



CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

► **FILE #:** 9-A-21-SC

AGENDA ITEM #: 7

AGENDA DATE: 9/9/2021

► **APPLICANT:** BENCHMARK ASSOCIATES, INC.

TAX ID NUMBER: 121 N/A

[View map on KGIS](#)

JURISDICTION: Council District 2

SECTOR PLAN: West City

GROWTH POLICY PLAN:

ZONING: RN-1 (Single-Family Residential Neighborhood)

WATERSHED: Tennessee River

► **RIGHT-OF-WAY TO BE
CLOSED:** Lakeland Dr.

► **LOCATION:** Between parcels 121EB004 and 121EB005 and running from Cherokee Blvd. and to Sequoyah Hills Park.

IS STREET:

(1) IN USE?: No

(2) IMPROVED (paved)?: Yes

► **APPLICANT'S REASON
FOR CLOSURE:** The adjoining property owners desire to make this a private drive formally. Thus, eliminating any burden for maintenance or liabilities associated with this area that is not being utilized by the public.

DEPARTMENT-UTILITY
REPORTS:

The City's Engineering Department and KUB have requested to retain any easements that may be in place, plus a 15-ft wide easement to allow public access to Sequoyah Hills Park.

STAFF RECOMMENDATION:

► **Approve closure of the right-of-way located at the south terminus of Lakeland Drive and south of Cherokee Boulevard, subject to providing a 15-ft wide easement for public access to the park and other easements specified.**

COMMENTS:

1. This right-of-way is the south terminus of Lakeland Drive and runs the length between 2206 and 2142 Cherokee Boulevard. This right-of-way is a recorded-not built section of land and is partially paved for the purpose of a driveway.
2. This right-of-way is utilized by 2206 and 2142 Cherokee Boulevard and provides access to their private residences. A stop sign is posted at the end of the paved section where it intersects with Cherokee Boulevard.
3. In addition, this right-of-way provides a means of access to Sequoyah Hills Park located between Cherokee Boulevard and the Tennessee River. The public can also access Sequoyah Hills Park from two other access points located approximately 550-ft west, and 720-ft east when measured from the center of this ROW.
6. A number of residents have objected to the closure, saying that they use this ROW for access to Sequoyah Hills Park.

