



CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

▶ FILE #: 2-A-24-AC

AGENDA ITEM #: 5

AGENDA DATE: 2/8/2024

▶ APPLICANT: CITY OF KNOXVILLE

TAX ID NUMBER:	94 N/A	<u>View map on KGIS</u>
JURISDICTION:	Council District 6	
SECTOR PLAN:	Central City	
GROWTH POLICY PLAN:	N/A (Within City Limits)	
ZONING:	N/A	
WATERSHED:	Second Creek	

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

▶ LOCATION: Between the south side of W Fourth Ave (closed right-of-way) and its southern terminus

IS ALLEY:

(1) IN USE?: No

(2) IMPROVED (paved)?: No

▶ APPLICANT'S REASON FOR CLOSURE: To facilitate property acquisitions for Knox Oncore, LLC

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

▶ Approve the request to close the unnamed alley from its southern terminus to the south side of W Fourth Avenue, subject to two conditions, since closure will not adversely impact surrounding properties.

1. A final plat combining these properties must be recorded before the closure can become effective. If a final plat is not recorded, the closure shall become null and void and of no effect.
2. Easement for the City and KUB shall remain in place as requested.

COMMENTS:

1. This request is to close an unnamed alley from its southern terminus to the south side of W Fourth Avenue. It is part of a series of rights-of-way requested to be closed this month. The applicant owns all of the property in this area (bounded