

CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

▶ FILE #: 5-C-21-SC

AGENDA ITEM #: 7

AGENDA DATE: 5/13/2021

► APPLICANT:	DOMINION TURKEY CREEK, LLC		
TAX ID NUMBER:	131 N/A	<u>View map on KGIS</u>	
JURISDICTION:	Council District 2		
SECTOR PLAN:	Southwest County		
GROWTH POLICY PLAN:	N/A (within City limits)		
ZONING:	N/A		
WATERSHED:	Turkey Creek		
 RIGHT-OF-WAY TO BE sliver of Parkside Dr. CLOSED: 			
► LOCATION:	Between along the property line of 10865 Parkside Dr. and		
IS STREET:			
(1) IN USE?:	No		
(2) IMPROVED (paved)?:	No		
APPLICANT'S REASON FOR CLOSURE:	Partial closure of ROW outside of paved area of irregularly shaped lot bounded by wetland features.		
DEPARTMENT-UTILITY REPORTS:	The City's Engineering Department and KUB ha easements that may be in place.	ve requested to retain any	

STAFF RECOMMENDATION:

Approve closure of a sliver of the Parkside Drive right-of-way along the property line of parcel 10865 Parkside Drive, subject to any required easements, since it is not needed for access and staff has received no objections.

COMMENTS:

1. This request is to close a sliver of the Parkside Drive right-of-way that runs along the shared property line with parcel 10865 Parkside Drive (parcel 131 02930).

2. The applicant has submitted a plat with a metes and bounds description of the area to be closed and a plat depicting the closure area (Exhibit B). The closure is of the portion of the right-of-way per Exhibit B. 3.As the right-of-way to be closed is along the eastern portion of the right-of-way abutting 10865 Parkside Drive, the closed portion of the right-of-way property will be added to 10865 Parkside Drive via quit claim deed. 4.Since Parkside Drive will retain adequate right-of-way width and the paved portion of the road is not affected by the closure request, no properties are affected by the closure and their access points remain unchanged. 5.Staff has received no objections, but the following departments and organizations had these comments:

a. 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. If any existing facilities or utilities are found not feasible to the site development or use, they

AGENDA ITEM #: 7	FILE #: 5-C-21-SC	4/27/2021 08:14 AM	MICHELLE PORTIER	PAGE #:	7-1

may be removed and relocated, subject to City Engineering and/or other applicable easement holder review and approval.

- b. The City's Fire Department had no comments.
- c. TDOT had no Comments.
- d. 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 right-of-ways 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.
- e. AT&T did submit any comments.

If approved, this item will be forwarded to Knoxville City Council for action on 6/15/2021 and 6/29/2021. 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.

PAGE #:





Memo

APRIL 9, 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 A SLIVER OF THE PARKSIDE DR. RIGHT-OF-WAY ALONG THE PROPERTY LINE OF 10865 PARKSIDE DR. COUNCIL DISTRICT 2, SOUTHWEST COUNTY SECTOR. (5-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 May 13, 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, April 26, 2021 will be considered as no objection by your agency.

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



April 26, 2021

Michelle Portier Knoxville-Knox County Metropolitan Planning Commission Suite 403, City-County Building Knoxville, Tennessee 37902

Dear Ms. Portier:

Re: Right-of-Way Closure Requests 5-A-21-AC and 5-C-21-SC

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

Sincerely,

blit WK

Christian Wiberley, PE Engineering

CGW

Electricity · Gas · Water · Wastewater



Dori Caron <dori.caron@knoxplanning.org>

Row closures for May 2021 5-A-21-AC, 5-B-21-SC, 5-C-21-SC and 5-D-21-SC

Sonny Partin <spartin@knoxvilletn.gov>

Mon, Apr 26, 2021 at 3:12 PM

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

Cc: Dori Caron <dori.caron@knoxplanning.org>, Christian Wiberley <Christian.Wiberley@kub.org>, Shannon Sims <ss3775@att.com>, Steve Borden <steve.borden@tn.gov>, Levan King Cranston <levan.cranston@knoxplanning.org>, "amy.brooks@knoxplanning.org" <amy.brooks@knoxplanning.org>, Laura Edmonds <laura.edmonds@knoxplanning.org>

Michelle,

All four are approved by fire dept.

