



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

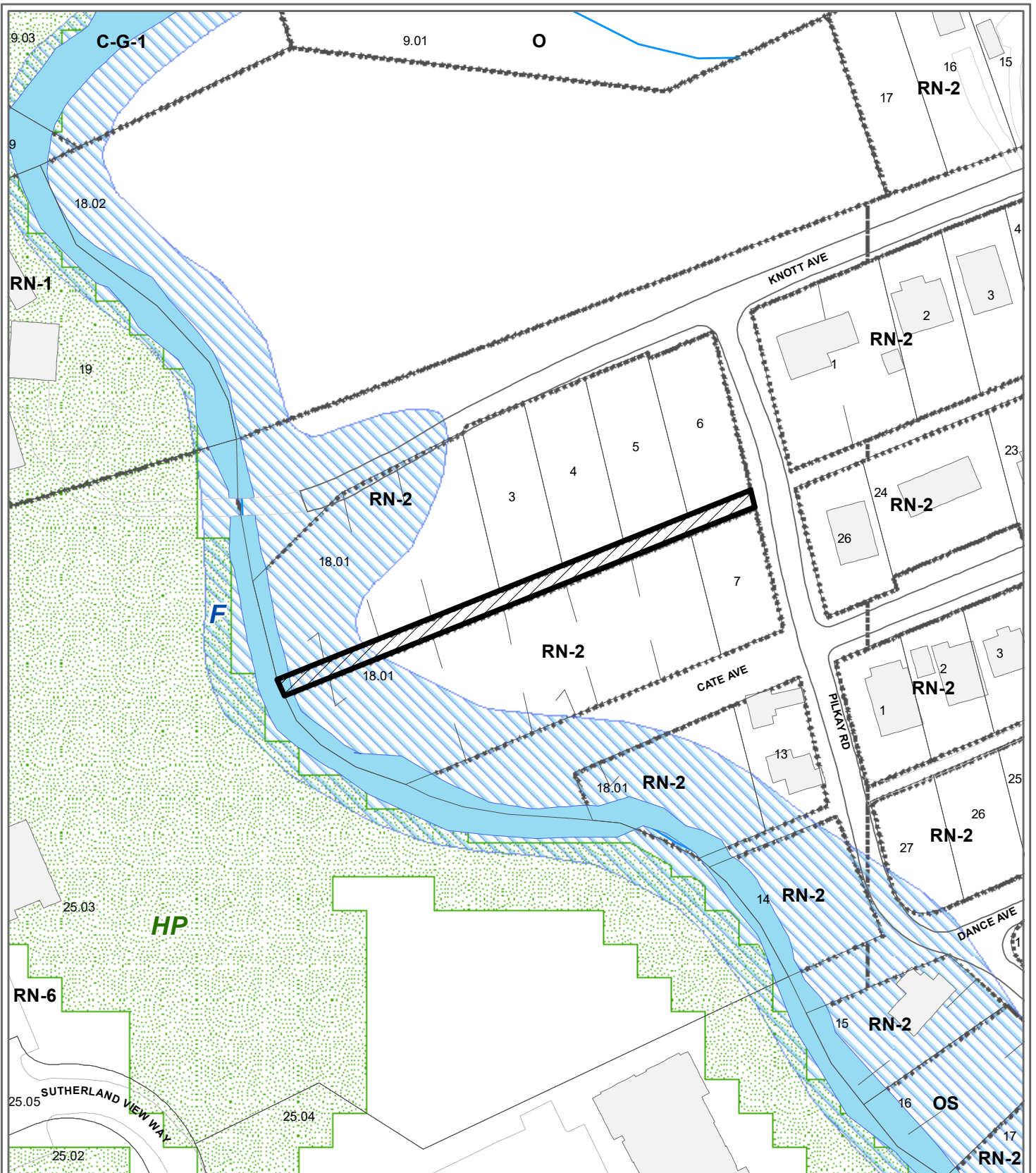
► <b>FILE #:</b>	<b>9-A-20-AC</b>	<b>AGENDA ITEM #:</b>	<b>5</b>
POSTPONEMENT(S):	9/10/20, 10/8/20, 11/12/20, 12/10/20, 3/11/20	<b>AGENDA DATE:</b>	<b>6/10/2021</b>
► <b>APPLICANT:</b>	<b>MIKE SOUEID</b>		
TAX ID NUMBER:	107 N/A	<a href="#">View map on KGIS</a>	
JURISDICTION:	Council District 6		
SECTOR PLAN:	Central City		
GROWTH POLICY PLAN:	Inside City limits		
ZONING:	RN-2 (Single-Family Residential Neighborhood)		
WATERSHED:	Third Creek		
► <b>RIGHT-OF-WAY TO BE CLOSED:</b>	<b>Unnamed Alley between Knott Ave. &amp; Cate Ave.</b>		
► <b>LOCATION:</b>	<b>Between Pilkay Rd and Third Creek</b>		
IS ALLEY:			
(1) IN USE?:	No		
(2) IMPROVED (paved)?:	No		
► <b>APPLICANT'S REASON FOR CLOSURE:</b>	<b>We are consolidating lots and own both sides of this alley. Its current layout is not conducive to development</b>		
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 application for 90 days to be heard at the September 9, 2021 Planning Commission meeting.**

