



CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

▶ FILE #: 11-A-23-SC

AGENDA ITEM #: 5

AGENDA DATE: 11/9/2023

▶ APPLICANT: ANDREW BYRD

TAX ID NUMBER:	94 N/A	<u>View map on KGIS</u>
JURISDICTION:	Council District 3	
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: Unnamed St.

▶ LOCATION: Between the northwest corner of parcel 094HJ002 and the northeast corner of parcel 094HJ002

IS STREET:

(1) IN USE?: No

(2) IMPROVED (paved)?: No

▶ APPLICANT'S REASON FOR CLOSURE: Closure requested to develop lots 187-189 and lot 22. Closure would grant additional land to lot 22 and potentially increase total acreage in order to further subdivide lot 22. Furthermore, closure is needed to grant access to the lots, as the right-of-way is inaccessible due to a KUB sub-station.

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 the unnamed street between the northwest and northeast corners of parcel 094HJ002, subject to retaining all easements and one condition, since closure would not adversely affect surrounding properties.

1) Maintain an easement boundary along the KUB water line utility in the right-of-way as follows: 10 ft on the north side of the centerline of the water line and 15 ft on the south side of the centerline of the water line, for a total width of 25 ft.

COMMENTS:

1. This request is to close an unimproved and unnamed right-of-way between the northwest and northeast corners of parcel 094HJ002. The right-of-way lies from the eastern bend of Richmond Avenue to the west of its intersection with Joseph Schofield Street. Closing this right-of-way would not negatively impact surrounding properties, as all surrounding parcels have access to the street on which they are addressed. The applicant owns all property abutting the subject right-of-way.
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. KUB initially opposed the closure, but came to an agreement with the applicant and revised their comment as follows:

Regarding the right-of-way closure application #11-A-23-SC that was sent to KUB for comment on 9/27/2023, KUB provided an opposition letter dated 10/10/2023 due to existing water utilities present in the right-of-way. I wanted to reach out to your office to provide an update on the matter:

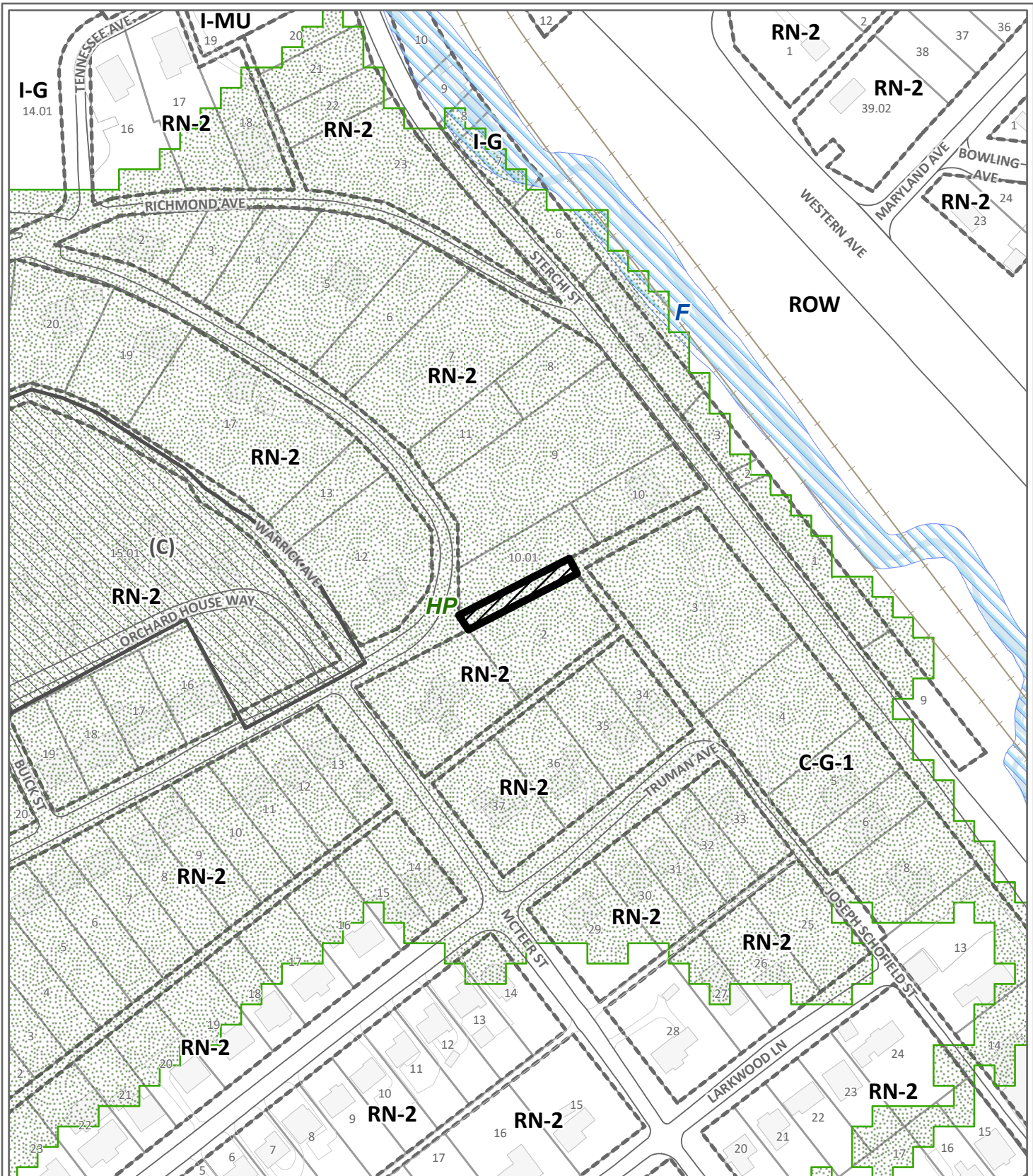
The applicant has contacted KUB and worked with us on the utility concerns and easement needs to ensure the safety, accessibility, and future replacement of our water utilities. Therefore, KUB is acceptable to the right-of-way closure, provided that the following permanent easements are provided for its utilities.

