CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL Planning & Development ONLY STAPLED | **DIVISION TO DOCUMENTS Planning & Zoning COMMITTEE:** 04/22/2025 DATE **PUBLIC SESSION:** 05/06/2025 DATE ITEM (CHECK ONE) **ORDINANCE** X RESOLUTION REQUEST FOR PUBLIC HEARING ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located at 5205 Winchester Road, known as case number SUP 2025-SUP 2025-003 **CASE NUMBER:** LOCATION: 5205 Winchester Road District 3 and Super District 8 – Positions 1, 2, and 3 **COUNCIL DISTRICTS: OWNER/APPLICANT:** Josely Vasquez REPRESENTATIVE: The Bray Firm **REQUEST:** To allow vehicle sales AREA: +/-37,353 square feet The Division of Planning and Development recommended Rejection **RECOMMENDATION:** The Land Use Control Board Recommended Approval with conditions RECOMMENDED COUNCIL ACTION: Public Hearing Not Required **PRIOR ACTION ON ITEM:** APPROVAL - (1) APPROVED (2) DENIED 03/13/2025 DATE (1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE **FUNDING:** REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED SOURCE AND AMOUNT OF FUNDS **OPERATING BUDGET** CIP PROJECT # FEDERAL/STATE/OTHER ADMINISTRATIVE APPROVAL: **DATE POSITION** STAFF PLANNER DEPUTY ADMINISTRATOR **ADMINISTRATOR** DIRECTOR (JOINT APPROVAL) **COMPTROLLER** FINANCE DIRECTOR CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 5205 WINCHESTER ROAD, KNOWN AS CASE NUMBER SUP 2025-003

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a special use permit for certain stated purposes in the various zoning districts; and

WHEREAS, Josely Vasquez filed an application with the Memphis and Shelby County Division of Planning and Development to allow vehicle sales; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives, and standards for special use permits as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation concerning the above considerations to the Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on March 13, 2025, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards and criteria for a special use permit, and said development is consistent with the public interests.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit is hereby granted for the request use in accordance with the attached conditions.

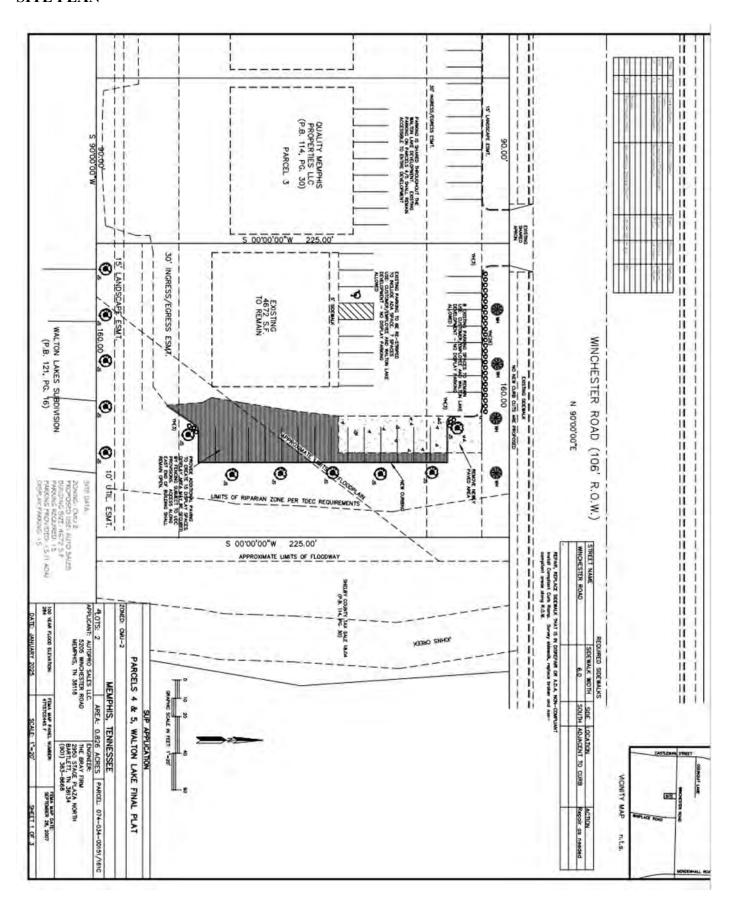
BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by the Council of the City of Memphis have been met.

BE IT FURTHER RESOLVED, that this Resolution take effect from and after the date it shall have been passed by this Council of the City of Memphis, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of passage thereof by the Council of the City of Memphis, the public welfare requiring same.

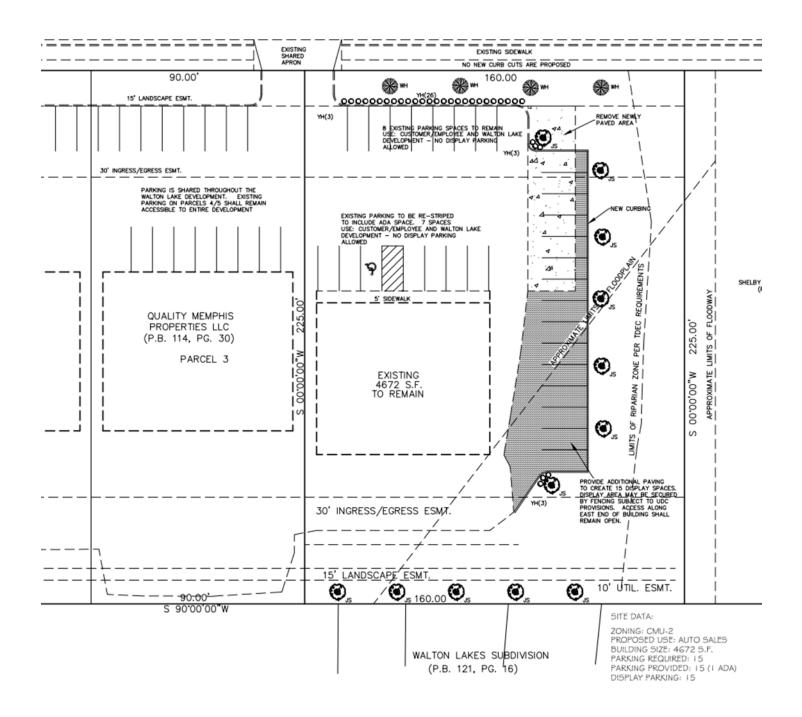
CONDITIONS

- 1. Streetscape Plate Type S-10 or an equivalent approved by the Division of Planning and Development shall be provided along Winchester Road.
- 2. The dumpster location and screening shall meet the requirements of UDC Sub-Section 4.6.8B.
- 3. The existing detached pole sign along Winchester Road shall be upgraded to meet the current requirements for the Commercial Mixed-Use Districts (UDC Sub-Section 4.9.7D) or removed, and a new sign constructed that meets the requirements of UDC Sub-Section 4.9.7D.
- 4. Lighting for outdoor vehicle sales shall be arranged/positioned to prevent direct glare onto any public right-of-way or private property.
- No fences or gates shall be placed along the west property line between the building and Winchester Road. The existing joint use ingress/egress easement serving the site and shopping center shall be retained.
- 6. The existing chain link fence with barbed wire along the east property line between the building and Winchester Road shall be removed.
- 7. All parking spaces shall be painted with striping.
- 8. The rear property line shall be screened with Plate C or a Class II buffer.
- 9. Fencing is permitted on the east side of the property around the used cars being offered for sale. The location and design of the fencing shall be shown on the final plat and shall comply with the fencing requirements in UDC Section 4.6.7.
- 10. No fencing of any type is permitted along Winchester Road.
- 11. All parking spaces facing into Winchester Road and facing into the building shall be for customers and employees of the used car sales facility and the other businesses within the shopping center. None of these spaces shall be used to display vehicles for sale or store vehicles.