This right-of-way closure request is related to an application for a rezoning, sector plan amendment, and One Year Plan amendment affecting several parcels spanning two city blocks that will be heard at the July 8, 2021 Planning Commission meeting. If the rezonings and plan amendments are approved, they will proceed to City Council in August 2021, with the second reading taking place at the end of the month. Postponing the right-of-way closure request until the September meeting leaves the option to retain the alleys open pending those case outcomes. Planning staff would like to retain the alleys in case future development on these parcels would utilize the alleys in their site design. Should the rezoning and plan amendment cases, pass, staff can assess the alley closures at that time. If the rezonings and plan amendments are denied, the right-of-way closure requests could be subsequently withdrawn or denied.

If approved, this item will be forwarded to Knoxville City Council for action on 7/13/2021 and 7/27/2021. 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.



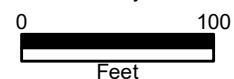
**9-A-20-AC  
CLOSURE OF PUBLIC RIGHT OF WAY**

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

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

Petitioner: Soueid, Mike

Map No: 107  
 Jurisdiction: City





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](#)

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*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]

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**Michelle Portier** <michelle.portier@knoxplanning.org>

Fri, Aug 21, 2020 at 10:53 AM

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

Yes, that's fine. Thank you.

[Quoted text hidden]

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**Michelle Portier** <michelle.portier@knoxplanning.org>

Mon, Aug 31, 2020 at 2:36 PM

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

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>

Mon, Aug 31, 2020 at 3:15 PM

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

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  
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**Timothy J Howell** <tim@tnlds.com>

Tue, Sep 1, 2020 at 8:10 AM

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

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**

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

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## 2 attachments



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



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

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**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]

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**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

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**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]

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**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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**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 UNNAMED ALLEY BETWEEN PILKAY RD. AND  
THIRD CREEK AND BISECTING CITY BLOCK 50810, COUNCIL DISTRICT 6,  
CENTRAL CITY SECTOR. (9-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 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

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**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 unnamed alley  
MPC File # 9-A-20-AC; City Block 50810

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

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

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**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

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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-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 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



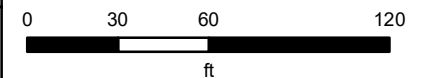
File No. 9-A-20-AC (Sewer)

**Knoxville Utilities Board**

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Printed: 8/24/2020 at 11:23:26 AM





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

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

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**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](mailto:Steve.Borden@tn.gov)

[tn.gov/tdot](http://tn.gov/tdot)

