



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, 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:** 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.

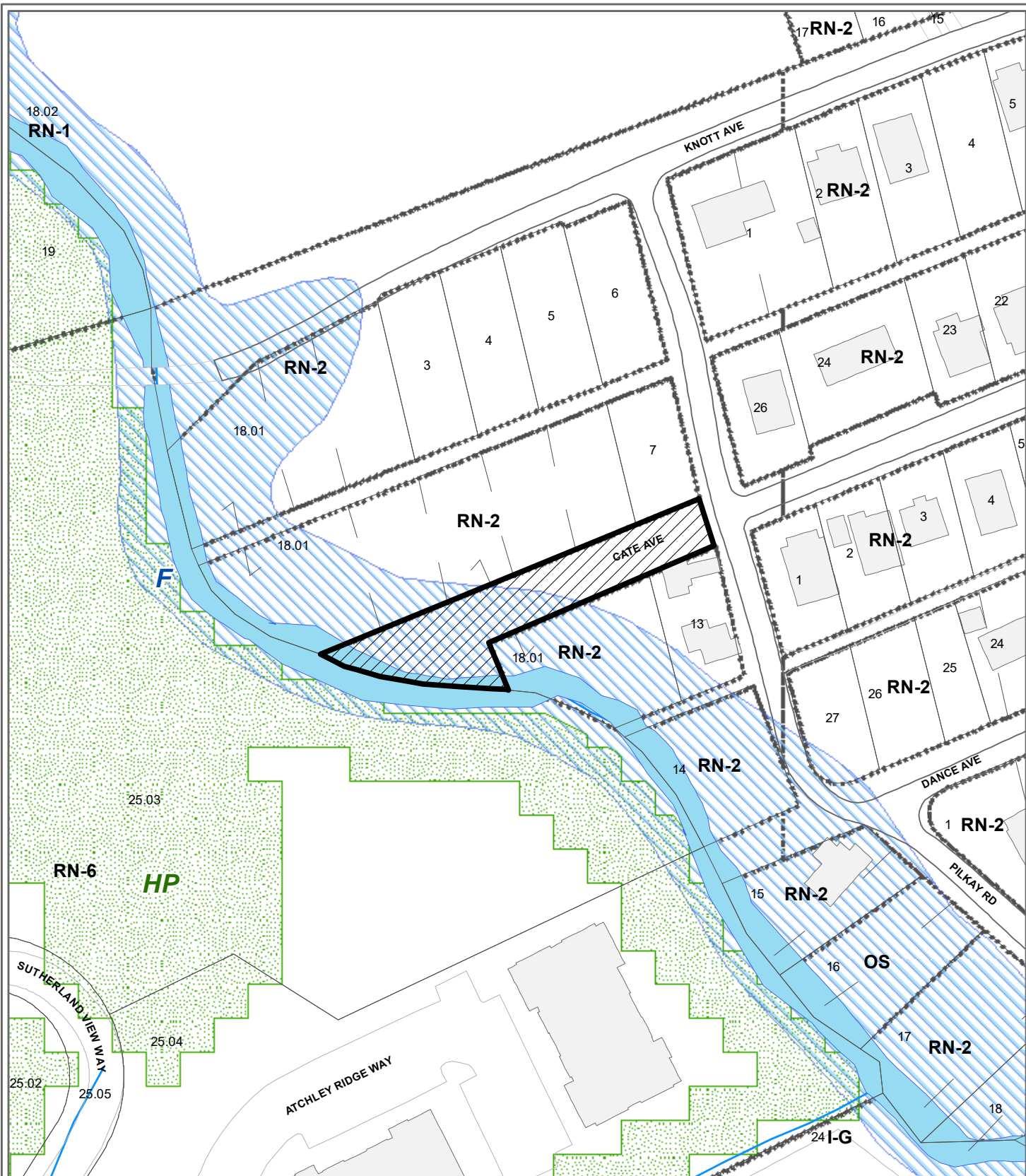
DEPARTMENT-UTILITY REPORTS: The City's Engineering Department and KUB have requested to retain any easements that may be in place.

