

PUBLIC RIGHT-OF-WAY ABANDONMENT POLICY

I. Purpose:

To establish a procedure for the abandonment of public right-of-way, within the city of Alcoa, TN, consistent with § 6-19-101, § 13-4-104 and § 54-10-201 of the *Tennessee Code Annotated*, enabling staff to facilitate such in a manner of policy that promotes the health, safety and well-being of the public.

II. Information and Guidelines:

Applicants are responsible for expenses associated with the initial consideration of a public right-of-way abandonment, as well as those that would be associated with the same should final approval be granted, unless otherwise agreed to by the board of commissioners. A Public Right-of-way Abandonment Application, along with a review fee (see Fee Schedule), shall be submitted to planning staff by the first working day of any month an applicant wishes to be considered. Applications are submitted first to the planning commission to review and make a recommendation (by resolution) to the board of commissioners. The boards review of said resolution and action thereof (by ordinance) is the final authority. Nothing in the foregoing shall be deemed to abrogate the right of the board or planning commission to initiate any type of right-of-way abandonment.

Said right-of-way shall be transferred, fee simple, by the instrumentation of a quit claim deed as follows:

- A. One-half (1/2) of said right-of-way, identified by locating the centerline measurement, may be deeded to each adjacent property owner(s); or,
- B. The city may deed said right-of-way, in its entirety, to a public/quasi-public or private entity in instances where:
 - 1. An adjacent owner(s) does not hold the underlying fee interest;
 - 2. Said public/quasi-public or private entity is contiguous to the right-of-way being abandoned;
 - 3. Serving a public benefit for a private use would include generating additional taxes; and,
 - 4. It promotes the health, safety and well-being of the public.

Please note that in some cases property boundaries legally extend to the centerline of a right-of-way and in this case owner(s) hold the underlying fee interest. An adjacent property owner may waive acceptance of their half of a right-of-way by providing the city with a notarized written statement and signature agreeing to such.

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III. Procedure:

1. At a minimum, the signature(s) of each owner(s) of property contiguous to or having direct access to the public right-of-way requested to be abandoned shall appear on the Public Right-of-way Abandonment Application (or be attached thereto). In addition, a majority of the owners of property who would be directly affected may also be included. Each owner(s) of property in a subdivision, interconnected subdivision or clearly defined neighborhood, where such right-of-way being considered for abandonment serves a greater public is considered to be directly affected by a right-of-way abandonment.
2. Planning staff notifies all utilities, police and fire that provide services to the city of the request being considered and ask for comment as to what impact a right-of-way abandonment might have on existing utility systems, future plans and access. These providers include the following:
 - A. City of Alcoa Public Works and Engineering (Sanitary Water and Sewer and Stormwater);
 - B. City of Alcoa Electric;
 - C. City of Alcoa Police;
 - D. City of Alcoa Fire;
 - E. AT&T;
 - F. ATMOS Energy; and,
 - G. Charter Communications.

Note that utilities may need to be relocated and/or easements may need to remain and/or be added. The costs associated with any utility relocations, utility abandonment or any other work associated with the requested right-of-way abandonment shall be borne by the applicant.

3. The planning commission reviews the request and makes a recommendation (by resolution) to the board of commissioners.
4. The board of commissioners holds a public hearing, reviews the resolution and acts (by ordinance) on the same. Two readings of the board's action are required.
5. Should the board of commissioners action be favorable, the applicant shall be responsible for accomplishing and paying all costs associated with task that may include:
 - A. Surveying and platting (or re-platting) each adjacent property associated with the abandonment;
 - B. Legal document preparation and recording; and,

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- C. Engineering, materials and construction that may be required as a result of the abandonment.
- 6. Once a survey and plat (or re-plat) is prepared by a surveyor, licensed in the state of Tennessee, said plat (or re-plat) shall be submitted to planning staff for planning commission review and approval. A Development Review Application for subdivision review, along with a review fee (see Fee Schedule), shall be submitted to planning staff by the first working day of any month an applicant wishes to be considered.
- 7. Should the planning commission action be favorable, and once any stipulations of approval have been met, which would include the execution of all signature blocks, the secretary of the planning commission would sign off on the plat (or re-plat) and such (along with the quit claim deed(s)) shall then be recorded in the Blount County Register of Deeds.

To answer any questions, and/or to discuss public right-of-way abandonment request, please contact planning staff at 865-380-4730.

PUBLIC RIGHT-OF-WAY ABANDONMENT APPLICATION PLANNING AND CODES DEPARTMENT



City of Alcoa • 223 Associates Boulevard • Alcoa, TN 37701 • Ph#: (865)380-4730 Fax#: (865)380-4744

Name of Applicant: _____
 Mailing Address: _____
 Telephone: _____ Fax: _____ Email: _____
 Agent/Contact: _____
 Mailing Address: _____
 Telephone: _____ Fax: _____ Email: _____

PROPERTY IDENTIFICATION:

Location of Right-of-way: _____
 (Map to be included)

Reason for Request: _____

ADJOINING PROPERTY OWNER(S)/PETITIONER(S):

	Name (Print)	Signature	Address and Tax Parcel ID
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____
11.	_____	_____	_____
12.	_____	_____	_____
13.	_____	_____	_____
14.	_____	_____	_____
15.	_____	_____	_____
16.	_____	_____	_____
17.	_____	_____	_____
18.	_____	_____	_____
19.	_____	_____	_____
20.	_____	_____	_____

SIGNATURE OF APPLICANT/PETITIONER:

The undersigned applicant hereby petitions, or serving as agent, petitions on behalf of, the above petitioner(s), to the city of Alcoa, Tennessee, for consideration of a public right(s)-of-way abandonment as indicated above. I hereby certify that the information submitted in this application is true and correct to the best of my knowledge at the time of application.

 Applicant/Agent/Petitioner Signature Date

Note: This application shall be filed with the Planning and Codes Department by the first working day of the month of which to be considered. Additional Owners/Petitioners may be added by an attachment hereto.

FOR OFFICE USE ONLY:	
Date Application/Petition Received: _____	Received By: _____
Application Fee Paid: _____	Receipt Number: _____
Planning Commission Date: _____	<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Board of Commissioners Date: _____	
1 st Reading _____	2 nd Reading _____
	<input type="checkbox"/> Approved <input type="checkbox"/> Denied