Water -- 10 feet on the north side of the centerline of the water line, 15 feet on the south side of the centerline of the water line, 25 feet in 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 12/12/2023 and 1/9/2024. 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

11-A-23-SC

Petitioner: Byrd

Name of Street or Alley: Unnamed St.

To be closed from: Richmond Avenue

To be closed to: Joseph Schofield Street

Original Print Date: 10/11/2023

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

Map No: 94
Jurisdiction: City

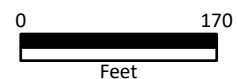
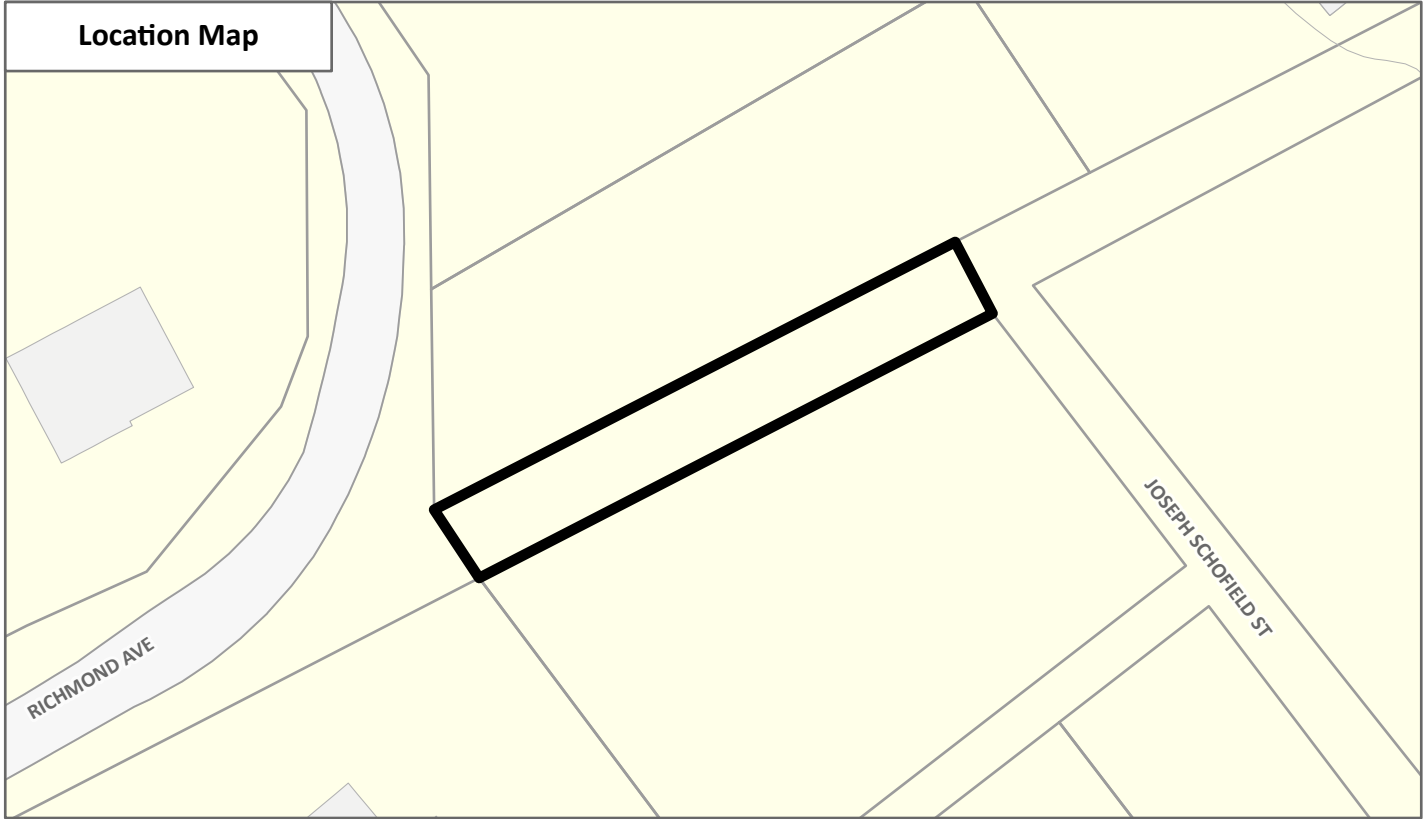


