



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

▶ FILE #: 3-A-24-SC

AGENDA ITEM #: 21

AGENDA DATE: 3/7/2024

▶ APPLICANT: URBAN ENGINEERING, INC

TAX ID NUMBER:	108 N/A	<a href="#"><u>View map on KGIS</u></a>
JURISDICTION:	Council District 6	
SECTOR PLAN:	Central City	
GROWTH POLICY PLAN:	N/A (Within City Limits)	
ZONING:	N/A	
WATERSHED:	Third Creek	

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

▶ LOCATION: Between Mcelroy Avenue and from the east side of Varner Street to a point approximately 200 feet to the east

IS STREET:	
(1) IN USE?:	No
(2) IMPROVED (paved)?:	Yes

▶ APPLICANT'S REASON FOR CLOSURE: The area in question is nonfunctioning.

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:

▶ This item was requested to be withdrawn by the City of Knoxville on February 27, 2024 and was subsequently withdrawn from the agenda.

### COMMENTS:

Knoxville's process for right-of-way closure and abandonment was reviewed and analyzed by the Matrix Consulting group in 2022. The final recommendation included a slight modification to the process to route the closure application directly from staff to City Council.

This item has been forwarded to Knoxville City Council for action on 3/19/2024 and 4/2/2024.



Michelle Portier <michelle.portier@knoxplanning.org>

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## Withdrawal of City ROW closures for March PC meeting

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**Chris Howley** <chowley@knoxvilletn.gov>

Tue, Feb 27, 2024 at 1:24 PM

To: Michelle Portier <michelle.portier@knoxplanning.org>

Cc: Dallas DeArmond <dallas.dearmond@knoxplanning.org>, Dori Caron <dori.caron@knoxplanning.org>, Curtis Williams <cmwilliams@knoxvilletn.gov>, Ben Davidson <bdavidson@knoxvilletn.gov>, Tom Clabo <tclabo@knoxvilletn.gov>

Michelle,

As you know, changes have been made to the process for right-of-way closures in the City of Knoxville. The process change, allows a proposed closure request, after internal review and recommended approval, to go directly to City Council. This new process begins on March 1 and therefore, I would like to request that the following cases be withdrawn from the March Planning Commission meeting, so that these cases can follow the new process:

- 3-A-24-AC (unnamed alley off of Morgan St) and
- 3-A-24-SC (Mcelroy Ave)

Please let me know if you need anything further.

