

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND
DEVELOPMENT
STAFF REPORT #3**

CASE NUMBER: SAC 13-604 **L.U.C.B MEETING:** June 13, 2013

STREET NAME: Texas Street

LOCATION: Texas Street between East Carolina Avenue
and Railroad Avenue

COUNCIL DISTRICT: 6

SUPER DISTRICT: 8

APPLICANT: Henry Turley Company

REPRESENTATIVE: Powers Hill Design, LLC

REQUEST: Close & Vacate Street Right-Of-Way

AREA: 0.178 acres

EXISTING LAND USE & ZONING: Vacant land in the Bluffview Residential (BR) District

Staff: John D. (Don) Jones

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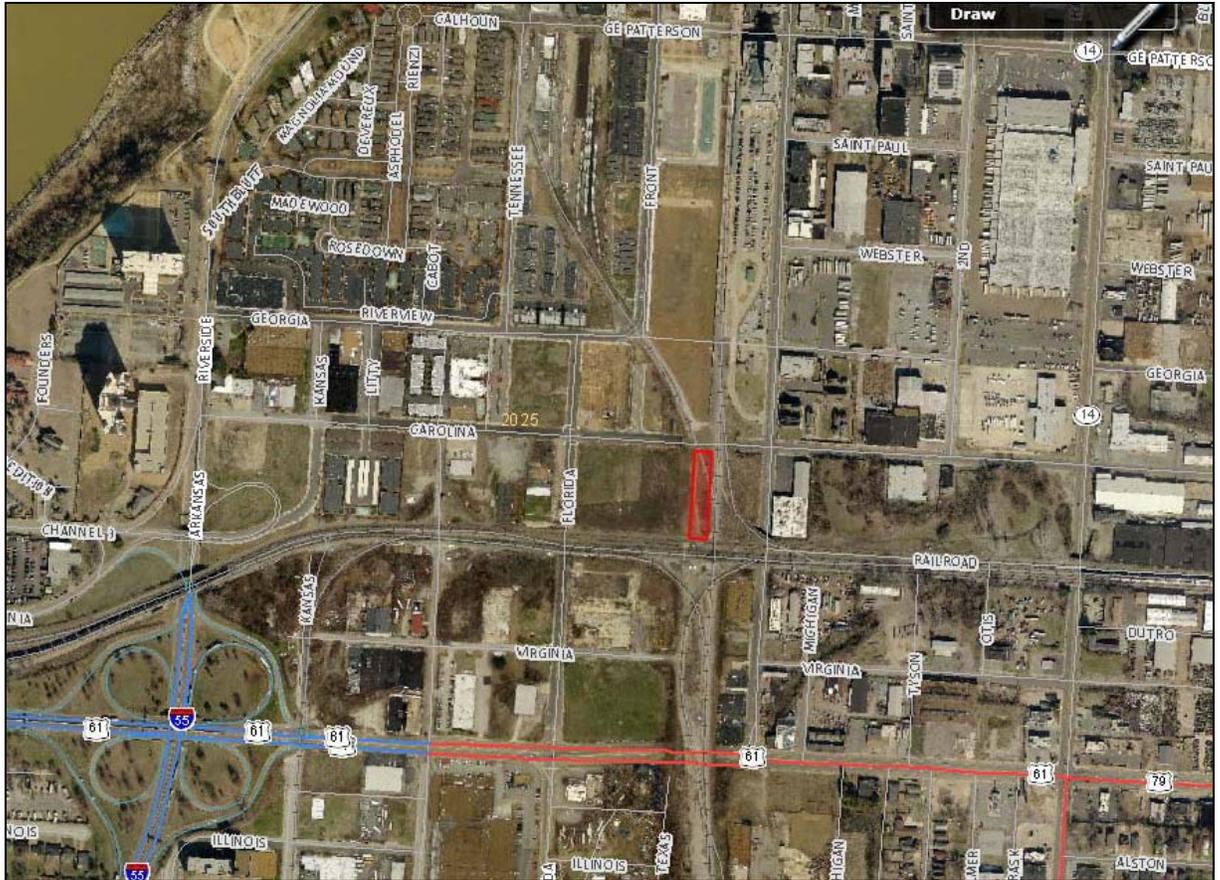
**OFFICE OF PLANNING AND DEVELOPMENT
RECOMMENDATION**

