



CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

▶ FILE #: 10-A-23-AC

AGENDA ITEM #: 5

AGENDA DATE: 10/5/2023

▶ APPLICANT: ERIC FORRESTALL

TAX ID NUMBER:	82 K P 014	<u>View map on KGIS</u>
JURISDICTION:	Council District 6	
SECTOR PLAN:	East City	
GROWTH POLICY PLAN:	N/A (Within City Limits)	
ZONING:	N/A	
WATERSHED:	Williams Creek	

▶ RIGHT-OF-WAY TO BE CLOSED: Unnamed Alley

▶ LOCATION: Between Wilson Ave and southwest corner of parcel 082KP016

IS ALLEY:

(1) IN USE?: No

(2) IMPROVED (paved)?: No

▶ APPLICANT'S REASON FOR CLOSURE: We request the closure of this paper street to assist in the construction of a new home on our property. We have been in conversation with the city and have their support with the request. Upon approval of the closure, we will obtain the closed square footage from the City of Knoxville, adding it to our existing lot by recorded survey.

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 alley from Wilson Avenue to the southwest corner of parcel 082KP016, subject to retaining all easements, since closure would not adversely affect surrounding properties.

COMMENTS:

1. This request is to close an unimproved and unnamed right-of-way in between 2762 Wilson Avenue and 503 Houston Street on the northeast side, and 2758 Wilson Avenue on the southwest side. Closing this right-of-way would not negatively impact adjacent properties, as all parcels have legal access to the street on which they are addressed. Property owners abutting the right-of-way signed the application in agreement with the request to close it.
2. If right-of-way closure is approved, each abutting property owner would get half of the right-of-way bordering their property through a quit claim deed. If the applicant wishes to gain the entirety of the width and/or length of the right-of-way, they would need written, notarized agreements from each abutting property owner granting their portion of the right-of-way to the applicant. Such agreements would need to be furnished to the Register of Deeds office when obtaining their quit claim deed.

2. The following departments and organizations had these comments:

a. City Engineering Department: 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.

b. KUB: We have reviewed our records and, as far as we have been able to determine, KUB has no existing utility facilities located within the subject right-of-way area and we have no objection to the requested closure. However, KUB does not release and hereby retains all easements and rights for existing facilities, whether or not identified in our research.

c. TDOT: We have reviewed the attached City of Knoxville ROW Closure and do not see that it impacts State owned ROW and do not have any comments regarding the requested closure.

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

i. The City of Knoxville Fire Department

ii. AT&T

If approved, this item will be forwarded to Knoxville City Council for action on 11/14/2023 and 11/28/2023. 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