Sonny

Asst. Chief Sonny Partin C.F.P.S. Fire Marshal City of Knoxville Fire Dept. City County Bldg. 400 Main St. Suite 539 Knoxville Tn. 37902 865-215-2283 Office [Quoted text hidden]



Dori Caron <dori.caron@knoxplanning.org>

Row closures for May 2021 5-A-21-AC, 5-B-21-SC, 5-C-21-SC and 5-D-21-SC

Steve Borden <Steve.Borden@tn.gov> To: Dori Caron <dori.caron@knoxplanning.org> Thu, Apr 22, 2021 at 10:42 AM

Please find the following responses from TDOT District 18 Operations:

5-A-21-AC: No comment

5-B-21-SC: No comment

5-C-21-SC: No comment

5-D-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: Friday, April 9, 2021 2:53 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>; Levan King Cranston <levan.cranston@knoxplanning.org>

Subject: [EXTERNAL] Row closures for May 2021 5-A-21-AC, 5-B-21-SC, 5-C-21-SC and 5-D-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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CITY OF KNOXVILLE



Engineering Benjamin D. Davidson, PLS Technical Services Administrator

April 21, 2021

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

SUBJECT: Closure of a Portion of Parkside Dr along 10865 Parkside Drive Property MPC File # 5-C-21-SC; City Block 46108

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,

Benjami D. Davider

Benjamin D. Davidson, PLS, Technical Services Administrator Technical Services/Department of Engineering Ph: 865-215-2103

5-C-21-SC Exhibit A. Contextual Images





5-C-21-SC: Exhibit B.

Plat submitted by applicant describing portion of right-of-way to be closed



lanning	Name of Applicant: Dominion Turkey Creek, LLC				
KNOXVILLE I KNOX COUNTY	Date Filed: 3/29/2021 Fee Paid: \$750 File Number: 5-C-21-SC Map Number: 131 Zoning District: C-R-1 City County Sector : Southwest County Jurisdiction: City 2 Council District				
NFORMATION:					
Jame of Right-of-Way	Parkside Drive				
ype of Right-of-Way:					
ocation of Right-of-W	ay:				
BETWEEN (City Block o	r Lot where appropriate)	FROW at 10860	5 tarkside Dr.		
AND (City Block or Lot	where appropriate)				
ight-of-Way is: In	Use 🗌 Yes 🖾 No 👘 Improved (example: paved) 🗌 Yes	□No		
eason for Closure:	OW outside of paved area to allow for de	volorment of improvery obs	and let hounded by wellends and		
natural resource fea		velopment of megularly sha	aped for bounded by wellands and		
		To: (Street, Alley, Other)			
rom: (Street, Alley, Oth	er)	To: (Street, Alley, Other)			
rom: (Street, Alley, Oth 440 feet of ROW (15')		To: (Street, Alley, Other)			
O BE CLOSED: From: (Street, Alley, Oth 440 feet of ROW (15') of Parkside Drive	er)	To: (Street, Alley, Other)			
rom: (Street, Alley, Oth 440 feet of ROW (15')	er)	To: (Street, Alley, Other)			
rom: (Street, Alley, Oth 440 feet of ROW (15')	er)	To: (Street, Alley, Other)			
rom: (Street, Alley, Oth 440 feet of ROW (15')	er)	To: (Street, Alley, Other)			
rom: (Street, Alley, Oth 440 feet of ROW (15') of Parkside Drive	er)				
rom: (Street, Alley, Oth 440 feet of ROW (15') of Parkside Drive LL CORRESPONDENC	er) wide at frontage of lot on the East side	HOULD BE SENT TO:)59; seanc@dominiondg.com		
rom: (Street, Alley, Oth 440 feet of ROW (15') of Parkside Drive LL CORRESPONDENC	er) wide at frontage of lot on the East side ERELATING TO THIS APPLICATION S 3834 Sutherland Ave Knoxville,	HOULD BE SENT TO:			
rom: (Street, Alley, Oth 440 feet of ROW (15') of Parkside Drive ALL CORRESPONDENC Sean Chalmers Jame: (Print) Ad	er) wide at frontage of lot on the East side ERELATING TO THIS APPLICATION S 3834 Sutherland Ave Knoxville, idress • City • Stat	HOULD BE SENT TO: TN 37919; 865-809-90			
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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.

ADDRESS	SIGNATURE	Agree	Disagree
10865 Parkside Drive (Turkey Creek Land Partners, LLC) 10865 Parkside Drive (Dominion Turkey Creek, LLC)	John Turley: Mark Taylor:	× ×	



LEGAL DESCRIPTION

SITUTATED in the Sixth Civil District of Knox County, Tennessee and being within the 47th Ward of the City of Knoxville, Tennessee and being more particularly bounded and described as follows:

BEGINNING at an iron rod found in the eastern right-of-way of Parkside Drive, said point being located S 47°35'24" E a distance of 959.74' from the centerline intersection of Parkside Drive and Snow Goose Road; Thence, S 45°04'45" E a distance of 78.38' to an iron rod found; Thence, with a curve turning to the right with an arc length of 59.47', with a radius of 537.00', with a chord bearing of S 39°34'30" E, with a chord length of 59.44' to an iron rod found; Thence, with a reverse curve turning to the left with an arc length of 141.77', with a radius of 547.82', with a chord bearing of S 45°20'08" E, with a chord length of 141.37' to an iron rod found; Thence, with a compound curve turning to the left with an arc length of 34.59', with a radius of 549.00', with a chord bearing of S 60°14'00" E, with a chord length of 34.58' to an iron rod found; Thence, with a curve turning to the right with an arc length of 237.72', with a radius of 549.00', with a chord bearing of N 48°54'51" W, with a chord length of 235.87' to an iron rod found; Thence, N 36°21'34" W a distance of 77.86' to the POINT OF BEGINNING, having an area of 2,059 square feet or 0.047 acres.



5-C-21-SC

DOMINION GROUP

Knoxville City Planning ATTN: Marc Payne 400 Main St SW #403 Knoxville, TN 37902 865-215-2500

February 22, 2021

To Whom it May Concern,

Please consider this our formal request for the closure of the public ROW at 10865 Parkside Dr.

- A. Requestor/Representative: Sean Chalmers, Dominion Development Group, 3834 Sutherland Ave, Knoxville, TN 37919
- B. ROW: Requesting portion of ROW at 10865 Parkside Drive to be closed. ROW is 2,059 SF and approx. 280' at longest length and approx. 13' at widest width (see attached exhibit)
- C. Affected Owners: Current owner (Turkey Creek Land Partners, LLC), and option holder (Dominion Turkey Creek, LLC) (see attached exhibit and "for/against" form)
- D. Transfer: proposed closure is to be transferred to current owner of Turkey Creek Land Partners, LLC

Please reach out to our representative with any additional questions.

Sincerely,

Sal

Sean Chalmers Dominion Development Group

3834 Sutherland Ave | Knoxville, TN | 37919 Home Office: (865)-225-6506



5-C-21-SC

Marc Payne <marc.payne@knoxplanning.org>

FW: ROW Closure at 10865 Parkside Dr

5 messages

Melody Evans < Melody E@dominiondg.com>

Mon, Feb 22, 2021 at 9:19 AM

To: Marc Payne <marc.payne@knoxplanning.org>

Cc: Ben Davidson <bdavidson@knoxvilletn.gov>, Sean Chalmers <SeanC@dominiondg.com>

Good morning, Marc,

See confirmation below from Ben Davidson regarding proceeding with the ROW closure request on Parkside Drive. I've attached our applicationw it an updated letterhead. Looks like we need to submit by EOD today, Monday, Feb 22nd.

Please let me know if you need any additional information from us at this time.

Thanks,

Melody Evans

Dominion Group

865-314-9707

From: Ben Davidson <bdavidson@knoxvilletn.gov>
Sent: Friday, February 19, 2021 11:15 AM
To: Melody Evans <MelodyE@DominionDG.com>
Subject: Re: ROW Closure at 10865 Parkside Dr

Please be cautious

This email was sent outside of your organization

Hello Melody,

At this point in time, City Engineering does not note any reasons to object to this closure request as presented. Please, keep in mind that the application would still have to go through the public planning meeting and public City Council meetings before approval, so there is always the possibility of other issues or opposition to arise from further review and discussion.

Monday, February 22nd, is the deadline for the application, so you would want to submit it by then to avoid paying double-fees to get it on the next planning agenda meeting.

Sincerely,

Benjamin D. Davidson, PLS

TN Licensed Land Surveyor No. 2543

Technical Services Administrator

City of Knoxville, Department of Engineering

Phone: 865-215-2103; 865-215-4615

Email: bdavidson@knoxvilletn.gov

From: Melody Evans <MelodyE@DominionDG.com> Sent: Thursday, February 18, 2021 1:24 PM To: Ben Davidson

bdavidson@knoxvilletn.gov>

Subject: Re: ROW Closure at 10865 Parkside Dr

Hi Ben,

This will help with our building set backs. Closing the unused right of way will allow our building set backs for buildings at entrance to line up appropriately.

Melody Evans

865-314-9707

On Feb 18, 2021, at 8:32 AM, Ben Davidson

bdavidson@knoxvilletn.gov> wrote:

Please be cautious

This email was sent outside of your organization

1.....

Hello Melody,

What, specifically, is the intended use of the proposed closure area?

Sincerely,

Benjamin D. Davidson, PLS TN Licensed Land Surveyor No. 2543 Technical Services Administrator City of Knoxville, Department of Engineering

Phone: 865-215-2103; 865-215-4615

Email: bdavidson@knoxvilletn.gov

From: Melody Evans <MelodyE@DominionDG.com> Sent: Wednesday, February 17, 2021 11:02 AM To: Ben Davidson <bdavidson@knoxvilletn.gov> Subject: ROW Closure at 10865 Parkside Dr

Ben,

We would like to request a closure of the public ROW at 10865 Parkside Dr. We have submitted this request to Mark Payne and he has requested approval from your department before proceeding. I've attached the request.

