



# CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

▶ FILE #: 2-D-24-SC

AGENDA ITEM #: 9

AGENDA DATE: 2/8/2024

▶ APPLICANT: BELVAN PROPERTIES LLC

TAX ID NUMBER:	95 N/A	<a href="#"><u>View map on KGIS</u></a>
JURISDICTION:	Council District 1	
SECTOR PLAN:	South City	
GROWTH POLICY PLAN:	N/A (Within City Limits)	
ZONING:	N/A	
WATERSHED:	Tennessee River	

▶ RIGHT-OF-WAY TO BE CLOSED: Barber St.

▶ LOCATION: Between Gertrude Avenue and Susanne Avenue

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

▶ APPLICANT'S REASON FOR CLOSURE: Adjacent homeowners are responsible for maintenance.

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 southern right-of-way of Barber Street between Gertrude Avenue and Susanne Avenue since closure would not adversely affect surrounding properties, subject to one condition.

1. Any easements for the City and KUB shall remain in place as requested.

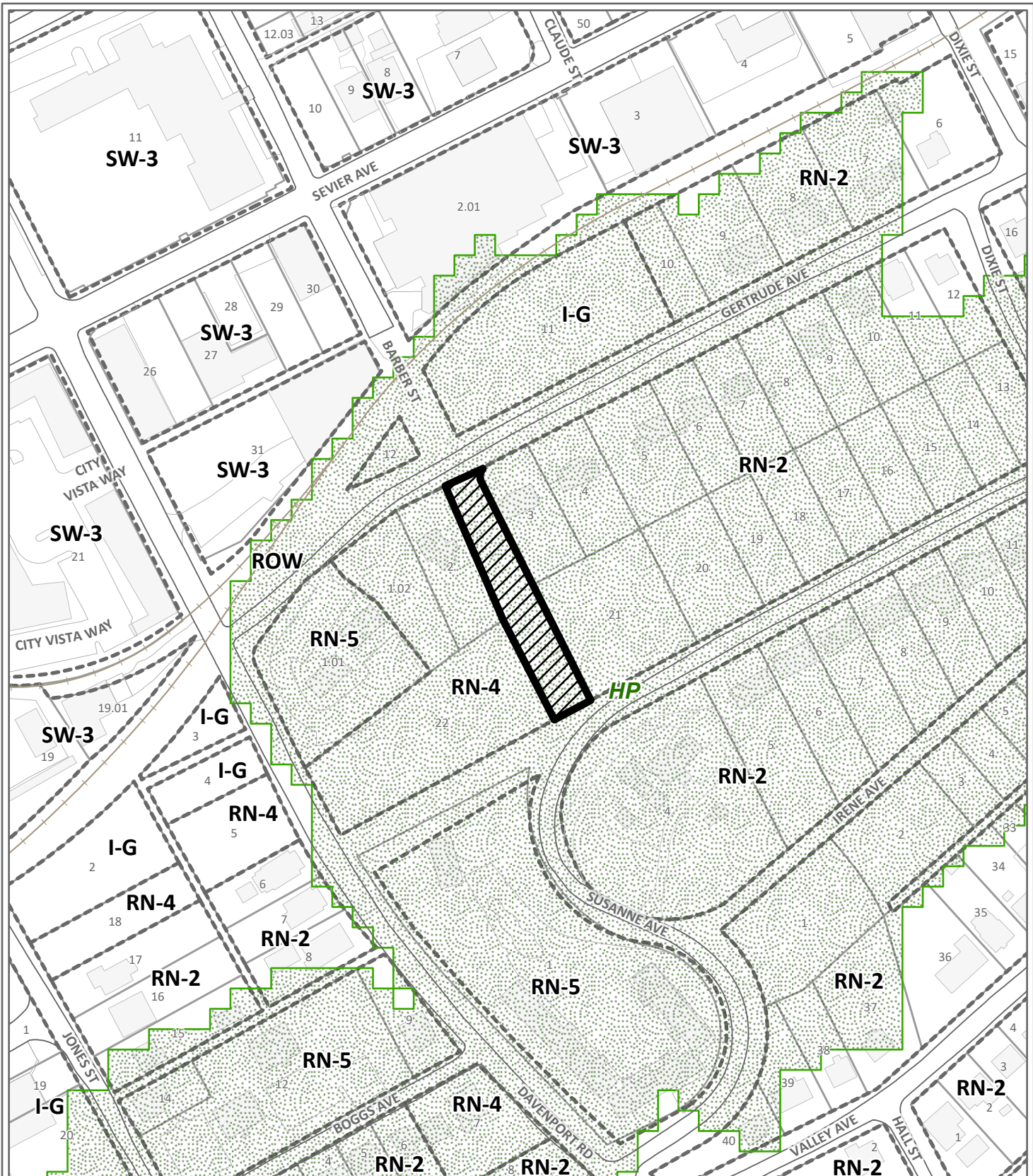
### COMMENTS:

