



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

► **FILE #:** 9-A-20-AC **AGENDA ITEM #:** 5

POSTPONEMENT(S): 9/10/2020, 10/8/2020, 11/12/2020, 12/10/2020 **AGENDA DATE:** 3/11/2021

► **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:** Unnamed Alley between Knott Ave. & Cate Ave.

► **LOCATION:** Between Pilkay Rd and Third Creek

IS ALLEY:

(1) IN USE?: No

(2) IMPROVED (paved)?: No

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

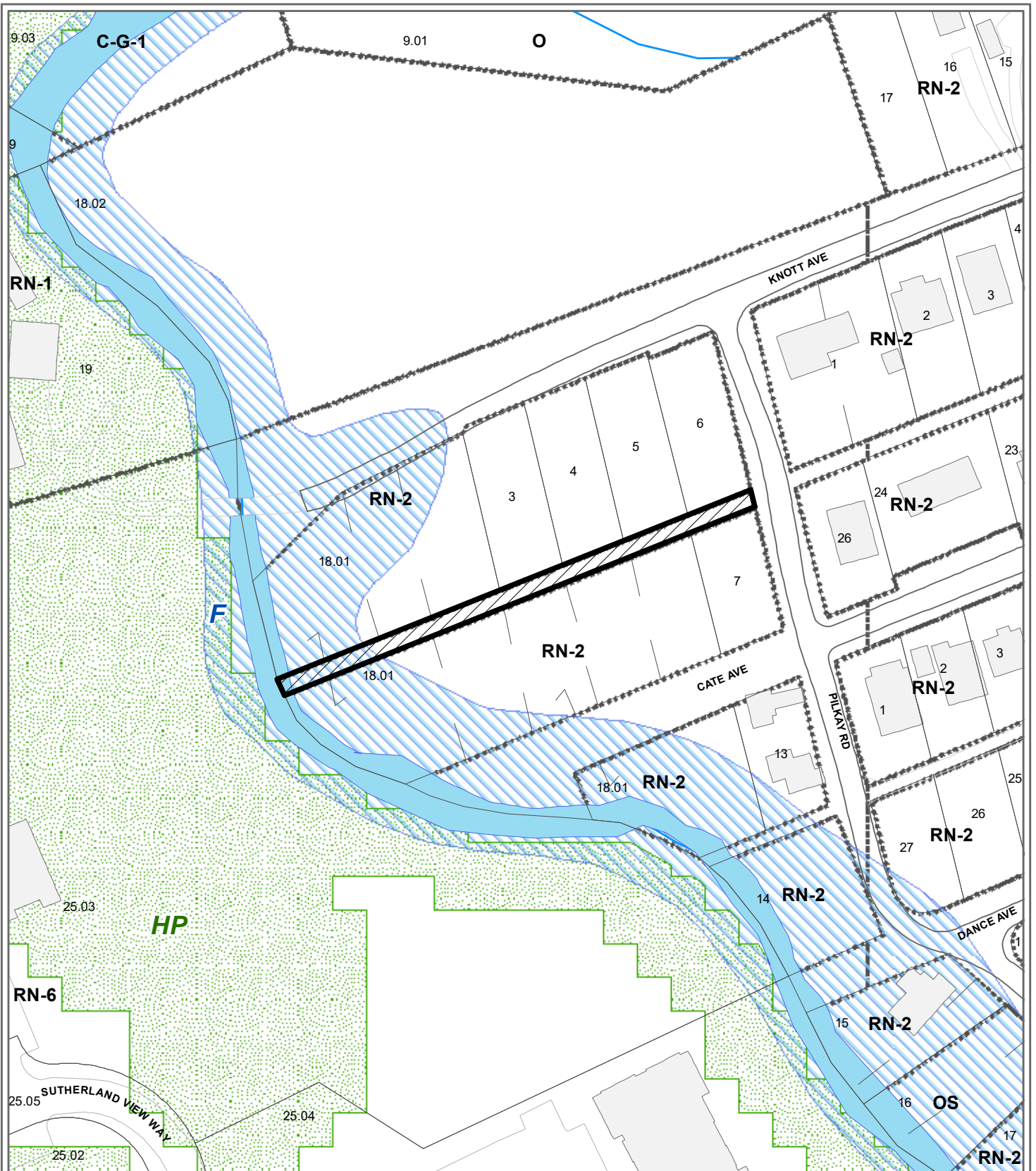
DEPARTMENT-UTILITY REPORTS: The City's Engineering Department and KUB have requested to retain any easements that may be in place.

