

# CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

► **FILE #:** 5-A-22-SC

**AGENDA ITEM #:** 5

**AGENDA DATE:** 5/12/2022

► **APPLICANT:** DARLENE ALLEN

TAX ID NUMBER: 82 N/A

[View map on KGIS](#)

JURISDICTION: Council District 6

SECTOR PLAN: East City

GROWTH POLICY PLAN: n/a

ZONING: n/a

WATERSHED: Williams Creek

► **RIGHT-OF-WAY TO BE CLOSED:** Superior St.

► **LOCATION:** Between Lay Avenue and the southern lot line of Parcel ID 082KK018 & 082LB001

IS STREET:

(1) IN USE?: No

(2) IMPROVED (paved)?: No

► **APPLICANT'S REASON FOR CLOSURE:** To acquire additional land for the placement of a modular home on the subject property.

DEPARTMENT-UTILITY REPORTS: KUB does not release and retains all easements and rights for existing facilities. No address changes are anticipated if the proposed street closure is approved by the Planning Commission.

## STAFF RECOMMENDATION:

► **Deny closure of the section of Superior Street between Lay Avenue and parcels 082KK018 and 082LB001 since it would deny the opportunity for enhanced connectivity in the future that could be achieved by extending Superior Street.**

## COMMENTS:

1. The Superior Street right-of-way runs from Wilson Avenue to Hillside Avenue, a span of four blocks. Superior Street is paved for the two northern-most blocks and is undeveloped for the remaining two blocks.
2. As the right-of-way currently exists, the undeveloped remainder could be paved so that the road surface continued the entire length of the right-of-way, providing another layer of connectivity for the area.
3. The application states the reason for the closure request is to allow the placement of a modular home on the property, essentially creating a lot out of the right-of-way at this location.
4. The parcels adjacent to the right-of-way area to be closed meet the zoning requirements and are buildable lots. The right-of-way is not needed for those properties to meet the standards that are in place.
5. The closure request is for the portion of undeveloped right-of-way abutting the part of the street that is developed. Therefore, closing the right-of-way would thwart the ability of the City to extend Superior Street in the future if that was ever desired.

6. Staff believes the closure is not needed and recommends retaining the right-of-way to leave open the possibility for it to serve the community as a street in the future or as an opportunity for infill should the City ever wish to do so.

If approved, this item will be forwarded to Knoxville City Council for action on 6/14/2022 and 6/28/2022. 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.



**5-A-22-SC  
CLOSURE OF PUBLIC RIGHT OF WAY**

Petitioner: Allen, Darlene

Name of Street or Alley: Superior St.

To be closed from: Lay Avenue, north side of CLT #'s 082KK018 & 082LB001

To be closed to: North side of Paper Alley located on the southern lot line of CLT #'s 082KK018 & 082LB001

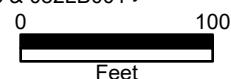
Map No: 82

Jurisdiction: City

Original Print Date: 4/18/2022

Revised:

Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902



**APRIL 7, 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 SUPERIOR ST. BETWEEN LAY AVE. AND THE  
SOUTHEASTERN LOT LINES OF PARCEL ID'S 082KK018 & 082LB001.  
(5-A-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 May 12, 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, April 25, 2022 will be considered as no objection by your agency.***

C: Amy Brooks, Executive Director, Knoxville-Knox County Planning  
Attachment: Application



# CITY OF KNOXVILLE

---

**Engineering**  
Benjamin D. Davidson, PLS  
Technical Services Administrator

April 25, 2022

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

SUBJECT: Closure of a portion of Superior Ave  
Planning File # 5-A-22-SC; Nearby City Block 14782 and 14841

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 the following 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



April 26, 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 5-A-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-way and we have no objection to the requested closure. 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 over the typed name.

Christian Wiberley, PE  
Engineering

CGW



Dori Caron &lt;dori.caron@knoxplanning.org&gt;

---

## 5-A-22-SC ROW closure request

---

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

Wed, Apr 20, 2022 at 4:06 PM

TDOT District 18 Operations has no comment on the lone ROW closure request, 5-A-22-SC.



