



CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

► **FILE #:** 3-C-22-SC

AGENDA ITEM #: 7

AGENDA DATE: 3/10/2022

► **APPLICANT:** CITY OF KNOXVILLE

TAX ID NUMBER: 95 N/A
JURISDICTION: Council District 6
SECTOR PLAN: Central City
GROWTH POLICY PLAN: N/A (within City limits)
ZONING: F (Floodplain Overlay)
WATERSHED: First Creek

[View map on KGIS](#)

► **RIGHT-OF-WAY TO BE CLOSED:** First Creek Right-of-way

► **LOCATION:** Between the southwestern tip of Parcel 095HC015 and a point 214.36 ft to the west

IS STREET:

(1) IN USE?: Yes

(2) IMPROVED (paved)? No

► **APPLICANT'S REASON FOR CLOSURE:** This closure is a necessary part of the development plan for the construction of the multi-use stadium.

DEPARTMENT-UTILITY REPORTS: The City will retain a flowage easement to serve First Creek which runs within the proposed closure area.

STAFF RECOMMENDATION:

► **Approve closure of the portion of right-of-way adjacent to First Creek from the southwestern corner of parcel 095HC015 to a point approximately 214.36 feet to the west since it is needed for the multi-use stadium/mixed use planned development, subject to three conditions.**

1. Project must obtain plan development approval, City Council and County Commission funding approval, and sufficient design must be completed to meet transportation needs subject to City Engineering approval, before the closure can become effective. If the project does not meet the requirements, the closure shall become null and void and of no effect.

2. The City will reserve easements for all existing drainage facilities and utilities 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.

3. Applicant must provide metes and bounds and/or map exhibit to sufficiently describe and locate the closure area. The description must be performed and certified by a TN licensed land surveyor before City Council approval.

COMMENTS:

1. This request is to close the portion of right-of-way adjacent to First Creek from the southwestern corner of

parcel 095HC015 to a point approximately 214.36 feet to the west. The described closure area of the First Creek right-of-way connects to a previous First Creek right-of-way closure so that the right-of-way is closed from the southwest corner of parcel 095HC015 to where it meets Willow Avenue.

2. The multi-use stadium/mixed use planned development is proposed for the property including the right-of-way around First Creek and will include a large area affecting multiple blocks. The area comprising this right-of-way is needed as part of that project.

3. The City's Ward Map shows the property around First Creek as a right-of-way (see Exhibit A). The City's Engineering Department undertook a significant research effort into First Creek history and ownership to better understand this unique situation.

4. The City of Knoxville made major improvements to First Creek in 1958 by rerouting the stream and providing a closed conduit where the expressway crosses Willow Street (see the "Knoxville Downtown Loop" document, the Hydrologic Features section on pp. 17-18).