## STAFF RECOMMENDATION:

► **Postpone this application for 90 days to be heard at the June 10, 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 April 8, 2021 Planning Commission meeting. If the rezonings and plan amendments are approved, they will proceed to City Council in May 2021, with the second reading taking place at the end of the month. Postponing the right-of-way closure request until the June meeting allows the applicant more time to acquire the final signature needed on the canvass form. If the rezonings and plan amendments are denied, the right-of-way closure requests could be subsequently withdrawn or denied.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 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.



**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

0 100  
 Feet





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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**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](#)  
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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



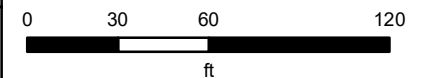
File No. 9-A-20-AC (Sewer)

**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

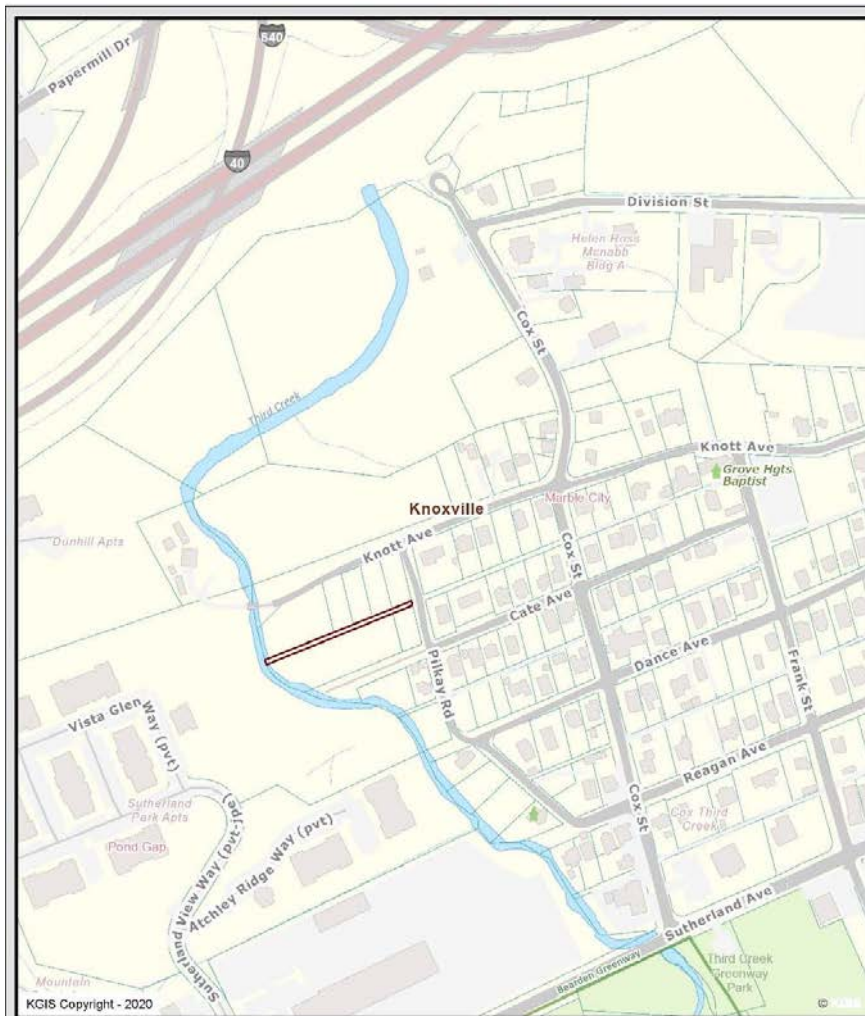
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## 9-A-20-AC

### 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

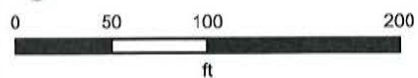
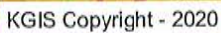
All owners and holders of option on property abutting the proposed closure must sign the list below and express their opinion about this closure. A map showing the location and addresses of these properties must accompany this application.

