

CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

► **FILE #:** 4-A-22-SC

AGENDA ITEM #: 5

AGENDA DATE: 4/14/2022

► **APPLICANT:** JERRY BODIE

TAX ID NUMBER: 106 N/A
JURISDICTION: Council District 3
SECTOR PLAN: Northwest County
GROWTH POLICY PLAN: N/A (Inside City Limits)
ZONING: N/A
WATERSHED: Fourth Creek

[View map on KGIS](#)

► **RIGHT-OF-WAY TO BE CLOSED:** Amherst Rd.

► **LOCATION:** Between the Amherst Road right-of-way and between the western and eastern lot lines of Parcel 106DA001

IS STREET:

(1) IN USE?: yes

(2) IMPROVED (paved)?: yes

► **APPLICANT'S REASON FOR CLOSURE:** This is a partial closure request due to an excessive distance from the present right-of-way to the existing improved road.

DEPARTMENT-UTILITY REPORTS: The City's Engineering Department and KUB have requested to retain any easements that may be in place. AT&T does not have any objections to the ROW closure.

STAFF RECOMMENDATION:

► **Approve closure of the right-of-way located on the south side of Amherst Rd northwest of Industrial Heights Dr. since this section of right-of-way is very wide and is not utilized.**

COMMENTS:

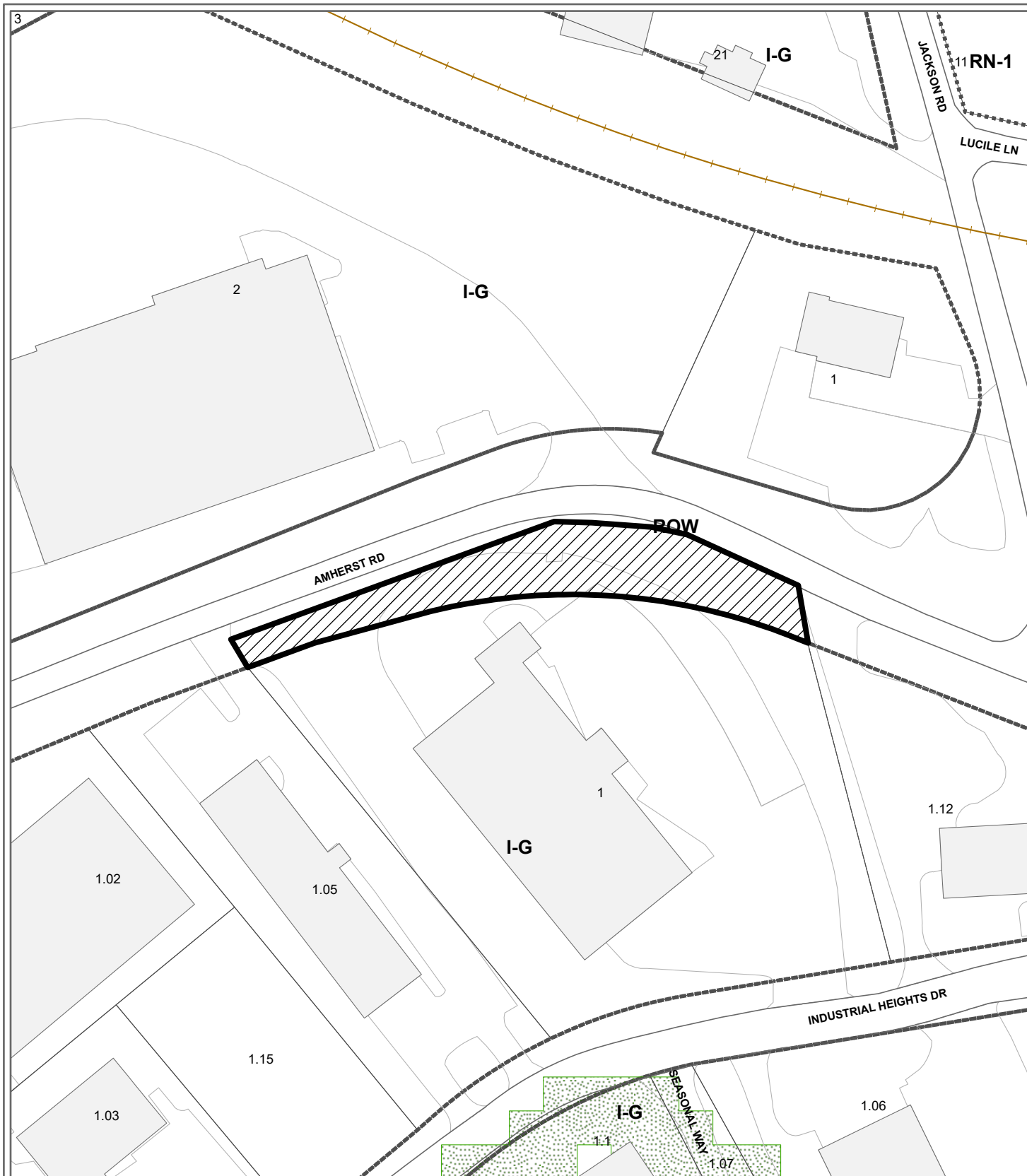
1. There is a section of right-of-way along Amherst Road that borders onto 6031 Industrial Heights Dr parcel 106DA001 that is exceptionally wide, steep, and is not utilized along this section of road.
2. This section of right-of-way provides no significant use to the public.
3. This section of right-of-way is not maintained by the City.
4. The proposed right-of-way closure will not impact surrounding addresses.
5. Staff have received no objections from the general public.
6. Staff has received comments from the following departments and organizations:
 - 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 the following 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.

b. AT&T does not have any objections to the ROW closure. If an aerial route for future facilities is needed in this corridor, AT&T will utilize the power easement in place.

c. KUB has reviewed their records and find they have existing utility facilities located within the subject right-of-way. KUB does not release and hereby retains all easements and rights for existing utility facilities. Should this right-of-way be closed, KUB will require the following permanent easements for its utility facilities. 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 approved, this item will be forwarded to Knoxville City Council for action on 5/17/2022 and 5/31/2022. 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.



