



CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

► **FILE #:** 6-C-22-SC

AGENDA ITEM #: 8

AGENDA DATE: 6/9/2022

► **APPLICANT:** OBSIDION DEVELOPMENT LLC AND ROHM AND HASS COMPANY

TAX ID NUMBER:	94 N/A	View map on KGIS
JURISDICTION:	Council District 6	
SECTOR PLAN:	Central City	
GROWTH POLICY PLAN:	N/A (within City limits)	
ZONING:	I-H (Heavy Industrial)	
WATERSHED:	Third Creek	

► **RIGHT-OF-WAY TO BE CLOSED:** A portion of N Twenty Third St.

► **LOCATION:** Between its intersection with Donald Lee Derrickson Ave. and Euclid Ave. and its northern terminus.

IS STREET:

(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.
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STAFF RECOMMENDATION:

► **Approve closure of a portion of N. Twenty Third St. between its intersection with Donald Lee Derrickson Ave. and Euclid Ave. and its northern terminus.**

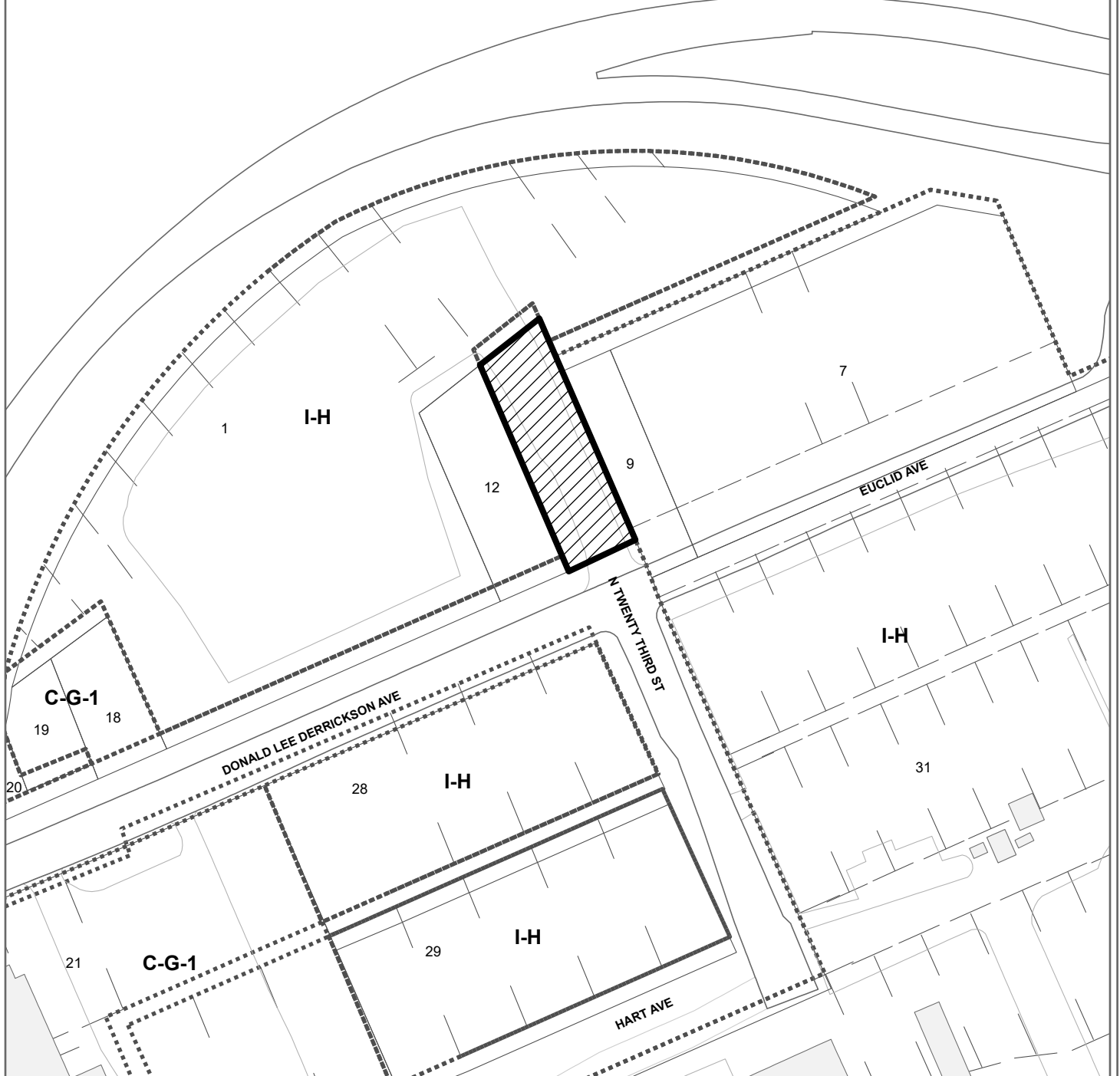
COMMENTS:

