



CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

▶ FILE #: 5-D-21-SC

AGENDA ITEM #: 8

AGENDA DATE: 5/13/2021

▶ APPLICANT: BOBBY SMELCER

TAX ID NUMBER:	109 N/A	<u>View map on KGIS</u>
JURISDICTION:	Council District 1	
SECTOR PLAN:	South City	
GROWTH POLICY PLAN:	N/A (within City limits)	
ZONING:	N/A	
WATERSHED:	Goose Creek	

▶ RIGHT-OF-WAY TO BE CLOSED: Whaley St.

▶ LOCATION: Between Wrinkle Avenue and Northeast terminus of Whaley Street

IS STREET:

(1) IN USE?: No

(2) IMPROVED (paved)?: No

▶ APPLICANT'S REASON FOR CLOSURE: ROW no longer needed - I own both properties.

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

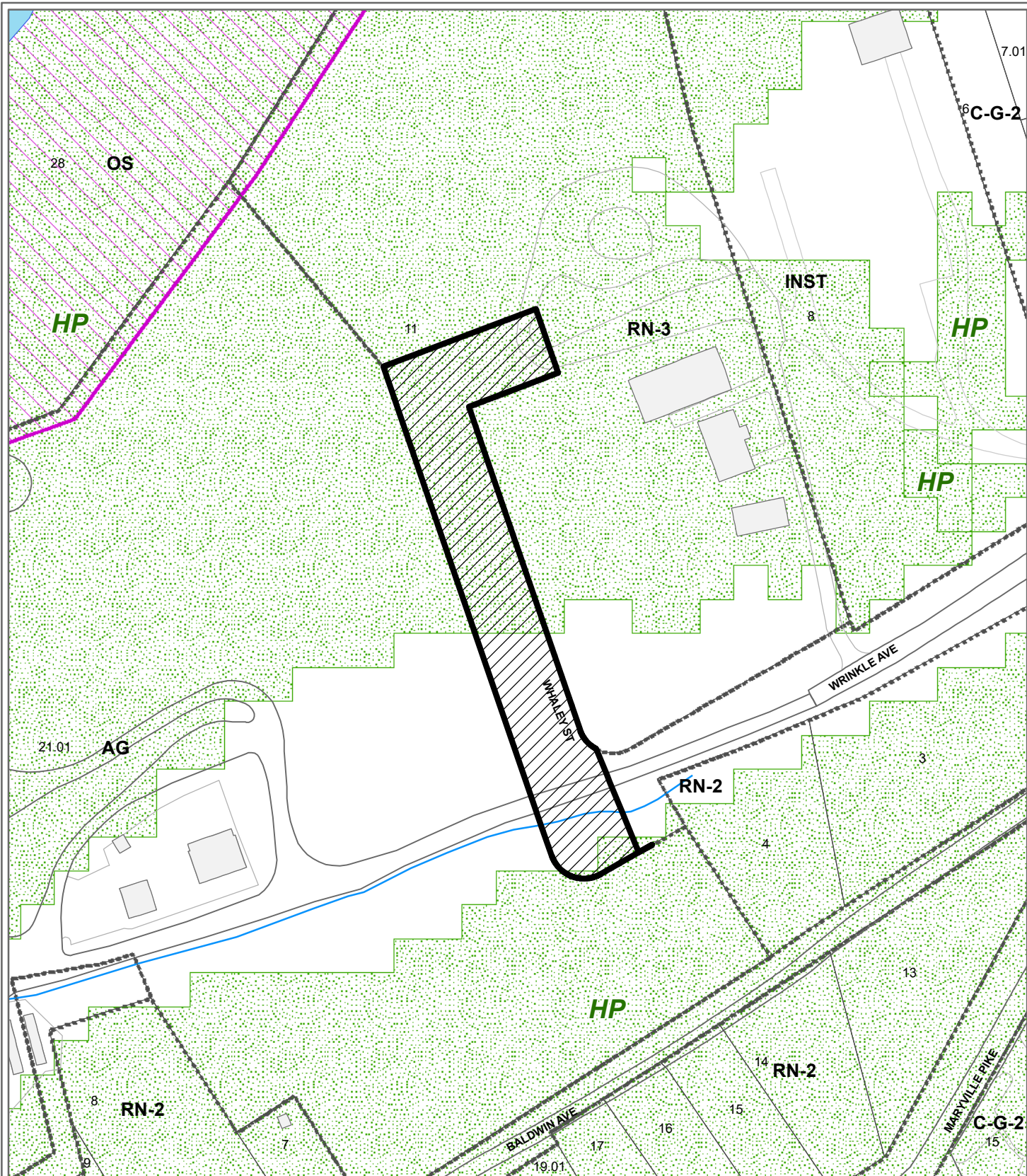
▶ Approve closure of Whaley Street from its intersection with Wrinkle Avenue to its northeast terminus point, subject to any required easements, since it is not needed for access and staff has received no objections.