Exhibit A. Contextual Images

Location Map



Aerial Map



CONTEXTUAL MAPS 1

11-A-23-SC



Case boundary



SEPTEMBER 27, 2023

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

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

RE: REQUEST CLOSURE OF AN UNNAMMED STREET ORIGINATING AT RICHMOND AVE. TO ITS INTERSECTION WITH JOSEPH SCHOFIELD ST. (11-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 November 9, 2022. A map showing the street or alley in question is attached for your information.

PLEASE NOTE: Failure to reply to our office by Monday, October 23, 2023, will be considered as no objection by your agency.

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



October 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 11-A-23-SC

Regarding the right-of-way closure application #11-A-23-SC that was sent to KUB for comment on 9/27/2023, KUB provided an opposition letter dated 10/10/2023 due to existing water utilities that are present in the right-of-way. I wanted to reach out to your office to provide an update on this matter.

The applicant has contacted KUB and worked with us on the utility concerns and easement needs that ensure the safety, accessibility, and future replacement of our water utilities. Therefore, KUB is acceptable to the right-of-way closure, provided that the following permanent easements are provided for its utilities:

Water – 10 feet on the north side of the centerline of the water line, 15 feet on the south side of the centerline of the water line, 25 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

October 11, 2023

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

SUBJECT: Closure of unimproved and unnamed street of Richmond Ave
MPC File # 11-A-23-AC; Nearby City Block 23286

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 Closure 11-A-23-SC

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

Tue, Oct 3, 2023 at 3:21 PM

Mr. DeArmond:

Operations does not have any comment regarding the closure of ROW not adjacent or adjoining State owned ROW. Please let me know if you need anything additional.

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, September 27, 2023 12:52 PM

To: Christian Wiberley <Christian.Wiberley@kub.org>; Steve Borden <Steve.Borden@tn.gov>; Sonny Partin <spartin@knoxvilletn.gov>; John Stansbury <js0634@att.com>; Charlotte Goforth <cgoforth@knoxvilletn.gov>; Chris Flatford <cf2061@att.com>; Ben Davidson <bdavidson@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 11-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]

Right of Way Closure 11-A-23-SC

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

Fri, Sep 29, 2023 at 11:33 AM

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: Wednesday, September 27, 2023 12:52 PM
To: Christian Wiberley <Christian.Wiberley@kub.org>; Steve Borden <steve.borden@tn.gov>; Sonny Partin <spartin@knoxvilletn.gov>; John Stansbury <js0634@att.com>; Charlotte Goforth <cgoforth@knoxvilletn.gov>; Chris Flatford <cf2061@att.com>; Ben Davidson <bdavidson@knoxvilletn.gov>; Jeremy Honeycutt <JH309E@att.com>; amy.brooks@knoxplanning.org; Dori Caron <dori.caron@knoxplanning.org>
Subject: Right of Way Closure 11-A-23-SC

Good afternoon everyone,

Please review this right of way closure application for November. Thank you!

