



CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

▶ FILE #: 5-A-23-SC

AGENDA ITEM #: 5

AGENDA DATE: 5/11/2023

▶ APPLICANT: CHEROKEE COUNTRY CLUB

TAX ID NUMBER: 121 N/A

JURISDICTION: Council District 2

SECTOR PLAN: West City

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

ZONING: N/A

WATERSHED: Fourth Creek

[View map on KGIS](#)

▶ RIGHT-OF-WAY TO BE CLOSED: Opal Ave.

▶ LOCATION: Between its intersection with Gore Rd and its eastern terminus

IS STREET:

(1) IN USE?: Yes

(2) IMPROVED (paved)?: Yes

▶ APPLICANT'S REASON FOR CLOSURE: Opal Avenue is a dead end street terminating at Cherokee Country Club, Inc.'s property. Cherokee Country Club, Inc. is the sole owner of all property abutting the southern border of Opal Avenue. Cherokee Country Club, Inc. desires to close Opal Avenue to allow for the redevelopment of this property.

DEPARTMENT-UTILITY REPORTS: AT&T and the City of Knoxville Engineering Department have requested to retain all easements that may be in place.

STAFF RECOMMENDATION:

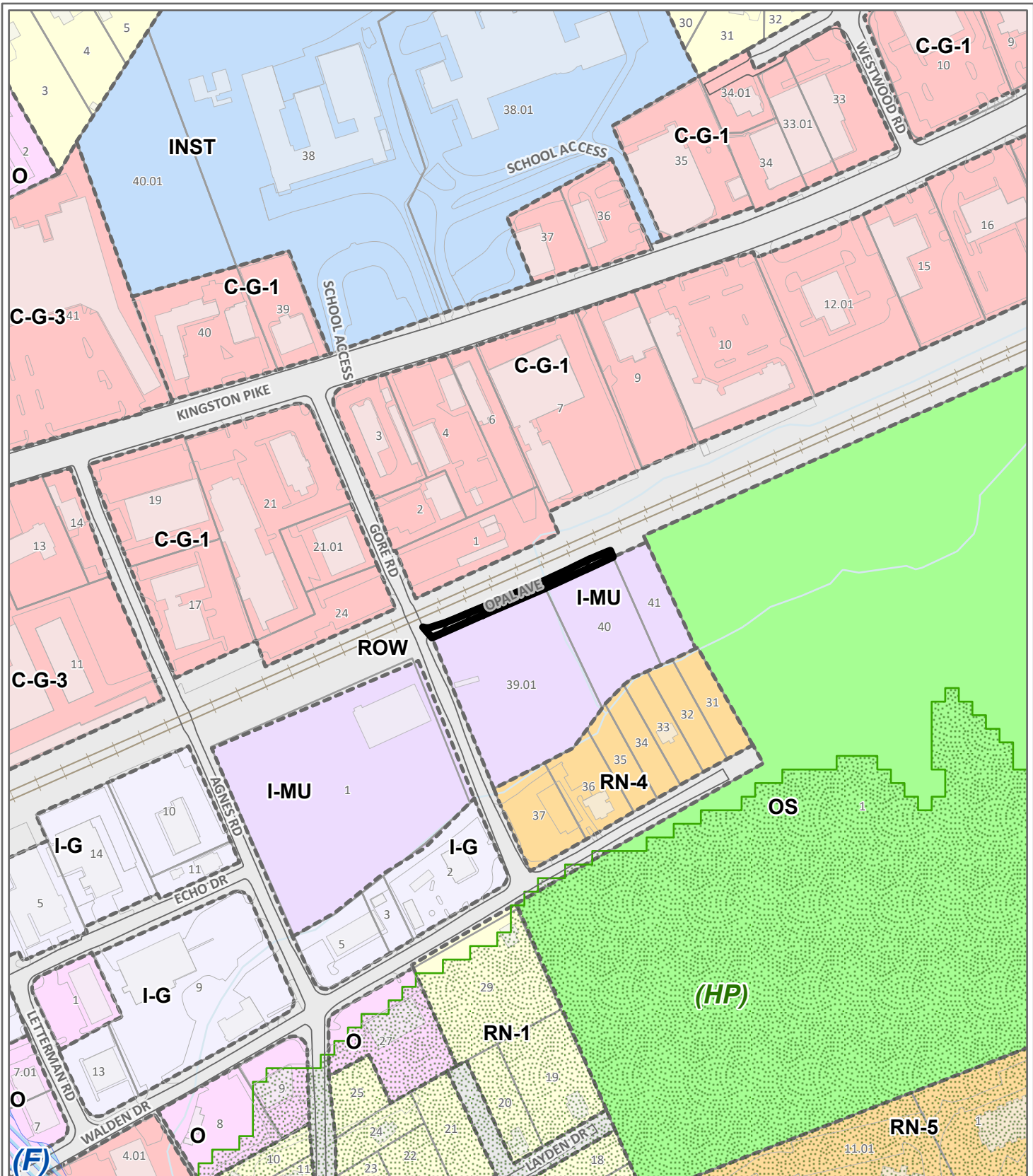
▶ Approve the request to close Opal Avenue, subject to retaining all easements, since staff has received no objections and closure would not adversely affect surrounding properties.