1. This request is to close the remaining portion of N Twenty Third Street its intersection with Donald Lee Derrickson Avenue and Euclid Avenue to its northern terminus.
2. This section of road currently provides access to parcel 094OC001. However, all surrounding parcels are under the same ownership. It is staff's understanding is that the owner will be controlling the roadway as a private driveway rather than a public right-of-way, so they will not be blocking any access points to the property below. However, if owner were to sell or replat in the future, they would have to provide approvable legal access at that time.
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 has the following comments:
 - 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. 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 the City of Knoxville Engineering Department and KUB, 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.

ROW



6-C-22-SC
CLOSURE OF PUBLIC RIGHT OF WAY

Name of Street or Alley: A portion of N Twenty Third St.
 To be closed from: its intersection with Donald Lee Derrickson Ave. and Euclid Ave.
 To be closed to: to its northern terminus.

Original Print Date: 5/6/2022 Revised:
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Obsidian Development LLC and
 Rohm and Hass Company

Map No: 94
 Jurisdiction: City

0 100
 Feet



MAY 6, 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 PORTION OF N TWENTY THIRD ST. FROM ITS INTERSECTION WITH DONALD LEE DERRICKSON AVE. AND EUCLID AVE. TO ITS NORTHERN TERMINUS. (6-C-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 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 Request 6-C-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.

Electric – 10 feet on each side of the centerline of the electric line, 20 feet total width

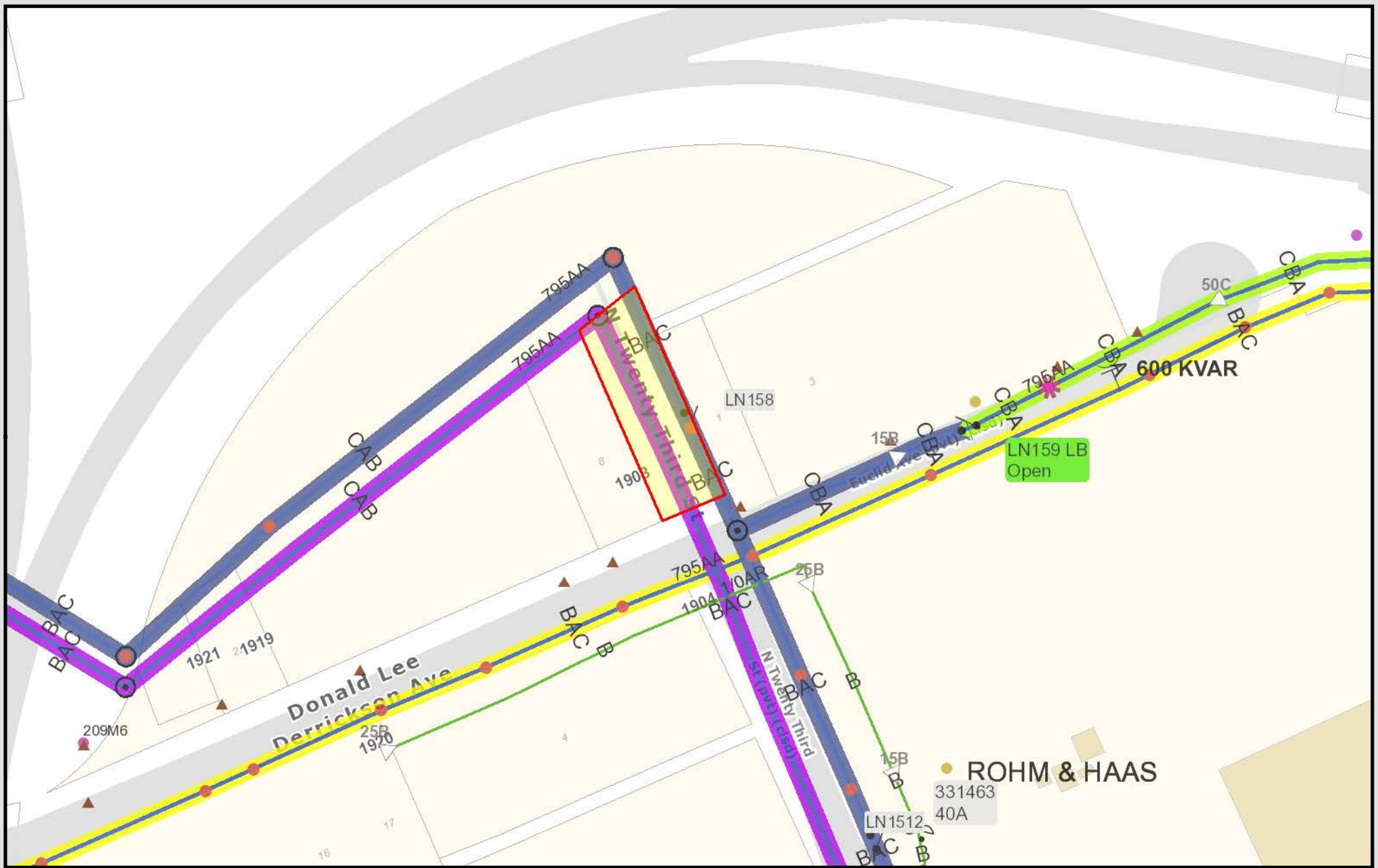
If you have any questions regarding this matter, please call me at (865) 558-2483.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Wiberley', is placed below the 'Sincerely,' text.

