



CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

► **FILE #:** 6-A-23-SC

AGENDA ITEM #: 5

AGENDA DATE: 6/8/2023

► **APPLICANT:** LISA OLIVER

TAX ID NUMBER: 109 N/A
JURISDICTION: Council District 1
SECTOR PLAN: South City
GROWTH POLICY PLAN: N/A (Within City Limits)
ZONING: N/A
WATERSHED: Baker Creek

[View map on KGIS](#)

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

► **LOCATION:** Between the northeast property line of parcel 109GE028 and its southern terminus

IS STREET:
(1) IN USE?:
(2) IMPROVED (paved)?:

► **APPLICANT'S REASON
FOR CLOSURE:** The road has been a dead-end for years.

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 portion of Eakers Road fronting parcel 109GE029, retaining all easements, since the closure would not adversely affect surrounding properties.**

COMMENTS:

1. This request is to close the Eakers Road right-of-way in front of the last 2 properties on Eakers Road, from the northeastern lot line of parcel 109GE028 to its southern terminus. Eakers Road is a public, dead-end street that only runs from its intersection with Haywood Avenue to a point 3 parcels to the south.
2. The applicant is also working with the City to obtain both halves of the portion of Eakers Road to be closed since the property on the other side of the right-of-way is not privately owned.
3. Approval of the closure as requested would create a nonconforming condition that could present a hardship at a future date. The applicant owns the 2 parcels fronting the portion of Eakers Road requested for closure. Upon approval of requested closure, the southernmost property, parcel 109GE029, would no longer have road frontage, so it would not have a legal means of access. The Subdivision Regulations require all properties to either have road frontage or another legal means of access (e.g., an access easement), so approval of the closure as requested would create a nonconforming situation.
4. Therefore, Planning recommends closure of only the portion of the right-of-way fronting the southernmost lot. Once quit claim deeded to the applicant, the closed portion of the Eakers Road right-of-way would become

part of that property and it would have road frontage at the new southern edge of Eakers Road. The vacant parcel, 109GE028, would retain its frontage along Eakers Road since that portion of the street would remain open.

5. The land-locked status of parcel 109GE029 may not present a logistical issue for the property owner while the owner owns both parcels. However, should the requested portion of ROW be closed, and the owner decide to sell that lot in the future, the owner would need to plat the property to create an approvable means of access to serve parcel 109GE029. There is not a means to enforce or regulate this in the eventuality of a sale, so there is no guarantee that, even if a condition were attached to the approval of this request, that future creation of a means of access would occur.

6. Planning cannot recommend approval of a request that would create a nonconforming condition or present a hardship at a future date.

7. The following departments and organizations had these comments:

a. The City Engineering Department:

i. Should this right-of-way be closed, the City will reserve easements for the following drainage facilities and utilities, if there are any current facilities, located in the property 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.

ii. We hereby put the owner on notice that the current applicant's properties with Tax I.D. 109GE028 and 109GE029 currently utilize this closure as public access and connection to the nearest intersecting public right-of-way of Haywood Ave. The owner would have to provide approvable access to Haywood Dr in the event of any future conveyances. City Engineering will not approve any future public access for these properties to Sevierville Pike, which lies south of the properties.

b. KUB: 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.

i. Water: 7.5 feet on each side of the centerline of the water line, 15 feet total width

8. The following agencies had no comments:

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 7/11/2023 and 7/25/2023. 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

6-A-23-SC

Petitioner: Oliver

Name of Street or Alley: Eakers St.

