



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

► **FILE #:** 11-D-21-SC

**AGENDA ITEM #:** 9

**AGENDA DATE:** 11/10/2021

► **APPLICANT:** CITY OF KNOXVILLE

TAX ID NUMBER: 95 H B 0  
JURISDICTION: Council District 6  
SECTOR PLAN: Central City  
GROWTH POLICY PLAN: N/A (Within City limits)  
ZONING: N/A  
WATERSHED: First Creek

[View map on KGIS](#)

► **RIGHT-OF-WAY TO BE CLOSED:** Right-of-way adjacent to First Creek

► **LOCATION:** Between the western intersection with Willow Avenue and parcel 095HC010 and a point approximately 458' northeast between the property lines of parcels 095HC012 and 095HC00201

IS ALLEY:  
(1) IN USE?: No  
(2) IMPROVED (paved)?: No

► **APPLICANT'S REASON FOR CLOSURE:** The closure is a necessary part of the development plan for the construction of the multi-use stadium.

DEPARTMENT-UTILITY REPORTS: The City has requested to retain a flowage easement.

## STAFF RECOMMENDATION:

► **Approve closure of the portion of right-of-way adjacent to First Creek from its western intersection with Willow Avenue and parcel 095HC010 to a point approximately 458' northeast between the property lines of parcels 095HC012 and 095HC00201 since it is needed for the multi-use stadium/mixed use planned development, subject to two conditions.**

1. Project must obtain plan development approval, City Council and County Commission funding approval, and sufficient design must be completed to meet transportation needs subject to City Engineering approval before the closure can become effective. If the project does not meet the requirements, the closure shall become null and void and of no effect.

2. The City will retain a flowage easement to serve First Creek which runs within the proposed closure area.

## COMMENTS:

1. This request is to close the portion of right-of-way adjacent to First Creek from its western intersection with Willow Avenue and parcel 095HC010 to a point approximately 458' northeast between the property lines of parcels 095HC012 and 095HC00201.

2. The multi-use stadium/mixed use planned development is proposed for the property north of First Creek and will include multiple blocks. The area comprising this right-of-way is needed as part of that project.

3. The City's Ward Map shows the property around First Creek as a right-of-way (see Exhibit A). The City's

Engineering Department undertook a significant research effort into First Creek history and ownership to better understand this unique situation.

4. The City of Knoxville made major improvements to First Creek in 1958 by rerouting the stream and providing a closed conduit where the expressway crosses Willow Street (see Exhibit B, the "Knoxville Downtown Loop" document, the Hydrologic Features section on pp. 17-18).

5. Technical Services/Engineering and a private title firm did not uncover any documentation proving any private ownership of the area.