COMMENTS:

1. Whaley Street runs along the western boundary of parcel 109IA011. The applicant had previously requested closure of Whaley Avenue as part of the application for Case 3-A-21-SC. However, the KGIS map showed Whaley Avenue as being closed, and staff sought confirmation of this via a copy of the City Ordinance to that effect (Ordinance # 6199 on October 5, 1976). Staff subsequently struck Whaley Avenue from the request, believing the right-of-way to have been closed previously.
2. A plat of the property from 2016 (Exhibit B) shows that at one time there were two rights-of-way in a similar location and with a similar shape, both of which were named Whaley Avenue. The ordinance from 1976 closed the westernmost Whaley Avenue, and it is not depicted on today's KGIS maps. The existing right-of-way designated Whaley Avenue was erroneously depicted as being closed instead, and that error persists in today's maps.
3. Due to the mapping error and the removal of Whaley Street from the applicant's closure request by staff in March 2021, Whaley Street still needs to be closed.
4. The right-of-way is undeveloped and does not provide access to any properties.
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 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 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 easements for its utility facilities:
 - Water: 7.5 feet on each side of the centerline of the water line, 15 feet total width
 - Gas: 7.5 feet on each side of the centerline of the gas line, 15 feet total width
 - Electric: 10 feet on each side of the centerline of the electric line, 20 feet total width
- e. AT&T did not 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.



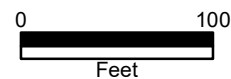
**5-D-21-SC
CLOSURE OF PUBLIC RIGHT OF WAY**

Name of Street or Alley: Whaley St.
 To be closed from: Wrinkle Ave.
 To be closed to: Northeast terminus of Whaley St.

Original Print Date: 4/13/2021 Revised:
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Smelcer, Bobby

Map No: 109
 Jurisdiction: City



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 WHALEY ST. BETWEEN WRINKLE AVENUE AND NORTHEAST TERMINUS OF WHALEY STREET. COUNCIL DISTRICT 1, SOUTH CITY SECTOR. (5-D-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 Request 5-D-21-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 easements for its utility facilities.

Water – 7.5 feet on each side of the centerline of the water line, 15 feet total width
Gas – 7.5 feet on each side of the centerline of the gas line, 15 feet total width
Electric – 10 feet on each side of the centerline of the electric line, 20 feet total width

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

Sincerely,



Christian Wiberley, PE
Engineering

CGW



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

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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 Whaley St
MPC File # 5-D-21-SC; City Block 25330

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,

A handwritten signature in green ink that reads "Benjamin D. Davidson".

