

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

CASE NUMBER: SAC 07-609 **L.U.C.B. MEETING:** July 12, 2007

STREET NAME: Old Lamar Avenue Closure

LOCATION: North of the intersection of U.S. Highway 78 and
Old Lamar Avenue

APPLICANT: BNSF Railway Company

REPRESENTATIVE: W.Max Rexroad/Hanson-Wilson

REQUEST: Close & vacate street right-of-way and dedicate cul-
de-sac

AREA OF DEDICATION: 7,744 square feet

AREA: 3.449 square Feet

LENGTH X WIDTH of R.O.W.: Varies

EXISTING LAND USE & ZONING: Street right-of-way ~ Light Industrial (I-L) District

SURROUNDING LAND USE & ZONING:

North: Burlington Northern Railroad Company ~ Light Industrial (I-L) District

East: Burlington Northern Railroad Company ~ Light Industrial (I-L) District

South: Trucking Companies and office-warehouse use ~ Light Industrial (I-L) District

West: Fueling Station and Burlington Northern Railroad Company ~ Light Industrial (I-L)
District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION
Approval with Conditions

This request has been revised to include the dedication of a cul-de-sac.

Staff Writer: Carlos B. McCloud

E-mail Address: carlos.mccloud@memphistn.gov

DESCRIPTION: (PARCEL III)

Description of parcel 3145, Shelby County, Tennessee and being more particularly described as:

Beginning at a found 1/2" rebar with plastic cap at the northwest corner of the BNSF Railway Company property... (Detailed description of Parcel III boundaries and area)

DESCRIPTION: (PARCEL I)

Description of parcel 3145, Shelby County, Tennessee and being more particularly described as:

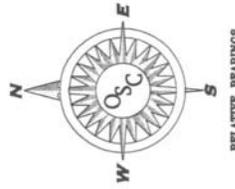
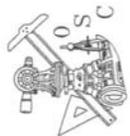
Beginning at a point in the east line of said property recorded in instrument No. KE-2145 and the west line of Old Lamar (D.O.W. Varies)... (Detailed description of Parcel I boundaries and area)

DESCRIPTION: (PARCEL II)

Description of part of the BNSF Railway Company recorded in instrument No. 00168006 in Shelby County, Tennessee and being more particularly described as:

Beginning at a point in the east line of said property recorded in instrument No. 00168006 and the east line of Old Lamar (D.O.W. Varies)... (Detailed description of Parcel II boundaries and area)

- AC ACRES
A/C ASPEN
B/C BUILDING CORNER
C/C CEMENT CURB
D/P COMBUSTIBLE METAL PIPE
CO CLEAN OUT
E/E EAST
E/G EDGE OF GRAVEL
E/S EXISTING
E/SW EXISTING
E/ST EXISTING
F/C FACE OF CURB
F/H FIRE HYDRANT
F/V FIRE VALVE
H/W HEADWALL
INST INSTRUMENT
M/W METAL POST
N/W NUMBER
NO. NUMBER
O/L OVERHEAD LIGHT
P.O.B. POINT OF BEGINNING
P.P. POWER POLE
P/P-1 POWER POLE #1
P/P-2 POWER POLE #2
R/O REBAR WITH PLASTIC CAP
S/S SIGN
S/F SQUARE FEET
S/M SPARK MANHOLE
T/B TELEPHONE BOX
T/C TELEPHONE CORD
T/P TYPICAL
U/G UNDERGROUND
W/ WITH
W/W WATER MANHOLE
W/V WATER VALVE



VICINITY MAP

NOTES:

- 1. Plot prepared for BNSF Railway Company.
2. This plot was prepared without benefit of an abstract of title. No liability is assumed by the undersigned for loss resulting from any error or omission of the property owner.
3. All deed book references shown herein are recorded in the Register's Office of Shelby County, Tennessee.
4. This property is not located in a Special Flood Hazard Area per Flood Insurance Rate Map, Map No. 4715702280 L, Community Panel No. 470177 0280 L, Effective Date: December 2, 1994.
5. There may be underground or non-visible utilities, drain and/or sewer lines, gas lines, power lines, or other underground utility information on underground utilities.
6. Subsurface and environmental conditions were not examined or considered as a part of this plot.
7. Governmental jurisdictional areas, if any, which might impact on the property, are shown on this plot. The undersigned is not responsible for the accuracy of the information shown on this plot.
8. If this plot is also provided in electronic form, the electronic copy shall be deemed to be a true and correct copy of the information and to further assure that no changes, alterations or modifications have been made to the original information, the information is transmitted by computer or other electronic means, unless first identified by the original document issued at the time of the recording of the information.
9. Plot is valid only if print has original seal of surveyor.
10. No warranty is made by the undersigned as to the accuracy of the information shown on this plot, except as to the information provided by the undersigned.

The certification, as shown herein, is purely a statement of professional opinion based on knowledge, information and belief, and the certification is not an expressed or implied warranty or guarantee.

STREET CLOSURE
OF PART OF
OLD LAMAR AVENUE
AND THE
PROPERTY TRANSFER PLAT
OF PART OF
BNSF RAILWAY COMPANY
RECORDED IN
INST. NO. 05168006
AND
PART OF
THE JACOBUS COMPANY
RECORDED IN
INST. NO. KE-2145
MEMPHIS, SHELBY COUNTY, TENNESSEE
SCALE: 1" = 50'
DATE: APRIL 23, 2007
SHEET 2 OF 2

OSC JOB# 06023
Scale: 1" = 50'

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

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STREET NAME: Old Lamar Avenue Closure

LOCATION: North of the intersection of U.S. Highway 78 and
Old Lamar Avenue

APPLICANT: BNSF Railway Company

REPRESENTATIVE: W.Max Rexroad/Hanson-Wilson

REQUEST: Close & Vacate Alley Street Right-Of-Way

AREA: 3.449 Square Feet

LENGTH X WIDTH of R.O.W.: Varies

EXISTING LAND USE & ZONING: Street right-of-way ~ Light Industrial (I-L) District

SURROUNDING LAND USE & ZONING:

North: Burlington Northern Railroad Company ~ Light Industrial (I-L) District

East: Burlington Northern Railroad Company ~ Light Industrial (I-L) District

South: Trucking Companies and office-warehouse use ~ Light Industrial (I-L) District

West: Fueling Station and Burlington Northern Railroad Company ~ Light Industrial (I-L)
District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