The Walton Lake C-P Final Plat will be required to be re-recorded.



SITE PLAN - MAGNIFIED



ATTEST:

CC: Division of Planning and Development
- Land Use and Development Services
- Office of Construction Enforcement

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, March 13, 2025*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SUP 2025-003

LOCATION: 5205 Winchester Road

COUNCIL DISTRICT(S): District 3 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Josely Vasquez

REPRESENTATIVE: The Bray Firm

REQUEST: To allow vehicle sales

EXISTING ZONING: Commercial Mixed-Use-2 (CMU-2), Governed by Walton Lake

Planned Commercial (C-P) General Plan and Final Plat

AREA: +/-37,353 square feet

The following spoke in support of the application: None

The following spoke in opposition the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with conditions.

The motion passed by a vote of 4-3-0 on the regular agenda.

Respectfully,

Planner II

Land Use & Development Services

Cc: Committee Members

Mahsan Ostadnia

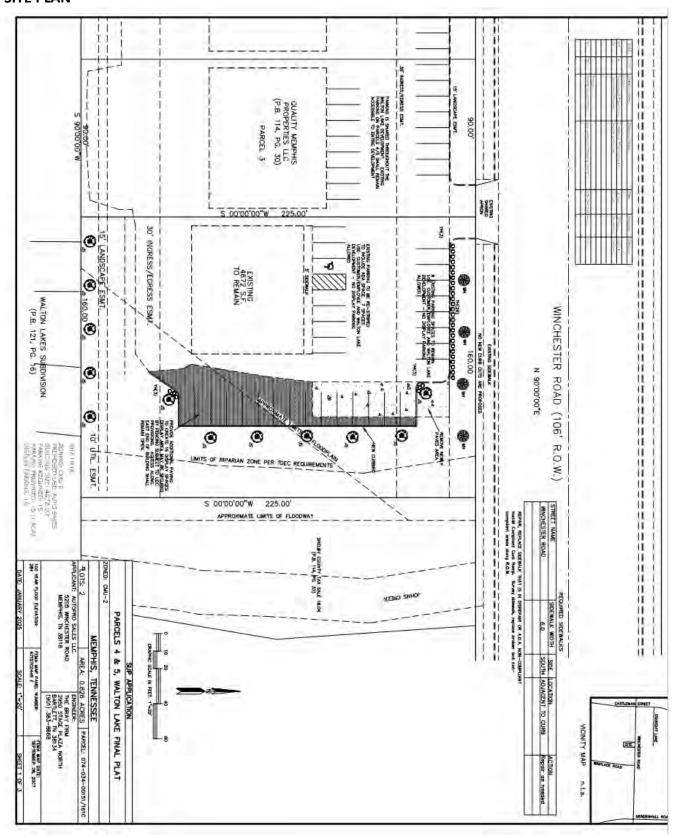
File

SUP 2025-003 CONDITIONS

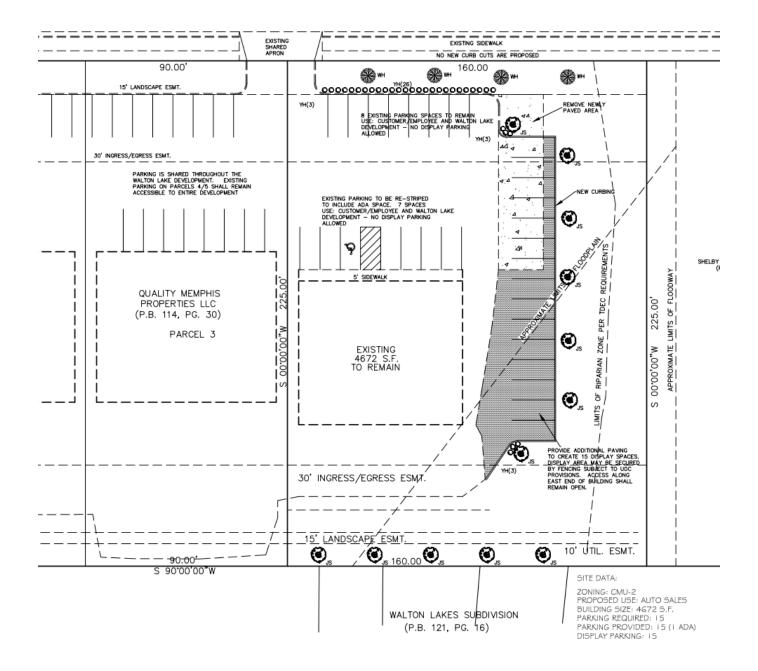
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SITE PLAN-MAGNIFIED



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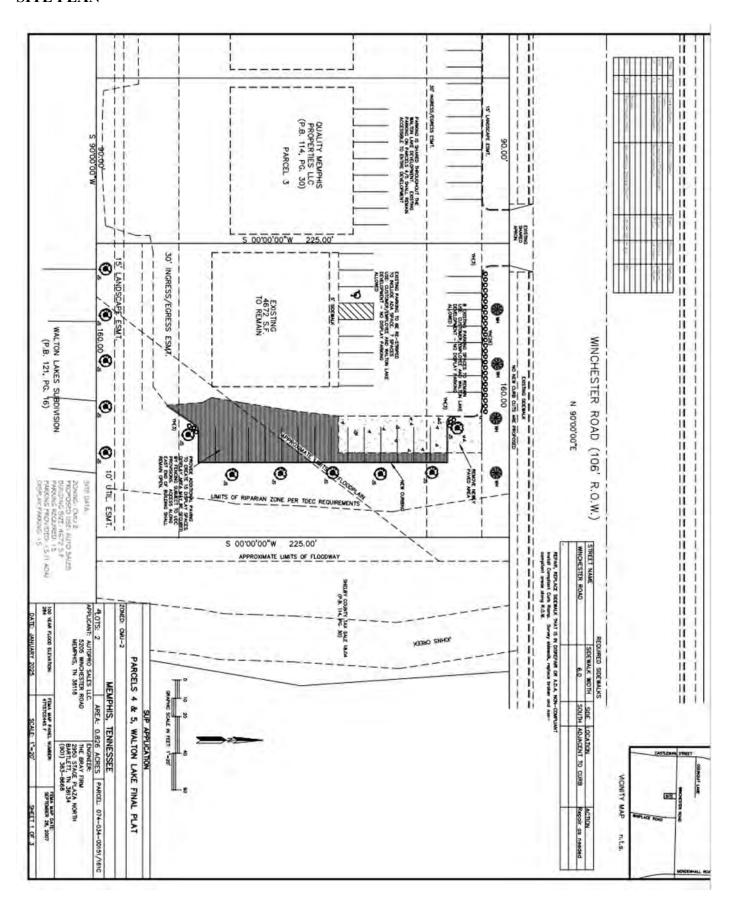
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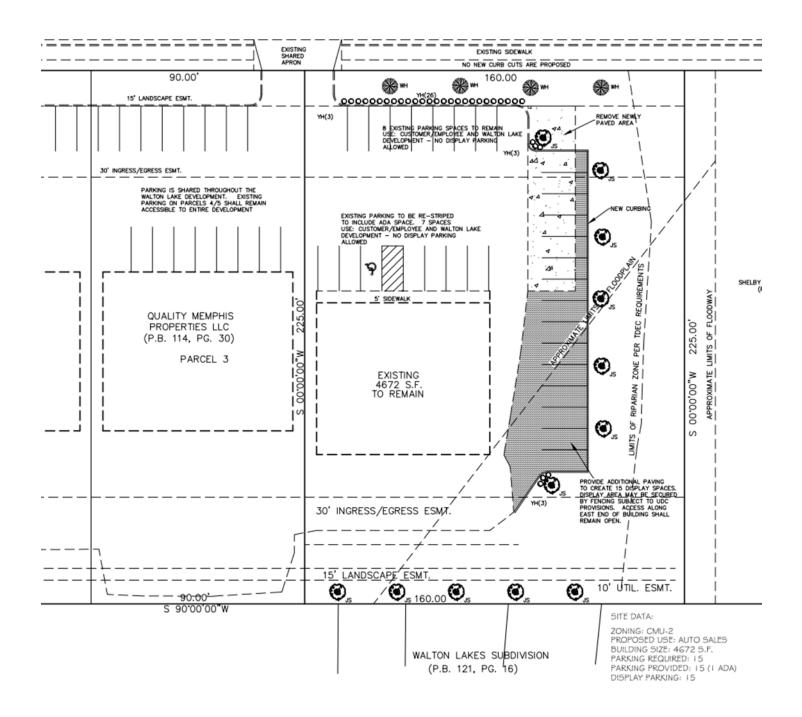
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SITE PLAN - MAGNIFIED



