



CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

► **FILE #:** 3-C-21-SC

AGENDA ITEM #: 10

AGENDA DATE: 3/11/2021

► **APPLICANT:** **BOBBY SMELCER C.**

TAX ID NUMBER: 109 N/A

[View map on KGIS](#)

JURISDICTION: Council District 1

SECTOR PLAN: South City

GROWTH POLICY PLAN: N/A

ZONING: N/A

WATERSHED: Goose Creek

► **RIGHT-OF-WAY TO BE CLOSED:** **Western end of McCarty Ave.**

► **LOCATION:** **Between W. Blount Ave. and northeast corner of parcel 109IH017**

IS STREET:

(1) IN USE?: no

(2) IMPROVED (paved)?: no

► **APPLICANT'S REASON FOR CLOSURE:** **This portion was never open to Blount Ave. and the east end hasn't been in use for over 50 years. I am the property owner on both sides of this closed road but the ROW is still open.**

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 the western portion of McCarty Avenue that runs from the W. Blount Avenue to the northeast lot line of parcel 109IH107 , subject to any required easements, since it is undeveloped, does not provide access to any lots, and staff has received no objections.**

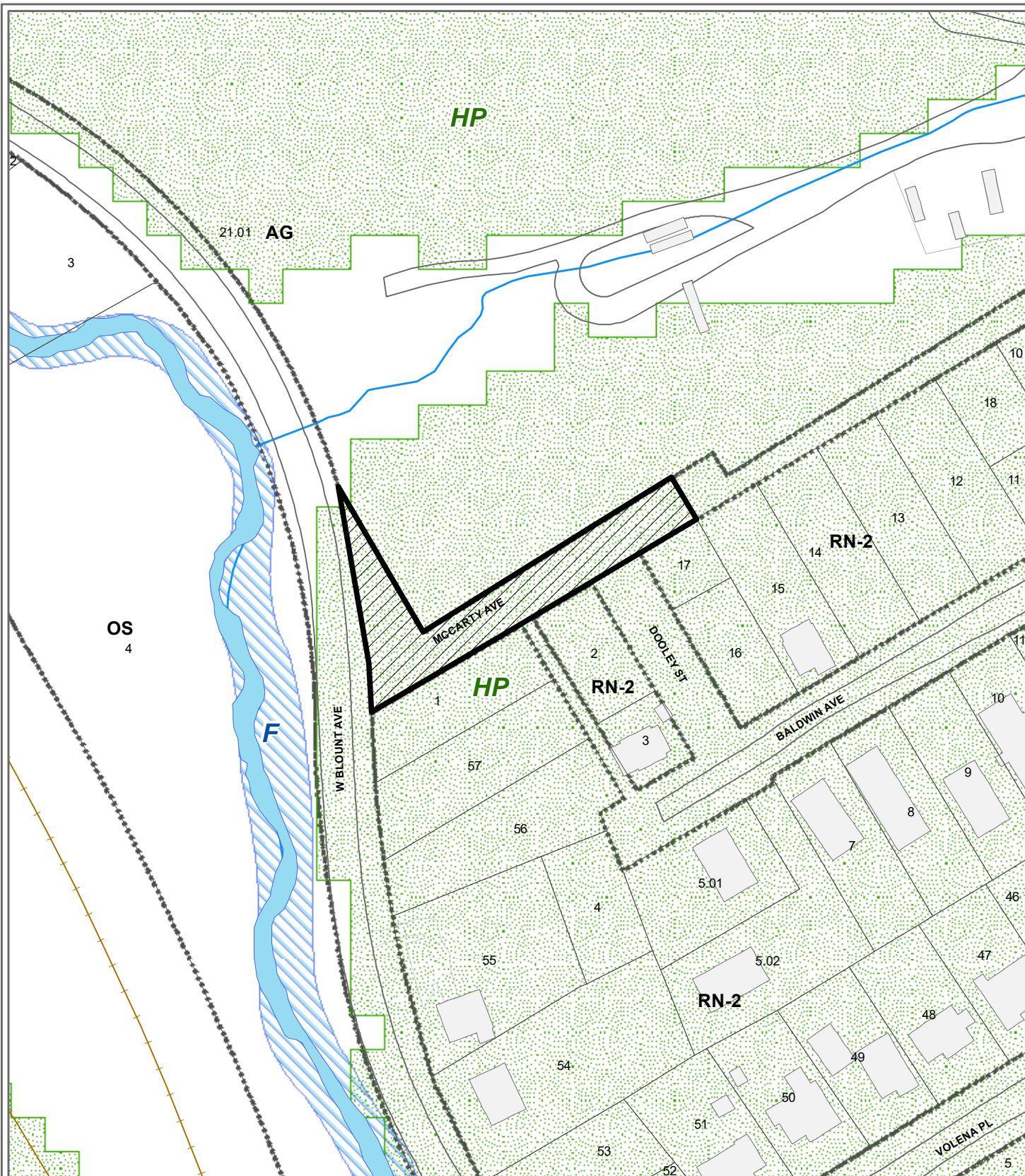
COMMENTS:

1. The applicant is requesting to close all of McCarty Avenue except a small portion abutting 721 Baldwin Avenue (parcel 109IH105), as he has been unable to acquire their signature. Therefore, the request to close McCarty is separated into two requests - the eastern and western ends of McCarty Avenue to either side of 721 Baldwin Avenue.
2. This request is to close the western portion of McCarty Avenue from W. Blount Avenue to the northeast property line of parcel 109IH107.
3. 721 Baldwin Avenue is accessed off of Baldwin Avenue and does not utilize McCarty Avenue for access.
4. McCarty Avenue has never been developed and remains wooded land.
5. 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. 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.

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

If approved, this item will be forwarded to Knoxville City Council for action on 4/6/2021 and 4/20/2021. 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.



**3-C-21-SC
CLOSURE OF PUBLIC RIGHT OF WAY**

Petitioner: Smelcer, Bobby, C.

Name of Street or Alley: Western end of McCarty Ave.
To be closed from: W. Blount Ave.
To be closed to: Northeast corner of parcel 109IH017

Map No: 109
Jurisdiction: City

Original Print Date: 2/5/2021 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

0 100
Feet



FEBRUARY 4, 2021

Knoxville Utilities Board
Steve Borden, Regional Director, TN Dept. of Transportation
Harold Cannon, Director, Department of Engineering
Steve King, Department of Engineering
Sonny Partin, Fire Marshall
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 THE WESTERN END OF MCCARTY AVE. BETWEEN
W. BLOUNT AVE. AND NORTHEAST CORNER OF PARCEL 109IH017. COUNCIL
DISTRICT 1, SOUTH CITY SECTOR. (3-C-21-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 March 11, 2021. 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 22, 2021 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

February 15, 2021

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

SUBJECT: Closure of western end of McCarty Ave
MPC File # 3-C-21-SC; City Block 25373

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>

March 2021 ROW closures 3-A-21-AC, 3-A-21-SC, 3-B-21-SC and 3-C-21-SC

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

Wed, Feb 17, 2021 at 3:59 PM

Dori,

You have our approval on all four requests.

Sonny

Asst. Chief Sonny Partin, CFPS
Fire Marshal
Knoxville Fire Department
400 Main St. Suite 446
Knoxville, Tn. 37902
865-215-2283 Office

From: Dori Caron <dori.caron@knoxplanning.org>
Sent: Thursday, February 4, 2021 12:51 PM
To: amy.brooks@knoxplanning.org; Ben Davidson <bdavidson@knoxvilletn.gov>; Charlo e Goforth <cgoforth@knoxvilletn.gov>; Chris an Wiberley <Christian.Wiberley@kub.org>; Harold Cannon <hcannon@knoxvilletn.gov>; Laura Edmonds <laura.edmonds@knoxplanning.org>; Michelle Porter <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: March 2021 ROW closures 3-A-21-AC, 3-A-21-SC, 3-B-21-SC and 3-C-21-SC

Good afternoon,

We have 4 new applications for March. Have a good afternoon.

Dori Caron

Senior Administrative Assistant

Direct Line: 865-215-2694

2/18/2021

Knoxville - Knox County Planning Mail - March 2021 ROW closures 3-A-21-AC, 3-A-21-SC, 3-B-21-SC and 3-C-21-SC

Email: dori.caron@knoxplanning.org

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Dori Caron <dori.caron@knoxplanning.org>

March 2021 ROW closures 3-A-21-AC, 3-A-21-SC, 3-B-21-SC and 3-C-21-SC

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

Fri, Feb 19, 2021 at 2:03 PM

Please find the following responses from TDOT District 18 Operations regarding these applications:

3-A-21-AC: No comment

3-A-21-SC: No comment

3-B-21-SC: No comment

3-C-21-SC: No comment



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: Thursday, February 4, 2021 12:51 PM

To: Amy Brooks <amy.brooks@knoxplanning.org>; Ben Davidson <bdavidson@knoxvilletn.gov>; Charlotte Goforth <cgoforth@knoxvilletn.gov>; Christian Wiberley <Christian.Wiberley@kub.org>; 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: [EXTERNAL] March 2021 ROW closures 3-A-21-AC, 3-A-21-SC, 3-B-21-SC and 3-C-21-SC

***** 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>

March 2021 ROW closures 3-A-21-AC, 3-A-21-SC, 3-B-21-SC and 3-C-21-SC

PEARMAN, KELLY <kp6012@att.com>

Tue, Mar 2, 2021 at 9:49 AM

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

Cc: "KNIGHT, ROBERT" <rk1580@att.com>

Dori,

I have no desire to relinquish any ROW's or easements at this time that might be located in the Fountain City, South Knoxville/Young High areas.