4-A-22-SC
CLOSURE OF PUBLIC RIGHT OF WAY

Name of Street or Alley: Amherst Rd.

To be closed from: Part of frontage of Parcel 106DA001

To be closed to:

Original Print Date: 3/8/2022

Revised:

Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Bodie, Jerry

Map No: 106

Jurisdiction: City

0 100
Feet



4-A-22-SC

EXHIBIT A. Contextual Images

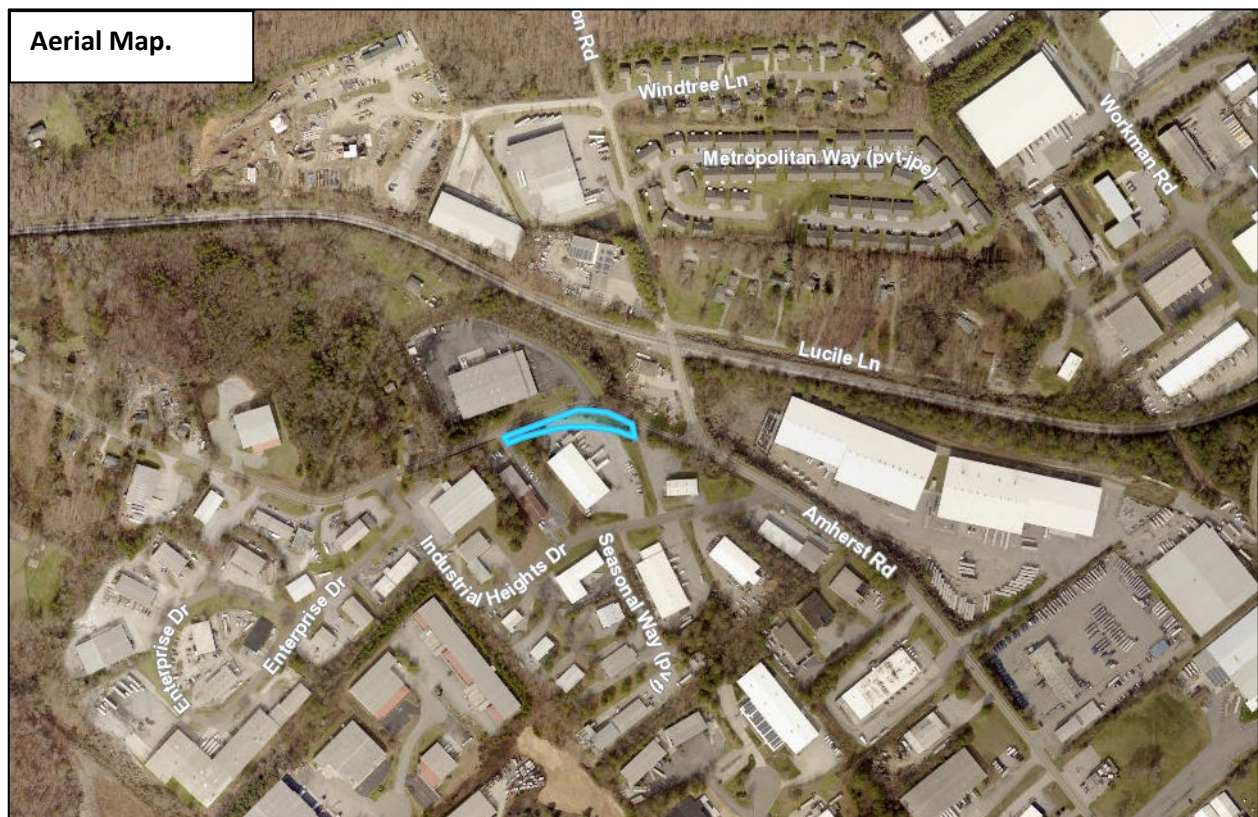