by Marion Street and Second Creek to the east and west, and by May Avenue and W Fifth Avenue to the north and south). They would like to consolidate the property into a single development. To do so, they need to acquire ownership of the rights-of-way of the requested closures (Cases 2-A-24-AC, 2-A-24-SC, 2-B-24-SC, and 2-C-24-SC).
2. The applicant is working with the City of Knoxville and TDOT to consolidate the properties for future development.
3. Planning supports the closure request, but recommends a condition that a final plat be recorded before closure is officially complete. This protects access for the parcels within the area described above should the

property not get combined and the project not get completed. Since the property is over 5 acres in size, it would be platted as an exempt plat and would not be required to come through Planning staff for review.

4. Planning has received the following comments from other departments and agencies:

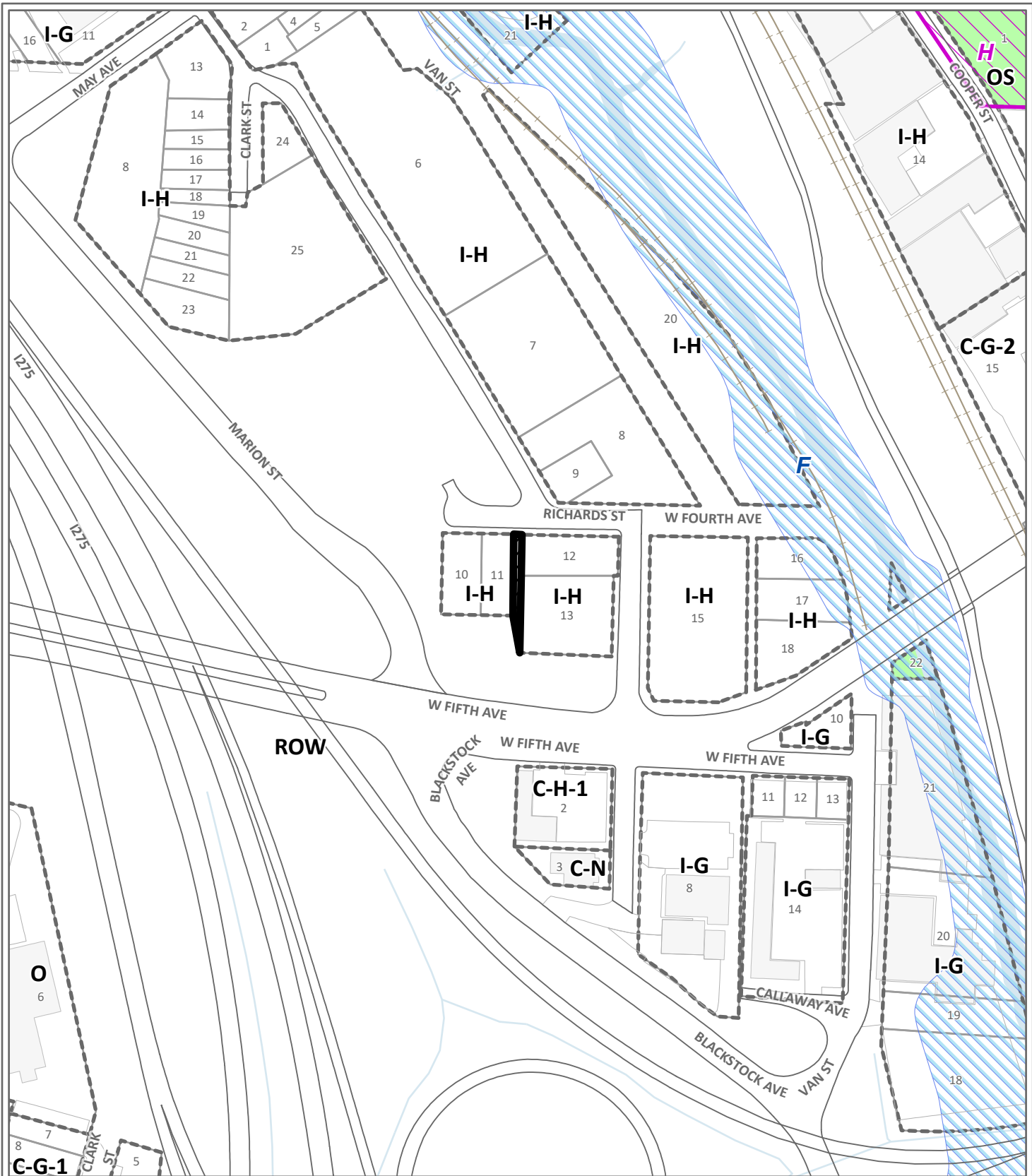
a. City Engineering: The City Engineering Department has no objections to close the above-described right-of-way area. However, should this right-of-way be closed, the City will reserve easements for all drainage facilities and utilities, if there are any current facilities, located in or within five (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 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.

