



CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

▶ FILE #: 12-A-23-SC

AGENDA ITEM #: 10

AGENDA DATE: 12/14/2023

▶ APPLICANT: CHEROKEE COUNTRY CLUB

TAX ID NUMBER:	121 B D 019	<u>View map on KGIS</u>
JURISDICTION:	Council District 2	
SECTOR PLAN:	West City	
GROWTH POLICY PLAN:	N/A (Within City Limits)	
ZONING:	No Zone	
WATERSHED:	Fourth Creek	

▶ RIGHT-OF-WAY TO BE CLOSED: Layden Dr.

▶ LOCATION: Between southwest corner of 318 Layden Drive and Layden Drive's eastern terminus

IS STREET:

(1) IN USE?:	Yes
(2) IMPROVED (paved)?:	Yes

▶ APPLICANT'S REASON FOR CLOSURE: Cherokee Country Club, Inc. has become the sole owner of the property surrounding Layden Drive from 318 Layden Drive to its eastern terminus. Cherokee Country Club, Inc. wishes to close the portion of Layden Drive surrounded by its property, as shown on the attached map, for the purpose of redevelopment.

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

▶ Approve the request to close Layden Drive from the southwest corner of 318 Layden Drive to its eastern terminus, subject to retaining all easements including one condition, since closure would not adversely affect surrounding properties.

1) Maintain permanent easements for Knoxville Utility Board's gas and water utilities spanning 7.5 ft from the facility centerlines for total widths of 15 ft each.

COMMENTS:

- This request is to close a portion of Layden Drive from the southwest corner of 318 Layden Drive to its eastern terminus. The majority of this street section is unimproved. Closing this right-of-way would not negatively impact surrounding properties, as all neighboring parcels have access to the street on which they are addressed. The applicant owns all property abutting the requested closure.
- The City Engineering Department had these comments:
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.

3. The Knoxville Utilities Board had these comments:

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.

Gas - 7.5 feet on each side of the centerline of the gas line, 15 feet total width

Water - 7.5 feet on each side of the centerline of the water line, 15 feet total width

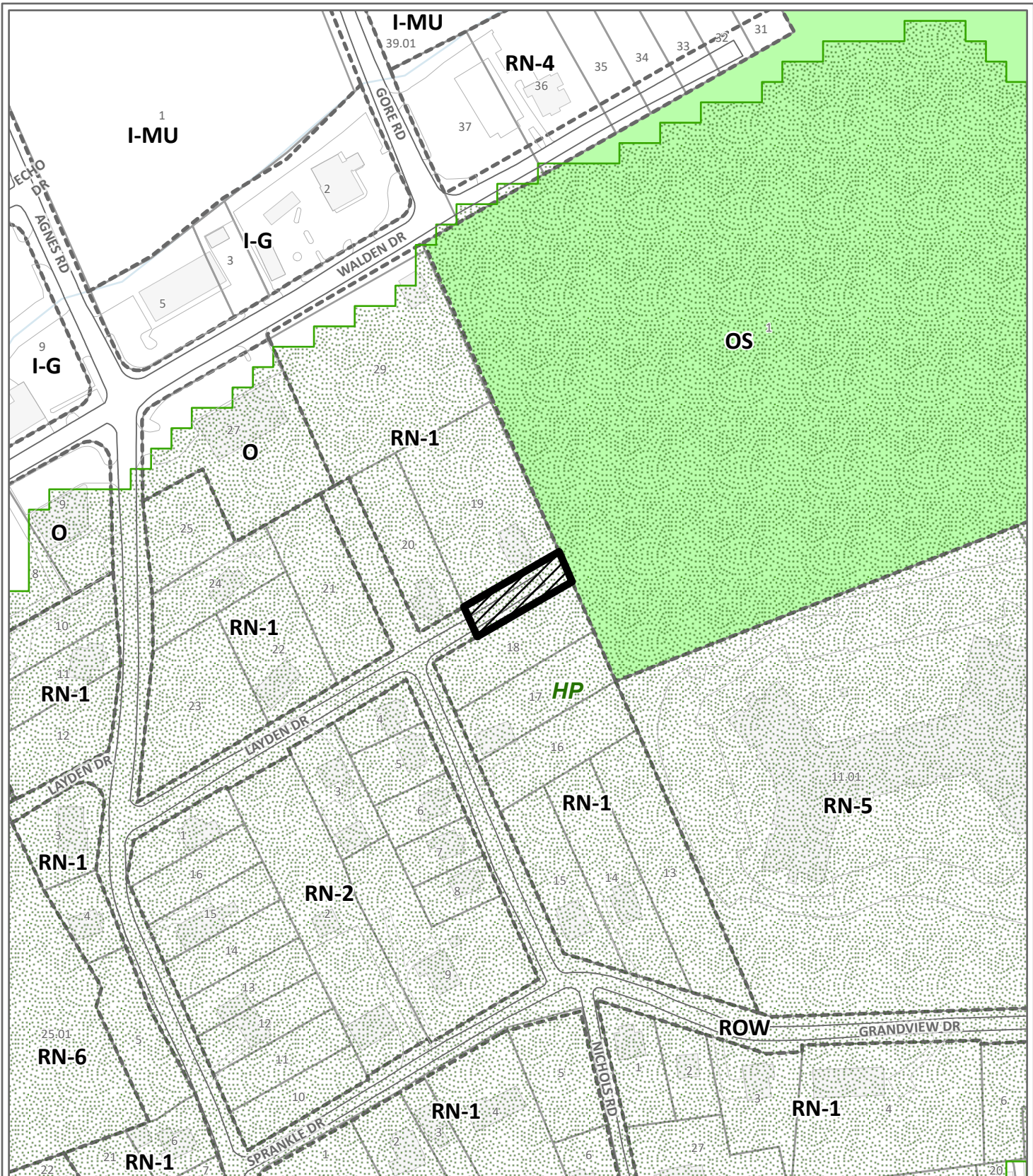
4. The following departments had no objections to the requested closure:

i. The City of Knoxville Fire Department

ii. AT&T

iii. Tennessee Department of Transportation

If approved, this item will be forwarded to Knoxville City Council for action on 1/23/2024 and 2/6/2024. 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

12-A-23-SC

Petitioner: Cherokee Country Club

Name of Street or Alley: Layden Dr.

To be closed from: Southwest corner of 318 Layden Drive

To be closed to: Layden Drive's eastern terminus

Original Print Date: 11/17/2023

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

Map No: 121

Jurisdiction: City

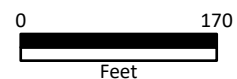
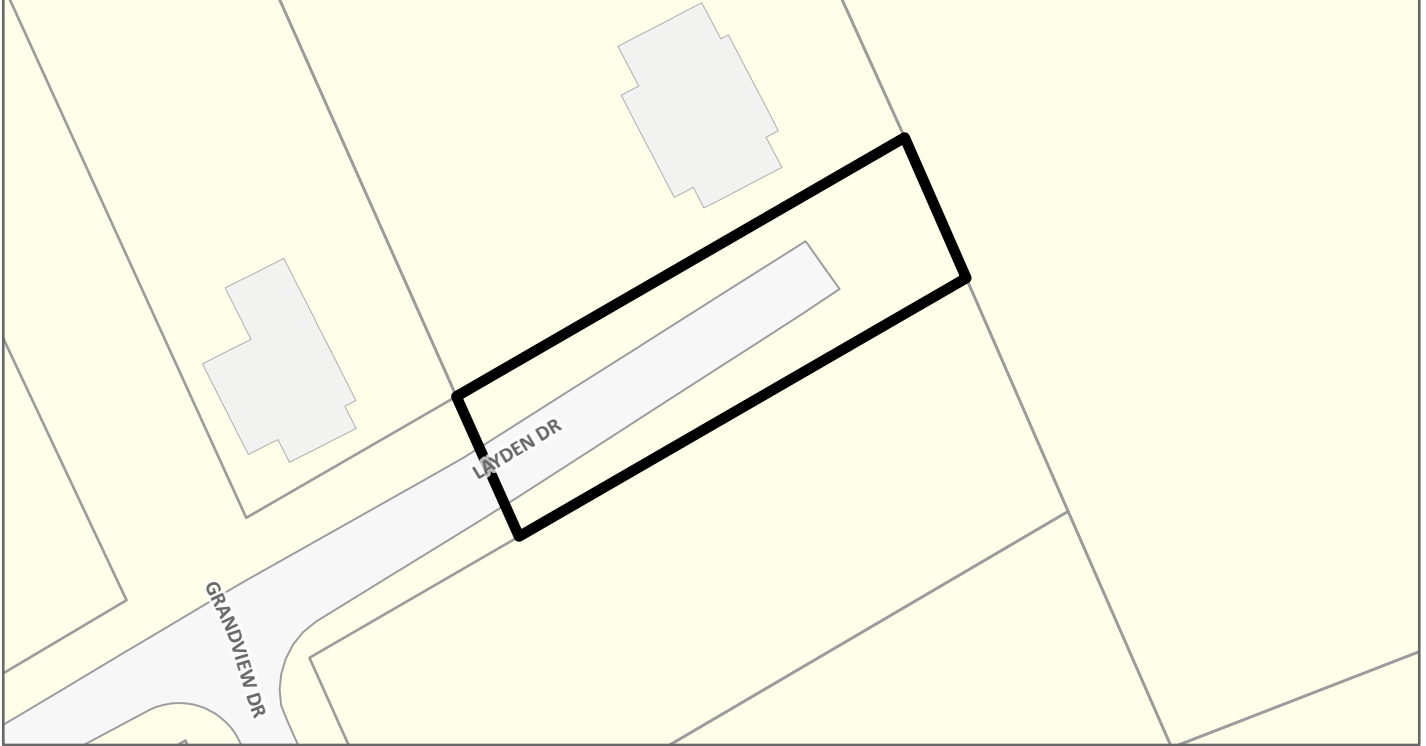