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



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>

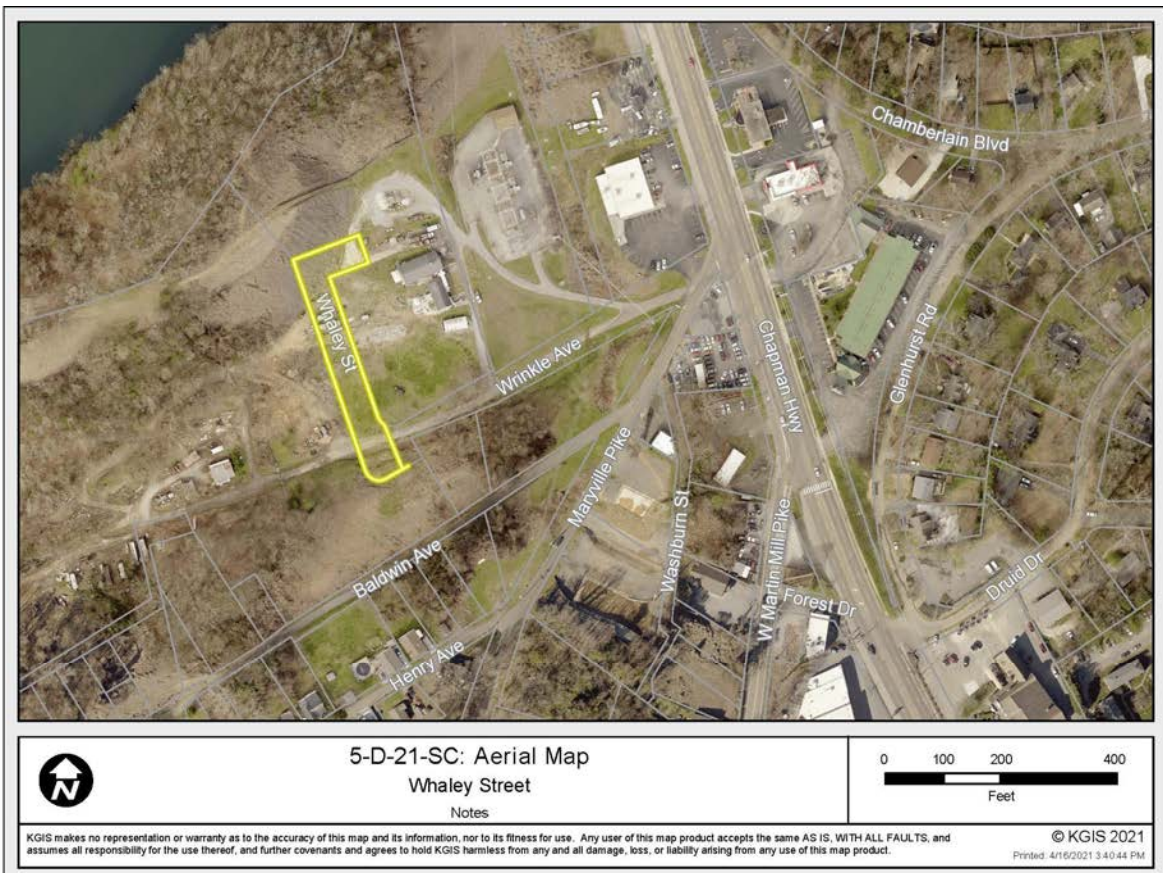
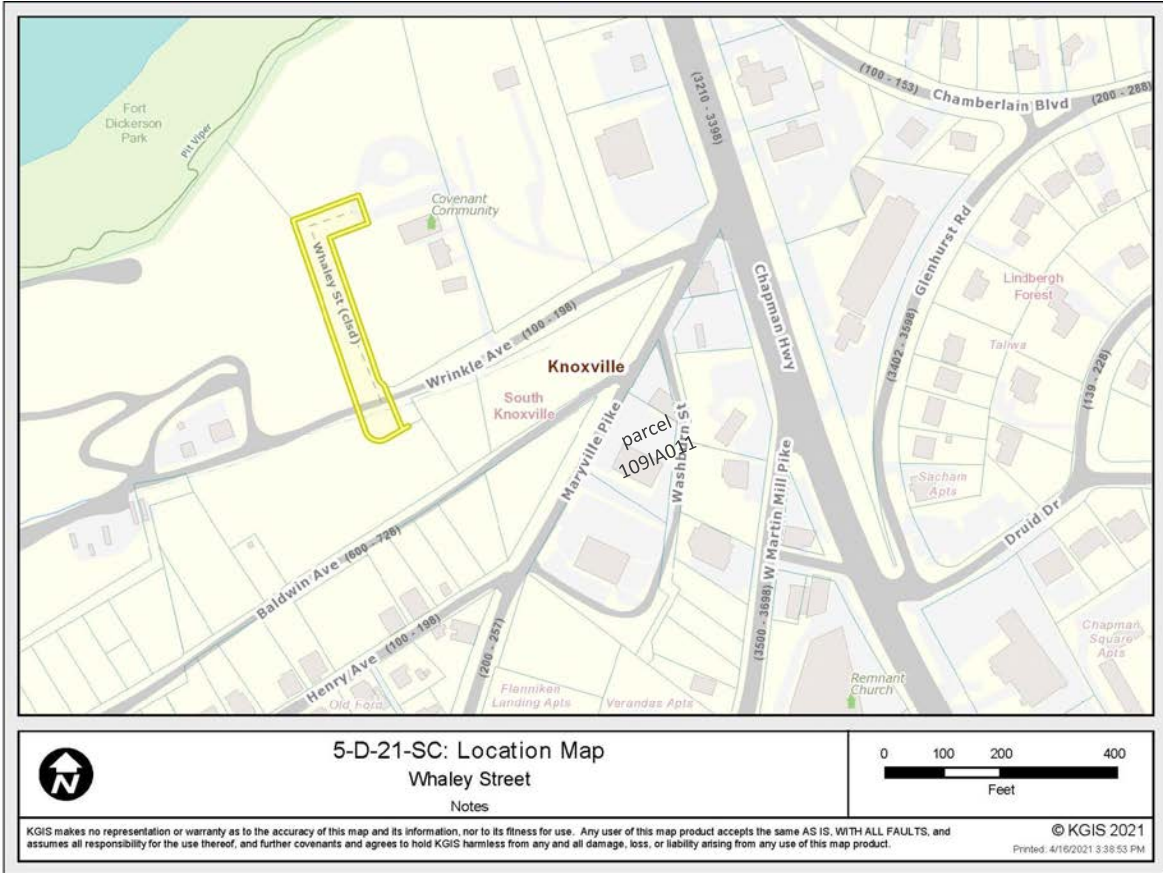
Subject: [EXTERNAL] Row closures for May 2021 5-A-21-AC, 5-B-21-SC, 5-C-21-SC and 5-D-21-SC