Christian Wiberley, PE
Engineering

CGW

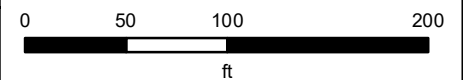


File No. 6-C-22-SC (Electric)

Knoxville Utilities Board



Printed: 5/23/2022 at 8:28:27 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.



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 a portion of N Twenty Third St
MPC File # 6-C-22-SC; Nearby City Block 22244

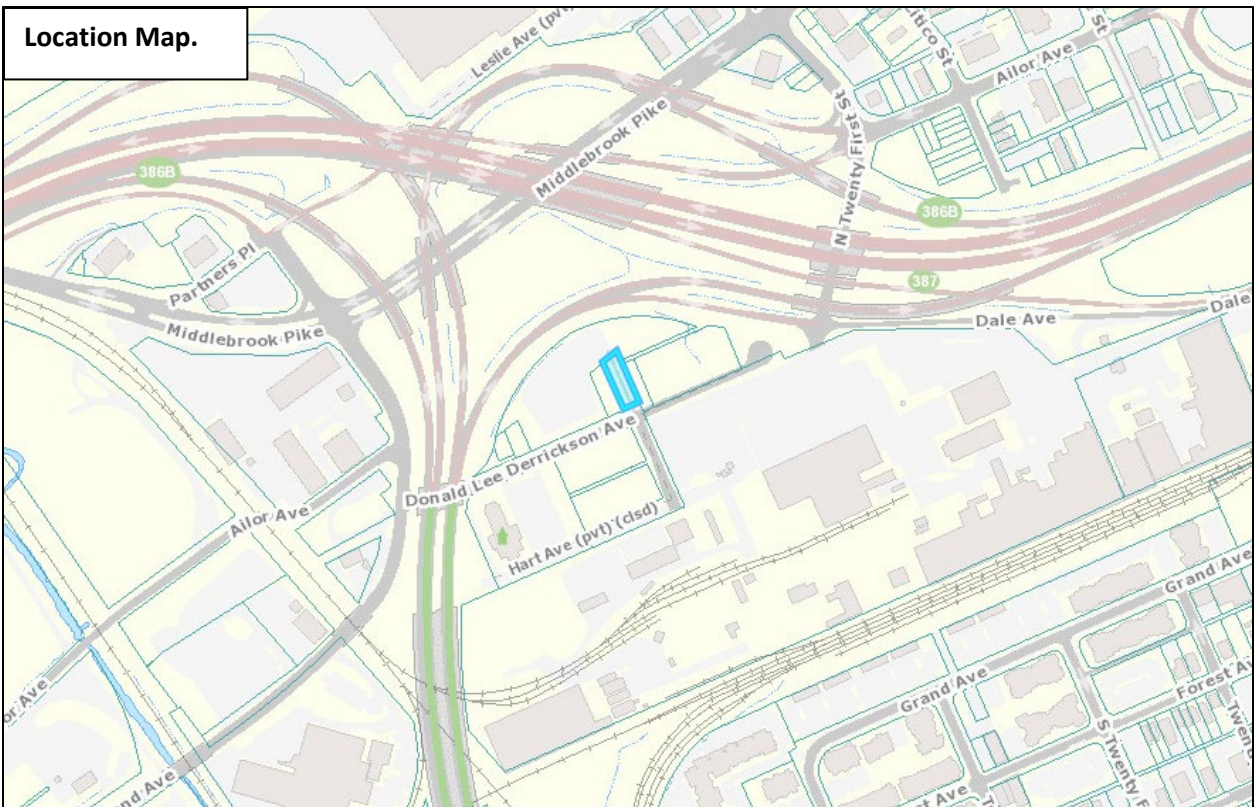
The City Engineering Department has no objections to close the above described right-of-way area. However, should this right-of-way be closed, the City will reserve easements for all drainage facilities and utilities, **if there are any current facilities**, located in or within five (5) feet of the 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