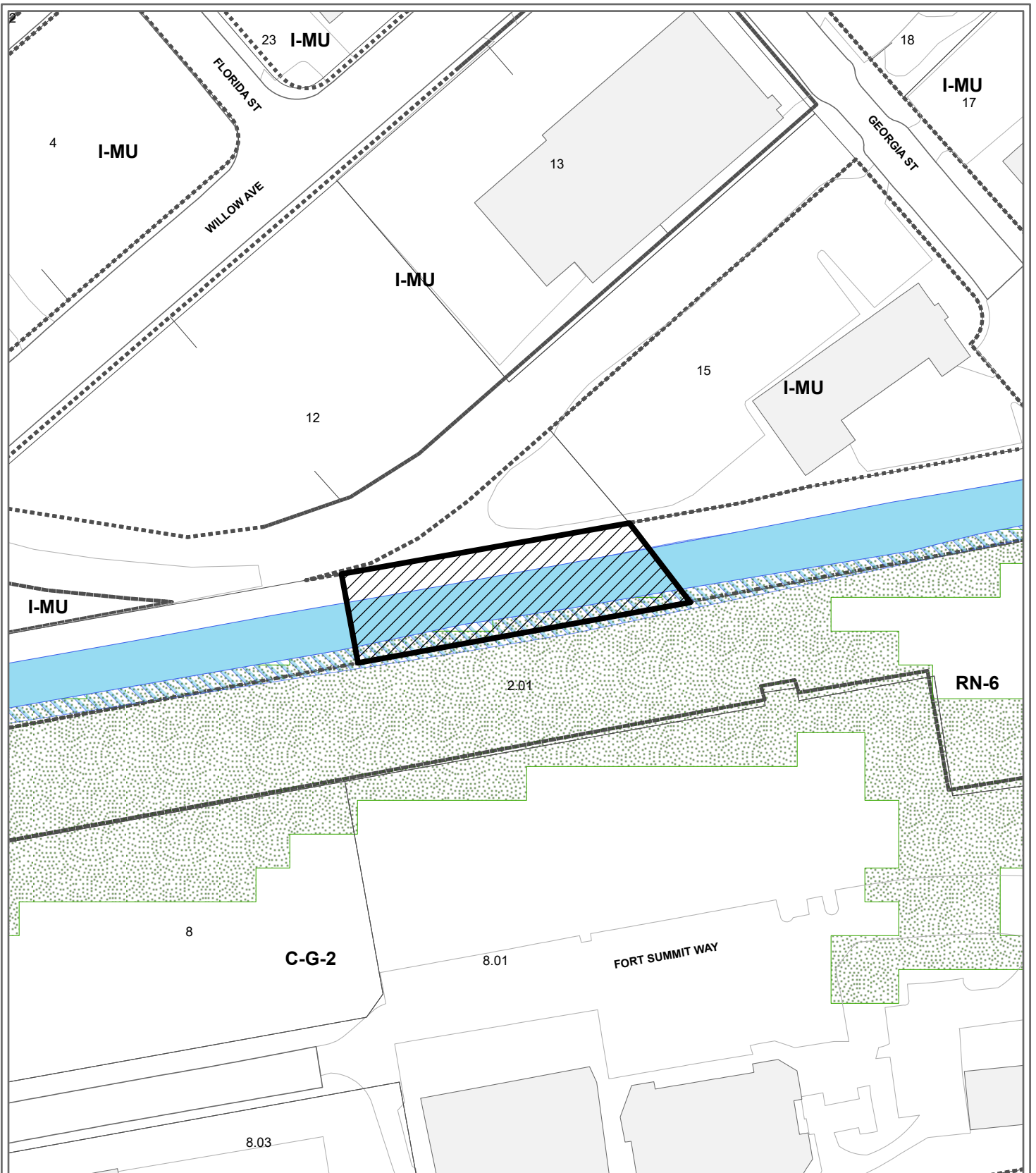
5. Technical Services/Engineering and a private title firm did not uncover any documentation proving any private ownership of the area see Staff Exhibit B).

6. With that research considered and the fact that the area is indexed on the official City Ward Map as a right-of-way, the Engineering Department has submitted an application for closure to abandon the area and enable the City to issue a quitclaim deed to private ownership for the planned development. The City will reserve an easement for the water flowage of the creek, similar to utility easement reservations typical to other right-of-way closures.

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

8. Other than comments received from City Engineering (approval conditions 1-3), no other departments and organizations had any comments.

If approved, this item will be forwarded to Knoxville City Council for action on 4/5/2022 and 4/19/2022. 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.



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

Name of Street or Alley: First Creek Right-of-way
To be closed from: Southwestern tip of Parcel 095HC015
To be closed to: A point 214.36 feet to the northwest

Original Print Date: 2/4/2022
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: City of Knoxville

Map No: 95
Jurisdiction: City

0 100
Feet



FEBRUARY 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 A PORTION OF THE RIGHT -OF-WAY ADJACENT TO FIRST CREEK BETWEEN THE SOUTHWESTERN TIP OF PARCEL 095HC015 AND A POINT 214.36 FEET TO THE NORTHWEST. (3-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 March 10, 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, February 21, 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>

March ROW closures 3-A-22-SC, 3-B-22-SC, 3-C-22-SC

Sonny Partin <spartin@knoxvilletn.gov>
To: Dori Caron <dori.caron@knoxplanning.org>

Wed, Feb 9, 2022 at 8:31 AM

Dori,

All 3 ROW's are approved by fire.