APPROVAL WITH CONDITIONS

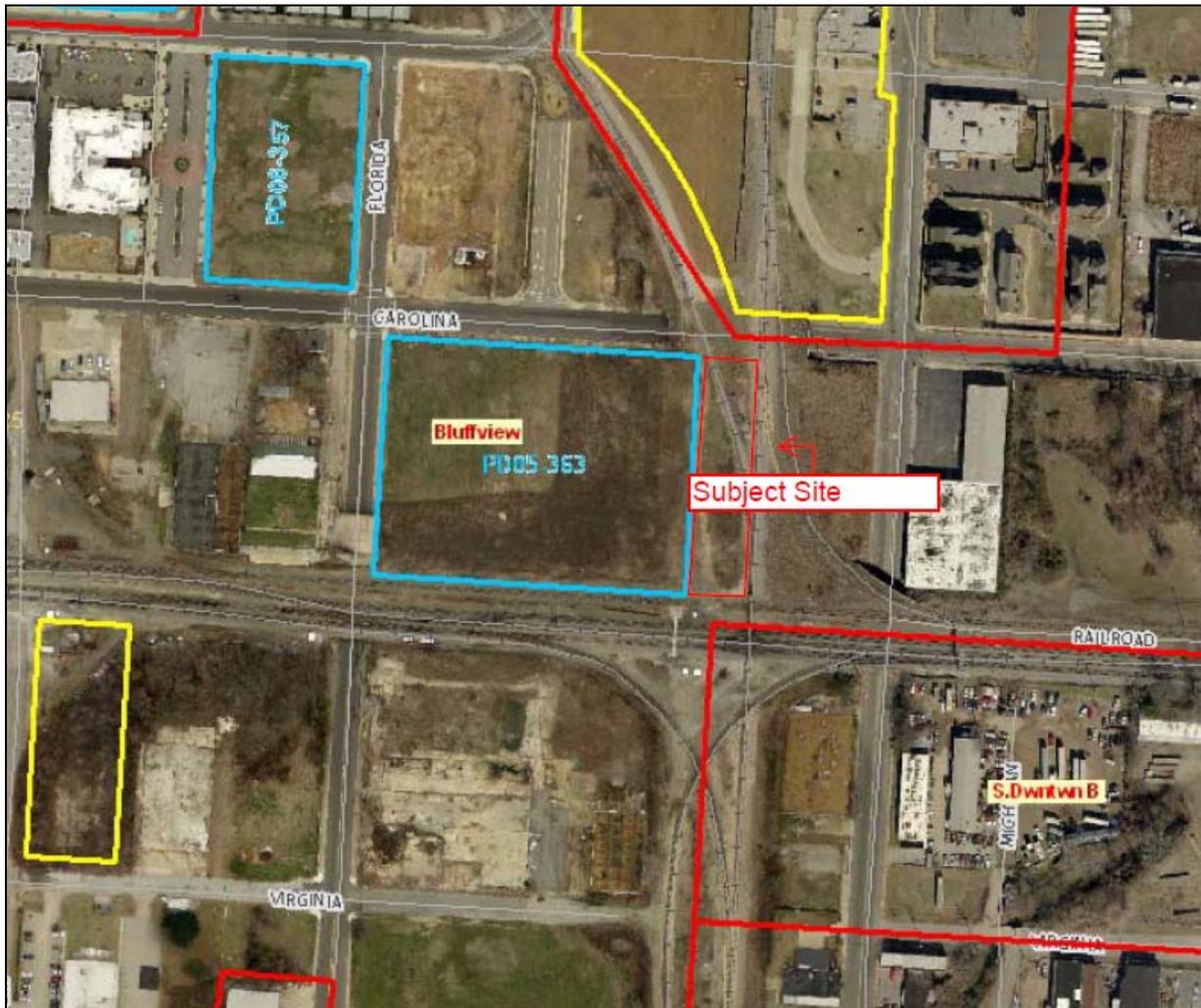
CONCLUSIONS

1. The subject property is a paper street that dates back to 1858. The street was never actually built nor has it been formerly closed.
2. A section of Texas Street immediately to the north was closed in 1995.