1. This is a request to close Barber Street from Gertrude Avenue to Susanne Avenue.
2. This section of Barber Street is undeveloped. It contains steep slopes in the 15-25% and 25-40% ranges within the Hillside Protection Overlay Zone. As such, it does not meet street standards for slopes and it is unlikely that it would be developed as a street in the future.
3. 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, as far as we have been able to determine, KUB has no

existing utility facilities located within the subject right-of-way areas and we have no objection to the requested closures. However, KUB does not release and hereby retains all easements and rights for existing facilities, whether or not identified in our research.

6. 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-D-24-SC**

**Petitioner:** Belvan Properties LLC

Name of Street or Alley: Barber St.

To be closed from: Gertrude Avenue

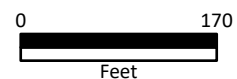
To be closed to: Susanne Avenue

**Original Print Date:** 1/8/2024

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

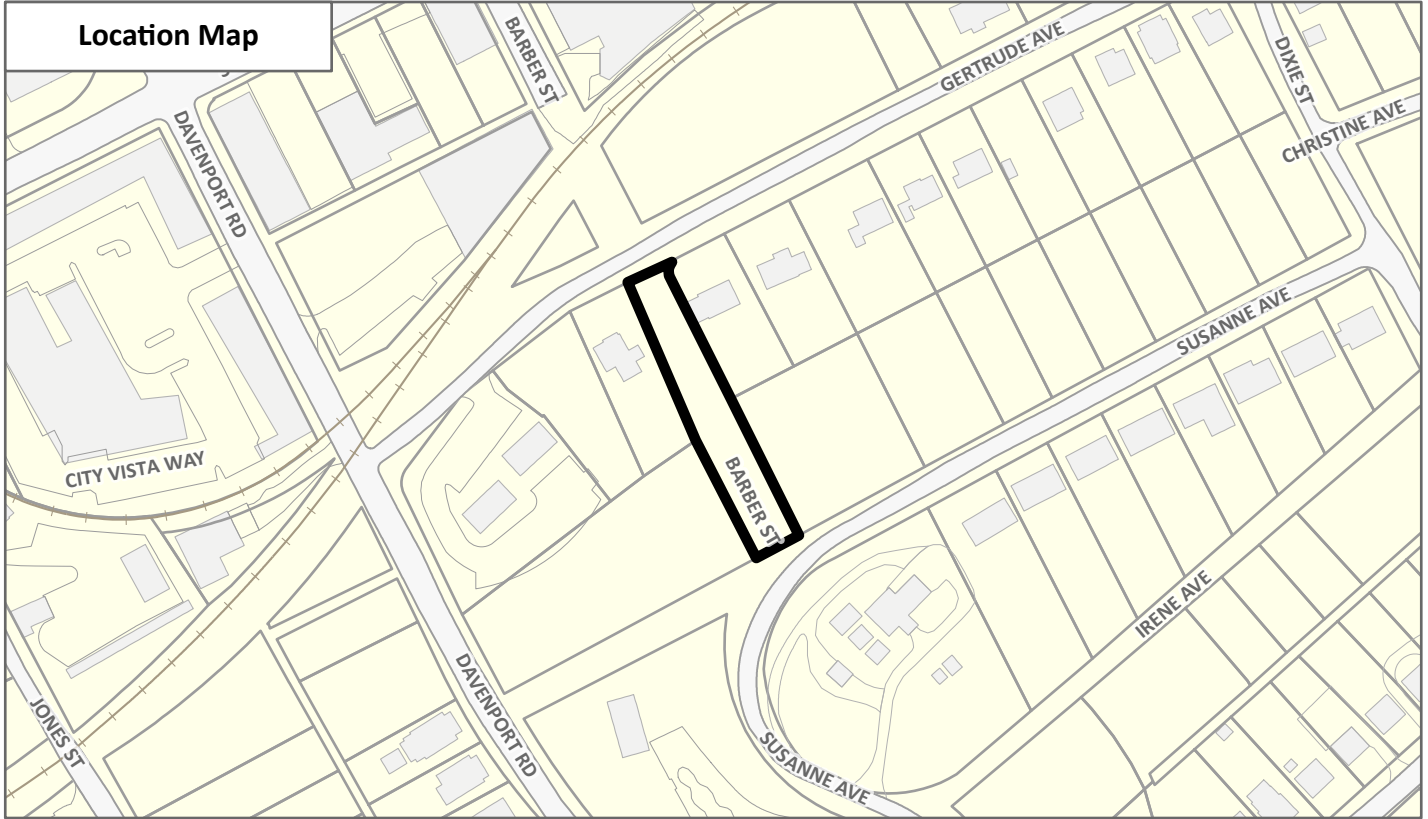
**Map No:** 95

**Jurisdiction:** City



# Exhibit A. Contextual Images

Location Map



Aerial Map

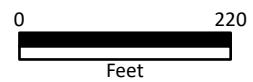


CONTEXTUAL MAPS 1

2-D-24-SC



Case boundary



**DECEMBER 29, 2023**

Christian Wiberly, Knoxville Utilities Board <[Christian.Wiberley@kub.org](mailto:Christian.Wiberley@kub.org)>  
Steve Borden, Regional Director, TN Dept. of Transportation <[steve.borden@tn.gov](mailto:steve.borden@tn.gov)>  
Sonny Partin, Fire Marshall <[spartin@knoxvilletn.gov](mailto:spartin@knoxvilletn.gov)>  
Ben Davidson, Department of Engineering <[bdavidson@knoxvilletn.gov](mailto:bdavidson@knoxvilletn.gov)>  
Charlotte Goforth, Department of Engineering <[cgoforth@knoxvilletn.gov](mailto:cgoforth@knoxvilletn.gov)>  
Chris Flatford, AT&T <[cf2061@att.com](mailto:cf2061@att.com)>  
Jeremy Honeycutt, AT&T <[JH309E@att.com](mailto:JH309E@att.com)>  
John Stansbury, AT&T <[js0634@att.com](mailto:js0634@att.com)>

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

