



Memphis and Shelby County
Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET MEMPHIS, TENNESSEE 38103-2084 (901) 576-6619

09/23/10

Gail Ray
8649 Overcup Oaks Drive
Cordova, TN 38018

RE: Converting Private Streets to Public Streets
Sunset Downs Planned Development Amended, Phase 9
Plat Book 181, Page 20

Dear Ms. Ray:

This letter shall serve as a follow up to our recent conversation concerning the process of converting private streets in your development to public streets. Your development was approved in 1999 with 65 lots to be accessed by a private street (Eagle View Drive) and a rear service drive (see attached plat). The private street and rear service drive is the ownership and maintenance responsibility of the home owners who live in the development.

Private drives are permitted by the Subdivision Regulations. They are not required to meet the same minimum construction standards required for public streets nor required to be inspected prior to their acceptance as part of a plat recording. Therefore, it is possible that when the developer of your subdivision built the private streets, they were constructed without meeting minimum public street standards. Such standards might include pavement width, street base and asphalt, street geometry, curb and gutter, sidewalk installation and drainage.

In order for your development to have its private streets accepted as public streets, an amendment to your planned development would have to be filed with this office. Our office would review the application and make a recommendation. The recommendation would be presented to the Land Use Control Board for a recommendation by this body then both recommendations forwarded to the City Council for final action. This process takes 75 to 90 days to complete and there is no guarantee of approval. All costs for processing the application are borne by the neighborhood including a \$1,000 filing fee and separate public notice fee of \$150 payable to the City of Memphis for the City Council hearing. If successful in having the streets accepted as public, the neighborhood would also pay for any re-platting fees and any revisions to civil engineering drawings of record at the City Engineering Office. The neighborhood may also be responsible for any street upgrade expenses deemed necessary to meet public street standards. This would likely be a very expensive proposition as I would not anticipate the City agreeing to a takeover of your streets "as is".

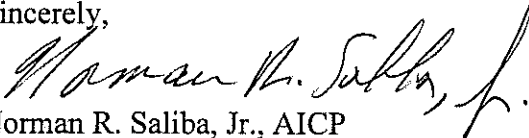
Gail Ray
Sunset Downs, Phase 9
09/23/10
Page 2

If approved as public streets, you also forfeit the right to secure your streets from public access by controlled access devices such as gates. If gates exist, they will have to be removed. Further, even items such as street name sign blades are subject to change to reflect the standard public street name sign blade. The neighborhood would be responsible for this expense as well.

I would recommend that you meet with Jack Stevenson, Land Development Administrator in the City of Memphis Engineering Office, before your neighborhood undertakes the application to frankly see if the conversion is feasible and supportable. Mr. Stevenson can be reached at 576-6704. It is my opinion that acceptance of your streets would not be supported unless the neighborhood could deliver streets to be dedicated to public use forever that met all public road standards at time of acceptance by the City of Memphis. The City of Memphis is not in a position to accept private streets for public use on the basis that the City would be responsible for all necessary street upgrades as part of the private to public conversion.