ATTEST:

CC: Division of Planning and Development
- Land Use and Development Services
- Office of Construction Enforcement

AGENDA ITEM: 16 L.U.C.B. MEETING: March 13, 2025

CASE NUMBER: SUP 2025-003

LOCATION: 5205 Winchester Road

COUNCIL DISTRICT: District 3 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Josely Vasquez

REPRESENTATIVE: The Bray Firm

REQUEST: Special use permit to allow vehicle sales

EXISTING ZONING: Commercial Mixed-Use-2 (CMU-2), Governed by Walton Lake Planned Commercial (C-

P) General Plan and Final Plat

CONCLUSIONS

1. The applicant is requesting a special use permit to allow used auto sales in a Commercial Mixed-Used-2 (CMU-2) Zoning District.

- 2. This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and zoning as provided in the Memphis 3.0 General Plan. The proposal is inconsistent with the surrounding neighborhood pattern that transitions from a large-scale commercial area east of Johns Creek to a more residential development pattern west of Johns Creek.
- 3. Commercial shopping centers such as the existing strip center the use is requested to be in are not conducive for an automobile sales facility. Such centers are designed to have internal circulation and shared parking among the businesses in the center. While the proposed site plan does retain internal circulation and shared parking as part of the shopping center, its approval would likely put pressure on the west end of the shopping center for such use where there is an ample depth between Castleman Street and the west end of the shopping center building to place cars for sale by paving this area, further intruding into the predominately single-family area.
- 4. The granting of this special use permit will cause substantial detriment to the public good, it will substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), it will be injurious to the neighborhood and the general welfare, and it will not be in harmony with the purpose and intent of the UDC.

CONSISTENCY WITH MEMPHIS 3.0

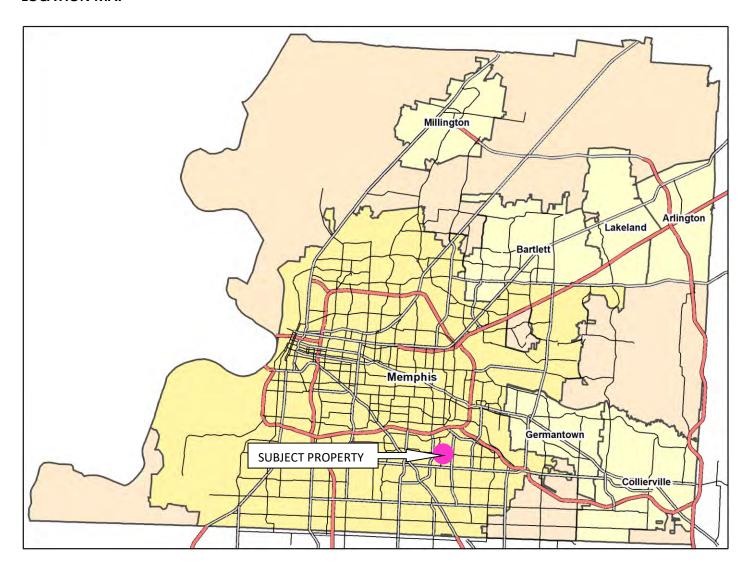
This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 20-22 of this report.

RECOMMENDATION:

Rejection

Staff Writer: Mahsan Ostadnia E-mail: mahsan.ostadnia@memphistn.gov

LOCATION MAP



Subject property located within the pink circle.

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow.

PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 108 notices were mailed on February 12, 2025, see page 23 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see pages 24-25 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

The meeting was held at 5:00 PM on Monday, March 03, 2025, at 5434 Parkway Village Library at 4655 Knight Arnold Road, Memphis, TN 38118.

AERIAL



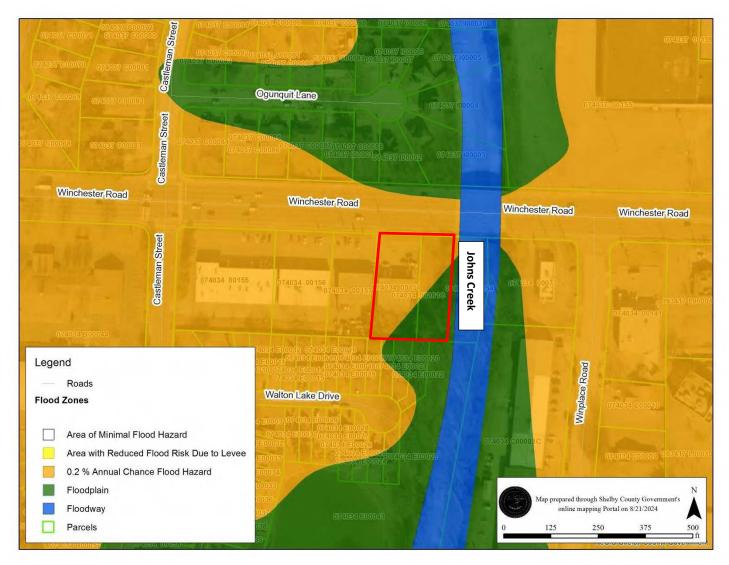
Subject property outlined in yellow.

ZONING MAP



Subject property highlighted in yellow.

FEMA MAP



Subject property outlined in red.

LAND USE MAP



Subject property indicated by a pink star.

SITE PHOTOS



View of subject property from Winchester Road.



View of subject property from above (west).

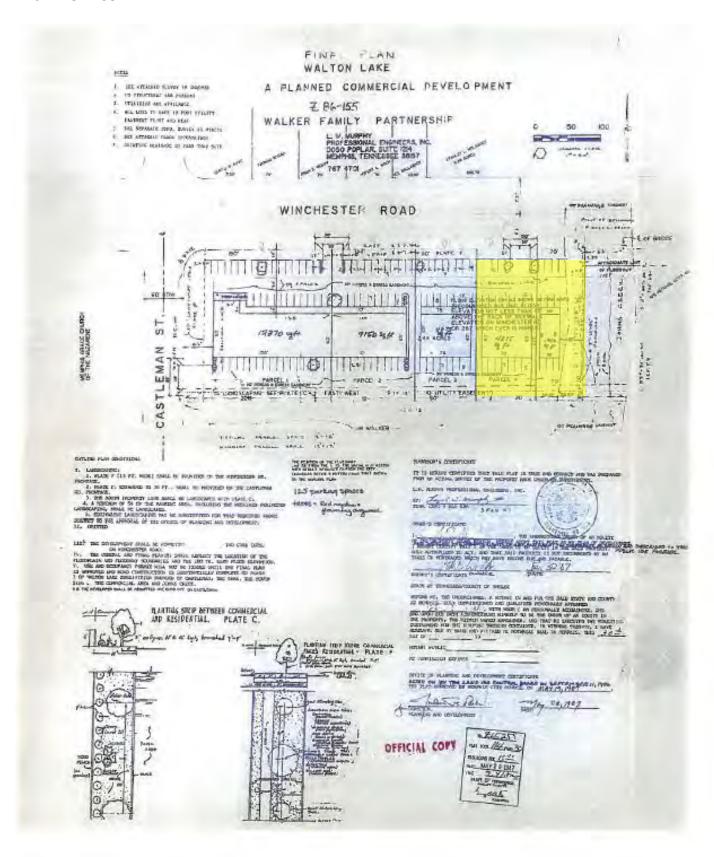


View of subject property from above.

