

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT #4
CORRESPONDENCE ITEM

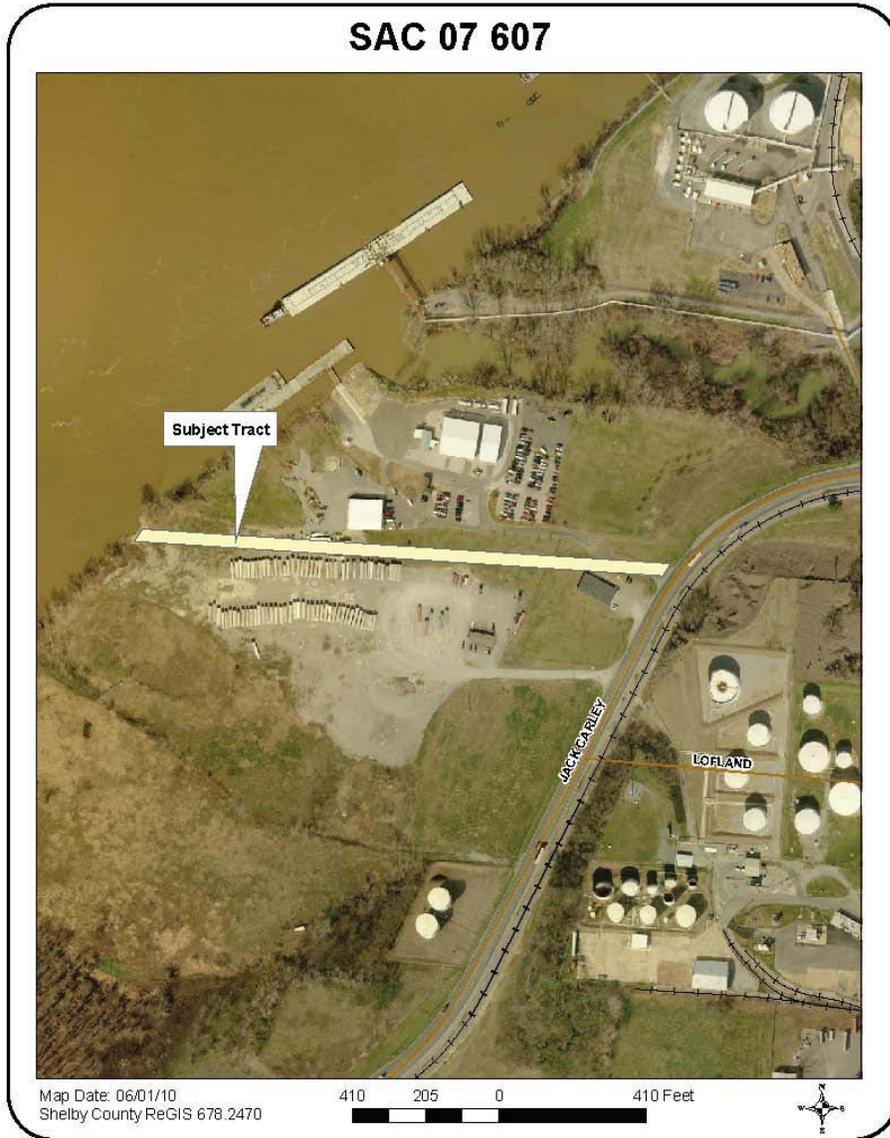
CASE NUMBER: SAC 07-607	L.U.C.B. MEETING: June 10, 2010
STREET NAME:	Fleet Street Closure
LOCATION:	From Jack Carley Causeway to the Mississippi River
COUNCIL DISTRICT:	6
SUPER DISTRICT:	8
APPLICANT:	South of Fleet Street, LLC
REPRESENTATIVE:	Josh Lawhead
REQUEST:	A time extension for the closing of the street as previously approved by the Memphis City Council on 12/04/07 in order to comply with the conditions of the closing

