



CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

► **FILE #:** 6-A-22-AC

AGENDA ITEM #: 5

AGENDA DATE: 6/9/2022

► **APPLICANT:** OBSIDIAN DEVELOPMENT LLC AND ROHM AND HAAS COMPANY

TAX ID NUMBER: 94 N/A
JURISDICTION: Council District 6
SECTOR PLAN: Central City
GROWTH POLICY PLAN: N/A (within City limits)
ZONING: I-H (Heavy Industrial)
WATERSHED: east fork

[View map on KGIS](#)

► **RIGHT-OF-WAY TO BE CLOSED:** Unnamed Alley

► **LOCATION:** Between from the northwest corner of parcel 094OC009 and its eastern terminus.

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

► **APPLICANT'S REASON FOR CLOSURE:** Enhance Safety and plant security and prevent loitering.

DEPARTMENT-UTILITY REPORTS: The City's Engineering Department and KUB have requested to retain any easements that may be in place.

STAFF RECOMMENDATION:

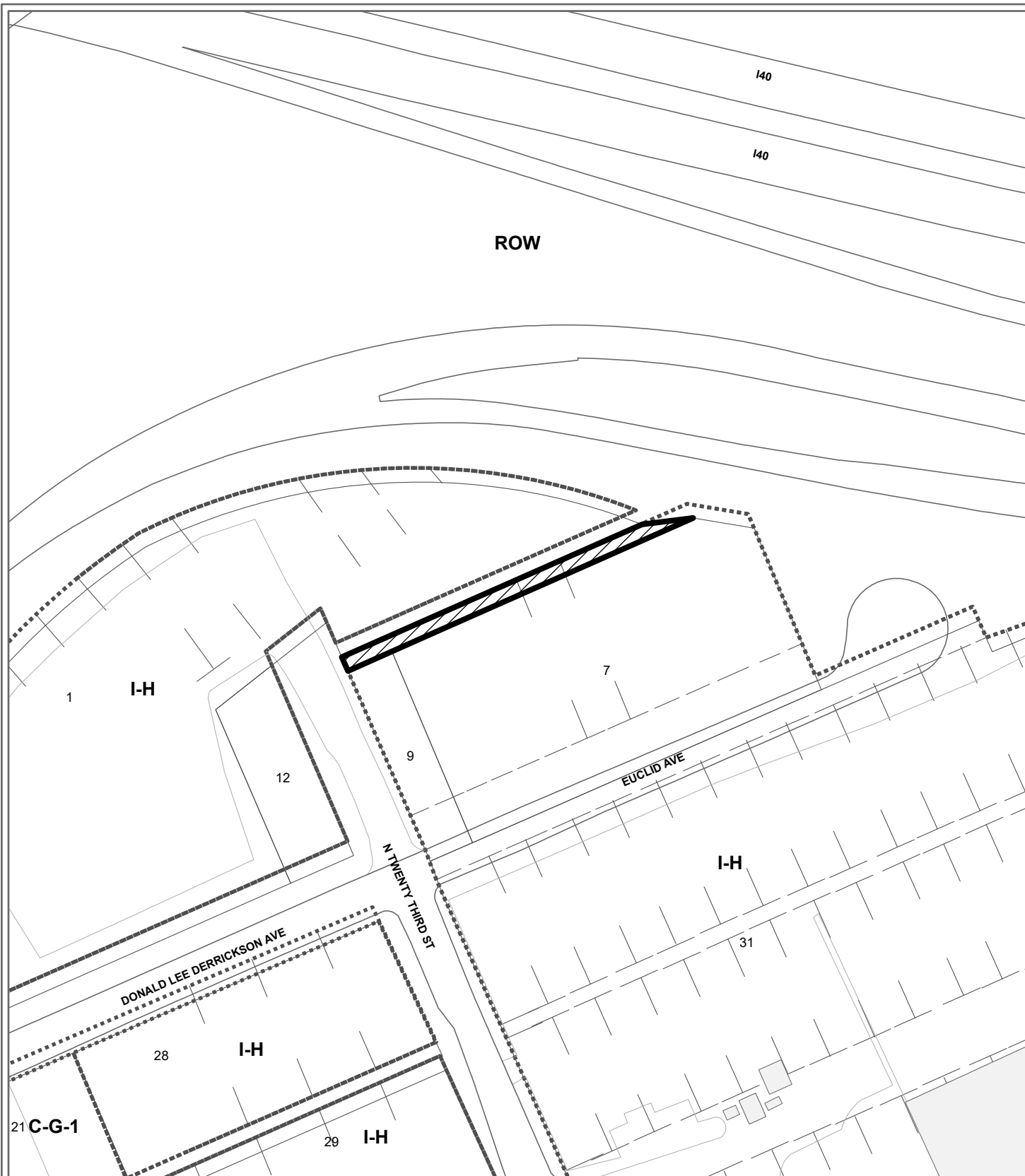
► **Approve closure of the unnamed alley located from the northwest corner of parcel 094OC009 to its eastern terminus.**