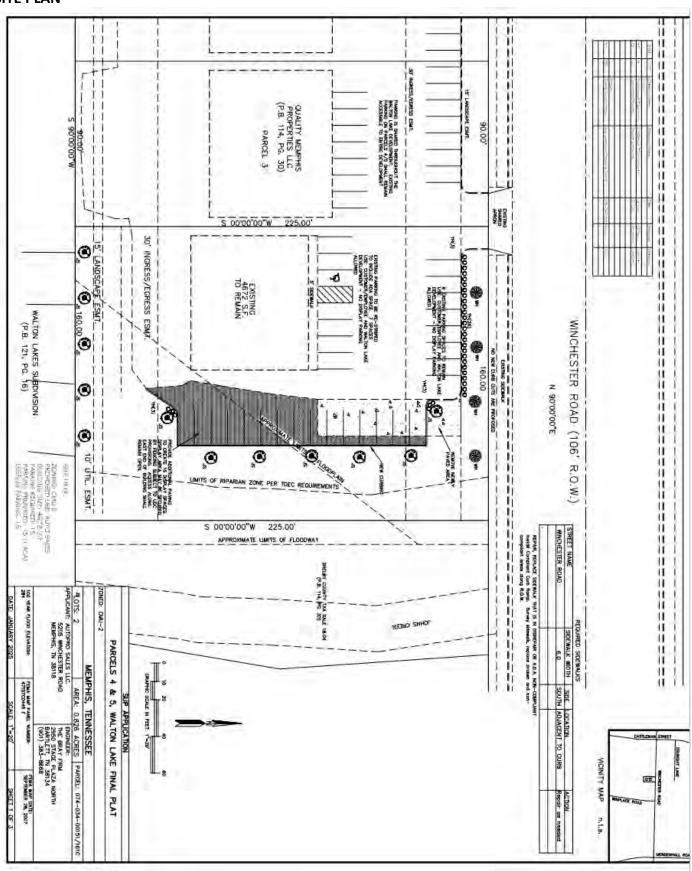


View of subject property from above (East).

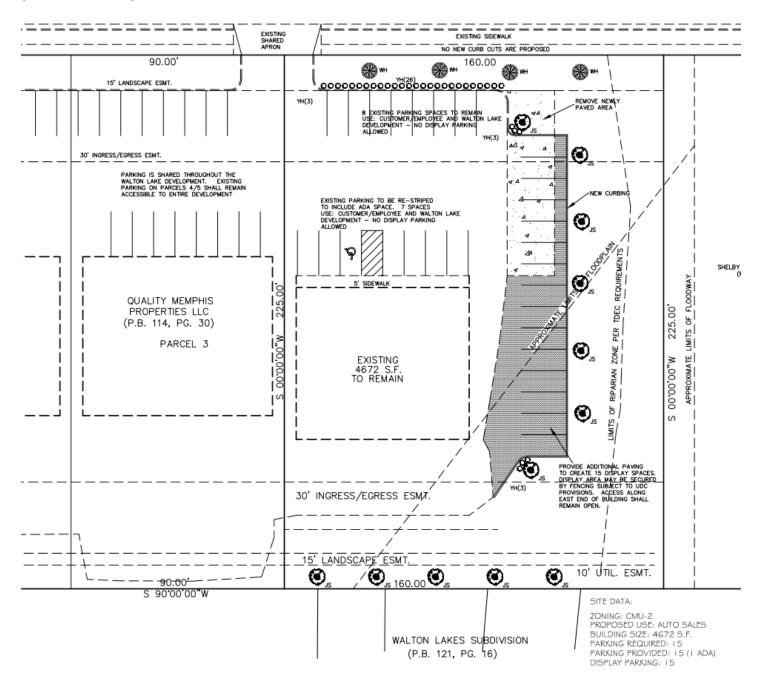
EXISITING RECORDED FINAL PLAT



SITE PLAN



SITE PLAN - MAGNIFIED



CASE REVIEW

Request

The request is a special use permit to allow vehicle sales.

Approval Criteria

Staff **disagrees** the approval criteria in regard special use permits as set out in Section 9.6.9 of the Unified Development Code are met.

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

9.6.9A	The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters
	affecting the public health, safety, and general welfare.
9.6.9B	The project will be constructed, arranged and operated so as to be compatible with the
	immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.
9.6.9C	The project will be served adequately by essential public facilities and services such as streets,
	parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or
	that the applicant will provide adequately for such services.

9.6.9D	The project will not result in the destruction, loss or damage of any feature determined by the
	governing bodies to be of significant natural, scenic or historic importance.

- 9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.
- 9.6.9F The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.
- 9.6.9H Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.

Site Details

Address:

5205 Winchester Road

Parcel ID:

074034 00151 and 07403400161C

Area:

+/-37,353 square feet

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Description:

The subject property is known as Parcel 4 on the Final Plat of Walton Lake Commercial Planned Development. Per the Assessor's website, the principal structure on the site was built in 1987 and currently is a vacant-retail structure with 5175 square feet. The building was formerly occupied for several years by Car Quest Auto Parts. The applicant recently purchased the vacant land on the right side of the property making the total site now 36,000 square feet. The surrounding land uses are a mixture of commercial and residential lots. The subject property contains a portion of one of the two curb cuts serving the existing shopping center along Winchester Road.

Site Zoning History

On December 12, 2024, the Land Use Control Board dropped Case #SUP2024-029 after the applicant failed to submit documentation and revised plans reflecting the additional land purchase stated at the November 14, 2024, LUCB hearing. As the case had reached the maximum three-month hold period allowed under Sub-Section 9.6.7C of the Unified Development Code, it was deemed incomplete and subsequently dropped.

Site Plan Review

- The existing building (4,672 SF) is to remain on-site.
- Parking and ingress/egress are shared throughout the Walton Lake Development.
- The **display parking area** will be created by **adding paving** at the southeast part of the site, totaling **15 display spaces**. Thes spaces will not reduce the required parking for the shopping center.
- Ingress and egress will remain via a 30' easement, at the rear of the shopping center that crosses all parcels at their rear and across the front of the building.
- Parking meets the zoning requirements:

Required: 15 spaces

Provided: 15 spaces (including 1 ADA-compliant space)

Display parking: 15 spaces

- Utility and landscape easements (10' and 15', respectively) are noted, restricting potential construction in those areas.
- Landscaping is proposed along Winchester Road and the east side of the property.

Analysis

The proposed used car sales facility is not conducive for the site for the reasons that follow below.

Existing Shopping Center Ingress/Egress Easement and Proposed Fencing Location:

As previously mentioned, the site is part of an existing shopping center comprised of five lots. These five lots are served by a joint ingress/egress easement along both the front and rear of the lots. This shopping center was not designed to be stand-alone sites in terms of access or parking, but rather share parking and access. Further, only a total of two curb cuts serve the shopping center on Winchester Road, not individual curb cuts for each lot. The subject property has no other access than these access easements.

