



Memphis City Council Summary Sheet

Resolution supporting the transfer and exchange of Real property located on Levee Road located between I-240 and Thomas Street also known as the Levee Road Subdivision.

- This item is a resolution in support of an exchange of land between Diane Doheny and the City of Memphis. Both parties are in agreement of the exchange; The City of Memphis will transfer a parcel of land containing .905 acres, more or less, on Levee Road, being a portion of parcel 040001 00088, and recorded as Instrument #11049786 to Diane Doheny in exchange for 13.968 acres more or less on the adjacent parcel.
- Per the City Ordinance, any proposed exchange shall be advertised in the local paper for two weeks with the approval of the City Attorney, then presented to City Council for approval by Resolution, and the approved Resolution shall authorize the transfer or exchange.
- Real Estate recommends Council approval on the exchange between the two parties. The exchange will benefit the City allowing the Public Works Division to expand its' Maintenance Yard and also prevent the need to encroach upon private property.
- No contracts are affected by this sale. The Real Estate Office will prepare the Quit Claim Deed/Warranty Deed necessary for the exchange of the parcels.
- This does not require increased funding or a budget amendment.

Division: General Services

Committee: Public Works, Transportation & General Services

Chairman - Hedgepeth

Vice Chairman - Boyd

Conrad, Fullilove, Halbert, Strickland

RESOLUTION

WHEREAS, the City of Memphis owns 31.15 acres of property on Levee Road identified as parcel number 040001 00088, and recorded as Instrument #11049786. Being part of the City of Memphis and County of Shelby property as recorded in Book 1712, Page 147 in the Shelby County Register's Office in Memphis, Tennessee, a portion of which, .905 acres, more or less, is labeled as Parcel 2 and more particularly shown and described in Exhibit "A", and attached hereto; and

WHEREAS, Diane Doheny owns a certain tract of land near Levee Road identified as parcel number 070026 00118, "Lot 1" of the Levee Road Subdivision, described in instrument number 11093140, and shown on plat of record in Plat Book 240, Page 24, in the Register's Office of Shelby County, Memphis, Tennessee, and labeled as Parcel 1, which consists of 13.968 acres, more or less, as shown and described in Exhibit "B"; and

WHEREAS, the two parcels to be exchanged contain legal descriptions identified as Exhibit A and B are attached hereto and made a part hereof; and

WHEREAS, both the City of Memphis and Diane Doheny wish to transfer or exchange their interests in the properties to each other.

WHEREAS, the exchange will allow the City of Memphis' Public Works Division to expand its Maintenance Yard and also prevent the need to encroach upon private property.

WHEREAS, it is deemed to be in the best interest of the Citizens of the City of Memphis and County of Shelby that said transfer and exchange be accepted subject to the terms and conditions as set out in the Agreement for the Exchange of Real Property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the transfer and exchange made by the City of Memphis and Diane Doheny in the above described properties be hereby accepted. Per the City Ordinance, any proposed exchange shall be advertised in the local paper for two weeks, then presented to City Council for approval by Resolution, and deemed to be approved after the second reading.

BE IT FURTHER RESOLVED, that the City of Memphis Real Estate Department shall prepare and arrange for the execution of the quit claim deed, warranty deed, and any other documents incidental to the completion of the transfer and exchange, and the Mayor of the City of Memphis is hereby authorized to execute said deeds or any other documents necessary to the completion of the transfer and exchange.

