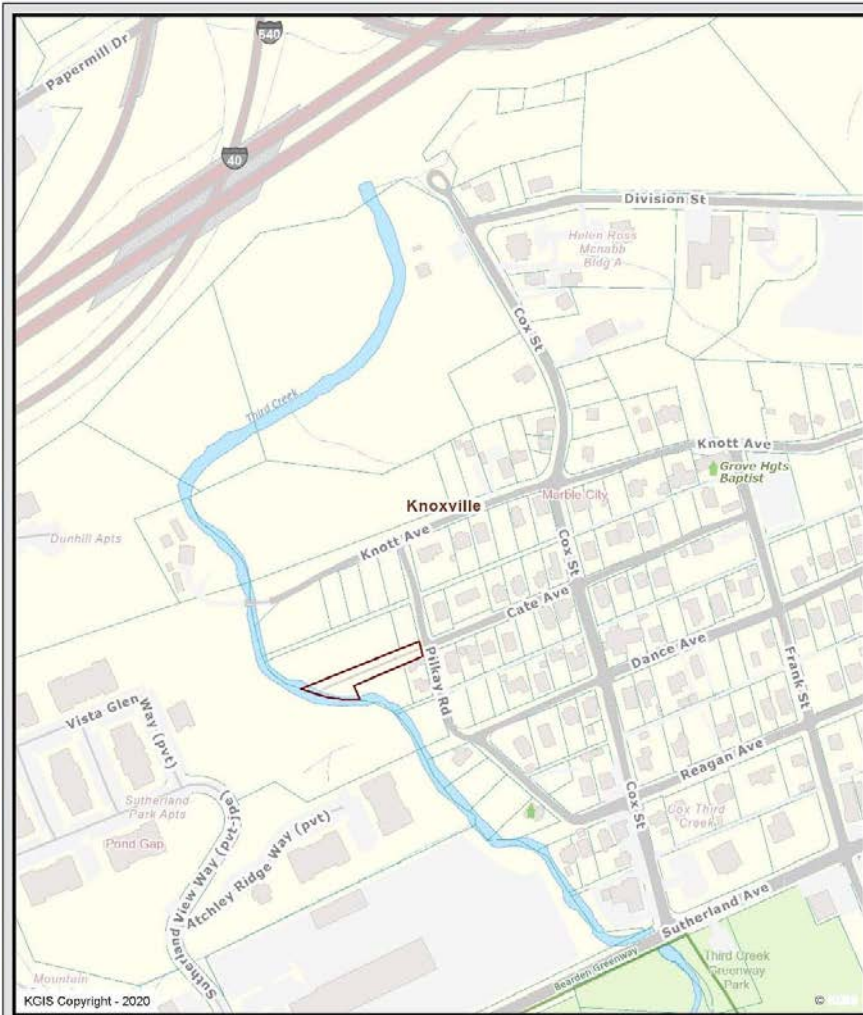
Sent: Wednesday, August 5, 2020 9:20 AM

[Quoted text hidden]

[Quoted text hidden]

9-A-20-SC

Exhibit A. Contextual Images



9-A-20-SC: Location Map
Cate Avenue Closure
Knoxville - Knox County - KUB Geographic Information System

Printed: 8/13/2020 at 3:19:13 PM
0 135 270 540
ft

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9-A-20-SC: Aerial Map
Cate Avenue Closure
Knoxville - Knox County - KUB Geographic Information System

Printed: 8/13/2020 at 3:21:56 PM
0 65 130 260
ft

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Planning
KNOXVILLE | KNOX COUNTY

RIGHT-OF-WAY CLOSURE

Name of Applicant: Mike Soueid

Date Filed: 7/27/2020 Fee Paid: \$750 File Number: 9-A-20-SC

Map Number: 107 Zoning District: RN-2 City County Sector: Central City

Jurisdiction: City 6th Council District

INFORMATION:

Name of Right-of-Way: Cate Ave

Type of Right-of-Way: Street Alley

Location of Right-of-Way:

BETWEEN (City Block or Lot where appropriate) 50810 & 50830

AND (City Block or Lot where appropriate) 50830

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

Reason for Closure: We are consolidating a bunch of tiny lots and own both sides of this road. Its current layout is not conducive to development.

