



CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

► **FILE #:** 6-D-22-SC

AGENDA ITEM #: 9

AGENDA DATE: 6/9/2022

► **APPLICANT:** NMI RESIDENTIAL INVESTMENTS, LLC

TAX ID NUMBER: 154 N/A
JURISDICTION: Council District 2
SECTOR PLAN: Southwest County
GROWTH POLICY PLAN: N/A (within City limits)
ZONING:
WATERSHED: Tennessee River

[View map on KGIS](#)

► **RIGHT-OF-WAY TO BE CLOSED:** A portion of Chimney Top Ln.

► **LOCATION:** Between its original terminus and to a point 65.17 ft. to the southwest.

IS STREET:

(1) IN USE?: No

(2) IMPROVED (paved)?: No

► **APPLICANT'S REASON FOR CLOSURE:** Topography / Revised design

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 a portion of Chimney Top Lane between its original terminus and a point 65.17 ft. to the southwest to support construction of the berm along Pellissippi Parkway, subject to 3 conditions.**

1. The closure presents a possible land-locking condition for the property known today as Lots 6 and 7 as shown on the map of Beau Monde Phase V, recorded in the Knox County Register of Deeds as Instrument Number 202104270088693. The applicant must redesign and provide legal access for any properties that may be subject to a land-locking condition as a result of this closure. The redesign and access must be approved by City Engineering and/or Knoxville-Knox County Planning.
2. The applicant shall have one (2) years to complete the conditions listed above, unless otherwise stated in a particular item, or the closure shall be considered null and void and of no effect.
3. The closing ordinance shall state that this closure shall become effective only after the Engineering Department has provided written verification, to the City Recorder, that conditions have been satisfactorily met.

COMMENTS:

1. This request is close the terminus of Chimney Top Lane to move the terminus of the street 65.17 feet southwest from its original location.
2. The properties to either side of Chimney Top Lane abut Pellissippi Parkway. Construction of a berm is underway, so moving the cul-de-sac bulb farther from Pellissippi Parkway supports the berm construction.
3. It appears that the closure has the potential to affect street access for parcel 154FG013. If that turns out to

be the case, the applicant would need to redesign the lot and/or street to provide legal access.