COMMENTS:

1. This request is to close an undeveloped alley from the northwest corner of parcel 094OC009 to its eastern terminus.
2. Since it is undeveloped, the alley does not provide a substantial service to the public and if closed would not impact connectivity in this area.
3. No address changes would be necessitated with this closure.
4. Staff has received no objections from the general public.
5. Staff has received comments from the following departments and organizations:
 - a. KUB does not release and hereby retains all easements and rights for existing facilities, whether or not identified in our research.
 - b. 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.
6. Other than KUB and City Engineering, no other departments had any comments.

If approved, this item will be forwarded to Knoxville City Council for action on 7/12/2022 and 7/26/2022. 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.



6-A-22-AC
CLOSURE OF PUBLIC RIGHT OF WAY

Name of Street or Alley: Unnamed Alley
To be closed from: from the northwest corner of parcel 094OC009
To be closed to: its eastern terminus.

Original Print Date: 5/5/2022 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Obsidian Development LLC and
Rohm and Haas Company

Map No: 94
Jurisdiction: City

0 100
Feet



MAY 4, 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 AN UNNAMED ALLEY FROM THE NORTHWEST CORNER OF PARCEL 094OC009 AND ITS EASTERN TERMINUS. (6-A-22-AC)

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 June 9, 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, May 23, 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>

June 22 ROW closure requests: 6-A-22-AC, 6-A-22-SC, 6-B-22-SC, 6-C-22-SC and 6-D-22-SC

Sonny Partin <spartin@knoxvilletn.gov>

Thu, May 12, 2022 at 11:11 AM

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

Cc: "michelle.portier@knoxplanning.org" <michelle.portier@knoxplanning.org>

Dori,

We are good with everything except Ball Camp. I came over to see you, Michelle or Mike and everyone was out, I have a call into the applicant to gather info on the building at this dead end.

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, May 6, 2022 10:02 AM**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>; amy.brooks@knoxplanning.org; Shannon Sims <ss3775@att.com>**Subject:** June 22 ROW closure requests: 6-A-22-AC, 6-A-22-SC, 6-B-22-SC, 6-C-22-SC and 6-D-22-SC

Good morning,

Five closure requests for June, attached.

Have a nice weekend.

Dori Caron



Dori Caron <dori.caron@knoxplanning.org>

June 22 ROW closure requests: 6-A-22-AC, 6-A-22-SC, 6-B-22-SC, 6-C-22-SC and 6-D-22-SC

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

Mon, May 23, 2022 at 4:39 PM

TDOT District 18 Operations has the following comments on the June ROW closure requests:

6-A-22-AC: No comment.

6-A-22-SC: Operations does not oppose this closure, but would like to point out that access to parcel 093CF03 will not be granted from either Western Avenue or the I-640 off ramp to Western Avenue.

6-B-22-SC: No comment.

6-C-22-SC: No comment.

6-D-22-SC: No comment.



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: Friday, May 6, 2022 10:02 AM

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>; Amy Brooks <amy.brooks@knoxplanning.org>; Shannon Sims



May 23, 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 6-A-22-AC and 6-D-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-ways and we have no objection to the requested closures. 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 above the printed name.

Christian Wiberley, PE
Engineering

CGW



CITY OF KNOXVILLE

Engineering
Benjamin D. Davidson, PLS
Technical Services Administrator

May 23, 2022

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

SUBJECT: Closure of unimproved and unnamed alley
MPC File # 6-A-22-AC; Nearby City Block 22244

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

Farris, Holly K

From: Ben Davidson <bdavidson@knoxvilletn.gov>
Sent: Wednesday, March 9, 2022 10:47 AM
To: Moneyhun, James P
Subject: Re: MPC Road Closure
Attachments: image001.png

Thanks, Jay.

