



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

► **FILE #:** 12-A-22-SC

**AGENDA ITEM #:** 7

**AGENDA DATE:** 12/8/2022

► **APPLICANT:** HOUSE TO HOME RENOVATION AND CONSTRUCTION, LLC

TAX ID NUMBER:	109 N/A	<a href="#">View map on KGIS</a>
JURISDICTION:	Council District 1	
SECTOR PLAN:	South City	
GROWTH POLICY PLAN:	N/A (Within City Limits)	
ZONING:	RN-2 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)	
WATERSHED:	Tennessee River	

► **RIGHT-OF-WAY TO BE CLOSED:** Boggs Ave.

► **LOCATION:** Between Atchley Street and Sam Houston Street

IS STREET:

(1) IN USE?: No

(2) IMPROVED (paved)? No

► **APPLICANT'S REASON FOR CLOSURE:** The road was never improved or completed by the city. Upon inquiries to the Knoxville engineering and Knoxville Planning office, we were informed there are no plans to further develop the road. Closure of this road would help enhance the 2 adjacent lots and make 0 Boggs Ave. a buildable city lot which would further add to the City tax base.

DEPARTMENT-UTILITY REPORTS:	The City's Engineering Department, KUB and AT&T retain all rights and easements. TDOT and the City's Fire Department have no comments or objections.
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## STAFF RECOMMENDATION:

► **Approve closure of portion of Boggs Avenue that runs between Atchley Street to Sam Houston Street subject to any required easements, and because staff has received no objections.**

## COMMENTS:

1. This request is to close a portion of Boggs Avenue from Atchley Street to Sam Houston Street.
2. The adjoining properties for the street closure are zoned residential, RN-2.
3. Staff has received no objections from the general public.
4. The following departments and organizations had these comments:
  - The City Engineering Department has no objections to close the above referenced 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.

- 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-way and we have no objection to the requested closure. However, KUB does not release and hereby retains all easements and rights for existing facilities, whether or not identified in our research.
- AT&T has no comments.
- TDOT has no comments as this is not a state right-of-way.
- The Fire Department has no comments.

If approved, this item will be forwarded to Knoxville City Council for action on 1/10/2023 and 1/24/2023. 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.



**12-A-22-SC  
CLOSURE OF PUBLIC RIGHT OF WAY**

Name of Street or Alley: Boggs Ave.  
 To be closed from: Atchley Street  
 To be closed to: Sam Houston Street

Original Print Date: 11/2/2022      Revised:  
 Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: House to Home Renovation and Construction, LLC

Map No: 109  
 Jurisdiction: City  
 0 40  
 Feet



**NOVEMBER 3, 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 BOGGS AVE BETWEEN ATCHLEY STREET AND SAM HOUSTON STREET (12-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 December 8, 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, November 21, 2022 will be considered as no objection by your agency.***

C: Jeff Welch, Executive Director, Knoxville-Knox County Planning  
Attachment: Application



Jessica Kitts <jessica.kitts@knoxplanning.org>

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## ROW Closures for December 2022 - 12-A-22-AC, 12-A-22-SC, and 12-B-22-SC

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**WAGNER, JAMES W** <JW904s@att.com>

Thu, Dec 1, 2022 at 8:50 AM

To: Jessica Kitts <jessica.kitts@knoxplanning.org>

Cc: Liz Albertson <liz.albertson@knoxplanning.org>, Whitney Warner <whitney.warner@knoxplanning.org>

Jessica,

Please see comments below.

12-A-22-SC AT&T does not have any facilities in this area.

12-A-22-AC AT&T does not have any facilities in this area.

12-B-22-SC AT&T does not have any facilities until we hit the KUB owned pole that is to the far east side of the affected area on Saint Paul St. It appears the pole and guy wires are outside of the shaded area, but would be hard to know for certain without a survey. If KUB does not have a problem with it then we will not either.