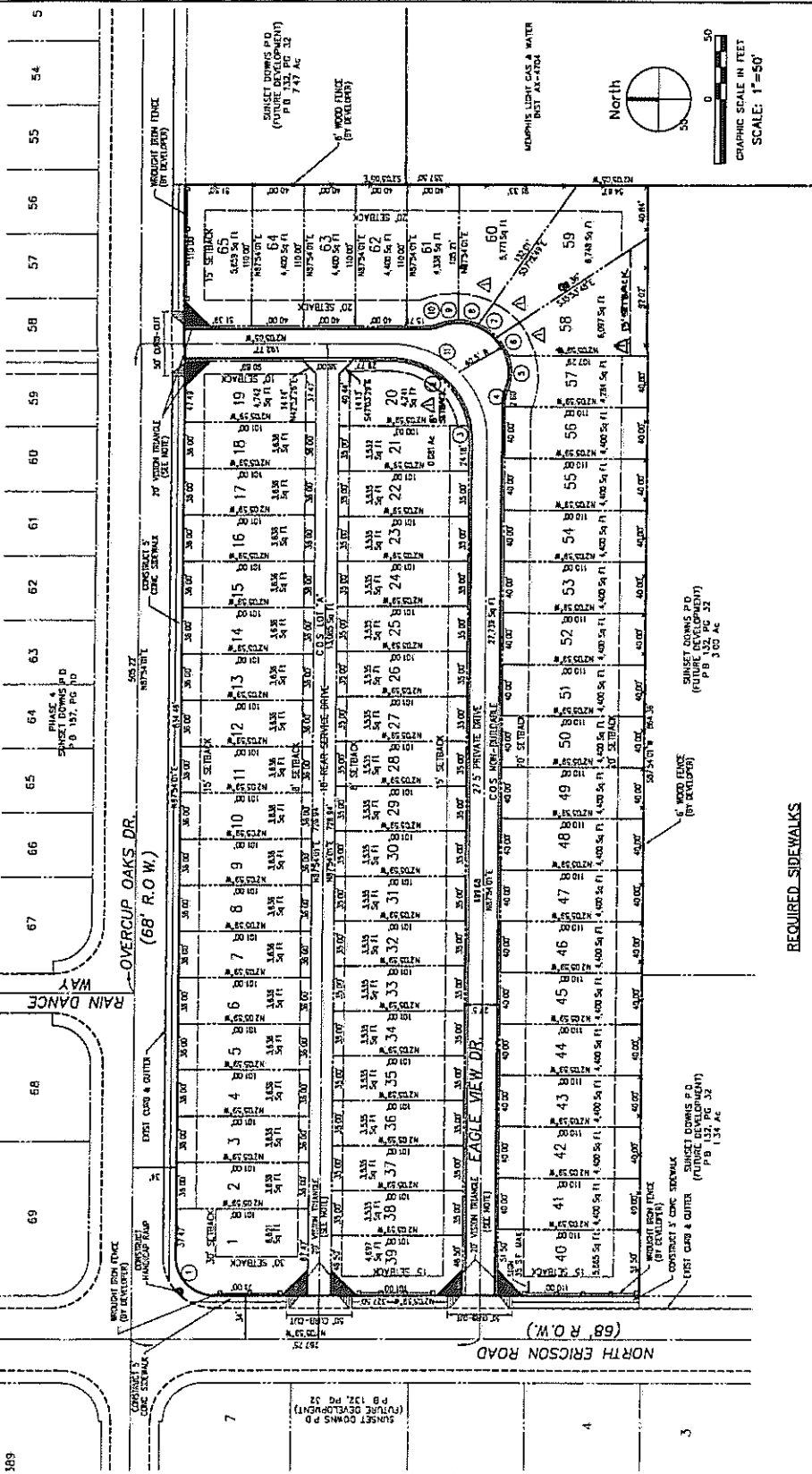
Please call me at 576-6619 or e-mail me if you have questions or need further information.

Sincerely,



Norman R. Saliba, Jr., AICP
Land Use Controls Manager

cc: Jack Stevenson, City Engineering/Land Development



REQUIRED SIDEWALKS

STREET NAME	S/W WIDTH	SIDE	LOCATION FROM CURBLINE
NORTH ERICSON ROAD	5'	EAST <td>5' FROM FACE OF CURB</td>	5' FROM FACE OF CURB
OVERCUP OAKS DRIVE	5'	SOUTH <td>5' FROM FACE OF CURB</td>	5' FROM FACE OF CURB

THE REQUIRED SIDEWALKS SHALL BE INSTALLED ACROSS THE FRONTAGES OF EACH LOT BY THE OWNER OF SAID LOT PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OF THE BUILDING. SIDEWALKS SHALL BE REPAIRED AND MAINTAINED BY THE BUILDING PERMIT HOLDER DURING THE LOT FRONTAGE PRIOR TO OCCUPANCY OF THE BUILDING.

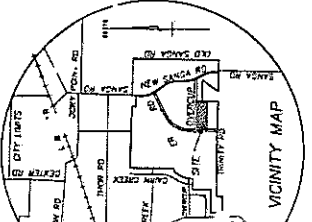
ALL PRIVATE DRIVES, PRIVATE SEWERS, PRIVATE DRAINAGE, AND LANDSCAPE AREAS SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION AS RECORDED IN INSTRUMENT NO. 27,351.