## **RE: REQUEST CLOSURE OF BARBER ST. BETWEEN GERTRUDE AVENUE AND SUSANNE AVENUE. (2-D-24-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 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

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**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 Barber St between Gertrude Ave and Susanne Ave  
Planning File # 2-D-24-SC; Nearby City Block 26263 and 26264

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



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 Requests 2-A-24-SC and 2-D-24-SC**

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 areas and we have no objection to the requested closures. 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". The signature is written in a cursive, flowing style.

Christian Wiberley, PE  
Engineering

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## Right-of-Way Closure Requests February

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**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>

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[Quoted text hidden]





Dallas DeArmond <dallas.dearmond@knoxplanning.org>

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## Right-of-Way Closure Requests February

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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](mailto:Steve.Borden@tn.gov)

[tn.gov/tdot](http://tn.gov/tdot)

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**From:** Dallas DeArmond <[dallas.dearmond@knoxplanning.org](mailto:dallas.dearmond@knoxplanning.org)>

**Sent:** Friday, December 29, 2023 10:55 AM

**To:** Christian Wiberley <[Christian.Wiberley@kub.org](mailto:Christian.Wiberley@kub.org)>; Steve Borden <[Steve.Borden@tn.gov](mailto:Steve.Borden@tn.gov)>; Sonny Partin <[spartin@knoxvilletn.gov](mailto:spartin@knoxvilletn.gov)>; Ben Davidson <[bdavidson@knoxvilletn.gov](mailto:bdavidson@knoxvilletn.gov)>; Charlotte Goforth <[cgoforth@knoxvilletn.gov](mailto:cgoforth@knoxvilletn.gov)>; Chris Flatford <[cf2061@att.com](mailto:cf2061@att.com)>; Jeremy Honeycutt <[JH309E@att.com](mailto:JH309E@att.com)>; John Stansbury <[js0634@att.com](mailto:js0634@att.com)>