3. In light of the fact that there is no way to access this right of way by vehicle, and that the north portion of the right of way has been officially closed, staff finds that the closure of this section of right of way is consistent with the public interest.

General Location



LAND USE & ZONING MAP

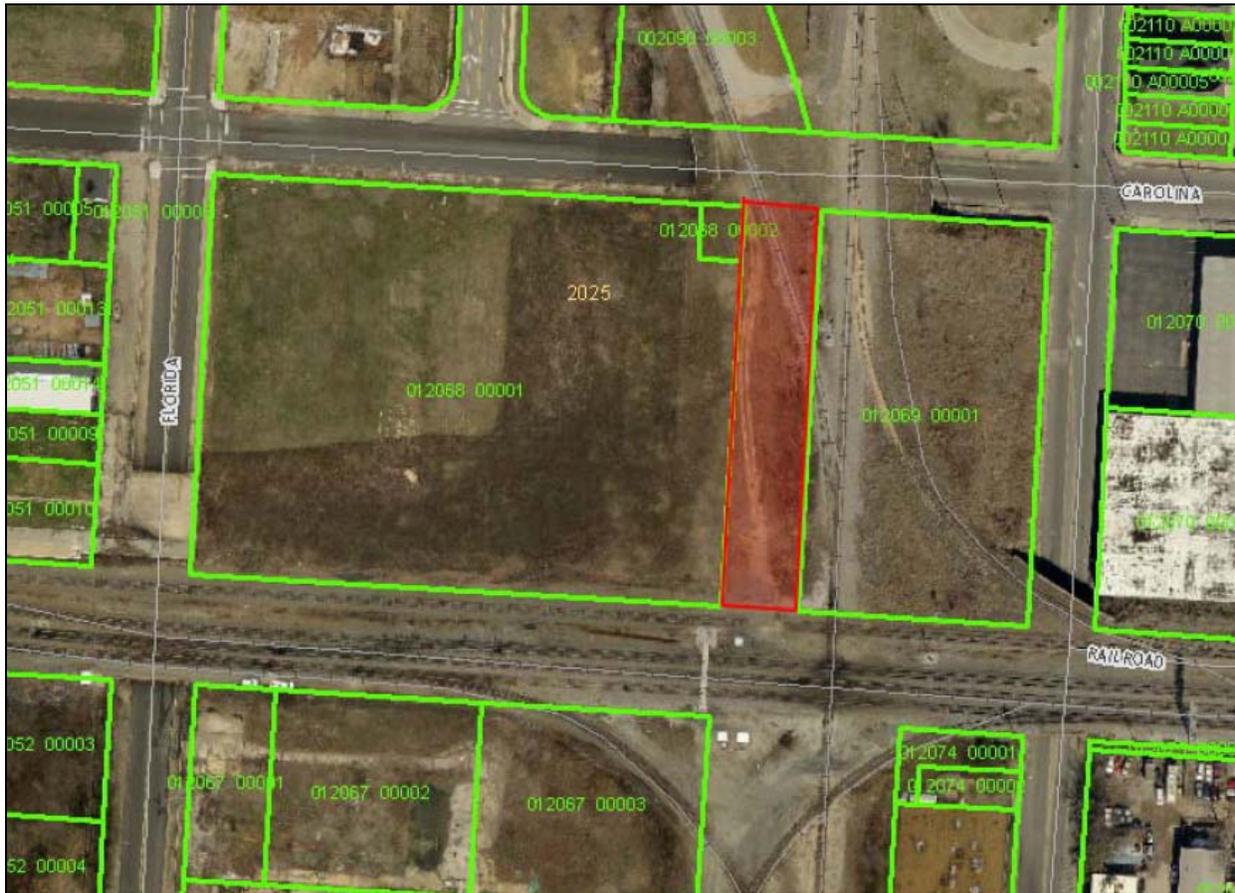


SURROUNDING LAND USE & ZONING:

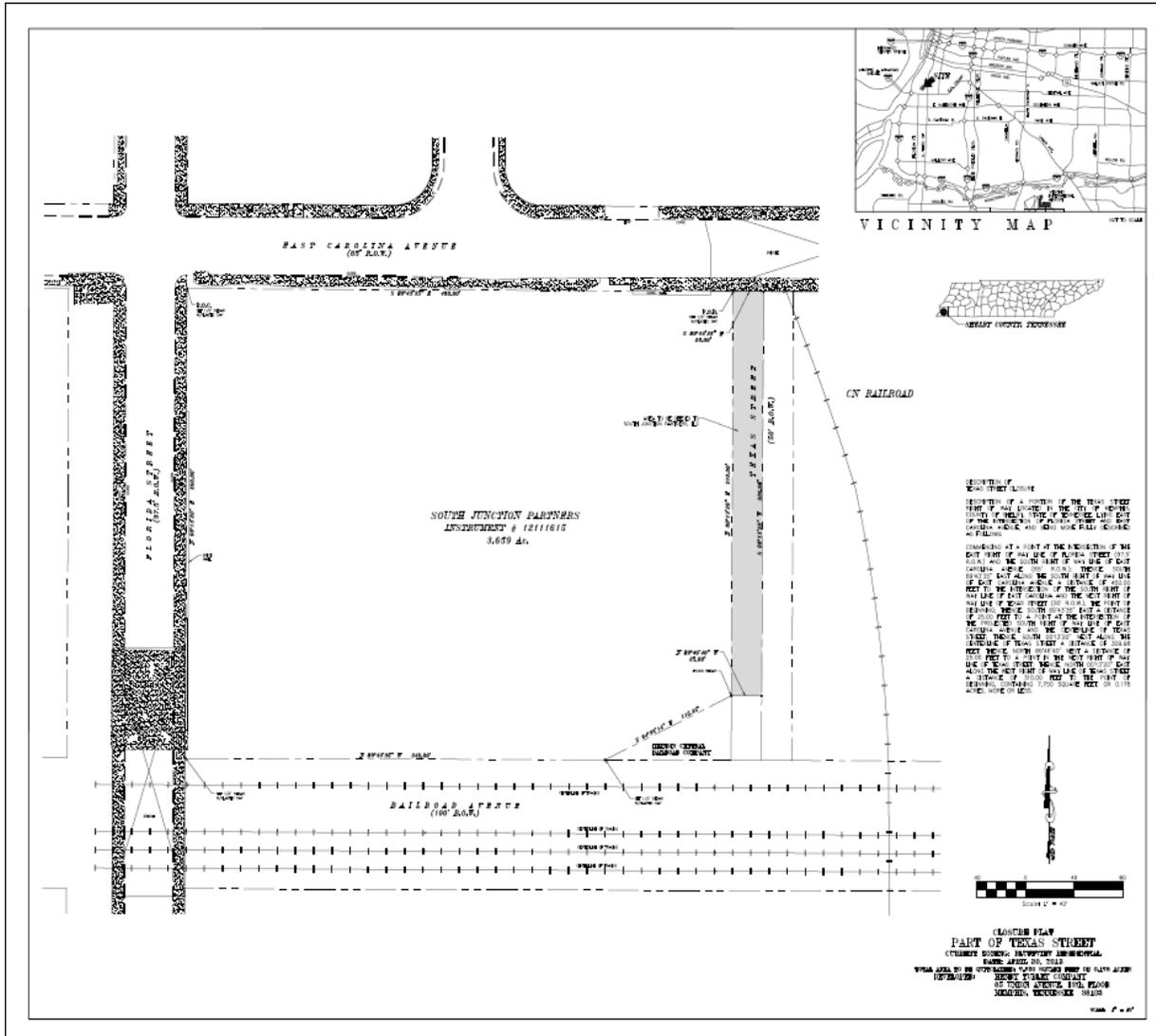
North, South
and East: Vacant land and a railroad right of way in the Bluffview Residential
(BR) District