- Sewer: 7.5 ft on each side of the centerline of the sewer line, 15 ft in total width.

5. The Fire Department and TDOT had no comments.

If approved, this item will be forwarded to Knoxville City Council for action on 3/5/2024 and 3/19/2024. 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

2-A-24-AC

Petitioner: City of Knoxville

Name of Street or Alley: Unnamed alley

To be closed from: the south side of W Fourth Ave (closed right-of-way)

To be closed to: its southern terminus

Original Print Date: 1/8/2024

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

Map No: 94

Jurisdiction: City

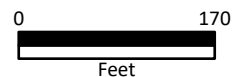
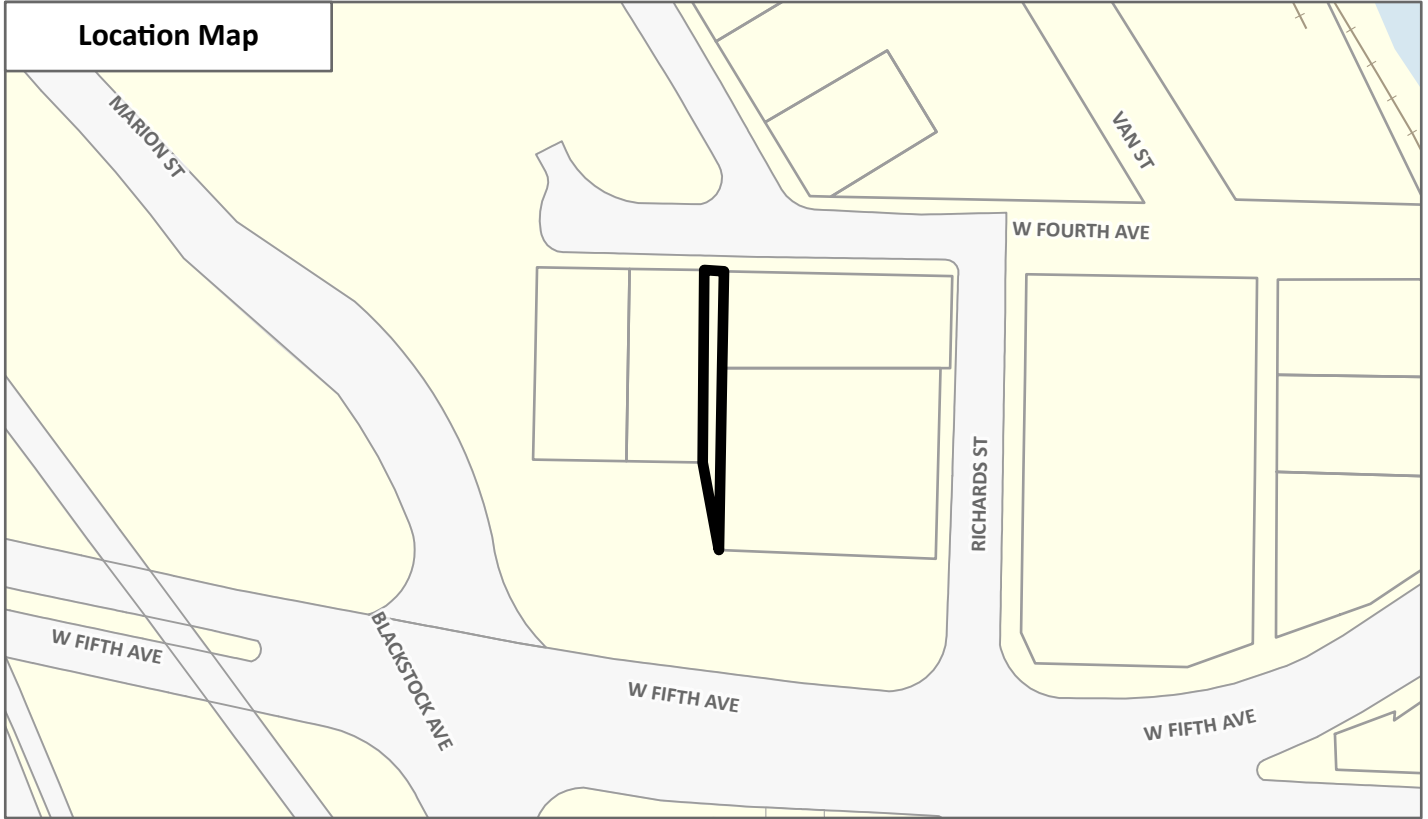