TO BE CLOSED:

From: (Street, Alley, Other)

Pikay Rd

To: (Street, Alley, Other)

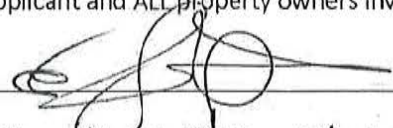
third creek

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Tim Howell 1707 N Ridge Ct Sevierville, TN 37862 865-742-2557 tim@tnlcls.com
Name: (Print) Address • City • State • Zip • Phone • Email

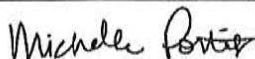
AUTHORIZATION OF APPLICATION:

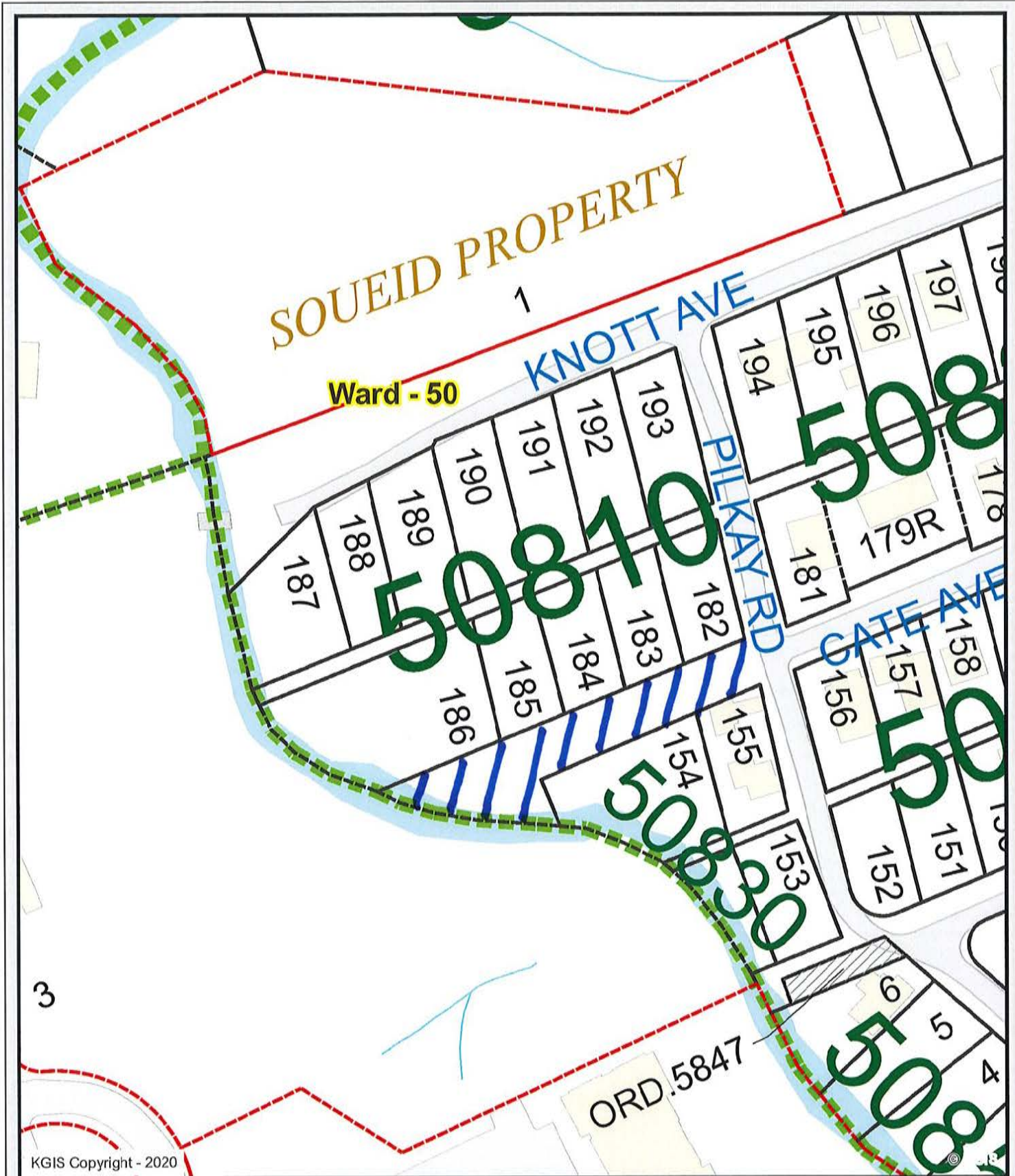
I hereby certify that I am the authorized applicant, or representing the applicant and ALL property owners involved in this request or holders of option on same.