I have attached a screenshot with the additional right-of-ways (outlined in blue) that would also need to added to be closed. With all of these areas added in order to prevent remaning landlocked public right-of-ways, Engineering has no objection to the closure.

You would need to initiate applications with Knoxville-Knox Planning to start the process. They can be reached at 865-215-2500.

Sincerely,

Benjamin D. Davidson, PLS
TN Licensed Land Surveyor No. 2543
Technical Services Administrator
City of Knoxville, Department of Engineering
Phone: 865-215-4615
Email: bdavidson@knoxvilletn.gov

From: Moneyhun, James P <JMoneyhun@bassberry.com>
Sent: Wednesday, March 9, 2022 7:37 AM
To: Ben Davidson <bdavidson@knoxvilletn.gov>
Subject: RE: MPC Road Closure

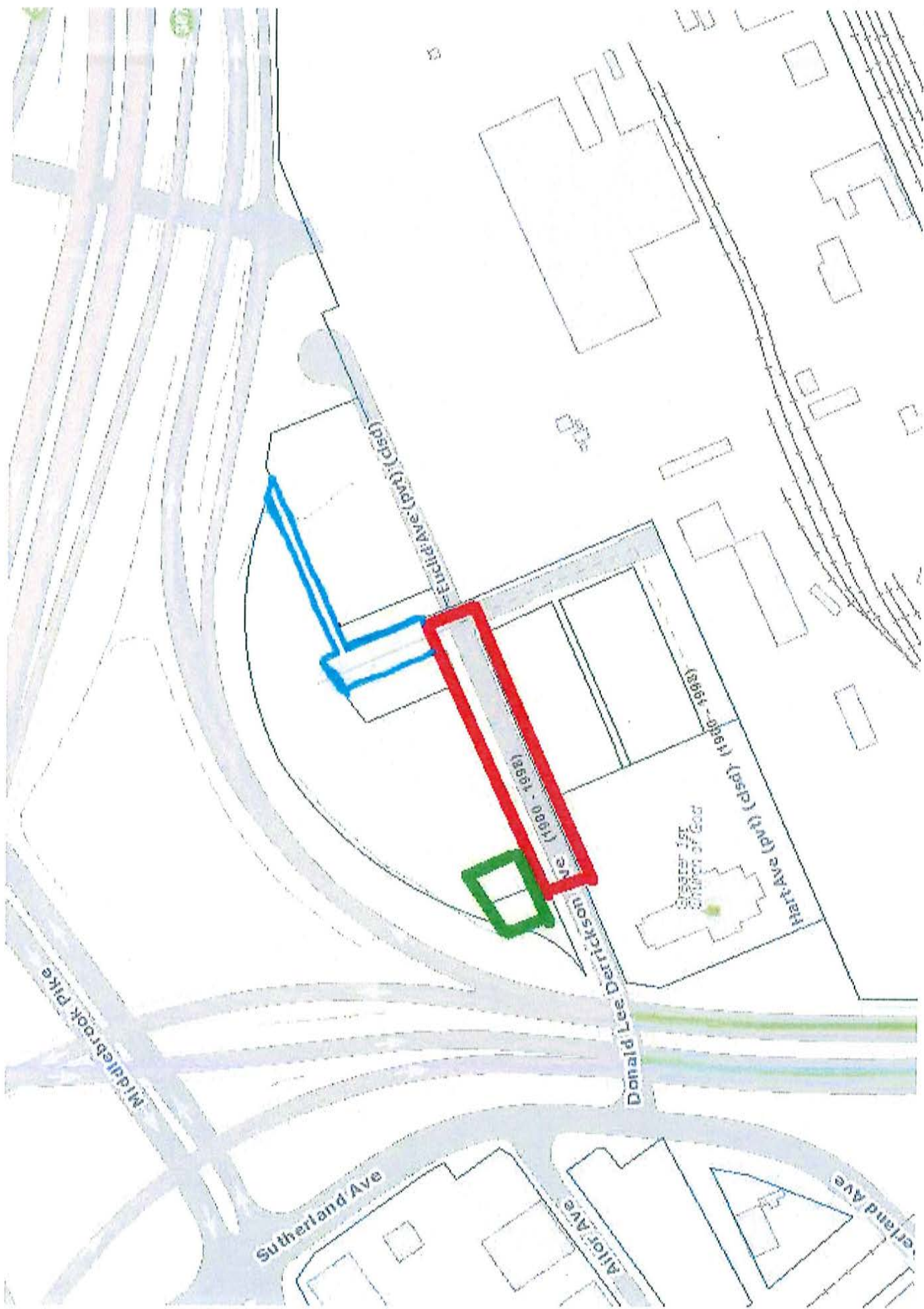
Ben,

I just wanted to circle back on the below. I was able to get the attached legal documentation confirming that Dow, Rohm and Haas and Obsidian are all under the same ownership. Per your prior email, can you please have your law department review and hopefully confirm that no access easements are required. Please let me know if you need any other info or want to discuss. Thanks so much for your help on this,

Jay

James P. Moneyhun, Jr.
Member

Bass, Berry & Sims PLC
1700 Riverview Tower - 900 S. Gay Street • Knoxville, TN 37902
865-521-0368 phone



jmoneyhun@bassberry.com • www.bassberry.com
bio • vCard • map

From: Moneyhun, James P <JMoneyhun@bassberry.com>
Sent: Thursday, February 10, 2022 8:33 AM
To: Ben Davidson <bdavidson@knoxvilletn.gov>
Subject: RE: MPC Road Closure

Ben,

Thanks so much for looking into this and for your help. As to your last point, we are pulling together the legal documentation that will demonstrate that Dow, Rohm and Haas and Obsidian are all under the same ownership. We will get back to you. Thanks,

Jay

James P. Moneyhun, Jr.
Member

Bass, Berry & Sims PLC
1700 Riverview Tower - 900 S. Gay Street • Knoxville, TN 37902
865-521-0368 phone
jmoneyhun@bassberry.com • www.bassberry.com
bio • vCard • map

From: Ben Davidson <bdavidson@knoxvilletn.gov>
Sent: Wednesday, January 19, 2022 4:57 PM
To: Moneyhun, James P <JMoneyhun@bassberry.com>
Subject: Re: MPC Road Closure

Hello Jay,