7. Staff has received comments from the following departments and organizations.

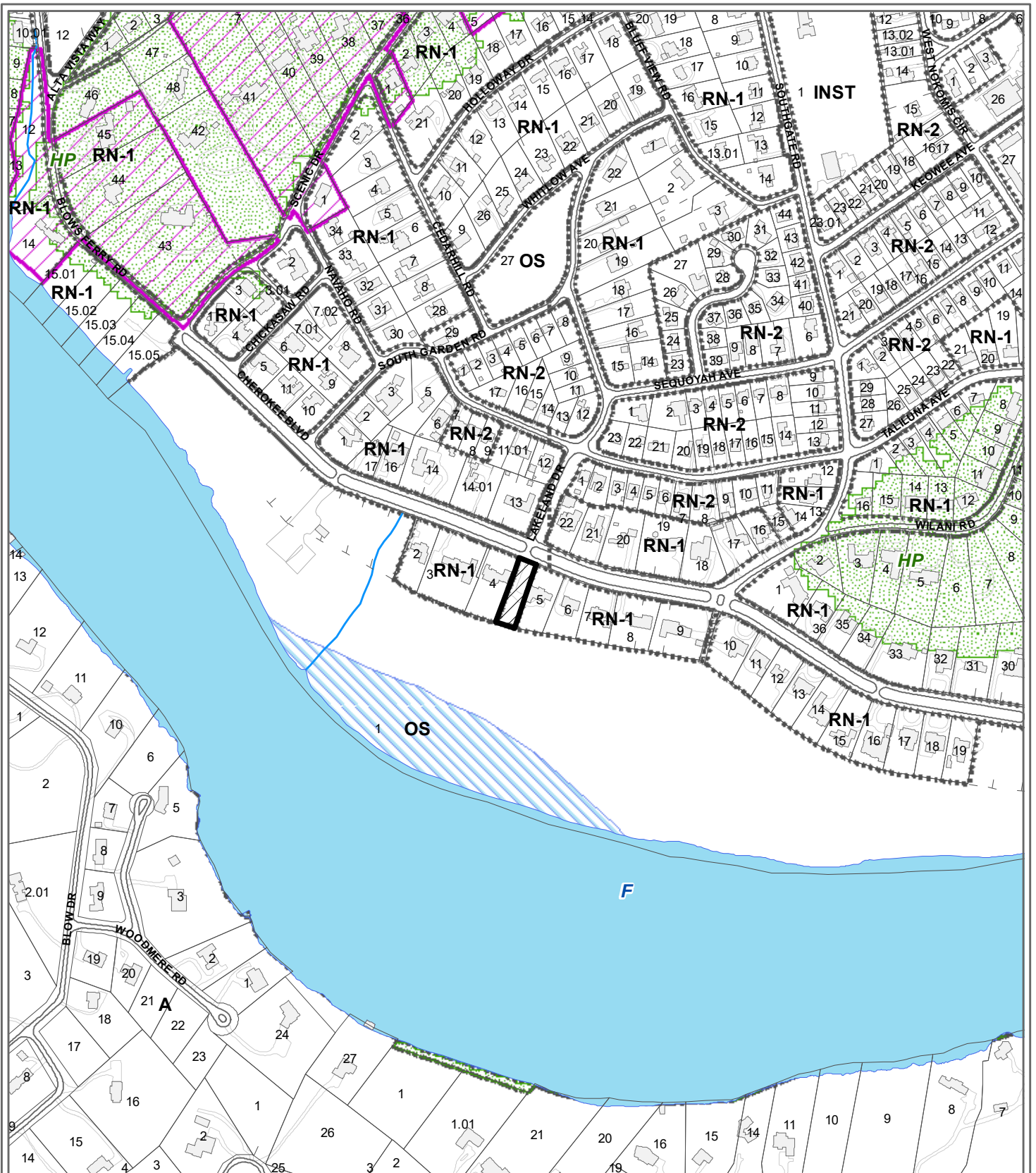
a. KUB: We have reviewed our records and find that we have existing utility facilities located within the subject right-of-way. The approximate locations of these facilities are indicated on the enclosed prints. However, KUB does not release and hereby retains all easements and rights for existing utility 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. Electric - 10 feet on each side of the centerline of the electric line, 20 feet total width.

b. City Engineering: 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 drainage and utility 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. The City will also require an additional 15-ft wide easement, centered in this ROW (7.5 ft to either side of the centerline of the ROW) to allow for pedestrian connection to the City's park.

c. City Parks and Recreation: This is an unimproved access into the park and appears not to have been used as an access by any of our city crews. We do not have an issue with the closure request. We have an access at the street east of Lakeland and at the park entrance by the bathrooms.

d. AT&T does not wish to relinquish any ROW or utility easements at this time.

If approved, this item will be forwarded to Knoxville City Council for action on 10/5/2021 and 10/19/2021. 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-21-SC
CLOSURE OF PUBLIC RIGHT OF WAY**

Name of Street or Alley: Lakeland Dr.
 To be closed from: South margin of Cherokee Boulevard
 To be closed to: South terminus of Lakeland Drive (unimproved)

Original Print Date: 8/4/2021 Revised:
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Benchmark Associates, Inc.

Map No: 121

Jurisdiction: City

0 500
 Feet



AUGUST 4, 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 LAKE LAND DR. BETWEEN THE SOUTH MARGIN OF
CHEROKEE BOULEVARD AND SOUTH TERMINUS OF LAKE LAND DR.
(UNIMPROVED), BETWEEN CITY BLOCK 24869 AND CITY BLOCK 24871,
COUNCIL DISTRICT 2, WEST CITY SECTOR. (9-A-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 September 9, 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, August 23, 2021 will be considered as no objection by your agency.

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



Subject: Right-of-way Closure Case File 9-A-21-SC

Date: September 1, 2021

Director Brooks and Planning Commission Members,

After further consideration, the Department of Engineering would like to reserve an additional easement within this right-of-way (ROW) to allow for future pedestrian connection to the City's park. We will require a 15ft wide easement that will be centered in the ROW (7.5ft to either side of the centerline of the ROW).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Curtis Williams', with a long, sweeping horizontal line extending to the right.

Curtis Williams, Stormwater Engineering Manager
City of Knoxville Department of Engineering



Dori Caron <dori.caron@knoxplanning.org>

ROW closure for September 9-A-21-SC

Ben Davidson <bdavidson@knoxvilletn.gov>
To: Dori Caron <dori.caron@knoxplanning.org>

Fri, Aug 20, 2021 at 7:33 AM

Hello Dori,

Engineering has no objections. Please, see the attached letter for the package.