Thanks

**Chris Howley, P.E.**

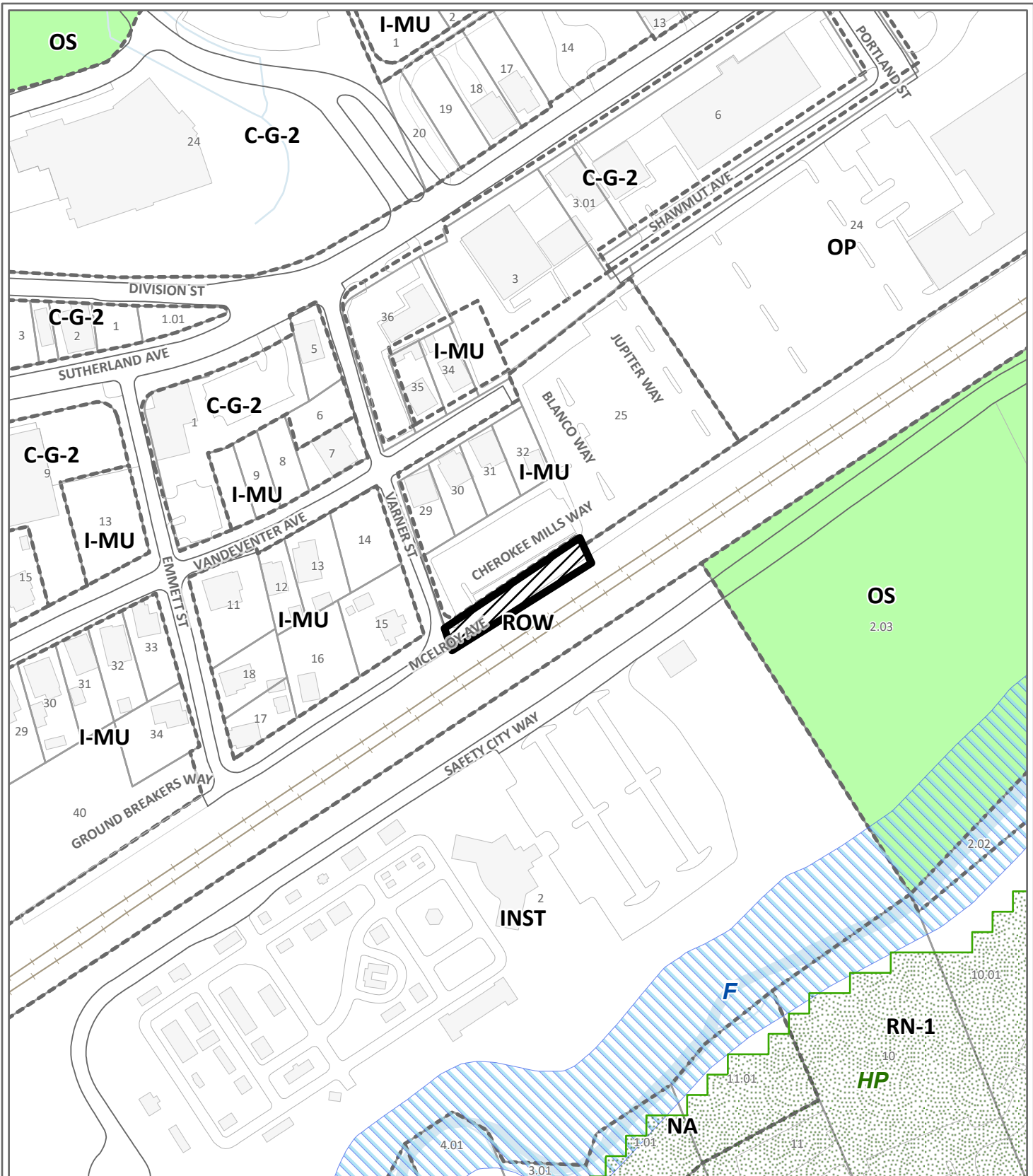
**Deputy Director of Engineering**

Office: 865-215-3252

Cell: 865-705-9960

Website: [www.KnoxvilleTN.gov](http://www.KnoxvilleTN.gov)





**CLOSURE OF PUBLIC RIGHT OF WAY, ZONING MAP**

**3-A-24-SC**

**Petitioner:** Urban Engineering, Inc

Name of Street or Alley: Mcelroy Ave.