**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](mailto:Steve.Borden@tn.gov)

[tn.gov/tdot](http://tn.gov/tdot)

---

**From:** Dori Caron <dori.caron@knoxplanning.org>

**Sent:** Thursday, April 7, 2022 10:13 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 <ss3775@att.com>

**Subject:** [EXTERNAL] 5-A-22-SC ROW closure request

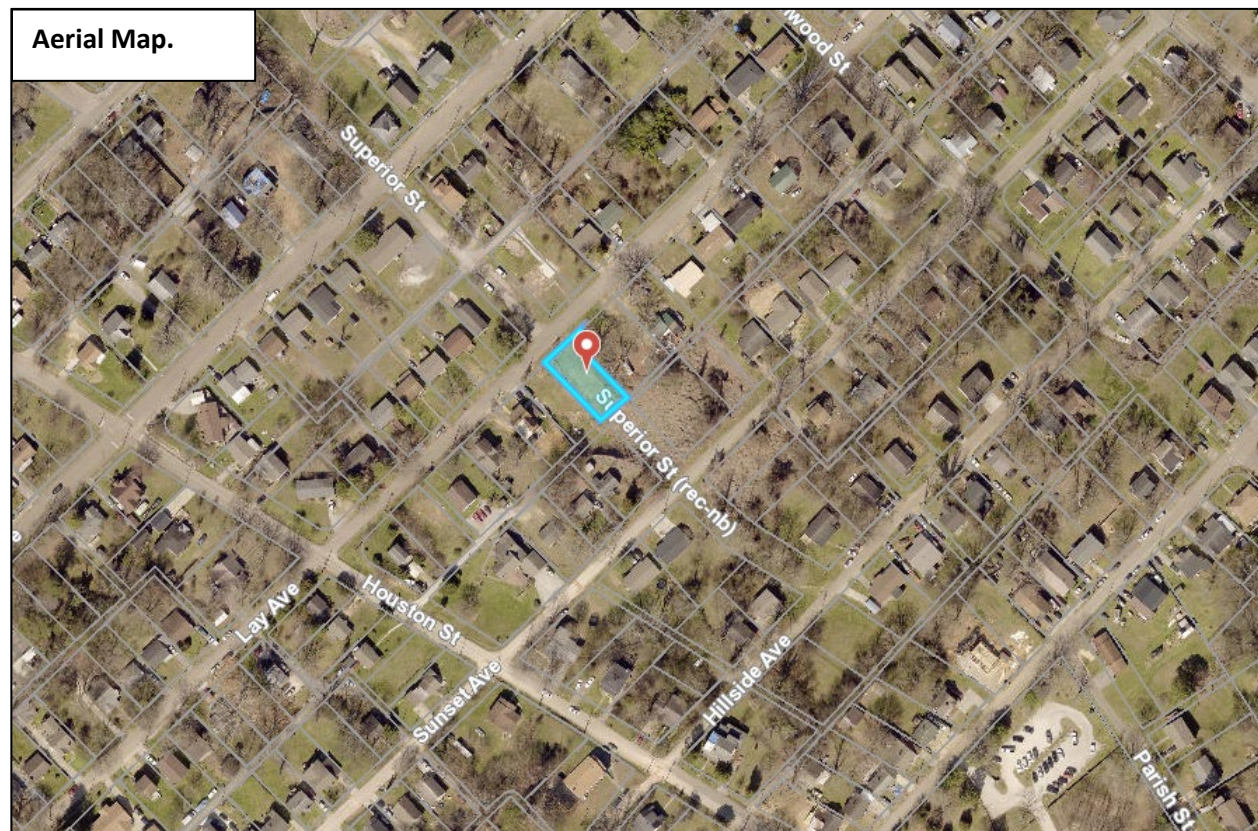
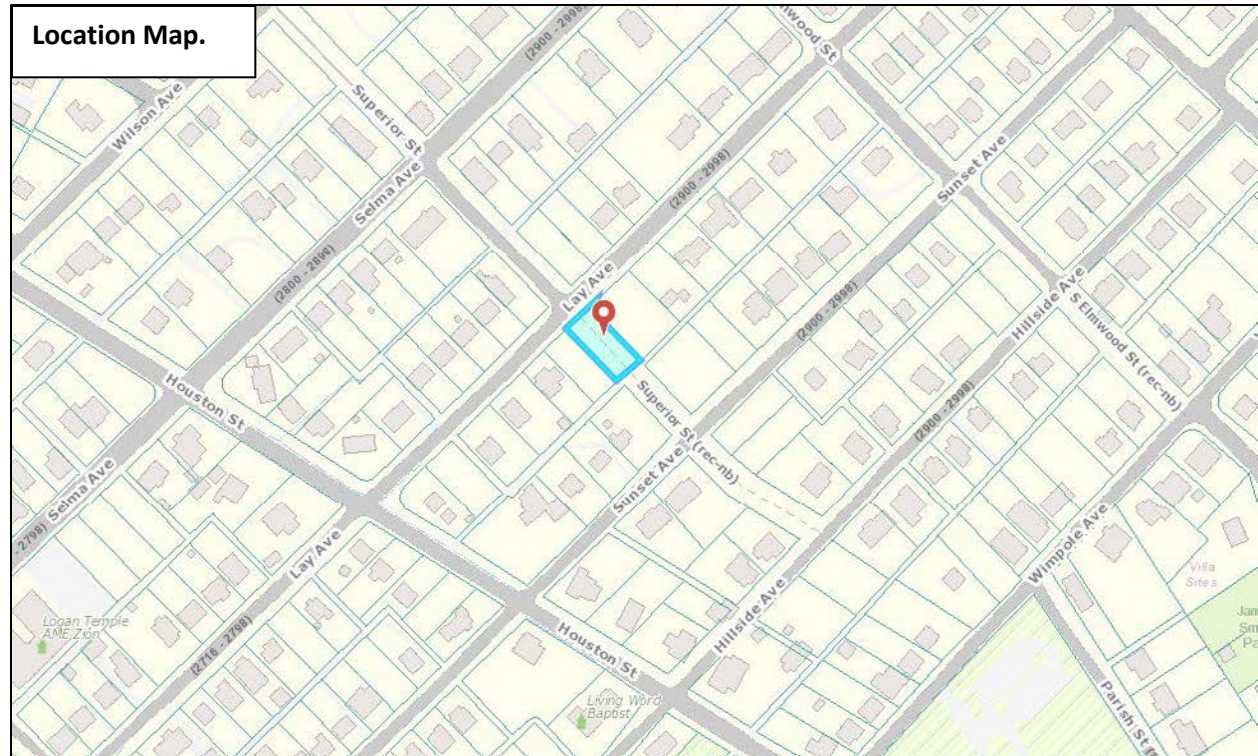
**\*\*\* This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. \*\*\***