City Engineering would have no objections if the two other right-of-ways shown as N Twenty Third St and an unnamed alley (both north of Donald Lee Derrickson Ave) are also closed. Those would need to be closed as well to eliminate them being open right-of-ways with no other public right-of-way connection ability or approvable access ability. This also assumes that the closure of Donald Lee Derrickson Ave is adjusted to be east of the TLC Properties to maintain their public road access.

As you may already know, once these right-of-ways are closed, the Obsidian Development LLC would have ownership to 1/2 the width of the right-of-ways that it currently abuts. Also, from a planning perspective, this closure would seem to landlock Obsidian, so they may require an easement document to be recorded that grants an easement for access over the closed right-of-ways for their private access.

If the 1/2 ownership would impede Rohm and Haas from maintaining the closed areas appropriately, they may want to have Obsidian grant any rights they would have to them before the closures are effective.

The access easement could be a condition of the closure that would have to be done before they are effective as well.

If there are already legal documentation that could satisfy Obsidian and Rohm and Haas as being one entity under Dow let me know. I would have to have our Law Department review that for final determination and opinion on a possible access easement requirement.

Sincerely,

Benjamin D. Davidson, PLS
TN Licensed Land Surveyor No. 2543
Technical Services Administrator
City of Knoxville, Department of Engineering
Phone: 865-215-4615
Email: bdavidson@knoxvilletn.gov

From: Moneyhun, James P <JMoneyhun@bassberry.com>
Sent: Wednesday, January 19, 2022 8:15 AM
To: Ben Davidson <bdavidson@knoxvilletn.gov>
Subject: RE: MPC Road Closure

Thanks! Really appreciate it.

Jay

James P. Moneyhun, Jr.
Member

Bass, Berry & Sims PLC
1700 Riverview Tower - 900 S. Gay Street • Knoxville, TN 37902
865-521-0368 phone
jmoneyhun@bassberry.com • www.bassberry.com
[bio](#) • [vCard](#) • [map](#)

From: Ben Davidson <bdavidson@knoxvilletn.gov>
Sent: Wednesday, January 19, 2022 8:13 AM
To: Moneyhun, James P <JMoneyhun@bassberry.com>
Subject: Re: MPC Road Closure

O.k. Let me discuss internally and I will follow-up as soon as possible.