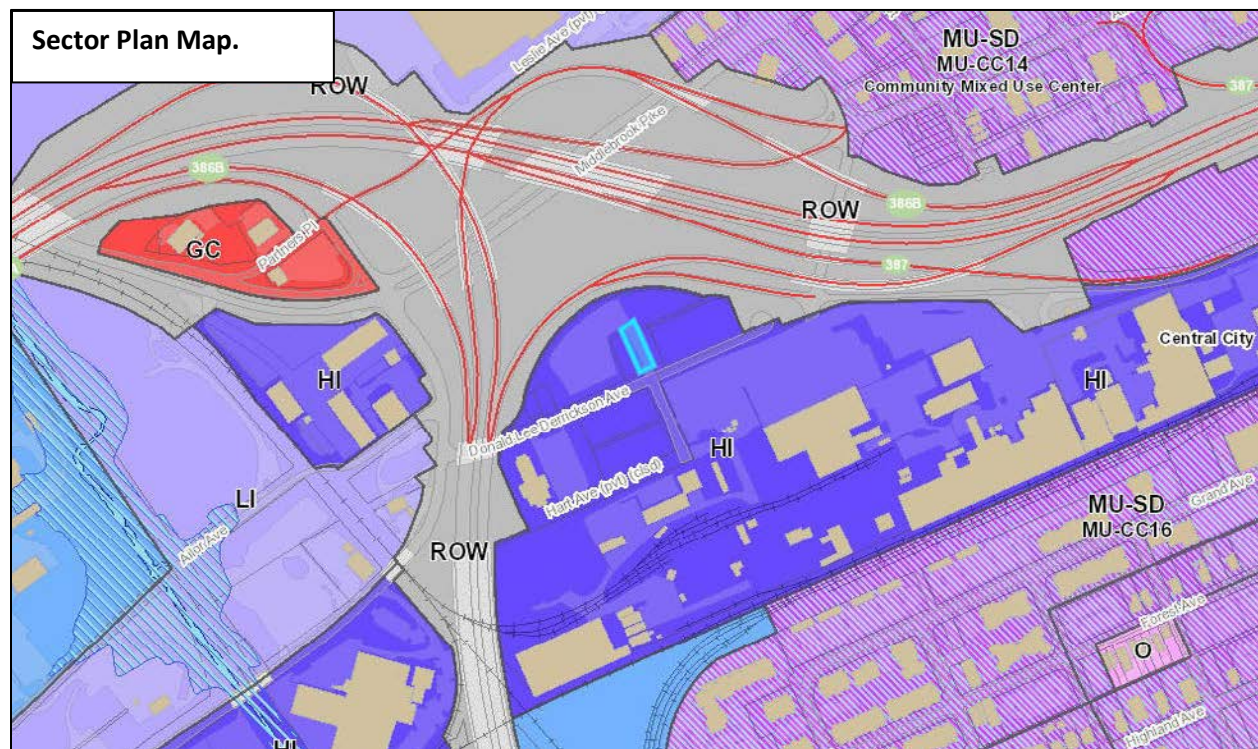
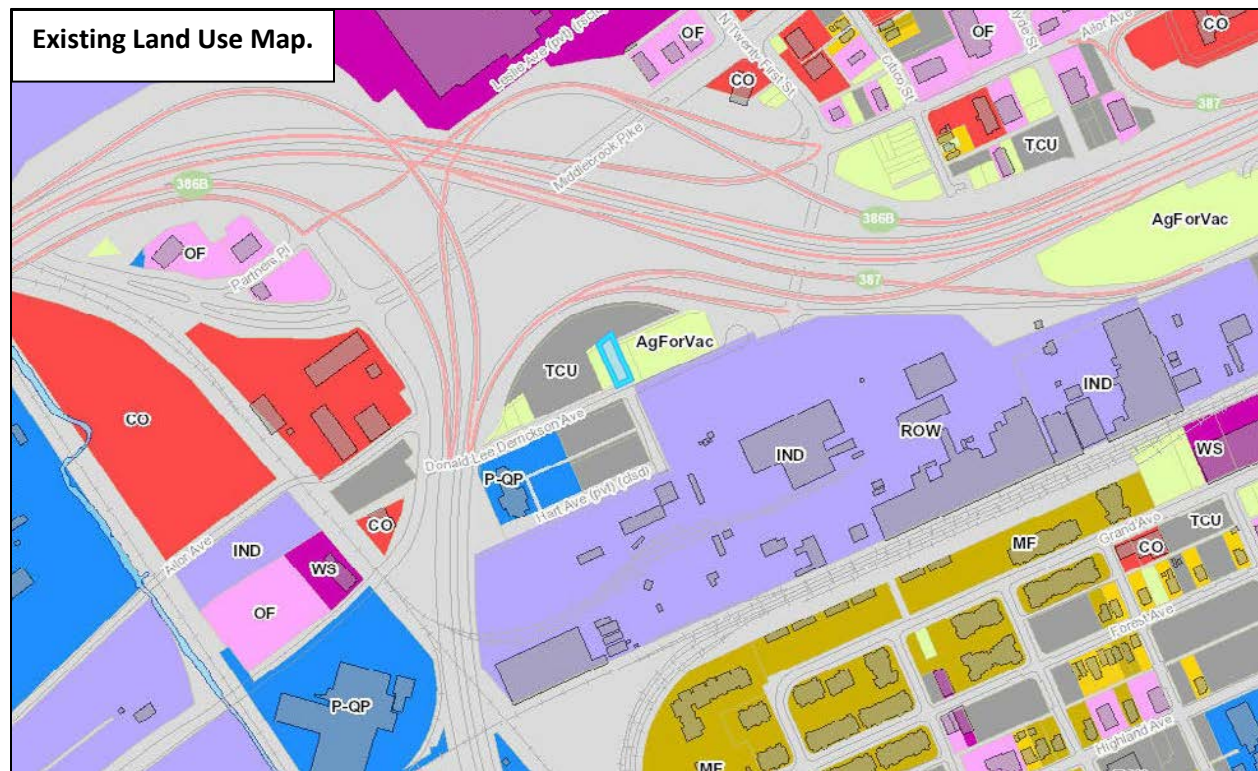
6-C-22-SC