As with most automobile sales facilities, this type of use is one in which the facility is typically characterized by fencing the entire site and gating any vehicular entrance and exit points. The applicant's representative has stated that only the area in which the vehicles for sale would be displayed along the east property line would be fenced.

Proposed Use is Inconsistent:

The subject property was rezoned to Planned Commercial (C-P) IN 1987 by the City Council. The Division of Planning and Development did not support this zoning change. It was felt by staff at that time that introducing commercial zoning here west of Johns Creek was inconsistent with the existing residential development pattern. Though the rezoning was approved, some 37 years later the predominant residential pattern remains west of Johns Creek. Introducing used auto sales here is not only inconsistent with the development pattern and zoning west of Johns Creek but also introduces a use that is characterized by outdoor display and storage on a continuing basis. Auto sales facilities are more suited for a single-use site that can be secured with controlled access. Further, east of Johns Creek and in the area of the intersection of Mendenhall Road and Winchester Road offers more opportunities for this type of use without penetrating into an area that is predominately residential as is west of Johns Creek.

The granting of this special use permit will cause substantial detriment to the public good, it will substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), it will be injurious to the neighborhood and the general welfare, and it will not be in harmony with the purpose and intent of the UDC.

RECOMMENDATION

Staff recommends rejection; however, if approved, staff recommends the following conditions:

Conditions

- 1. Streetscape Plate Type S-10 or an equivalent approved by the Division of Planning and Development shall be provided along Winchester Road.
- 2. The dumpster location and screening shall meet the requirements of UDC Sub-Section 4.6.8B.
- 3. The existing detached pole sign along Winchester Road shall be upgraded to meet the current requirements for the Commercial Mixed-Use Districts (UDC Sub-Section 4.9.7D) or removed, and a new sign constructed that meets the requirements of UDC Sub-Section 4.9.7D.
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Staff Report SUP 2025-003 March 13, 2025 Page 16

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March 13, 2025 Page 17

DEPARTMENTAL COMMENTS

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

City Engineer:

1. Standard Public Improvement Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. City sanitary sewers are available to serve this development.

Roads:

- 3. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
- 4. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

Traffic Control Provisions:

- 5. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.
- 6. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
- 7. The developer's engineer shall submit a <u>Trip Generation Report</u> that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

- 8. The City Engineer shall approve the design, number, and location of curb cuts.
- 9. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.

Drainage:

The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm

Staff Report March 13, 2025 SUP 2025-003 Page 18

water associated with the clearing and grading activity on this site.

City Fire Division: No comments received.

City Real Estate: No comments received.

County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

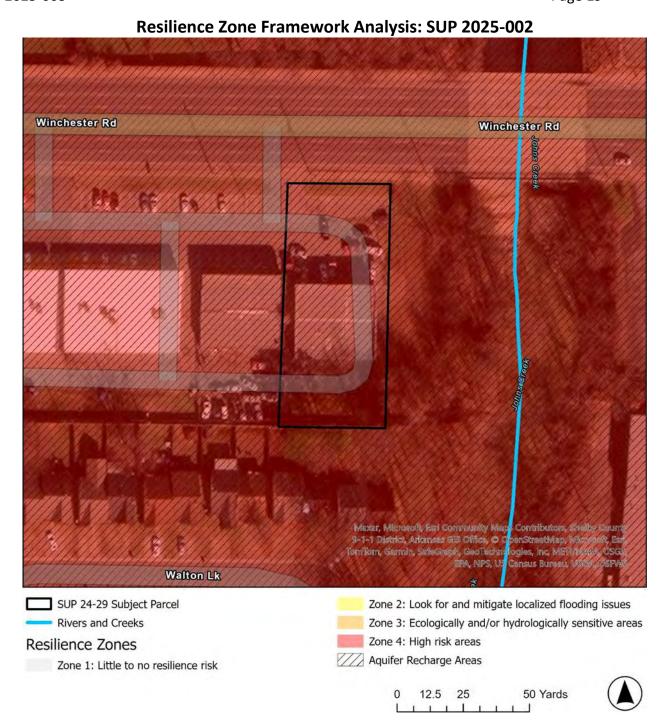
Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience:

Located in Zone 4 of the Resilience Zone Framework:

Zone 4 areas are high risk locations, namely riparian corridors, floodplains, and especially high vulnerability to earthquakes. Development in these locations is often directly at risk for flooding. Although these risks could be mitigated through the construction of major flood control infrastructure and higher seismic construction standards, it is generally advisable to avoid these areas for future development whenever possible. Efforts should be made to protect and further prevent development within Zone 4 for the purposes of mitigating the risk exposure to health and safety.

The Zone 4 designation is due to the site's location in the 100-year and 500-year floodplain for nearby John's Creek, as well as its location in the aquifer recharge zone. The applicant is requesting a special use permit to allow used vehicle sales in the CMU-2 district.



Consistent with the Mid-South Regional Resilience Master Plan best practices: No

Section 4.1 – Resilient Sites of the Mid-South Regional Resilience Master Plan discourages development within ecologically sensitive areas, making this application inconsistent with the goals of the Plan. Harmful contaminants found in and produced by vehicles pose a significant threat to John's Creek considering the site's proximity. During times of flooding, contaminants could be introduced to the creek – polluting the water way and reducing its overall health. Additionally, the site of the application being in the aquifer recharge zone contradicts section 2.2.2 – Aquifer Conservation and Recharge. Increasing the amount of impervious surface on the lot would increase the amount of stormwater runoff and water diverted from recharging the aquifer.

Staff Report March 13, 2025 SUP 2025-003 Page 20

Additionally, aquifer recharge zones are more susceptible to contaminated water which renders the aquifer vulnerable to contaminants found at sites such as these.

Consistent with the Memphis Area Climate Action Plan best practices: N/A

Recommendations: Staff recommends rejection. If development proceeds, staff urges the incorporation of bioretention elements into the site plan to allow adequate filtration and groundwater recharge. Recommended techniques include small, vegetated areas like bioswales and rain gardens that collect runoff to divert from waterways like John's Creek and increase infiltration. Staff also recommends using native vegetation for landscaping purposes to further improve stormwater management on the site.

Office of Comprehensive Planning:

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: **SUP 2025-003 PARKWAY VILLAGE**

Site Address/Location: 5205 Winchester Road, 38118 (Parcel no. 074034 00151)

Overlay District/Historic District/Flood Zone: Not in an Overlay District, Historic District, a portion of the property is in a Flood Zone

is in a Flood Zone.

Future Land Use Designation: Low Intensity Commercial and Services (CSL)

Street Type: Parkway

Applicant is requesting a Special Use Permit for auto sales in a CMU-2 zoning district. The following information about the land use designation can be found on pages 76 - 122:

1. Future Land Use Planning Map



Red polygon indicates the application site on the Future Land Use Map.

2. Land Use Description/Intent

Low Intensity Commercial and Service (CSL) areas are typically not associated with anchors. These areas may include neighborhood supporting commercial uses such as retail sales and services, offices, restaurants, funeral services, small-scale recreation, social service institutions, and occasional upper-story residential. Graphic portrayal of CSL is to the right.



"CSL" Form & Location Characteristics

Commercial and services uses, 1-4 stories height

"CSL" Zoning Notes

Generally compatible with the following zone districts: CMU-1 without frontage requirements, OG, SDBP in accordance with Form and characteristics listed above.

