



CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

▶ FILE #: 8-A-23-SC

AGENDA ITEM #: 5

AGENDA DATE: 8/10/2023

▶ APPLICANT: MARK EDWARD BASS

TAX ID NUMBER:	58 N/A	<u>View map on KGIS</u>
JURISDICTION:	Commission District 4	
SECTOR PLAN:	North City	
GROWTH POLICY PLAN:	N/A (Within City Limits)	
ZONING:	N/A	
WATERSHED:	First Creek	

▶ RIGHT-OF-WAY TO BE CLOSED: Unnamed St.

▶ LOCATION: Between Houstonia Drive and the western terminus of the unnamed street

IS STREET:

(1) IN USE?: No

(2) IMPROVED (paved)?: No

▶ APPLICANT'S REASON FOR CLOSURE: I have discovered that my driveway is in the right-of-way in question. I know that I will have to reconfigure my driveway, and half of an unused right-of-way will help greatly. Otherwise, I am left with very few options on parking and access to my house.

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

STAFF RECOMMENDATION:

▶ Approve the request to close the unnamed street from Houstonia Drive to its western terminus, which is located along the northern border of parcel 058JA00101 and the southern border of parcel 058GF033, subject to retaining all easements, since closure would not adversely affect surrounding properties.

COMMENTS:

1. This request is to close an unnamed right-of-way north of 1821 Houstonia Drive and south of 1901 Houstonia Drive, from its genesis at Houstonia Drive to the east to its western terminus. Closing this right-of-way would not negatively impact adjacent properties, as both parcels have legal access to Houstonia Drive.
2. The following departments and organizations had these comments:
 - a. The City Engineering Department: 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

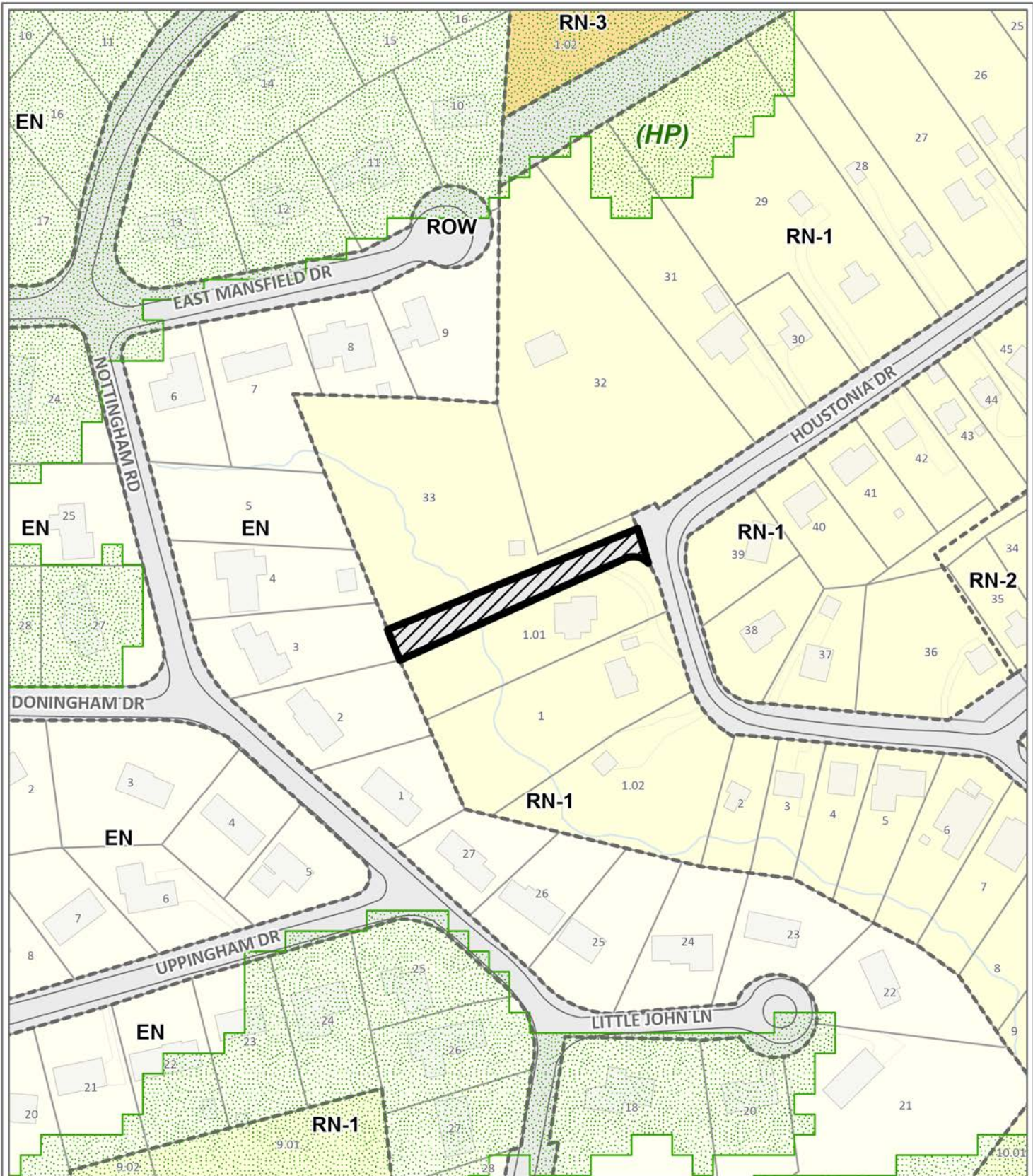
removed and relocated, subject to City Engineering and/or other applicable easement holder review and approval.