Thanks,

Sonny

Asst. Chief Sonny Partin, CFPS

Fire Marshal

Knoxville Fire Department

400 Main St. Suite 446

Knoxville, Tn. 37902

Office 865-215-2283

[Quoted text hidden]



CITY OF KNOXVILLE

Engineering
Benjamin D. Davidson, PLS
Technical Services Administrator

February 18, 2022

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

SUBJECT: Proposed Closure of a portion of First Creek right-of-way to support City project for multi-use stadium; MPC File # 3-C-22-SC

The City Engineering Department has no comments to close the above-described right-of-way area subject to the following conditions:

1. Project must obtain plan development approval, City/Council and County Commission funding approval and sufficient design being completed to meet transportation needs, subject to Engineering approval, before the closure can become effective. If the project does not meet the requirements the closure shall become null and void and of no effect.
2. 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.
3. Applicant must provide metes and bounds and/or map exhibit to sufficiently describe and locate the closure area. The description must be performed and certified by a TN licensed land surveyor before City Council approval.

February 21, 2022

Michelle Portier
Knoxville-Knox County
Metropolitan Planning Commission
Suite 403, City-County Building
Knoxville, Tennessee 37902

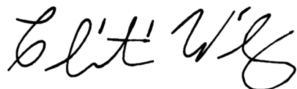
Dear Ms. Portier:

Re: Right-of-Way Closure Requests 3-C-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,



Christian Wiberley, PE
Engineering

CGW



Dori Caron <dori.caron@knoxplanning.org>

March ROW closures 3-A-22-SC, 3-B-22-SC, 3-C-22-SC

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

Fri, Feb 18, 2022 at 2:04 PM

Responses from TDOT District 18 Operations to the March ROW closure requests are as follows:

3-A-22-SC_Willow Ave_ROW: Operations has no comment

3-B-22-SC_Patton St_ROW: Operations has no comment

3-C-22-SC_First Creek_ROW: Operations has 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, February 4, 2022 12:04 PM

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>; Laura Edmonds <laura.edmonds@knoxplanning.org>; Amy Brooks <amy.brooks@knoxplanning.org>; Shannon Sims <ss3775@att.com>

Subject: [EXTERNAL] March ROW closures 3-A-22-SC, 3-B-22-SC, 3-C-22-SC



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: City of Knoxville

Date Filed: 1/24/2022 Fee Paid: \$0 File Number: 3-C-22-ROW-SC

Map Number: 095 Zoning District: RN-6 ☒ City ☐ County Sector: Central City

Jurisdiction: ☒ City 6 Council District

INFORMATION:

Name of Right-of-Way: First Creek right-of-way

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

Location of Right-of-Way:

BETWEEN (City Block or Lot where appropriate) ~~City Block 07304~~ Willow Avenue

AND (City Block or Lot where appropriate) ~~City Block 07327~~ Fort Summit Way

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

Reason for Closure: This closure is a necessary part of the development plan for the construction of the multi-use stadium.

TO BE CLOSED:

From: (Street, Alley, Other)

~~Area as shown/described on attached exhibits~~

Southwestern tip of parcel 095HC015

To: (Street, Alley, Other)

~~Area as shown/described on attached exhibits~~

a point 214.36 feet to the northwest

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Ben Davidson City Coung Bldg., Room 473, Knoxville, TN 37902, 215-4615, bdavidson@knoxvilletn.gov

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: Benjamin D. Davidson

Ben Davidson City Coung Bldg., Room 473, Knoxville, TN 37902, 215-4615, bdavidson@knoxvilletn.gov