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

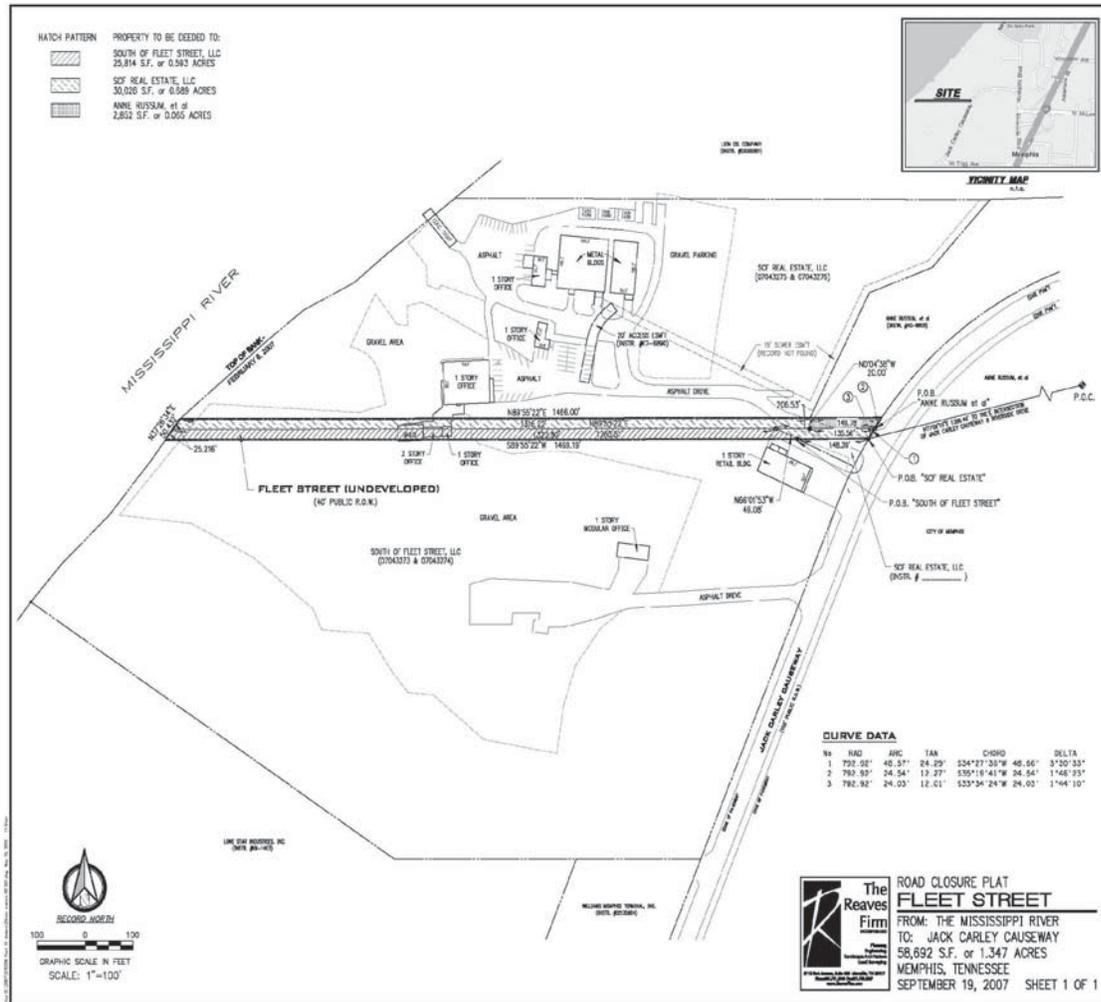
Approval subject to the previously-approved City Council Conditions

CONCLUSIONS

1. This unimproved street right-of-way was previously closed by the City Council on 12/04/07 subject to three conditions. Compliance with the conditions is required within one year of the date of Council approval. To date, compliance remains incomplete, but the applicant intends on completing the closing.
2. There is no objection to the request subject to the previously-approved conditions. There have been no mitigating circumstances warranting the street right-of-way be retained.



Aerial Photo of the proposed closing.



Proposed Closing Plat

STAFF ANALYSIS

Fleet Street is an unimproved street located at the entrance to Presidents Island Industrial Park in the southwest portion of the City of Memphis. The street right-of-way is crossed by an existing asphalt private driveway and has an office building built on a portion of it.

Closing of the right-of-way was approved by the City Council in 2007. The closing was contingent on compliance with conditions which have yet to be fulfilled. The applicant desires to complete the closing process, but needs a time extension of the previous approval to do so.

There is no objection to the time extension. There is no compelling reason to retain the right-of-way at this time. Its closing will resolve any issue of the existence of the right-of-way and permit the adjoining property owners to absorb the right-of-way into their ownership parcels so any existing encroachments on the right-of-way can be absolved.

RECOMMENDATION: Approval of the time extension subject to the previously-approved conditions of the City Council which are as follows:

1. Provide proof satisfactory to the Office of Planning and Development that any parcels abutting the right-of-way remain as legal lots or exempt tracts prior to the City Council approving the closing.
2. The applicant shall comply with all conditions of the closure within 365 days of the conditional approval of the closure by the City Council.
3. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at the developer's expense.

DEPARTMENTAL COMMENTS:

The following comments were provided by agencies to which this application was referred:

- City Engineer:** No objections to this request.
- City Fire Division:** Existing pavement offers access to all building. No objection to closure.
- City Real Estate:** No comments received.
- City/County Health Department:** No comments from the Water
Quality Branch & Septic Tank Program.
- City Board of Education:** No comments received.
- Construction Code Enforcement:** No comments received.
- Memphis Light, Gas and Water:**

MLGW has reviewed the referenced application, and has no objection, subject to the following conditions:

- The City of Memphis shall retain an easement across the proposed street closure, from edge to edge of the road right of way, to accommodate any existing public utilities, including electric, gas, water, CATV, telephone, sewer, drainage, etc
- If it is necessary for MLGW facilities to be installed, removed or relocated, any work performed by MLGW will be done at the expense of the owner/applicant.
- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.
- **It is the responsibility of the owner/applicant** to contact MLGW-Property Management, Land Rights Specialist @ 901-528-4186 to request a Release Deed for release of easement for any existing MLGW Easement(s) in conflict with the proposed development.
- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.

- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **Landscaping is prohibited** within any MLGW utility easement without prior MLGW approval. It is the responsibility of the owner/applicant to comply with Memphis/Shelby County Zoning Ordinance - Landscape and Screening Regulations.
- **It is the responsibility of the owner/applicant** to contact **TN-1-CALL @ 1.800.351.1111**, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc

- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
 - All residential developers must contact MLGW's Residential Engineer at 528-4855 for application of utility services.
 - All commercial developers must contact MLGW's Builder Services line at 367-3343 to initiate the utility installation process.
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

Bell South / Millington Telephone:	No comments received.
Memphis Area Transit Authority (MATA):	No comments received.
OPD-Regional Services:	No comments received.
OPD-Plans Development:	No comments received.
Park Services Division:	No comments received.
South Memphis Neighborhood Foundation:	No comments received.

SW-NRS