

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND
DEVELOPMENT
STAFF REPORT #3**

CASE NUMBER: SAC 10-604 **L.U.C.B. MEETING:** 7/08/10

ALLEY NAME: Monroe Avenue Extended Alley Closure
LOCATION: South side of Monroe Avenue Extended, 130 feet west of
Madison Avenue

COUNCIL DISTRICT: 6

SUPER DISTRICT: 8

APPLICANT: James H. Wolfe and Gracie Wolfe

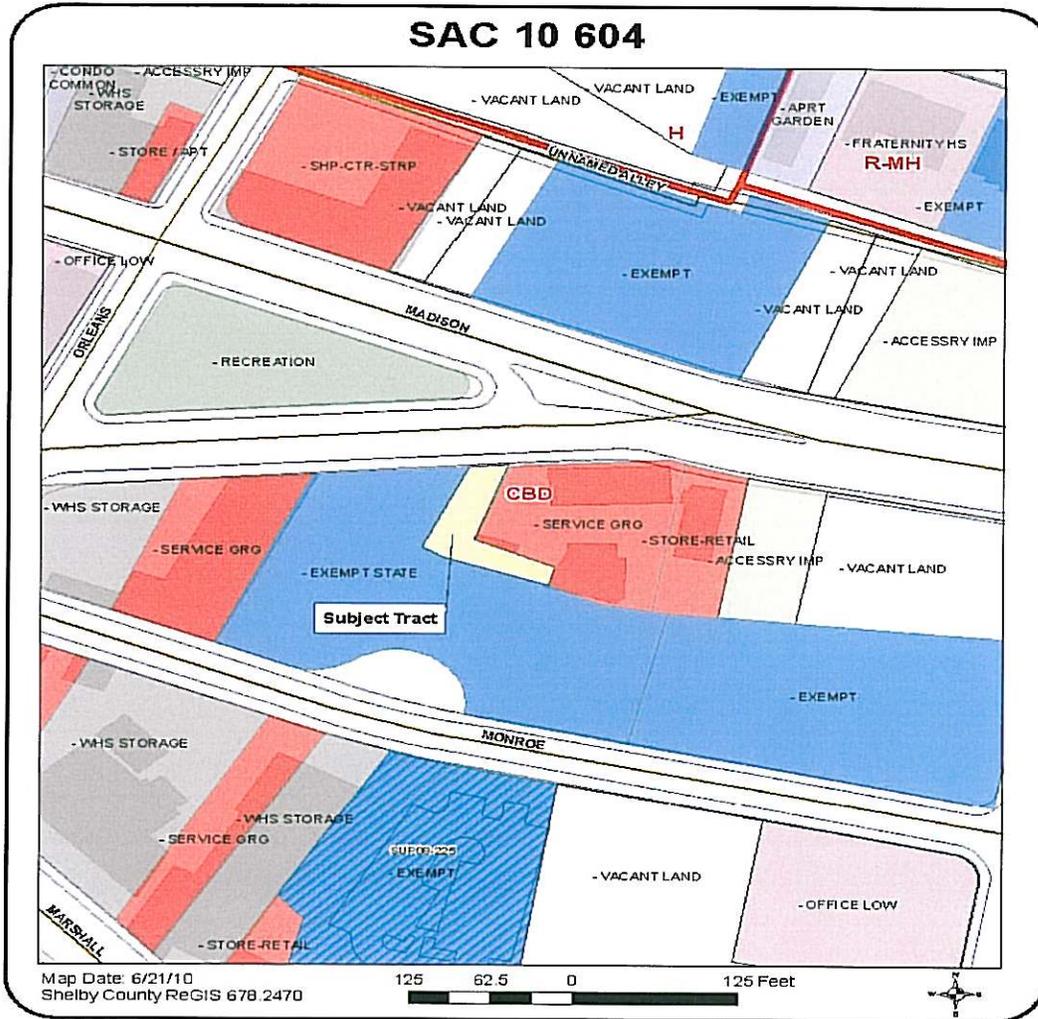
REPRESENTATIVE: The Blackburn Law Firm

REQUEST: Close Alley Right-Of-Way

**OFFICE OF PLANNING AND DEVELOPMENT
RECOMMENDATION:
*Approval With Conditions***

CONCLUSIONS

1. This alley does not physically exist. It is currently occupied by an automobile repair shop building and a paved drive to access the building.
2. Retaining the alley is not needed since properties abutting it currently have other access and the alley is not part of a through public street network.
3. Closing the alley will allow the area to convert to private ownership and be placed on the tax rolls of the city.