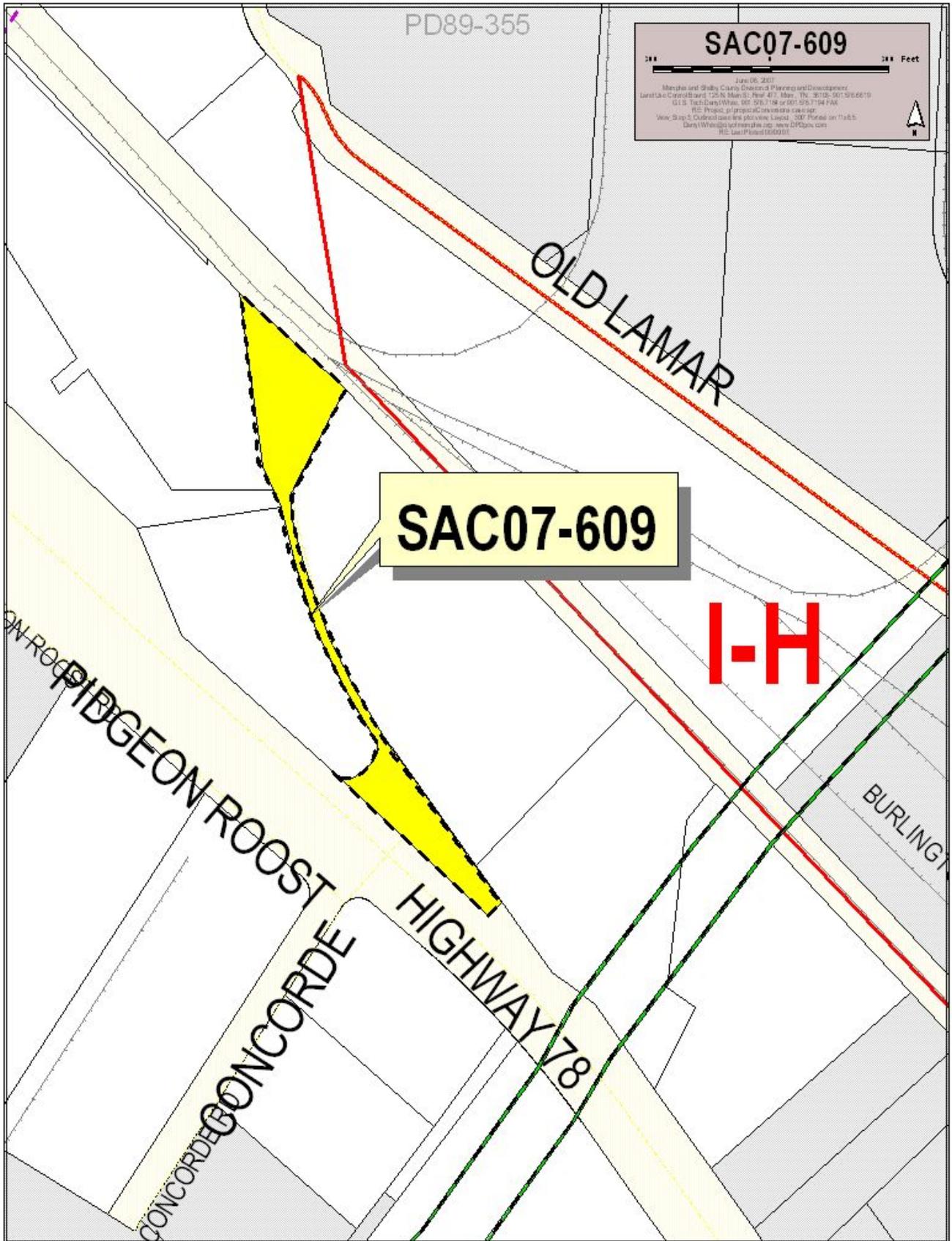
Approval with Conditions

Staff Writer: Carlos B. McCloud