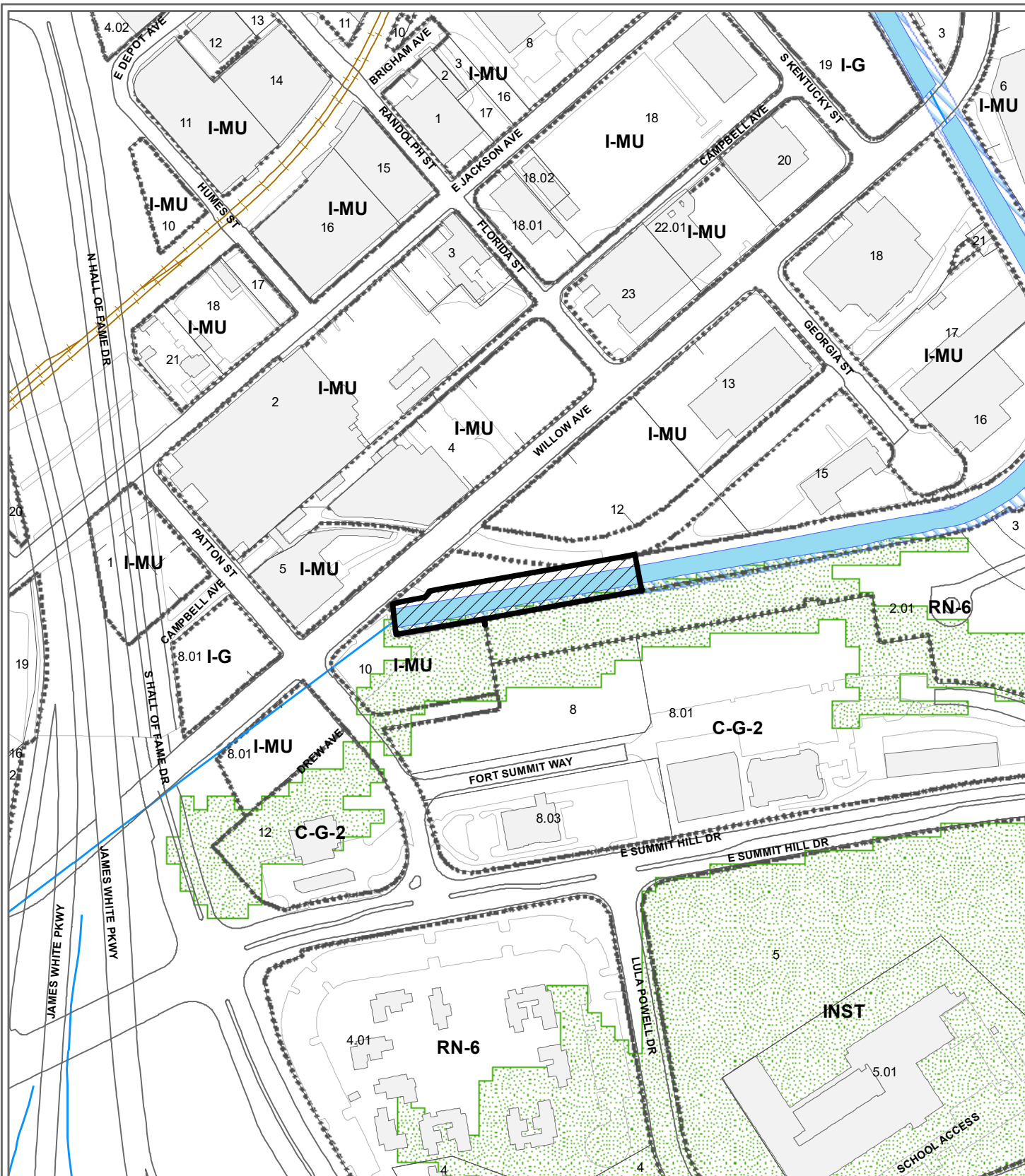
6. With that research considered and the fact that the area is indexed on the official City Ward Map as a right-of-way, the Engineering Department has submitted an application for closure to abandon the area and enable the City to issue a quitclaim deed to private ownership for the planned development. The City will reserve an easement for the water flowage of the creek, similarly to utility easement reservations typical to other right-of-way closures.

7. Staff has received no objections from the general public.

8. In addition to comments from City Engineering (approval conditions 1 and 2), the following departments and organizations had these comments:

- a. TDOT had no Comments.
- b. AT&T submitted no comments.
- c. KUB submitted no comments.

If approved, this item will be forwarded to Knoxville City Council for action on 12/14/2021 and 1/11/2022. 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.