***** 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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5-D-21-SC

Exhibit A. Contextual Images

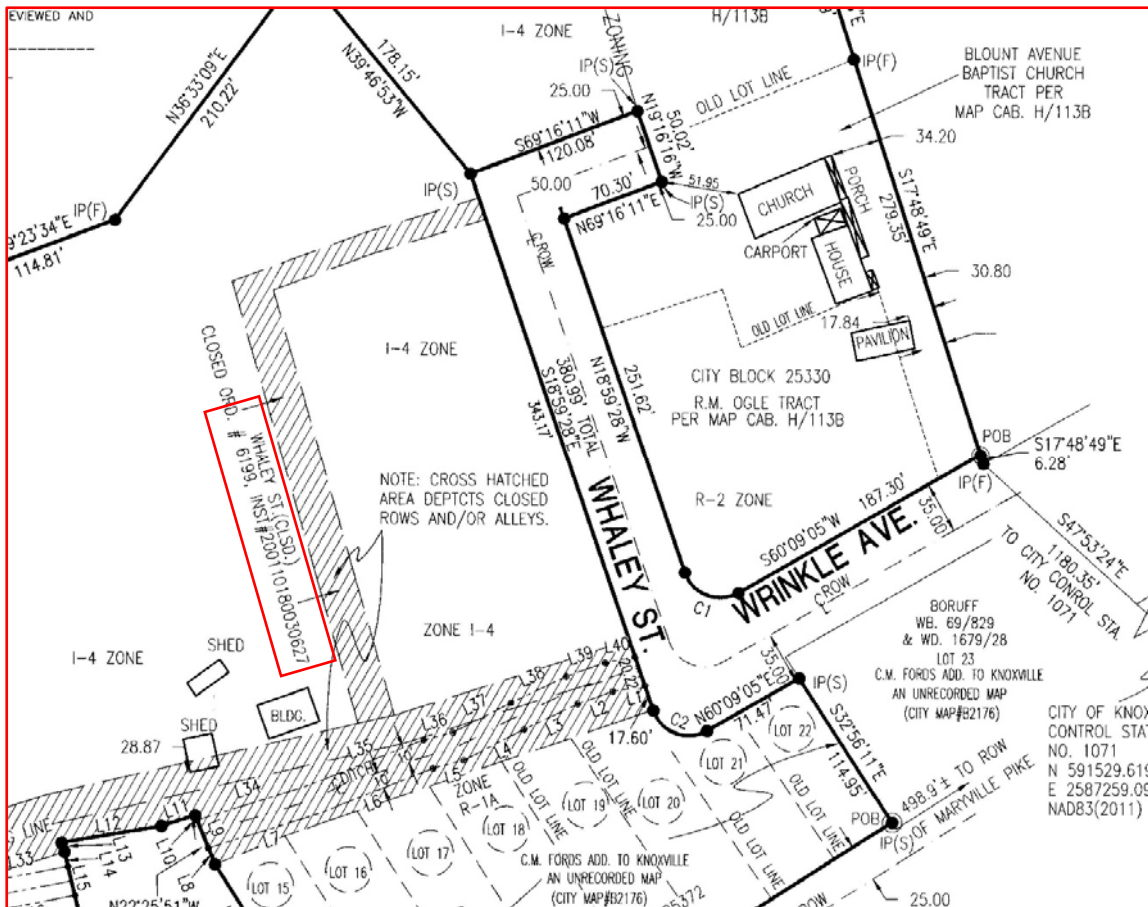
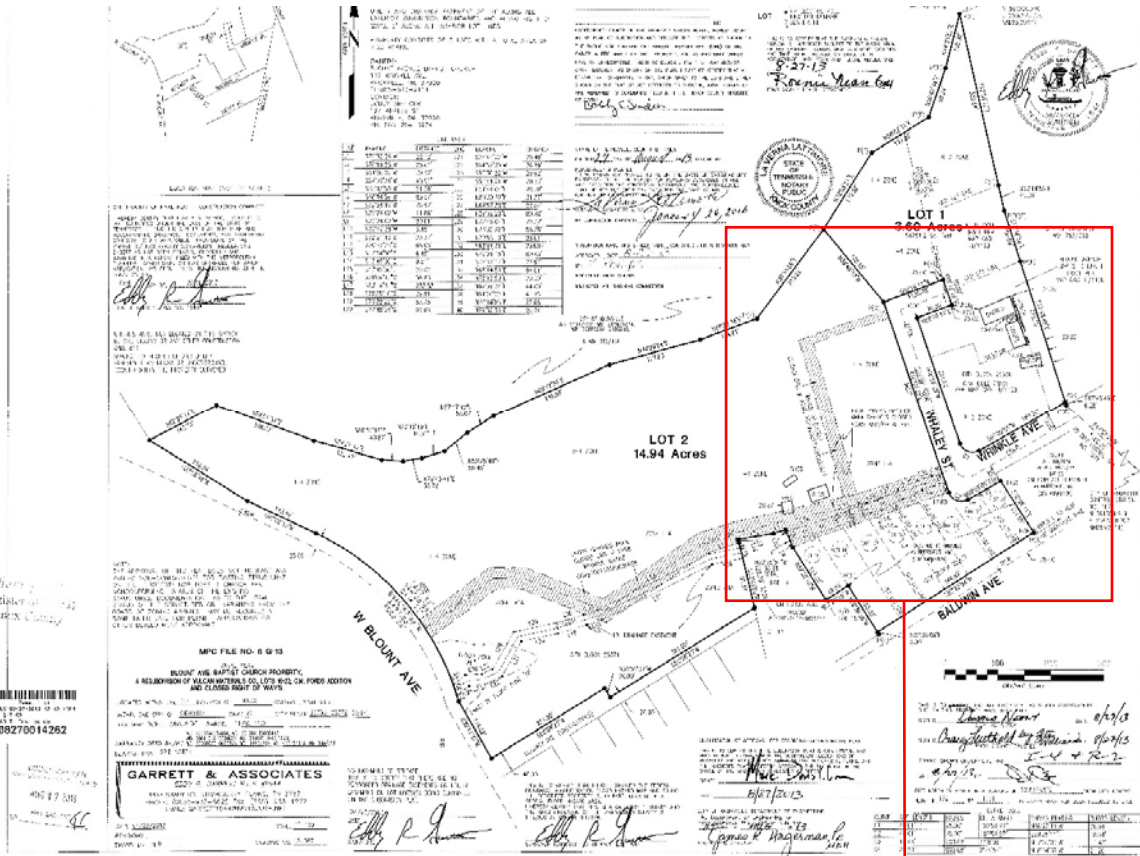


5-D-21-SC

Exhibit A. Contextual Images

2016 plat showing closure of westernmost Whaley Street right-of-way.

25330-D





RIGHT-OF-WAY CLOSURE

Name of Applicant: Bobby C. Smelcer

Date Filed: 4/5/2021 Fee Paid: n/a File Number: 5-D-21-SC

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

Jurisdiction: City 1st Council District

INFORMATION:

Name of Right-of-Way: Whaley Avenue

Type of Right-of-Way: Street Alley

Location of Right-of-Way:

BETWEEN (City Block or Lot where appropriate) Intersection of Whaley Ave. and Wrinkle Ave.

AND (City Block or Lot where appropriate) Northeast terminus of Whaley Ave.

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

Reason for Closure: ROW no longer needed - I own both properties.

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)

Intersection of Whaley Ave. and Wrinkle Ave.

To: (Street, Alley, Other)

Northeast terminus of Whaley Ave.