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: Dori Caron <dori.caron@knoxplanning.org>

Sent: Wednesday, August 4, 2021 10:43 AM

To: amy.brooks@knoxplanning.org <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>; 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 Par n <spartin@knoxvilletn.gov>; Steve Borden <steve.borden@tn.gov>; Steve King <sking@knoxvilletn.gov>

Subject: ROW closure for September 9-A-21-SC

[Quoted text hidden]

2 attachments



9-A-21-SC_Engineering Response_08-20-2021.doc
235K



ROW package_9-A-21-SC.pdf
1147K



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 Lakeland Drive
MPC File # 9-A-21-SC; City Block 24869

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

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

From: **Sheryl Ely** <SEly@knoxvilletn.gov>

Date: Mon, Aug 16, 2021 at 3:40 PM

Subject: RE: Another closure request!

To: amy.brooks@knoxplanning.org <amy.brooks@knoxplanning.org>

Hi Amy,

I met with one of the property owners on site a few weeks ago. This is an unimproved access into the park and appears to not have been used as an access by any of our city crews. We do not have an issue with the closure request. We have an access at the street east of Lakeland and at the park entrance by the bathrooms.

Please let me know if you have any questions or comments.

Best,

Sheryl

Sheryl Ely, Director

City of Knoxville

Parks and Recreation

(865) 215-1700

a

August 9, 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 9-A-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.

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 closure for September 9-A-21-SC

Steve Borden <Steve.Borden@tn.gov>
To: Dori Caron <dori.caron@knoxplanning.org>

Fri, Aug 20, 2021 at 12:08 PM

TDOT District 18 Operations has no comment with regard to the lone ROW closure request for September. If you have further questions, please let me know.



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

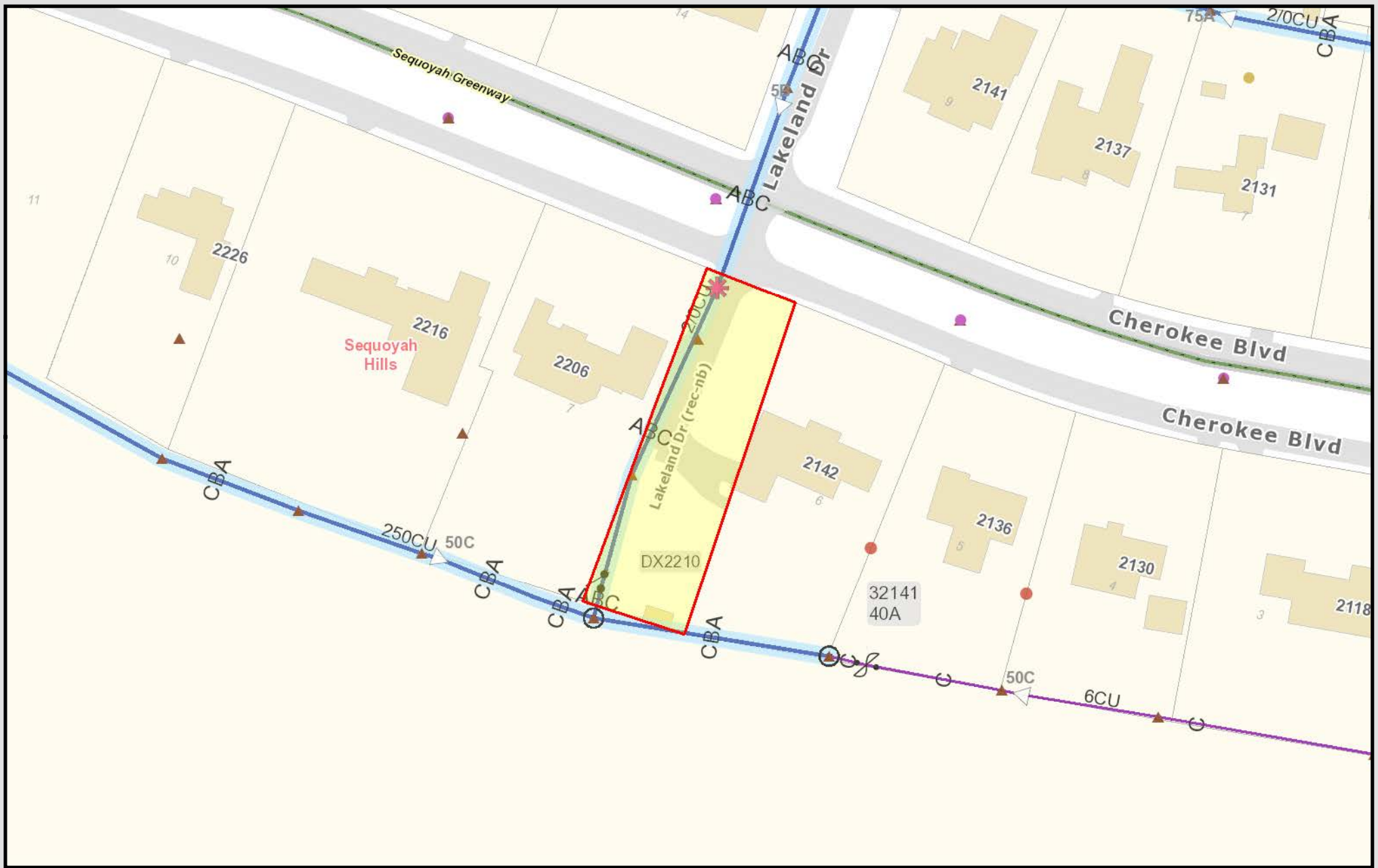
From: Dori Caron <dori.caron@knoxplanning.org>