- A. Requestor/Representative: Sean Chalmers, Dominion Development Group, 3834 Sutherland Ave, Knoxville, TN 37919
- B. ROW: Requesting portion of ROW at 10865 Parkside Drive to be closed. ROW is 2,059 SF and approx. 280' at longest length and approx. 13' at widest width (see attached exhibit)
- C. Affected Owners: Current owner (Turkey Creek Land Partners, LLC), and option holder (Dominion Turkey Creek, LLC) (see attached exhibit and "for/against" form)
- D. Transfer: proposed closure is to be transferred to current owner of Turkey Creek Land Partners, LLC

Let me know if you need any additional information on our end. Please feel free to give me a call at 865-314-9707.

Knoxville - Knox County Planning Mail - FW: ROW Closure at 10865 Parkside Dr

Thanks,

Melody Evans Dominion Group Cell: 865-314-9707 | Work: 865-225-6506 x1013 Email: <u>melodye@dominiondg.com</u> Website: <u>www.dominiongroup.co</u> 3834 Sutherland Ave, Knoxville, TN 37919

This message (including any attochments) may contain confidential, propuetary, privileged and/or private information. The information is intended to be for the use of the individual of entity designated above. If you are not the intended recipient of this message, please notify the sender immediately, and delete the message and any attachments. Any disclosure, reproduction, distribution or other use of this message, or any attachments by an individual or entity other than the intended recipient is prohibited.

2 attachments

ROW Closure Request - Parkside Dr.pdf 275K

Letterhead - ROW Closure Parkside Drive.pdf

Melody Evans <MelodyE@dominiondg.com> To: Marc Payne <marc.payne@knoxplanning.org> Cc: Ben Davidson <bdavidson@knoxvilletn.gov>, Sean Chalmers <SeanC@dominiondg.com>

Good evening, Marc,

Following up on the request below. Let me know if you have any questions.

Thanks,

Melody Evans

Dominion Group 865-314-9707

[Quoted text hidden]

Melody Evans < Melody E@dominiondg.com>

To: Marc Payne <marc.payne@knoxplanning.org>

Cc: Ben Davidson <bdavidson@knoxvilletn.gov>, Sean Chalmers <SeanC@dominiondg.com>

Good morning, Marc,

Tue, Mar 2, 2021 at 5:38 PM

Fri, Mar 26, 2021 at 10:52 AM

3/29/2021

Knoxville - Knox County Planning Mail - FW: ROW Closure at 10865 Parkside Dr

I left you a VM. Following up on the ROW closure listed below. Any update on this?

[Quoted text hidden]

Marc Payne <marc.payne@knoxplanning.org> To: Melody Evans <MelodyE@dominiondg.com> Fri, Mar 26, 2021 at 3:51 PM

Melody,

I think after our weeks of deliberation between our office and the city, we can get the ball rolling on this closure. I will complete the application and send you an email with the appropriate fees when I am finished, which at this point in the day will most likely be Monday morning.

Marc [Quoted text hidden]

Marc Payne KnoxPlanning marc.payne@knoxplanning.org 865-215-3793

Marc Payne <marc.payne@knoxplanning.org> To: Melody Evans <MelodyE@dominiondg.com> Mon, Mar 29, 2021 at 12:30 PM

We have reviewed your application materials. The total fee is \$750.00 and payment options are below. A file number will be assigned once payment is received. Payments are expected on the day the total fee is provided. An additional fee may apply if payment is not received on time.

It is the applicant's responsibility to contact Planning's office with payment. Applications are considered incomplete and review will not begin until payment is made. Planning's office is open from 8:00 to 4:30.

Payment Options

Check made out to Knoxville-Knox County Planning

<u>o</u> Email a color image of a completed check with <u>all four corners visible</u> to applications@knoxplanning.org

Credit or debit card (Visa, Mastercard or Discover)

o Call 865.215.3193 to pay over the phone

- o 2.32% fee for credit cards and 1.25% fee for debit cards
- URL payment link using a credit or debit card only (applicable fee applies)
 - o Email applications@knoxplanning.org to request a URL payment link
 - o Payment must be completed the day the link is generated

Should you have any questions, feel free to contact me directly at the number below or call Planning's front desk at 865.215.3193.

Thank you,

3/29/2021

[Quoted text hidden] [Quoted text hidden] Knoxville - Knox County Planning Mail - FW: ROW Closure at 10865 Parkside Dr