10-A-23-AC

Petitioner: Forrestall

Name of Street or Alley: Unnamed Alley

To be closed from: Wilson Ave

To be closed to: southwest corner of parcel 082KP016

Original Print Date: 8/31/2023

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

Map No: 82

Jurisdiction: City

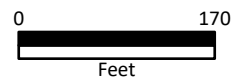
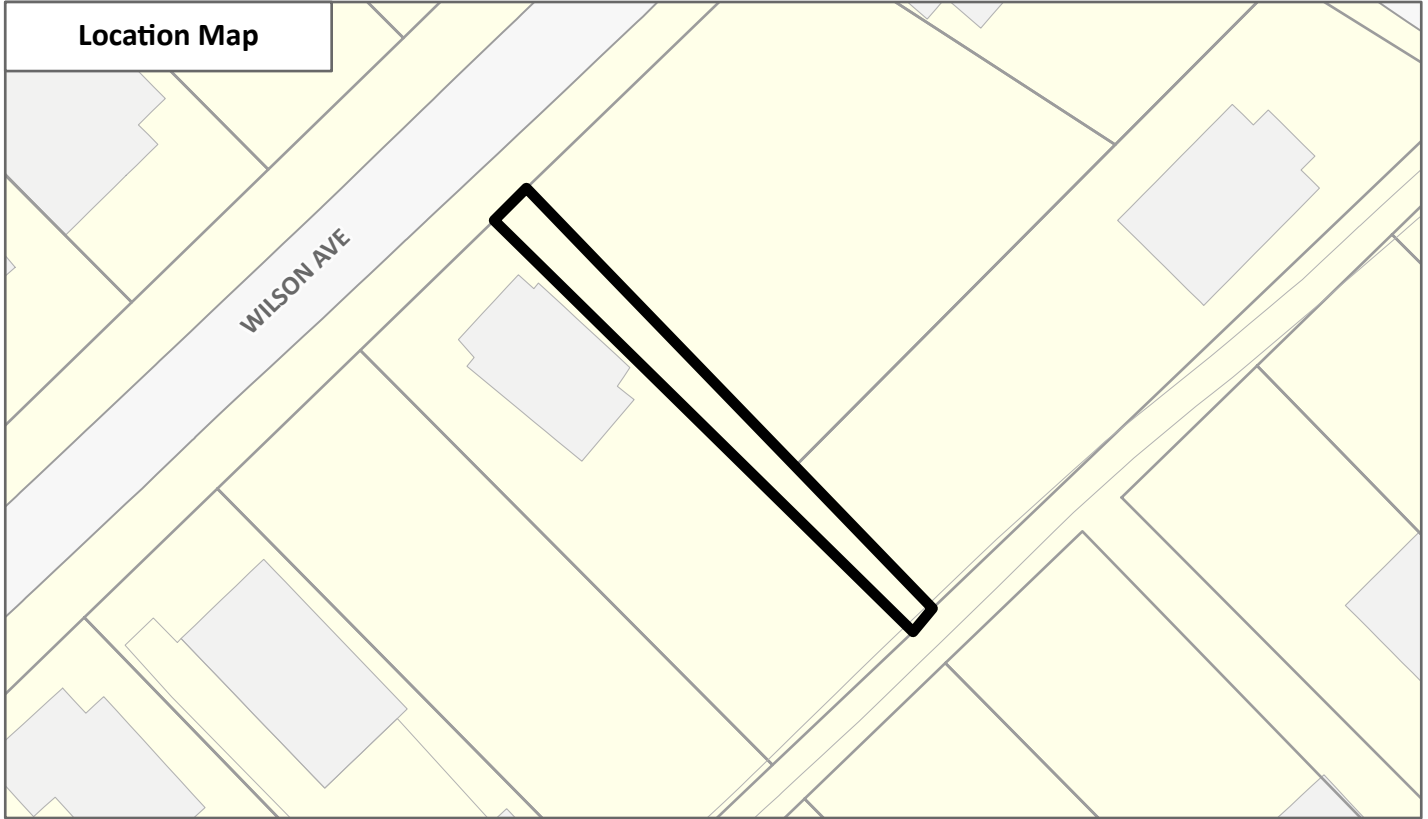