**Cc:** Amy Brooks <[amy.brooks@knoxplanning.org](mailto:amy.brooks@knoxplanning.org)>; Jessie Hillman <[jessie.hillman@knoxplanning.org](mailto: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!

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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:** 12/27/2023

**Name of Applicant:** BELVAN PROPERTIES LLC

**Jurisdiction:** City Council District 1

**Sector:** South City

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

**Zoning District:** RN-4 (General Residential Neighborhood)

**File Number:** 2-D-24-SC

**Meeting Date:** 2/8/2024

**Fee Amount:** \$1,000.00

**INFORMATION:**

**Tax ID:** 95 N/A

Add'l. Tax ID Info.:

**Name of Right-of-Way:** Barber St.

**Type of Right-of-Way:** Street

**Location of Right-Of-Way:**

BETWEEN (City Block or Lot, where appropriate): 095OL002

AND (City Block or Lot, where appropriate): 095OL022

**Is ROW in use (yes/no)?:** N

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

**Reason for Closure:** Adjacent homeowners are responsible for maintenance.

**TO BE CLOSED:**

**From: (Street, Alley, Other)**

Gertrude Avenue

**To: (Street, Alley, Other)**

Susanne Avenue

**ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE DIRECTED TO:**

Belvan Properties LLC

3212 Rolling Hills Lane

Knoxville, TN 37931

Telephone: 865-696-2311

Fax:

Email: [steve@valiantcustoms.com](mailto:steve@valiantcustoms.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.

Steven Naab

Signature: \_\_\_\_\_

3212 Rollings Hills Lane

Knoxville, TN 37931

Telephone: 865-696-2311

Fax:

Email: [steve@valiantcustoms.com](mailto:steve@valiantcustoms.com)

**APPLICATION ACCEPTED BY:** Naomi Hansen 1/17/2024 3:31:22 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:** 2-D-24-SC

<b>Address</b>	<b>Signature</b>	<b>Owner/Tenant/ Option Holder</b>	<b>Agree/Disagree</b>
901 Susanne Avenue Knoxville, TN 37920			
0 Davenport Road Knoxville, TN 37920			
700 Gertrude Avenue Knoxville, TN 37920			
698 Gertrude Avenue Knoxville, TN 37920			

Suite 403 • City County Building  
400 Main Street  
Knoxville, Tennessee 37902  
865 • 215 • 2500  
FAX • 215 • 2068  
www.knoxmpc.org

# RIGHT-OF-WAY CLOSURE

Name of Applicant: Belvan Properties LLC

Date Filed: 12/27/23 Fee Paid: \$1,000.00 File Number: 2-D-24-C

Map Number: 95 Zoning District: RN-4  City  County Sector: \_\_\_\_\_

Jurisdiction:  City 1st Councilmanic District

### INFORMATION:

Name of Right-of-Way: Barber St

Type of Right-of-Way:  Street  Alley

#### Location of Right-of-Way:

BETWEEN (City Block or Lot where appropriate) 698 Gertrude Ave

AND (City Block or Lot where appropriate) 700 Gertrude Ave

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

Reason for Closure: Homeowners are maintaining

### TO BE CLOSED:

From: (Street, Alley, Other)  
Gertrude Ave.

To: (Street, Alley, Other)  
Susanne Ave.

### ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Belvan Properties LLC 3212 Rolling Hills Ln. Knoxville TN 37931  
Name: (Print) Address City State Zip Phone Fax  
865-696-2311

### 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: [Signature]  
865-696-2311

Steven Naab 3212 Rolling Hills Lane Knoxville TN 37931  
Name: (Print) Address City State Zip Phone Fax

APPLICATION ACCEPTED BY: [Signature] Samuel Harner Pd 12/27/2023, SG

# Right-of-Way Closure

Street  Alley

## APPLICANT INFO

12.27.2023

Date

Belvan Properties LLC

Applicant Name

Affiliation

02.08.2024

File Number(s)

Meeting Date (if applicable)

2-D-24-SC

## 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

Steven Naab

Belvan Properties LLC

Name

Company

3212 Rolling Hills Ln

Knoxville

TN

37931

Address

City

State

ZIP

865-696-2311

Phone

Email

## CURRENT ROW INFO

Barber St

N

N

Name of Right-of-Way

In use (Y/N)

Improved (Y/N)  
(ex: paved)

## REQUEST

Gertrude Avenue

Starting point of closure

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

Susanne Ave

Ending point of closure

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

Reason for Closure

Attach separate sheet if needed for explanation

Adjacent homeowners are responsible for maintenance

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

**STAFF USE ONLY**

CLT 95	District 1	Fee 1	\$1,000	Total \$1,000
Map Number	City Council District	Fee 2		
South City				
Planning Sector		Fee 3		
East of Davenport Rd				
Other Location Information				

**AUTHORIZATION**

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

**Steven Naab** **12.27.2023**

---

Applicant Signature Please Print Date

**865-696-2311**

Phone Number Email

**Samiul Haque** **12.27.2023**

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
	Attached separately			
698 Gertrude Avenue	Zachary & Hao Chov Land		X	
700 Gertrude Avenue	Belvan Properties LLC		X	
0 Davenport Road	Dominion Sevier LLC		X	
901 Susanne Avenue	Lockett Revocable Living Trust			N/A

*If more space is needed, attach additional sheets.*

AFFIDAVIT OF ZACHARY LAND

Zachary Land, being duly sworn deposes and states as follows under penalty of perjury:

1. My name is Zachary Land and my current address is 698 Gertrude Avenue, Knoxville, Tennessee 37920.
2. The purpose of this Affidavit is to advise the City of Knoxville, MPC and Knox County that I attempted to contact the owner of 901 Susanne Avenue, Knoxville, Tennessee 37920 for the purpose of ROW Closure but was unsuccessful.
3. I looked up the owner of 901 Susanne Avenue on KGIS.org and discovered it was originally owned by Charles D. Lockett, et. al. and was transferred to "LOCKETT REVOCABLE LIVING TRUST" in May of 2023.
4. I also found out that the county property taxes have not been paid since 2013.
5. As Charles Lockett is deceased, I attempted to call the next living relative of Mr. Lockett, his granddaughter. I left voicemails and attempted several times to call but she never answered my calls.
6. I asked my business partner, Garry Ferraris, who was a colleague of Charles Lockett, to try reaching out to Mr. Lockett's granddaughter but to no avail.
7. After many unsuccessful attempts to find anyone who would speak to me about this property the officials at the City of Knoxville told me to leave the section of the ROW Closure form blank.

I hereby swear or affirm that the information above is true, accurate and complete to the best of my knowledge, and that no relevant information has been omitted.

[Signature]  
Signature of Affiant

12/20/23  
Date

ACKNOWLEDGMENT

State of Tennessee  
County of Knox

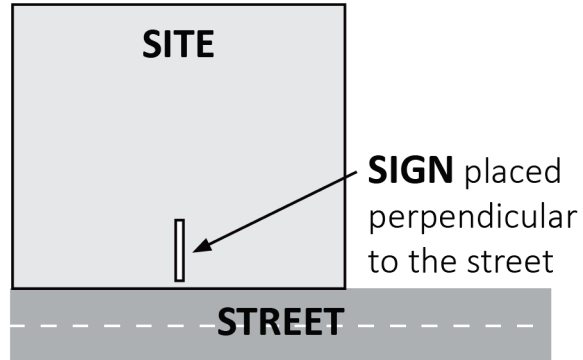
On this 28<sup>th</sup> day of December, 2023, before me personally appeared Zachary Land to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed, for the purposes therein set forth.

Jamie Renee Tolliver  
(Notary Public)  
My Commission Expires April 10, 2027





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: Belvan Properties LLC

Date: 12/28/2023

File Number: 2-D-24-SC

- Sign posted by Staff
- Sign posted by Applicant