STAFF RECOMMENDATION:

▶ **Postpone this 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 If the rezonings and plan amendments are denied, the right-of-way closure requests could be subsequently withdrawn or denied.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-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](#)
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[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](#)
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[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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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

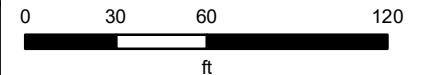


File No. 9-A-20-SC (Sewer)

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>

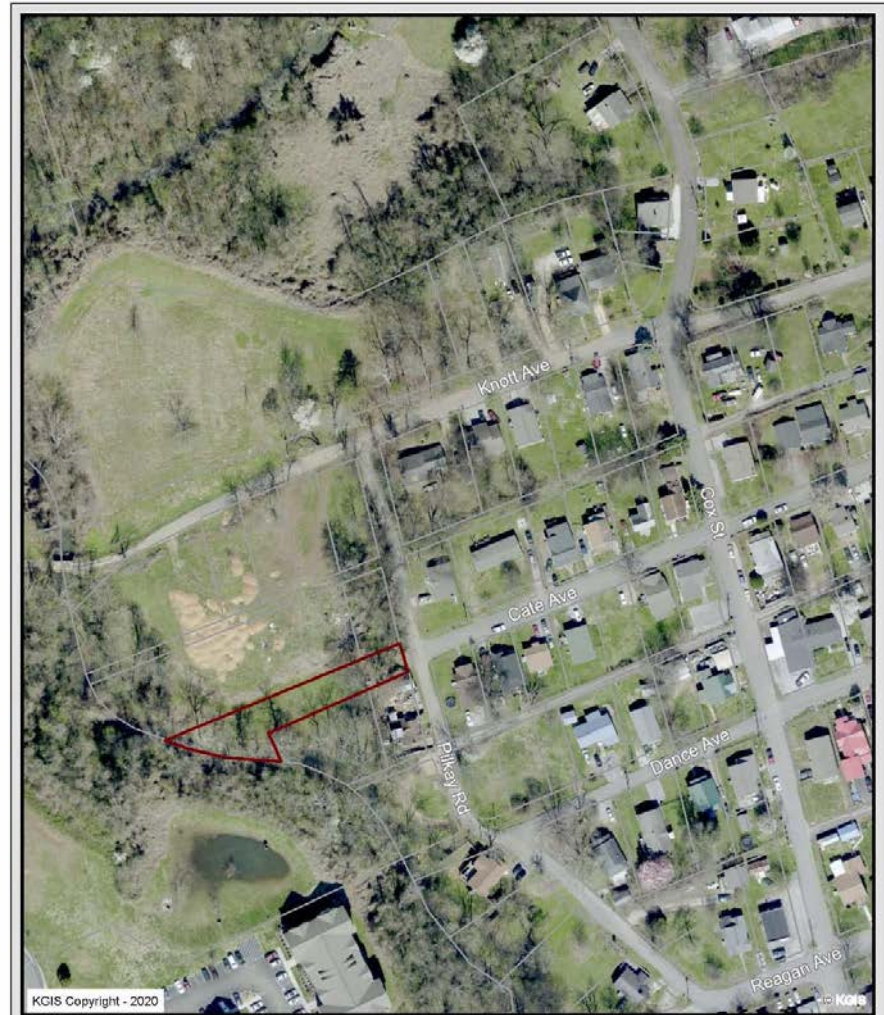
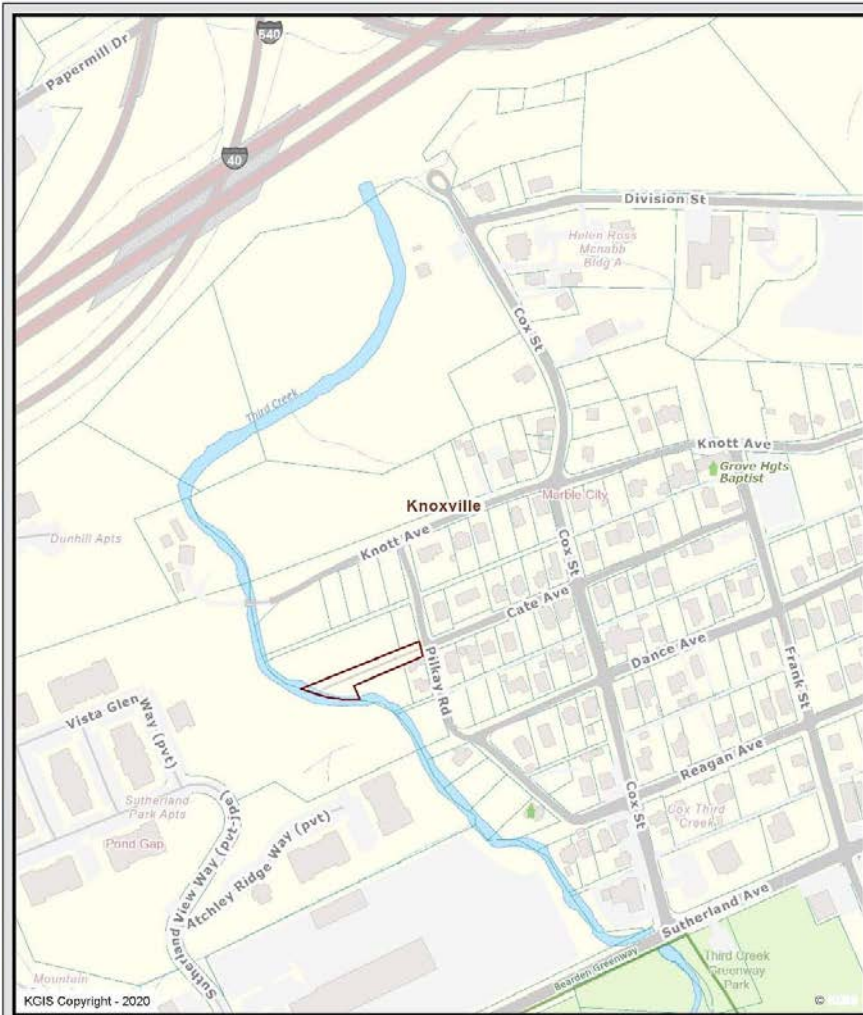
Sent: Wednesday, August 5, 2020 9:20 AM