THE CITY OF MEMPHIS SHALL HAVE EGRESS/ACCESS RIGHTS TO USE PRIVATE DRIVES AND YARDS FOR THE PURPOSE OF MAINTAINING ALL PUBLIC SEWER LINES AND SHALL BEAR NO RESPONSIBILITY FOR THE MAINTENANCE OF SAID PRIVATE DRIVES AND YARDS.

NO TREES, SHRUBS, PERMANENT STRUCTURES, OR OTHER UTILITIES (EXCEPT FOR CROSSINGS) SHALL BE ALLOWED WITHIN SANITARY SEWER EASEMENTS.

NO STRUCTURE OR VEGETATION HIGHER THAN 3 FEET SHALL BE ALLOWED WITHIN AREAS DESIGNATED AS USE TRIANGLES.

THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON F.T.M.A. COMMUNITY-PANEL 470177-100 E, DATED DECEMBER 2, 1994 FOR SHELBY COUNTY, TENNESSEE.



CURVE DATA

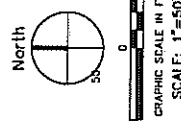
NO.	RAD.	ARC.	TAN.	CHORD.	DELTA.
1	100.00	10.00	1.736	19.963	36.870
2	100.00	10.00	1.736	19.963	36.870
3	100.00	10.00	1.736	19.963	36.870
4	100.00	10.00	1.736	19.963	36.870
5	100.00	10.00	1.736	19.963	36.870
6	100.00	10.00	1.736	19.963	36.870
7	100.00	10.00	1.736	19.963	36.870
8	100.00	10.00	1.736	19.963	36.870
9	100.00	10.00	1.736	19.963	36.870
10	100.00	10.00	1.736	19.963	36.870
11	100.00	10.00	1.736	19.963	36.870

FINAL PLAT - PHASE 9
P.D. 98-347 AREA "B-2"
FORMERLY P.D. 89-371 CC
SUNSET DOWNS P.D. AMENDED
WARD 91, BLOCK 53, PARCEL 33
65 LOTS - 7.090 ACRES
100 YEAR FLOOD ELEV. - 286.0
MEMPHIS, TENNESSEE
DEVELOPER: TRINITY PROPERTIES, INC.
MARCH, 1999

REAVES
 SWEENEY
 MARCOM
 ENGINEERS
 ARCHITECTS
 PLANNERS
 1000 N. GLENN ST.
 MEMPHIS, TN 38103
 TEL: 901-525-1100
 FAX: 901-525-1101

NO. 27,351
 PLAT BOOK 176, PAGE 11
 RECORDED
 MAR 25 1999
 SHELBY COUNTY, TENNESSEE

NO. 27,351
 PLAT BOOK 176, PAGE 11
 RECORDED
 MAR 25 1999
 SHELBY COUNTY, TENNESSEE



△ This plat is being recorded to show that on October 14, 1989, the Land Use Control Board of the City of Memphis has approved a 1/2 acre parcel of land for development for 1/2 acre from year setback for the principal structure on Lot 20 and to show the correct setbacks for Lot 18, 19, and 20.

By Director: [Signature] Date: 11/2/99

General Conditions

1. The plat is being recorded to show that on October 14, 1989, the Land Use Control Board of the City of Memphis has approved a 1/2 acre parcel of land for development for 1/2 acre from year setback for the principal structure on Lot 20 and to show the correct setbacks for Lot 18, 19, and 20.

[Signature]

Notary Public
State of Tennessee
County of Shelby

Before me, the undersigned, a Notary Public in and for the said State and County of Memphis, Tenn., on this 11th day of November, 1989, personally appeared [Signature] who whom I am personally acquainted, and who upon his oath acknowledged himself to be the owner of the above described land, and that he executed the foregoing instrument for the purposes therein contained. In witness whereof, I have hereunto set my hand and official seal this 11th day of November, 1989.



Notary Public: [Signature]
My Commission Expires: July 15, 1991

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△ FORMERLY P.D. 89-371 CC
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MARCH, 1989

REAVES
SWENEY
MARCOM
REGISTERED SURVEYORS
MEMPHIS, TENNESSEE

NO TELETYPE
FOR MORE DETAILS
CALL US AT 525-2121
OR VISIT US AT 525-2121
DATE: 11/2/89
BY: [Signature]

SHREVE COUNTY
REGISTERED PLATS
93 NOV -4 PM 2:10

JY3366