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

From: SIMMS, SHANNON R <ss3775@att.com>

[Quoted text hidden]

[Quoted text hidden]



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

Addressing Department Review and Comments

File #: 3-C-21-SC

Tax Parcel ID:

Subdivision:

Owner:

Applicant: Bobby Smelcer

Company:

Email: bobbycsmelcer@gmail.com

Date Submitted: 1/25/21

Review Type: SC

Unit or Phase:

Phone:

Office: 865.250.3924

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
	No addresses will be impacted if the proposed closure of McCarty Avenue is approved.	

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

Andrea Kupfer (865.215.3797) andrea.kupfer@knoxplanning.org	1st Review	Donna Hill (865.215.3872) donna.hill@knoxplanning.org	2nd Review
	2/1/2021		Feb22, 2021



RIGHT-OF-WAY CLOSURE

Name of Applicant: Bobby C. Smelcer

Date Filed: 1/25/2021 Fee Paid: \$750 File Number: 3-C-21-SC

Map Number: 109 Zoning District: City County Sector : South City Sector

Jurisdiction: City 1st Council District

INFORMATION:

Name of Right-of-Way: Western end of McCarty Avenue

Type of Right-of-Way: Street Alley

Location of Right-of-Way:

BETWEEN (City Block or Lot where appropriate) W. Blount Avenue

AND (City Block or Lot where appropriate) Northeast corner of parcel 109IH017

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

Reason for Closure: Never was open to Blount Ave and the east end hasn't been in use for over 50 years. I am the property owner on both sides of this closed road but the right-of-way is still open.

TO BE CLOSED: Two portions of the right-of-way are requested for closure as described below, leaving the middle portion open

From: (Street, Alley, Other)

W. Blount Avenue

To: (Street, Alley, Other)

Northeast corner of parcel 109IH017

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Bobby Smelcer 137 Wrinkle Ave Knoxville, TN 37920 (865) 250-3924 bobbycsmelcer@gmail.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:

Bobby Smelcer 137 Wrinkle Ave Knoxville, TN 37920 (865) 250-3924 bobbycsmelcer@gmail.com
Name: (Print) Address City State Zip Phone Email

APPLICATION ACCEPTED BY:

Michelle Fox



RIGHT-OF-WAY CLOSURE

Name of Applicant: Bobby C. Smelcer
Date Filed: Jan 25 2004 Fee Paid: \$750 File Number: 3-B-21-SC and 3-C-21-SC
Map Number: CIT 109 Zoning District: AG & RM2 ☒ City ☐ County Sector: South City Sector
Jurisdiction: ☒ City 1st Councilmanic District

INFORMATION:

Name of Right-of-Way: McCarthy Ave
Type of Right-of-Way: ☒ Street ☐ Alley
Location of Right-of-Way:
Between (City Block is 100 where appropriate) 3314 W. Blount Ave & 3414 W. Blount Ave
And (City Block is 100 where appropriate)
Right-of-Way is: ☐ In Use ☒ Yes ☐ No Improved (example: paved) ☐ Yes ☒ No
Reason for Closure: NEVER WAS OPEN TO BLOUNT AVE & THE EAST END HASN'T BEEN
IN USE FOR OVER 50 YEARS. I AM THE PROPERTY OWNER ON BOTH SIDES
OF THIS CLOSED ROAD BUT RIGHT OF WAY IS STILL OPEN.

TO BE CLOSED:

From: (Street, Alley, Other)
W. Blount Ave. Going East
Loc. NE Corner of the Street
Property Please See Attachments

To: (Street, Alley, Other)
Dodley Ave A To B
The Old Wrinkle Ave Rd Bed
C To D

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Bobby C Smelcer 137 Wrinkle Ave Knoxville, TN 37920 865 2503924 bobbysmelcer@gmail.com
Name: (Print) Address City State Zip Phone Fax 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.