Thank you,

**James W. Wagner**

Manager Outside Plant Planning & Engineering Design

AT&T Technology Operations

**AT&T – BellSouth Telecommunications, LLC**

9733 Parkside Drive, Knoxville, TN 37922

o 865.297.0886 | m 865.360.9737 | [jw904s@att.com](mailto:jw904s@att.com)

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Jessica Kitts <jessica.kitts@knoxplanning.org>

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## ROW Closures for December 2022 - 12-A-22-AC, 12-A-22-SC, and 12-B-22-SC

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Steve Borden <Steve.Borden@tn.gov>

Fri, Nov 18, 2022 at 2:17 PM

To: Jessica Kitts <jessica.kitts@knoxplanning.org>

Jessica,

Please find the following responses from Operations for the December 2022 ROW closure requests:

12-A-22-AC: Operations has no objections and/or comments.

12-A-22-SC: Operations has no objections and/or comments.

12-B-22-SC: Operations has no objections and/or comments.

Sincerely,

Steven M. Borden, P.E.

Director/Assistant Chief Engineer

TDOT – Region 1

as

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**From:** Jessica Kitts <jessica.kitts@knoxplanning.org>

**Sent:** Thursday, November 3, 2022 9:41 AM

**To:** Sonny Partin <spartin@knoxvilletn.gov>; Tom Clabo <tclabo@knoxvilletn.gov>; Dori Caron <dori.caron@knoxplanning.org>; Christian Wiberley <Christian.Wiberley@kub.org>; Charlotte Goforth <cgoforth@knoxvilletn.gov>; Chris Howley <chowley@knoxvilletn.gov>; James Wagner <JW904s@att.com>; Steve Borden <Steve.Borden@tn.gov>; Michelle Portier <michelle.portier@knoxplanning.org>; Jeff Welch <jeff.welch@knoxplanning.org>; Ben Davidson <bdavidson@knoxvilletn.gov>; Steve King <sking@knoxvilletn.gov>; Jay Frazier <jf092g@att.com>

**Subject:** [EXTERNAL] ROW Closures for December 2022 - 12-A-22-AC, 12-A-22-SC, and 12-B-22-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

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

November 17, 2022

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

SUBJECT: Closure of right-of-way request portion of Boggs St  
Planning File # 12-A-22-SC

The City Engineering Department has no objections to close the above referenced 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



November 8, 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 Requests 12-A-22-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-way and we have no objection to the requested closure. 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,

A handwritten signature in black ink, appearing to read "C. Wiberley", is written over the printed name.

Christian Wiberley, PE  
Engineering

CGW





400 Main Street, Suite 403  
Knoxville, Tennessee 37902  
865-215-2500  
www.knoxplanning.org

# RIGHT-OF-WAY CLOSURE

**Date Filed:** 10/20/2022

**Name of Applicant:** HOUSE TO HOME RENOVATION AND CONSTRUCTION, LLC

**Jurisdiction:** City Council District 1

**Sector:**

**Growth Policy Plan:**

**Zoning District:**

**File Number:** 12-A-22-SC

**Meeting Date:** 12/8/2022

**Fee Amount:** \$1,000.00

## INFORMATION:

**Tax ID:** 109 N/A

**Add'l. Tax ID Info.:**

**Name of Right-of-Way:** Boggs Ave.

**Type of Right-of-Way:** Street

**Location of Right-Of-Way:**

**BETWEEN** (City Block or Lot, where appropriate): 2303 Atchley St

**AND** (City Block or Lot, where appropriate): 2302 Sam Houston St

**Is ROW in use (yes/no)?:** No

**Is ROW improved (e.g. paved) (yes/no)?:** No

**Reason for Closure:** The road was never improved or completed by the city. Upon inquiries to the Knoxville engineering and Knoxville Planning office, we were informed there are no plans to further develop the road. Closure of this road would help enhance the 2 adjacent lots and make 0 Boggs Ave. a buildable city lot which would

## TO BE CLOSED:

**From: (Street, Alley, Other)**

Atchley Street

**To: (Street, Alley, Other)**

Sam Houston Street

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

Beverly Linkous House to Home Renovation and Construction, LLC

154 Carrie Reagan Lane

Knoxville, TN 37920

Telephone: 865-389-4545

Fax:

Email: [housetohomeknox@gmail.com](mailto:housetohomeknox@gmail.com)

## AUTHORIZATION OF APPLICATION:

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, as listed on the next page of this form.