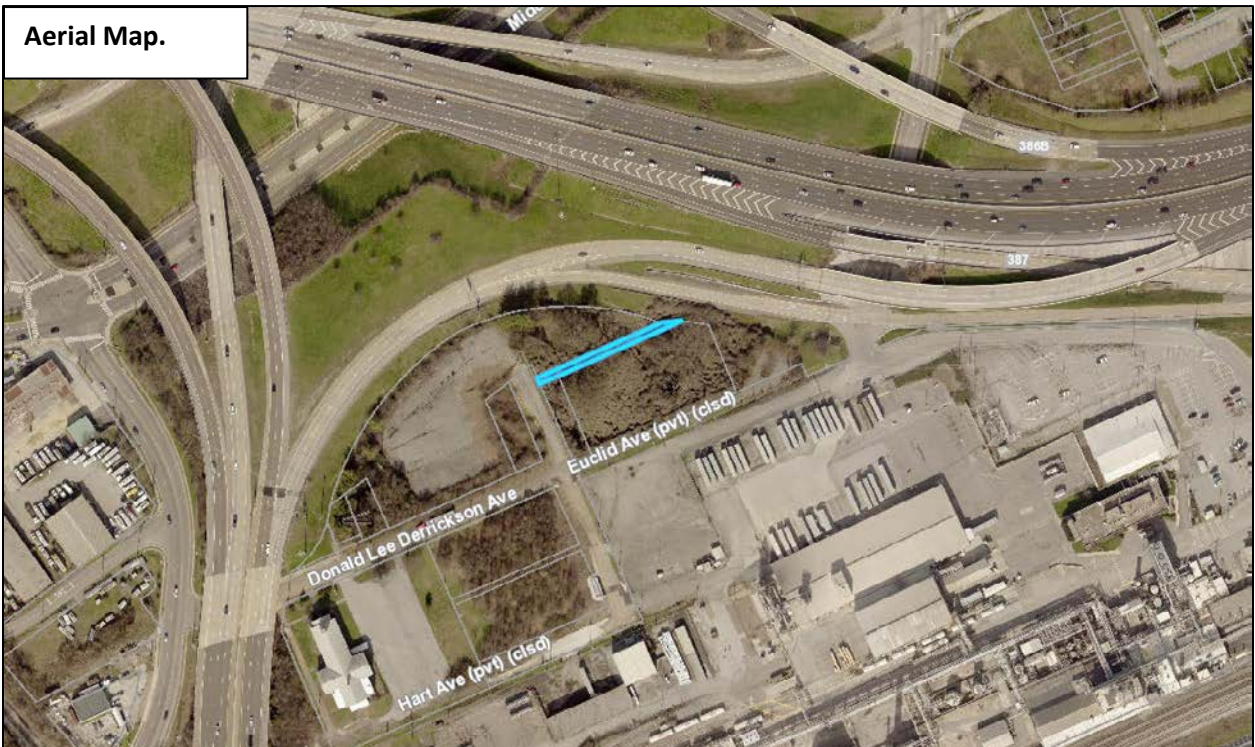
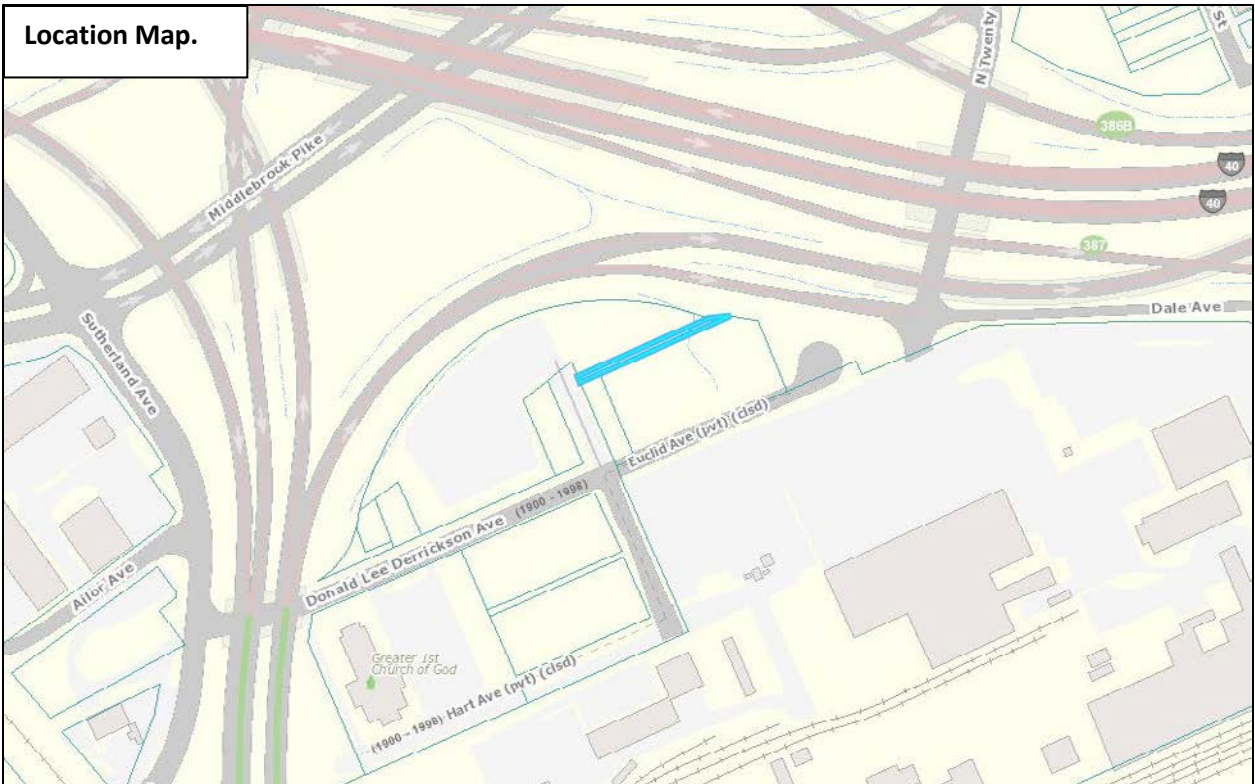
Sincerely,