West: Vacant land in the Bluffview Residential (BR) District

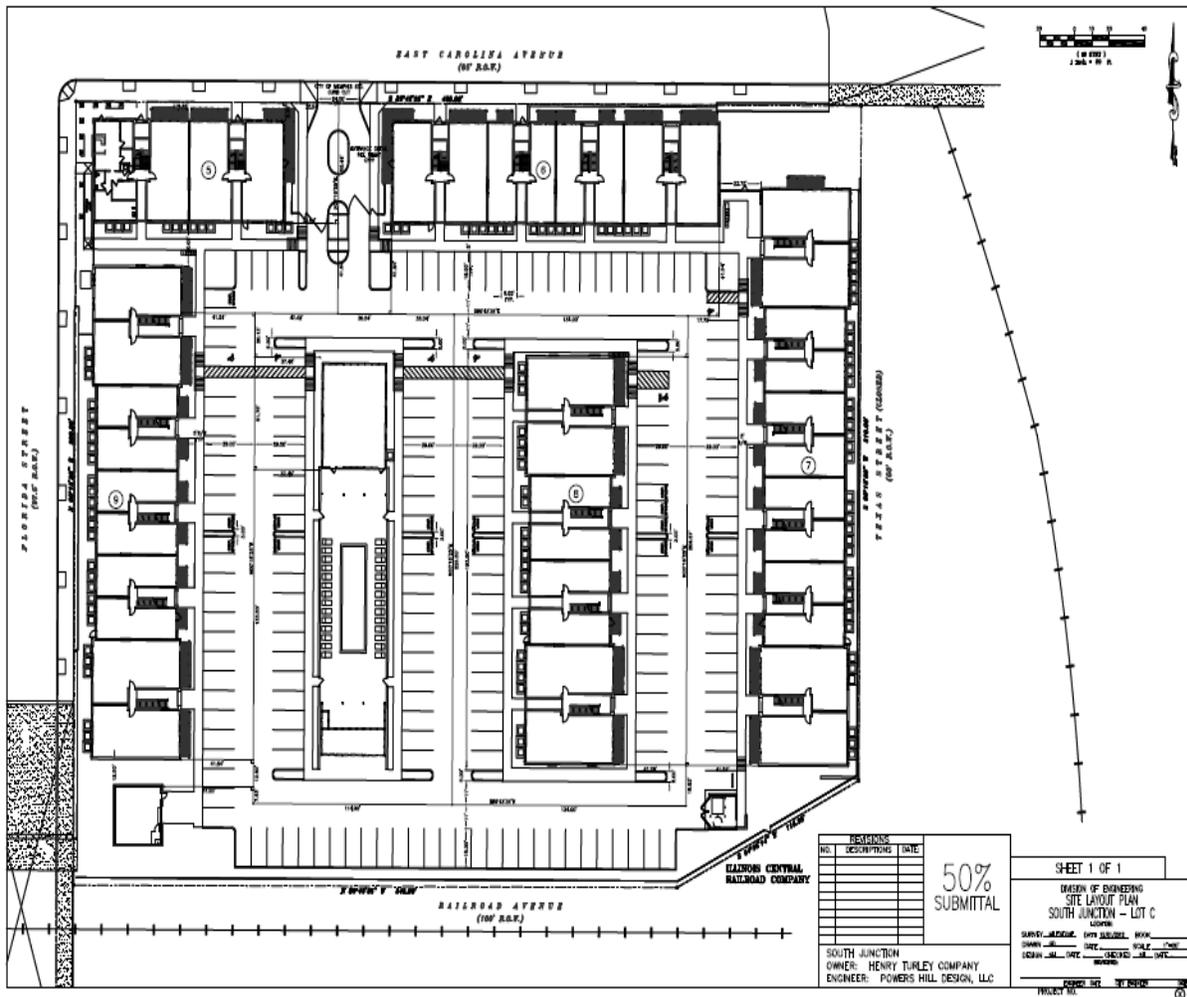