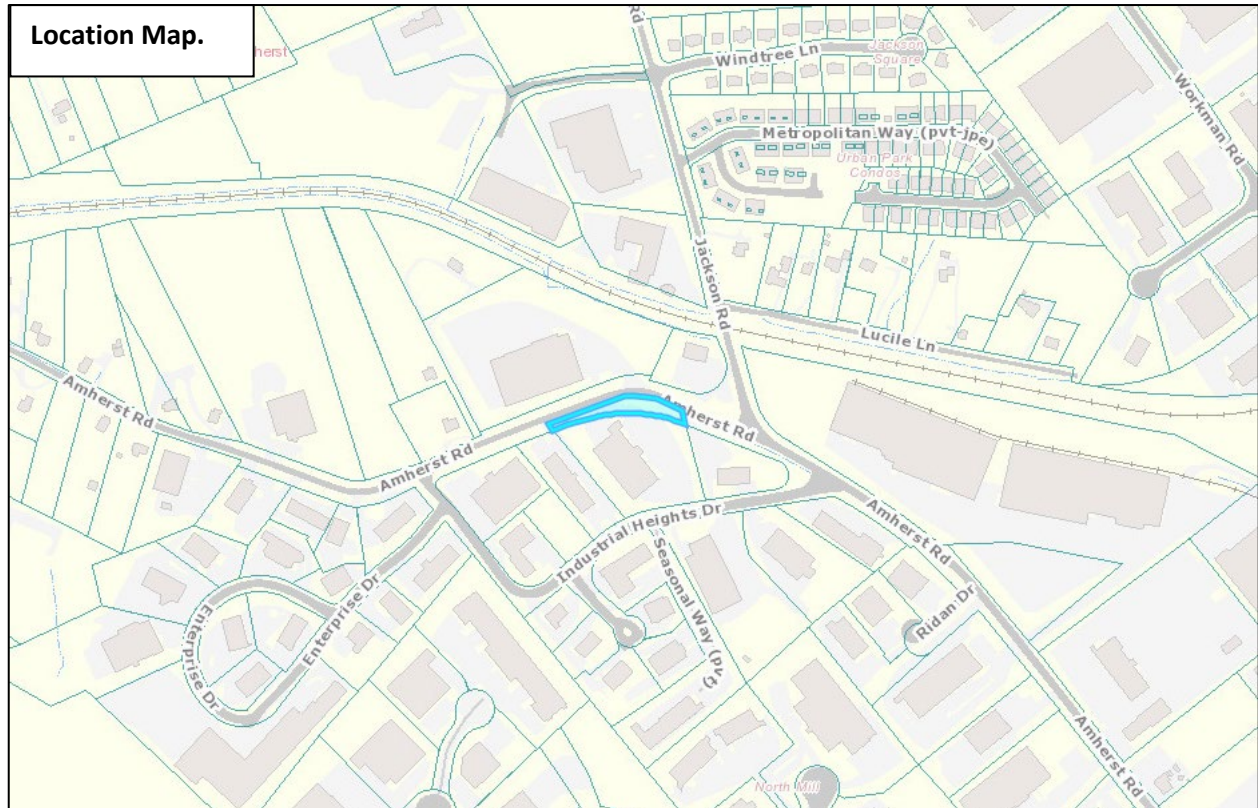
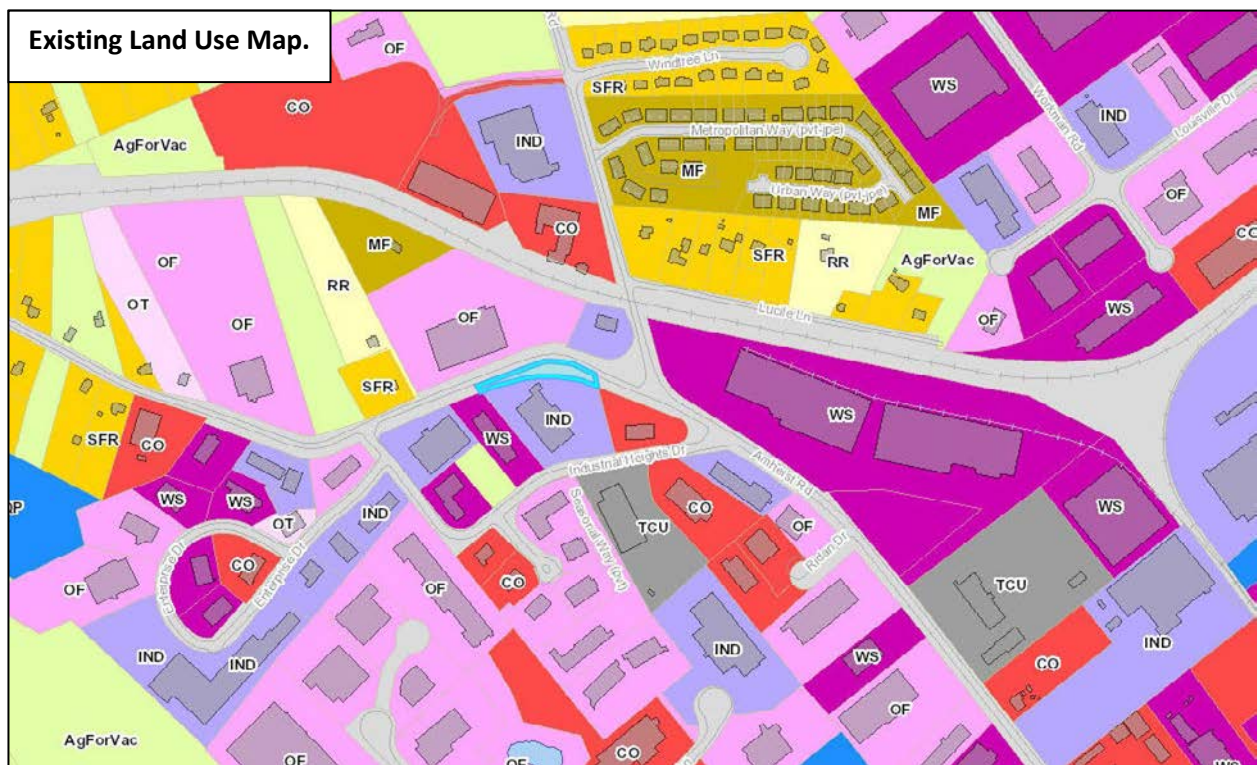
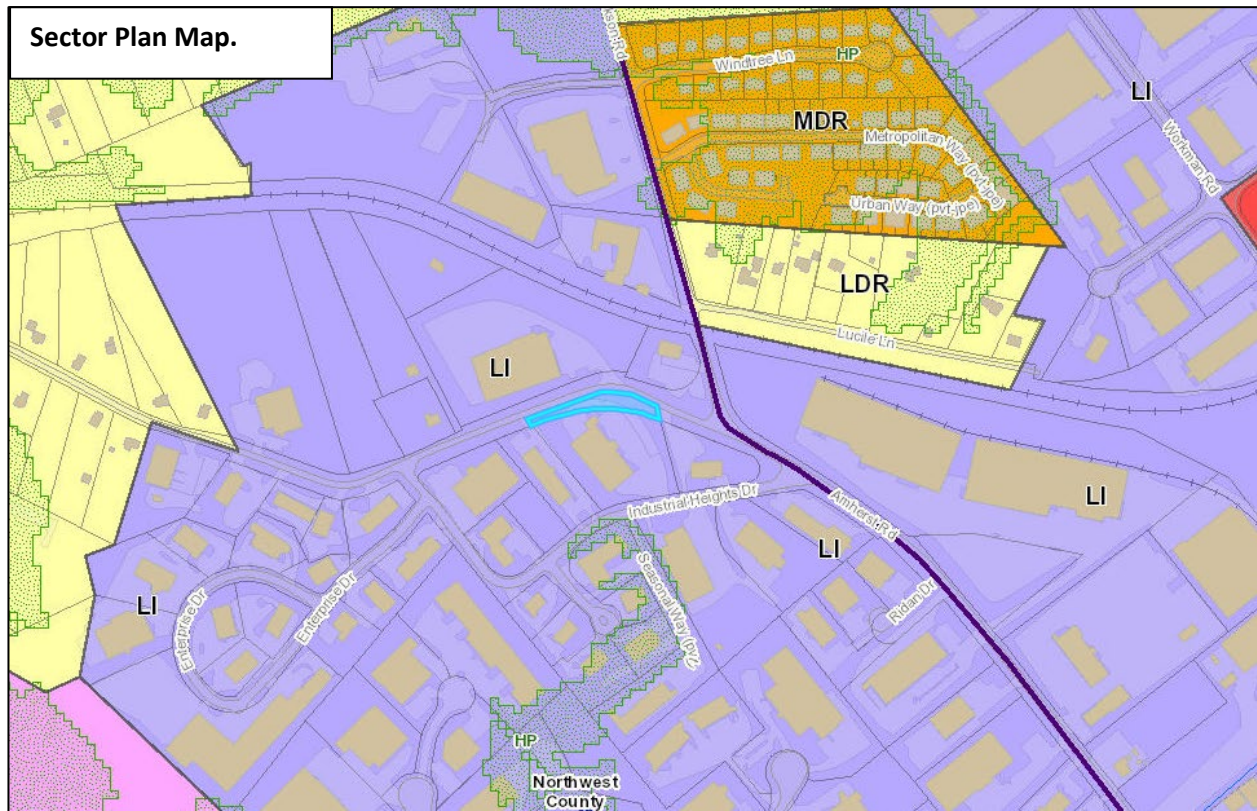
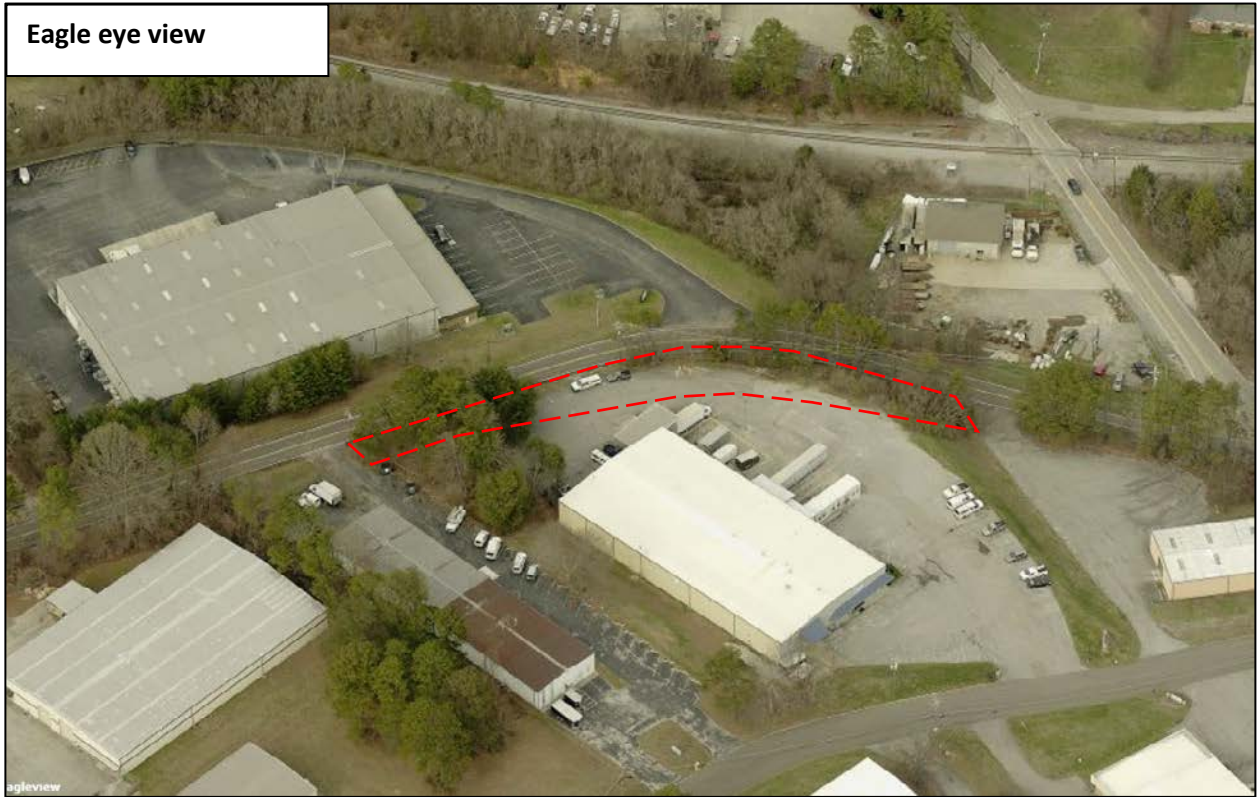