COMMENTS:

1. This is a request to close Opal Avenue in its entirety. This public street only runs from its intersection with Gore Road to a point 3 parcels to the east, terminating at the northeast property line of parcel 121DB041.
2. The 3 parcels fronting Opal Avenue are owned by Cherokee Country Club, which has plans to redevelop these properties with the main site. Therefore, these properties would no longer require access off of Opal Avenue and would not be adversely affected by the closure.
3. Staff has received no objections from the general public.
4. The following departments and organizations had these comments:
 - a. The City Engineering Department has no objections to close the above-described right-of-way. Should this right-of-way be closed, the City will reserve easements for all drainage facilities and utilities, if any, located within five (5) feet of the property described herein. If 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 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. Electric: 10 feet on each side of the centerline of the electric line, 20 feet total width
 - ii. Water: 10 feet on each side of the centerline of the water line, 20 feet total width
 - c. TDOT had no objections to the closure request.
 - d. The City of Knoxville Fire Department had no objections to the closure request.
 - e. AT&T had no objections to the closure request.

If approved, this item will be forwarded to Knoxville City Council for action on 6/13/2023 and 6/27/2023. 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

5-A-23-SC

Petitioner: Cherokee Country Club

Name of Street or Alley: Opal Ave.

To be closed from: Its intersection with Gore Rd

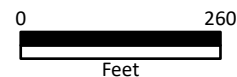
To be closed to: Its eastern terminus

Original Print Date: 4/17/2023

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

Map No: 121

Jurisdiction: City



APRIL 4, 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 OPAL AVENUE FROM ITS INTERSECTION WITH GORE RD. TO ITS EASTERN TERMINUS. (5-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 May 11, 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, April 24, 2023 will be considered as no objection by your agency.

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



April 17, 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 5-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.

Electric – 10 feet on each side of the centerline of the electric line, 20 feet total width
Water – 10 feet on each side of the centerline of the water line, 20 feet total width