To be closed from: the northeast property line of parcel 109GE028

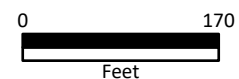
To be closed to: its southern terminus

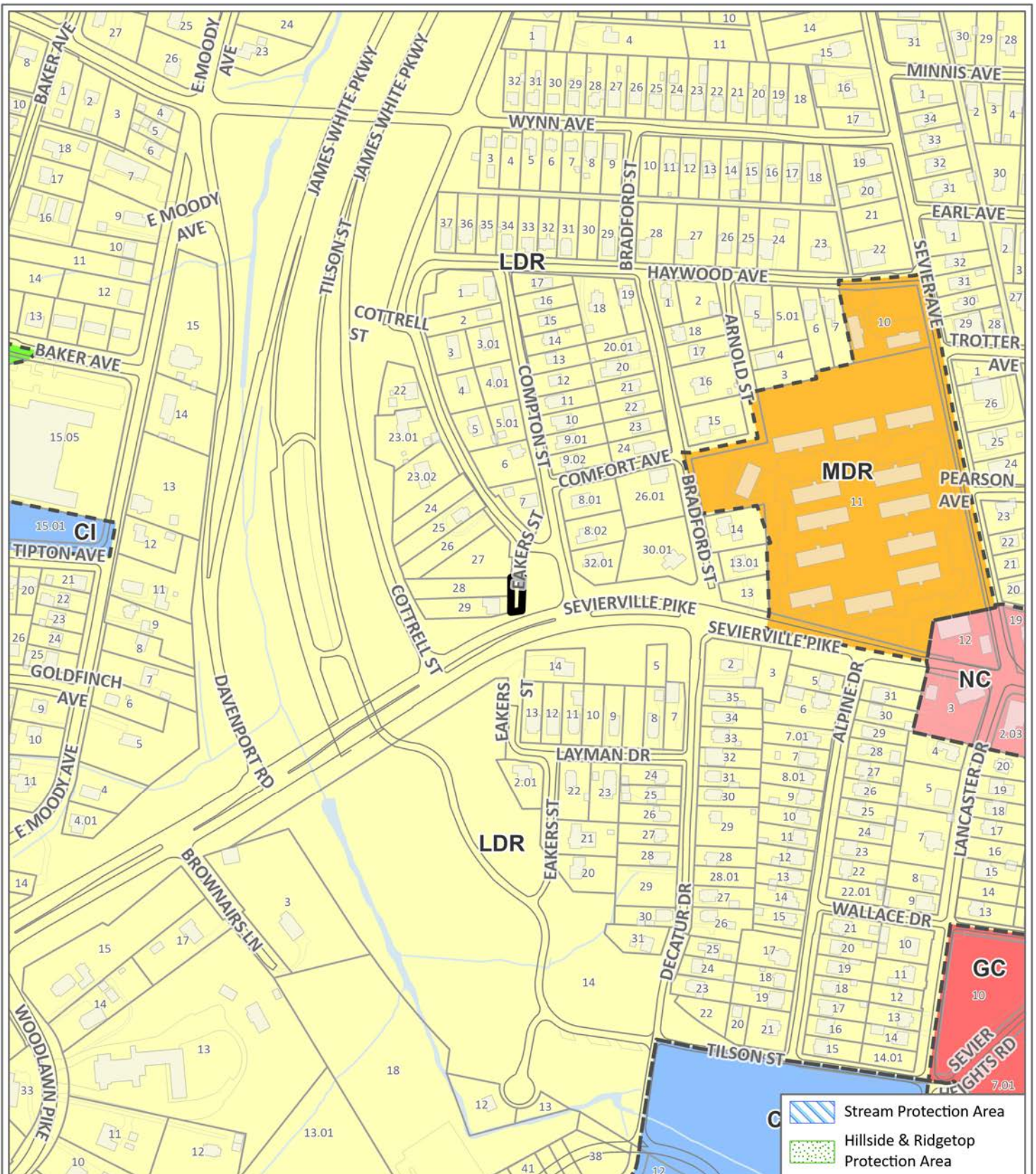
Original Print Date: 5/9/2023

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

Map No: 109

Jurisdiction: City





SOUTH CITY SECTOR PLAN MAP

6-A-23-SC

Petitioner: Oliver



Case boundary

Original Print Date: 5/16/2023

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

Map No: 109

Jurisdiction: City



APRIL 28, 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 EAKERS RD FROM ITS SOUTHERN TERMINUS TO THE NORTHEAST PROPERTY LINE OF PARCEL 109GE028 (6-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 June 8, 2023. A map showing the street or alley in question is attached for your information.