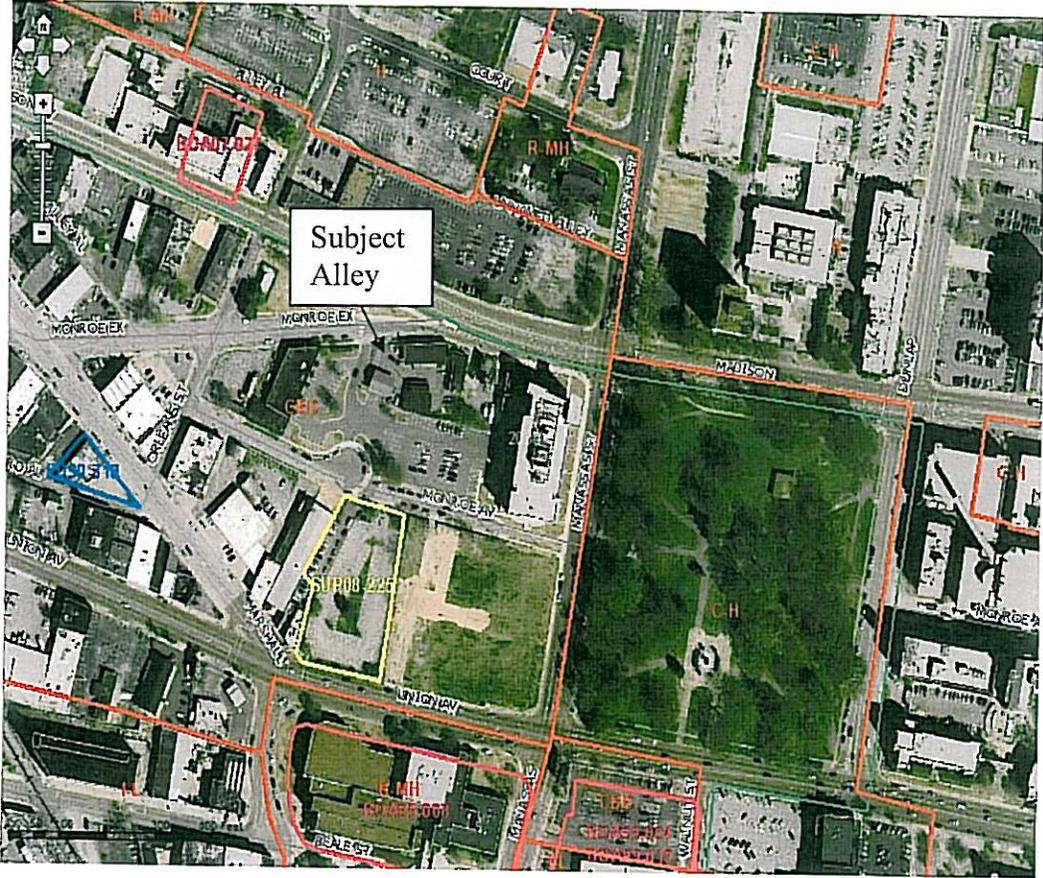
Vicinity/Land Use/Zoning Map

North: Businesses in the Central Business (CBD) Zoning District