Signature: 

Mike Soueid 6684 Girazda Cir BOCA RATON, FL 33433 561-271-8800 mike.soueid@gmail.com
Name: (Print) Address • City • State • Zip • Phone • Email

APPLICATION ACCEPTED BY: Michelle Portier





KGIS Copyright - 2020

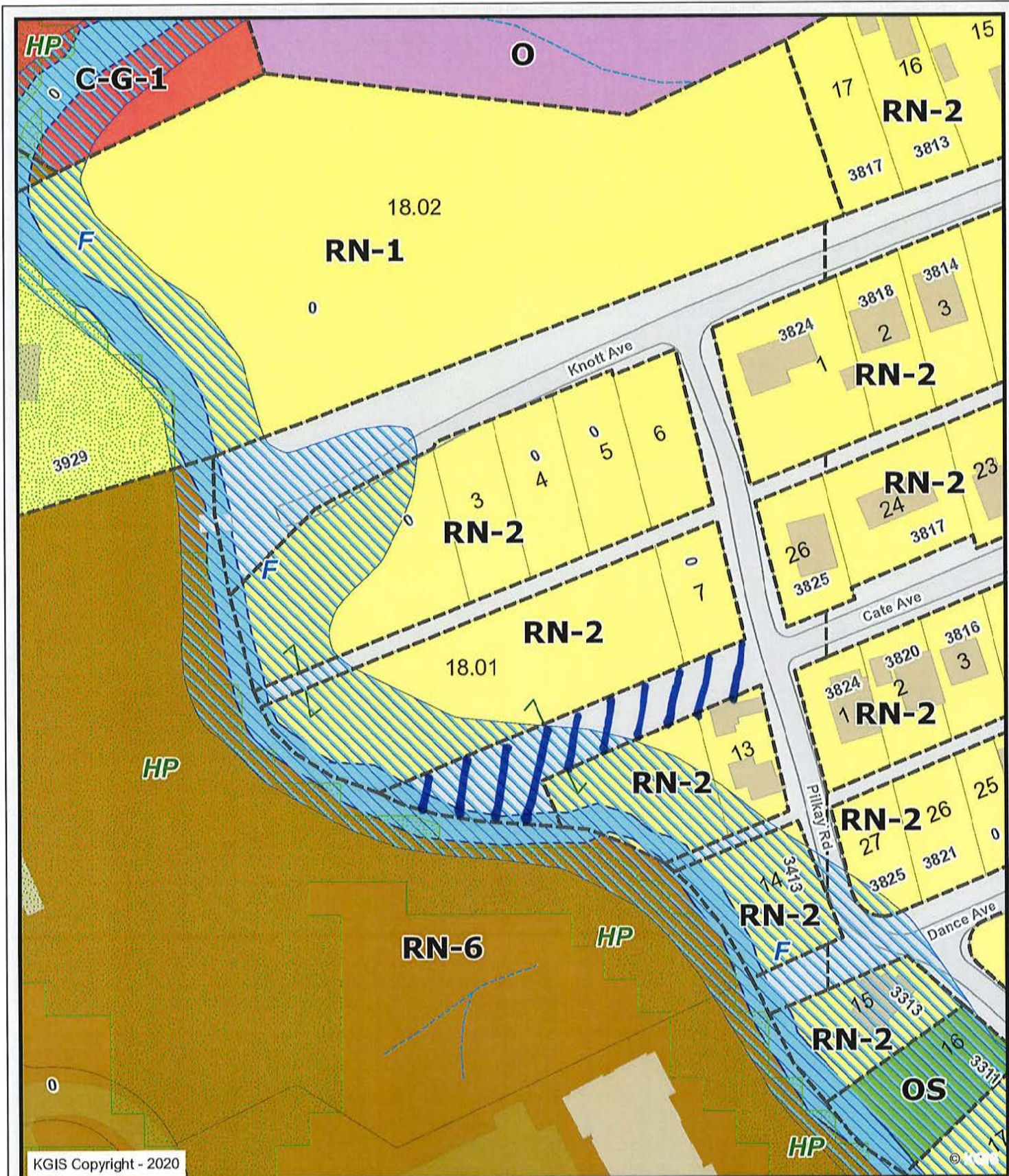
Letter Portrait