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

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

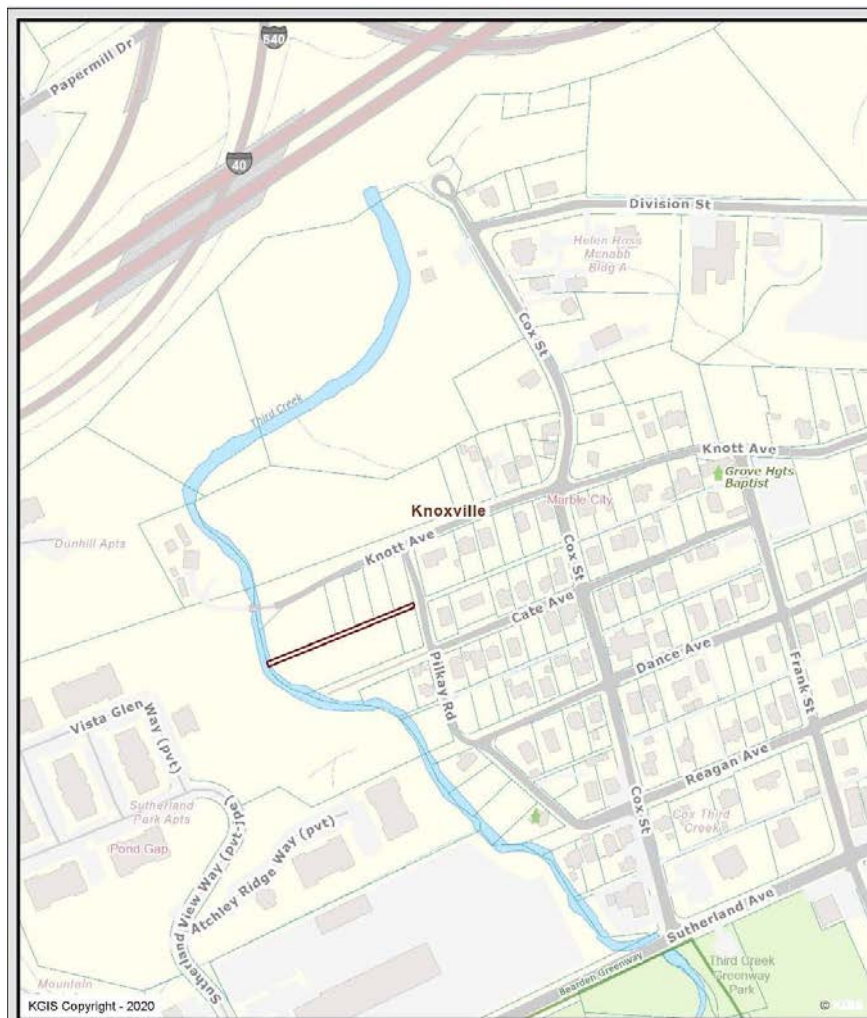
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## 9-A-20-AC

### Exhibit A. Contextual Images



9-A-20-AC: Location Map  
Unnamed Alley Closure

Knoxville - Knox County - KUB Geographic Information System

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.



9-A-20-AC: Aerial Map  
Unnamed Alley Closure

Knoxville - Knox County - KUB Geographic Information System

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# RIGHT-OF-WAY CLOSURE

Name of Applicant: Mike Soueid

Date Filed: 7/27/2020 Fee Paid: \$400 File Number: 9-A-20-AC

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

Jurisdiction: ☒ City 6th Council District

## INFORMATION:

Name of Right-of-Way: Alley connecting Pitkay Rd & 3rd Creek between Knott Ave & Cate Ave

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

### Location of Right-of-Way:

BETWEEN (City Block or Lot where appropriate) between 50810

AND (City Block or Lot where appropriate) \_\_\_\_\_

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

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

## TO BE CLOSED:

From: (Street, Alley, Other)

Alley from Pitkay rd

Between Knott Ave & Cate Ave.

To: (Street, Alley, Other)

Third Creek

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

Tim Howell 1707 N Ridge et Sevierville, TN 37862 865-742-2557 tim@thlds.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 6604 Girazda Cir Boca Raton FL 33433 561-271-2557 mike.soueid@gmail.com  
Name: (Print) Address • City • State • Zip • Phone • Email

APPLICATION ACCEPTED BY: Michelle Portier

Michelle Portier



# 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]

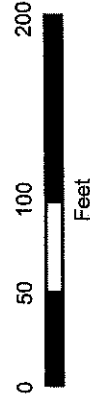




## Closure request of undeveloped alley

Subtitle

Notes



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© KGIS 2020  
Printed: 7/27/2020 12:52:24 PM

**Certification of Ownership and Dedication**  
I, the undersigned, hereby certify that the subdivision name and all street names conform to the Knoxville County Board of Planning and Zoning Commission, and these regulations.  
Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Dedicator's Printed Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_  
City of \_\_\_\_\_ County of \_\_\_\_\_  
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
before me personally appeared \_\_\_\_\_ as he is known to be, and he executed the same in his free and lawful mind, and acknowledged that he executed the same as his free and lawful act.  
Witness my hand and notarial seal, this \_\_\_\_\_ day and year above.  
Written: \_\_\_\_\_ Notary \_\_\_\_\_  
My Commission expires \_\_\_\_\_ "Sun"

**Certification of Approval of Public Sewerage System - Minor Subdivision**  
This is to certify that the subdivision application is in accordance with the provisions of the Knoxville County Board of Planning and Zoning Commission, and these regulations.  
It is the responsibility of the property owner to verify with the Utility Provider the availability of sanitary sewer in the vicinity of the lot(s) and to pay for the installation of the required connections.  
Utility Provider: \_\_\_\_\_  
Authorized Signature for Utility: \_\_\_\_\_ Date: \_\_\_\_\_