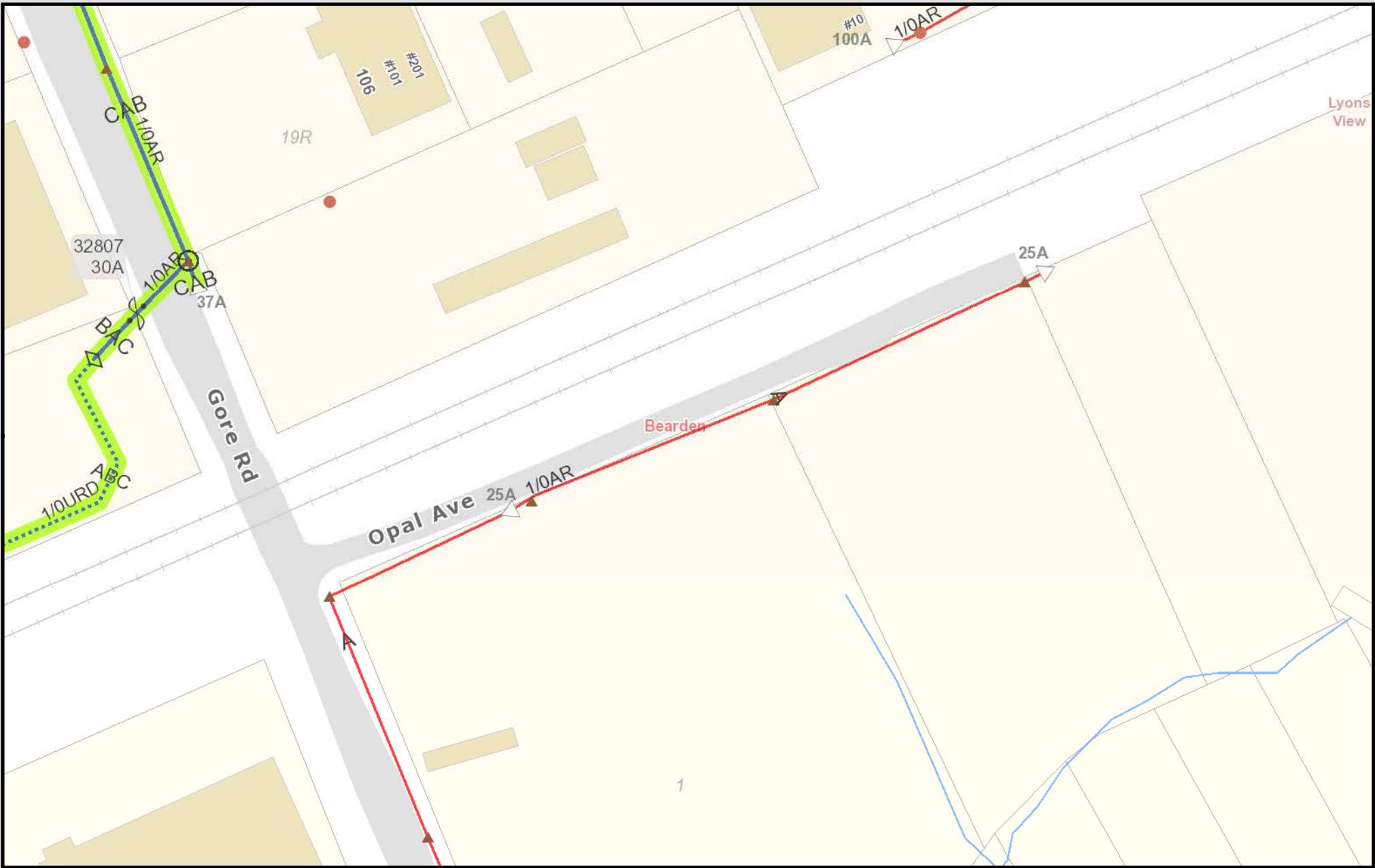
If you have any questions regarding this matter, please call me at (865) 558-2483.

Sincerely,

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

Christian Wiberley, PE
Engineering

CGW

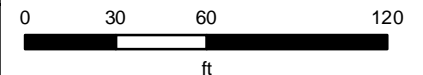


File No. 5-A-23-SC (Electric)