[illegible]











#### Certification of Ownership and Dedication

I, We, the undersigned owner(s) of the property shown herein, hereby adopt this as (my, our) plan of subdivision and dedicate the streets as shown to the public use forever and hereby certify that (I am, we are) the owner(s) in fee simple of the property, and as property owner(s) have an unrestricted right to dedicate right-of-way and/or grant easement as shown on this plat.

Owner(s) Printed Name: \_\_\_\_\_ Signature(s): \_\_\_\_\_

Date: \_\_\_\_\_  
State of \_\_\_\_\_ County of \_\_\_\_\_  
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Before me personally appeared \_\_\_\_\_ to me known to be the person described in, and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.  
Witness my hand and notarial seal, this \_\_\_\_\_ day and year above.

Written \_\_\_\_\_ Notary  
My Commission expires \_\_\_\_\_ "Seal"

#### Certification of Approval of Public Sanitary Sewer System - Minor Subdivisions

This is to certify that the subdivision shown herein is approved subject to the installation of public sanitary sewers and treatment facilities, 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 sanitary sewers 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 Subdivisions

This is to certify that the subdivision shown herein is approved subject to the installation of a public water 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 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

Zoning district(s) in which the land being subdivided is located shall be indicated 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 line(s) being eliminated on this subdivision plat.

Registered Land Surveyor \_\_\_\_\_  
Tennessee License No. 2263  
Date: 5/27/2020

#### Certificate of Final Plat - Construction Complete

I hereby certify that I am a registered land surveyor licensed to practice surveying under the laws of the State of Tennessee. I further certify that this plat and accompanying drawings, documents, and statements conform, to the best of my knowledge, to all applicable provisions of the Knoxville/Knox County Subdivision Regulations except as has been amended, described and justified in a report filed 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, benchmarks and property monuments were in place on the 10th day of March, 2020.

Registered Land Surveyor Timothy Howell  
Tennessee License No. 2263  
Date: 5/27/2020

#### Certification of Category and Accuracy of Survey

I hereby certify that this is a Category 1 survey and the ratio of precision of the unadjusted survey is not less than 1:10,000 as shown herein and that said survey was prepared in compliance with the current edition of the Rules of the Tennessee State Board of Examiners for Land Surveyors - Standards of Practice.

Registered Land Surveyor Timothy Howell  
Tennessee License No. 2263  
Date: 5/27/2020

Outstanding 22.02 Court fee for this survey has been paid. All of the people shall say Ameen.

#### Certification of Addressing Department

I, the undersigned, hereby certify that the subdivision name and all street names conform to the Knoxville/Knox County Street Naming and Addressing Ordinance, the Administrative Rules of the Planning Commission, and these regulations.

Signed \_\_\_\_\_  
Date \_\_\_\_\_

#### Certification of Taxes and Assessments

This is to certify that all property taxes and assessments due on this property have been paid.

City Tax Clerk: Signed \_\_\_\_\_ Date: \_\_\_\_\_

Knox County Trustee: Signed \_\_\_\_\_ 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 with existing official plans, with the exception of any variances and waivers noted on this plat, and that the record plat is hereby approved for recording in the office of the Knoxville Registrar of Deeds. Pursuant to Section 13-3-405 of Tennessee Code, Annotated, the approval of this plat by the Planning Commission shall not be deemed to constitute or effect an acceptance by the City of Knoxville or Knox County of the dedication of any street or other ground upon the plat.

Signed \_\_\_\_\_

Date: \_\_\_\_\_

#### City of Knoxville Department of Engineering

The Knoxville Department of Engineering hereby approves this plat on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Engineering Director \_\_\_\_\_