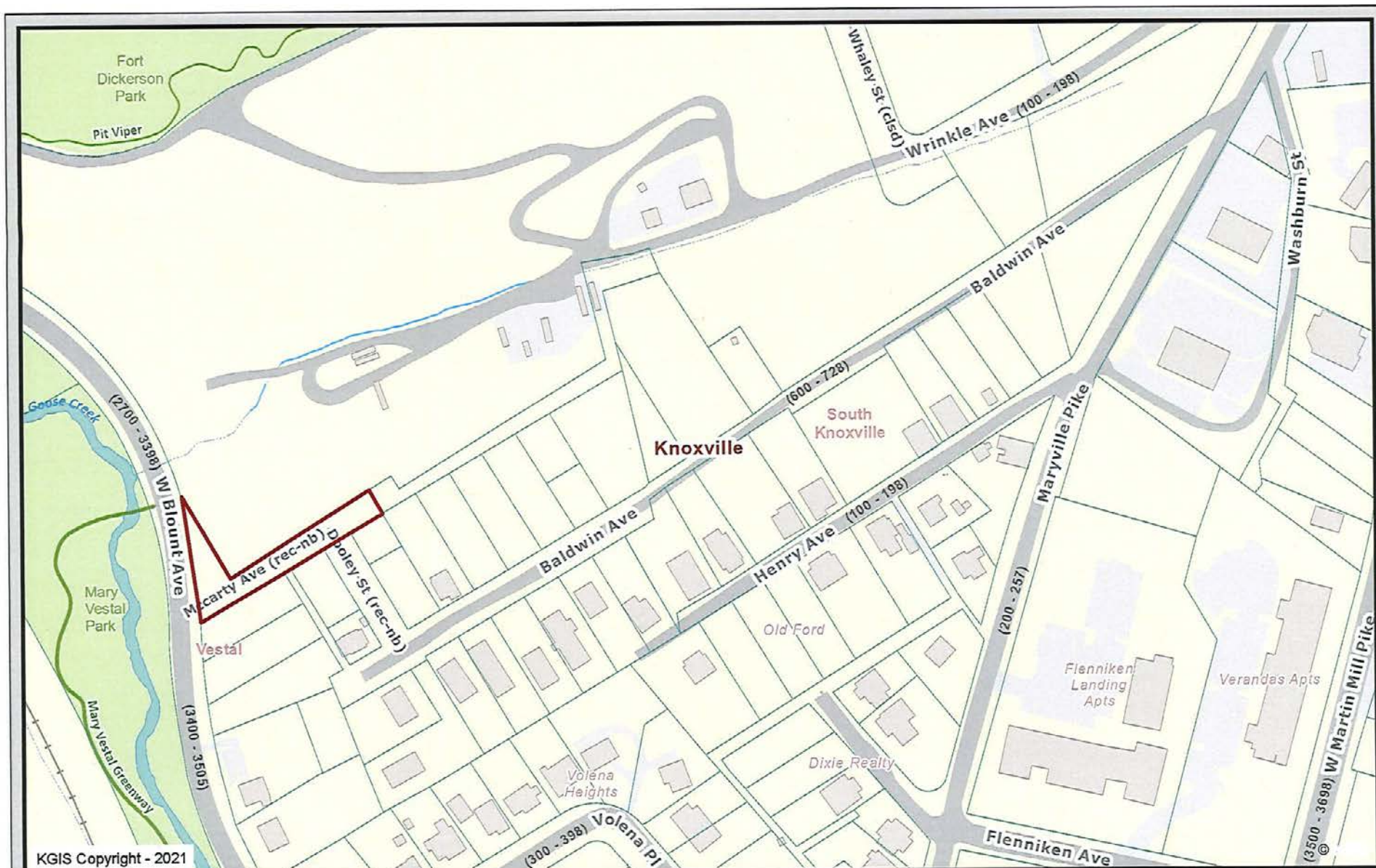
Signature: Bobby C Smelcer

Bobby C. Smelcer Same as above
Name: (Print) Address City State Zip Phone Fax

APPLICATION ACCEPTED BY: Michelle Foster

McCarty Ave Right of Way Closure





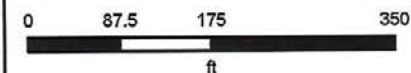
KGIS Copyright - 2021

Location - McCarty East end closure

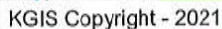
Knoxville - Knox County - KUB Geographic Information System



Printed: 2/1/2021 at 9:14:28 AM



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A horizontal number line is shown with tick marks at 0, 50, 100, and 200. The segment between 50 and 100 is shaded gray. Below the line, the unit 'ft' is indicated.

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