EXHIBIT A. Contextual Images



6-C-22-SC

EXHIBIT A. Contextual Images

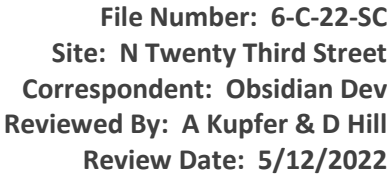


6-C-22-SC

EXHIBIT A. Contextual Images

Street view.





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.

[illegible]

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: \$750 File Number: 6-C-22-SC

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

Jurisdiction: City ☒ Council District: 6th

INFORMATION:

Name of Right-of-Way: N. Twenty Third St

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

Location of Right-of-Way:

BETWEEN (City Block or Lot where appropriate) Donald Lee Derrickson Ave

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

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)

Donald Lee Derrickson Ave

To: (Street, Alley, Other)

Northern dead end of N. Twenty Third St

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: 

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:

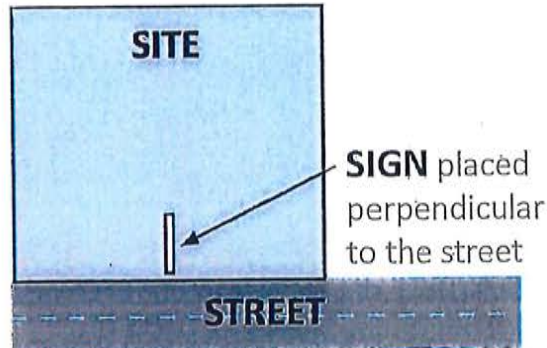
Sherry Michienzi 4/21/2022

[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.

[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 and June 10th
(applicant or staff to post sign) (applicant to remove sign)

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

Date: 4/21/2022

File Number: 6-C-22-5C



☒ Sign posted by Staff



☒ Sign posted by Applicant