Exhibit A. Contextual Images

Location Map



Aerial Map

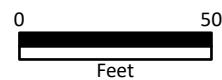


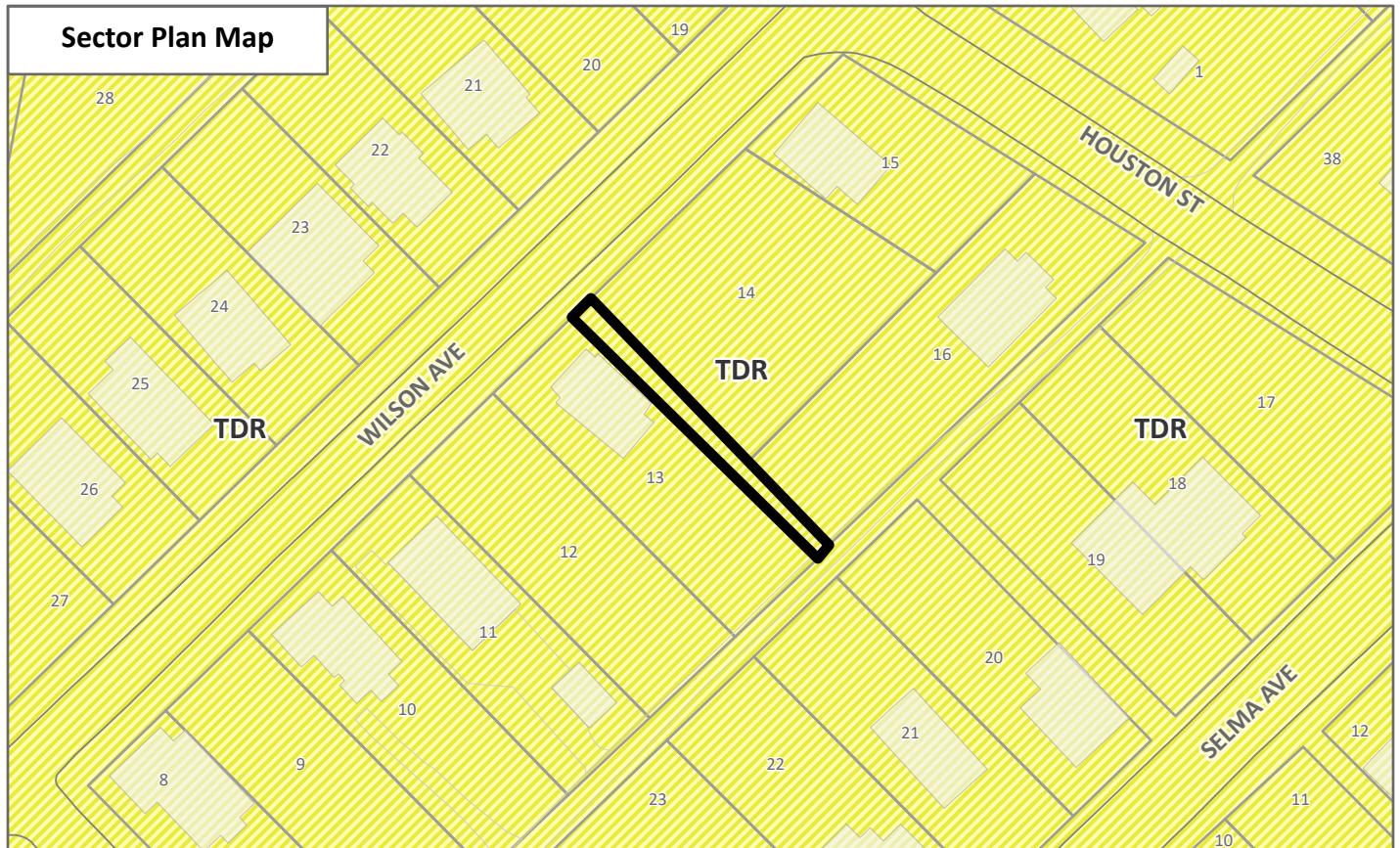
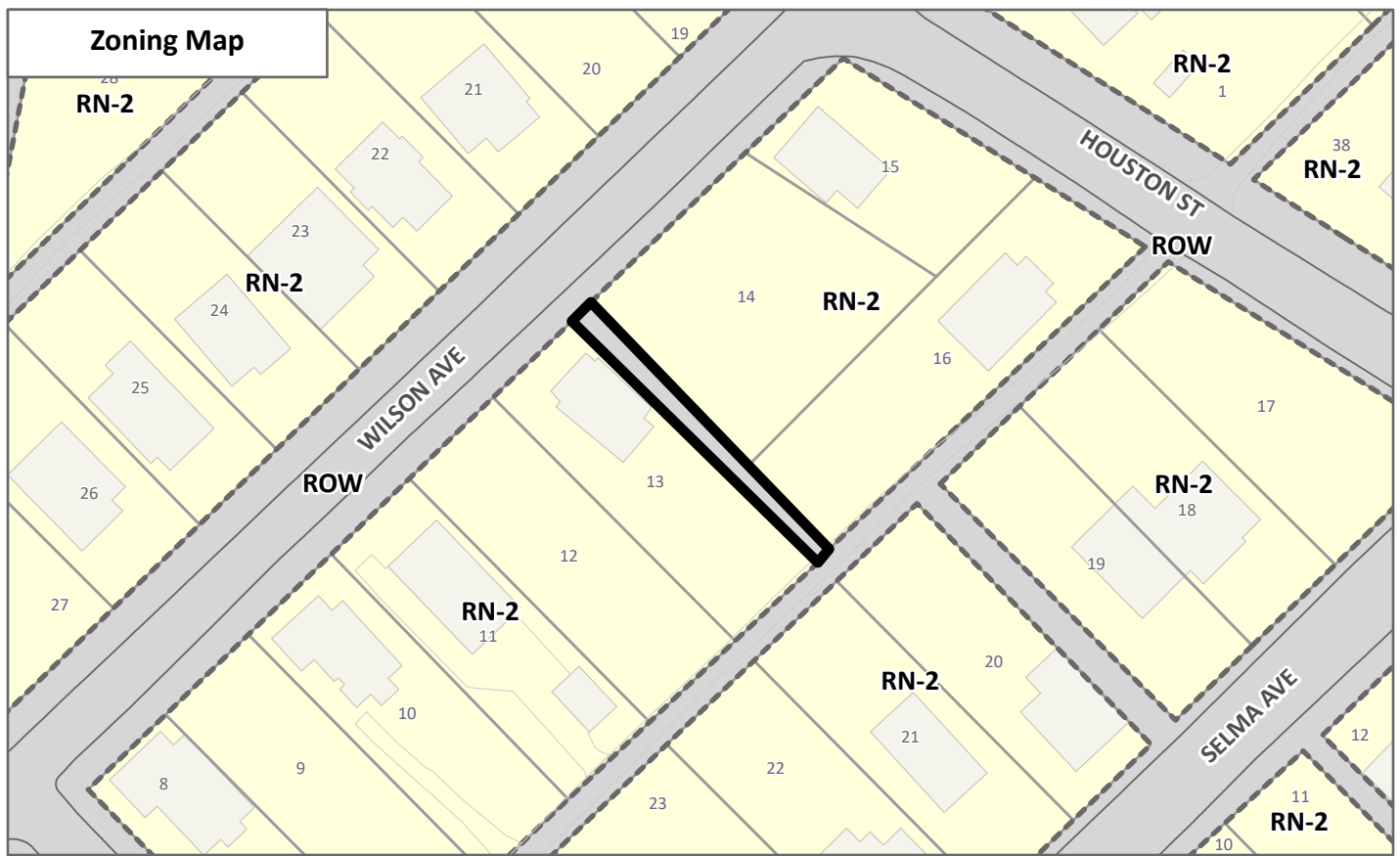
CONTEXTUAL MAPS 1