Exhibit A. Contextual Images

Location Map



Aerial Map



CONTEXTUAL MAPS 1

12-A-23-SC



Case boundary



NOVEMBER 1, 2023

Christian Wiberly, Knoxville Utilities Board <Christian.Wiberley@kub.org>
Steve Borden, Regional Director, TN Dept. of Transportation <steve.borden@tn.gov>
Sonny Partin, Fire Marshall <spartin@knoxvilletn.gov>
Ben Davidson, Department of Engineering <bdavidson@knoxvilletn.gov>
Charlotte Goforth, Department of Engineering <cgoforth@knoxvilletn.gov>
Chris Flatford, AT&T <cf2061@att.com>
Jeremy Honeycutt, AT&T <JH309E@att.com>
John Stansbury, AT&T <js0634@att.com>

From: Jessie Hillman, Principal Planner, Knoxville-Knox County Planning

RE: REQUEST CLOSURE OF LAYDEN DRIVE FROM THE SOUTHWEST CORNER OF PARCEL 121BD019 TO ITS TERMINUS AT PARCEL 121BD001. (12-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 December 14, 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, November 27, 2023, will be considered as no objection by your agency.

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



November 21, 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 12-A-23-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.

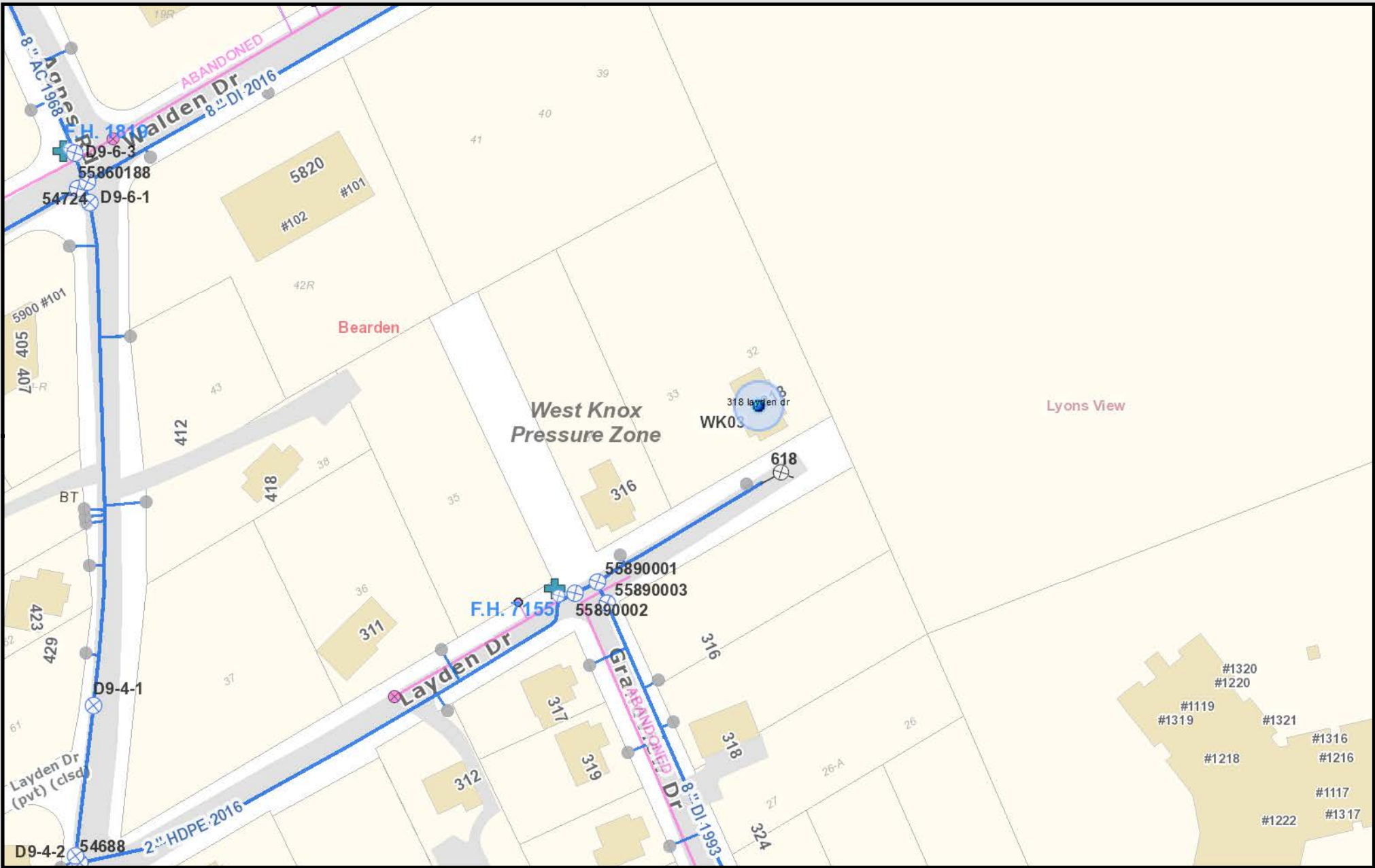
Gas – 7.5 feet on each side of the centerline of the gas line, 15 feet total width
Water – 7.5 feet on each side of the centerline of the water line, 15 feet total width

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".

Christian Wiberley, PE
Engineering

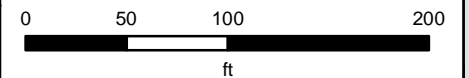


File No. 12-A-23-SC (Water)