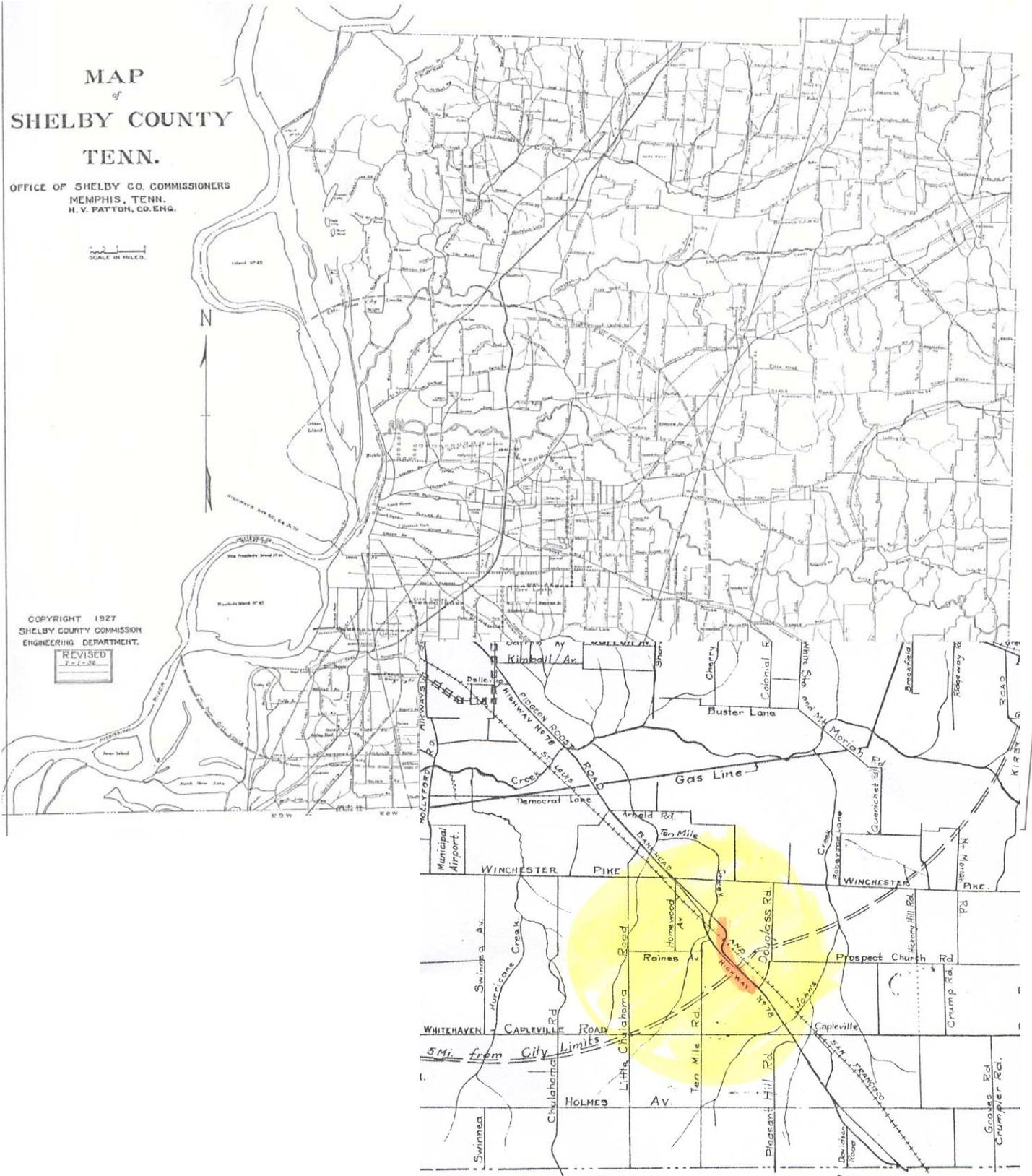
E-mail Address: carlos.mccloud@memphistn.gov