To be closed from: its eastern terminus

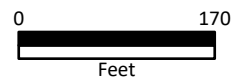
To be closed to: Varner Street

**Original Print Date:** 2/2/2024

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

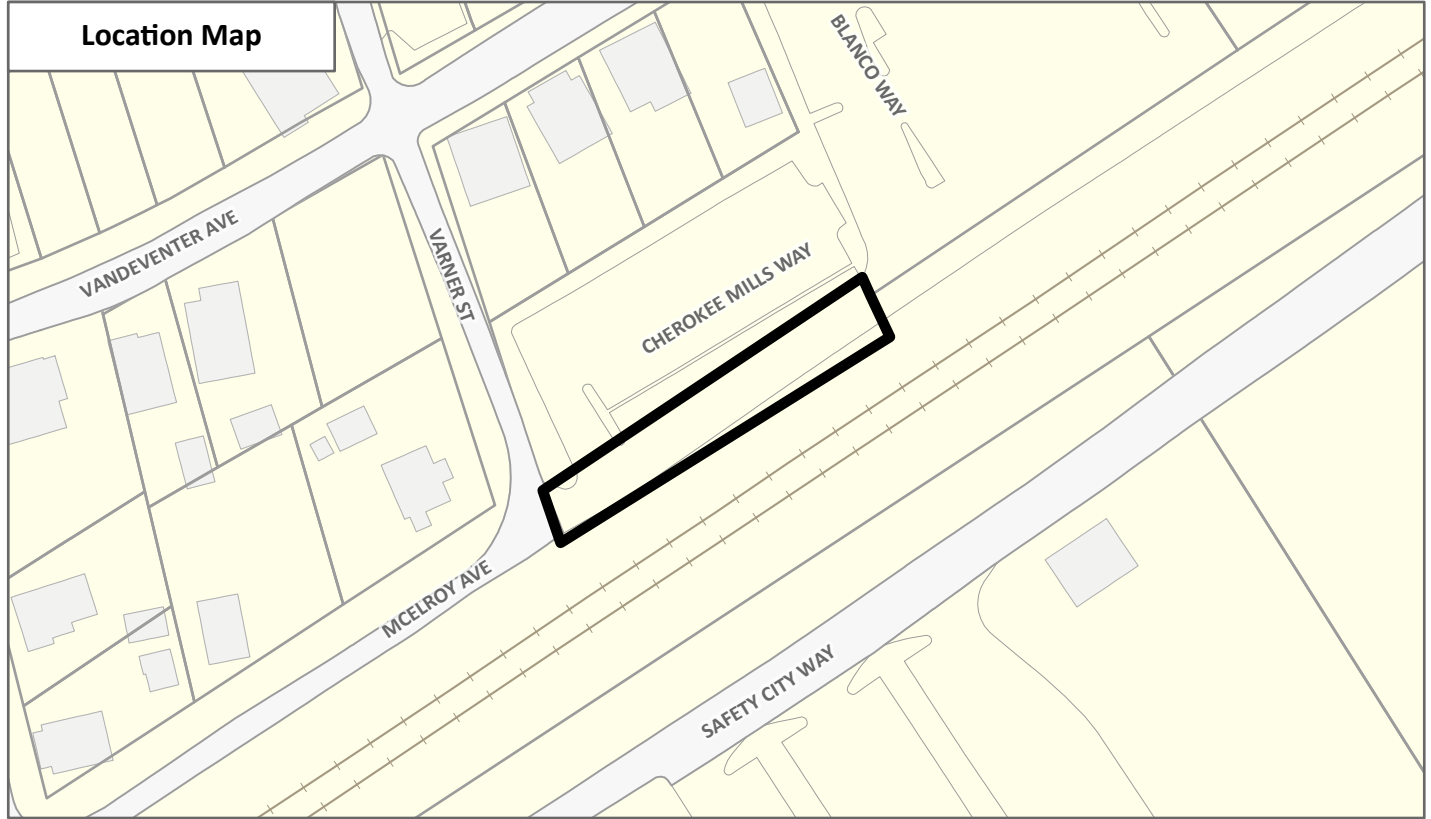
**Map No:** 108

**Jurisdiction:** City



# Exhibit A. Contextual Images

Location Map



Aerial Map

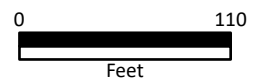


CONTEXTUAL MAPS 1

3-A-24-SC



Case boundary



**JANUARY 24, 2024**

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: Naomi Hansen, Planner, Knoxville-Knox County Planning

**RE: REQUEST CLOSURE OF MCELROY AVENUE FROM THE EAST SIDE OF  
VARNER STREET AND MCELORY AVENUE INTERSECTION TO  
APPROXIMATELY 200 FEET EAST. (3-A-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 March 7, 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, February 19, 2024, will be considered as no objection by your agency.***

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



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February 14, 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 3-A-24-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.