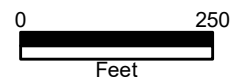
**11-D-21-SC  
CLOSURE OF PUBLIC RIGHT OF WAY**

Name of Street or Alley: Right-of-way adjacent to First Creek  
 To be closed from: 07304  
 To be closed to: 07327, 07341

Original Print Date: 10/13/2021      Revised:  
 Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: City of Knoxville

Map No: 95  
 Jurisdiction: City



**OCTOBER 20, 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 RIGHT-OF-WAY ADJACENT TO FIRST CREEK BETWEEN WESTERN INTERSECTION WITH WILLOW AVENUE AND PARCEL 095HC010 AND APPROXIMATELY 458' NORTHEAST BETWEEN PROPERTY LINES OF PARCELS 095HC012 AND 095HC00201. (11-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 November 10, 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, October 25, 2021 will be considered as no objection by your agency.***

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



# CITY OF KNOXVILLE

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**Engineering**  
Benjamin D. Davidson, PLS  
Technical Services Administrator

October 25, 2021

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

**SUBJECT:** Proposed Closure of a portion of right-of-way to support City project for multi-use stadium  
MPC File # 11-D-21-SC; Between City Blocks 07304 and 07341

The City Engineering Department has no comments to close the above-described right-of-way area subject to the following condition:

1. Project must obtain plan development approval, City/Council and County Commission funding approval and sufficient design being completed to meet transportation needs, subject to Engineering approval, before the closure can become effective. If the project does not meet the requirements the closure shall become null and void and of no effect.
2. The City will retain a flowage easement to serve First Creek which runs within the proposed closure area.

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**Fwd: First Creek Right-of-way**

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**Amy Brooks** <amy.brooks@knoxplanning.org>

Mon, Oct 18, 2021 at 7:30 AM

To: Michelle Portier &lt;michelle.portier@knoxplanning.org&gt;, Jeanne Stevens &lt;jeanne.stevens@knoxplanning.org&gt;

This is helpful information about how they arrived at their request for ROW closure of the creek.



Amy Brooks, AICP  
Executive Director

865-215-4001 (office)  
865-679-9020 (cell)



**Knoxville-Knox County Planning** | [KnoxPlanning.org](http://KnoxPlanning.org)  
400 Main Street, Suite 403 | Knoxville, TN 37902

----- Forwarded message -----

From: **Ben Davidson** <[bdavidson@knoxvilletn.gov](mailto:bdavidson@knoxvilletn.gov)>

Date: Fri, Oct 15, 2021 at 10:49 AM

Subject: First Creek Right-of-way

To: [amy.brooks@knoxplanning.org](mailto:amy.brooks@knoxplanning.org) <[amy.brooks@knoxplanning.org](mailto:amy.brooks@knoxplanning.org)>

Cc: Chris Howley <[chowley@knoxvilletn.gov](mailto:chowley@knoxvilletn.gov)>

Hello Amy,


Chris asked that I send you some information about the First Creek closure. Technical Services/Engineering and a private title firm did not uncover any documentation that proved any private ownership of the area. With that research considered and the fact that the area is indexed on the official City Ward Map as a right-of-way, we felt that an application for closure was the best and most typical process in place to abandon the area and enable the City to issue a quitclaim deed to private ownership for the planned development. Very similarly to utility easement reservations typical to other right-of-way closures, the City will reserve an easement in this area for the water flowage of the creek.

I have attached an exhibit of our Ward Map. If you have any questions, please let me know.