Knoxville - Knox County - KUB Geographic Information System

Printed: 7/29/2020 at 10:51:54 AM

0 50 100 200
ft

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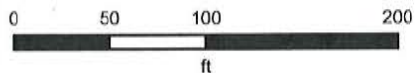
Letter Portrait

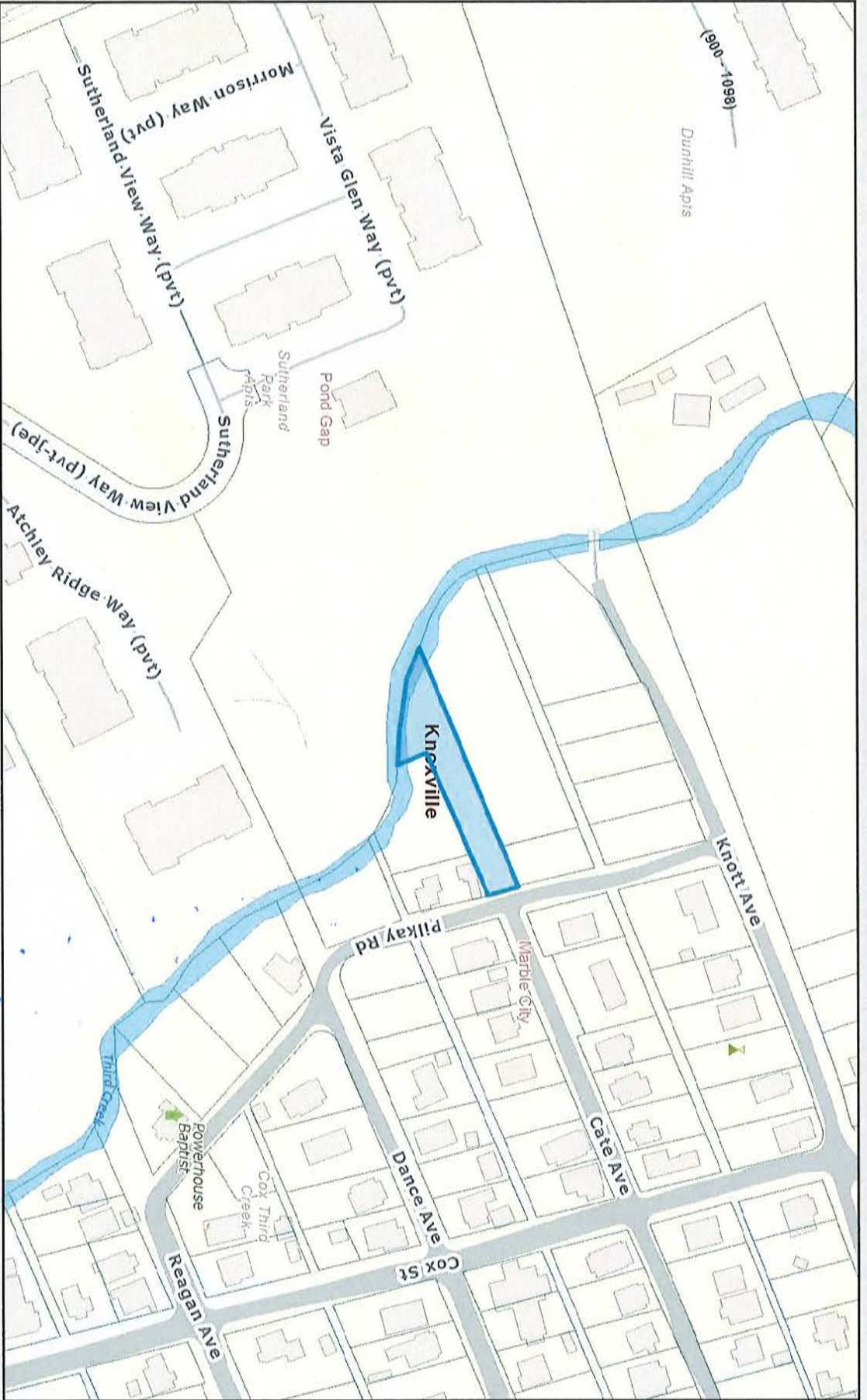
Knoxville - Knox County - KUB Geographic Information System