10-A-23-AC




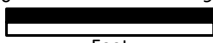
Case boundary






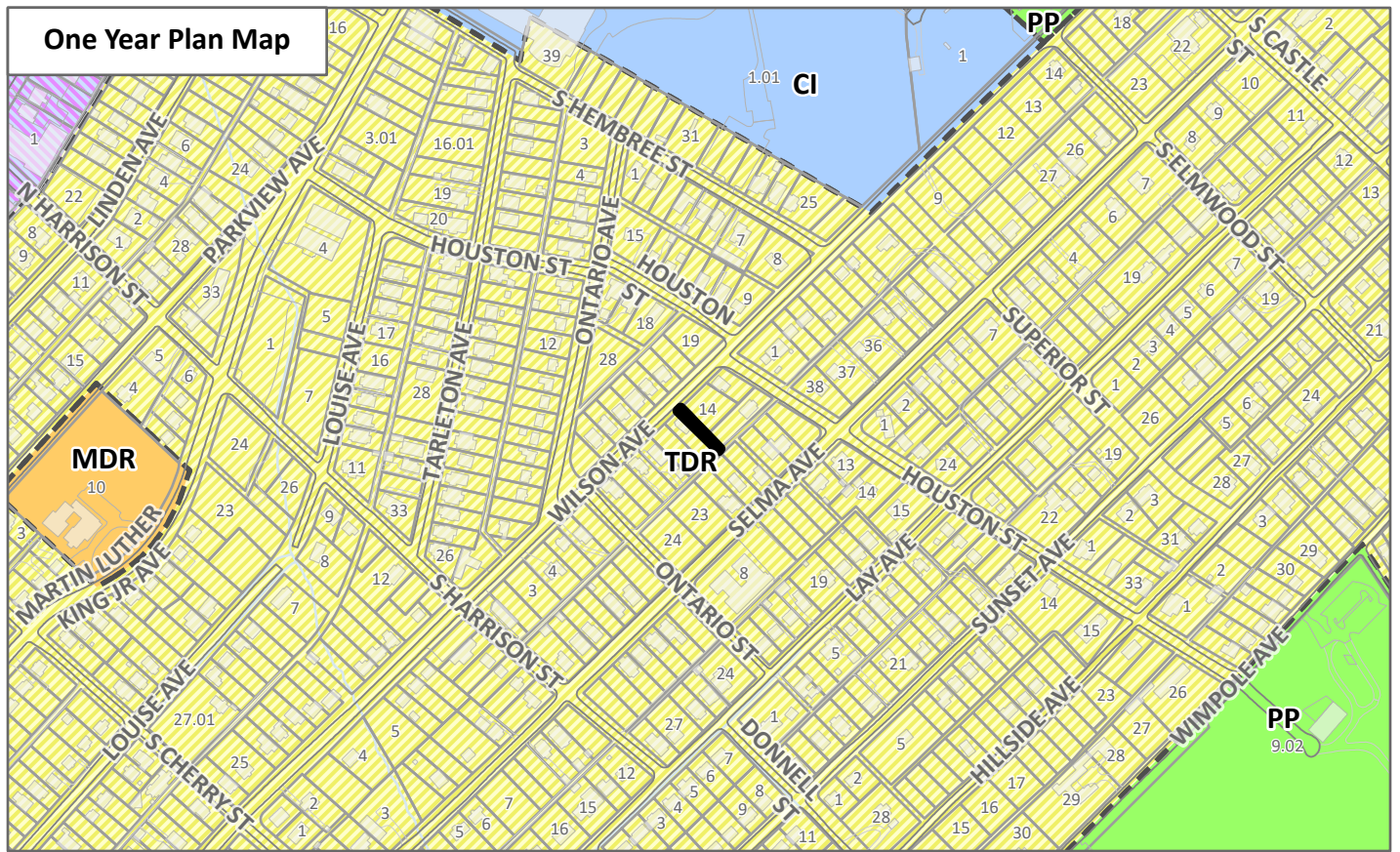
CONTEXTUAL MAPS 2 **10-A-23-AC**

 Case boundary

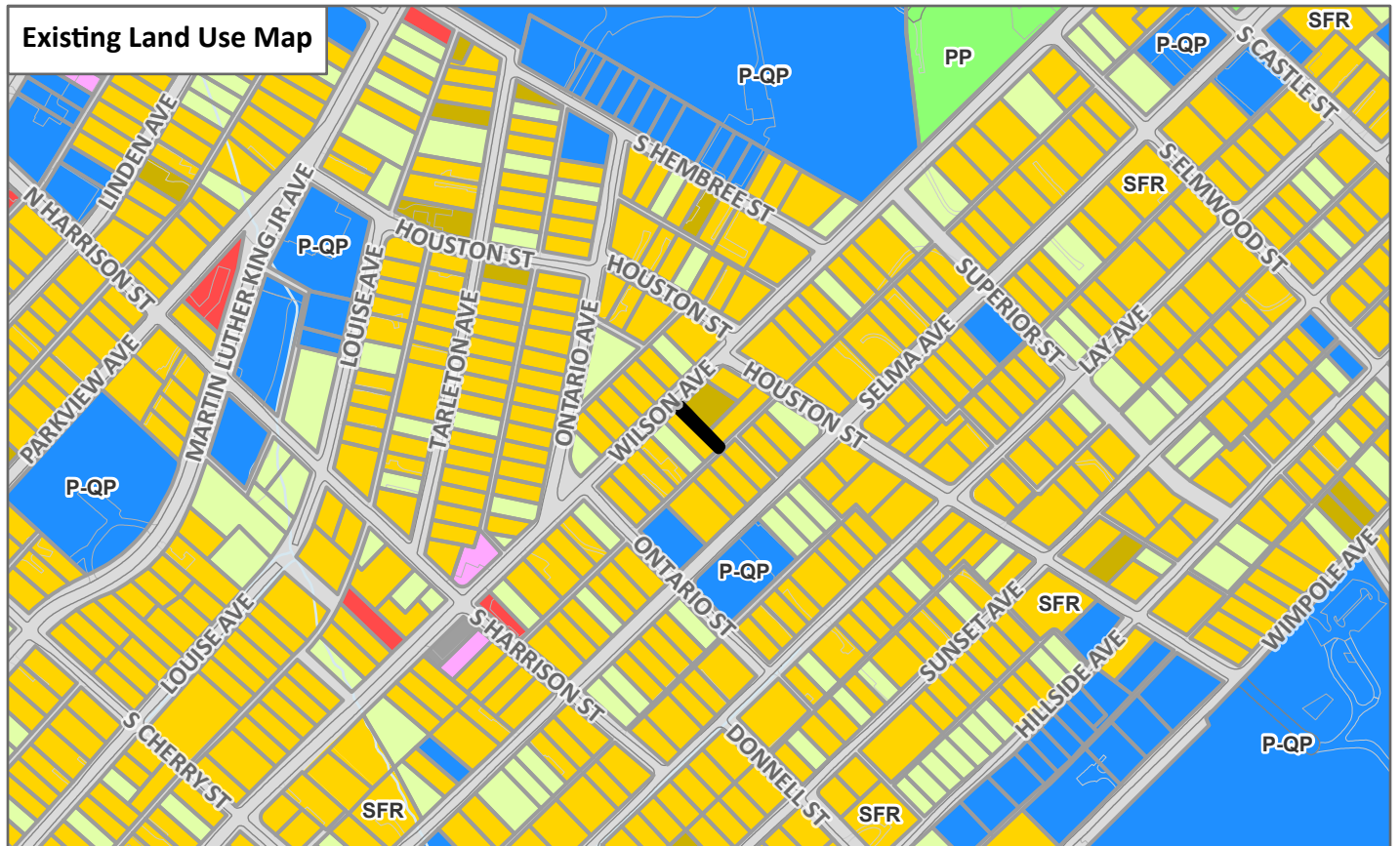
0  90
Feet



One Year Plan Map



Existing Land Use Map



CONTEXTUAL MAPS 3

10-A-23-AC



Case boundary



AUGUST 21, 2023

Knoxville Utilities Board
Steve Borden, Regional Director, TN Dept. of Transportation
Steve King, Department of Engineering
Sonny Partin, Fire Marshall
Shannon Sims, AT&T
James W. Wagner, AT&T
Ben Davidson, Department of Engineering
Charlotte Goforth, Department of Engineering

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

RE: REQUEST CLOSURE OF AN UNNAMED ALLEY ORIGINATING AT WILSON AVE AND TERMINATING BETWEEN 503 HOUSTON ST (PARCEL ID 082KP016) AND 2758 WILSON AVE (PARCEL ID 082KP013) AT AN UNNAMED ALLEY (10-A-23-AC).

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 October 5, 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, September 18, 2023, will be considered as no objection by your agency.

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



CITY OF KNOXVILLE

Engineering
Benjamin D. Davidson, PLS
Technical Services Administrator

September 18, 2023

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

SUBJECT: Closure of unimproved and unnamed alley
MPC File # 10-A-23-AC; Nearby City Block 14721

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



August 28, 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 10-A-23-AC