Exhibit A. Contextual Images

Location Map



Aerial Map



CONTEXTUAL MAPS 1

2-A-24-AC



Case boundary

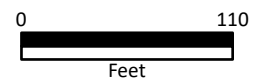
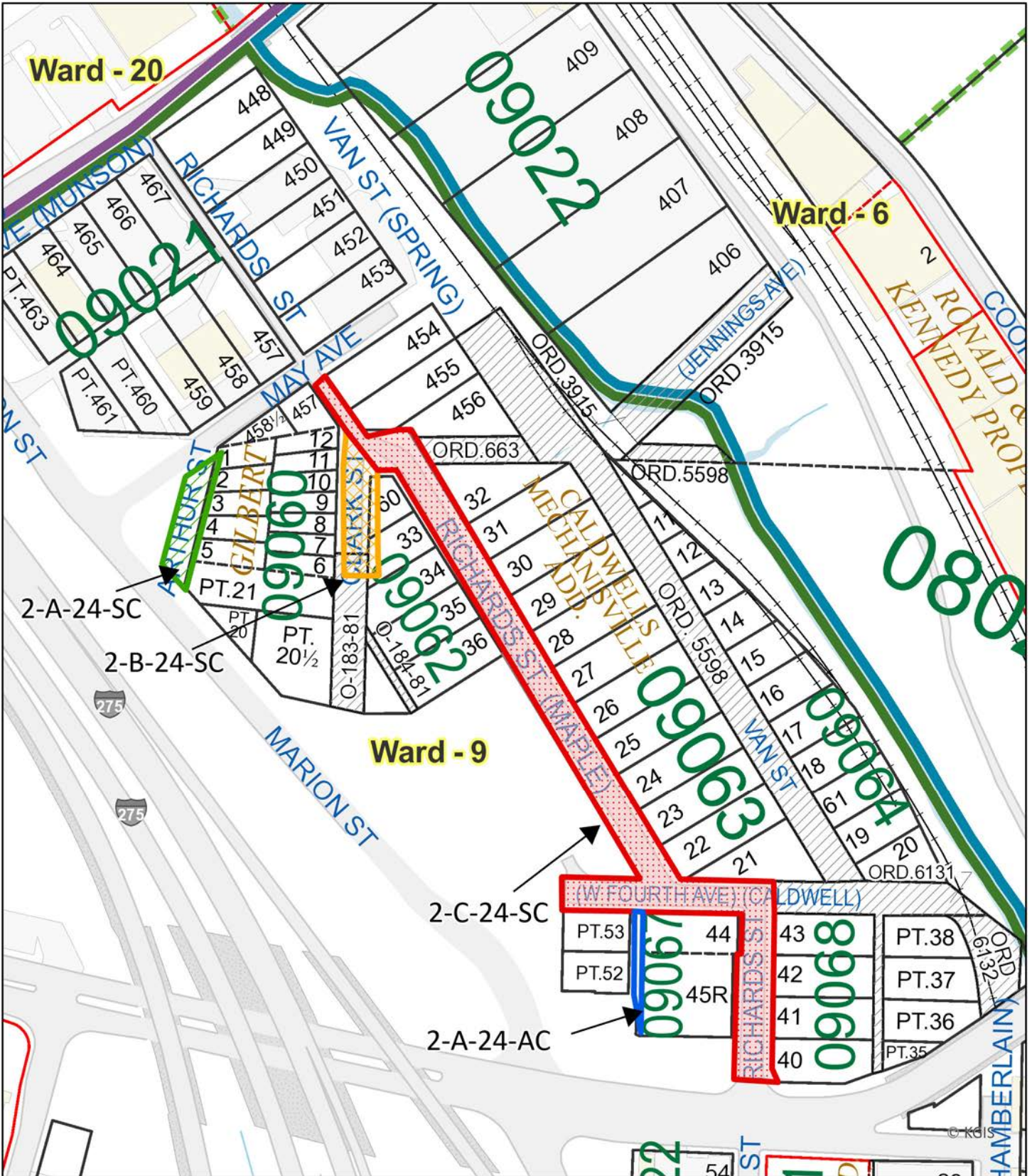


Exhibit B. Related Right-of-Way Closure Cases



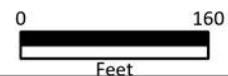
CLOSURE OF PUBLIC RIGHT OF WAY

-  2-A-24-AC
-  2-A-24-SC
-  2-B-24-SC
-  2-C-24-SC

Original Print Date: 1/26/2024
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: City of Knoxville

Map No: 094
 Jurisdiction: City



DECEMBER 29, 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 UNNAMED ALLEY BETWEEN THE SOUTH SIDE OF
W FOURTH AVE (CLOSED RIGHT-OF-WAY) AND ITS SOUTHERN TERMINUS.
(2-A-24-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 February 8, 2024. A map showing the street or alley in question is attached for your information.

PLEASE NOTE: Failure to reply to our office by Monday, January 22, 2024, 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

January 9, 2024

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

SUBJECT: Closure of unnamed alley between south side of W Fourth Ave and its southern terminus
Planning File # 2-A-24-AC; Nearby City Block 09067

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

Right-of-Way Closure Requests February

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

Tue, Jan 9, 2024 at 10:37 AM

Approved for all five requests.



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: Friday, December 29, 2023 10:55 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: Amy Brooks <amy.brooks@knoxplanning.org>; Jessie Hillman <jessie.hillman@knoxplanning.org>

[Quoted text hidden]

[Quoted text hidden]



Dallas DeArmond <dallas.dearmond@knoxplanning.org>

Right-of-Way Closure Requests February

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

Fri, Jan 5, 2024 at 4:11 PM

Dallas,

In reviewing the December 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: Friday, December 29, 2023 10:55 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: Amy Brooks <amy.brooks@knoxplanning.org>; Jessie Hillman <jessie.hillman@knoxplanning.org>

Subject: [EXTERNAL] Right-of-Way Closure Requests February

***** 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 five attached right-of-way closure requests for February.

Thank you!

--

Dallas DeArmond
Administrative Assistant II
(865) 215-3810



[Quoted text hidden]



January 9, 2024

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 2-A-24-AC

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.