--

Dallas DeArmond
Administrative Assistant II
(865) 215-3810



RIGHT-OF-WAY CLOSURE

Name of Applicant: ANDREW BYRD

Date Filed: 8/23/2023 Fee Paid: 9/13/2023 File Number: 11-A-23-SC

Map Number: 094H Zoning District: RN-2 City County Sector : TDR

Jurisdiction: City 3 Council District Meeting Date: 11/09/2023

INFORMATION:

Name of Right-of-Way: RICHMOND AVE. UNIMPROVED RIGHT OF WAY TO STERCHI ST.

Type of Right-of-Way: Street Alley

Location of Right-of-Way: BLOCK 23401 LOTS 187,188, 189
BETWEEN (City Block or Lot where appropriate) _____
AND (City Block or Lot where appropriate) BLOCK 23286 LOT 22

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

Reason for Closure: CLOSURE REQUESTED TO DEVELOP LOTS 187-189 AND LOT 22. CLOSURE
WOULD GRANT ADDITIONAL LAND TO LOT 22 AND POTENTIALLY INCREASE
TOTAL ACREAGE IN ORDER TO FURTHER SUBDIVIDE LOT 22. FURTHERMORE
CLOSURE IS NEEDED TO GRANT ACCESS TO THE LOTS AS THE RIGHT OF WAY IS
UNACCESSABLE DUE TO KUB SUB-STATION.

TO BE CLOSED:

From: (Street, Alley, Other)
RICHMOND AVE. AT LOT 187 TO LOT
189 APPROXIMATELY PERPENDICULAR
TO AN UNIMPROVED RIGHT OF WAY
OF JOSEPH SCHOFIELD ALLEY.

To: (Street, Alley, Other)

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

JOSHUA HAUN (SURVEYOR) 8652017011/ JOSH.HAUN@TRUELINELS.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: JOSHUA HAUN

Joshua Haun P.O. Box 32242 Knoxville TN 37930 865-201-7011 josh.haun@truelinels.com
Name: (Print) Address • City • State • Zip • Phone • Email

APPLICATION ACCEPTED BY:



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

RIGHT-OF-WAY CLOSURE

Date Filed: 9/29/2023
Name of Applicant: ANDREW BYRD
Jurisdiction: City Council District 3 **Sector:** Central City
Growth Policy Plan: N/A (Within City Limits)
Zoning District: RN-2 (Single-Family Residential Neighborhood)
File Number: 11-A-23-SC **Meeting Date:** 11/9/2023 **Fee Amount:**

INFORMATION:

Tax ID: 94 H J 002 **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): Block 23401, Lots 187, 188, 189
 AND (City Block or Lot, where appropriate): Block 23286, Lot 22
Is ROW in use (yes/no)?: No **Is ROW improved (e.g. paved) (yes/no)?:** No
Reason for Closure: Closure requested to develop lots 187-189 and lot 22. Closure would grant additional land to lot 22 and potentially increase total acreage in order to further subdivide lot 22. Furthermore, closure is needed to grant access to the lots, as the right-of-way is inaccessible due to a KUB sub-station.

TO BE CLOSED:

<p>From: (Street, Alley, Other) Richmond Avenue</p>	<p>To: (Street, Alley, Other) Joseph Schofield Street</p>
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ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE DIRECTED TO:

Joshua Haun
 PO Box 32242
 Knoxville, TN 37930 Telephone: 865-201-7011 Fax: Email: josh.haun@truelinels.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.

Joshua Haun *Signature:* _____
 PO Box 32242
 Knoxville, TN 37930 Telephone: 865-201-7011 Fax: Email: josh.haun@truelinels.com

APPLICATION ACCEPTED BY: Jessie Hillman 10/16/2023 9:04:35 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.

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:

_____ September 27, 2023 _____ and _____ November 10, 2023 _____
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Andrew Byrd

Date: 09/13/2023

File Number: 11-A-23-SC

- Sign posted by Staff
- Sign posted by Applicant