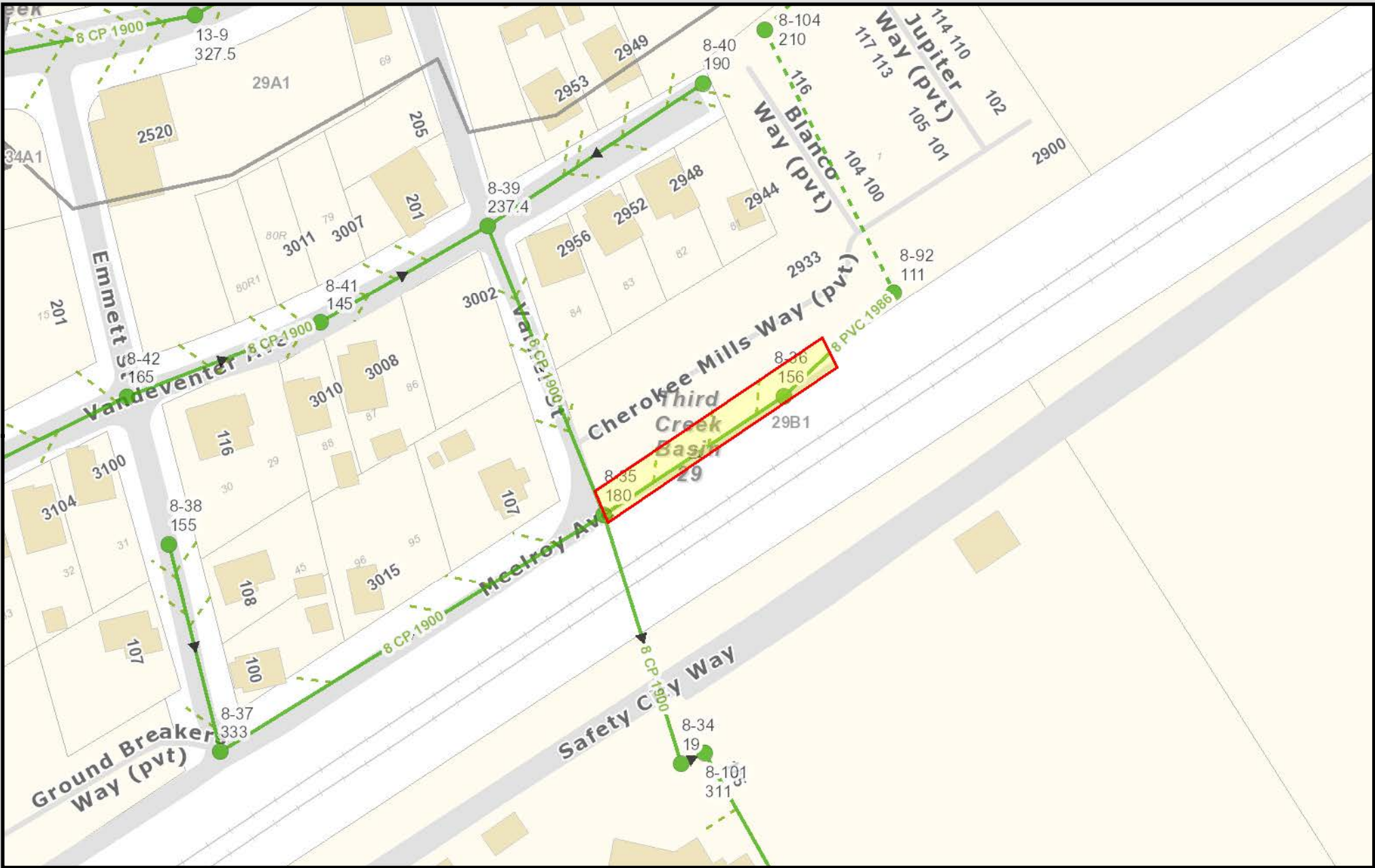
Sewer – 7.5 feet on each side of the centerline of the sewer line, 15 feet total width

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 "Chris Wiberley", is written in a cursive style.

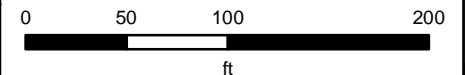
Christian Wiberley, PE  
Engineering



File No. 3-A-24-SC (Sewer)



Printed: 2/14/2024 at 8:03:41 AM



**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.

19

Compose

Mail

Inbox

19

Chat

Starred

Snoozed

Meet

Sent

Drafts

14

More

Labels

Active Cases

Completed Cases

First 60 days



3 of 4

Date: Mon, Jan 29, 2024 at 9:10 AM

Subject: RE: [EXTERNAL] Right-of-Way Closure Requests March 2024

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

Dallas,

In reviewing the attached closure applications, no impacts to State owned property or streets has been identified. District 18 has no objection to these requests.

Please let me know if you need any additional information.