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: on file with original application

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 Foster

RIGHT-OF-WAY CLOSURE

Name of Applicant: Bobby C. Smelcer 5-D
Date Filed: 1-25-2001 Fee Paid: \$750 File Number: 3-A-21-SC
Map Number: RT109 Zoning District: Ag 1 (X City) () County Sector: South City Sector
RN3
Jurisdiction: () City 1st Councilmanic District

INFORMATION:

Name of Right-of-Way: Whaley St
Type of Right-of-Way: Street Alley
Location of Right-of-Way:
BETWEEN (City Block or Lot where appropriate) at the end of 137 Wrinkle Ave **Block 25330**
AND (City Block or Lot where appropriate) _____
Right-of-Way is: In Use Yes No Improved (example: paved) Yes No
Reason for Closure: The Right of way no longer needed if own Both
Properties

TO BE CLOSED:

From: (Street, Alley, Other) <u>A ToB See Attachment.</u> <u>A Wrinkle Ave</u>	To: (Street, Alley, Other) <u>At The End of Whaley St</u>
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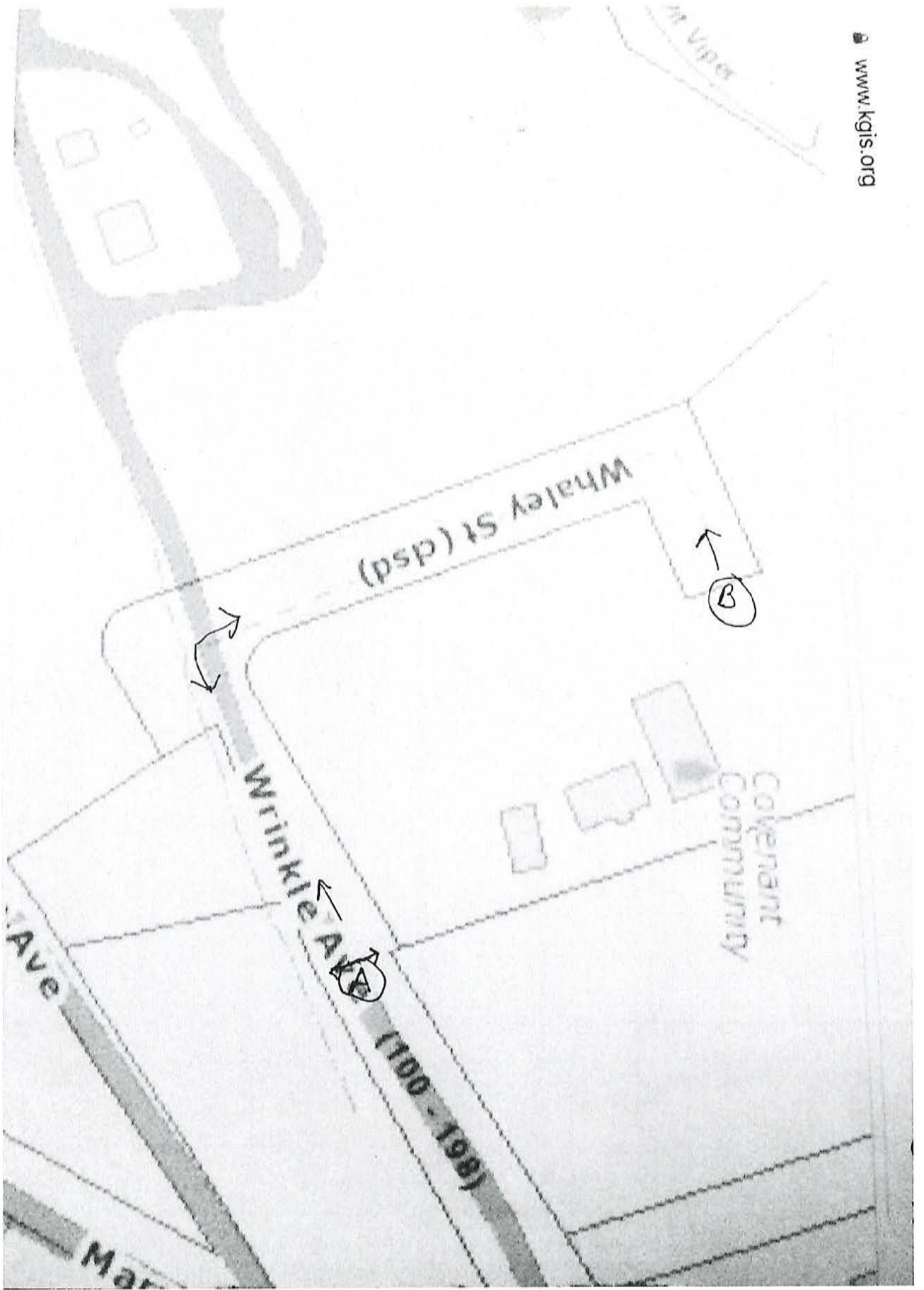
ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