4. No address changes would be necessitated with this closure.

5. Staff has received no objections from the general public.

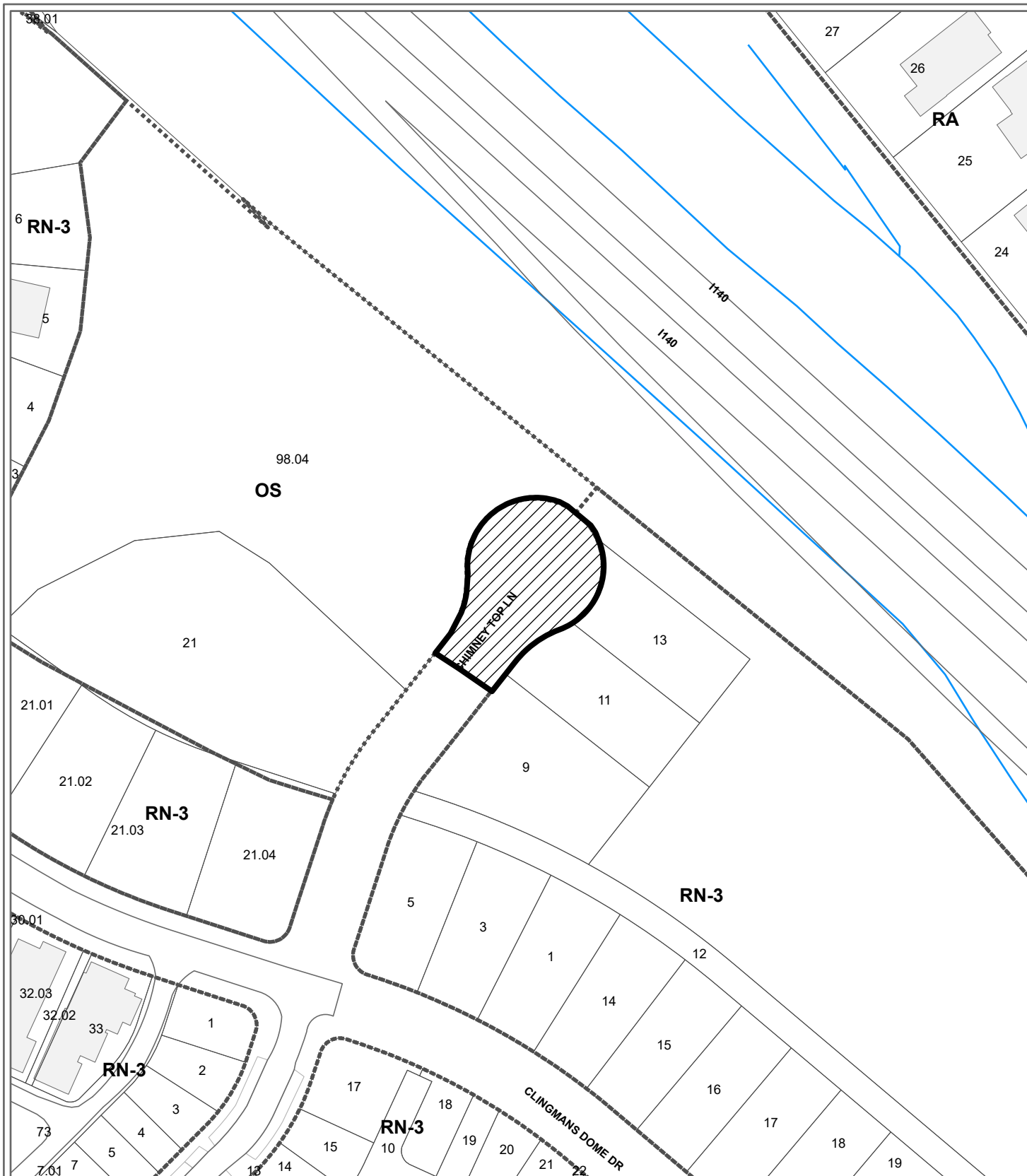
6. Staff has received comments from the following departments and organizations:

- KUB does not release and hereby retains all easements and rights for existing facilities, whether or not identified in our research.

- The City Engineering Department has no objections to closing the above-described right-of-way areas provided the specified conditions (see approval conditions), subject to City Engineering approval, are met. Should this right-of-way be closed, the City will reserve easements for all drainage facilities and utilities, if any, located in or within five (5) feet of the property described herein. If 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.

7. Other than comments received from City Engineering (approval conditions 1-3) 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.



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

Name of Street or Alley: A portion of Chimney Top Ln.
To be closed from: its original terminus
To be closed to: to a point 65.17 ft. to the southwest.

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

Petitioner: NMI Residential Investments, LLC

Map No: 154
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 CHIMNEY TOP LN. FROM ITS ORIGINAL TERMINUS TO A POINT 65.17 FT. TO THE SOUTHWEST. (6-D-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 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 placed below the 'Sincerely,' text.

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: Proposed Closure of a portion Chimney Top Ln
Planning File # 6-D-22-SC; Near City Block 51008

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

1. The closure presents a possible land-locking condition for the property known today as Lots 6 and 7 as shown on the map of Beau Monde Phase V recorded in the Knox County Register of Deeds as Instrument Number 202104270088693. The applicant must redesign and provide legal access for any properties that may be subject to a land-locking condition as a result of this closure. The redesign and access must be approved by City Engineering and/or Knoxville-Knox Planning.
2. Should this right-of-way be closed, the City will reserve easements for all drainage facilities and utilities, if any, located in or within five (5) feet of the property described herein. If 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.
3. The applicant shall have one (2) years to complete conditions listed above, unless otherwise stated in a particular item, or the closure shall be considered null and void and of no effect.

The closing ordinance shall state that this closure shall become effective only after the Engineering Department has provided written verification, to the City Recorder, that conditions have been satisfactorily met.