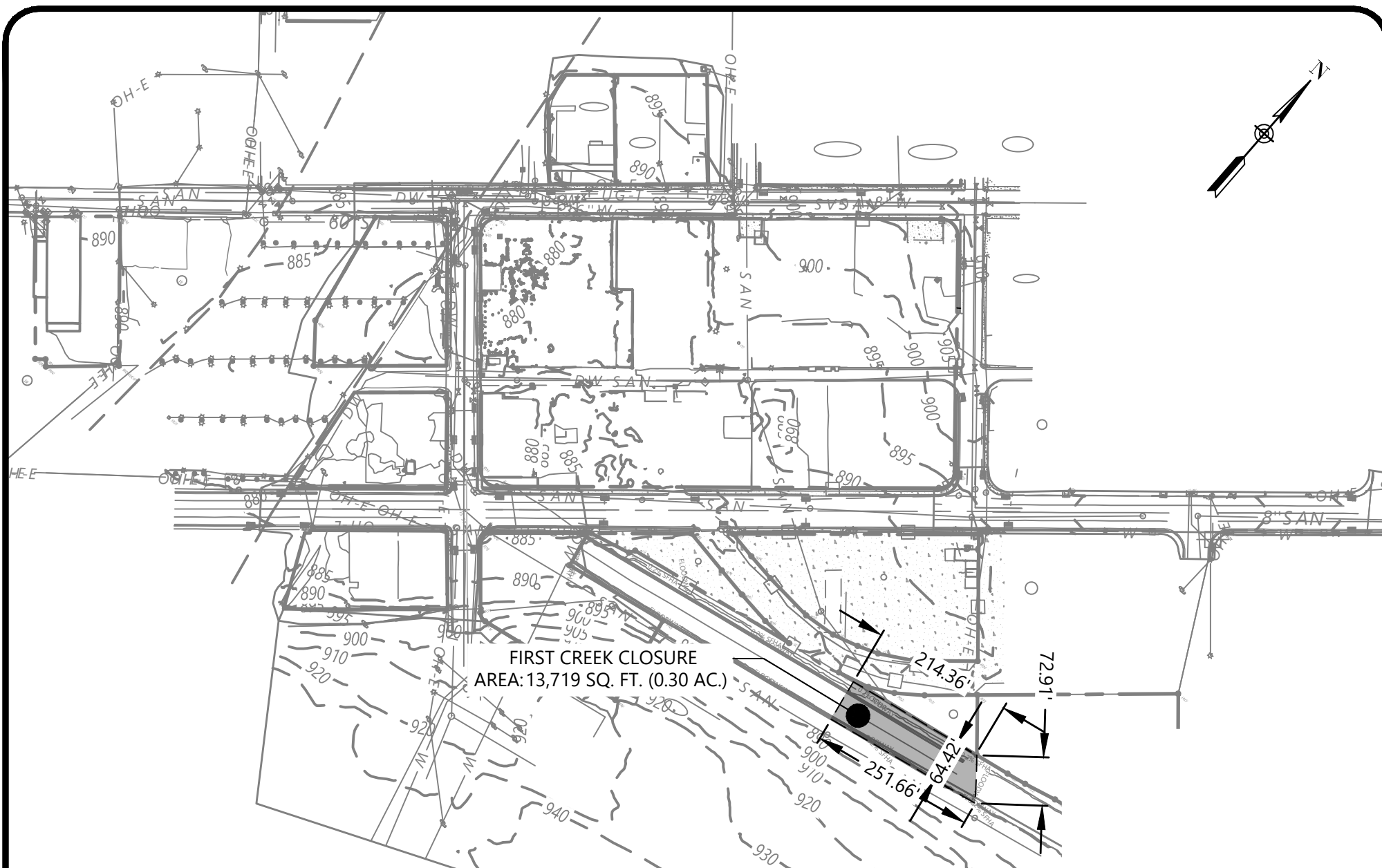
Name: (Print) Address • City • State • Zip • Phone • Email

APPLICATION ACCEPTED BY: Michelle Portier

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]



FIRST CREEK CLOSURE

ROW CLOSURE
KNOXVILLE MULTI-USE STADIUM
KNOXVILLE, TENNESSEE

SCALE:

1" = 200'

DATE:

12/28/2021

PROJECT NUMBER

5143-19-009

FIGURE NO.

X1.11