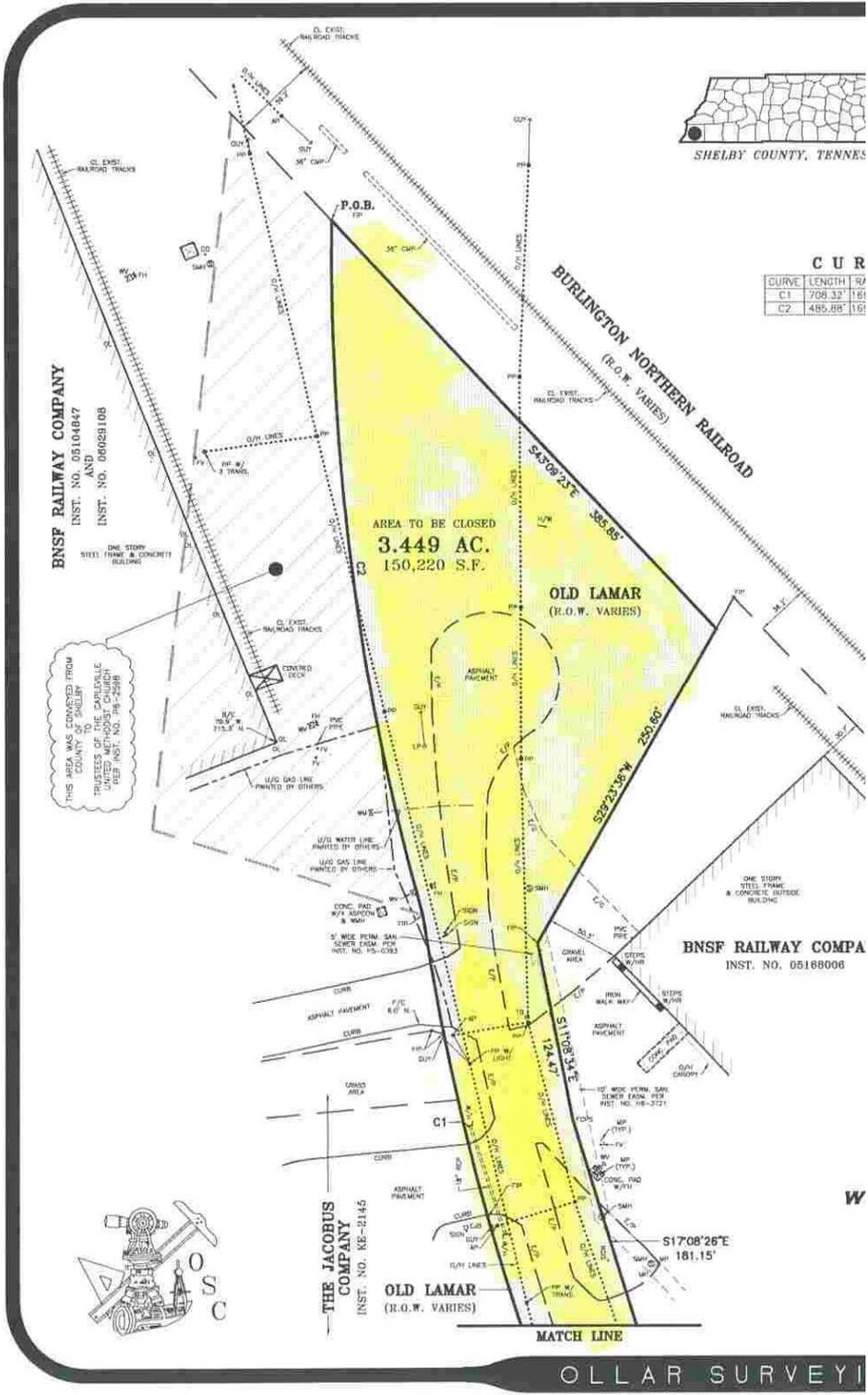
CONCLUSIONS

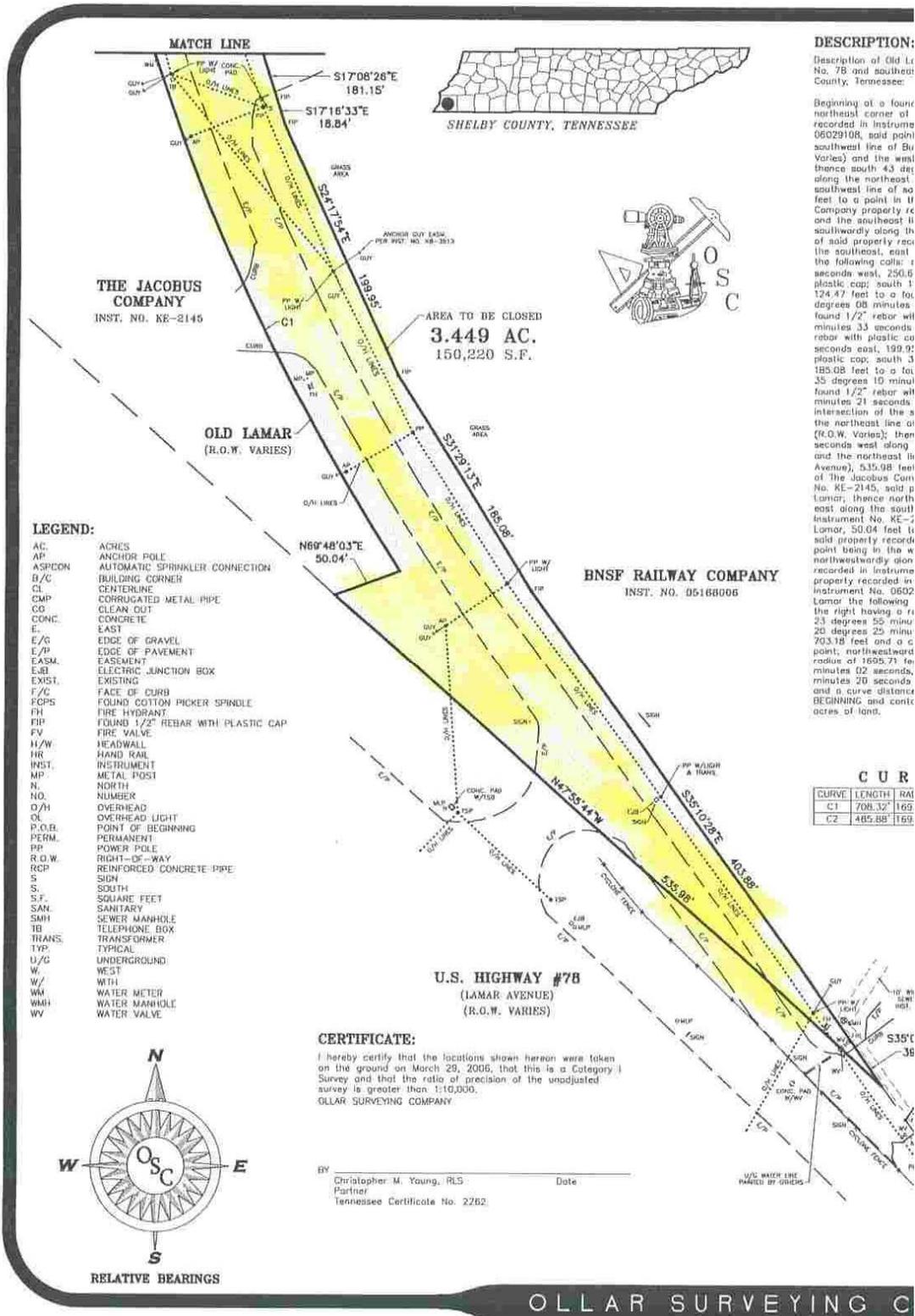
1. The subject street right-of-way is located in the Oakhaven-Parkway Village Planning District north of the intersection of U.S. Highway 78 and Old Lamar Avenue. The surrounding area of this proposed closure area contains office-warehouse uses zoned in the Light Industrial (I-L) and Heavy Industrial District.
2. Old Lamar Road (Old Highway 78) is a Tennessee State Highway and has been for over eighty years. A Shelby County Map from 1927 (revised 1932) shown on page 4 illustrates Old Lamar Road or Pidgeon Roost Road (shown in orange highlight). Also shown adjacent to the closure site is the existing railroad line. Initial research prepared by the applicant and O.P.D. staff has determined that this roadway was built and maintained by the State of Tennessee. At one time Old Lamar Road or Pidgeon Roost Road was one of the main roadways for commuters traveling between the State of Tennessee and State of Mississippi. To date this roadway is not a through street; it terminates at the rail lines.
3. The State of Tennessee owns the adjacent area outside of the actual paved area. Part of the closure requirement for this state highway is for the BNSF Railroad Company to adhere to the State of Tennessee requirements for closure which may include the purchase of this right-of-way area from the state. BNSF Railroad Company is currently working with the State of Tennessee to acquire this property. This street right-of-way varies from as small as thirty nine (39') feet in width to as wide as three hundred and eighty five (385') feet. This closure area has three (3.4) acres of closure area. BNSF Railroad Company has acquired the adjacent properties to this closure site and is requesting the closure of Old Lamar Road, in an effort to expand their existing rail yard.
4. BNSF Railway Company owns the majority of property surrounding this closure area, with the exception of the area located to the south which is owned by Jacobus Company (fueling station). Representatives of the Jacobus Company have signed the applicant consenting to the closure. BNSF Railroad Company and the Jacobus Company have a private maintenance agreement. Upon approval of this closure BNSF Railroad Company will either sell the Jacobus Companies the closure area closest to their property and retain an access easement or BNSF Railroad Company will provide the Jacobus Company will an access easement. Due to their majority ownership of the adjacent lots by BNSF Railroad Company and access agreement between the effected property owner and the Jacobus Company this proposed closure will not have a negative effect.