EXHIBIT A - PARCEL 2

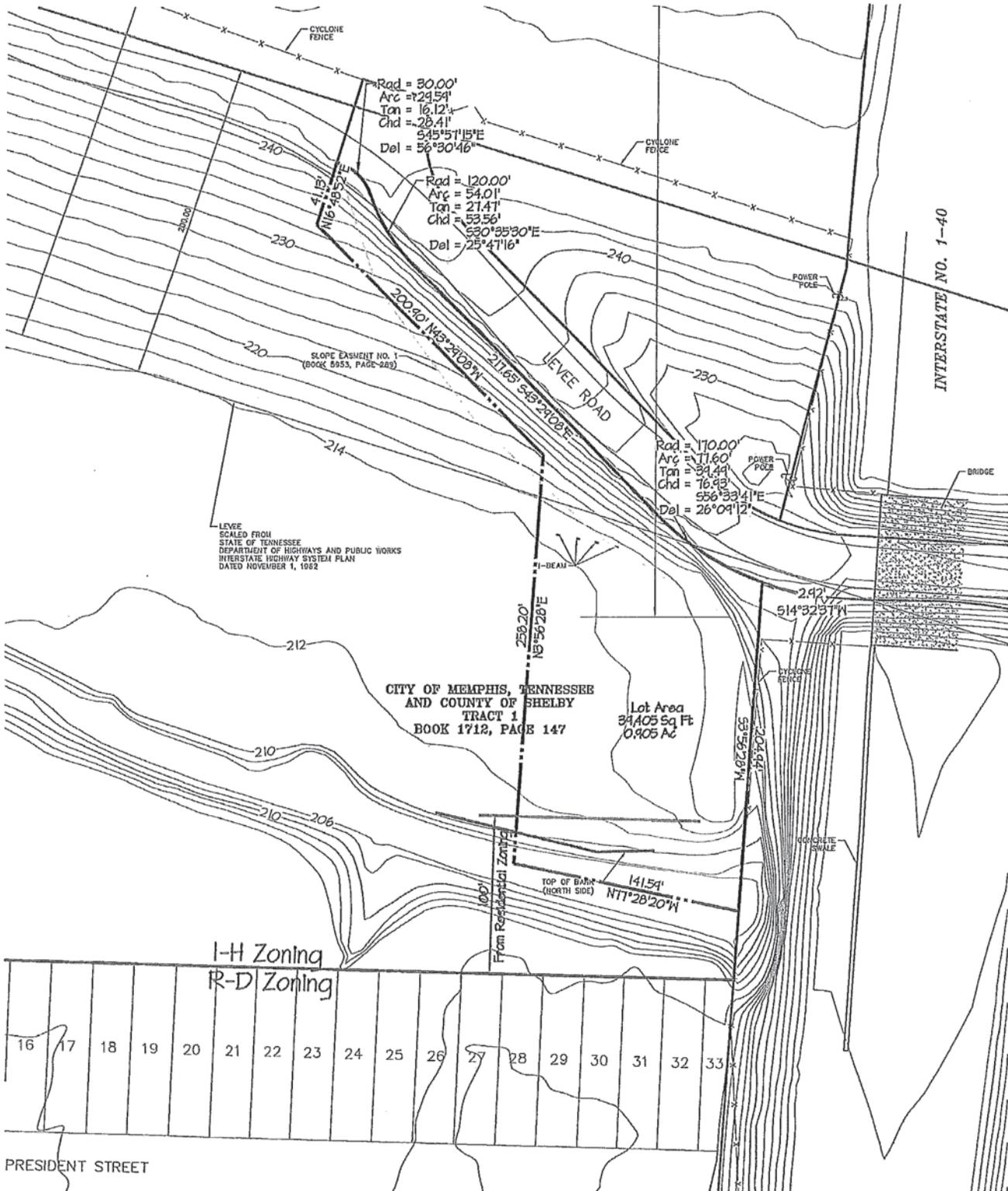


EXHIBIT A - CON'T

Legal Description – Parcel 2

Being part of the City of Memphis and County of Shelby property as recorded in Book 1712, Page 147 in the Shelby County Register's Office in Memphis, Tennessee and being more particularly described as follows:

Beginning at the intersection of the south line of Levee Road with the west line of Interstate 40; thence S14°32'37"W along the said west line a distance of 2.92 feet to a point; thence S3°56'28"W continuing along the said west line a distance of 204.94 feet to a point; thence N77°28'20"W a distance of 141.59 feet to a point; thence N3°56'28"E a distance of 258.20 feet to a point; thence N43°29'08"W a distance of 200.90 feet to a point; thence N16°48'52"E a distance of 41.13 feet to a point in the said south line of Levee Road; thence along a 30.00 foot radius curve to the right an arc distance of 29.59 feet (chord S45°57'15"E, 28.41 feet) to a point; thence along a 120.00 foot radius curve to the left an arc distance of 54.01 feet (chord S30°35'30"E, 53.56 feet) to a point; thence S43°29'08"E a distance of 217.65 feet to a point; thence along a 170.00 foot radius curve to the left an arc distance of 77.60 feet (chord S56°33'41"E, 76.93 feet) to the point of beginning and containing 39,405 square feet or 0.905 acres of land, more or less.