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Printed: 7/29/2020 at 10:51:11 AM

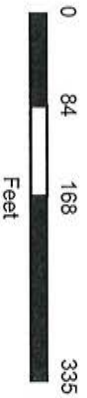




Closure request of undeveloped portion of Cate Avenue

Subtitle

Notes



KGIS makes no representation or warranty as to the accuracy of this 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.

Declaration of Ownership and Dedication

I, the undersigned, hereby own, have, have had, or have had a part or share in the ownership of the property shown on the plat of subdivision and dedicate the streets shown to the public use forever and hereby certify that I am and the owner(s) in the plat of the property and as property owner(s) have an irrevocable right to dedicate right-of-way and/or grant easement as shown on this plat.

Date: _____

City of _____ County of _____ TN

I do not know to be the author of the plat and I have not executed the foregoing instrument, and acknowledge that I have not read and related said plat this day and year above.

My Commission expires _____ Year

Certification of Approval of Public Sewer System - Major Subdivisions
This is to certify that the subdivision shown herein is approved subject to the installation of a public sewer system, and that such installation shall be in accordance with State and local regulations.
It is the responsibility of the property owner to verify with the Utility Provider the availability of sewer systems in the vicinity of the plat(s) and to pay for the installation of the required connections.

Utility Provider: _____
Date: _____

Authorized Signature for Utility Date: _____

Certification of Zoning
Zoning category in which the land being subdivided is located shall be shown on the plat and shall conform to the zoning map of the Planning Commission in the City of Knoxville.

Zoning Shown on Official Map: _____
Date: _____

Certification of No Recorded Easements

This is to certify that there are no known recorded easements or utility easements on lot being subdivided on the subdivision plat.
Registered Land Surveyor: _____
Date: 5/27/2020

Certification of Final Plat - Construction Compliance

I, the undersigned, as a registered land surveyor, hereby certify that I am a registered land surveyor in the State of Tennessee. Under the laws of the State of Tennessee, I am not permitted to prepare or certify statements conforming to the best of my knowledge, to all applicable provisions of the Knoxville/Knox County Subdivision Regulations unless I have been furnished with a written statement from a registered professional engineer, licensed in the State of Tennessee, that the plat has been approved as identified on the final plat. The indicated permanent reference markers and monuments, benchmarks and property measurements were in place on the 20th day of March, 2020.

