



CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

► **FILE #:** 12-B-22-SC

AGENDA ITEM #: 8

AGENDA DATE: 12/8/2022

► **APPLICANT:** JOSEPH PARKS ON BEHALF OF SAINT PAUL DEV PARTNERS LLC

TAX ID NUMBER: 109 N/A
JURISDICTION: Council District 1
SECTOR PLAN: South City
GROWTH POLICY PLAN: N/A (Within City Limits)
ZONING: SW (South Waterfront)
WATERSHED: Tennessee River

[View map on KGIS](#)

► **RIGHT-OF-WAY TO BE CLOSED:** W. Blount (sliver of) Ave.

► **LOCATION:** Between the southwest corner of the intersection with Saint Paul St. and the southeast corner of parcel 109AA005

IS STREET:

(1) IN USE?: No

(2) IMPROVED (paved)?: No

► **APPLICANT'S REASON FOR CLOSURE:** The portion of right of way to be abandoned is not in use. It is outside of pavement or sidewalks. The radius of the existing right of way is excess for current and proposed uses for these streets. Note, right of way will be dedicated along W Blount Ave and Saint Paul as needed to provide improved sidewalks and utility access.

DEPARTMENT-UTILITY REPORTS: The City's Engineering Department requests conditions. KUB and AT&T retain all rights and easements. TDOT and the City's Fire Department have no comments.

STAFF RECOMMENDATION:

► **Approve closure of a sliver of W. Blount Avenue from the southwest corner of the intersection with Saint Paul Street to the southeast corner of parcel 109AA005, subject to any required easements, and to four conditions:**

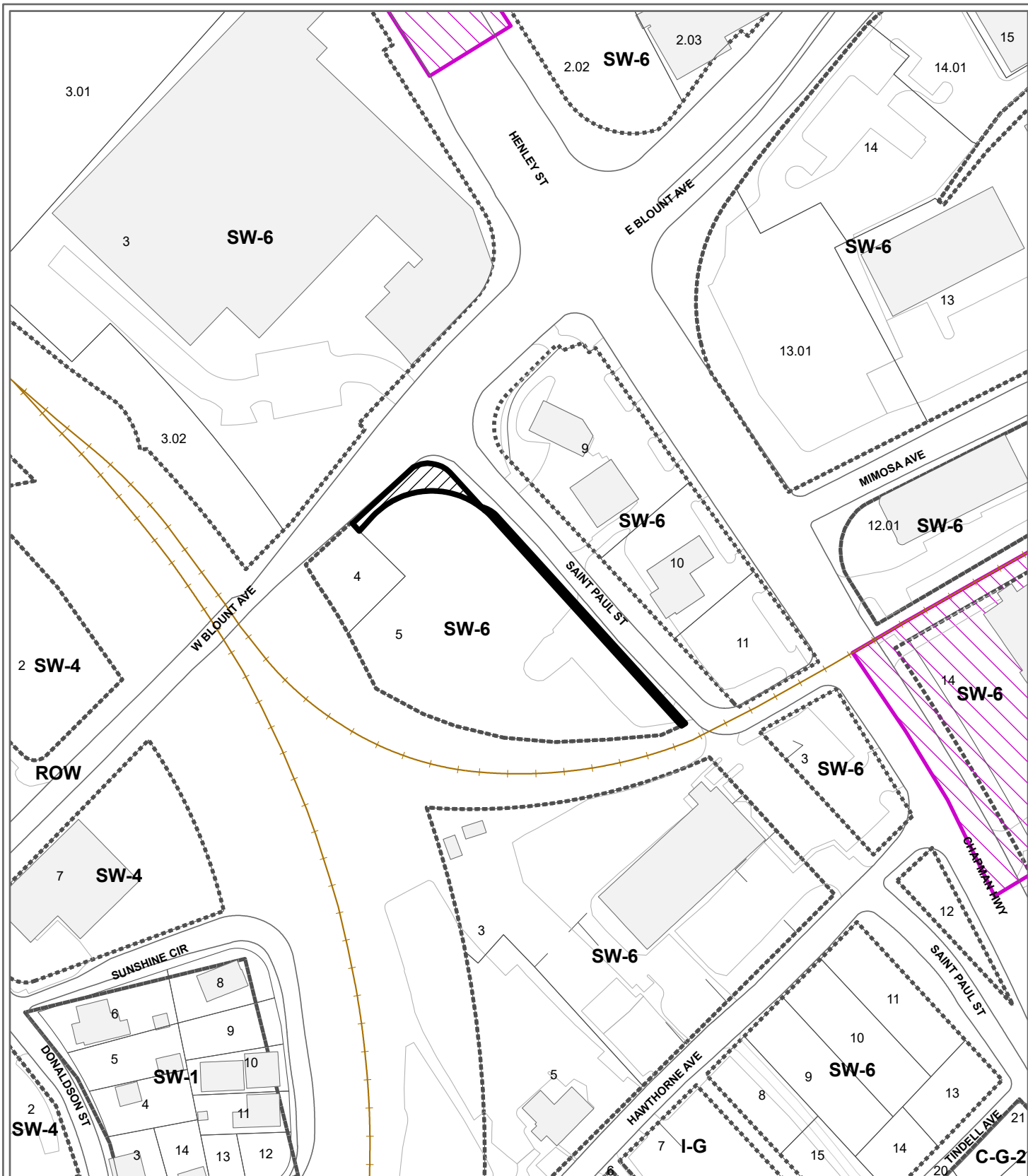
1. Applicant has current plans in for review under number R22-1931 and must successfully obtain permitting and complete redevelopment of the area, subject to City Engineering Approval.
2. Applicant must provide Technical Services with an exhibit map and written description, certified by a Tennessee licensed land surveyor, correctly describing the proposed closure area for inclusion in the City Ordinance closure documentation. This information must be provided before being reviewed at the required City Council meetings.
3. The applicant shall have one (1) year to complete conditions listed in item number 1 above or the closure shall be considered null and void, of no effect, and shall revert back to the current public right-of-way conditions as currently depicted on subdivision map recorded as Instrument Number 200602130068325, on file in the Knox County Register of Deeds Office, and in the Technical Services/City Engineering Records as Map Number 25170-C.
4. 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.