Beverly Linkous House to Home Renovation & Construction, L

**Signature:** \_\_\_\_\_

Telephone: 865-389-4545

Fax:

Email: [housetohomeknox@gmail.com](mailto:housetohomeknox@gmail.com)

**APPLICATION ACCEPTED BY:** Missy Jones

10/25/2022 9:15:32 AM

**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.



# RIGHT-OF-WAY CLOSURE

Name of Applicant: House to Home Renovation and Construction, LLC

Date Filed: October 20, 2022 Fee Paid: \_\_\_\_\_ File Number: 12-A-22-SC

Map Number: 109 Zoning District: \_\_\_\_\_ ☒ City ☐ County Sector: \_\_\_\_\_

Jurisdiction: ☒ City \_\_\_\_\_ Council District

## INFORMATION:

Name of Right-of-Way: Boggs Ave

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

### Location of Right-of-Way:

BETWEEN (City Block or Lot where appropriate) 2303 Atchley St and 2302 Sam Houston St

AND (City Block or Lot where appropriate) 2225 Atchley St and 2222 Sam Houston St

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

### Reason for Closure:

The road was never improved or completed by the city. Upon inquiries to the Knoxville engineering and Knoxville Planning office, we were informed there are no plans to further develop the road. Closure of this road would help enhance the 2 adjacent lots and make 0 Boggs Ave a buildable city lot which would further add to the City tax base.

## TO BE CLOSED:

From: (Street, Alley, Other)  
Atchley Street

To: (Street, Alley, Other)  
Sam Houston Street

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

Beverly Linkous. 154 Carrie Reagan Ln Knoxville TN 37920. 865-389-4545. [housetohomeknox@gmail.com](mailto:housetohomeknox@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: [Signature]