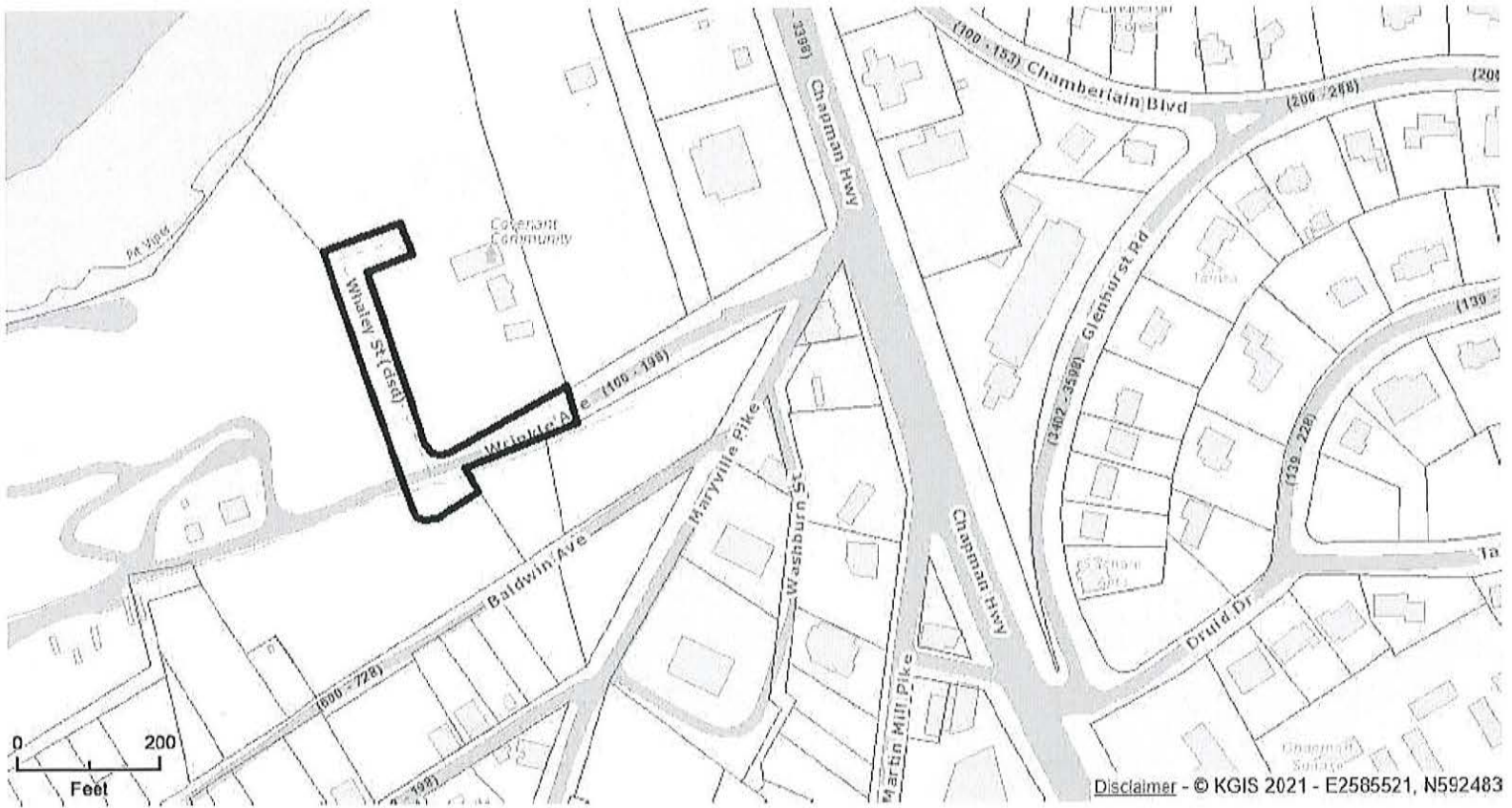
Bobby C Smelcer 137 Wrinkle Ave Knoxville TN 37920 865-250-3924 E. Mail
Name: (Print) Address City State Zip Phone Fax bobby.csmelcer@gmail.com