Closure Area



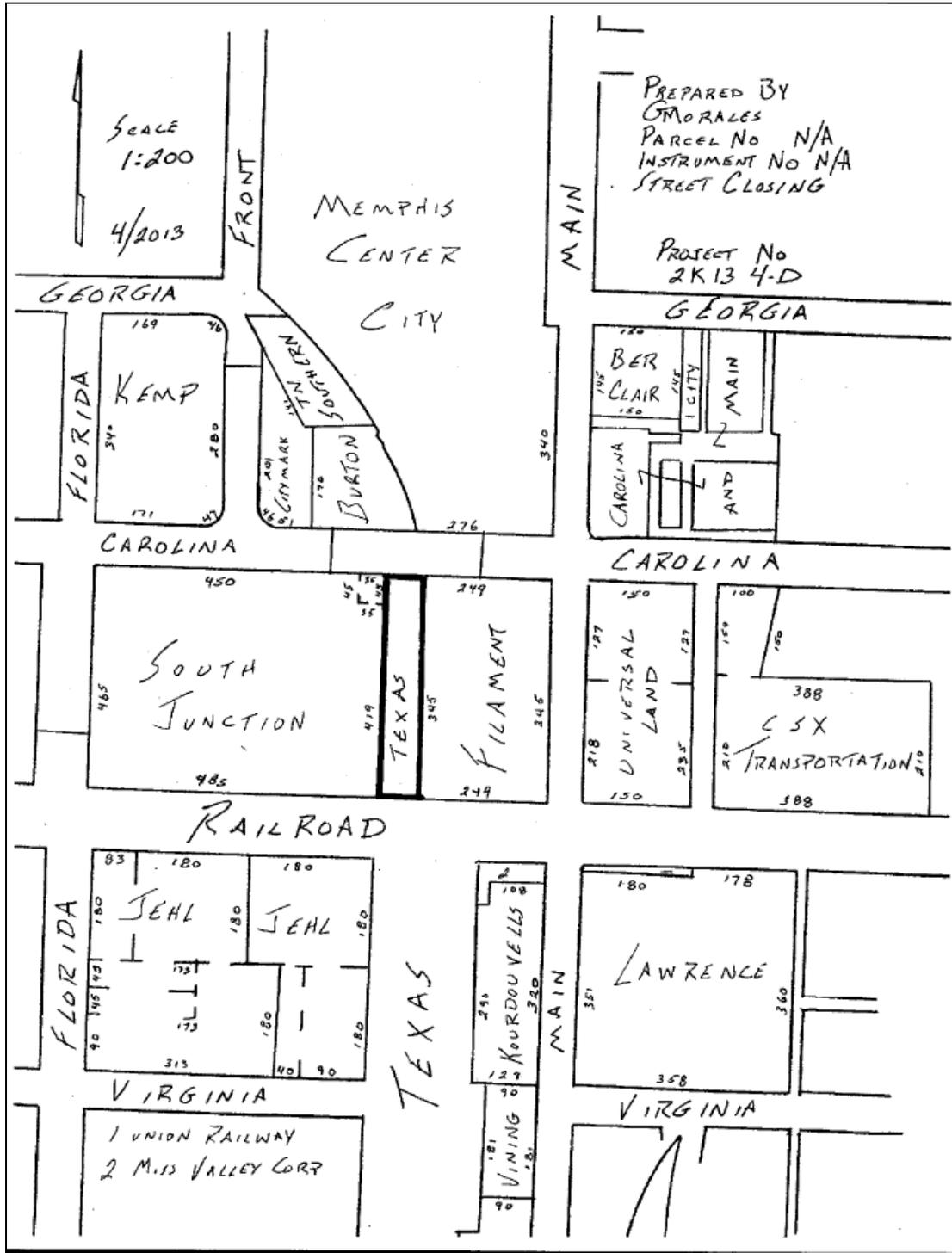
Closure Plat:



Preliminary Plan of Adjoining Development To The West of Closure Area:



Vicinity Map



ANALYSIS:

General Location and History:

This request concerns a 25 foot wide section of property that runs between East Carolina Avenue and Railroad Avenue in the South Downtown Area of Memphis.

The Closure Plat on page 5 of this report illustrates that only the west 25 feet of this right of way extending southward from the East Carolina Street for a distance of 310 feet shall be closed.

This is a partial street closure. For the sake of expediency the eastern 25 feet and the southern most 50 x 25 feet sections which abut railroads are not included in this request.

The applicant's research indicates that "the Texas Street right of way first appears on the 1858 Map of the City of Memphis as Eight Street, but we can find no record that it was ever developed as a public street." "No records exist that it was ever officially closed." Research in the City's mapping department finds that a section Texas Street immediately north of this subject property was closed in November of 1995.

Review of Request:

A site visit revealed that there is no physical indication of any form of street in place along the requested closure. The same can be said for the area to the south of this request that lies between Railroad Avenue and Virginia. There is no way for a vehicle to access this right of way.

The closure is being requested to accommodate the construction of the South Junction residential development, see page 6.

In light of the fact that there is no way to access this right of way by vehicle, and that the north portion of the right of way has been officially closed, staff finds that the closure of this section of right of way is consistent with the public interest.

Recommendation: Approval with Conditions

Conditions:

1. Determine if utilities such as Sanitary Sewer, Storm Sewer, Electric, Gas, or Water, exist under this section of right of way and provide easements for said utilities or remove at applicant's expense.
2. The applicant shall comply with all conditions of the closure within (3) three years of the conditional approval by the Memphis City Council.

GENERAL INFORMATION

Planning District: South Memphis
Census Tract: 43.00
Zoning Atlas Page: 2025
Parcel ID: 012068 00001, 012068 00002

DEPARTMENTAL COMMENTS:

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

City Engineer:

Street Closures:

1. The application should close the entire right of way of Texas Street instead of only half.
2. Other than that the city engineer has no objections to this request.

City Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department: No comments received.

City Board of Education: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water:

SAC 13-604 Closing of Texas Street off of Carolina.

MLGW has reviewed the referenced application, and has no objection, subject to the following conditions:

- **MLGW may have 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

- **It is the responsibility of the owner/applicant** to bear the cost if it is necessary for MLGW facilities to be installed, removed or relocated.
- **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 public hydrants on private property, and the owner/applicant will be billed an annual maintenance fee on a monthly basis 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.
- **STREET NAMES: It is the responsibility of the owner/applicant** to contact MLGW–Address Assignment @ 729-8628 and submit proposed street names for review and approval. Please use the following link to the MLGW Land & Mapping website for **Street Naming Guidelines** and the **Online Street Name Search**: <http://www.mlgw.com/builders/landandmapping>
- **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 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 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 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 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 utility easement without prior MLGW approval. It is the responsibility of the owner/applicant to comply with Memphis/Shelby County Zoning Ordinance - Landscape and Screening Regulations.
- **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 Builder Services: (901) 729-8675 to initiate the utility application process.

- All commercial developers must contact MLGW's Builder Services line at 729-8630 (select option 2) to initiate the utility application 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 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.

Neighborhood Associations:

No comments received

South Main Historic District Association

South Memphis City Beautiful Club