Planning's reviewer will be out of the office 5/15-5/26, returning on 5/30 (5/29 is Memorial Day). Therefore, we are asking for review comments to be submitted by Thursday, May 11th if that is at all possible.

PLEASE NOTE: Failure to reply to our office with review comments will be considered as no objection by your agency.

C: Jeff Welch, Executive Director, Knoxville-Knox County Planning
Attachment: Application



Michelle Portier <michelle.portier@knoxplanning.org>

ROW closure request 6-A-23-SC and 6-B-23-SC

STANSBURY, JOHN G <js0634@att.com>

Tue, May 2, 2023 at 10:19 AM

To: Michelle Portier <michelle.portier@knoxplanning.org>

Michelle,

AT&T has no issues with these changes.

Thank you,

John Stansbury

Manager OSP Planning and Engineering Design

Access Construction & Engineering

Tennessee/Kentucky District

AT&T – BellSouth Telecommunications, LLC

9733 Parkside Dr, Knoxville, TN 37922

865-604-1889 | js0634@att.com

[Quoted text hidden]



Michelle Portier <michelle.portier@knoxplanning.org>

ROW closure request 6-A-23-SC and 6-B-23-SC

Steve Borden <Steve.Borden@tn.gov>

Wed, May 3, 2023 at 10:12 AM

To: Michelle Portier <michelle.portier@knoxplanning.org>

Ms. Portier:

The Department has no comment on either of these ROW closure requests. If you have further questions, please let me know.

Sincerely,

Steven M. Borden, P.E.

Director/Assistant Chief Engineer

TDOT – Region 1

as

From: Michelle Portier <michelle.portier@knoxplanning.org>

Sent: Monday, May 1, 2023 9:19 AM

To: John Stansbury <js0634@att.com>; Steve Borden <Steve.Borden@tn.gov>; Christian Wiberley <christian.wiberley@kub.org>; Chris Flatford <cf2061@att.com>; Ben Davidson <bdavidson@knoxvilletn.gov>; Sonny Partin <spartin@knoxvilletn.gov>; Jeremy Honeycutt <jh309e@att.com>

Cc: Charlotte Goforth <cgoforth@knoxvilletn.gov>; Erin Gill <egill@knoxvilletn.gov>; Harold Cannon <hcannon@knoxvilletn.gov>; Tom Clabo <tclabo@knoxvilletn.gov>; Chris Howley <chowley@knoxvilletn.gov>; Jeff Welch <jeff.welch@knoxplanning.org>

Subject: [EXTERNAL] Fwd: ROW closure request 5-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. *****

Hi all,

[Quoted text hidden]



May 3, 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 6-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.