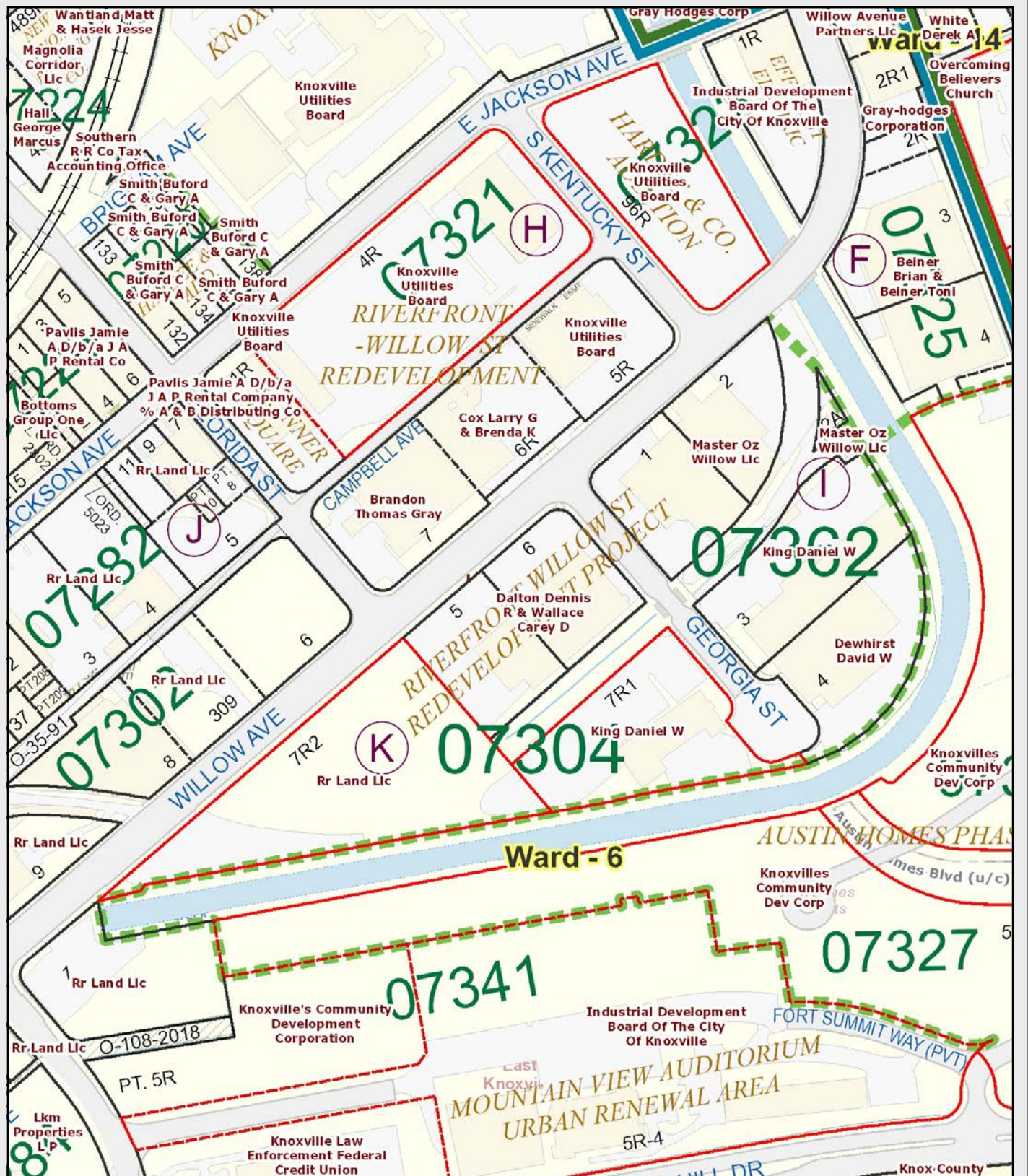
Sincerely,

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](mailto:bdavidson@knoxvilletn.gov)

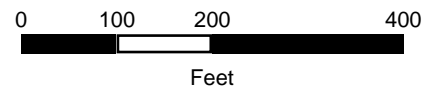
**First Creek Ward Map.pdf**

 2133K





## First Creek Right-of-Way



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.

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Printed: 10/15/2021 10:42:33 AM



Dori Caron &lt;dori.caron@knoxplanning.org&gt;

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**November ROW closure 11-D-21-SC**

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

Tue, Oct 26, 2021 at 8:41 AM

Approved from Fire.

**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:** Wednesday, October 20, 2021 4:27 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>; Jeanne Stevens <jeanne.stevens@knoxplanning.org>; Laura Edmonds <laura.edmonds@knoxplanning.org>; Levan King Cranston <levan.kingcranston@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:** November ROW closure 11-D-21-SC

Good afternoon,

We will have one more closure request for November. We apologize for the delay in getting this out to you. Please get your responses to us as close to the beginning of next week as possible. Thank you!