b. KUB: 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 area 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.

3. The following departments had no objections to the requested closure:

- i. TDOT
- ii. The City of Knoxville Fire Department
- iii. AT&T

If approved, this item will be forwarded to Knoxville City Council for action on 9/5/2023 and 9/19/2023. 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.



CLOSURE OF PUBLIC RIGHT OF WAY, ZONING MAP

8-A-23-SC

Petitioner: Bass

Name of Street or Alley: Unnamed street
 To be closed from: Houstonia Dr.
 To be closed to: The western terminus of the unnamed street

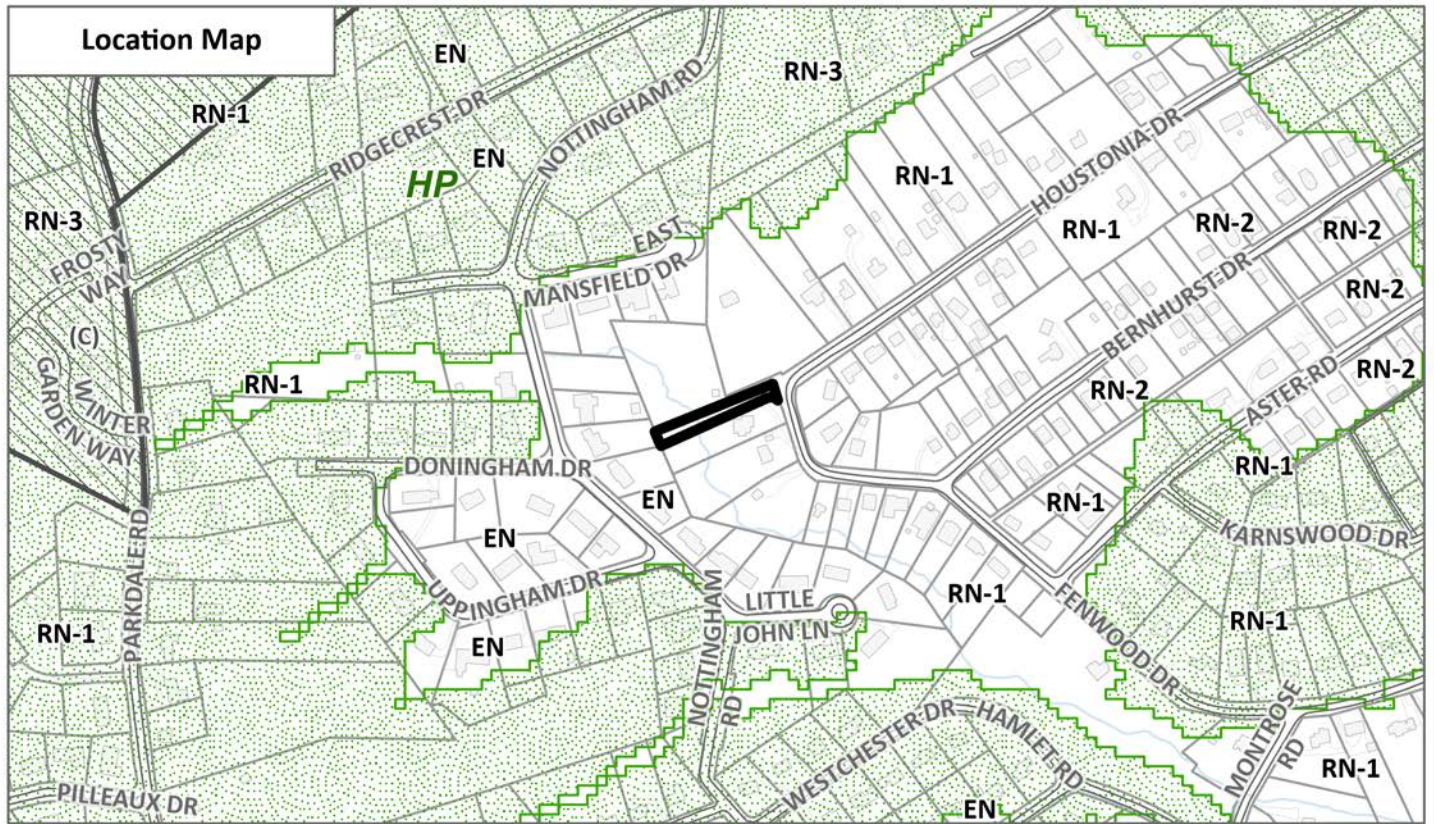
Map No: 58
Jurisdiction:

Original Print Date: 7/17/2023
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902



Exhibit A. Contextual Images

Location Map



Aerial Map

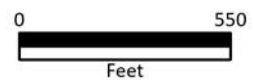


CONTEXTUAL MAPS 1

8-A-23-SC



Case boundary



JUNE 30, 2023

Christian Wiberley, Knoxville Utilities Board
Steve Borden, Regional Director, TN Dept. of Transportation
Tom Clabo, Director, Department of Engineering
Sonny Partin, Fire Marshall, City of Knoxville
Jeremy Honeycutt, AT&T
John Stansbury, AT&T
Chris Flatford, AT&T
Ben Davidson, Department of Engineering

From: Michelle Portier, Principal Planner, Knoxville-Knox County Planning

RE: REQUEST CLOSURE OF AN UNNAMED STREET FROM HOUSTONIA DR TO THE WESTERN TERMINUS OF THE UNNAMED STREET. (8-A-23-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 August 10, 2023. A map showing the street or alley in question is attached for your information.

PLEASE NOTE: Failure to reply to our office by Monday, July 24, 2023, will be considered as no objection by your agency.

