

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT **#6**

CASE NUMBER: SAC 11-607 **L.U.C.B. MEETING:** June 9, 2011

STREET NAME: Promenade Avenue Street Closure

LOCATION: Beginning at A.W. Willis Avenue to a point 1,100 feet south

COUNCIL DISTRICT: 7

SUPER DISTRICT: 8

APPLICANT: City of Memphis

REPRESENTATIVE: John Cameron – City Engineer

REQUEST: Close & Vacate Street Right-Of-Way

AREA: 1.01 acres

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

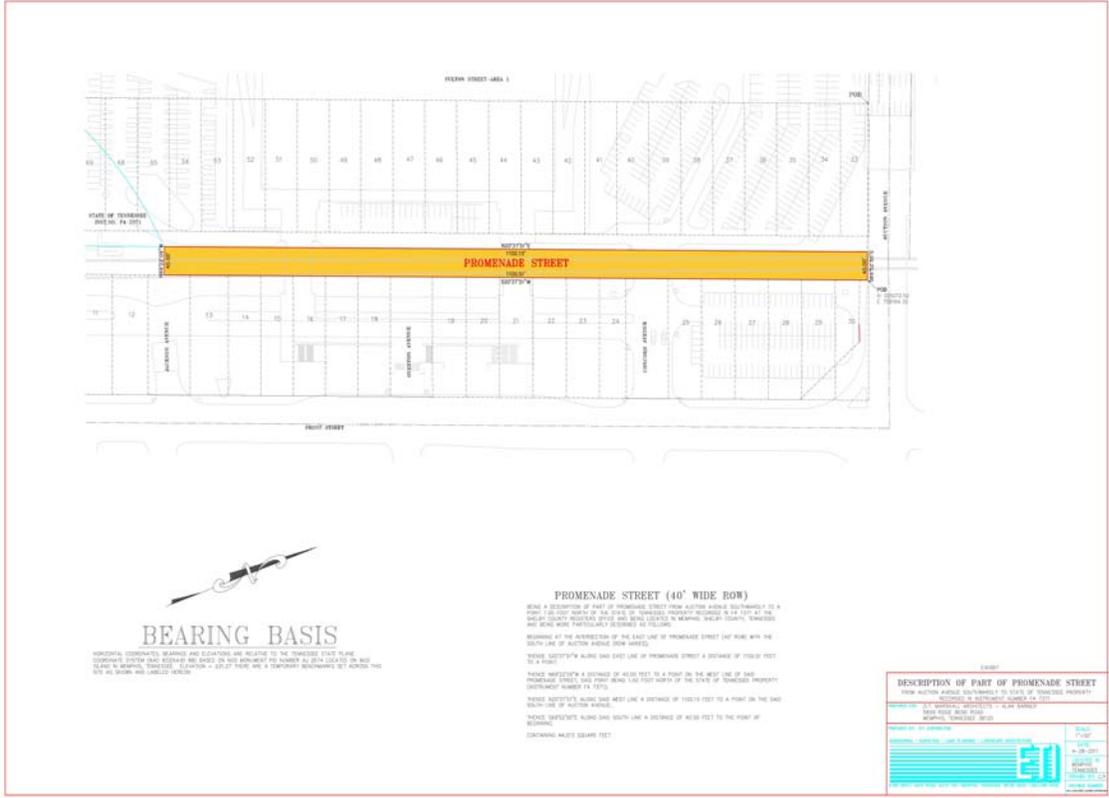
Approval With One Condition

CONCLUSIONS

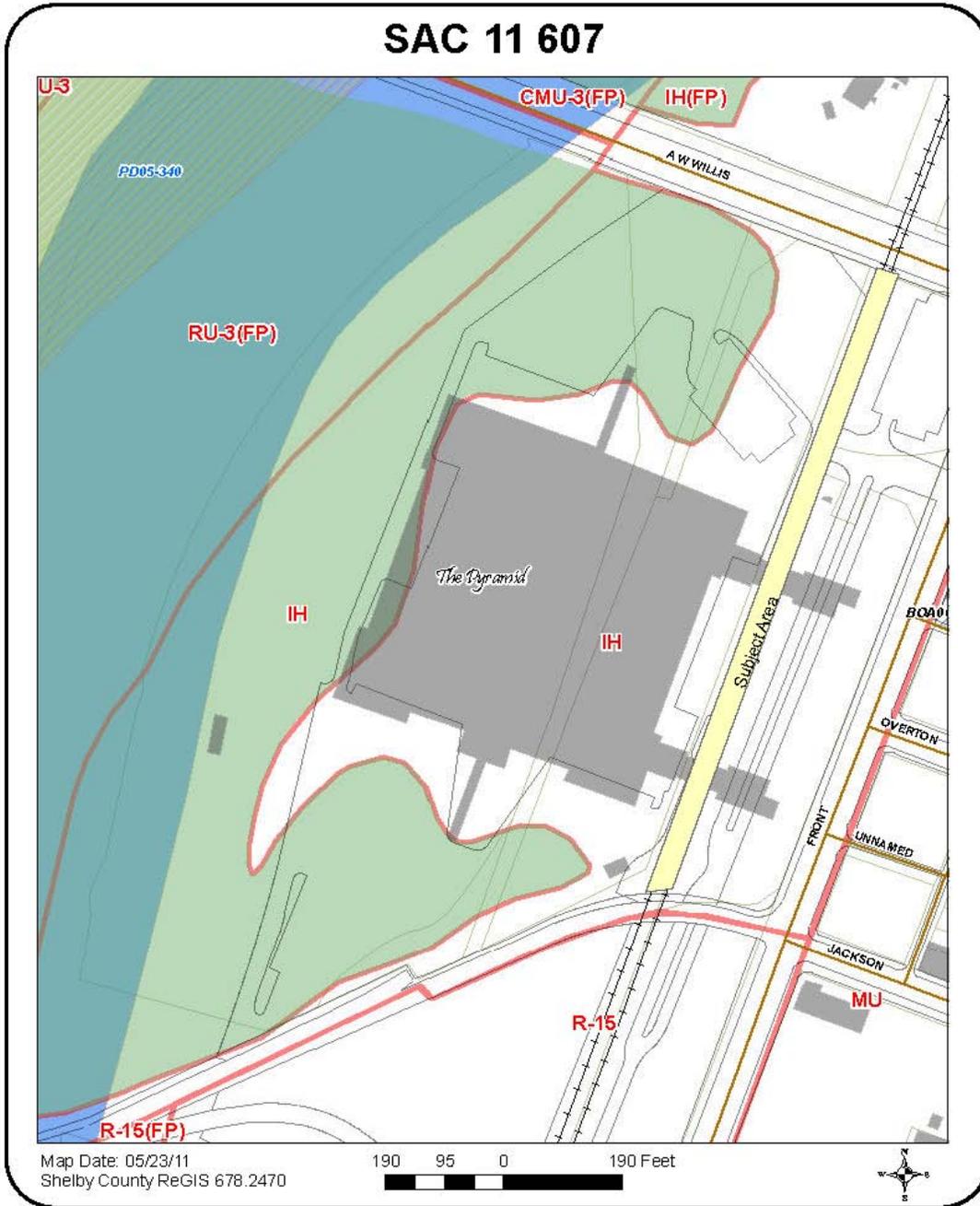
1. This street right-of-way dates back to the Original Plan of Memphis and Navy Yard Resubdivision. No evidence has been found that it has ever been closed.
2. The proposed adaptive reuse of the Pyramid by Bass Pro includes researching title matters pertaining to providing a leasehold owners title insurance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



Vicinity Map



Proposed closing highlighted with legal description.



STAFF ANALYSIS

The City of Memphis administration is requesting this closing 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 portion of Promenade Avenue where 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 Fire Division: No comments.

City Real Estate: No comments received.

City/County Health Department: No comments by the Water Quality Branch & Septic Tank Program.

City Board of Education:

The subject property does not appear to be adjacent to any property which has been identified as belonging to Memphis City Schools (MCS). No identifiable impact on MCS' school-aged population nor MCS' property interests.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

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.
Memphis Downtown Neighborhood Area:	The DNA takes no exceptions.
Uptown Neighborhood Association :	No comments received.