Sincerely,

Benjamin D. Davidson, PLS, Technical Services Administrator
Technical Services/Department of Engineering
Ph: 865-215-2103

6-D-22-SC

EXHIBIT A. Contextual Images

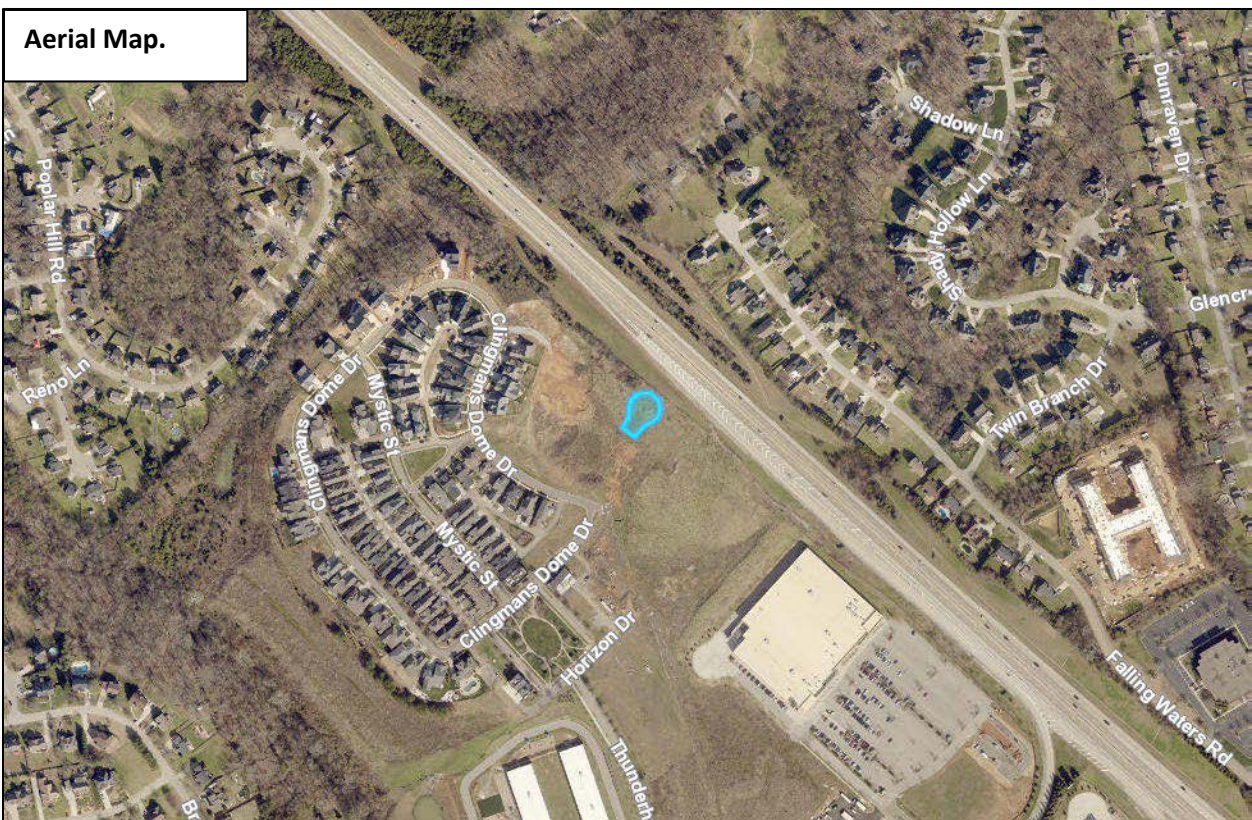
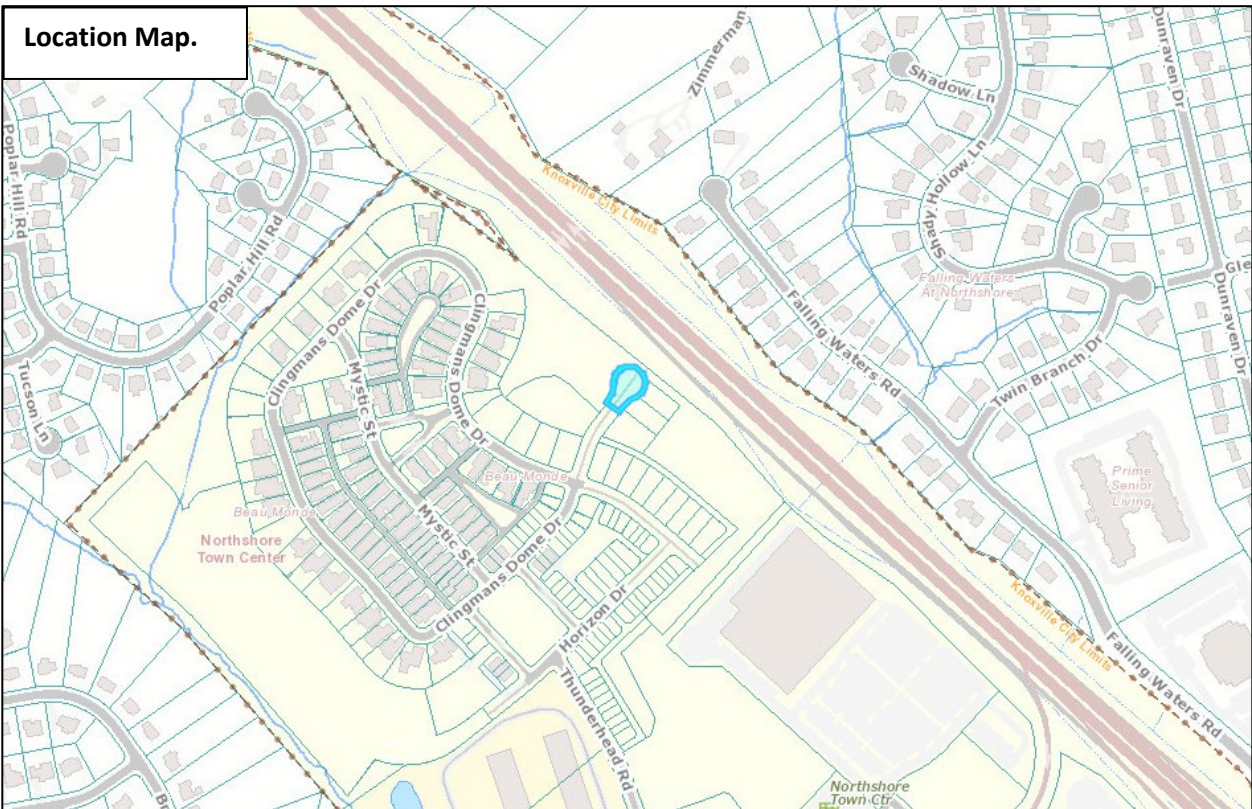
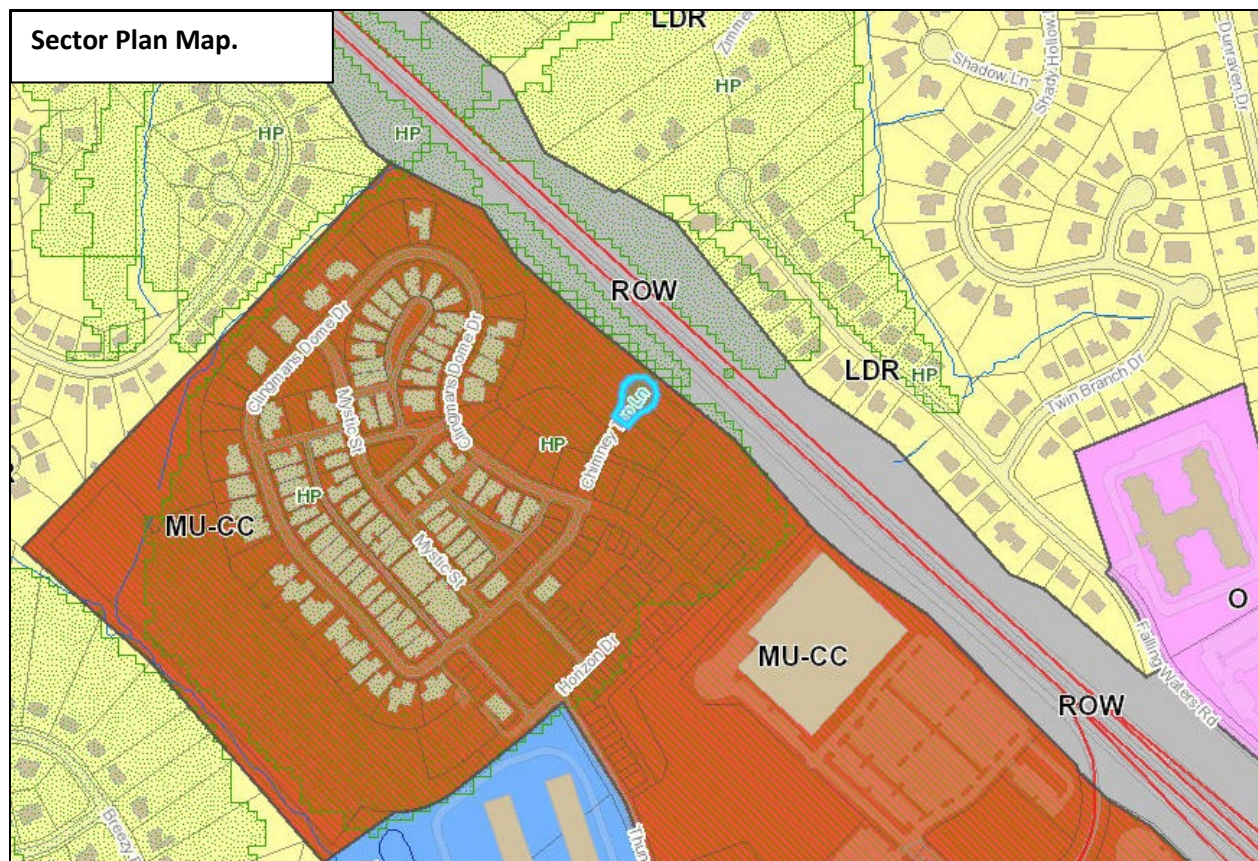