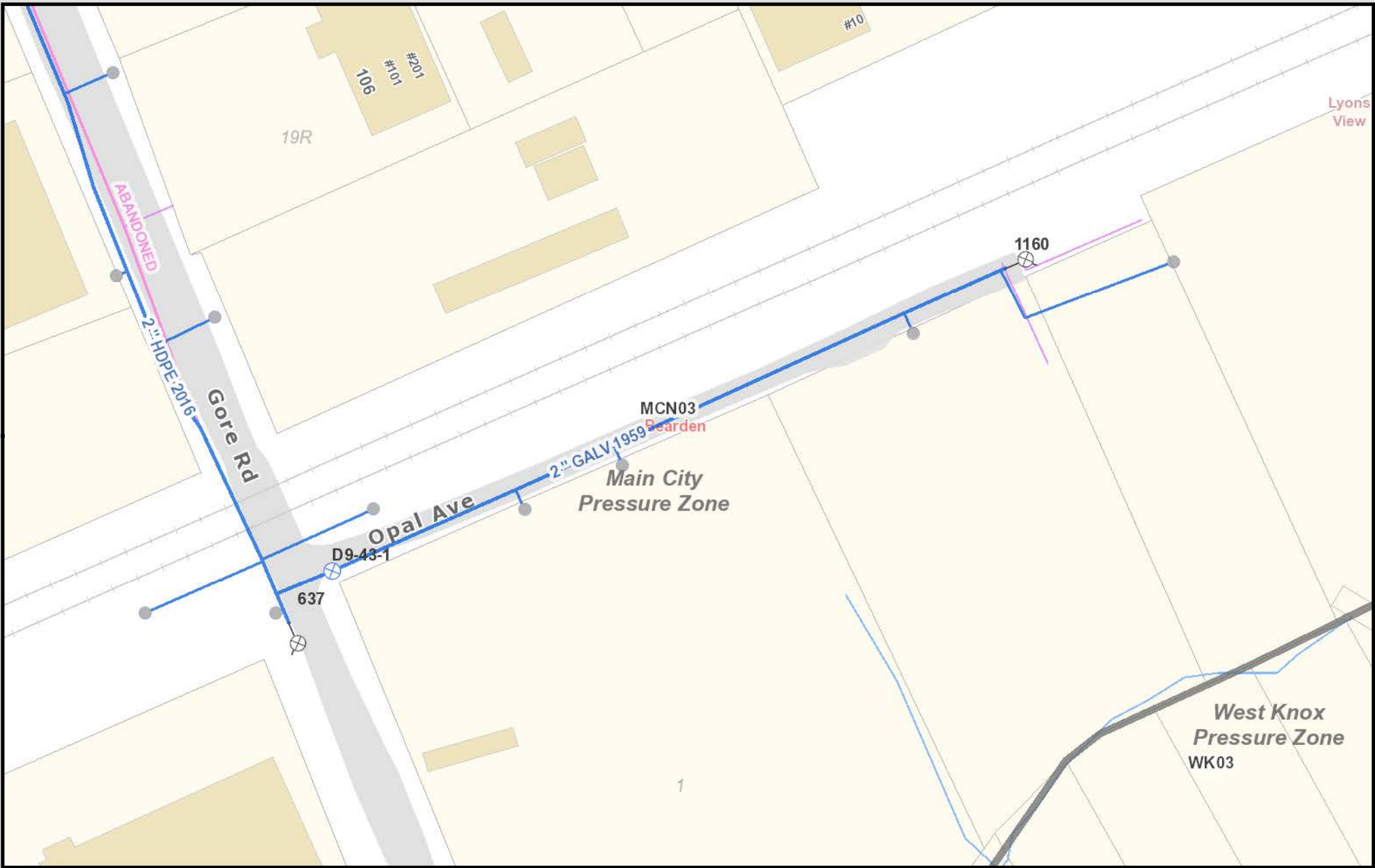


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Knoxville Utilities Board



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 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.

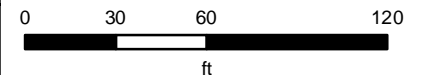


File No. 5-A-23-SC (Water)

Knoxville Utilities Board



Printed: 4/17/2023 at 4:24:04 PM



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Dori Caron <dori.caron@knoxplanning.org>

ROW closure request 5-A-23-SC

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

Tue, Apr 11, 2023 at 9:37 AM

The Department has no comment/opposition to ROW closure request 5-A-23-SC.

Sincerely,

Steven M. Borden, P.E.

Director/Assistant Chief Engineer

TDOT – Region 1

as

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

Sent: Tuesday, April 4, 2023 10:54 AM

To: Jeff Welch <jeff.welch@knoxplanning.org>; 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>

Subject: [EXTERNAL] 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. *****

[Quoted text hidden]



CITY OF KNOXVILLE

Engineering
Benjamin D. Davidson, PLS
Technical Services Administrator

April 10, 2023

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

SUBJECT: Closure of Opal Ave
MPC File # 5-A-23-SC

The City Engineering Department has no objections to close the above-described right-of-way. Should this right-of-way be closed, the City will reserve easements for all drainage facilities and utilities, if any, located in or within five (5) feet of the property described herein. If 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,

A handwritten signature in green ink that reads "Benjamin D. Davidson".

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

ROW closure request 5-A-23-SC

Sonny Partin <spartin@knoxvilletn.gov>
To: Dori Caron <dori.caron@knoxplanning.org>

Wed, Apr 5, 2023 at 9:29 AM

Approved Dori, thanks.