EXHIBIT A. Contextual Images



4-A-22-SC
EXHIBIT A. Contextual Images



MARCH 11, 2022

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
James W. Wagner, AT&T
Ben Davidson, Department of Engineering
Charlotte Goforth, Department of Engineering

From: Michelle Portier, Principal Planner, Knoxville-Knox County Planning

**RE: REQUEST CLOSURE OF A SLIVER OF THE AMHERST RD. RIGHT-OF-WAY
BETWEEN THE WESTERN AND EASTERN LOT LINES OF PARCEL 106DA001.
(4-A-22-SC)**

Please give us the following information in writing regarding this proposed closure, adding 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** If closed (vacated), would easements meet your needs?
- 5** If easement will meet needs, please state easements required.
- 6** If your department opposes vacating the ROW, please indicate the rationale.

This request will be considered by the Knoxville-Knox County Planning Commission on April 14, 2022. A map showing the street or alley in question is attached for your information.

PLEASE NOTE: Failure to reply to our office by Monday, March 28, 2022 will be considered as no objection by your agency.

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



Dori Caron <dori.caron@knoxplanning.org>

ROW closures for April 4-A-22-SC and 4-B-22-SC

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

Wed, Mar 16, 2022 at 8:21 AM

Approved for both Dori.

Asst. Chief Sonny Partin, CFPS

Fire Marshal

Knoxville Fire Department

400 Main St. Suite 446

Knoxville, Tn. 37902

Office 865-215-2283

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

Sent: Friday, March 11, 2022 4:32 PM

To: Charlotte Goforth <cgoforth@knoxvilletn.gov>; Steve Borden <steve.borden@tn.gov>; Michelle Portier <michelle.portier@knoxplanning.org>; Christian Wiberley <Christian.Wiberley@kub.org>; WAGNER, JAMES W <JW904s@att.com>; Levan King Cranston <levan.kingcranston@knoxplanning.org>; Steve King <sking@knoxvilletn.gov>; Ben Davidson <bdavidson@knoxvilletn.gov>; Harold Cannon <hcannon@knoxvilletn.gov>; Sonny Partin <spartin@knoxvilletn.gov>; Laura Edmonds <laura.edmonds@knoxplanning.org>; amy.brooks@knoxplanning.org; Shannon Sims <ss3775@att.com>

Subject: ROW closures for April 4-A-22-SC and 4-B-22-SC

Happy Friday and sorry for the delay in getting these out. 2 closure requests for April. Have a great weekend.

Dori Caron

Senior Administrative Assistant

Direct Line: 865-215-2694

Email: dori.caron@knoxplanning.org

CITY OF KNOXVILLE



Engineering
Benjamin D. Davidson, PLS
Technical Services Administrator

May 24, 2022

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

SUBJECT: Closure of a portion of Amherst Rd
Planning File # 4-A-22-SC; Nearby City Block 45290

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 the following 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

a

March 28, 2022

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 4-A-22-SC

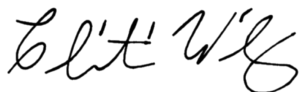
We have reviewed our records and find that we have existing utility facilities located within the subject right-of-way. The approximate locations of these facilities are indicated on the enclosed prints. However, KUB does not release and hereby retains all easements and rights for existing utility facilities, 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.

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

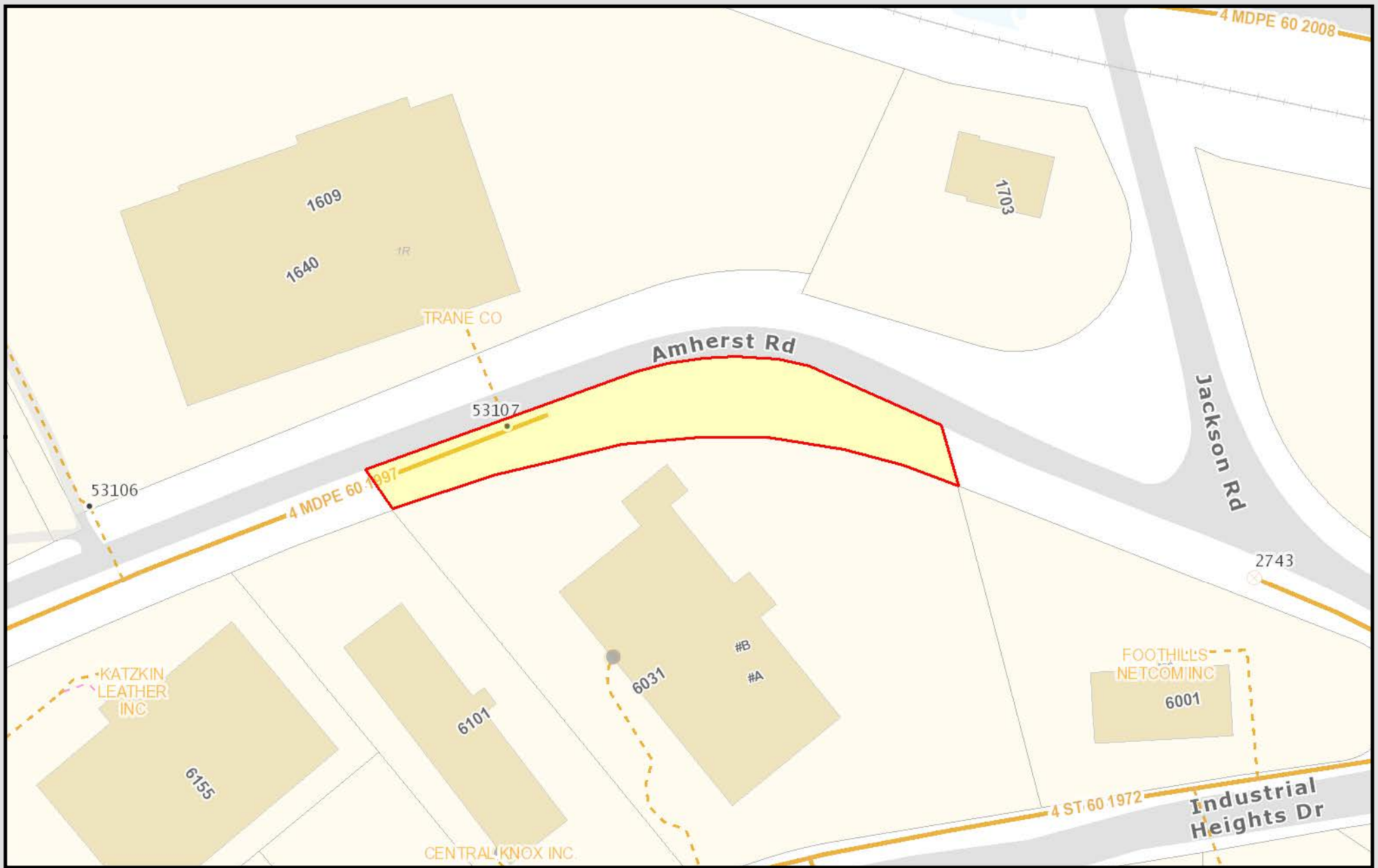
If you have any questions regarding this matter, please call me at (865) 558-2483.