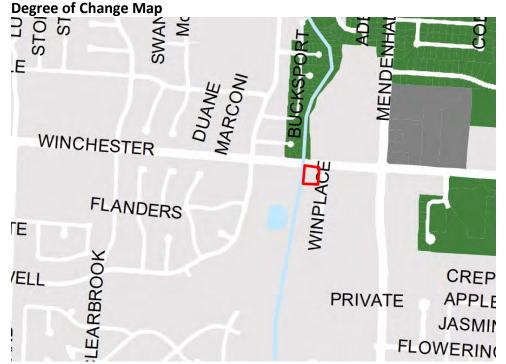
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial Vacant; CMU-2

Adjacent Land Use and Zoning: Commercial, Single-Family, Common Area Land, Industrial, Institutional; CMU-2, FW, RU-3, R-6, CMU-1

Overall Compatibility: This requested use is compatible with the land use description/intent, form & location

characteristics, and existing, adjacent land use and zoning; but is not compatible with the zoning notes without an SUP. The development within the floodplain is not consistent with Memphis 3.0.



Red polygon denotes the proposed site on the Degree of Change Map. There is no Degree of Change.

3. Degree of Change Description

N/A

- **4.** Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities N/A
- 5. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations $\ensuremath{\mathsf{N/A}}$

Consistency Analysis Summary

Applicant is requesting a Special Use Permit for auto sales in a CMU-2 zoning district.

This requested use is compatible with the land use description/intent, form & location characteristics, and existing, adjacent land use and zoning; but is not compatible with the zoning notes without an SUP. The development within the floodplain is not consistent with Memphis 3.0.

Based on the information provided, the proposal is <u>NOT CONSISTENT</u> with the Memphis 3.0 Comprehensive Plan.

MAILED PUBLIC NOTICE

Mahsan Ostadnia Staff Planner Contact:

(901) 636-7181

Location: Council Chambers

Time:

9:00 AN

City Hall 1st Floor 125 N Main St.

Date:

Meeting Details

NOTICE OF PUBLIC HEARING

of comment to the staff planner listed below no later than considered at an upcoming public hearing of the Memphis and property that is near the site of a development application to be Thursday, March 6, 2025 at 8 AM speak for or against this application. You may also submit a letter attend this hearing, but you are invited to do so if you wish to Shelby County Land Use Control Board. You are not required to You have received this notice because you own or reside on a

APPLICANT: ADDRESS: CASE NUMBER: 5205 Winchester Rd SUP 2025-003 special use permit to allow vehicle sales Josely Vasquez

Thursday, March 13, 2025 108 Notices Mailed 02/12/2025

the full application. the staff planner or use the QR code to view To learn more about this proposal, contact







SIGN AFFIDAVIT

AFFIDAVIT

Shelby County							
State of Tennessee							
I, \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\							
Memphis City Council							
Shelby County Board of Commissioners for consideration of a proposed land use action, a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.							
Josely Vasquez 2-28-25							
Subscribed and sworn to before me this 28 day of Feb , 20 25.							
Maullumy O.S. STATE OF STATE O							
My commission expires: 9-23-26 W.North Commission W. My Expires on My Ex							



APPLICATION



Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis, Tennessee 38134 Downtown Service Center: 125 N. Main Street; Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit Record Status: Assignment

Opened Date: January 31, 2025

Record Number: SUP 2025-003 Expiration Date:

Record Name: 5205 Winchester Road

Description of Work: Special Use Permit to allow autosales in the CMU-2 District for parcels 4 and 5 of

Walton Lake Planned Commercial General Plan

Parent Record Number:

Address:

5205 WINCHESTER RD, MEMPHIS 38118

Owner Information

Primary Owner Name

Y GOLDSTAR HOMES LLC

Owner Address Owner Phone

3840 WINCHESTER RD, MEMPHIS, TN 38118

Parcel Information

074034 00151

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Date of Meeting Pre-application Meeting Type

GENERAL PROJECT INFORMATION
Application Type

List any relevant former Docket / Case Number(s) related to previous applications on

this site

Is this application in response to a citation, stop

Mahsan Ostadnia 01/06/2025 Phone

New Special Use Permit (SUP) SUP 2024-029

Yes

Page 1 of 3 SUP 2025-003

GENERAL PROJECT INFORMATION

work order, or zoning letter

If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information

APPROVAL CRITERIA

A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare

B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D

UDC Sub-Section 9.6.9E UDC Sub-Section 9.6.9F

GIS INFORMATION
Case Layer

Central Business Improvement District

Class

Downtown Fire District Historic District Land Use Municipality

Overlay/Special Purpose District

Zoning State Route

Lot

Subdivision

Planned Development District Wellhead Protection Overlay District

County Commission District City Council District City Council Super District Additional paving was done on the site during the previous application for SUP approval.

Subsequently a stop work order was issued on the site. The revised site plan reflects the needed remediation that needs to be done to the unauthorized improvements.

This site plan has been modified to retain the cross easements for drive and parking in the Walton Lake development and will add the proposed display parking independent of those areas. With these changes the site will be compatible with surrounding developments.

The display parking will be independent of existing parking/drive easements on the overall development. Display parking will be arranged so as to be in a currently undeveloped area and will not impact surrounding areas. No new drive aprons are proposed with this development All utilities are existing and no new buildings are being proposed. This site will utilize the existing commercial development with additional parking for display vehicles.

The proposed improvements are outside the TDEC required riparian zone along John's creek and will not impact the natural resources.

Agreed.

Z86-155 No C No

COMMERCIAL MEMPHIS

-

CMU-2

PARCEL 4

WALTON LAKE FINAL PLAN

Yes -

Page 2 of 3 SUP 2025-003

Contact Information

Name JOSELY VASQUEZ Contact Type

APPLICANT

Address

Phone

Name THE BRAY FIRM

Contact Type

ARCHITECT / ENGINEER / SURVEYOR

Address 2950 STAGE PLAZA NORTH,

Phone

(901)487-2425

Fee Inform	nation					
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1621610	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	01/31/2025
1621868	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	02/03/2025
1621868	Credit Card Use Fee (.026 x fee)	1	13.00	INVOICED	0.00	02/03/2025

Total Fee Invoiced: \$513.00 Total Balance: \$0.00

Payment Information

Payment Amount

Method of Payment

Credit Card

\$513.00

SUP 2025-003

OWNER AFFIDAVIT



City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1. "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box): I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit) and further identified by Assessor's Parcel Number for which an application is being made to the Division of Planning and Development. Subscribed and sworn to (or affirmed) before me that My Commission Expires

LETTER OF INTENT



Telephone 901-383-8668

2950 Stage Plaza North Bartlett, Tennessee 38134

January 31, 2025

Brett Ragsdale, Director Memphis and Shelby County Office of Planning and Development 125 North Main Street Memphis, Tennessee 38103

RE: 5205 Winchester – SUP to allow auto sales in the CMU-2 district Formerly Case # SUP 2024-029 Memphis, Shelby County, Tennessee

Mr. Ragsdale:

Please find attached an amended application for the case previously identified as SUP 2024-029. This plan seeks to incorporate the conditions of approval that were included in the previous case had it been approved. The parking for the existing retail center (Walton Lake) will be preserved and connectivity will be provided to the rear of the building to allow for site circulation. All display spaces for vehicle sales will be located east of the drive on the east of the building. It is proposed that the display spaces can be fenced/secured with fencing permissible per the UDC.

Thank you for considering this request. If you have any questions or need any additional information, please contact me.

Sincerely,

David Gean Bray, P.E.

Staff Report SUP 2025-003 March 13, 2025 Page 31

LETTERS RECEIVED

No letters received at the time of completion of this report.



Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis,

Tennessee 38134

Downtown Service Center: 125 N. Main Street;

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website: www.develop901.com

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Name of DPD Planner

Date of Meeting

Pre-application Meeting Type

Mahsan Ostadnia
01/06/2025

Phone

GENERAL PROJECT INFORMATION

Application Type New Special Use Permit (SUP)

List any relevant former Docket / Case SUP 2024-029 Number(s) related to previous applications on

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Page 1 of 3 SUP 2025-003

GENERAL PROJECT INFORMATION

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Z86-155

No C No

COMMERCIAL MEMPHIS

-

CMU-2

-

PARCEL 4

WALTON LAKE FINAL PLAN

Yes

-

Page 2 of 3 SUP 2025-003

Contact Information

Name

JOSELY VASQUEZ

Contact Type

APPLICANT

Address

Phone

Name

THE BRAY FIRM

Contact Type

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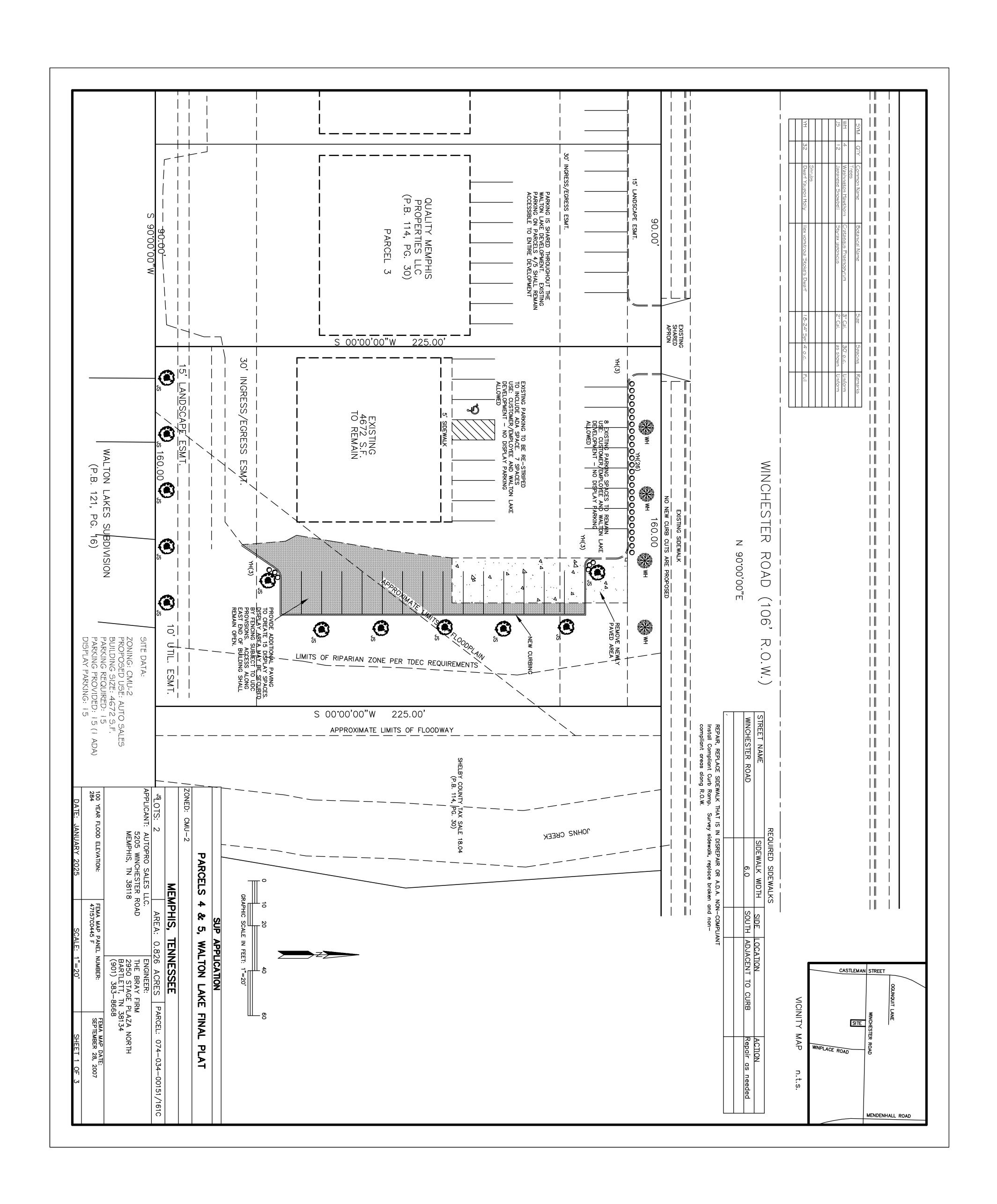
Payment Amount

Method of Payment

\$513.00

Credit Card

Page 3 of 3 SUP 2025-003





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Thank you for considering this request. If you have any questions or need any additional information, please contact me.

Sincerely,

David Gean Bray, P.E.



Shelby County Tennessee Willie F. Brooks, Jr.

Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

24028800 04/09/2024 - 11:47:30 AM

04/03/2024	11.47.30 AM
3 PGS	
LACY 2687551-24028	800
VALUE	230000.00
MORTGAGE TAX	0.00
TRANSFER TAX	851.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	871.00

WILLIE F. BROOKS JR

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

STATE OF TENNESSEE WARRANTY DEED COUNTY OF Shelby THE ACTUAL CONSIDERATION OR VALUE. WHICHEVER IS GREATER, FOR THIS TRANSFER IS SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE 1st DAY OF April , 2024. Notary Pul My Commission Expires: (AFFEX SEAL) THIS INSTRUMENT WAS PREPARED BY
H. MARK BEANBLOSSOM, P.C., 1661 Aaron Brenner Drive, Suite 301, Memphis, J MAP-PARCEL NUMBERS: SEND TAX BILLS TO: ADDRESS NEW OWNER AS FOLLOWS: GOLDSTAR HOMES LLC 074-034-00151 Goldstar Homes, LLC 3840 WINCHESTER ROAD 3840 Winchester Road MEMPHIS, TN 38118 Memphis, TN 38118

FOR AND CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE HEREINAFTER NAMED GRANTEE, AND OTHER GOOD AND VALUABLE CONSIDERATIONS, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, **Milad Gatur**

HEREINAFTER CALLED THE GRANTOR, HAS BARGAINED AND SOLD, AND BY THESE PRESENTS DOES TRANSFER AND CONVEY UNTO Goldstar Homes, LLC A TENNESSEE LIMITED LIABILITY COMPANY

HEREINAFTER CALLED THE GRANTEE, ITS HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN Shelby COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

Land in Shelby County, Tennessee, being Lot No. 4, General Plat of Walton Lake Subdivision as shown on plat of record in Plat Book 11, Page 22, nd Plat Book 114, Page 30, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Also being described as follows:

Beginning at a point on the South right of way line of Winchester Road (a 106 foot right of way) at a point 434 feet East of the projected East right of way line of Castleman Street (a 60 foot right of way); thence, Eastwardly along the South right of way line of Winchester Road a distance of 90 feet to a point; thence, Southwardly at an internal angle of 90 degrees a distance of 225 feet to a point; thence Westwardly with an internal angle of 90 degrees a distance of 90 feet to a point; thence Northwardly at an internal angle of 99 degrees a distance of 225 feet to the point of beginning.

Being the same property conveyed to Grantor herein by Special Warranty Deed of record at Instrument No. 240000498, in the Register's Office of Shelby County, Tennessee.