DESCRIPTION:

Description of Old Lamar, No. 78 and southeast corner of Shelby County, Tennessee:

Beginning of a four corner of recorded in Instrument 06029108, said point southwest line of Bu (Varies) and the west thence south 43 deg along the northeast-southwest line of no feet to a point in if Company property re and the southeast li southwarily along th of said property rca (the southeast, east the following call: 1 seconds west, 250.6 plastic cap; south 1 124.47 feet to a fo; degrees 08 minutes found 1/2" rebar w/ minutes 33 seconds rebar with plastic ca seconds east, 159.92 plastic cap; south 3 185.08 feet to a fa; 35 degrees 10 minut found 1/2" rebar w/ minutes 21 seconds intersection of the s the northeast line of (R.O.W. Varies); then seconds west along and the northeast li Avenue), 535.98 feet of The Jacobus Com No. KE-2145, said p Lamar; thence north east along the south instrument No. KE-2 Lamar, 50.04 feet it said property records point being in the w northwesterly dion recorded in Instrum properly recorded in instrument No. 0602 Lamar the following the right having a r 23 degree 55 minu 20 degree 25 minu 703.18 feet and a c point; northwestward radius of 1695.71 fe minutes 02 seconds, minutes 20 seconds and a curve distance BEGINNING and cont acres of land.

CUR

CURVE	LENGTH	RAI
C1	708.32'	165
C2	485.88'	169

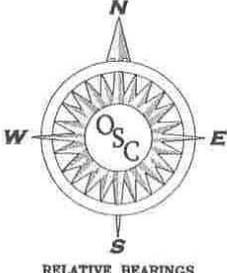
LEGEND:

- AC. ACRES
- AP ANCHOR POLE
- ASPCDN AUTOMATIC SPRINKLER CONNECTION
- B/C BUILDING CORNER
- CL CENTERLINE
- CMP CORRUGATED METAL PIPE
- CO CLEAN OUT
- CONC. CONCRETE
- E. EAST
- E/G EDGE OF GRAVEL
- E/P EDGE OF PAVEMENT
- EASM. EASEMENT
- EJB ELECTRIC JUNCTION BOX
- EXIST. EXISTING
- F/C FACE OF CURB
- FCPS FOUND COTTON PICKER SPINDLE
- TH FIRE HYDRANT
- FIP FOUND 1/2" REBAR WITH PLASTIC CAP
- FV FIRE VALVE
- H/W HEADWALL
- HR HAND RAIL
- INST. INSTRUMENT
- MP METAL POST
- N. NORTH
- NO. NUMBER
- O/H OVERHEAD
- OL OVERHEAD LIGHT
- P.O.B. POINT OF BEGINNING
- PERM. PERMANENT
- PP POWER POLE
- R.O.W. RIGHT-OF-WAY
- RCP REINFORCED CONCRETE PIPE
- S. SOUTH
- S.F. SQUARE FEET
- SAN. SANITARY
- SMH SEWER MANHOLE
- TB TELEPHONE BOX
- TRANS. TRANSFORMER
- TYP. TYPICAL
- U/G UNDERGROUND
- W. WEST
- W/W WITH
- WM WATER METER
- WMH WATER MANHOLE
- WV WATER VALVE