Dori Caron

Senior Administrative Assistant

Direct Line: 865-215-2694

Email: [dori.caron@knoxplanning.org](mailto:dori.caron@knoxplanning.org)





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

## Addressing Department Review and Comments

**File #:** 11-D-21-SC (was 11-E-21-SC)

**Tax Parcel ID:** Map 095

**Subdivision:**

**Applicant:** City of Knoxville

**Contact:** Chris Howley

**Company:**

**Email:** [chowley@knoxvilletn.gov](mailto:chowley@knoxvilletn.gov)

**Date Submitted:** 10/4/21

**Review Type:** Closure

**Unit or Phase:**

**Phone:** 865.215.3252

**Office:**

**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.

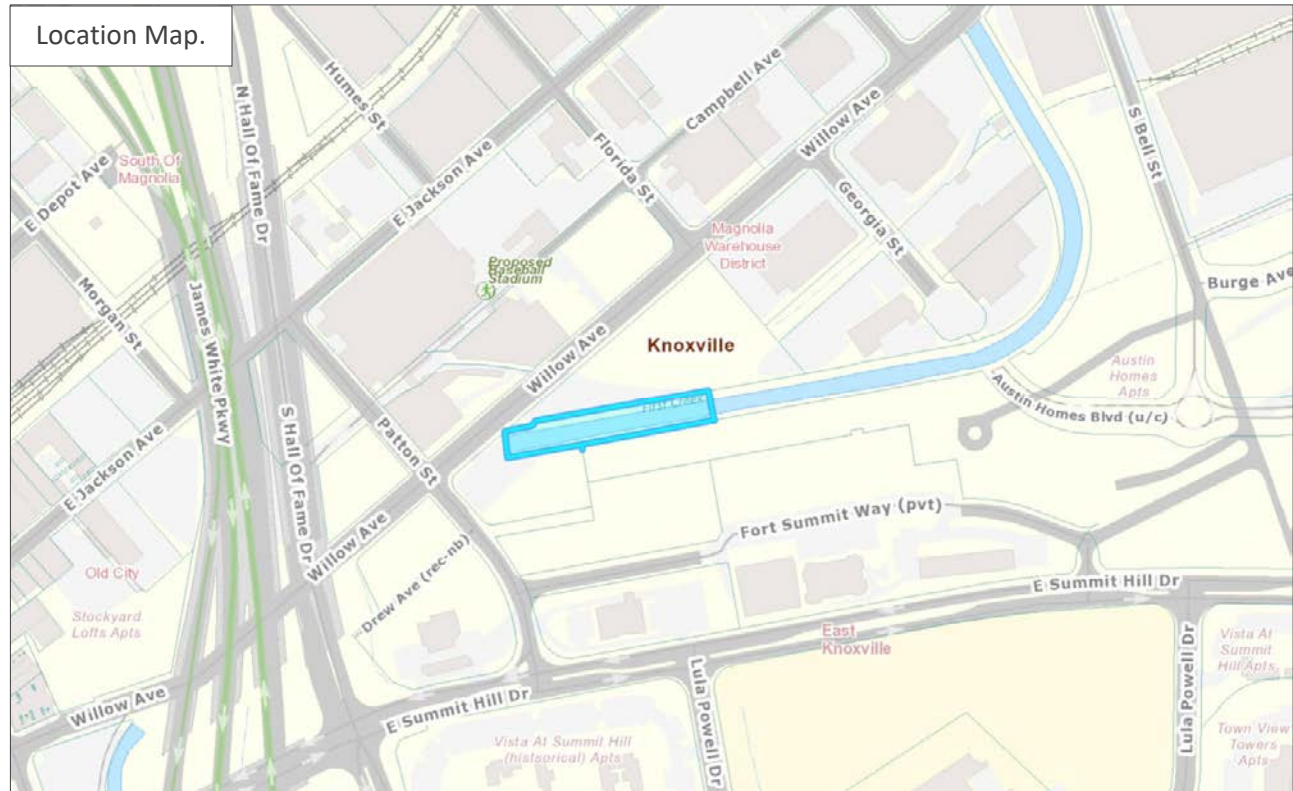
Proposed and/or Existing Subdivision or Street Names	Results of Review, Corrections, and Comments (date subdivision or street name reserved)	Approved, Pending, Denied, Revise, Note
First Creek	No address changes are anticipated if this proposed closure is approved.	Note