[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)

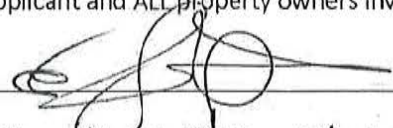
third creek

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

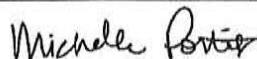
AUTHORIZATION OF APPLICATION:

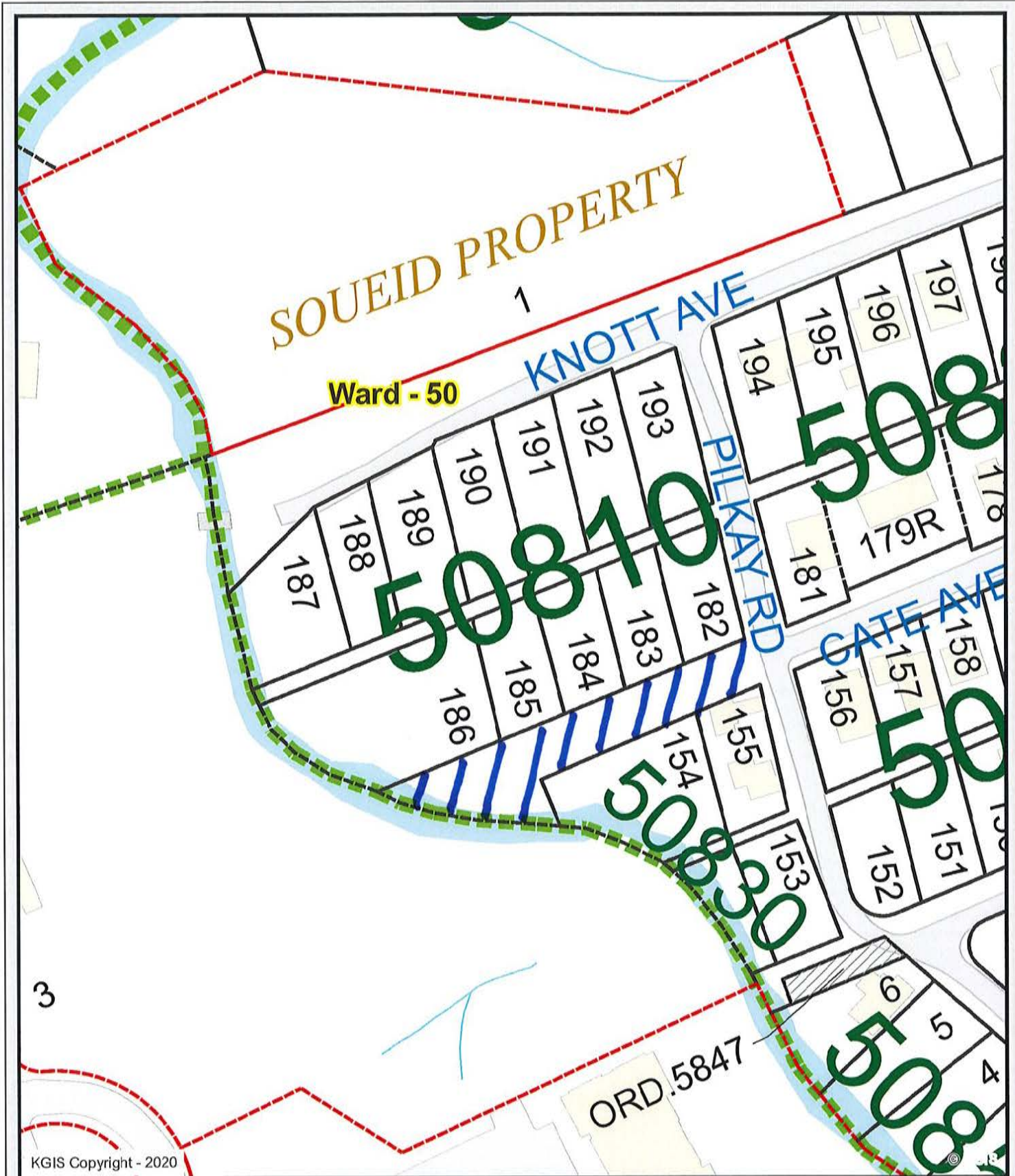
I hereby certify that I am the authorized applicant, or representing the applicant and ALL property owners involved in this request or holders of option on same.