Asst. Chief Sonny Partin, CFPS
Fire Marshal, Knoxville Fire Dept.
400 Main St. Suite 446
Knoxville, TN 37902
Office: 865-215-2283

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

Sent: Tuesday, April 4, 2023 10:54 AM

To: Jeff Welch <jeff.welch@knoxplanning.org>; 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>

Subject: ROW closure request 5-A-23-SC

Good morning,

Only one request for the May 11, 2023 Planning Commission meeting.

Dori Caron

Senior Administrative Assistant

Direct Line: 865-215-2694

Email: dori.caron@knoxplanning.org



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

RIGHT-OF-WAY CLOSURE

Date Filed: 4/6/2023

Name of Applicant: CHEROKEE COUNTRY CLUB

Jurisdiction: City Council District 2

Sector: West City

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

Zoning District: N/A

File Number: 5-A-23-SC

Meeting Date: 5/11/2023

Fee Amount: \$1,000.00

INFORMATION:

Tax ID: 121 N/A

Add'l. Tax ID Info.:

Name of Right-of-Way: Opal Ave.

Type of Right-of-Way: Street

Location of Right-Of-Way:

BETWEEN (City Block or Lot, where appropriate): Kingston Pk.

AND (City Block or Lot, where appropriate): Walden Dr., Block 49330

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

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

Reason for Closure: Opal Avenue is a dead end street terminating at Cherokee Country Club, Inc.'s property. Cherokee Country Club, Inc. is the sole owner of all property abutting the southern border of Opal Avenue. Cherokee Country Club, Inc. desires to close Opal Avenue to allow for the redevelopment of this property.

TO BE CLOSED:

From: (Street, Alley, Other)

its intersection with GoreRd

To: (Street, Alley, Other)

its eastern terminus

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE DIRECTED TO:

Cherokee Country Club

5138 Lyons View Pk

Knoxville, TN 37919

Telephone:

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.

Cherokee Country Club, Inc.

Signature: _____

5138 Lyons View Pk

Knoxville, TN 37919

Telephone:

Fax:

Email:

APPLICATION ACCEPTED BY: Michelle Portier 4/18/2023 3:58:21 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.



Planning
KNOXVILLE | KNOX COUNTY

RIGHT-OF-WAY CLOSURE

Name of Applicant: Cherokee Country Club, Inc.

Date Filed: _____ Fee Paid: _____ File Number: _____

Map Number: 121 Zoning District: RN-4 City County Sector: West City

Jurisdiction: City 2 Council District

INFORMATION:

Name of Right-of-Way: Opal Avenue

Type of Right-of-Way: Street Alley

Location of Right-of-Way:

BETWEEN (City Block or Lot where appropriate) The intersection of Gore Road and Opal Avenue.

AND (City Block or Lot where appropriate) The Western dead end of Opal Avenue.

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

Reason for Closure: Opal Avenue is a dead end street terminating into Cherokee Country Club, Inc.'s property. Cherokee Country Club, Inc. is the sole owner of all property abutting the Southern border of Opal Avenue. Cherokee Country Club, Inc. desires to close Opal Avenue to allow for the re-development of its property.

TO BE CLOSED:

From: (Street, Alley, Other)
The intersection of Gore Road and Opal Avenue.

To: (Street, Alley, Other)
The ~~Western~~ dead end of Opal Avenue.
Eastern

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Andrew Gaither 300 Montvue Rd. Knoxville, Tennessee, 37919 (865) 637-1440 agaither@ywlawfirm.com
Name: (Print) Address • City • State • Zip • Phone • Email