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

Andrea Kupfer (865.215.3797) <a href="mailto:andrea.kupfer@knoxplanning.org">andrea.kupfer@knoxplanning.org</a>	<b>1<sup>st</sup> Review</b>	Donna Hill (865.215.3872) <a href="mailto:donna.hill@knoxplanning.org">donna.hill@knoxplanning.org</a>	<b>2<sup>nd</sup> Review</b>
	10/6/2021		Oct 13, 2021

# 11-D-21-SC

## Exhibit A. Contextual Images





**Exhibit B. Excerpt from 1958 report titled, "Knoxville Downtown Loop"**  
The entire document can be obtained by contacting Knoxville-Knox County Planning

NO.	DESCRIPTION	LENGTH IN FEET	RDWY. WIDTH	SPANS FEET	STRUCTURE TYPE
2015-B1	Ramp 2015-B over New Western	132	23	30-64-38	Box Girder
2014-1	N. Bnd. Viaduct Jackson to Oak	766	30	77-2@70-75-45	
				70-72-86-90-75-36	Box Girder
2014-2	S. Bnd. Viaduct Jackson to Oak	766	30	77-2@70-75-45	
				70-72-86-90-75-36	Box Girder
2014-3	N. Bnd. Ln. over Ramp 2013-B	70	30	70	
2014-4	S. Bnd. over Ramp 2013-B	70	41	70	Box Girder
2014-A1	Off Ramp New Western to N. Bnd. Ln.	431	22	41-3@68-85-68-33	Struct. Steel
2010-D1	West Bound over Access Road	120	41	36-42.5-41.5	Box Girder
2010-E2	East to North Ramp over Access Road	127.5	22	3@42.5	Box Girder
2010-F1	East to West Ramp over Access Road	120.5	22	35.5-2@42.5	Box Girder
2007-3	Re-Located Southern R.R. Bridge over 1st Creek	90	single. tr. 90		Plate Girder

## Hydrological Features

The downtown loop comes under the influence of three streams, the Tennessee River, First Creek and Second Creek. The Tennessee Valley Authority has made extensive hydrologic investigations of the streams in this area. These data have been the basis of the design of this project with respect to drainage and minimum elevations.

The maximum known flood on the Tennessee River at Knoxville occurred in March 1867 and reached an elevation of 842 feet above sea level in this area. The regulation provided by the upstream storage reservoirs at the present time (1958) would lower the elevation of the flood of record to elevation 823.5. Minimum freeboard of three feet is re-

quired above the regulated flood of record to protect the subgrade thereby setting the minimum elevation at 826.5. The regulated maximum probable flood is estimated to reach an elevation of 849. This flood is approximately three times as large as the flood of record and the cost of providing protection for this theoretical flood would be prohibitive.

First Creek has a drainage area of approximately 21 square miles and has never experienced a major flood. The record flow of 2000 cfs which occurred in 1944 is considerably below the potential of its drainage area. The City of Knoxville has made some major improvements by rerouting the stream and providing a closed conduit where the

expressway crosses Willow Street. This conduit is designed to pass 10,000 cfs.

The elevation which would be reached by this flood is plotted on the plans. The existing topography and the requirements of making connections to the existing streets required the road bed to be considerably above this flood.

Second Creek has a drainage area of 6.3 square miles and is enclosed in a concrete arch culvert throughout the L & N Railroad yards. This culvert was built in 1903 and has an area of 133 square feet. No records are available on flows, however, the officials of the L & N and the City of Knoxville have indicated that to their knowledge the culvert has never failed to pass the water.