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





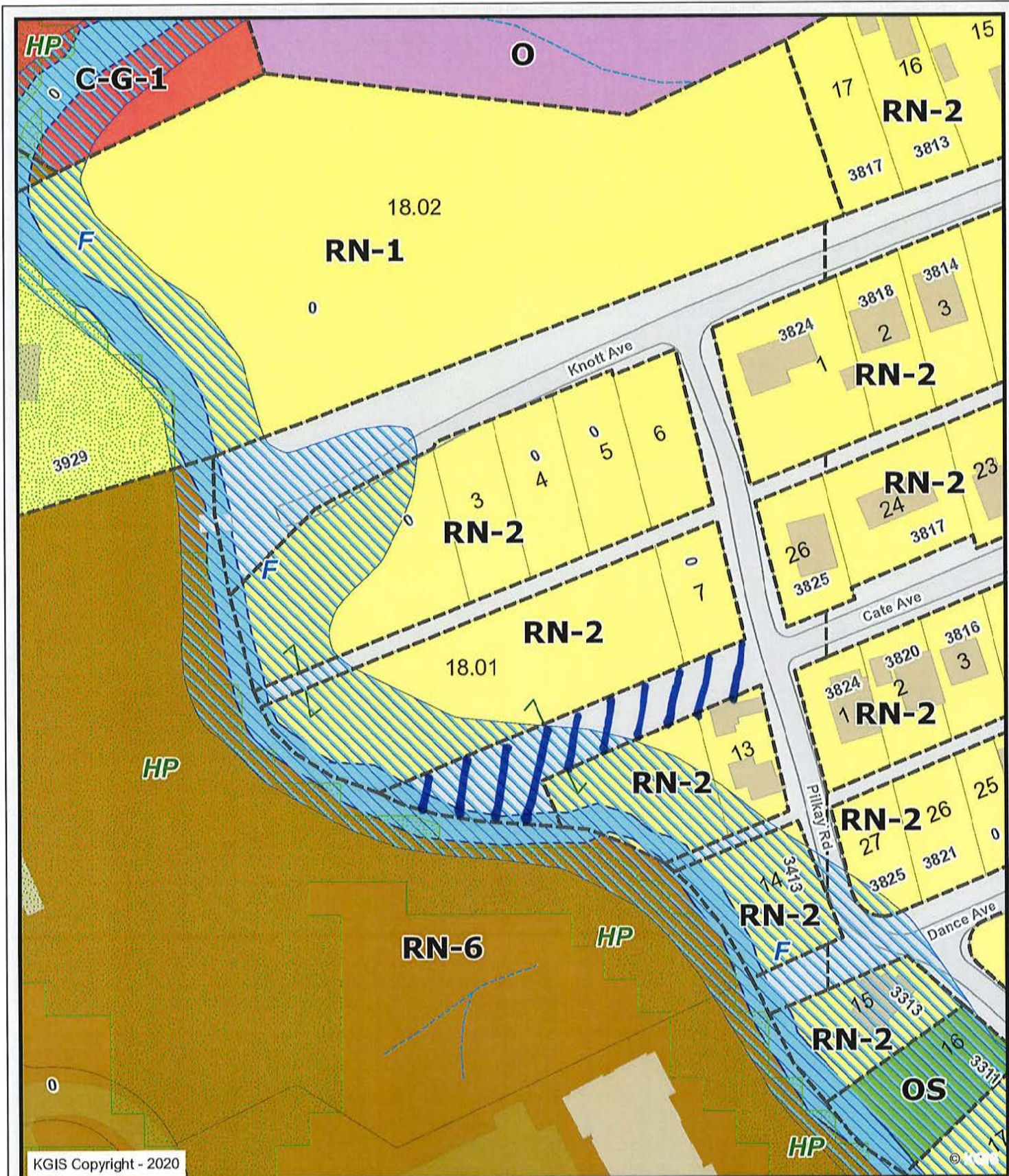
Letter Portrait

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

0 50 100 200
ft

Knoxville - Knox County - KUB Geographic Information System

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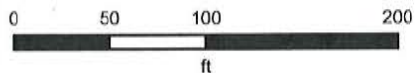
Letter Portrait