Knoxville Utilities Board



Printed: 11/21/2023 at 4:07:53 PM



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 futher 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

November 13, 2023

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

SUBJECT: Closure of a portion of Layden Dr adjacent to 318 Layden Dr
MPC File # 12-A-23-SC; Nearby City Block 49260

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



Dallas DeArmond <dallas.dearmond@knoxplanning.org>

Right-of-Way Closures December 2023

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

Wed, Nov 1, 2023 at 2:07 PM

In reviewing the attached closures applications, no impacts to State owned property or streets has been identified. District 18 has no objection to these requests.

Thank you,



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

Sent: Wednesday, November 1, 2023 10:01 AM

To: Christian Wiberley <Christian.Wiberley@kub.org>; Steve Borden <Steve.Borden@tn.gov>; Sonny Partin <spartin@knoxvilletn.gov>; Ben Davidson <bdavidson@knoxvilletn.gov>; Charlotte Goforth <cgoforth@knoxvilletn.gov>; Chris Flatford <cf2061@att.com>; Jeremy Honeycutt <JH309E@att.com>; John Stansbury <js0634@att.com>

Cc: Jessie Hillman <jessie.hillman@knoxplanning.org>; Amy Brooks <amy.brooks@knoxplanning.org>; Dori Caron <dori.caron@knoxplanning.org>

Subject: [EXTERNAL] Right-of-Way Closures December 2023

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

Good morning everyone,

Please review the four attached right-of-way closure applications for December.