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



Dallas DeArmond <dallas.dearmond@knoxplanning.org>

Right of Way Closure 8-A-23-SC

Sonny Partin <spartin@knoxvilletn.gov>
To: Dallas DeArmond <dallas.dearmond@knoxplanning.org>

Tue, Jul 25, 2023 at 1:16 PM

Approved



Asst. Chief Sonny Partin, CFPS
Fire Marshal
Knoxville Fire Dept
1630 Huron St
Knoxville, TN 37917
(865) 633-0400 Work

From: Dallas DeArmond <dallas.dearmond@knoxplanning.org>

Sent: Friday, June 30, 2023 2:15 PM

To: John Stansbury <js0634@att.com>; Charlotte Goforth <cgoforth@knoxvilletn.gov>; Steve Borden <steve.borden@tn.gov>; Michelle Portier <michelle.portier@knoxplanning.org>; Christian Wiberley <Christian.Wiberley@kub.org>; Erin Gill <egill@knoxvilletn.gov>; Harold Cannon <hcannon@knoxvilletn.gov>; Tom Clabo <tclabo@knoxvilletn.gov>; Chris Howley <chowley@knoxvilletn.gov>; Chris Flatford <cf2061@att.com>; Ben Davidson <bdavidson@knoxvilletn.gov>; Sonny Partin <spartin@knoxvilletn.gov>; Jeremy Honeycutt <JH309E@att.com>; amy.brooks@knoxplanning.org; Dori Caron <dori.caron@knoxplanning.org>

Subject: Right of Way Closure 8-A-23-SC

Good afternoon,

We only have one closure request for August.

Have a great holiday! Thank you,

--

Dallas DeArmond

Administrative Assistant II

(865) 215-3810



CITY OF KNOXVILLE

Engineering
Benjamin D. Davidson, PLS
Technical Services Administrator

July 3, 2023

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

SUBJECT: Closure of an unnamed street off Houstonia Dr
Planning File # 8-A-23-SC; City Block 36330

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



July 24, 2023

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 8-A-23-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 area 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".

Christian Wiberley, PE
Engineering

CGW



Dallas DeArmond <dallas.dearmond@knoxplanning.org>

Right of Way Closure 8-A-23-SC

Steve Borden <Steve.Borden@tn.gov>
To: Dallas DeArmond <dallas.dearmond@knoxplanning.org>

Thu, Jul 6, 2023 at 3:36 PM

Right of Way Closure 8-A-23-SC has been reviewed and does not connect to TDOT ROW.

Sincerely,

Steven M. Borden, P.E.

Director/Assistant Chief Engineer

TDOT – Region 1

cw

From: Dallas DeArmond <dallas.dearmond@knoxplanning.org>

Sent: Friday, June 30, 2023 2:15 PM

To: John Stansbury <js0634@att.com>; Charlotte Goforth <cgoforth@knoxvilletn.gov>; Steve Borden <Steve.Borden@tn.gov>; Michelle Portier <michelle.portier@knoxplanning.org>; Christian Wiberley <Christian.Wiberley@kub.org>; Erin Gill <egill@knoxvilletn.gov>; Harold Cannon <hcannon@knoxvilletn.gov>; Tom Clabo <tclabo@knoxvilletn.gov>; chowley <chowley@knoxvilletn.gov>; Chris Flatford <cf2061@att.com>; Ben Davidson <bdavidson@knoxvilletn.gov>; Sonny Partin <spartin@knoxvilletn.gov>; Jeremy Honeycutt <JH309E@att.com>; Amy Brooks <amy.brooks@knoxplanning.org>; Dori Caron <dori.caron@knoxplanning.org>

Subject: [EXTERNAL] Right of Way Closure 8-A-23-SC

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

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400 Main Street, Suite 403
 Knoxville, Tennessee 37902
 865-215-2500
 www.knoxplanning.org

RIGHT-OF-WAY CLOSURE

Date Filed: 7/17/2023

Name of Applicant: MARK EDWARD BASS

Jurisdiction: City Commission District 4

Sector:

Growth Policy Plan:

Zoning District: RN-1 (Single-Family Residential Neighborhood)

File Number: 8-A-23-SC

Meeting Date: 8/10/2023

Fee Amount:

INFORMATION:

Tax ID: 58 N/A

Add'l. Tax ID Info.:

Name of Right-of-Way: Unnamed St.