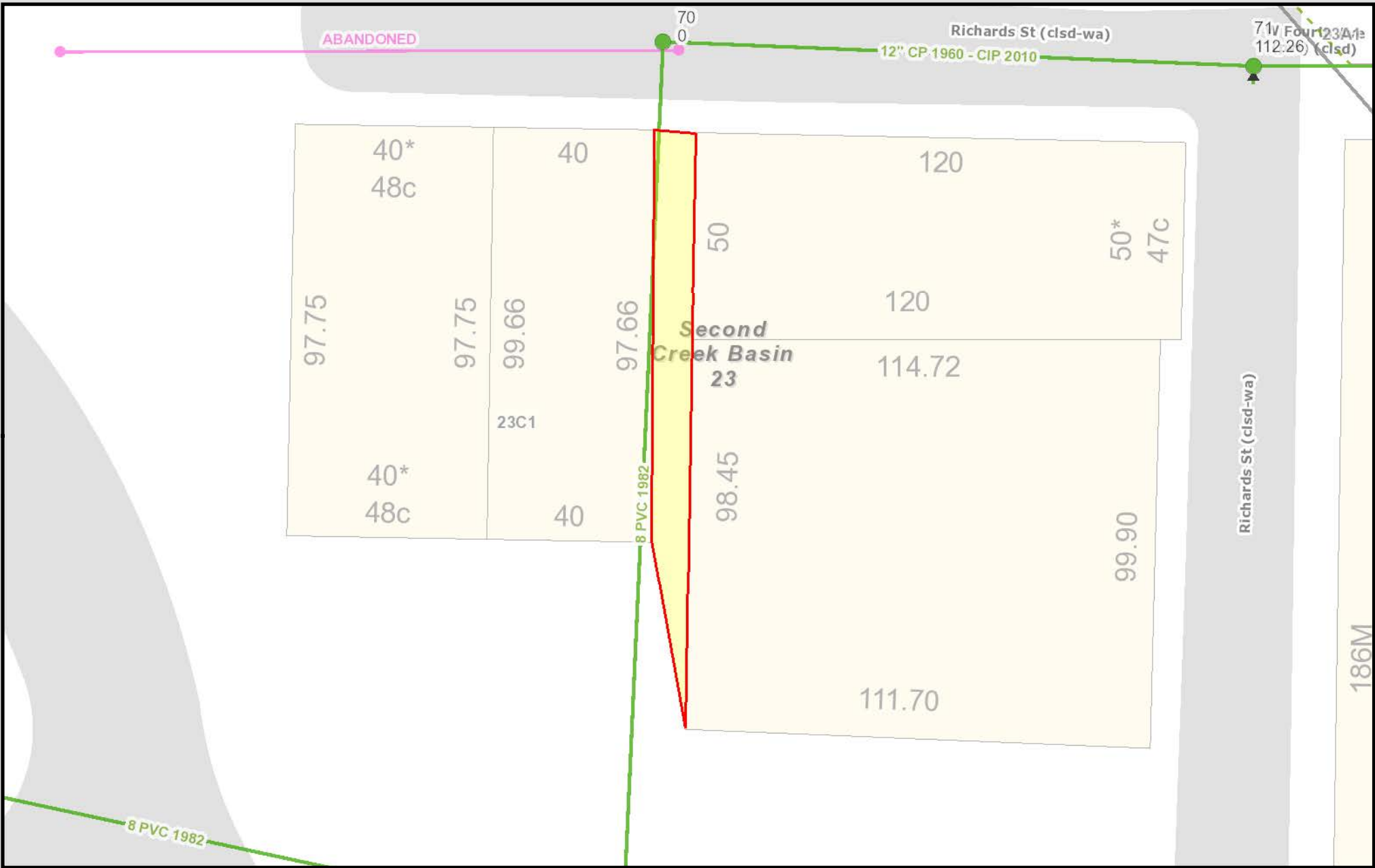
Sewer – 7.5 feet on each side of the centerline of the sewer line, 15 feet total width

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", is written over a light blue horizontal line.

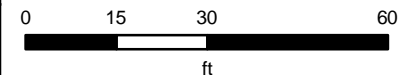
Christian Wiberley, PE
Engineering



File No. 2-A-24-AC (Sewer)



Printed: 1/9/2024 at 1:00:40 PM



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.