We have reviewed our records and, as far as we have been able to determine, KUB has no existing utility facilities located within the subject right-of-way area and we have no objection to the requested closure. However, KUB does not release and hereby retains all easements and rights for existing facilities, whether or not identified in our research.

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



Dallas DeArmond <dallas.dearmond@knoxplanning.org>

Right of Way Closure 10-A-23-AC

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

Thu, Aug 24, 2023 at 8:59 AM

Dallas,

We have reviewed the attached City of Knoxville ROW Closure and do not see that it impacts State owned ROW and do not have any comments regarding the requested closure.

Please let me know if you need any additional information.

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, August 23, 2023 2:59 PM

To: 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>; Tom Clabo <tclabo@knoxvilletn.gov>; chowley <chowley@knoxvilletn.gov>; Chris Flatford <cf2061@att.com>; Ben Davidson <bdavidson@knoxvilletn.gov>; Sonny Partin <spartin@knoxvilletn.gov>; Jeremy Honeycutt <JH309E@att.com>; Amy Brooks <amy.brooks@knoxplanning.org>; Dori Caron <dori.caron@knoxplanning.org>; Jessie Hillman <jessie.hillman@knoxplanning.org>

Subject: [EXTERNAL] Right of Way Closure 10-A-23-AC

Right of Way Closure 10-A-23-AC

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

Wed, Aug 23, 2023 at 4:14 PM

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, August 23, 2023 2:59 PM

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

Subject: Right of Way Closure 10-A-23-AC

Good afternoon everyone,

We have one R.O.W. closure request for September.