Benjamin D. Davidson, PLS
TN Licensed Land Surveyor #2543
Technical Services Administrator
City of Knoxville, Department of Engineering
Ph: 865-215-2103; bdavidson@knoxvilletn.gov

From: Moneyhun, James P <JMoneyhun@bassberry.com>
Sent: Friday, January 14, 2022 4:38 PM
To: Ben Davidson <bdavidson@knoxvilletn.gov>
Subject: RE: MPC Road Closure

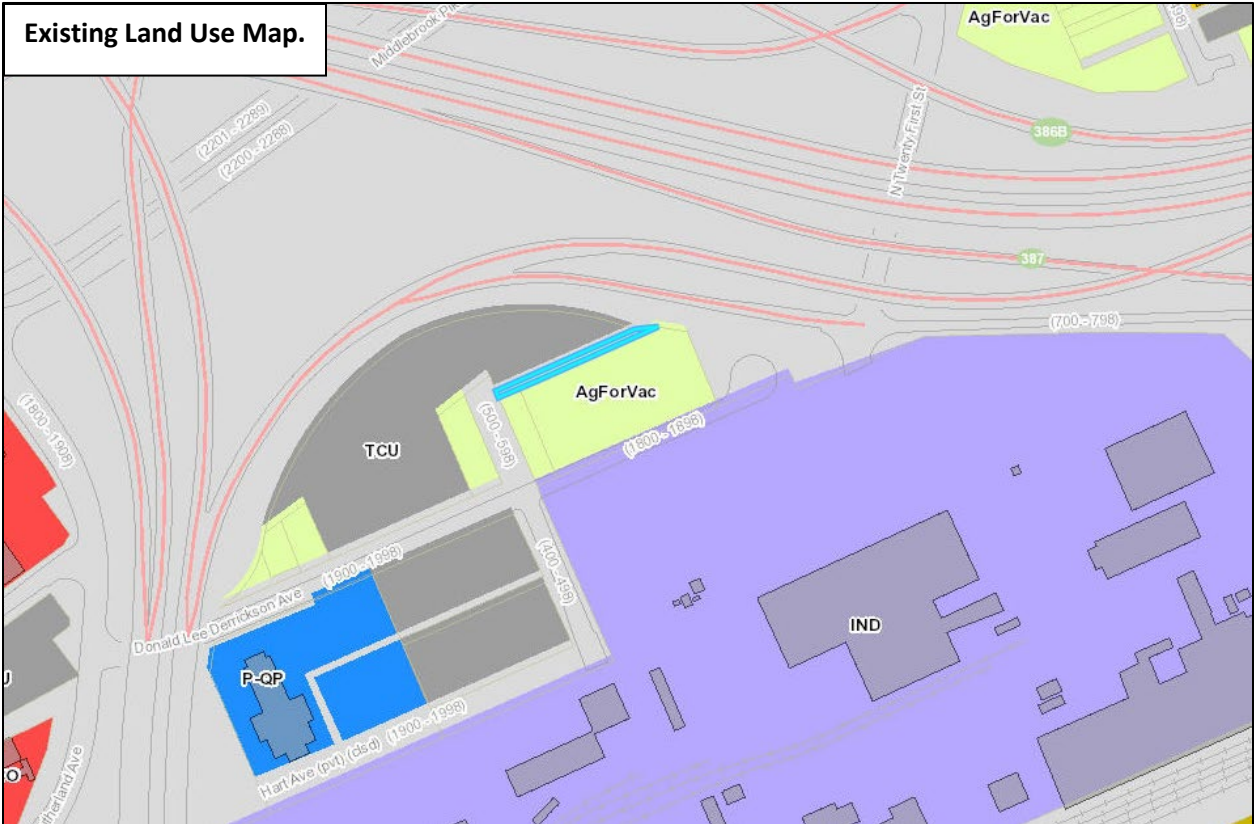
6-A-22-AC

EXHIBIT A. Contextual Images



6-A-22-AC

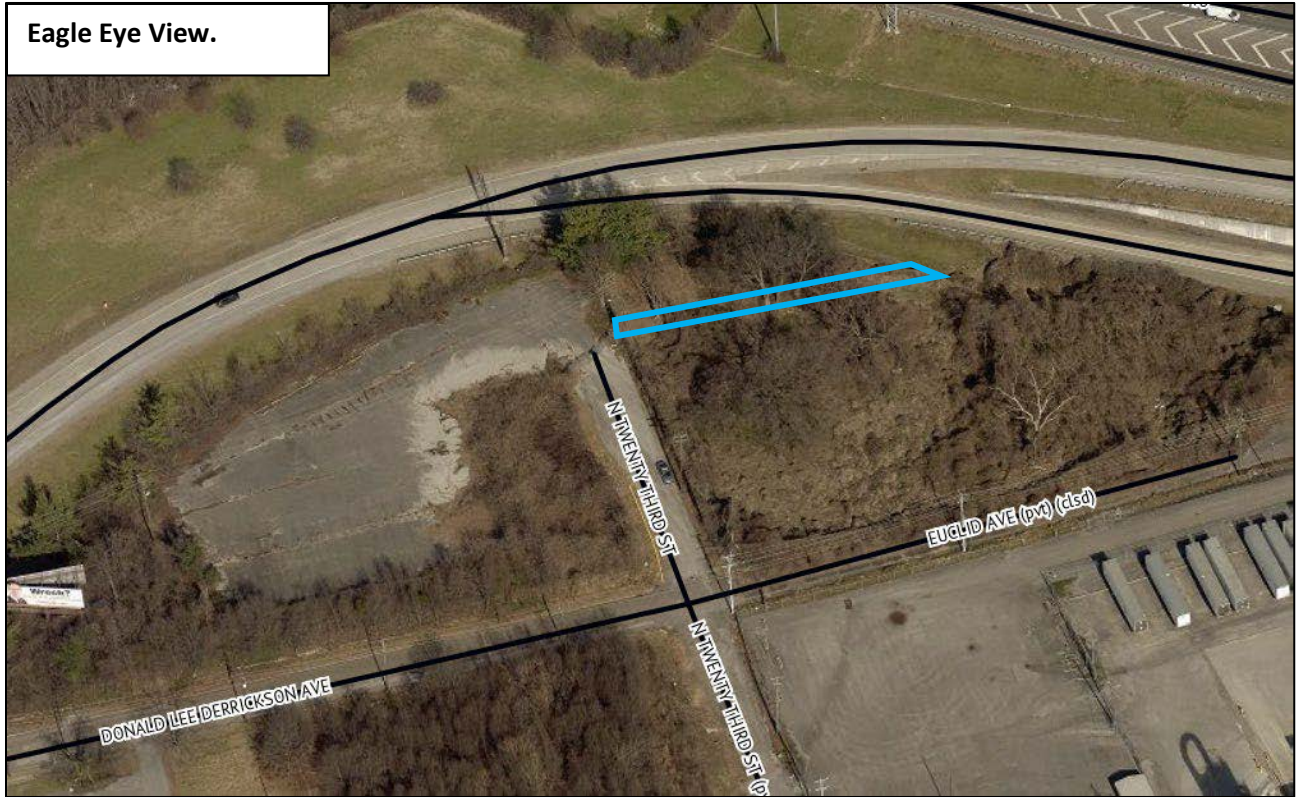
EXHIBIT A. Contextual Images



6-A-22-AC

EXHIBIT A. Contextual Images

Eagle Eye View.



Addressing Staff Review Comments

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.

Visit our website: <http://www.knoxplanning.org/addressing> for a list of existing and available street names.

Proposed or Existing Subdivision or Street Name	Review Comments (Corrections, Reserved/Approved Date, Notes)
	If the proposed ROW closure is approved, no address changes are anticipated.

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

Addressing Staff Contacts:	Donna Hill	donna.hill@knoxplanning.org	865.215.3872