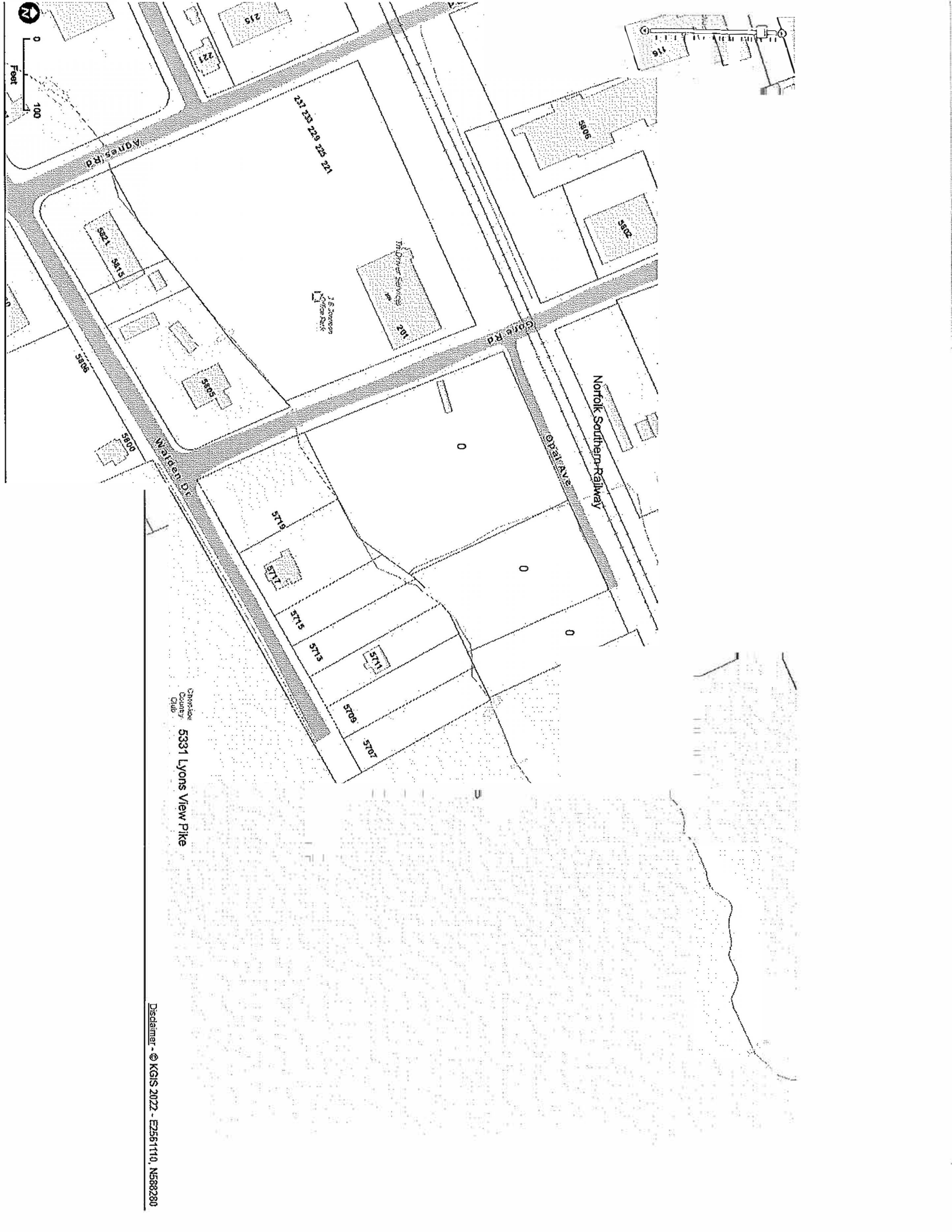
AUTHORIZATION OF APPLICATION:

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: *Andrew P. Gaither*

Andrew Gaither 300 Montvue Rd. Knoxville, Tennessee, 37919 (865) 637-1440 agaither@ywlawfirm.com
Name: (Print) Address • City • State • Zip • Phone • Email

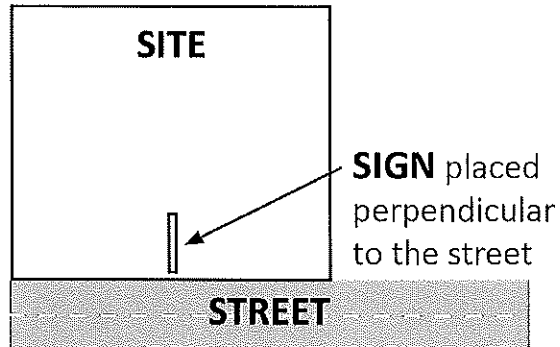
APPLICATION ACCEPTED BY:



Cherokee
County
GDP
5331 Lyons View Pike

Disclaimer - © KGIS 2022 - E2561110, N568280

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:

April 28, 2023 and May 13, 2023
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Cherokee Country Club

Date: 3/23/23

File Number: 5-A-23-SC

- Sign posted by Staff
- Sign posted by Applicant