Utility relocation, for the most part, consists of minor relocations or adjustments to existing water, gas, electric, storm and sanitary sewers, and telephone underground and overhead lines. One of the major problems is providing access to and protecting the 72 inch sanitary sewers along the Tennessee River with inverted syphons under First and

We propose to extend the outlet of the structure with the same cross section as existing, and to provide adequate side drainage where necessary to protect the highway in the event that the capacity of the existing culvert should ever be exceeded.

Rainfall on small drainage areas will be based on a 20 year storm of record for the City of Knoxville. This gives an intensity varying from 6 inches per hour for 6 minutes duration, 5 inches per hour for 12 minutes duration, to 4 inches per hour for 25 minutes duration. Runoff from grassed areas is estimated at 60 per cent and from impervious areas at 90 per cent. Due allowance is to be given to future changes of pervious areas to impervious.

## Utilities

Second Creeks.

The exact relocation or adjustment of existing utilities must be determined in final design. In some instances it will be necessary to locate utilities on structures which go over the expressway.

## Railroads

The proximity of the L&N and Southern Railway yards and tracks to the economical location of the loop makes it impractical to maintain the present means of railroad operation. The two railroads are affected in varying degrees at several locations. The proposed solution or adjustment of each location is described below:

### L&N Railroad

1. Abandon existing bridges over Main and Cumberland Streets and reroute over Southern tracks.

2. Provide a turnout north of West Cumberland from the Southern tracks to the existing L&N tracks serving the freight warehouse.
3. Abandon the passenger station together with all tracks east of tract number 56 as identified on L&N valuation map.
4. Remove the northerly  $\frac{1}{3}$  of freight warehouse.
5. Spur Line paralleling Second Creek, north of Southern tracks. The expressway structure over





# RIGHT-OF-WAY CLOSURE

Name of Applicant: City of Knoxville

Date Filed: 10/4/21 Fee Paid: \$0 File Number: 11-D-21-SC

Map Number: 095 Zoning District: ☒ City ☐ County Sector: Central City

Jurisdiction: ☒ City 6 Council District

## INFORMATION:

Name of Right-of-Way: ~~First Creek~~ Right-of-way adjacent to First Creek

Type of Right-of-Way: ☐ Street ☒ Alley

Location of Right-of-Way:

BETWEEN (City Block or Lot where appropriate) ~~07304~~ Parcel 095HC012 to the north

AND (City Block or Lot where appropriate) ~~07327, 07341~~ Parcel 095HC00201 to the south

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

Reason for Closure: The closure is a necessary part of the development plan for the construction of the multi-use Stadium.

## TO BE CLOSED:

From: (Street, Alley, Other)

Western intersection with Willow Ave and parcel

095HC010

To: (Street, Alley, Other)

Point approximately 458' northeast between property

lines of parcels 095HC012 and 095HC00201

## ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Chris Howley C/C building 475 Knoxville TN 37902 865-215-3252 chowley@knoxvillekn.gov

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: Chris Howley

Chris Howley C/C building 475 Knoxville TN 37932 865-215-3252 chowley@knoxvillekn.gov