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

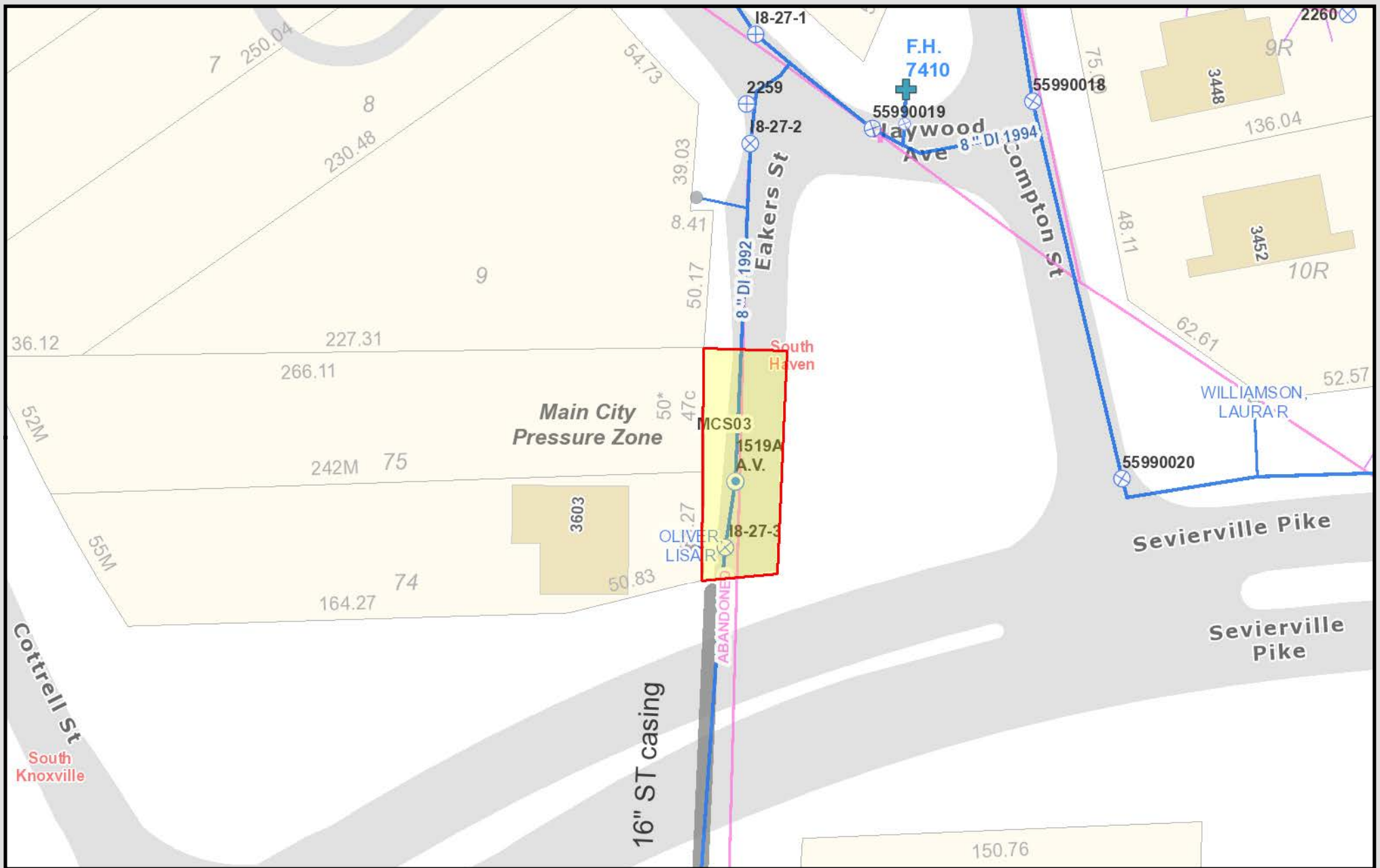
If you have any questions regarding this matter, please call me at (865) 558-2483.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Wiberley".

Christian Wiberley, PE
Engineering

CGW



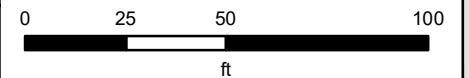
File No. 6-A-23-SC (Water)

Knoxville Utilities Board

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 further 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.



Printed: 5/3/2023 at 10:33:50 AM





CITY OF KNOXVILLE

Engineering
Benjamin D. Davidson, PLS
Technical Services Administrator

May 3, 2023

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

SUBJECT: Closure of a portion of Eakers Rd
Planning File # 6-A-23-SC

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:

1. 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.
2. Hereby, put owner on notice that the current applicant's properties with Tax I.D. 109GE028 and 109GE029 currently utilize this closure as public access and connection to the nearest intersecting public right-of-way of Haywood Ave. The owner would have to provide approvable access to Haywood Dr in the event of any future conveyances. City Engineering will not approve any future public access for these properties to Sevierville Pike, which lies south of the properties.