COMMENTS:

1. This request is to close a sliver of W. Blount Avenue from the southwest corner of the intersection with Saint Paul Street to the southeast corner of parcel 109AA005.
 2. This adjoining properties for the street closure are zoned SW-6 (South Waterfront - Henley Gateway).
 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
- SUBJECT TO THE FOLLOWING CONDITIONS:**
- A. Applicant has current plans in for review under number R22-1931 and must successfully obtain permitting and complete redevelopment of the area, subject to City Engineering Approval.
 - B. Applicant must provide Technical Services with an exhibit map and written description, certified by a Tennessee licensed land surveyor, correctly describing the proposed closure area for inclusion in the City Ordinance closure documentation. This information must be provided before being reviewed at the required City Council meetings.
 - C. The applicant shall have one (1) year to complete conditions listed in item number 1 above or the closure shall be considered null and void, of no effect, and shall revert back to the current public right-of-way conditions as currently depicted on subdivision map recorded as Instrument Number 200602130068325, on file in the Knox County Register of Deeds Office, and in the Technical Services/City Engineering Records as Map Number 25170-C.
 - D. 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 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.
Underground Electric - 7.5 feet on each side of the centerline of the electric line, 15 feet total width.
 - 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.
 - TDOT has no comments as this is not a state right-of-way.
 - The Fire Department had 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-B-22-SC
CLOSURE OF PUBLIC RIGHT OF WAY

Name of Street or Alley: Blount (sliver of) Ave.
 To be closed from: the southwest corner of the intersection with Saint Paul St.
 To be closed to: the southeast corner of parcel 109AA005

Original Print Date: 11/3/2022 Revised:
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Joseph Parks on behalf of Saint Paul Dev Partners 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 A SLIVER OF W BLOUNT AVE BETWEEN THE
SOUTHWEST CORNER OF THE INTERSECTION WITH SAINT PAUL STREET TO
THE SOUTHEAST CORNER OF PARCEL 109AA005 AS SHOWN ON PROPOSED
PLAT (12-B-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>

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

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

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Jessica Kitts <jessica.kitts@knoxplanning.org>

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

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

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

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 of radius at W Blount Ave near intersection with Saint Paul St
Planning File # 12-B-22-SC

The City Engineering Department has no objections to close the above-described right-of-way area provided the following conditions, subject to City Engineering approval, are met:

1. Applicant has current plans in for review under number R22-1931 and must successfully obtain permitting and complete redevelopment of the area, subject to City Engineering Approval.
2. Applicant must provide Technical Services with an exhibit map and written description, certified by a Tennessee licensed land surveyor, correctly describing the proposed closure area for inclusion in the City Ordinance closure documentation. This information must be provided before being reviewed at the required City Council meetings.
3. The applicant shall have one (1) year to complete conditions listed in item number 1 above or the closure shall be considered null and void, of no effect, and shall revert back to the current public right-of-way conditions as currently depicted on subdivision map recorded as Instrument Number 200602130068325, on file in the Knox County Register of Deeds Office, and in the Technical Services/City Engineering Records as Map Number 25170-C.
4. 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 Request 12-B-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.