[Quoted text hidden]



5-A-22-SC

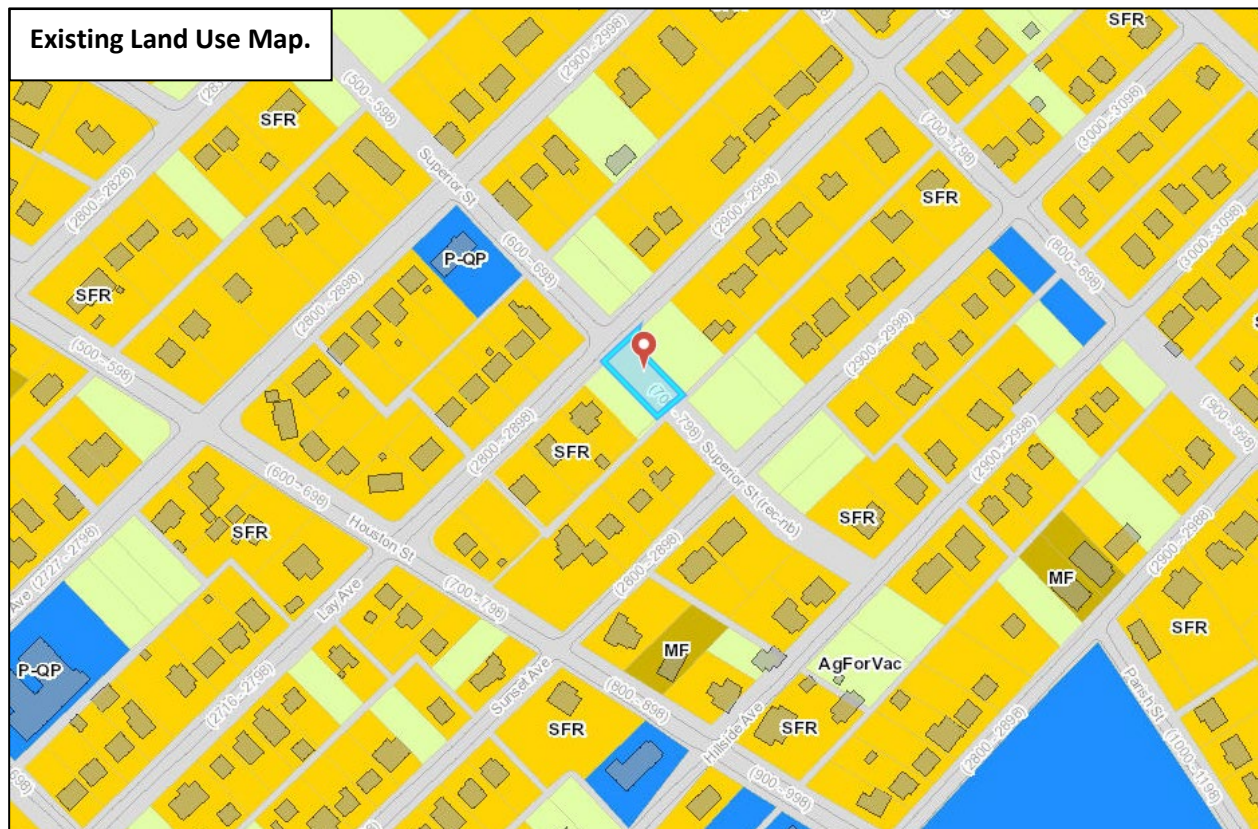