Sent: Wednesday, August 4, 2021 10:44 AM

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>; Levan King Cranston <levan.kingcranston@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>

Subject: [EXTERNAL] ROW closure for September 9-A-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. *****

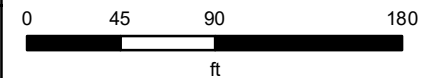


Lakeland Dr South of Cherokee Blvd (Electric)

Knoxville Utilities Board



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RIGHT-OF-WAY CLOSURE

Name of Applicant: Benchmark Associates, Inc.

Date Filed: 22 July 2021 Fee Paid: \$750.00 File Number: 9-A-21-SC

Map Number: 121 Zoning District: RN-1 ☒ City ☐ County Sector: LDR

Jurisdiction: ☒ City 2nd Council District

INFORMATION:

Name of Right-of-Way: Lakeland Drive

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

Location of Right-of-Way:

BETWEEN (City Block or Lot where appropriate) City Block 24869

AND (City Block or Lot where appropriate) City Block 24871

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

Reason for Closure: Right-of-Way is currently only utilized by the two properties that lie East and West thereof for access to their private residences.

17,700 sq. ft. +/- of unimproved R.O.W.

TO BE CLOSED:

From: (Street, Alley, Other)

South margin of Cherokee Blvd.

To: (Street, Alley, Other)

South terminus of Lakeland Drive
(unimproved)

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Benchmark Associates, Inc., PO Box 23892, Knoxville, TN 37933

Name: (Print) Address • City • State • Zip • Phone • Email
(865) 692-4090 bmoorman@bma-ls.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: Benjamin J. Moorman