Type of Right-of-Way: Street

Location of Right-Of-Way:

BETWEEN (City Block or Lot, where appropriate):

AND (City Block or Lot, where appropriate):

Is ROW in use (yes/no)?: No

Is ROW improved (e.g. paved) (yes/no)?: No

Reason for Closure: I have discovered that my driveway is in the right-of-way in question. I know that I will have to reconfigure my driveway, and half of an unused right-of-way will help greatly. Otherwise, I am left with very little options on parking and access to my house.

TO BE CLOSED:

From: (Street, Alley, Other)

Houstonia Drive

To: (Street, Alley, Other)

the western terminus of the unnamed street

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE DIRECTED TO:

Mark Edward Bass

1821 Houstonia Dr.

Knoxville, TN 37918

Telephone:

Fax:

Email: markeb1911@gmail.com

AUTHORIZATION OF APPLICATION:

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, as listed on the next page of this form.

Mark Edward Bass

Signature: _____

1821 Houstonia Dr.

Knoxville, TN 37918

Telephone:

Fax:

Email: markeb1911@gmail.com

APPLICATION ACCEPTED BY: Jessie Hillman

7/20/2023 8:12:05 AM

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.



Planning
KNOXVILLE | KNOX COUNTY

RIGHT-OF-WAY CLOSURE

Name of Applicant: MARK EDWARD BASS

Date Filed: 6/22/2023 Fee Paid: \$1,000 File Number: 8-A-23-SC

Map Number: 058 Zoning District: n/a City County Sector: North City

Jurisdiction: City _____ Council District

INFORMATION:

Name of Right-of-Way: unnamed street

Type of Right-of-Way: Street Alley

Location of Right-of-Way:

BETWEEN (City Block or Lot where appropriate) _____

AND (City Block or Lot where appropriate) _____

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

Reason for Closure: I HAVE DISCOVERED THAT MY DRIVEWAY IS IN THE RIGHT-OF-WAY IN QUESTION. I KNOW THAT I WILL HAVE TO RECONFIGURE MY DRIVEWAY, AND HALF OF AN UNUSED RIGHT OF-WAY WILL HELP GREATLY. OTHERWISE, I AM LEFT WITH VERY LITTLE OPTIONS ON PARKING AND ACCESS TO MY HOUSE.

TO BE CLOSED:

From: (Street, Alley, Other)
Houstonia Drive

To: (Street, Alley, Other)
Western terminus of the ROW

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

MARK BASS
P.O. BOX 18062 KNOXVILLE TN 37928
Name: (Print) Address • City • State • Zip • Phone • Email
865-237-5625 MARKER1911@GMAIL.COM

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: [Handwritten Signature]

MARK BASS 1421 HOUSTONIA DR, KNOXVILLE, TN 37918
Name: (Print) Address • City • State • Zip • Phone • Email

APPLICATION ACCEPTED BY: Shelley Gray

AFFIDAVIT
(SWORN STATEMENT)

Date: 6/20/23

My legal name is MARK EDWARD BASS ("Affiant") and I acknowledge I am:

- * Age: 59
- * Address: P.O. Box 18062, Knoxville, TN. 37928
- * Residency: Tennessee

Being duly sworn, hereby swear under oath that:

In an attempt to have a right of way bordering my property at 1821 Houstonia Drive, Knoxville, TN. 37918 abandoned by the city of Knoxville and one half deeded to me. I contacted Mr. Kyle Duncan. His property at 1901 Houstonia Drive also borders this right of way. I asked for him to sign the application, and after a week to decide, he stated that he has no interest in this application and would not participate nor sign anything regarding this application.

Under penalty of perjury, I hereby declare and affirm that the above-mentioned statement is, to the best of my knowledge, true, and correct.

Affiant's Signature: [Signature] Date: 6/20/23

NOTARY ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of TENNESSEE ^{TN}
County of KNOX ^{Knox}

On 6/20/23 before me, Susan H Bryant, personally appeared MARK EDWARD BASS who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of TENNESSEE that the foregoing paragraph is true and correct.

WITNESS my hand and official seal. Signature: Susan H Bryant

My Commission Expires:
September 7, 2025