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

RIGHT-OF-WAY CLOSURE

Date Filed: 12/21/2023

Name of Applicant: CITY OF KNOXVILLE

Jurisdiction: City Council District 6

Sector: Central City

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

Zoning District: N/A

File Number: 2-A-24-AC

Meeting Date: 2/8/2024

Fee Amount: \$0.00

INFORMATION:

Tax ID: 94 N/A

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): Van St

AND (City Block or Lot, where appropriate): I-275

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

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

Reason for Closure: To facilitate property acquisitions for Knox Oncore, LLC

TO BE CLOSED:

From: (Street, Alley, Other)

the south side of W Fourth Ave (closed right-of-way)

To: (Street, Alley, Other)

its southern terminus

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE DIRECTED TO:

Benjamin D. Davidson City of Knoxville

400 Main St. St. Room 473

Knoxville, TN 37902

Telephone: 865-215-4615

Fax:

Email: b davidson@knoxvilletn.gov

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.

Benjamin D. Davidson City of Knoxville

Signature: _____

400 Main St. St. Room 473

Knoxville, TN 37902

Telephone: 865-215-4615

Fax:

Email: b davidson@knoxvilletn.gov

APPLICATION ACCEPTED BY: Michelle Portier 1/17/2024 3:28:43 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 **11-21-2023**

City of Knoxville

Applicant Name

Affiliation

2-A-24-AC

02-08-2024

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

Benjamin D. Davidson

Name

Company

Room 473 City County Building

Tech. Services

TN

37902

Address

City

State

ZIP

865-215-2103

bdavidson@knoxvilletn.gov

Phone

Email

CURRENT ROW INFO

Unnamed alley

Y

Y

Name of Right-of-Way

In use (Y/N)

Improved (Y/N)
(ex. paved)

REQUEST

Southern right-of-way of Richards St formerly W Fourth Ave at City Block 09067

Starting point of closure

(from street, alley, city block, lot, etc)

Southern Terminus at TDOT right-of-way at City Block 09067

Ending point of closure

(to street, alley, city block, lot, etc)

Reason for Closure

Attach separate sheet if needed for explanation

To facilitate property acquisitions for Knox Oncore, LLC.

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

STAFF USE ONLY

094	6th	Fee 1	Total
Map Number	City Council District	\$0 (fee waived)	
Central city		Fee 2	
Planning Sector		Fee 3	

