



CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

▶ FILE #: 12-B-23-SC

AGENDA ITEM #: 11

AGENDA DATE: 12/14/2023

▶ APPLICANT: KNOXVILLE'S COMMUNITY DEVELOPMENT CORPORATION

TAX ID NUMBER: 94 B C 002 003, 004

[View map on KGIS](#)

JURISDICTION: Council District 6

SECTOR PLAN: Central City

GROWTH POLICY PLAN: N/A (Within City Limits)

ZONING: N/A

WATERSHED: East Fork - Third Creek

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

▶ LOCATION: Between Fort Promise Drive and Reed Street

IS STREET:

(1) IN USE?: Yes

(2) IMPROVED (paved)?: Yes

▶ APPLICANT'S REASON FOR CLOSURE: Existing Bonnyman Drive will be slightly relocated to coordinate with KCDC redevelopment.

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

STAFF RECOMMENDATION:

▶ Approve the request to close Bonnyman Drive from Fort Promise Drive to Reed Street, subject to retaining all easements including one condition, since closure would not adversely affect surrounding properties.

1) Maintain a permanent easement for Knoxville Utility Board's electric utility facility spanning 10 ft from the facility centerline, for a total width of 20 ft.

COMMENTS:

1. This request is to close Bonnyman Drive from Fort Promise Drive to Reed Street. This closure is part of a planned redevelopment of the Western Heights community, and would not negatively impact surrounding properties. The applicant owns all property abutting the requested closure.

2. 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-

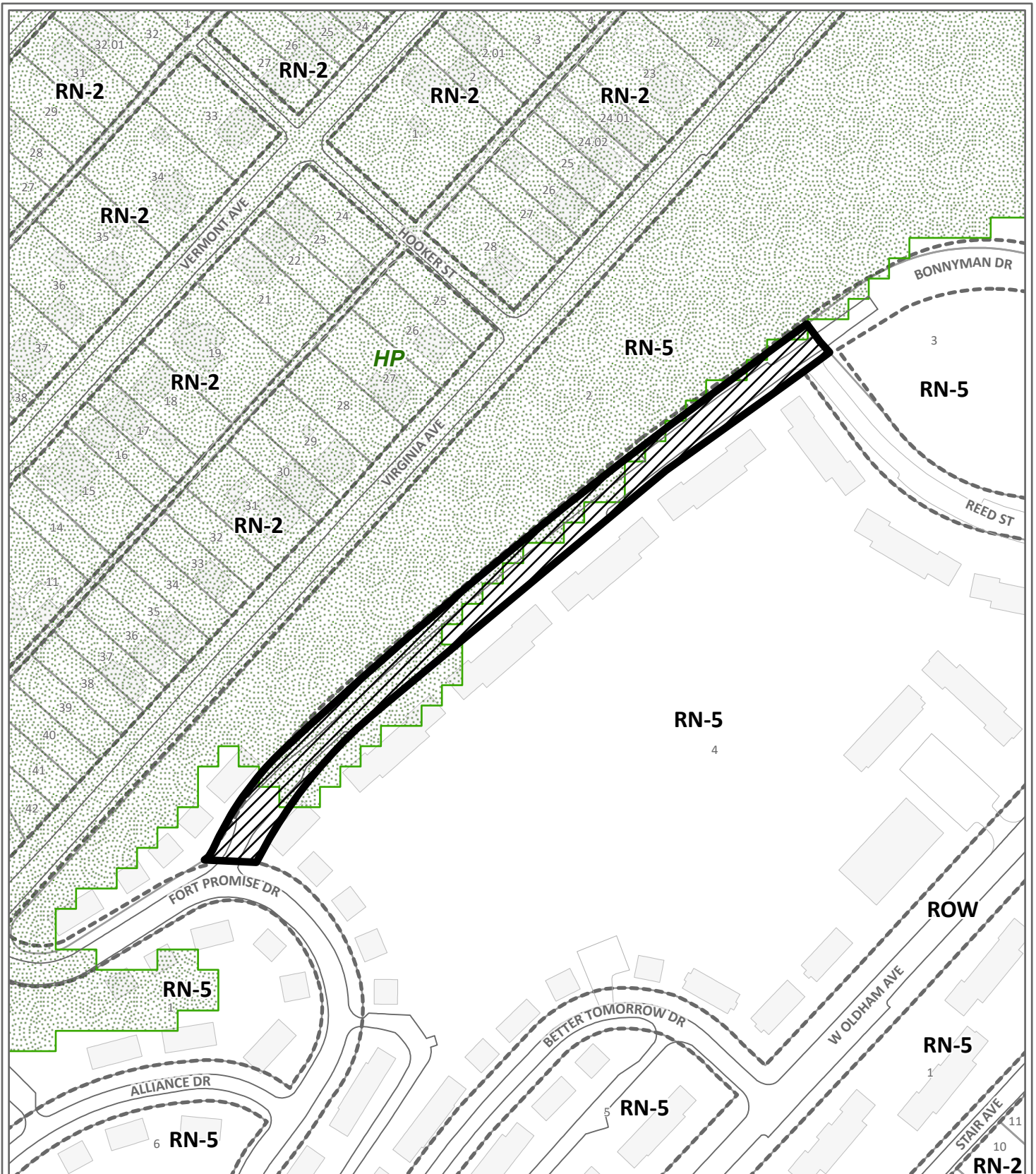
way. The approximate locations of these facilities are indicated on the enclosed prints. However, KUB does not release and hereby retains all easements and rights for existing utility facilities, whether or not shown on these prints. Should this right-of-way be closed, KUB will require the following permanent easements for its utility facilities.