Sincerely,



Christian Wiberley, PE
Engineering

CGW

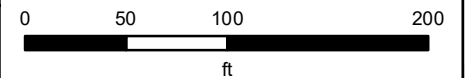


File No. 4-A-22-SC (Gas)

Knoxville Utilities Board



Printed: 3/24/2022 at 10:37:18 AM



KUB makes no representation or warranty as to the accuracy of his 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 KUB harmless from any and all damage, loss, or liability arising from any use of this map product. All rights reserved.





Levan King Cranston <levan.kingcranston@knoxplanning.org>

4-A-22-SC question

SIMMS, SHANNON R <ss3775@att.com>

Tue, Mar 29, 2022 at 11:39 AM

To: Levan King Cranston <levan.kingcranston@knoxplanning.org>

Levan,

Sorry man. I hung up on you too early.

After closer investigation, I do not think AT&T is using this ROW.

AT&T does not have any objections to the ROW closure. If an aerial route for future facilities is needed in this corridor, AT&T will utilize the power easement in place.

Thanks,

Shannon R. Simms

MANAGER OSP PLANNING & ENGINEERING DESIGN

Access Construction & Engineering

Tennessee/Kentucky District

AT&T – BellSouth Telecommunications, LLC

9733 Parkside Dr, Knoxville, TN 37922

M: 865-566-7068 | ss3775@att.comO: 865-539-8596 (**Try Mobile First**)

[Quoted text hidden]

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

From: "SIMMS, SHANNON R" <ss3775@att.com>

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

Cc:

Bcc:

Date: Mon, 14 Mar 2022 11:18:23 +0000

Subject: RE: ROW closures for April 4-A-22-SC and 4-B-22-SC

Dori,

The attached request is in my area of responsibility. **AT&T does not wish to relinquish this ROW.**



RIGHT-OF-WAY CLOSURE

Name of Applicant: Jerry Bodie

Date Filed: 3/1/2022 Fee Paid: 900.00 File Number: 4-A-22-SC

Map Number: 106 Zoning District: I-G ☒ City ☐ County Sector: Northwest County

Jurisdiction: ☒ City 3 Council District

INFORMATION:

Name of Right-of-Way: Amherst Rd

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

Location of Right-of-Way:

BETWEEN (City Block or Lot where appropriate) S. Side of Amherst Rd, 429' NW of Industrial Hgts. Dr.

AND (City Block or Lot where appropriate) City Block 45290 Parcel 106DA001

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

Reason for Closure: This is a partial closure request due to an excessive distance from the present right-of-way to the existing improved road.

TO BE CLOSED:

From: (Street, Alley, Other)

Part of frontage of Parcel 106DA001

To: (Street, Alley, Other)

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

JERRY BODIE WHITE REALTY AND SERVICE CORPORATION PO BOX 10028 KNOXVILLE TN 37939-28 567-7313 jbodie@whiterealty.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: Jerry L. Bodie

JERRY BODIE WHITE REALTY AND SERVICE CORPORATION PO BOX 10028 KNOXVILLE TN 37939-28 567-7313 jbodie@whiterealty.com