	Andrea Kupfer	andrea.kupfer@knoxplanning.org	865.215.3797
	Both staff	addressing@knoxplanning.org	865.215.2507



RIGHT-OF-WAY CLOSURE

Name of Applicant: Obsidian Development LLC and Rohm and Haas Company

Date Filed: 4/21/2022 Fee Paid: \$400 File Number: 6-A-22-AC

Map Number: 094 Zoning District: I-H ☒ City ☐ County Sector: Central City

Jurisdiction: ☒ City 60th Council District

INFORMATION:

Name of Right-of-Way: Unnamed alley (east of northern dead end of N. Twenty Third St)

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

Location of Right-of-Way:

BETWEEN (City Block or Lot where appropriate) Northern dead end of N. Twenty Third St

AND (City Block or Lot where appropriate) Eastern dead end of such unnamed alley

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

Reason for Closure: Enhance safety and plant security and prevent loitering.

TO BE CLOSED:

From: (Street, Alley, Other) <u>Northern dead end of N. Twenty Third St</u>	To: (Street, Alley, Other) <u>Eastern dead end of such unnamed alley</u>
---------------------------------------------------------------------------------------	------------------------------------------------------------------------------------

See attached drawing for a depiction of the area requested to be closed and the confirmation of no objection by Ben Davidson with the City of Knoxville, Department of Engineering (attached)

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Jay Moneyhun, Bass, Berry & Sims, PLC, 900 S. Gay St. #1700, Knoxville, TN 37902, 865.521.6200, jmoneyhun@bassberry.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]

Jay Moneyhun, Bass, Berry & Sims, PLC, 900 S. Gay St. #1700, Knoxville, TN 37902, 865.521.6200, jmoneyhun@bassberry.com

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

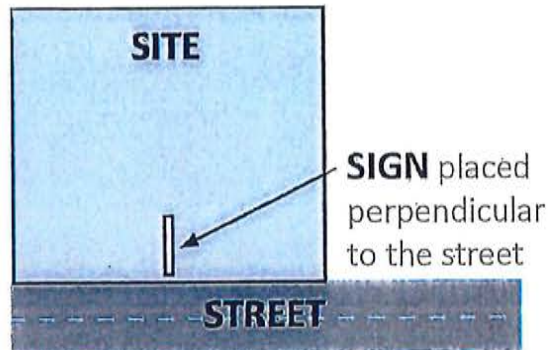
APPLICATION ACCEPTED BY: Sherry Michener 4/21/2022

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]

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:

May 25th

(applicant or staff to post sign)

and

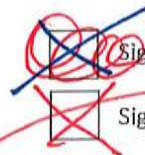
June 10th

(applicant to remove sign)

Applicant Name: Obsidian Dev. LLC & Rohm & Haas Co

Date: 4/21/2022

File Number: 6-A-22-AC



Sign posted by Staff



Sign posted by Applicant