WHEREAS, City of Knoxville filed Application No. 4-A-19-SC with the Metropolitan Planning Commission to close a portion of Myrtle Street between the northern right-of-way line of East Fifth Avenue and terminus and dead-end, hereinafter more particularly described; and

WHEREAS, the Metropolitan Planning Commission and the Department of Engineering have approved said closure subject to the retention of any drainage and utility easements; and

WHEREAS, public notice of the hearing by the Metropolitan Planning Commission on April 11, 2019 was published in the Knoxville News Sentinel on March 8, 2019, and notice of the hearing by City Council on May 7, 2019 was published in the Knoxville News Sentinel on April 18, 2019; and,

WHEREAS, an emergency exists in that it is necessary for the immediate preservation of the public peace, property, health and safety that this Ordinance take effect immediately upon its passage.
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF

KNOXVILLE:

SECTION 1: That a portion of Myrtle Street be closed between the northern right-of-way line of East Fifth Avenue and terminus and dead-end, which closure is more particularly described as follows:

Situated within Ward 15, lying between Blocks 15802 and 15803, in the City of Knoxville, Knox County, Tennessee, being a portion of Myrtle St, being more generally described as follows:

Bounded on the west by the property of Positively Living per Deed Instrument No. 200208230015946, Lot 7R, map block 18 as shown on the resubdivision of Elmwood Addition Lots 7 through 12 per map Instrument No. 199205070000153, Map Cabinet M, Slide 221B, Tax Map 082, Insert P, Group K, Parcel 039.00; Bounded on the north by an unnamed alley shown on said map of the resubdivision of Elmwood Addition; Bounded on the east by property of the City of Knoxville per deed Instrument No. 20009130018467, Lot 7, in map block 19, as shown on the map of Elmwood Knoxville-Tennessee per plat Instrument No. 192503140000000, Map Cabinet A, Slide 84B, Plat Book 3, Page 120, Tax Map 082, Insert P, Group K, Parcel 038.00; Bounded on the south by the northern right-of-way line of E Fifth Ave, said closure area includes any radius transition corners along the northern line of said E Fifth Ave.

Easements are reserved for all drainage facilities and utilities, if any, located in or within five (5) feet of the property described herein. If 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.

The above is a general description derived from the referenced documents. No new boundary survey was performed for this description. No warranties of title or boundary certifications are given or implied herein.

SECTION 2: After the effective date of said closure, upon application of the adjacent property owners, the Mayor is hereby authorized to execute and deliver quitclaim deeds conveying the
City's interest in the aforesaid closure in conformity with this Ordinance and as the interests of the adjacent property owners may appear.

**SECTION 3:** The closure of the right-of-way as provided in this Ordinance shall occur strictly contingent upon the adjacent property owned by Positively Living being conveyed to the Volunteer Ministry Center for the creation of affordable housing.

**SECTION 4:** An emergency is declared to exist in that the adoption of this Ordinance is necessary for the immediate preservation of the public peace, property, health and safety.

**SECTION 5:** This Ordinance shall take immediately upon its passage, the public welfare requiring it.

______________________________________________________
Presiding Officer of the Council

______________________________________________________
City Recorder

K:\COUNCIL\ORD\MPC\STCLOSE\2019\City of Knoxville (File No. 4-A-19-SC).docx