Sincerely,

Benjamin D. Davidson, PLS, Technical Services Administrator
Technical Services/Department of Engineering
Ph: 865-215-2103



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

RIGHT-OF-WAY CLOSURE

Date Filed: 4/24/2023

Name of Applicant: LISA OLIVER

Jurisdiction: City Council District 1

Sector: South City

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

Zoning District: N/A

File Number: 6-A-23-SC

Meeting Date: 6/8/2023

Fee Amount: \$1,000.00

INFORMATION:

Tax ID: 109 N/A

Add'l. Tax ID Info.:

Name of Right-of-Way: Eakers St.

Type of Right-of-Way: Street

Location of Right-Of-Way:

BETWEEN (City Block or Lot, where appropriate): Compton St

AND (City Block or Lot, where appropriate): Cottrell St

Is ROW in use (yes/no)?:

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

Reason for Closure: The road has been a dead-end for years.

TO BE CLOSED:

From: (Street, Alley, Other)

the northeast property line of parcel 109GE028

To: (Street, Alley, Other)

its southern terminus

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE DIRECTED TO:

Lisa Oliver

3603 Eakers Rd

Knoxville, TN 37920

Telephone: 865-604-6637

Fax:

Email: onyxgrave@yahoo.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.

Lisa Oliver

Signature: _____

3603 Eakers Rd

Knoxville, TN 37920

Telephone: 865-604-6637

Fax:

Email: onyxgrave@yahoo.com

APPLICATION ACCEPTED BY: Michelle Portier

5/17/2023 8:02:01 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.



RIGHT-OF-WAY CLOSURE

Name of Applicant: Lisa Oliver
Date Filed: 4/18/2023 Fee Paid: 4/18/23 File Number: 6-A-23-SC
Map Number: 109 Zoning District: n/a ☒ City ☐ County Sector: South City
Jurisdiction: ☒ City 1st Council District

INFORMATION:

Name of Right-of-Way: Eakers Rd
Type of Right-of-Way: ☒ Street ☐ Alley
Location of Right-of-Way:
BETWEEN (City Block or Lot where appropriate) 109GE28 road in front ^{southern terminus of Haywood Ave}
AND (City Block or Lot where appropriate) 109GE29 road in front ^{Sevierville Pl}
Right-of-Way is: In Use ☐ Yes ☒ No Improved (example: paved) ☒ Yes ☐ No
Reason for Closure: road has been cut off as Dead-end for years.

TO BE CLOSED:

From: (Street, Alley, Other) <u>Eakers RD in front of 109GE28</u> <u>southern terminus of Eaker St.</u>	To: (Street, Alley, Other) <u>Eakers RD in front of 109GE29</u> <u>the northeast property line of</u> <u>parcel 109GE028</u>
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ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Lisa Oliver 3603 Eakers RD Knoxville TN 37920 onyxgrave@yahoo.com
Name: (Print) Address • City • State • Zip • Phone • Email
8656046637