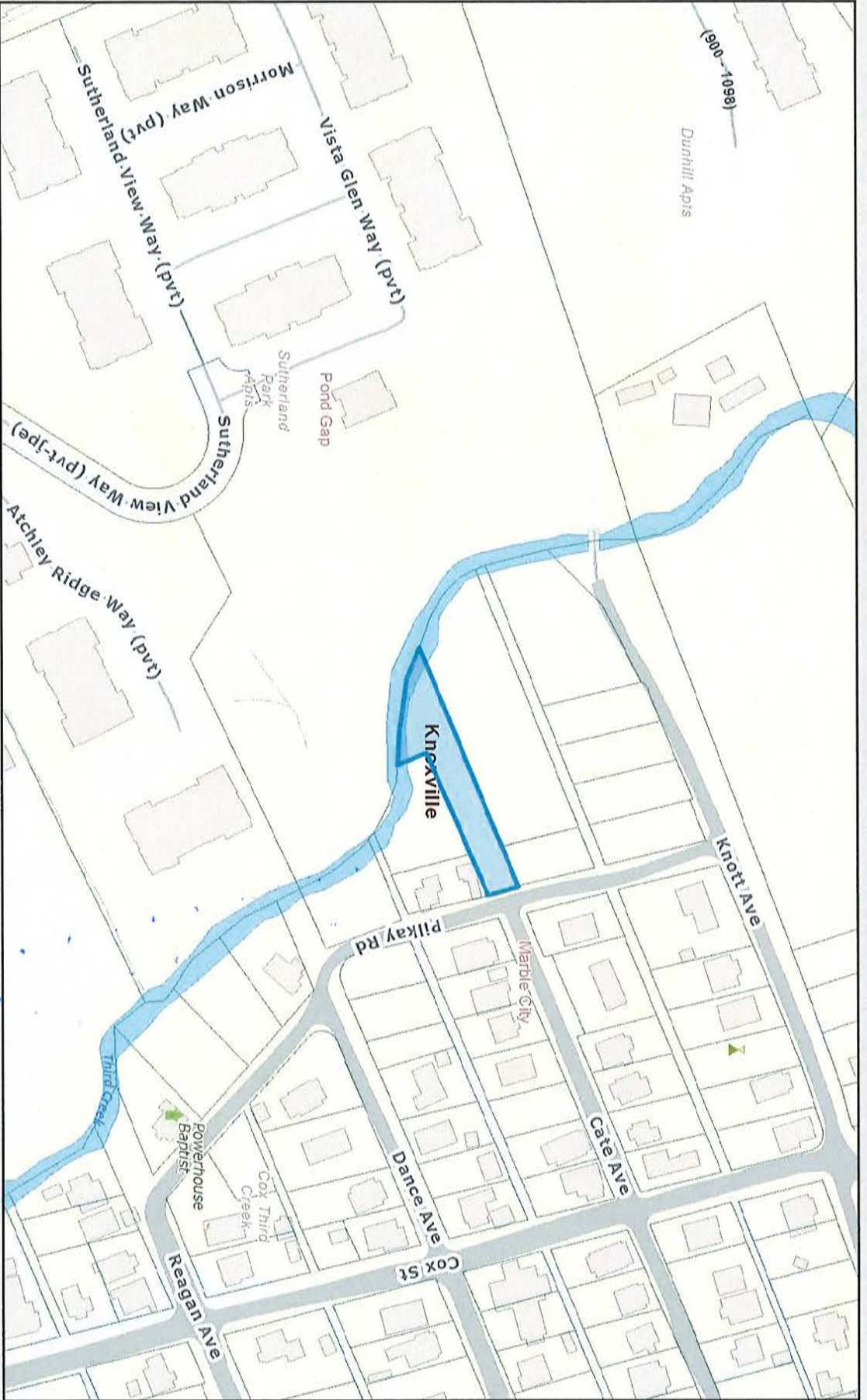
Knoxville - Knox County - KUB Geographic Information System

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

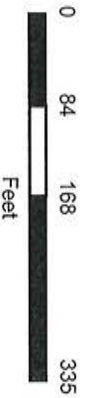




Closure request of undeveloped portion of Cate Avenue

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.