Registered Land Surveyor: Timothy J. Howell
Professional License No. 2263

Date: 5/27/2020

Certification of Conditions and Assurances of Survey
I, the undersigned, as a registered land surveyor, hereby certify that this is a category I survey and the scope of precision of the unadjusted survey is not less than 1:10,000 as shown hereon and that the survey was prepared in accordance with the provisions of the Tennessee Surveying and Mapping Act, Chapter 129, Tennessee Code Annotated. The plat is subject to the provisions of the Tennessee Surveying and Mapping Act, Chapter 129, Tennessee Code Annotated.

Registered Land Surveyor: Timothy J. Howell
Professional License No. 2263

Date: 5/27/2020

Certification of Addressing Department

The undersigned, hereby certify that the subdivision shown hereon and as shown on the plat conform to the Knoxville/Knox County Street Naming and Addressing Ordinance, Chapter 12-200, Tennessee Code Annotated, and that the property owner(s) have an irrevocable right to dedicate right-of-way and/or grant easement as shown on this plat.

Date: _____

City of _____ County of _____ TN

I do not know to be the author of the plat and I have not executed the foregoing instrument, and acknowledge that I have not read and related said plat this day and year above.

My Commission expires _____ Year

Certification of True and Accurate
This is to certify that all property lines and measurements on this property have been true and accurate.
City Clerk: _____ Date: _____
Knox County Treasurer: _____ Date: _____

City of Knoxville, Department of Engineering
The Knoxville Department of Engineering hereby approves this plat on this _____ day of _____, 20____.

Engineering Director: _____

Utility and Ditching Easements

Utilities and Ditching Easements shall be shown along both sides of all interior lot lines in a subdivision, and be dedicated to the public and to appropriate utility agencies. These required easements shall be 100 feet wide in the case of utility easements, and 50 feet wide in the case of ditching easements. Other special ditching and utility easements may be required.

This is to certify that all property lines and measurements on this property have been true and accurate.