Thank you,

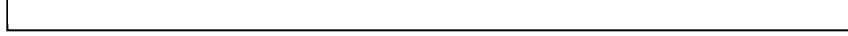
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Dallas DeArmond

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: 8/21/2023

Name of Applicant: ERIC FORRESTALL

Jurisdiction: City Council District 6

Sector: East City

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

Zoning District: RN-2 (Single-Family Residential Neighborhood)

File Number: 10-A-23-AC

Meeting Date: 10/5/2023

Fee Amount: \$500.00

INFORMATION:

Tax ID: 82 K P 014

Add'l. Tax ID Info.:

Name of Right-of-Way: Unnamed Alley

Type of Right-of-Way: Alley

Location of Right-Of-Way:

BETWEEN (City Block or Lot, where appropriate): 2762 Wilson Ave, 503 Houson Ave

AND (City Block or Lot, where appropriate): 2758 Wilson Ave

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

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

Reason for Closure: We request the closure of this paper street to assist in the construction of a new home on our property. We have been in conversation with the city and have their support with the request. Upon approval of the closure, we will obtain the closed square footage from the City of Knoxville, adding it to our existing lot by

TO BE CLOSED:

From: (Street, Alley, Other)

Wilson Ave

To: (Street, Alley, Other)

southwest corner of parcel 082KP016

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE DIRECTED TO:

Eric Forrestall

1920 Greenland Way #306

Knoxville, TN 37932

Telephone: 865-240-7090

Fax:

Email: eric@balddesign.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.

Eric Forrestall

Signature: _____

Knoxville, TN

Telephone:

Fax:

Email:

APPLICATION ACCEPTED BY: Jessie Hillman

9/6/2023 1:43:01 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: 10-A-23-AC

Address	Signature	Owner/Tenant/ Option Holder	Agree/Disagree
503 Houston St Knoxville, TN 37914			Agree
2758 Wilson Ave Knoxville, TN 37914		Owner	Agree



RIGHT-OF-WAY CLOSURE

Name of Applicant: Eric Forrestall

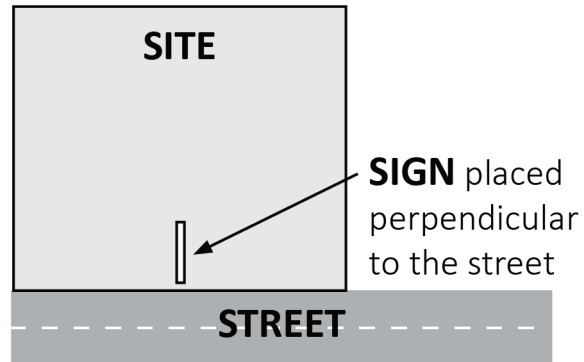
Date Filed: 04.04.2023 Fee Paid: _____ File Number: _____

Map Number: 82 Zoning District: _____ City County Sector: East-City

Jurisdiction: City _____ Council District

INFORMATION:				
Name of Right-of-Way: _____				
Type of Right-of-Way: <input type="checkbox"/> Street <input checked="" type="checkbox"/> Alley				
Location of Right-of-Way: BETWEEN (City Block or Lot where appropriate) <u>2762 Wilson Ave Lot</u> AND (City Block or Lot where appropriate) <u>Lot 13</u>				
Right-of-Way is: In Use <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Improved (example: paved) <input type="checkbox"/> Yes <input type="checkbox"/> No				
Reason for Closure: <u>We request the closure of this paper street to assist in the construction of a new home on our property. We have been in conversation with the city and have their support with the request.</u> <u>Upon approval of the closure, we will obtain the closed square footage from the City of Knoxville, adding it to our existing lot by recorded survey.</u>				
TO BE CLOSED:				
From: (Street, Alley, Other) <u>Wilson Ave</u>	To: (Street, Alley, Other) <u>Wilson Ave Superior St</u>			
ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:				
Eric Forrestall Name: (Print)	1920 Greenland Way #306, Knoxville TN Address • City • State • Zip	37932 Zip	865-240-7090 Phone	eric@balddesign.com 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: <u><i>Eric Forrestall</i></u>				
Eric Forrestall Name: (Print)	1920 Greenland Way #306, Knoxville TN Address • City • State • Zip	37932 Zip	865-240-7090 Phone	eric@balddesign.com Email
APPLICATION ACCEPTED BY:				

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:

_____ 09/22/2023 _____ and _____ 10/06/2023 _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Eric Forrestall

Date: 08/08/2023

File Number: 10-A-23-AC

- Sign posted by Staff
- Sign posted by Applicant