Certification of Ownership and Dedication

I, the undersigned, hereby certify that the subdivision shown hereon is my own and that I have the right to dedicate the streets shown to the public use of the County of Sevier and the City of Knoxville. I am the owner of the property and hereby certify that I am and the owner(s) in the title of the property, and as property owner(s) have an unrestricted right to dedicate right-of-way and/or grant easements as shown on this Official Plat. My name is _____ Signature: _____ Date: _____

Before me personally appeared _____ to me known to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same as his free act and deed. Witness my hand and official seal, this 20 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 hereon is approved subject to the installation of a public sewer system, and that such installation shall be in accordance with State and local regulations.
 In the report 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 included connections.
 Utility Provider: _____ Date: _____
 Authorized Signature for Utility Date: _____

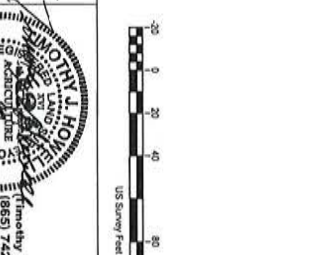
Certification of Approval of Public Water System - Major Subdivisions
 This is to certify that the subdivision shown hereon is approved subject to the installation of a public water system, and that such installation shall be in accordance with State and local regulations.
 In the report of the property owner to verify with the Utility Provider the availability of water systems in the vicinity of the plat(s) and to pay for the installation of the included connections.
 Utility Provider: _____ Date: _____
 Authorized Signature for Utility Date: _____

Certification of No Recorded Easements
 This is to certify that there are no known recorded easements or utility easements on lot hereon being subdivided on this subdivision plat.
 Registered Land Surveyor: Timothy J. Howell License No. 2263 Date: 09/27/2020

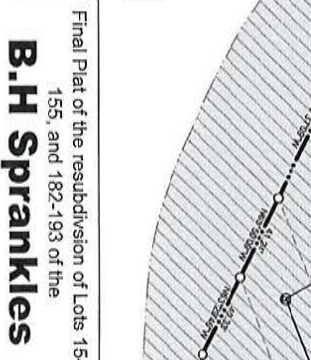
Certification of Final Plat - Construction Complete
 I, the surveyor, certify that I am a registered land surveyor licensed to practice surveying under the laws of the State of Tennessee. Under the provisions of the Tennessee Surveying and Mapping Act, I hereby certify that the subdivision shown hereon is in accordance with the provisions of the Knoxville/Knox County Subdivision Regulations and that the same have been recorded in the office of the Knoxville Register of Deeds. I have examined the subdivision plat and the same conform to the provisions of the Knoxville/Knox County Subdivision Regulations and that the same have been approved as indicated 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 License No. 2263 Date: 09/27/2020

Certification of Changes and Accuracies of Survey
 I, the surveyor, certify that this is a Category I survey and the ratio 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 and the Rules of the Board of Standards and Practices of the Tennessee Land Surveyors Association.
 Registered Land Surveyor: Timothy J. Howell License No. 2263 Date: 09/27/2020

Certification of True and Accurate
 This is to certify that all property lines and measurements are true and accurate.
 City of Knoxville, Department of Engineering: _____ Date: _____
 Knoxville, Tennessee: _____ Date: _____



Timothy J. Howell, RLS 2263
 (865) 742-2557
 Office Fax (865) 671-8118
 121 Dorothy Drive, Harbort, TN 37877
 tim@tds.com



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° 56' 32" E from City Control Point # 1517 to # 0218.
 Distances have not been reduced to grid.