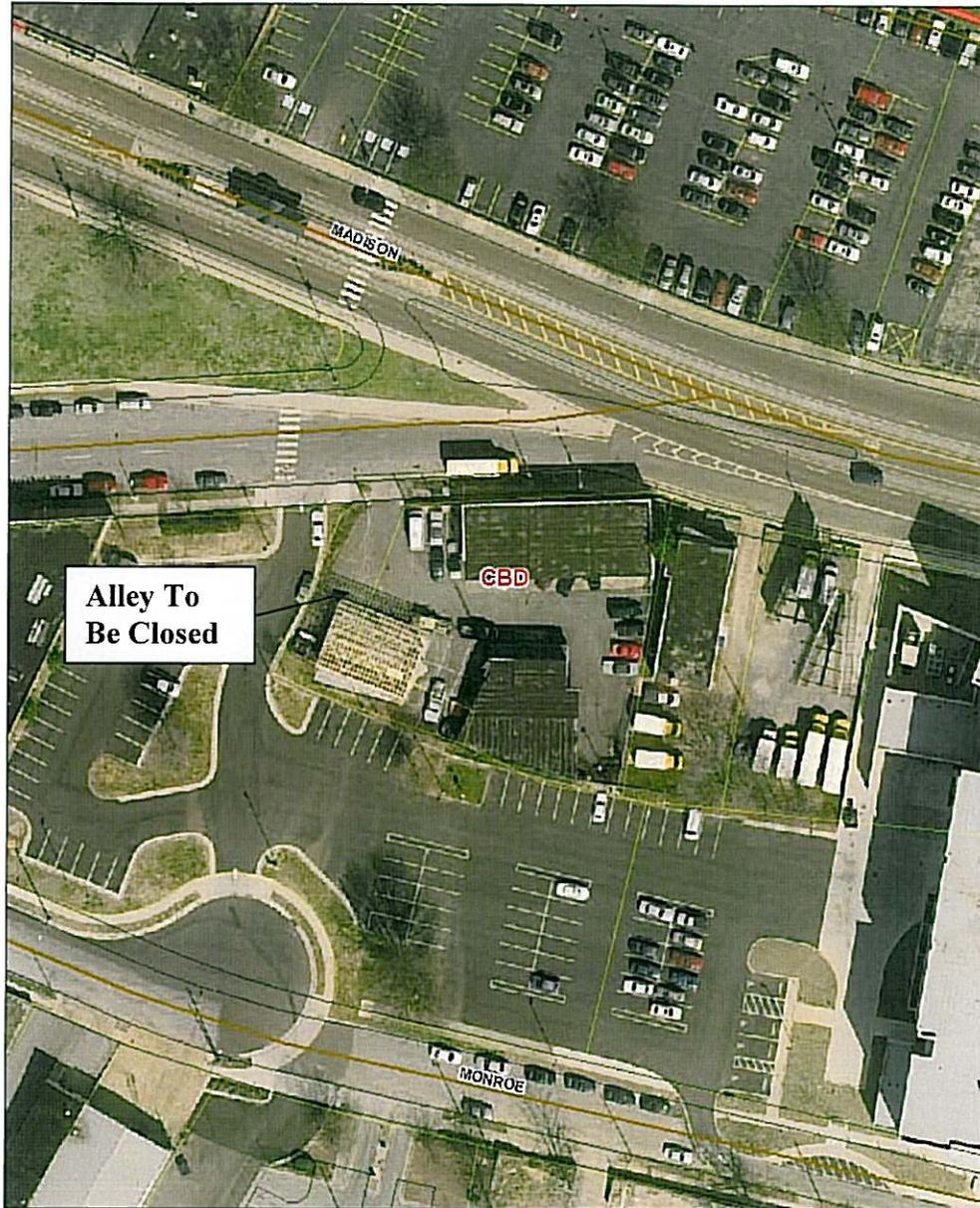
South: University of Tennessee Parking Lot in the CBD Zoning District