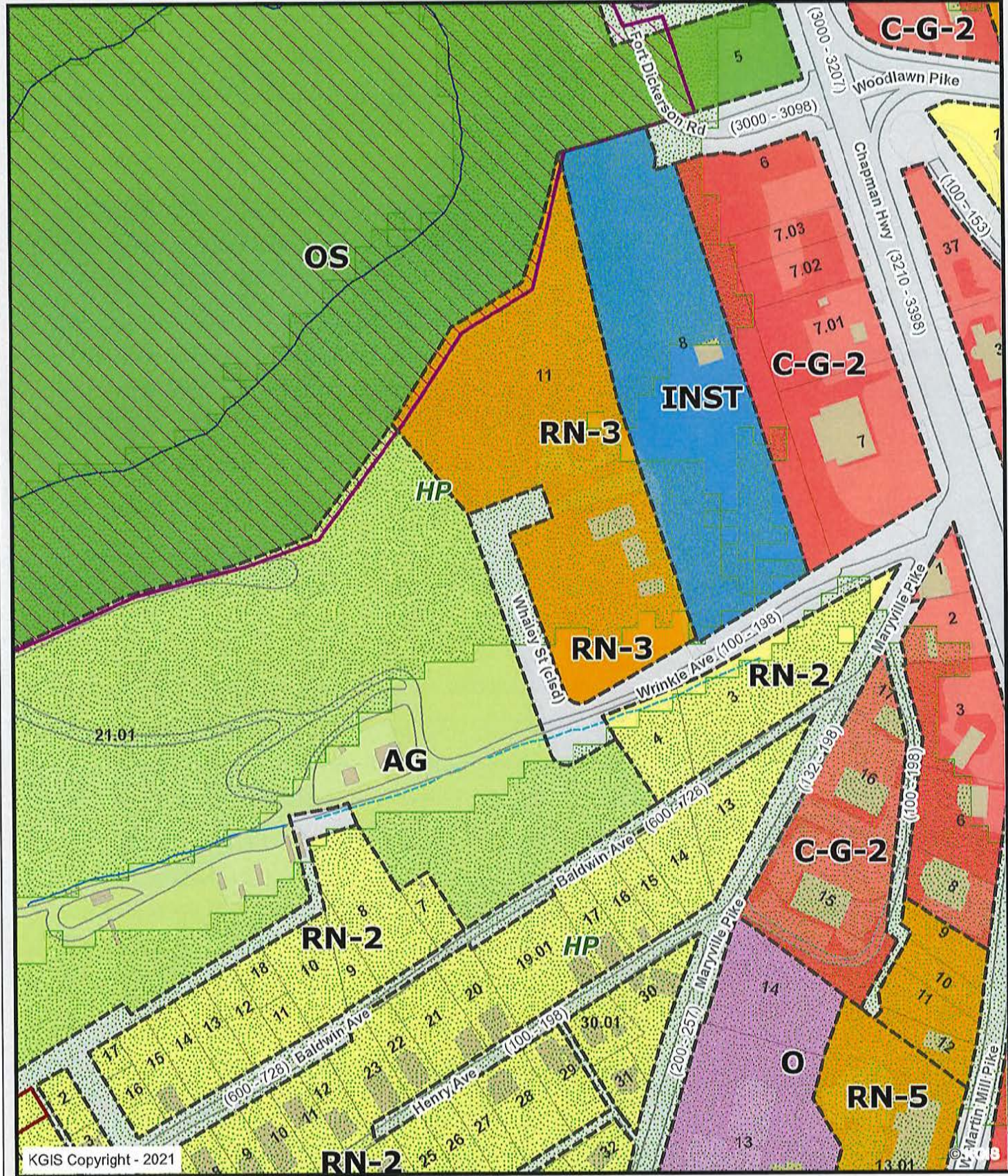
AUTHORIZATION OF APPLICATION:

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 Fox







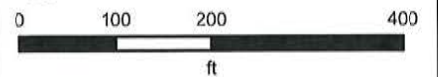
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Letter Portrait

Knoxville - Knox County - KUB Geographic Information System



Printed: 2/1/2021 at 8:08:41 AM



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