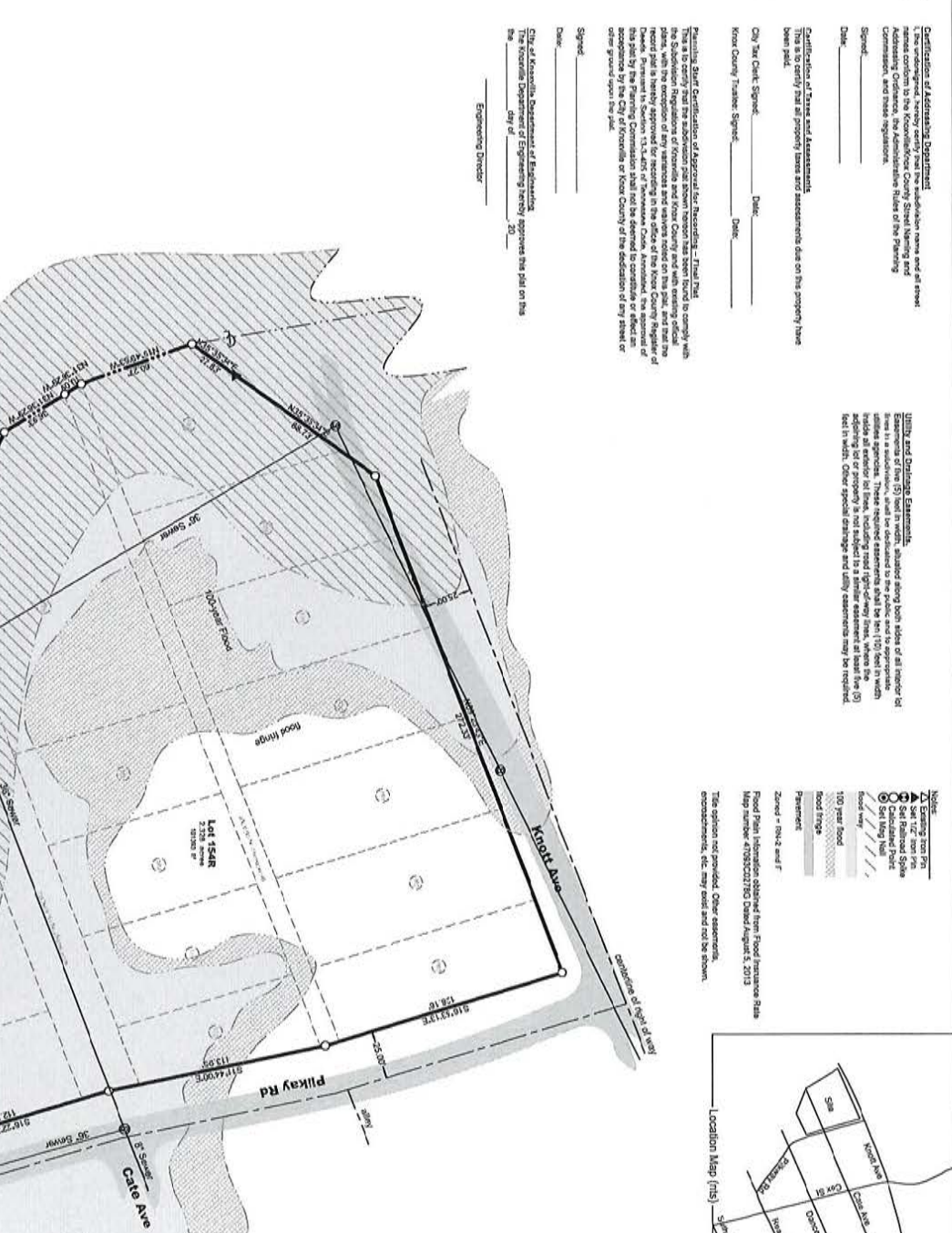
Owner: Beck & Sons, Inc.
 5600 Bakers Cr.
 Beck Plaza, Ft. 3443
 (951) 271-8800

Showing property of same located in Block 5010 & 5030 in the 5th Ward of Knoxville, Tennessee.
 Tax Map 1070 Group A, Pd 18.01 and Group J Pcs 3-7 & 13
 For file see 201-04-021-0059-0201, 201504-15-0059-17, & 201904-04-0059-098

May 27, 2020
 Scale: 1" = 30'

Project: OWH OWH
 Drawing: KNO210

MPC File #: _____



The option not provided. Other easements, encroachments, etc. may exist and not be shown.