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: Lisa Oliver

Lisa Same as above
Name: (Print) Address • City • State • Zip • Phone • Email

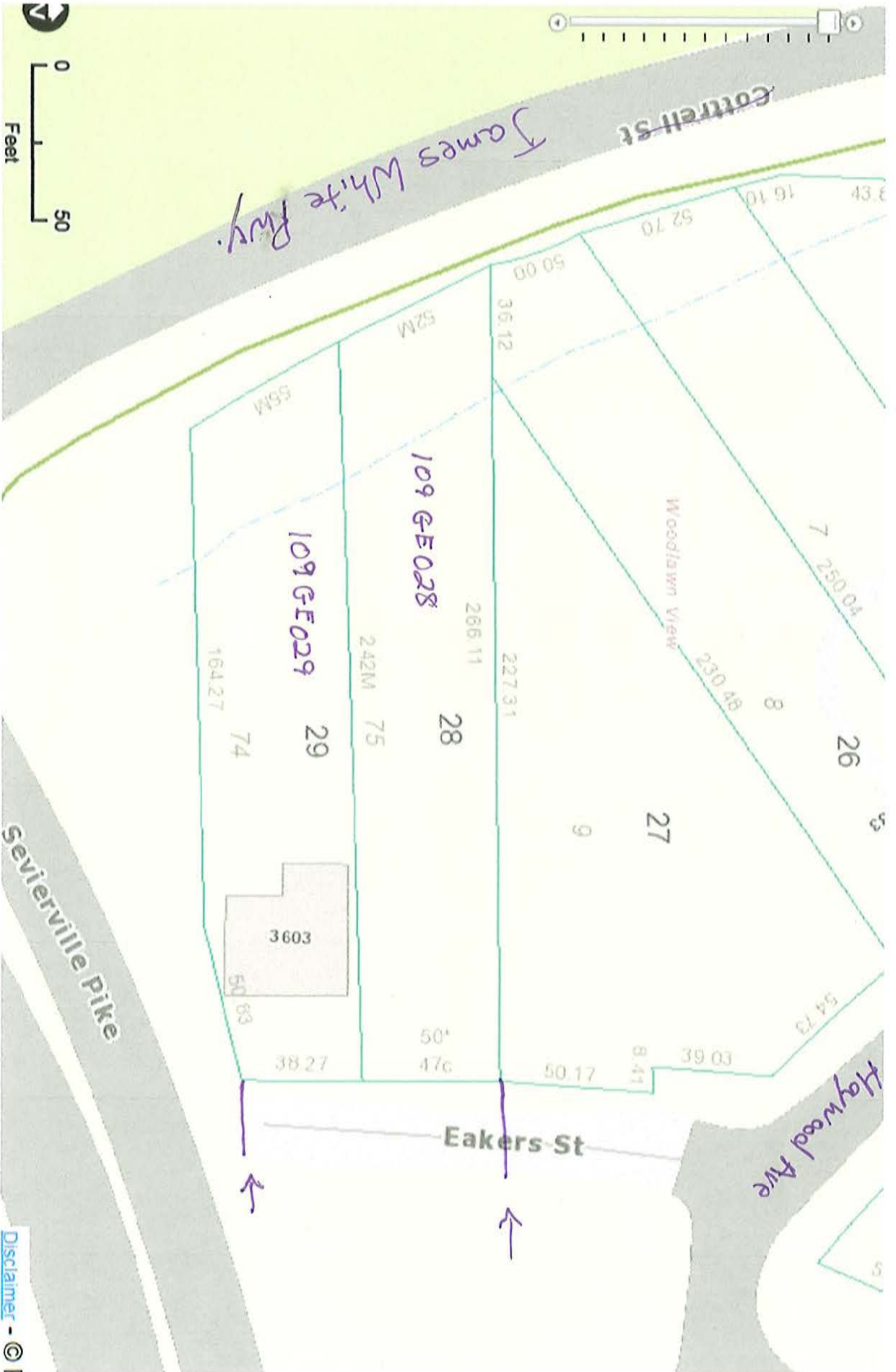
APPLICATION ACCEPTED BY:

Inf

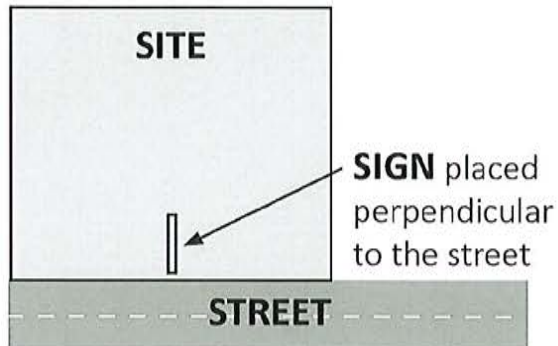
RIGHT-OF-WAY CLOSURE CANVASS FORM

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.

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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 _____
 May 26, 2023 June 9, 2023
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Lisa Oliver

Date: 4/18/2023

File Number: 6-A-23-SC



Sign posted by Staff



Sign posted by Applicant