#### Utility and Drainage Easements

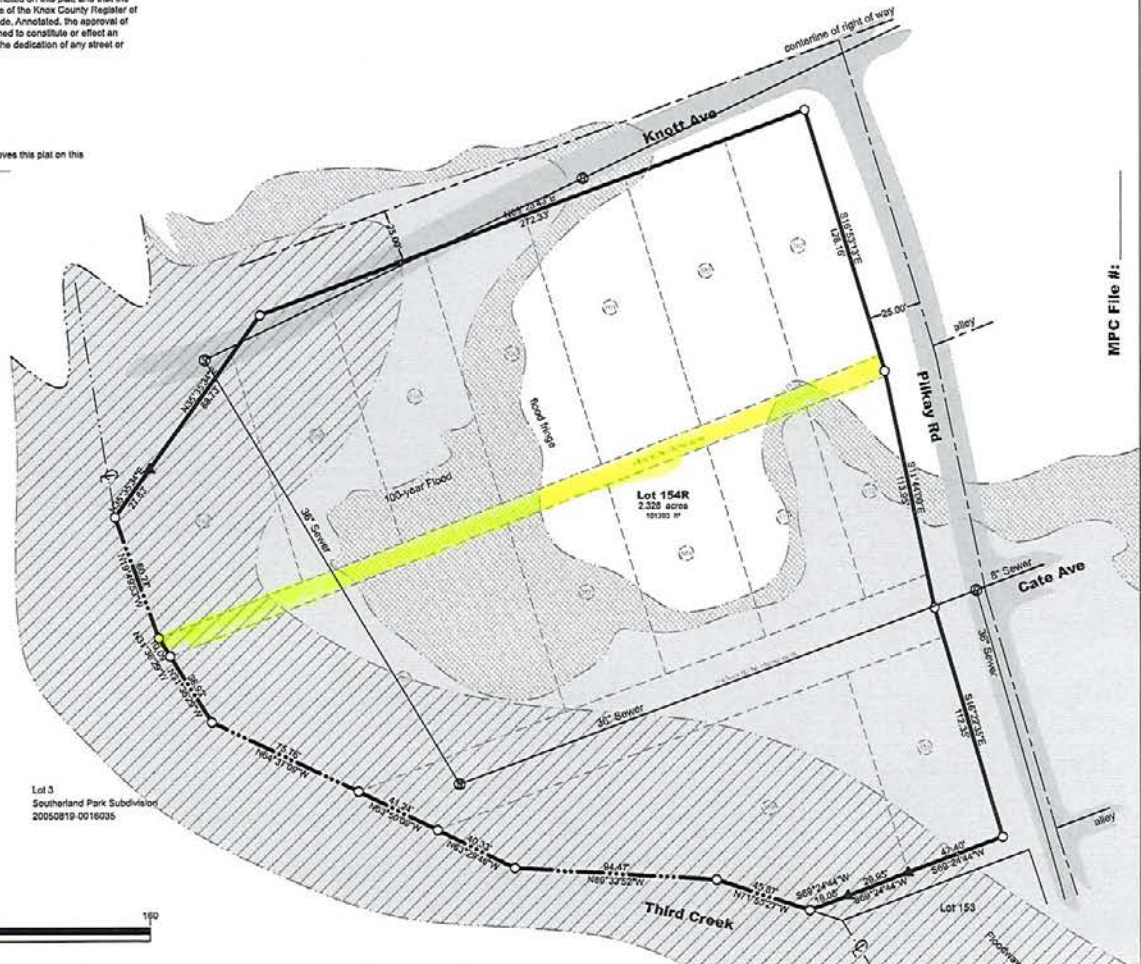
Easements of five (5) feet in width, situated along both sides of all interior lot lines in a subdivision, shall be dedicated to the public and to appropriate utilities agencies. These required easements shall be ten (10) feet in width inside all exterior lot lines, including road right-of-way lines, where the adjoining lot or property is not subject to a similar easement at least five (5) feet in width. Other special drainage and utility easements may be required.

#### Notes

- Existing Iron Pin
- Set 1/2" Iron Pin
- Set Railroad Spike
- Calculated Point
- Set Map Nail
- Flood way
- 100 year flood
- Flood fringe
- Pavement
- Zoned = RN-2 and F

Flood Plain Information obtained from Flood Insurance Rate Map number 47063C0278G Dated August 5, 2013

Title opinion not provided. Other easements, encroachments, etc. may exist and not be shown.



Lot 3  
Seashell Park Subdivision  
20050819-0016035

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 62° 54' 30" E from  
City Central Point # 1617 to # 0216.  
Distances have not been reduced to grid.

Owner:  
Mike Soule  
6684 Girazda Cir  
Boca Raton, FL 33433  
(561) 271-8800  
Showing property of same  
Located in Block 50610 & 50630 in the 50th Ward of  
Knoxville, Tennessee.  
Tax Map 107D Group A Pct 18.01 and Group J Pct 3-7 & 13  
For title see 20140421-0059420, 20160415-0059617, &  
20190404-0058069  
May 27, 2020  
Scale: 1" = 30'

Project: CHW  
Drawing: Knott 3810



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