Name: (Print) Address • City • State • Zip • Phone • Email

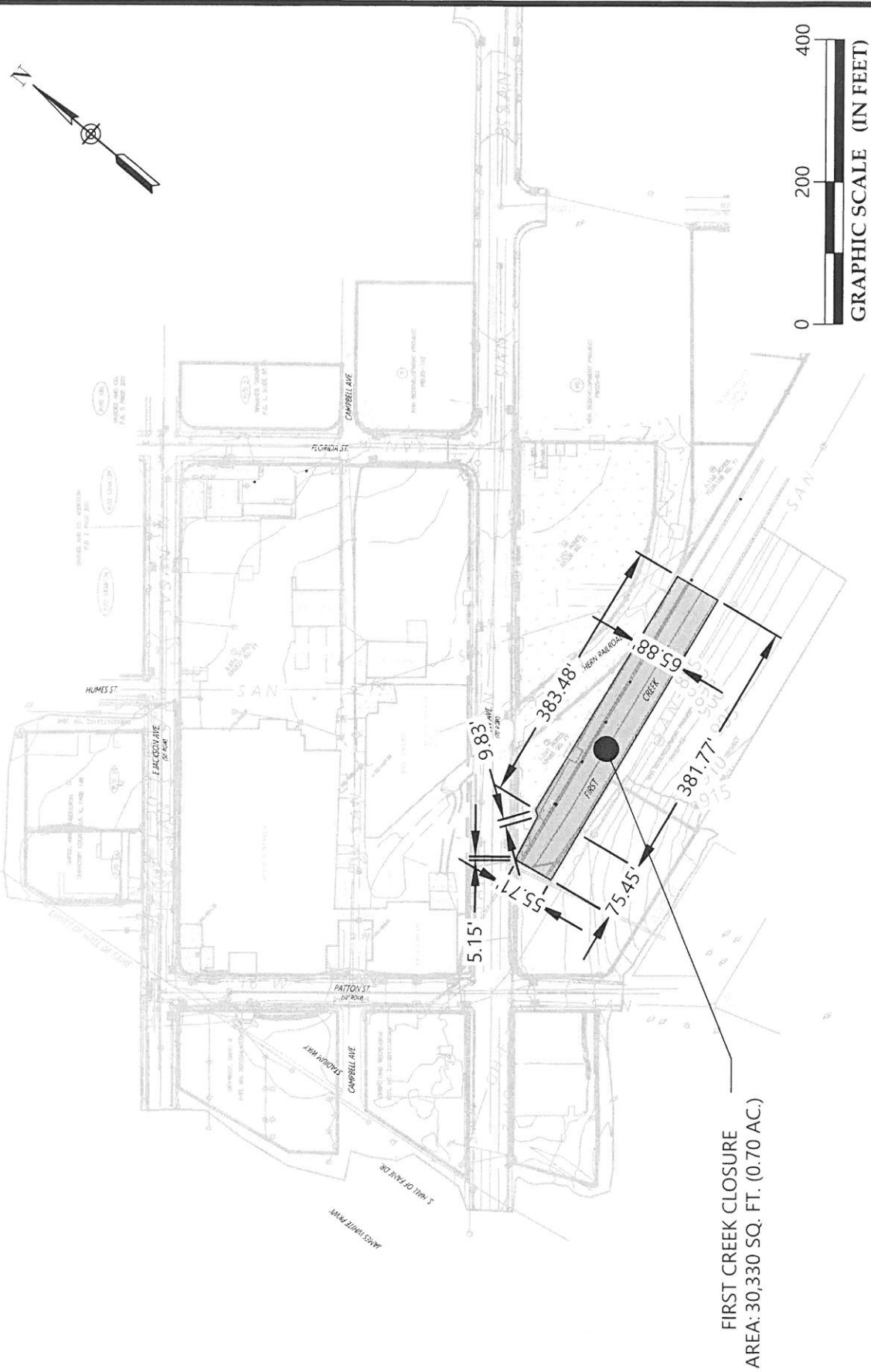
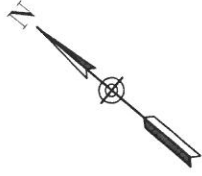
APPLICATION ACCEPTED BY: Michelle Portier

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]



FIRST CREEK CLOSURE  
AREA: 30,330 SQ. FT. (0.70 AC.)



GRAPHIC SCALE (IN FEET)

	SCALE: 1" = 200'		FIGURE NO. X1.3	
	DATE: 03/04/2021		PROJECT NUMBER: 5143-19-009	
	PERMITTING		KNOXVILLE BALLPARK	
	KNOXVILLE, TENNESSEE			