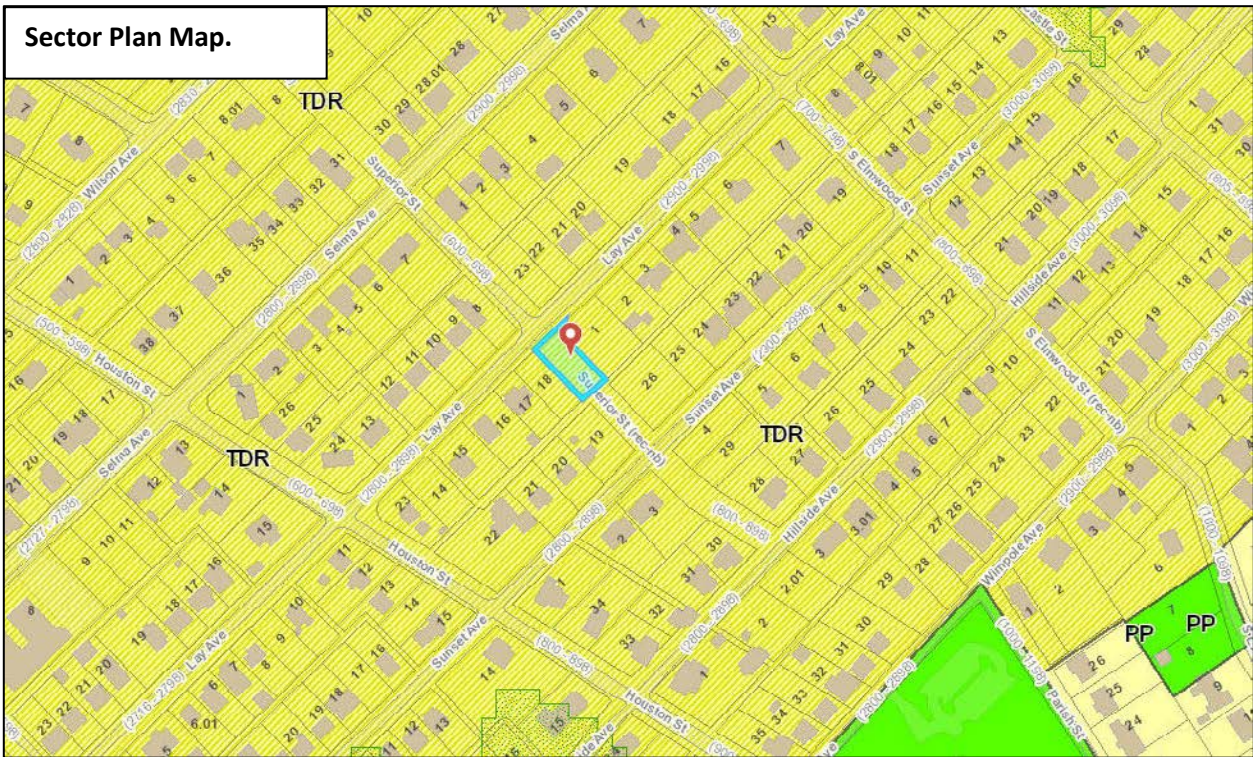
EXHIBIT A. Contextual Images