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

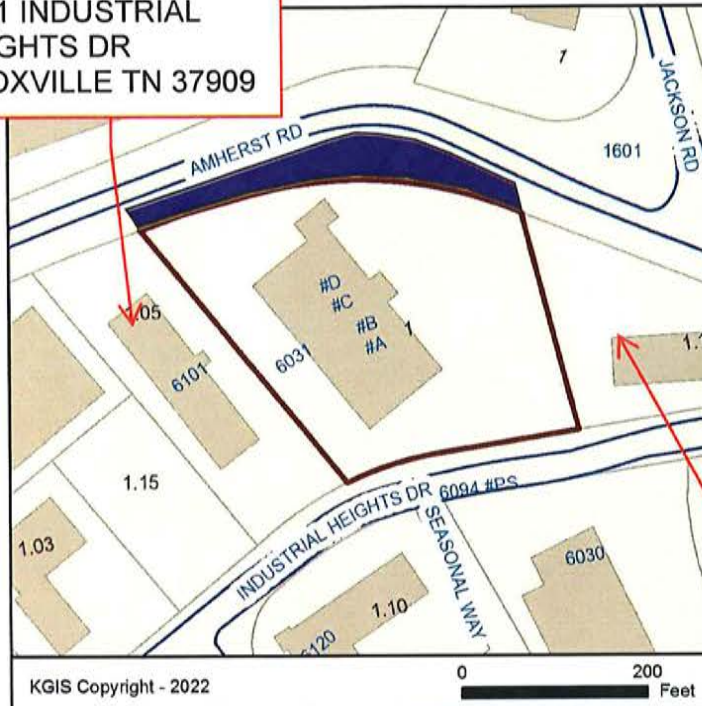
APPLICATION ACCEPTED BY: Sherry Michienzi 3/1/2022

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]

CENTRAL KNOX INC
6101 INDUSTRIAL
HEIGHTS DR
KNOXVILLE TN 37909



Property Information

Parcel ID: 106DA001
 Location Address: 6031 INDUSTRIAL HEIGHTS DR
 CLT Map: 106
 Insert: D
 Group: A
 Condo Letter:
 Parcel: 1
 Parcel Type: NORMAL
 District:
 Ward: 45
 City Block: 45290
 Subdivision:
 Rec. Acreage: 0
 Calc. Acreage: 2.27
 Recorded Plat: -
 Recorded Deed: 19990830 - 0017600
 Deed Type: Deed:Deed
 Deed Date: 8/30/1999

Address Information

Site Address: 6031 INDUSTRIAL HEIGHTS DR
 KNOXVILLE - 37909
 Address Type: PRIMARY BUILDING ADDRESS
 Site Name:
 Please contact Knoxville-Knox County Planning at (865) 215-2500 if you have questions.

Jurisdiction Information

County: KNOX COUNTY
 City / Township: Knoxville

Political Districts

Voting Precinct: 45
 Voting Location: Bearden Middle School
 1000 FRANCIS RD
 TN State House: 18
 TN State Senate: 7
 County Commission: 3 Randy Smith
 (at large seat 10) Larsen Jay
 (at large seat 11) Justin Biggs
 City Council: 3 Seema Singh
 (at large seat A) Lynne Fugate
 (at large seat B) Janet Testerman
 (at large seat C) Amelia Parker
 School Board: 3 Daniel Watson
 Please contact Knox County Election Commission at (865) 215-2480 if you have questions.

Owner Information

WHITE REALTY AND SERVICE CORPORATION
 PO BOX 10028
 KNOXVILLE TN 37939-28

The owner information shown in this section is the person(s) responsible for Last Year's payment to the Knox County Property Assessor's Office.

OUR VISION
INVESTMENTS LLC
7108 LA CHRISTA WAY
KNOXVILLE TN 37921

Other Information

Census Tract: 46.15
 Planning Sector: Northwest County
 Please contact Knoxville-Knox County Planning at (865) 215-2500 if you have questions.

School Zones

Elementary: BEARDEN ELEMENTARY
 Intermediate:
 Middle: BEARDEN MIDDLE
 High: WEST HIGH

Please contact Knox County Schools Transportation and Zoning Department at (865) 594-1550 if you have questions.

Disclaimer: 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 damage, loss, or liability arising from any use of the map product. Independent verification of all information contained on this map should be obtained by any user.

Proprietary Info: The map products and databases on this Web Site have been copyrighted by the KGIS Policy Board. The KGIS Policy Board hereby reserves all rights thereto, and no portion of the products or databases on this Web Site may be reproduced in any form or by any means without the express written authorization of the KGIS Policy Board or its authorized agents.

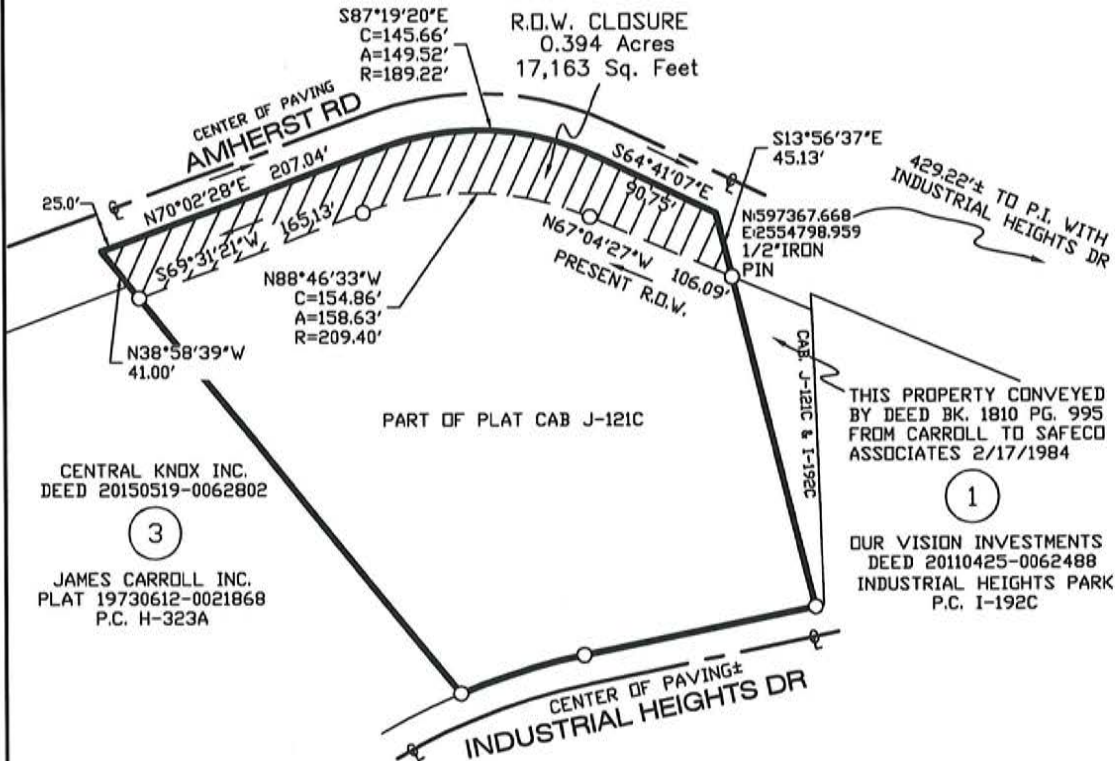
© Copyright 2022
by Professional Land Systems



