

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

CASE NUMBER: SAC 11-602 **LUCB MEETING:** March 10, 2011

STREET NAME: Pyramid Arena Street Closings

LOCATION: Part of Fulton Street, Jackson Avenue, Auction Avenue, and Concord Avenue

COUNCIL DISTRICT: 7

SUPER DISTRICT: 8

APPLICANT: City of Memphis (John Cameron, City Engineer)

REPRESENTATIVE: ETI Corporation

REQUEST: Close unimproved public street rights-of-way

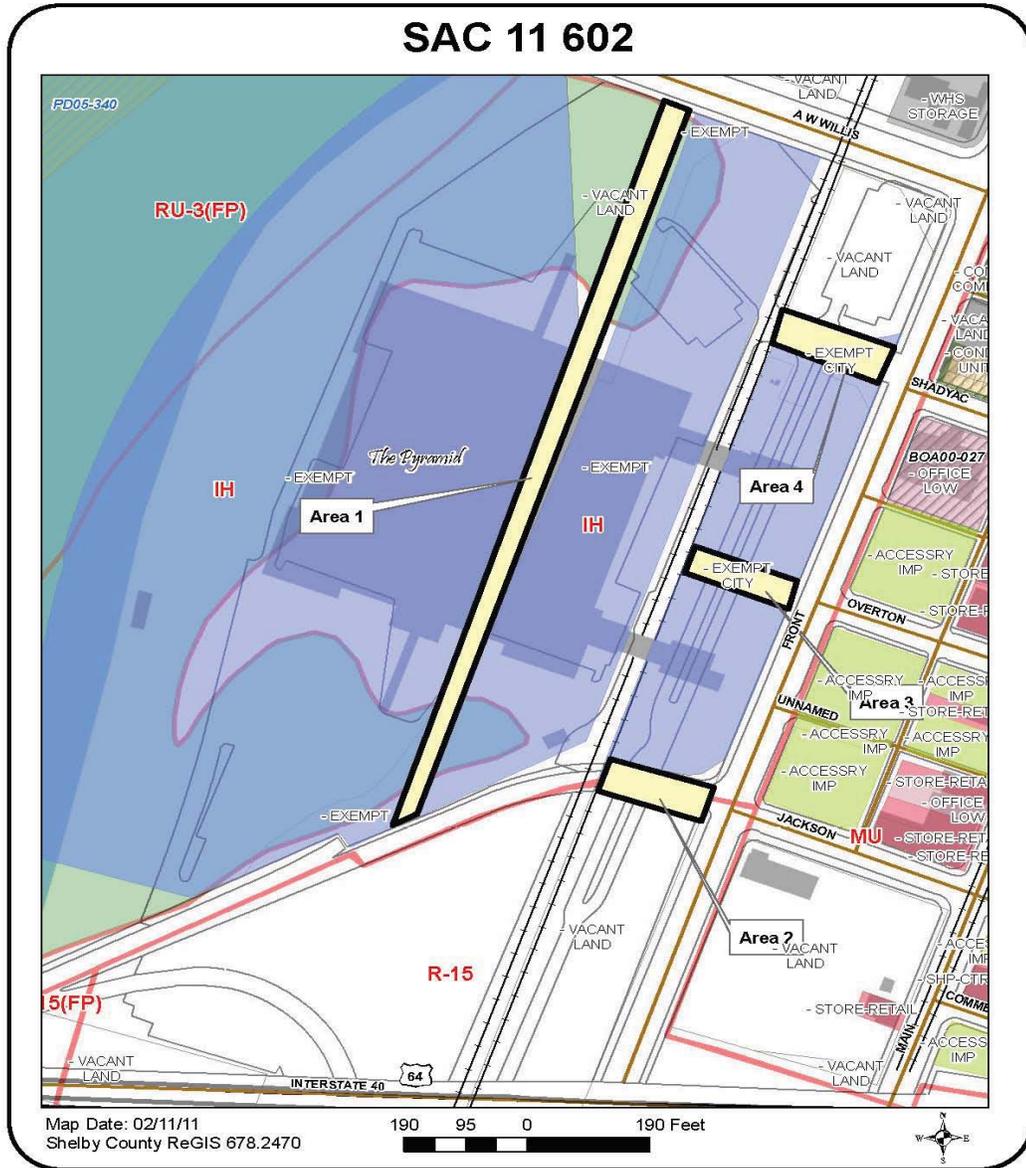
OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