City Clerk: _____ Date: _____

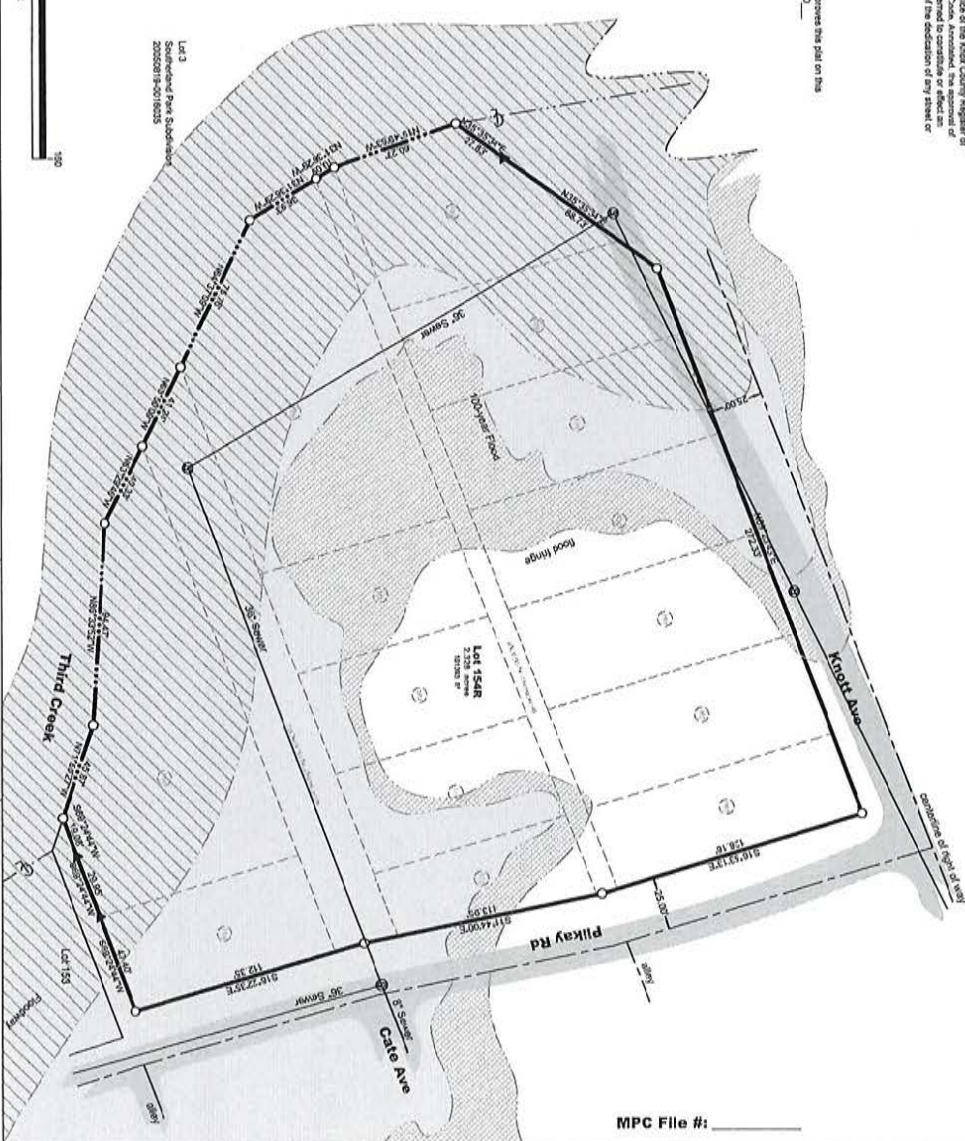
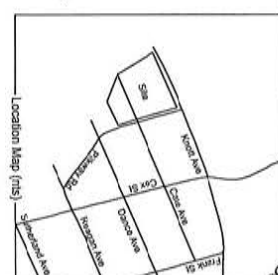
Knox County Treasurer: _____ Date: _____

Planning Staff Certification of Approval for Recording - Final Plat
This is to certify that the subdivision plat shown herein has been found to comply with the Subdivision Regulations of Knoxville and Knox County and that the plat is a true and accurate copy of the original. The plat is hereby approved for recording in the office of the Knoxville Register of Deeds. Pursuant to Section 13-4-027 of Tennessee Code Annotated, the amount of recording fee is \$10.00 per acre. The recording fee for this plat is \$10.00. The recording fee is payable to the City of Knoxville or Knox County at the discretion of the plat owner or grantor upon the plat.

Sign: _____

Date: _____

MPC File #: _____



Timothy J. Howell, RLS 2263
121 Dorothy Drive, Harbort, TN 37877
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Fax: (865) 671-8418
Email: tim@tds.com

B.H. Sprankles Addition
Final Plat of the resubdivision of Lots 154, 155, and 182-193 of the B.H. Sprankles Addition to West Knoxville

Grid North (NAD 83/2011)
Based on a bearing of N 67° 58' 32" E from City Center Point # 1517 to # 0218.
Distances have not been reduced to grid.

DRAWN BY:
Steve Schaefer
Bridges & Associates, Inc.
15811 271st Avenue, Ft. Lauderdale, FL 33433
(954) 271-4800

LOCATED IN: Block 50810 & 50930 in the 50th Ward of Knoxville, Tennessee.
Tax Map: 1070 Group A, Pd 18.01 and Group J, Pcs 3-7 & 13
For file see 201-40421-00594201, 201504-15-0059817, & 201504-15-00598098

May 27, 2020
Scale: 1" = 30'

Project: CWHV
Drawing: Kvald 2810