Benjamin J. Moorman PO Box 23892 Knoxville, TN 37933 (865) 692-4090

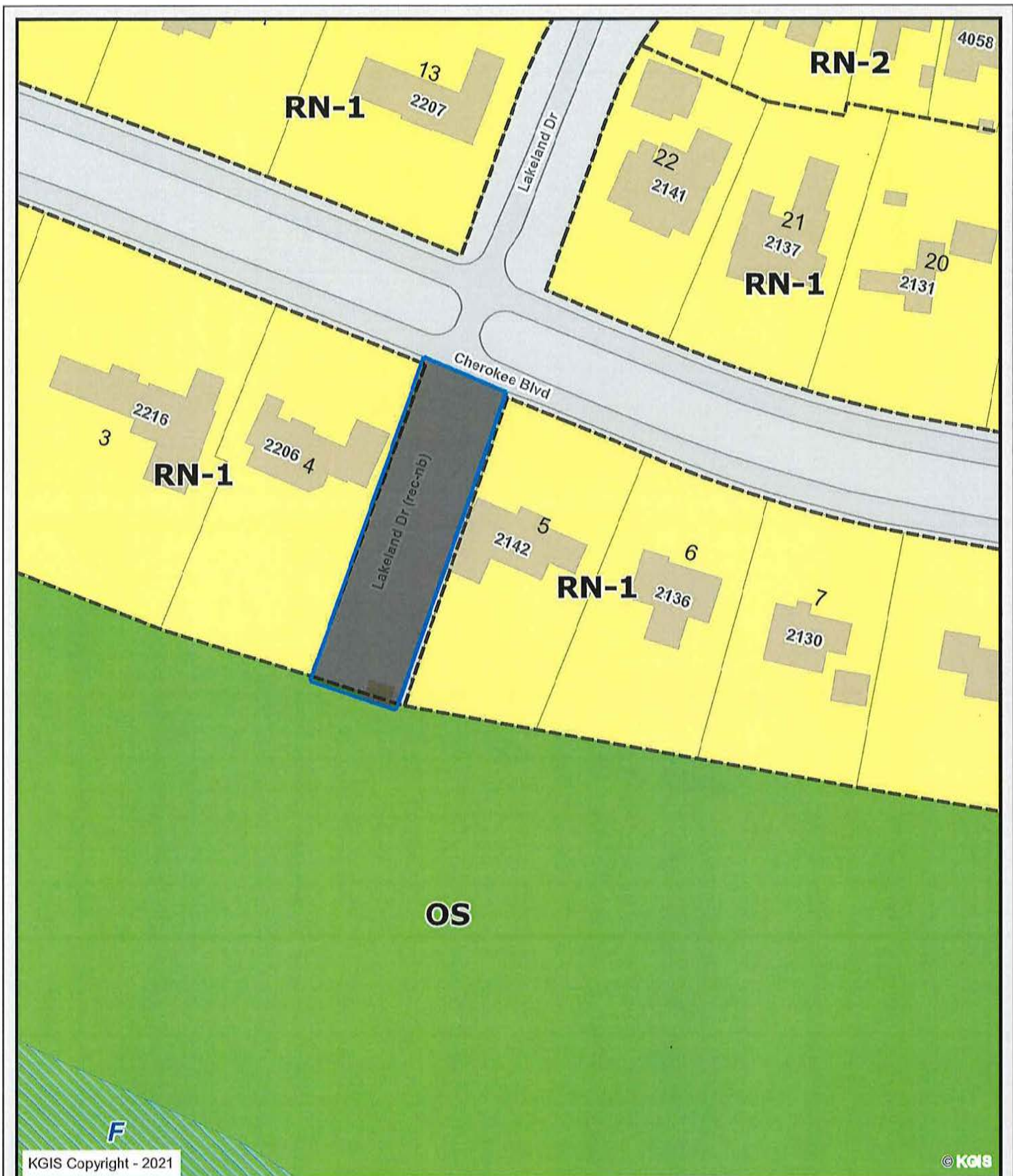
Name: (Print) Address • City • State • Zip • Phone • Email
bmoorman@bma-ls.com

APPLICATION ACCEPTED BY: [Signature]

swm 7/26/21

[illegible]

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.



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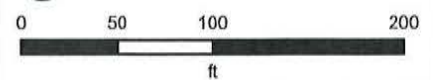
© KGIS

Letter Portrait

Knoxville - Knox County - KUB Geographic Information System

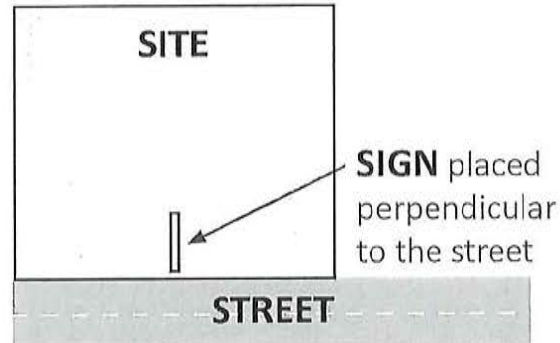


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The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, the sign should be placed along the street that carries more traffic. Planning staff may recommend a preferred location for the sign to be posted at the time of application.

TIMING

The sign(s) must be posted **not less than 12 days prior to the scheduled Planning Commission public hearing** and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

Aug 25 (Wed) and Sept 10 (Fri)
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Benchmark Assoc.

Date: 7/26/21

File Number: TA-21-SC

☒

Sign posted by Staff

☐

Sign posted by Applicant