Underground Electric – 7.5 feet on each side of the centerline of the electric line, 15 feet total width

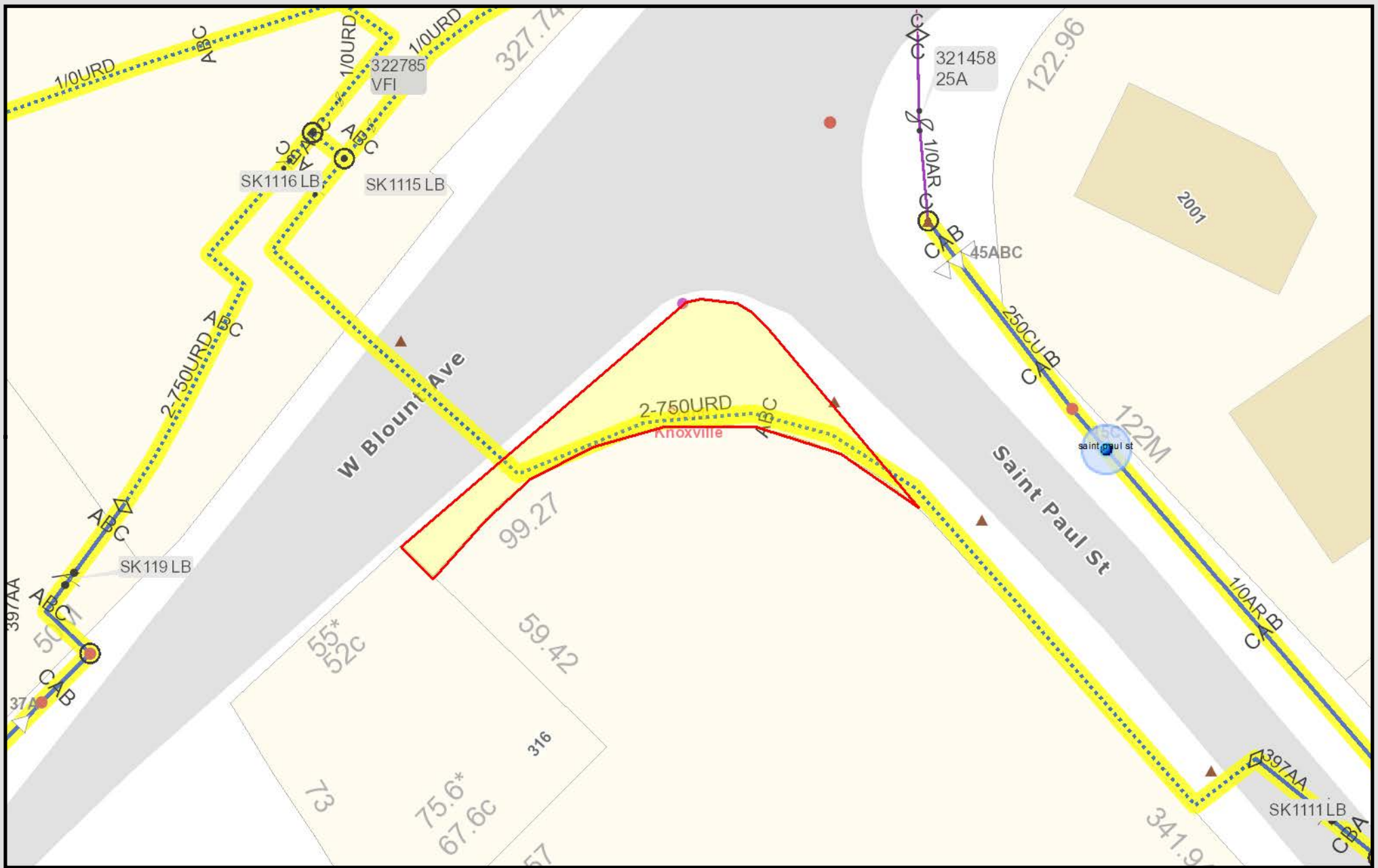
If you have any questions regarding this matter, please call me at (865) 558-2483.

Sincerely,

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

Christian Wiberley, PE
Engineering

CGW



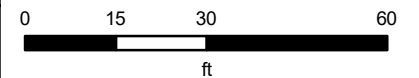
File No. 12-B-22-SC (Electric)

Knoxville Utilities Board

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.