East: Automobile repair in the CBD Zoning District

West: University of Tennessee Parking Lot in the CBD Zoning District



SAC 10 604

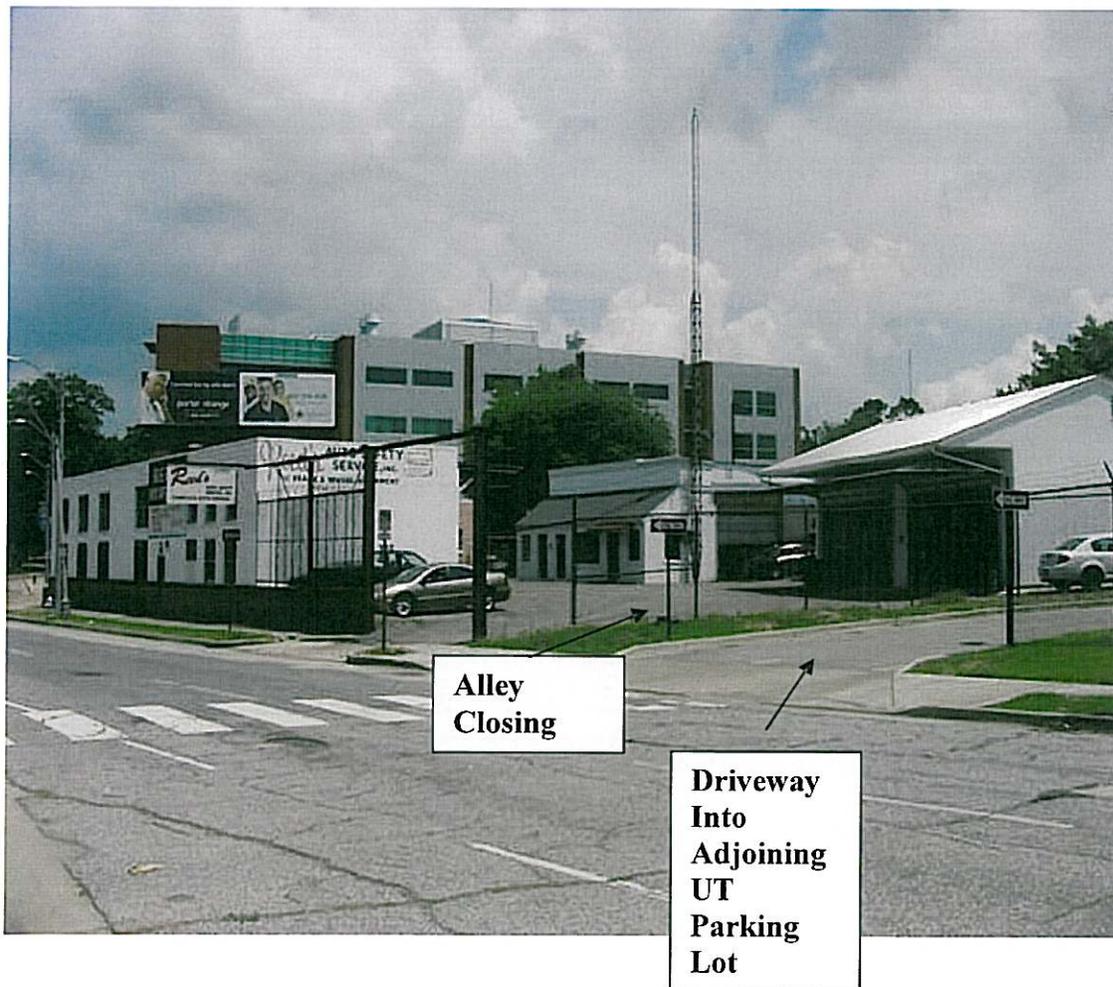


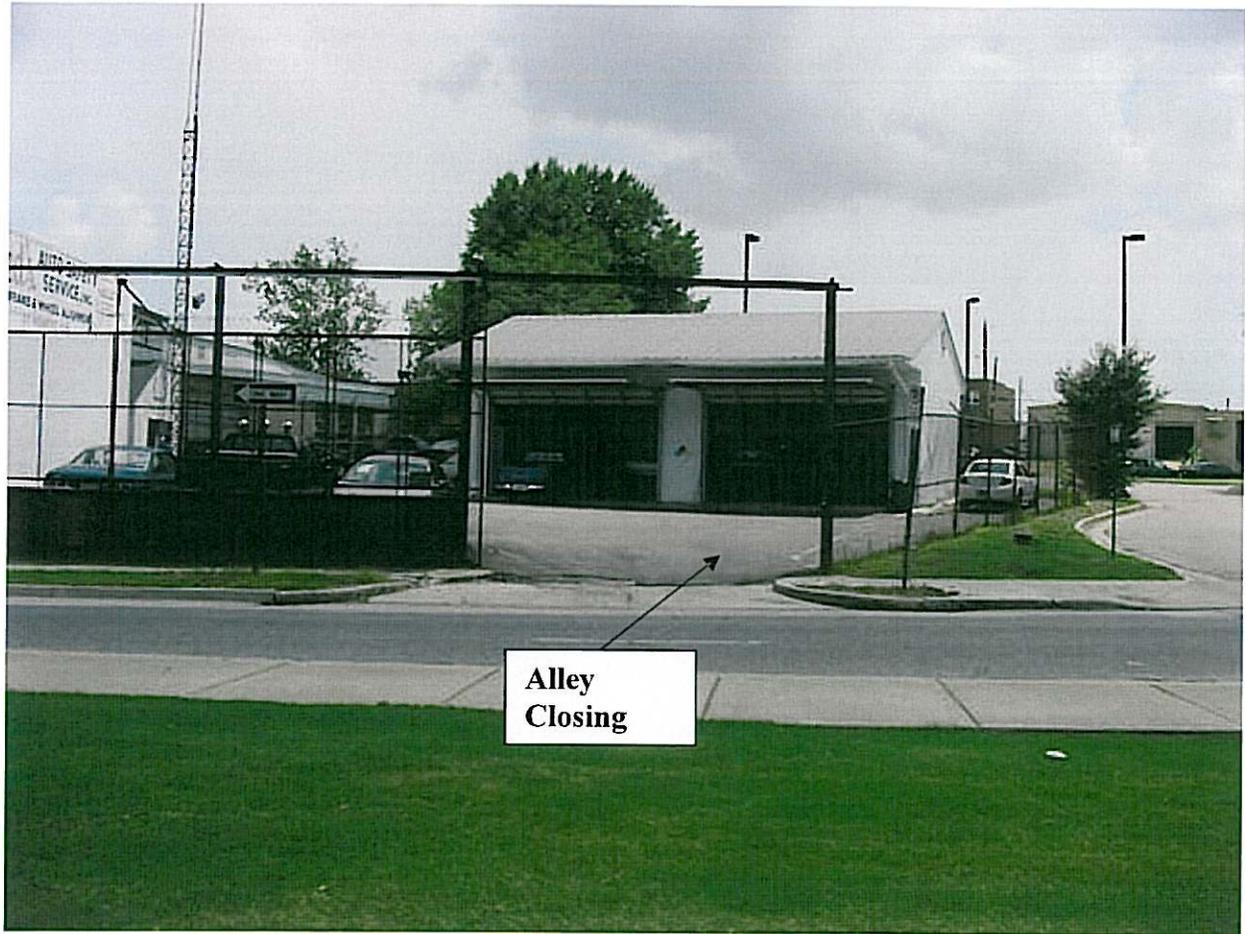
Map Date: 6/21/10
Shelby County ReGIS 678.2470