Other Location Information

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

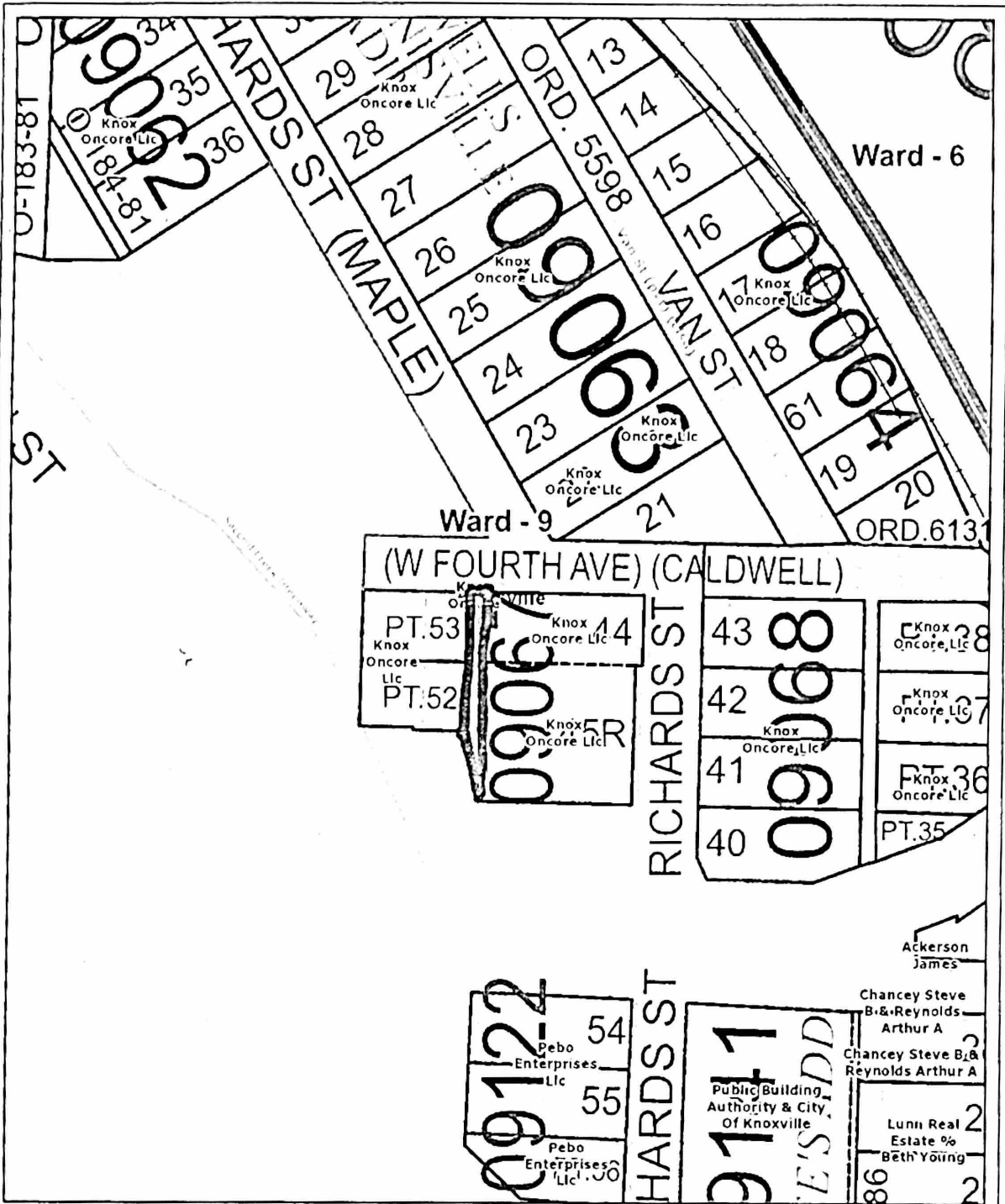
Benjamin D. Davidson	<small>Digitally signed by Benjamin D. Davidson Date: 2023.11.21 13:31:06 -0500</small>	Benjamin D. Davidson	11-21-2023
Applicant Signature		Please Print	Date
865-215-2103		bdavidson@knoxvilletn.gov	
Phone Number		Email	
<i>Michelle Portier</i>		Michelle Portier	12/21/2023
Staff Signature		Please Print	Date

RIGHT-OF-WAY CLOSURE CANVASS FORM

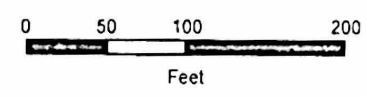
All owners and holders of option on property abutting the proposed closure must sign the list below and express their opinion about this closure. A map showing the location and addresses of these properties must accompany this application.

ADDRESS	NAME	SIGNATURE	AGREE	DISAGREE
0 Richards St 094EA011	Knox Oncore, LLC	<i>[Signature]</i>	✓	
0 Richards St 094EA012	Knox Oncore, LLC	<i>[Signature]</i>	✓	
0 Richards St 094EA013	Knox Oncore, LLC	<i>[Signature]</i>	✓	

If more space is needed, attach additional sheets.

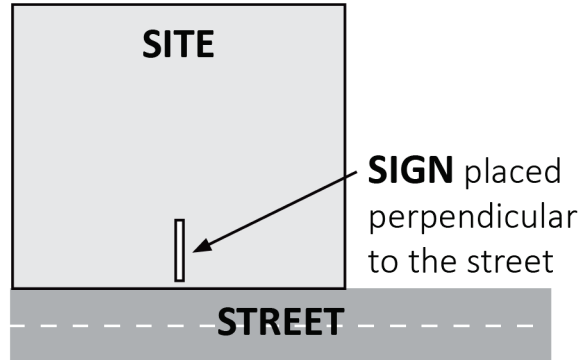


To Close unnamed alley off of W Fourth
 City Block 09067
 Ward Map View



KGIS makes no representation or warranty as to the accuracy of the 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 KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.

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:

_____ 01/26/2023 _____ and _____ 02/09/2024 _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: City of Knoxville

Date: 12/21/2023

File Number: 2-A-24-AC

- Sign posted by Staff
- Sign posted by Applicant