CERTIFICATE:

I hereby certify that the locations shown hereon were taken on the ground on March 29, 2006, that this is a Category I Survey and that the ratio of precision of the unadjusted survey is greater than 1:10,000.

BY _____ Date _____
Christopher M. Young, RLS
Partner
Tennessee Certificate No. 2262



STAFF ANALYSIS

Site Area Description:

The subject street right-of-way is located in the Oakhaven-Parkway Village Planning District north of the intersection of U.S. Highway 78 and Old Lamar Avenue. The surrounding area of this proposed closure area contains office-warehouse uses zoned in the Light Industrial (I-L) and Heavy Industrial District.

Street Characteristics:

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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.

L.U.C.B. Conditions

1. Provide an access easement for the Jacobus Company property along or through the closure area.
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 365 days of the conditional approval of the closure by the City Council.
4. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
5. 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.

GENERAL INFORMATION

Planning District:	Oakhaven-Parkway Village
Census Tract:	217
Municipal Annexation Reserve Area:	Memphis City Limits
Zoning Atlas Page:	2440

DEPARTMENTAL COMMENTS:

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

City Engineer:

City Fire Division:	No comments received.
City Real Estate:	No comments received.
City/County Health Department:	No comment.
City Board of Education:	No impact.
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 comments:

Please Note:

This portion of Old Lamar is a major distribution utility corridor for MLGW. There are significant electric, gas and water distribution facilities within Old Lamar. MLGW has met with representatives of the BNSF RR regarding the impact of their improvements on MLGW facilities.

MLGW would respectfully request the approval of this application be contingent upon the resolution of the utility conflicts including physical, logistical and financial, to the satisfaction of MLGW.

- MLGW has existing 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.

- If there are existing fire hydrants within the proposed closure of the public right-of-way, these hydrants will become private facilities, and the owner/applicant will be billed a monthly fee by MLGW.
- If there are existing street lights within the proposed closure of the public right-of-way, MLGW will remove all street lights, and abandon underground electric feeds or remove overhead electric feeds – 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.
- **Landscaping prohibited** within any MLGW utility easement. No trees, shrubs or permanent structures will be allowed within any MLGW utility easements.
- 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.
- **Fire Protection Water Services:** If water main extensions and/or an increase in existing main sizes are needed to meet the minimum fire flow rate to serve the proposed development, the owner/applicant will be responsible for the cost of these improvements.
- It is the responsibility of the owner/applicant to contact MLGW - **Water Engineering @ 528-4720** to obtain fire protection/water flow information.
 - All residential and commercial developments should refer to Section 12.1.1 and Appendix A of the **MLGW Water Service Policy Manual**, which is available online at the following MLGW website: http://www.mlgw.com/images/water_manual.pdf
- The owner/applicant will be responsible for the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.
- To determine if system improvements may be required, please contact the appropriate MLGW engineering area:
 - MLGW Engineering - **Residential Development:** 528.4858
 - MLGW Engineering - **Commercial Development:** 367.3343

Bell South / Millington Telephone: No comment.

Memphis Area Transit Authority (MATA): No comments received.

OPD-Regional Services:

This application was reviewed by the MPO staff/Department of Regional Services on June 27, 2007 The MPO staff has determined that the proposed actions as submitted in this application will have no affect on the MPO Long Range Transportation Plan, Transportation Improvement Program, or any other plan, document, program or initiative of this department/organization

OPD-Plans Development: No comment.

Neighborhood Associations: None contacted.

SW-CMc