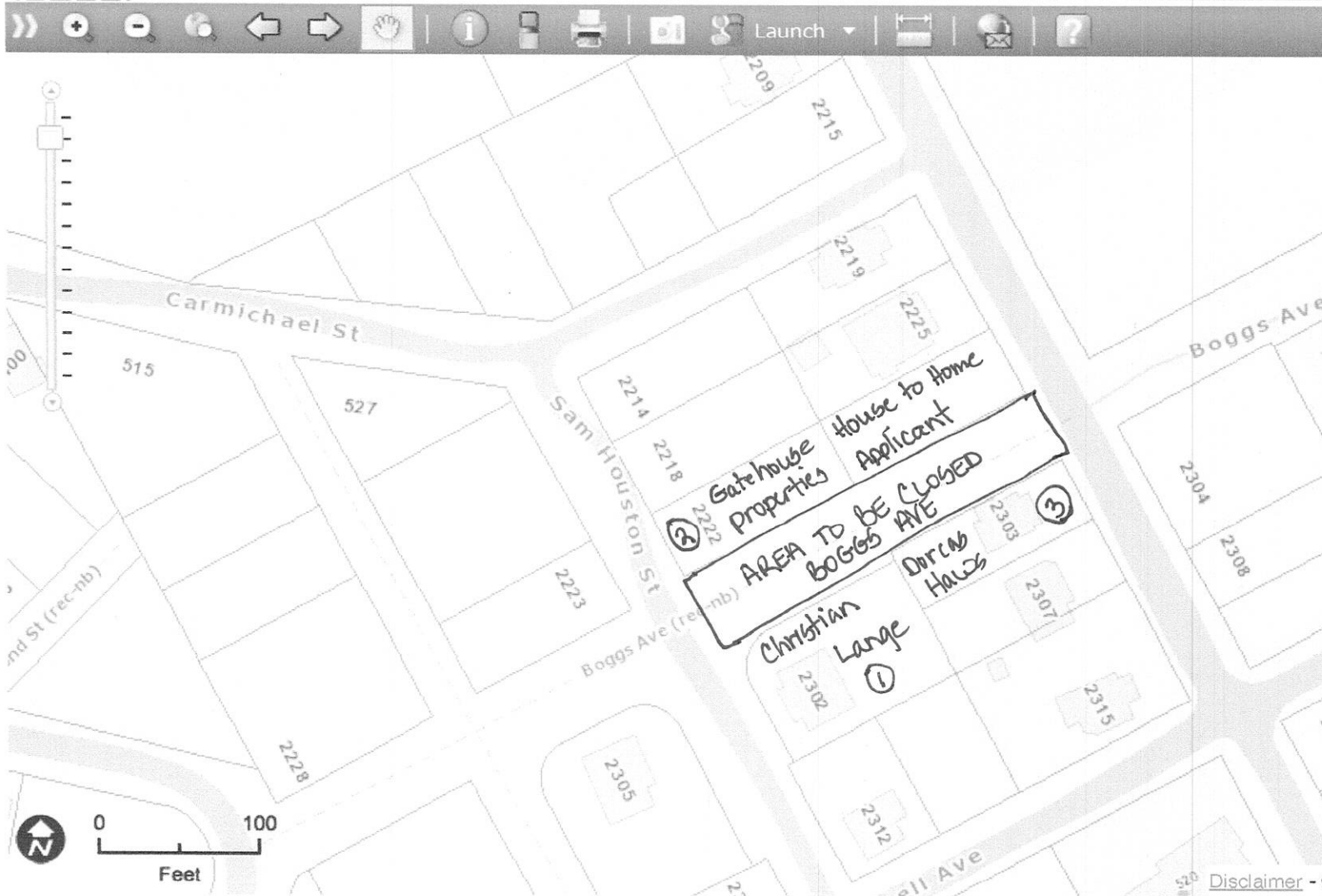
Beverly Linkous. 154 Carrie Reagan Ln Knoxville TN 37920. 865-389-4545. [housetohomeknox@gmail.com](mailto:housetohomeknox@gmail.com)  
Name: (Print) Address • City • State • Zip • Phone • Email

## APPLICATION ACCEPTED BY:

RIGHT-OF-WAY CLOSURE CANVASS FORM	
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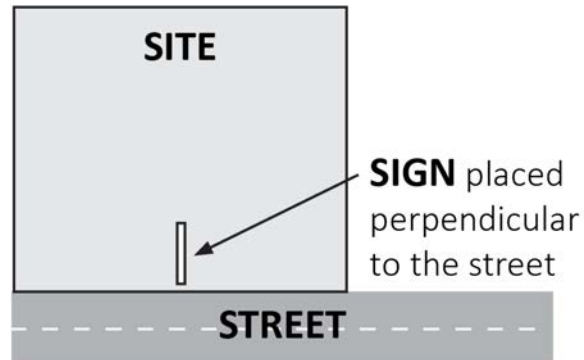
All owners and holders of option on property abutting the proposed closure must sign the list below and express their opinion about this closure. A map showing the location and addresses of these properties must accompany this application.

[illegible]



Numbers 1-3 correspond to  
signature on pg 2 of application

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:***

\_\_\_\_\_ 11/25/2022 \_\_\_\_\_ and \_\_\_\_\_ 12/9/2022 \_\_\_\_\_  
 (applicant or staff to post sign) (applicant to remove sign)

**Applicant Name:** Beverly Linkous

**Date:** 10/21/22

**File Number:** 12-A-22-SC

☒ Sign posted by Staff  
☐ Sign posted by Applicant