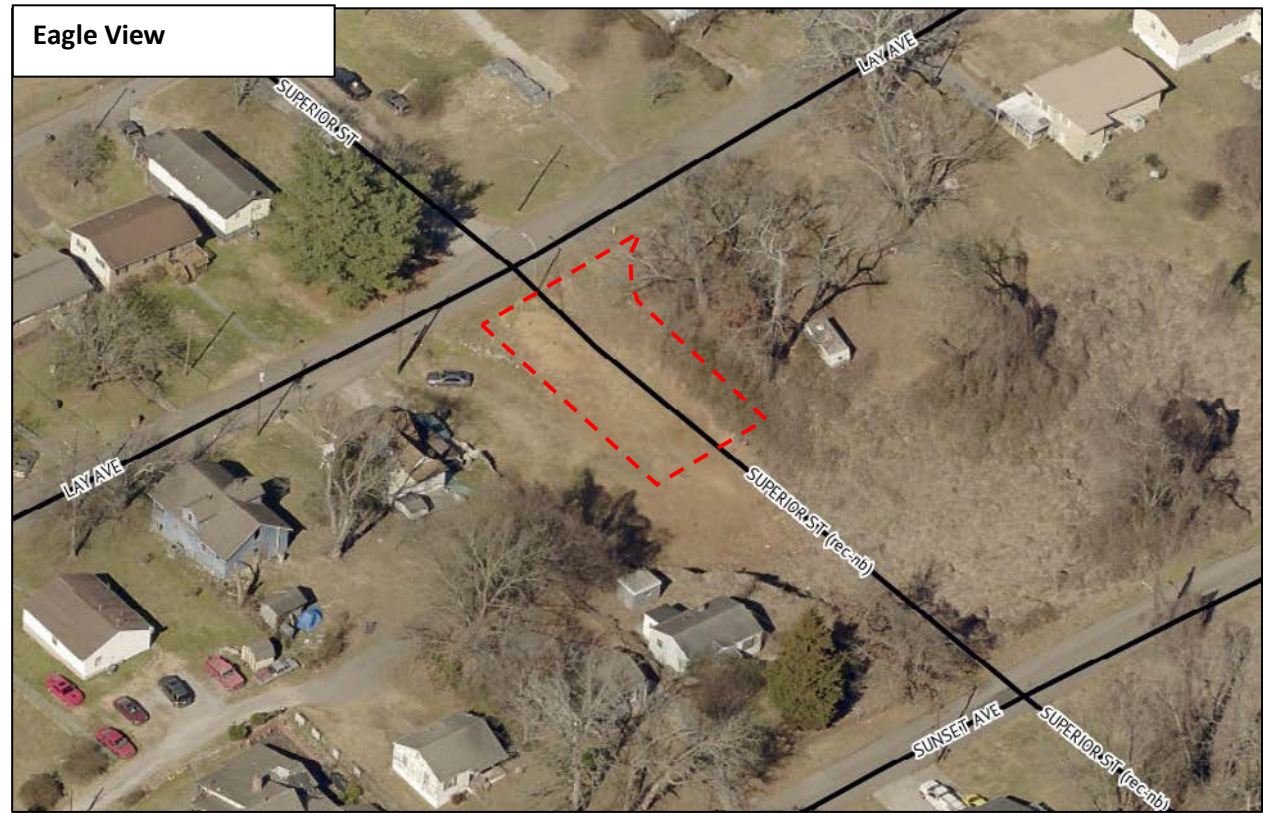
# 5-A-22-SC

## EXHIBIT A. Contextual Images





5-A-22-SC  
EXHIBIT A. Contextual Images





# RIGHT-OF-WAY CLOSURE

Name of Applicant: Darlene Allen  
Date Filed: 3/28/2022 Fee Paid: \$750.00 File Number: 5-A-22-SC  
Map Number: 082 Zoning District: RN-2 ☒ City ☐ County Sector: 10th  
Jurisdiction: ☒ City 6th Council District

## INFORMATION:

Name of Right-of-Way: Superior Street  
Type of Right-of-Way: ☒ Street ☐ Alley  
Location of Right-of-Way:  
BETWEEN (City Block or Lot where appropriate) Lay Ave CLT # 082KK018  
AND (City Block or Lot where appropriate) ~~082LB001~~ NORTH side of Paper alley.  
Right-of-Way is: In Use ☐ Yes ☒ No Improved (example: paved) ☐ Yes ☒ No  
Reason for Closure: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## TO BE CLOSED:

From: (Street, Alley, Other)

Lay Ave NORTH SIDE OF CLT #'s  
082KK018  
082LB001  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To: (Street, Alley, Other)

~~082LB001~~  
NORTH side of PAPER ALLEY LOCATED ON  
THE SOUTHERN LOT LINE OF  
CLT #'s 082KK018  
082LB001  
\_\_\_\_\_  
\_\_\_\_\_

## ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Name: (Print) Address City State Zip Phone Email  
Darlene Allen 2824 Lay Ave Knox TN 37914 865 599-2280 dallens26@comcast.net

## 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: Darlene Allen

Name: (Print) Address City State Zip Phone Email

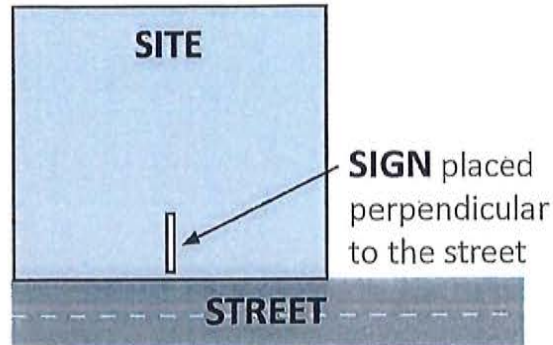
APPLICATION ACCEPTED BY: Marc Payne

[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:*

4/27/2022 and 5/13/2022  
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Darlene Allen

Date: 3/28/2022

File Number: 5-A-22-3C

☐ Sign posted by Staff

☒ Sign posted by Applicant