75 37.5 0 75 Feet

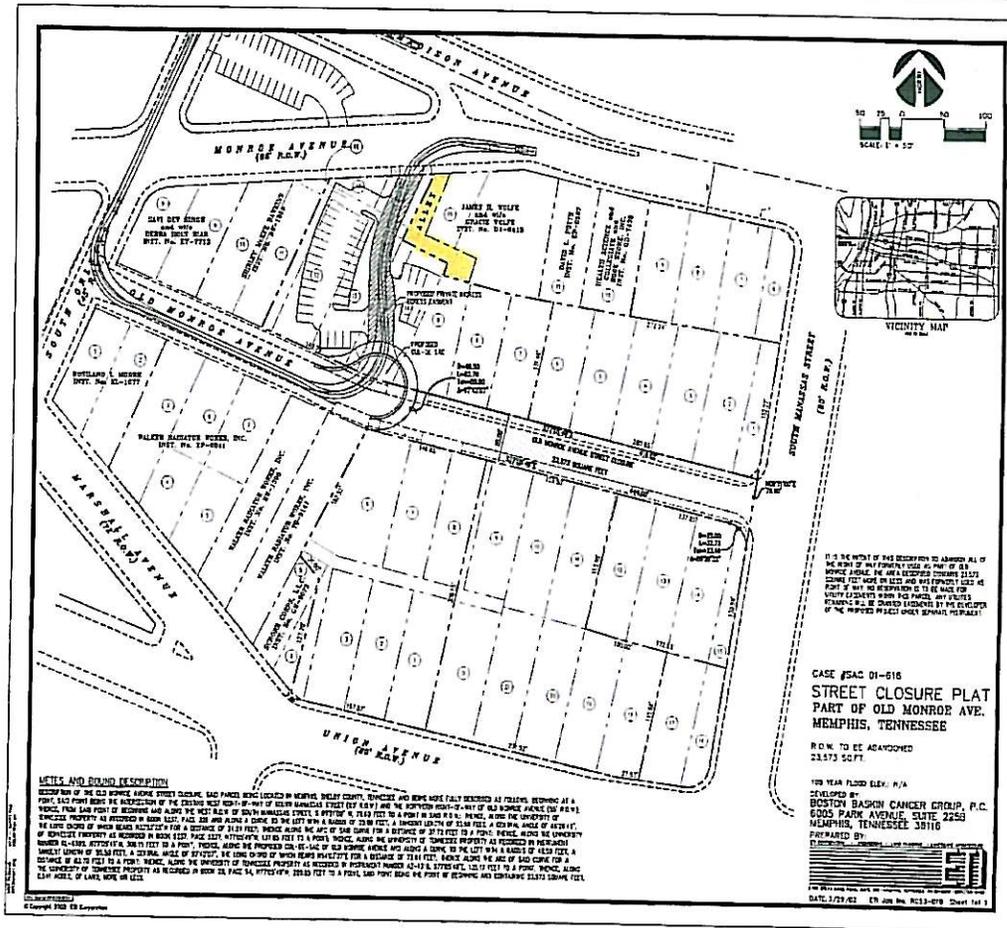












Graphic from UT closing of portion of Old Monroe Avenue. Subject alley is highlighted in yellow.

STAFF ANALYSIS

Location of Subject Alley –The subject alley is located in the Medical Center District on the south side of Monroe Avenue Extended west of Forrest Park and north of Sun Studio. More immediate to the site is a recently-constructed parking lot on its south side which serves a University of Tennessee research building located at the southwest corner of Madison Avenue and Manassas Street. The alley is not distinguishable to the eye as being a public alley as it is currently developed with an automobile service building and drive to this building on top of it. There is no explanation at this point how this development occurred over the alley area, but it has been this way for a number of years.

Applicant's Request – The applicant is requesting the alley be closed to clear any question there might be to the ownership and use of the area contained within the alley. The applicant has been under the impression that the area of the alley was actually owned by them until survey work performed for the University of Tennessee within the last 5 years determined the existence of the alley.

The applicant and the University of Tennessee are the sole abutting property owners to the alley. While the University of Tennessee is entitled to receive one half of the closed alley abutting their property, the applicant has successfully negotiated an agreement with the University to acquire their ownership interest which is a logical solution to the future ownership of the alley as the applicant and University already have a fence erected between them that physically places the alley on the applicant's side of the fence.

Closing Recommended With Conditions – The closing is supported by the Office of Planning and Development. The alley serves no useful public purpose as only two properties abut it and it does not connect to any existing through public street/public alley network. Further, the two abutting properties already have existing access from public streets. The alley already operates as private property access by virtue of the current automobile repair shop improvements that contain the alley area and as such this right-of-way should be deeded for private ownership so the City of Memphis can receive property tax revenue since the alley is currently being used for private gain.

It should be noted that when this application was discussed at the meeting of the Subdivision Technical Review Committee on 06/23/10, the applicant was advised that the existing drive apron and sidewalk that overlay the alley at its connection with Monroe Avenue extended may have to be reconstructed in compliance with the requirements of the Americans With Disabilities (ADA) Act. The applicant is to provide information to the City Engineering Office to determine the need for this improvement and any compliance needed will be required to be constructed prior to the City of Memphis granting a Quit Claim Deed to the applicant for the vacated right-of-way. The recommended conditions for the closing are on the following page.

RECOMMENDATION: Approval of the alley closing subject to the following conditions:

1. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
3. The applicant shall comply with all conditions of the closure within 2 years of the conditional approval of the closure by the City Council.

GENERAL INFORMATION

Planning District: Downtown/Medical Center

Zoning Atlas Page: 2030

DEPARTMENTAL COMMENTS:

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

City Engineer:

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2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
3. The applicant shall comply with all conditions of the closure within 2 years of the conditional approval of the closure by the City Council.
4. The existing driveway and sidewalk are subject to reconstruction to comply with ADA Requirements.

City Fire Division: No concerns.

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 comment.

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:

- **MLGW may have existing utility distribution facilities within the present public road right of way.** 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.
- MLGW reserves the right to retain a utility right-of-way within that portion of the existing public road right of way at all times for existing utilities, or the owner/applicant may choose to relocate existing utilities at the expense of the owner/applicant.
- MLGW must be able to access any overhead or underground facilities. Consequently, no permanent structure(s) shall be constructed or erected within that portion of the existing public road right of way including fences, buildings, patios, vehicle parking or paving.

- **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).

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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.

AT&T: 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.

Center City Commission: No comment.

New Pathways: No comments received.

Downtown/Medical Center: No comments received.

Victorian Village Inc. CDC: No comments received.

Staff Writer – Chip Saliba