Thank you!

--

Dallas DeArmond
Administrative Assistant II
(865) 215-3810



[Quoted text hidden]



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

RIGHT-OF-WAY CLOSURE

Date Filed: 10/17/2023

Name of Applicant: CHEROKEE COUNTRY CLUB

Jurisdiction: City Council District 2

Sector: West City

Growth Policy Plan: N/A (Within City Limits)

Zoning District: No Zone

File Number: 12-A-23-SC

Meeting Date: 12/14/2023

Fee Amount:

INFORMATION:

Tax ID: 121 B D 019

Add'l. Tax ID Info.:

Name of Right-of-Way: Layden Dr.

Type of Right-of-Way: Street

Location of Right-Of-Way:

BETWEEN (City Block or Lot, where appropriate): 318 Layden Dr

AND (City Block or Lot, where appropriate): 316 Grandview Dr

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

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

Reason for Closure: Cherokee Country Club, Inc. has become the sole owner of the property surrounding Layden Drive from 318 Layden Drive to its Eastern Terminus. Cherokee Country Club, Inc. wishes to close the portion of Layden Drive surrounded by its property, as shown on the attached map, for the purpose of

TO BE CLOSED:

From: (Street, Alley, Other)

Southwest corner of 318 Layden Drive

To: (Street, Alley, Other)

Layden Drive's eastern terminus

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE DIRECTED TO:

Andrew P. Gaither Young, Williams & Theiss, PC

300 Montvue Rd

Knoxville, TN 37919

Telephone: 865-637-1440 Fax:

Email: agaither@ywlawfirm.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.

APPLICATION ACCEPTED BY: Jessie Hillman

11/16/2023 1:01:58 PM

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.

File Number: 12-A-23-SC

Address	Signature	Owner/Tenant/ Option Holder	Agree/Disagree
5331 Lyons View Pike Knoxville, TN			Agree
316 Grandview Dr Knoxville, TN			Agree
318 Layden Dr Knoxville, TN			Agree

(1) Download and fill out this form at your convenience.
(2) Sign the application digitally (or print, sign, and scan).

(3) Either print the completed form and bring it to the
Knoxville-Knox County Planning offices
OR email it to applications@knoxplanning.org

Reset Form



Right-of-Way Closure

Street Alley

APPLICANT INFO

09/29/2023

Date

Cherokee Country Club, Inc.

Applicant Name

Affiliation

December 14th, 2023

Meeting Date (if applicable)

File Number(s)

12-A-23-SC

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

Applicant Owner Option Holder Project Surveyor Engineer Architect/Landscape Architect

Andrew P. Gaither o/b/o Cherokee Country Club, Inc.

Young, Williams & Theiss, PC

Name

Company

300 Montvue Road

Knoxville

TN

37919

Address

City

State

ZIP

(865) 637-1440

agaither@ywlawfirm.com

Phone

Email

CURRENT ROW INFO

Layden Drive

Y

Y

Name of Right-of-Way

In use (Y/N)

Improved (Y/N)
(ex: paved)

REQUEST

From the South West Corner of 318 Layden Drive

Starting point of closure

(from street, alley, city block, lot, etc)

to Layden Drive's Eastern Terminus

Ending point of closure

(to street, alley, city block, lot, etc)

Reason for Closure

Attach separate sheet if needed for explanation

Cherokee Country Club, Inc. has become the sole owner of the property surrounding Layden Drive from 318

Layden Drive to its Eastern Terminus. Cherokee Country Club, Inc. wishes to close the portion of Layden Drive

surrounded by its property, as shown on the attached map, for the purpose of redevelopment.

Provide Map Attach map showing limits of right-of-way proposed for closure.
(drawn to scale)

June 2023

Signature: Shawn Wilkes
Shawn Wilkes (Oct 3, 2023 12:12 EDT)

Email: swilkes@cherokeecountryclub.com