Sincerely,

Steven M. Borden, P.E.  
Director/Assistant Chief Engineer  
TDOT – Region 1







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

# RIGHT-OF-WAY CLOSURE

Date Filed: 1/26/2024

Name of Applicant: URBAN ENGINEERING, INC

Jurisdiction: City Council District 6

Sector: Central City

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

Zoning District: N/A

File Number: 3-A-24-SC

Meeting Date: 3/7/2024

Fee Amount: \$1,000.00

## INFORMATION:

Tax ID: 108 N/A

Add'l. Tax ID Info.:

Name of Right-of-Way: McElroy Ave.

Type of Right-of-Way: Street

Location of Right-Of-Way:

BETWEEN (City Block or Lot, where appropriate): Between Sutherland Ave

AND (City Block or Lot, where appropriate): the Safety City Complex

Is ROW in use (yes/no)? No

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

Reason for Closure: The area in question is nonfunctioning.

## TO BE CLOSED:

From: (Street, Alley, Other)

its eastern terminus

To: (Street, Alley, Other)

Varner Street

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

Chris Sharp, P.E. Urban Engineering, Inc.

10330 Hardin Valley Rd. Pk. Suite 201

Knoxville, TN 37932

Telephone: 865-966-1924

Fax: 865-671-1933

Email: chris@urban-eng.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.

John G. Moore III JK Development Group, LLC

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

2957 Cherokee Way

Knoxville, TN

Telephone:

Fax:

Email:

APPLICATION ACCEPTED BY: Jessie Hillman

2/14/2024 2:32:02 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 1/9/24

URBAN ENGINEERING, INC  
Applicant Name

ENGINEER  
Affiliation

Meeting Date (if applicable)

File Number(s)

**3-A-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

CHRIS SHARP  
Name

URBAN ENGINEERING, INC  
Company

10330 HARDIN VALLEY #201  
Address

KNOXVILLE TN 37932  
City State ZIP

(665) 966-1924  
Phone

CHRIS@URBAN-ENG.COM  
Email

## CURRENT ROW INFO

MCELROY AVENUE  
Name of Right-of-Way

NO  
In use (Y/N)

NO  
Improved (Y/N)  
(ex: paved)

## REQUEST

FROM VARNER STREET TO  
Starting point of closure (from street, alley, city block, lot, etc)

The east side of the Varner Street and Mcelroy Avenue intersection.

APPROXIMATELY 200' EAST ALONG RAILROAD ROW  
Ending point of closure (to street, alley, city block, lot, etc)

Approximately 200-ft of Mcelroy Ave (previously Morrison) to the east.  
Reason for Closure

Attach separate sheet if needed for explanation

THE AREA IN QUESTION IS NON-FUNCTIONING.

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

**STAFF USE ONLY**

108  
Map Number

6th  
City Council District

Fee 1 701 \$1,000.00 Total


Fee 2 \$1,000.00

Fee 3

Central City  
Planning Sector

Between Sutherland Ave & the Safety City Complex  
Other Location Information

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

  
Applicant Signature  
805-603-4785  
Phone Number

John G. Moore III  
Please Print

1-9-24  
Date

John@southeastinvestments.com  
Email

Staff Signature 

Please Print S. Gray

Date Pd. 01/10/2024

**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

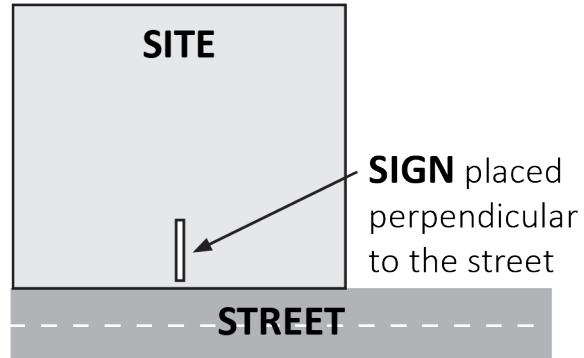
AGREE DISAGREE

2957 CHEROKEE  
MILLS WAY

John G. Moore III



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:***

\_\_\_\_\_ and \_\_\_\_\_  
(applicant or staff to post sign) (applicant to remove sign)

**Applicant Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**File Number:** \_\_\_\_\_

- Sign posted by Staff  
 Sign posted by Applicant