Positional accuracy: CM
Type of GPS field procedure: RTK
Date of survey: 6/11/2019
Datum/Epoch: NAD83(CORS96)/2002
Published/Fixed-control use:
TDDT CORS (TNIA)
LAT 35 56 53.51756 N
LONG 84 10 00.37632 W
Geoid Model: 12B
Combined grid factor(s): 1.000
Equipment: KOLIDA K5+



TN NAD83(2011)



CENTRAL KNOX INC.
DEED 20150519-0062802

3

JAMES CARROLL INC.
PLAT 19730612-0021868
P.C. H-323A

THIS PROPERTY CONVEYED
BY DEED BK. 1810 PG. 995
FROM CARROLL TO SAFECO
ASSOCIATES 2/17/1984

1

OUR VISION INVESTMENTS
DEED 20110425-0062488
INDUSTRIAL HEIGHTS PARK
P.C. I-192C

CLIENT:

JERRY BODIE
WHITE REALTY
416 BEARDEN RD
KNOXVILLE, TN 37919
(865) 588-2244



I hereby certify that this is a category 1 survey and the ratio of precision of the unadjusted survey is 1: 10,000 or better as shown hereon. This survey meets the minimum standards for the State of Tennessee.

This is to certify that the described property is NOT located in a special flood hazard area as shown on the National Flood Insurance Program Flood Insurance Rate Map.

MAP NO. 47093C0259G

ZONE: X

EFFECTIVE: 8/5/13

1. THIS SURVEY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
2. DEED 19990830-0017600. SEE EXCEPTION 1810/995.
3. A RESUBDIVISION SHOULD BE PERFORMED TO ALIGN PLATS WITH TITLE.
4. 1-3 ZONING.

ROW CLOSURE EXHIBIT
6031 INDUSTRIAL HEIGHTS DR
PART OF PLAT CAB. J-121C

PLAT REF: CAB. J-121C

SCALE: 1"=100'

PARCEL(S):

COUNTY/DISTRICT: KNOX/5

CITY: KNOXVILLE

WARD/BLOCK: 45290/45 DATE: 2/8/2022

Ned D. Ferguson, R.L.S.

205 Lamar Avenue

Clinton, Tn. 37716

Phone: (865) 689-6169

Fax: (888) 232-8718 Toll Free



Professional Land Systems

www.PLSurvey.com

When you need to know, knowing is our business.

DRAWING NO. 10619ROW

BEGINNING at an existing one-half inch iron pin in the southerly right-of-way of Amherst Road distant 429.22', more or less, northwest of the right-of-way of Industrial Heights Dr, having approximate NAD83(2011) state plane coordinates N: 597367.668 E: 2554798.959;

THENCE with the present right-of-way of Amherst Road, North 67 deg. 04 min. 27 sec. West, 106.09 feet to a one-half inch iron pin found;

THENCE with a curve turning to the left having an arc length of 158.63', a radius of 209.40', with a chord bearing of North 88 deg. 46 min. 33 sec. West, a chord length of 154.86' to a one-half inch iron pin found;

THENCE South 69 deg. 31 min. 21 sec. West, 165.13 feet to a one-half inch iron pin found;

THENCE leaving the present right-of-way of Amherst Road, North 38 deg. 58 min. 39 sec. West, 41.00 feet to a point;

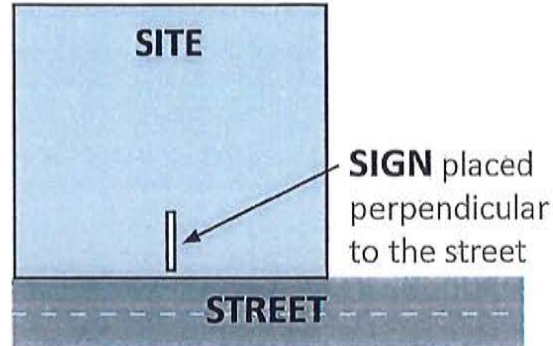
THENCE North 70 deg. 02 min. 28 sec. East, 207.04 feet to a point;

THENCE with a curve turning to the right having an arc length of 149.52', a radius of 189.22', with a chord bearing of South 87 deg. 19 min. 20 sec. East, a chord length of 145.66' to a point;

THENCE South 64 deg. 41 min. 07 sec. East, 90.75 feet to a point;

THENCE South 13 deg. 56 min. 37 sec. East, 45.13 feet to the POINT OF BEGINNING, containing 17,163 square feet, 0.394 acres

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:

March 30, 2022 and April 15, 2022
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Jerry Bodie
 Date: 3/1/2022
 File Number: 4-A-22-SC

☒ Sign posted by Staff
☐ Sign posted by Applicant