EXHIBIT A. Contextual Images



6-D-22-SC

EXHIBIT A. Contextual Images



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 ROW closure is approved, no address changes are anticipated.
	If lot 6 is eliminated in the future, this address will be removed.

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: NMI Residential Investments, LLC

Date Filed: 04/14/2022 Fee Paid: 4/26/2022 File Number: 6-D-22-SC

Map Number: 154 Zoning District: RN-3 ☒ City ☐ County Sector: Southwest County

Jurisdiction: ☒ City 2 Council District

INFORMATION:

Name of Right-of-Way: Chimney Top Lane

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

Location of Right-of-Way:

BETWEEN (City Block or Lot where appropriate) Lot 6 the northern property line of Lot 6

AND (City Block or Lot where appropriate) Lot 8 (see attached) the northern property line of Lot 8

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

Reason for Closure: Topography/Revised Design

TO BE CLOSED:

From: (Street, Alley, Other)

northern terminus

the northern terminus of Chimney Top Ln

To: (Street, Alley, Other)

southwest 65.17 feet

a point 65.17 feet southwest of the northern terminus.

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

SITE, Inc.
John R. Anderson, P.E. 10215 Technology Drive, Suite 304, Knoxville, TN 37932 (865) 777-4165 janderson@site-incorporated.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: James H. Harrison

NMI Residential Investments, LLC

James H. Harrison 5731 LYONS VIEW PIKE, SUITE 225, Knoxville, TN 37919 (865) 588-3396 jharrison@chmllc.com

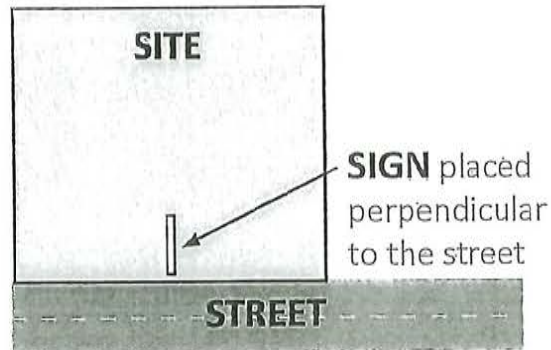
Name: (Print) Address • City • State • Zip • Phone • Email

APPLICATION ACCEPTED BY: LKC

[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.

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.

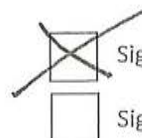
The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

May 25th and June 10th
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: _____

Date: 4/26/2022

File Number: 6-D-22-SC



Sign posted by Staff

Sign posted by Applicant