Electric - 10 feet on each side of the centerline of the electric line, 20 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-B-23-SC

Petitioner: Knoxville's Community Development Corporation

Name of Street or Alley: Bonnyman Dr.
 To be closed from: Fort Promise Drive
 To be closed to: Reed Street

Map No: 94
Jurisdiction: City

Original Print Date: 11/17/2023
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

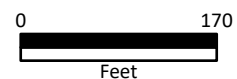
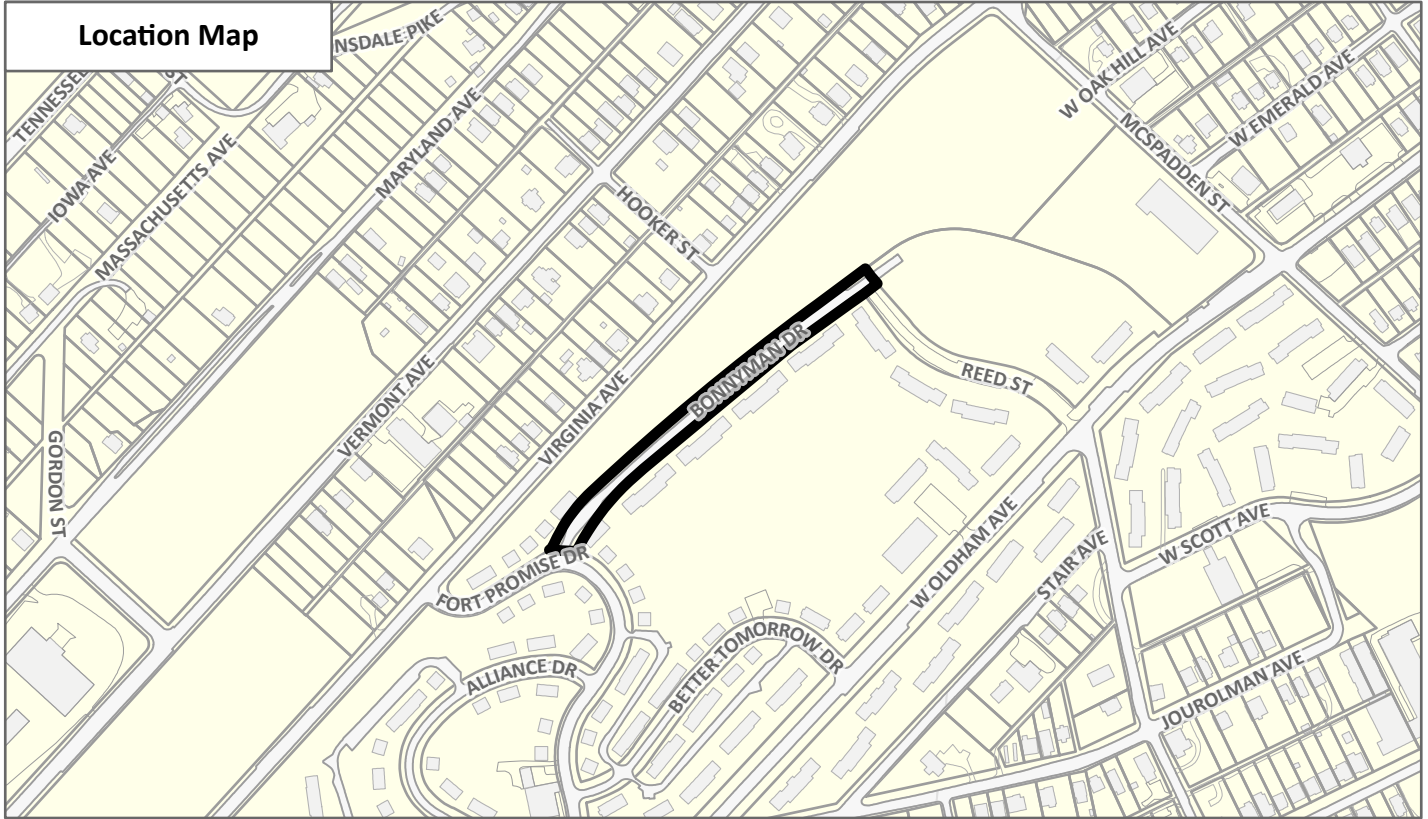


Exhibit A. Contextual Images

Location Map



Aerial Map

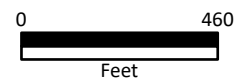


CONTEXTUAL MAPS 1

12-B-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 BONNYMAN DRIVE BETWEEN FORT PROMISE DRIVE AND REED STREET. (12-B-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-B-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.