**Certification of Approval of Public Water System - Minor Subdivision**  
This is to certify that the subdivision application is in accordance with the provisions of the Knoxville County Board of Planning and Zoning Commission, and these regulations.  
It is the responsibility of the property owner to verify with the Utility Provider the availability of water system in the vicinity of the lot(s) and to pay for the installation of the required connections.  
Utility Provider: \_\_\_\_\_  
Authorized Signature for Utility: \_\_\_\_\_ Date: \_\_\_\_\_

**Certification of Zoning**  
This is to certify that the land being subdivided is located in the \_\_\_\_\_ zoning district as shown on the zoning map by the Planning Commission as follows:  
Zoning Shown on Official Map: \_\_\_\_\_  
Date: \_\_\_\_\_ By: \_\_\_\_\_

**Certification of No Recorded Easements**  
This is to certify that there are no known recorded drainage or utility easements on lot (being) being dedicated on this subdivision plat.  
Registered Land Surveyor: \_\_\_\_\_  
Tennessee License No.: 2383  
Date: 5/27/2020

**Certificate of Final Plat - Construction Complete**  
I hereby certify that I am a registered land surveyor licensed to practice in the State of Tennessee, and I have examined the plat and accompanying drawings, documents, and statements conforming to the best of my knowledge, to all applicable provisions of the Knoxville County Board of Planning and Zoning Commission, and I have found that the same are in accordance with the Planning Commission, or for variances and waivers which have been approved as identified on the final plat. The indicated permanent reference markers and monuments, bearings and property measurements were in place on the 10th day of March, 2020.  
Registered Land Surveyor: Timothy J. Howell  
Tennessee License No.: 2383  
Date: 5/27/2020

**Certification of Category and Accuracy of Survey**  
I hereby certify that this is a Category I survey and the ratio of precision of the triangulation survey is not less than 1:10,000 as shown hereon and that the survey meets the requirements of the Rules of the Tennessee State Board of Standards of Practice.  
Registered Land Surveyor: Timothy J. Howell  
Tennessee License No.: 2383  
Date: 5/27/2020

Subdivision is to be used for residential purposes, and the owner shall use the same.



**Timothy J. Howell, RLS 2263**  
(865) 742-2557  
121 Dorothy Drive, Tabbott, TN 37877  
tim@thids.com

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

**Showing property of same**  
Located in Block 50810 & 50830 in the 50th Ward of Knoxville, Tennessee.  
Tax Map 107D Group A Pls 3-7 & 13  
For file see 20160421-0059420, 20160415-0059617, & 20160404-0058069  
May 27, 2020  
Scale: 1" = 30'

**Owner:**  
Miss Soud  
6584 Girard Cir  
Boca Raton, FL 33433  
(561) 271-8800  
Showing property of same  
Located in Block 50810 & 50830 in the 50th Ward of Knoxville, Tennessee.  
Tax Map 107D Group A Pls 3-7 & 13  
For file see 20160421-0059420, 20160415-0059617, & 20160404-0058069  
May 27, 2020  
Scale: 1" = 30'

**Notes:**  
1. Existing lot lines  
2. See 12" Iron Pin  
3. See Railroad Spike  
4. See 1/2" Iron Pin  
5. See 1/4" Iron Pin  
6. See 1/8" Iron Pin  
7. See 1/16" Iron Pin  
8. See 1/32" Iron Pin  
9. See 1/64" Iron Pin  
10. See 1/128" Iron Pin  
11. See 1/256" Iron Pin  
12. See 1/512" Iron Pin  
13. See 1/1024" Iron Pin  
14. See 1/2048" Iron Pin  
15. See 1/4096" Iron Pin  
16. See 1/8192" Iron Pin  
17. See 1/16384" Iron Pin  
18. See 1/32768" Iron Pin  
19. See 1/65536" Iron Pin  
20. See 1/131072" Iron Pin  
21. See 1/262144" Iron Pin  
22. See 1/524288" Iron Pin  
23. See 1/1048576" Iron Pin  
24. See 1/2097152" Iron Pin  
25. See 1/4194304" Iron Pin  
26. See 1/8388608" Iron Pin  
27. See 1/16777216" Iron Pin  
28. See 1/33554432" Iron Pin  
29. See 1/67108864" Iron Pin  
30. See 1/134217728" Iron Pin  
31. See 1/268435456" Iron Pin  
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