Printed: 11/8/2022 at 8:24:56 AM





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

RIGHT-OF-WAY CLOSURE

Date Filed: 10/25/2022

Name of Applicant: JOSEPH PARKS ON BEHALF OF SAINT PAUL DEV PARTNERS LLC

Jurisdiction: City

Sector: Central City

Growth Policy Plan: N/A (Within City Limits)

Zoning District: SW (South Waterfront)

File Number: 12-B-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: W. Blount (Portion of) Ave.

Type of Right-of-Way: Street

Location of Right-Of-Way:

BETWEEN (City Block or Lot, where appropriate): Intersection radius between W Blount Avenue

AND (City Block or Lot, where appropriate): Saint Paul Street

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

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

Reason for Closure: The portion of right of way to be abandoned is not in use. It is outside of pavement or sidewalks. The radius of the existing right of way is excess for current and proposed uses for these streets. Note, right of way will be dedicated along W Blount Ave and Saint Paul as needed to provide improved sidewalks and

TO BE CLOSED:

From: (Street, Alley, Other)

Existing jog in W. Blount Ave right of way width 15' south of intersection with Saint Paul

To: (Street, Alley, Other)

West side of Saint Paul Street right of way as shown on proposed plat

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE DIRECTED TO:

Joseph Parks Saint Paul Dev Partners, LLC

PO Box 3689

Chattanooga, TN 37404

Telephone: 423-661-1482 Fax:

Email: joe.parks@marchadams.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.

APPLICATION ACCEPTED BY:

10/25/2022 9:28:46 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: Joseph Parks on behalf of Saint Paul Dev Partners LLC

Date Filed: 10/20/2022 Fee Paid: 10/21/2022 File Number: 12-B-22-SC

Map Number: 109A Zoning District: SW-6 ☒ City ☐ County Sector : _____

Jurisdiction: ☒ City _____ Council District

INFORMATION:

Name of Right-of-Way: Portion of W Blount Ave

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

Location of Right-of-Way:

BETWEEN (City Block or Lot where appropriate) Intersection radius between W. Blount Ave

AND (City Block or Lot where appropriate) Saint Paul Street

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

Reason for Closure: The portion of right of way to be abandoned is not in use. It is outside of pavement or sidewalks.
The radius of the existing right of way is excess for current and proposed uses for these streets.

Note, right of way will be dedicated along both W Blount Ave and Saint Paul as needed to provide improved sidewalks and utility access.

TO BE CLOSED: Reduction in right of way intersection radius between Saint Paul St. and W. Bount Ave.

From: (Street, Alley, Other)

Existing jog in W. Blount Ave right of way width 15' south of intersection with Saint Paul to:

To: (Street, Alley, Other)

West Side of Saint Paul Street right of way, as shown on proposed plat

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Joseph Parks PO Box 3689 Chattanooga TN 37404 423-664-1482 joe.parks@marchadams.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: Joseph Parks

Joseph Parks PO Box 3689 Chattanooga TN 37404 423-664-1482 joe.parks@marchadams.com
Name: (Print) Address • City • State • Zip • Phone • Email

APPLICATION ACCEPTED BY:

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]

Signature Certificate

Reference number: KICEW-RMCJX-NQSUD-2DWWK

Signer

Timestamp

Signature

Thomas Connolly

Email: thomas@connollydevelopment.com

Sent:

20 Oct 2022 19:19:35 UTC

Viewed:

20 Oct 2022 19:19:58 UTC

Signed:

20 Oct 2022 19:20:12 UTC

Thomas Connolly

Recipient Verification:

✓Email verified

20 Oct 2022 19:19:58 UTC

IP address: 184.174.175.249

Location: Signal Mountain, United States

Document completed by all parties on:

20 Oct 2022 19:20:12 UTC

Page 1 of 1

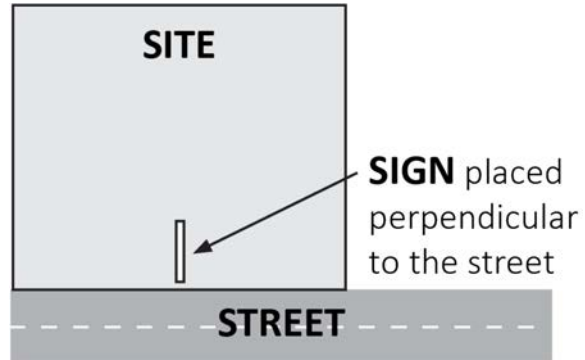


Signed with PandaDoc

PandaDoc is a document workflow and certified eSignature solution trusted by 30,000+ companies worldwide.



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: Joseph Parks

Date: 10/21/22

File Number: 12-B-22-SC

☒

Sign posted by Staff

☐

Sign posted by Applicant