Electric – 10 feet on each side of the centerline of the electric line, 20 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



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 remaining portion of Bonnyman Dr
MPC File # 12-B-23-SC; Nearby City Block 20140

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: 10/27/2023

Name of Applicant: KNOXVILLE'S COMMUNITY DEVELOPMENT CORPORATION

Jurisdiction: City Council District 6

Sector: Central City

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

Zoning District: C-N (Neighborhood Commercial)

File Number: 12-B-23-SC

Meeting Date: 12/14/2023

Fee Amount:

INFORMATION:

Tax ID: 94 B C 002

Add'l. Tax ID Info.: 003, 004

Name of Right-of-Way: Bonnyman Dr.

Type of Right-of-Way: Street

Location of Right-Of-Way:

BETWEEN (City Block or Lot, where appropriate): Parcel ID 094BC002

AND (City Block or Lot, where appropriate): Parcel ID 094BC004

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

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

Reason for Closure: Existing Bonnyman Drive will be slightly relocated to coordinate with KCDC re-development.

TO BE CLOSED:

From: (Street, Alley, Other)

Fort Promise Drive

To: (Street, Alley, Other)

Reed Street

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE DIRECTED TO:

James Smith CDC, Inc.

2704 Cherokee Farm Way

Knoxville, TN 37920

Telephone: 865-977-9997

Fax:

Email:

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.

James Smith CEC, Inc.

Signature: _____

Knoxville, TN

Telephone:

Fax:

Email:

APPLICATION ACCEPTED BY: Jessie Hillman

11/16/2023 1:04:19 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.

Right-of-Way Closure

Street Alley

APPLICANT INFO

Date _____

KNOXVILLES COMMUNITY DEV CORP

Applicant Name _____ Affiliation _____

December 14, 2023 _____ File Number(s) _____

Meeting Date (if applicable) _____

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

James I. Smith, P.E. _____ CEC, Inc.

Name _____ Company _____

2704 Cherokee Farm Way, Suite 101 _____ Knoxville _____ TN _____ 37920

Address _____ City _____ State _____ ZIP _____

865.977.9997 _____ jsmith@cecinc.com _____

Phone _____ Email _____

CURRENT ROW INFO

Bonnyman Drive and Reed Street _____ y _____ y _____

Name of Right-of-Way _____ In use (Y/N) _____ Improved (Y/N) _____
(ex: paved)

REQUEST

Bonnyman Drive: From Fort Promise Drive _____ Reed Street: From Bonnyman Drive _____

Starting point of closure _____ (from street, alley, city block, lot, etc)

Bonnyman Drive: To Reed Street _____ Reed Street: To W Oldham Avenue _____

Ending point of closure _____ (to street, alley, city block, lot, etc)

Reason for Closure _____ *Attach separate sheet if needed for explanation*

Existing Bonnyman Drive and Reed Street will be slightly relocated to coordinate with KCDC re-development plans for the housing community.

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

STAFF USE ONLY

		Fee 1		Total
Map Number	City Council District	Fee 2		
Planning Sector		Fee 3		

Other Location Information

AUTHORIZATION *By signing below, I certify I am the property owner, applicant or the owners authorized representative.*

Smith, James Digitally signed by Smith, James
DN: E=jsmith@cecinc.com, CN="Smith, James",
OU=Users, OU=Knoxville, DC=cednc, DC=com
Date: 2023.10.23 14:32:36-04'00' **James I. Smith, P.E.** **10/23/2023**

Applicant Signature **865.977.9997** Please Print **jsmith@cecinc.com** Date

Phone Number Email

Staff Signature Please Print Date

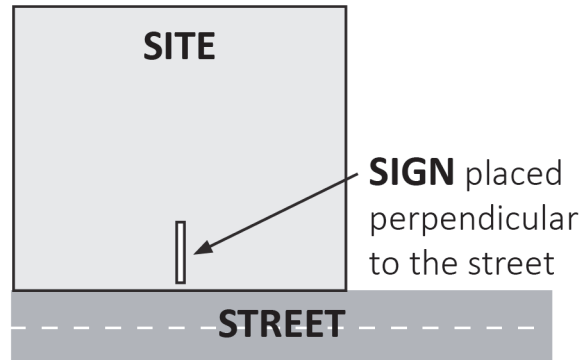
RIGHT-OF-WAY CLOSURE CANVASS FORM

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.

ADDRESS	NAME	SIGNATURE	AGREE	DISAGREE
1500 Fort Promise Dr	Knoxville's County Dev Corp	<i>Ben Beatty</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1203 W. Oldham Ave	Knoxville's County Dev Corp	<i>Ben Beatty</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1331 W. Oldham Ave	Knoxville's County Dev Corp	<i>Ben Beatty</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If more space is needed, attach additional sheets.

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:

_____ and _____
December 1, 2023 December 15, 2023
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: KCDC

Date: 10/27/2023

File Number: 12-B-23-SC & 12-C-23-SC

- Sign posted by Staff
- Sign posted by Applicant