Approval With Conditions

CONCLUSIONS

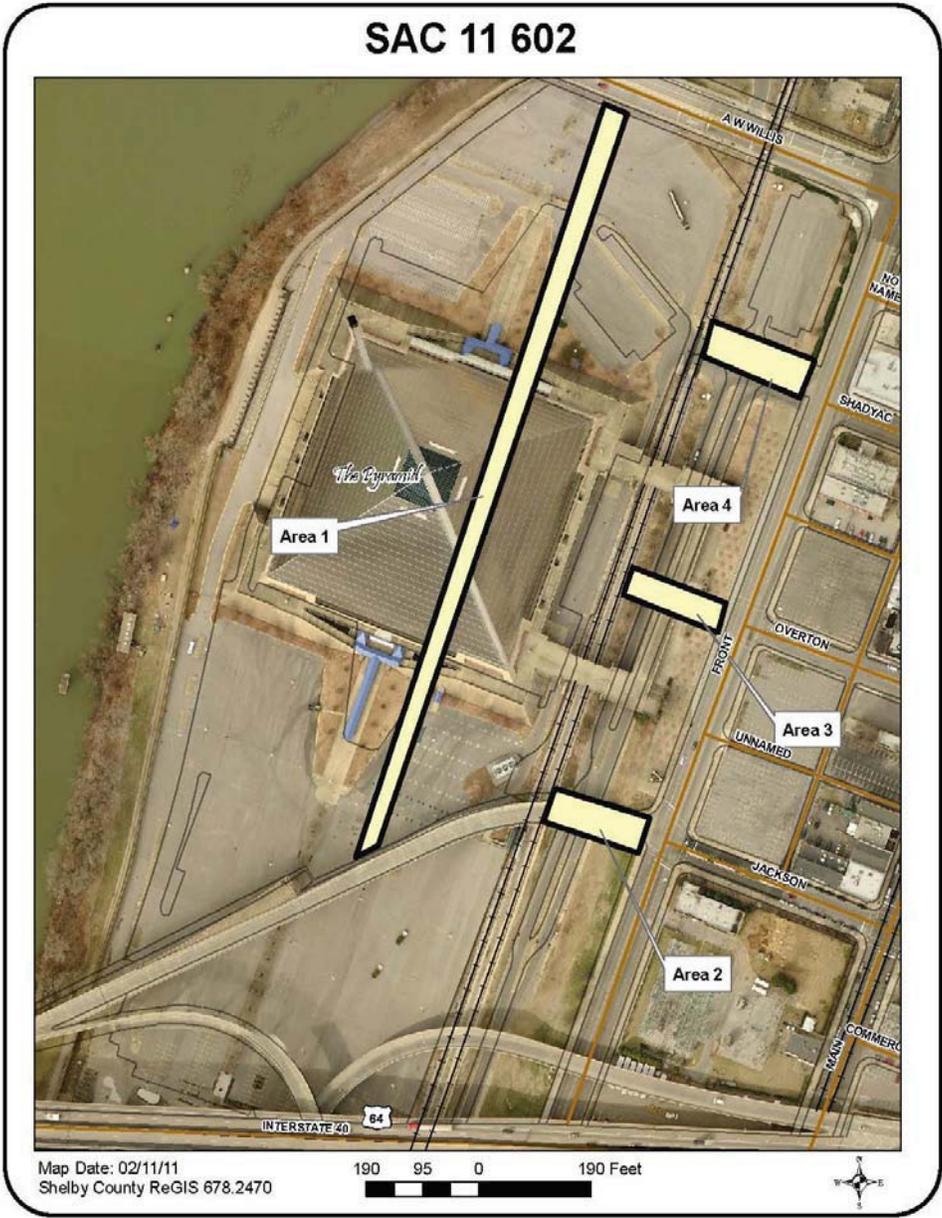
1. These street rights-of-way date back to the Original Plan of Memphis and Navy Yard Resubdivision. No evidence has been found that they have ever been closed.
2. The proposed adaptive reuse of the Pyramid by Bass Pro includes researching title matters pertaining to providing a leasehold owners title insurance policy. This research has resulted in the determination that these public rights-of-way appear to still exist. Because of this, this application is filed to close these streets to help clear any leasehold title issues.
3. There is no objection to the closings as the rights-of-way are not physically developed as streets. The City of Memphis will retain ownership of the rights-of-way once closed and currently owns the properties abutting the rights-of-way.

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Vicinity Map illustrating proposed closings

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Aerial Photo illustrating proposed closings

STAFF ANALYSIS

The City of Memphis administration is requesting these closings as part of the proposed adaptive reuse of The Pyramid pursuant to the Lease and Development Agreement dated as of August 10, 2010 between the City and Bass Pro Development, Inc. (Bass Pro). Part of the work associated with the agreement includes researching title matters relating to The Pyramid property. In connection with this review, the law firm of Glankler Brown was unable to find evidence that some streets laid out in the Original Plan of Memphis or in the Navy Yard Resubdivision of a portion of The Pyramid property have ever been officially closed. As a result, in order to provide a leasehold owners title insurance policy to Bass Pro (or in the future to provide evidence of marketable title to such property in the City), it is necessary to close some of the streets that may exist in public records (even though they are not currently being used as public streets) and to provide evidence of the ownership of the property in such rights-of-way.

This particular application only includes the portions of the streets that are named in this application as to which the City owns title to the abutting properties. It is anticipated that one or more applications may be filed in the near future that will include some additional streets, including several to which the State of Tennessee may own a portion of the abutting properties.

RECOMMENDATION: Approval subject to the following condition:

1. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.

GENERAL INFORMATION

Planning District: Downtown/Medical Center
Zoning Atlas Page: 1925

DEPARTMENTAL COMMENTS:

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

City Engineer: No comments.
City Real Estate: No comments received.
City/County Health Department: No comment.
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:

- **MLGW has 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.

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- **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 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 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 easement or dedicated utility easement without prior MLGW approval.
- **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).

- **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.

Uptown Neighborhood Association: No comments received.

Memphis Downtown Neighborhood Association:

“The Downtown Neighborhood Association has no comments to add to this application review.”