EXHIBIT B - CON'T

S 07-031
Levee Road Subdivision

1. An Ingress/Egress Easement shall be shown to provide access to all 3 lots.
2. The City Engineer shall approve the design, number and location of the curb cut to the private drive entrance on Levee Road.
3. Easements for sanitary sewers, drainage and other required services as indicated on the final recorded plat may be located and utilized within private drives. The City shall not be responsible for street repairs within the private drives, even though the pavement and base may have to be removed to work on sewers or drainage. The responsibility of repairing the private drives shall be that of the owners and/or Property Owners' Association.
4. Prior to recording, the following note shall be placed on the plat:
No permit for construction shall be granted for except for the installation of billboards. Any other use of this property will require re-recording of the plat, the payment of sewer development fees and the installation of the sewer connection to this property.

Owner's Certificate

I, Robert D. Pelts
the undersigned owner(s) of the property shown, hereby adopt the plat as my/our plan of development and dedicate the streets, right-of-way and grant the easements as shown and/or described to public use forever. We certify that we own the entirety of the said property in fee simple, duly authorized to act, and that said property is not encumbered by any taxes (or mortgages) which have become due and payable.
Robert D. Pelts Jan 9, 08
Signature Date

Notary's Certificate

State of Tennessee
County of Shelby
Before me, the undersigned, a Notary Public in and for the said State and County of Memphis, duly commissioned and qualified, personally appeared Robert D. Pelts
I am personally acquainted, and who upon his (her) oath acknowledged himself (herself) to be OWNER
of the Property the within named borrower, and that he (she) executed the foregoing instrument for the purpose therein contained. In witness whereof, I have hereunto set my hand and affixed my notarial seal at my office in Memphis, this 9th day of January, 2008.
Notary Public Cynthia L. Reese
My Commission Expires 12/31/11



Engineer's Certificate

It is hereby certified that this plat is true and correct, in accordance with the design requirements of the Zoning Ordinance, the Subdivision Regulations and the specific conditions imposed on this development, and takes into account all applicable federal, state, and local building laws and regulations.

By: Robby Swearing (Seal) (Date)
Tennessee Certificate No. 2566



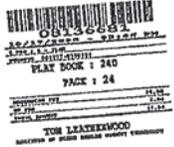
Surveyor's Certificate

I hereby certify that this map or plat was prepared from deeds, lot maps, plots, etc. and from information obtained in the field.
Milestone Land Surveying, Inc.
By: Dary Herd Date: 11/12/08
Dary Herd, PLS
President
Tennessee Certificate No. 1133



Milestone Land Surveying, Inc.
10350 Highway 70, Suite 2
Leakland, TN 38002
Phone: (901) 867-8271
Fax: (901) 867-9889

Office of Planning and Development Certificate
Plan of development filed on by the Memphis and Shelby County Land Use Control Board on 05/15/07 and on 12/15/07 for revised approval conditions. Approved by the Memphis City Council on 01/15/08.
By: Donna J. Baker Date: 10/17/08
Director, Office of Planning and Development
City of Memphis



FINAL PLAN S 07-031
LEVEE ROAD SUBDIVISION
OWNER/DEVELOPER: **ROBERT D. PELTS**
14.446 ACRES WARD 70, BLOCK 26, PARCEL 99
3 LOTS EX. ZONING: IL & IL(FP)

SRCE CONSULTING, LLC MEMPHIS, TENNESSEE
ENGINEERING - PLANNING
LANDSCAPE ARCHITECTURE
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Memphis TN 38114 www.SRCE-memphis.com
MARCH 2008
SHEET 2 of 2

EXHIBIT B - CON'T

Legal Description – Parcel 1

Lot 1, Levee Road Subdivision, as shown on plat of record in Plat Book 240, Page 24, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property. This being a portion of the same property conveyed to Diane Doheny by Quit Claim Deed recorded under Register's No. 110093140 in the Register's Office of Shelby County, Tennessee, consisting of 13.968 acres, more or less.