This conveyance is subject to Subdivision Restrictions, Building Lines and Easements of record in Plat Book 114, Page 30; Easements of record in Book 1751, Page 633; Book 5853, Page 29; Book 5853, Page 31; and Instrument Nos. AD-7765, E2-8897, and AD-7763; Declaration of Covenants, Conditions and Restrictions of record at Instrument No. AA-9366, amended at Instrument Nos. AB-7557, AR-1481, and AR-7149, all in the Register's Office of Shelby County, Tennessee; and also subject to 2024 City of Memphis taxes and 2024 Shelby County taxes, not now due or payable, which Grantee herein assumes and agrees to pay.

Proper	ty Address:	5205	Winchester	Road,	Memp	his,	ΓN	<u> 3811</u>	. 8	

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEES, their heirs and assigns forever; and we do covenant with the said GRANTEES that we are lawfully seized and possessed of said land in fee simple, have a good right to convey it and the same is unencumbered, unless otherwise herein set out; and we do further covenant and bind ourselves, our heirs and representatives, to warrant and forever defend the title to the said land to the said GRANTEES, their heirs and assigns, against the lawful claims of all persons whomsoever. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

WITNESS my hand(s) this 1st day of April, 2024.

Milad Gatur

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, the undersigned, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Milad Gatur to me known (or proved to me on the basis of satisfactory evidence) to be the person(s) described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

WITNESS my hand and Notarial Seal at office this 1st day of April, 2024.

Notary Public

The state of the s

My Commission Expires:____

9-4-26

Return to: Apperson Crump PLC 6000 Poplar Avenue - Suite 150 Memphis, TN 38119 File #-AC 24 D 2000000 I, Robert E. Tribble, Jr., do hereby make oath that I am a licensed attorney and/or the custodian of the original version of the electronic document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on 4-01-204.

Affiant Signature

April , 2024 Date

State of Tennessee County of Shelby

Sworn to and subscribed before me this 2024.

day of April,

Notary's Signature

MY COMMISSION EXPIRES: 4/06/2025

5205 Winchester Page 1 of 6

Autopro Sales, LLC. 5205 Winchester Memphis, TN 38118 The Bray Firm 2950 Stage Plaza North Bartlett, TN 38134

Applicant

Engineer

SHELBY COUNTY TAX SALES 18.04 PO BOX 2751 MEMPHIS, TN 38101 NNN REIT INC 450 ORANGE AVE STE 900 ORLANDO, FL 32801

RESIDENT 5231 WINCHESTER RD MEMPHIS, TN 38118

CHAMPION AWARDS INC 3694 WINPLACE RD MEMPHIS, TN 38118 RESIDENT 3661 WINPLACE RD MEMPHIS, TN 38118CO FAITH BAPTIST CHURCH EAST 3648 WINPLACE RD MEMPHIS, TN 38118

JERMAINE POTTER PO BOX SUGAR LAND, TX 77496 RESIDENT 3640 WINPLACE RD MEMPHIS, TN 38118

FALKENBACH INTERVIVOS TRUST 28848 MICHELLE DR AGOURA HILLS, CA 91301

RESIDENT 5251 WINCHESTER RD MEMPHIS, TN 38118 LENGTHS LLC 4112 SUMMER AVE MEMPHIS, TN 38122 RESIDENT 5281 WINCHESTER RD MEMPHIS, TN 38118

RK FOOD MART INC 5295 WINCHESTER RD MEMPHIS, TN 38118

MCHANN & ANGLIN PROPERTIES LLC 4039 OLD GETWELL RD MEMPHIS, TN 38118 RESIDENT 5287 WINCHESTER RD MEMPHIS, TN 38118

BK MEMPHIS CARROLS LLC PO BOX 6969 SYRACUSE, NY 13217 RESIDENT 5305 WINCHESTER RD MEMPHIS, TN 38118 STERO ONE OF MENDENHALL LLC 3631 MENDENHALL RD MEMPHIS, TN 38118

3659 S MENDENHALL INC 5050 POPLAR AVE STE 1510 MEMPHIS, TN 38157

RESIDENT 3659 S MENDENHALL RD MEMPHIS, TN 38118 WALTON LAKE HOMEOWNERS ASSOCIATION 5101 WHEELIS DR STE 100 MEMPHIS, TN 38117 5205 Winchester Page 2 of 6

GWENDOLYN HICKS 5200 WALTON LK MEMPHIS, TN 38118 MSK LLC 46 FLICKER ST MEMPHIS, TN 38104 RESIDENT 5198 WALTON LAKE DR MEMPHIS, TN 38118

LEWIS JONES 5196 WALTON LK MEMPHIS, TN 38118 MARY NOEL 5194 WALTON LK MEMPHIS, TN 38118 ZHAN'E INVESTMENTS LLC PO BOX 18970 MEMPHIS, TN 38181

RESIDENT 5190 WALTON LAKE DR MEMPHIS, TN 38118 ANGELETA POTTS 434 N WALNUT BEND RS CORDOVA, TN 38018 RESIDENT 5188 WALTON LAKE DR MEMPHIS, TN 38118

CARLOTTA BUFORD & SAHARA GLASS 5184 WALTON LAKE DR MEMPHIS, TN 38118

JERALD CRAFT 5182 WALTON LAKE DR MEMPHIS, TN 38118 LANITA SANDERS 5178 WALTON LAKE DR MEMPHIS, TN 38118

MARTHA VAUGHAN 3500 TRAYLOR DR RICHMOND, VA 23235 RESIDENT 5176 WALTON LAKE DR MEMPHIS, TN 38118 GEORGE HEBRON 5172 WALTON LAKE DR MEMPHIS, TN 38118

EUSTIS-LY TRUST 4025 COOGAN CIR CULVER CITY, CA 90232 RESIDENT 5170 WALTON LAKE DR MEMPHIS, TN 38118 GAYLON JOYNER 5168 WALTON LK MEMPHIS, TN 38118

JOHN & LINDA RUDD 5166 WALTON LAKE DR MEMPHIS, TN 38118

SONIA BARROSO 504 4^{TH} ST IMPERIAL BEACH, CA 91932

RESIDENT 5164 WALTON LAKE DR MEMPHIS, TN 38118

DANIEL CHRISTIE 7757 SW 86TH ST C409 MIAMI, FL 33143

RESIDENT 5162 WALTON LAKE DR MEMPHIS,TN 38118 DWAYNE BENJAMIN 5158 WALTON LAKE DR MEMPHIS, TN 38118

MAXIMO GREEN 7 MARVA AVEN 1829 JAMES RD MEMPHIS, TN 38127

RESIDENT MEMPHIS, TN 38118 CANDELARIO CASTILLO 8090 CENTER HILL RD OLIVE BRANCH, MS 38654 5205 Winchester Page 3 of 6

LISA PYE

5183 WALTON LAKE DR

MEMPHIS, TN 38118

RESIDENT JACOB LEPLEY RESIDENT 5152 WALTON LAKE DR 5518 KENDRICK LN 5146 WALTON LAKE DR MEMPHIS, TN 38118 MEMPHIS, TN 38118 **BURKE, VA 22015** STELLA TURNER LIVING TRUST RESIDENT YADIRA HERNANDEZ 655 S RIVERSIDE DR 5142 WALTON LAKE DR 5136 WALTON LAKE DR APT 1208 MEMPHIS, TN 38118 MEMPHIS, TN 38118 MEMPHIS, TN 38118 PAMELA MAYES NORKA CARON RESIDENT 5135 WALTON LAKE DR 7460 DELMONICO CV 5141 WALTON LAKE DR MEMPHIS, TN 38118 BARTLETT, TN 38135 MEMPHIS, TN 38118 PARMA CUNNINGHAM BARBARA TUBB SYLVESTER WILLIAMS 5143 WALTON LAKE 5145 WALTON LAKE ST 4960 GRAND PINES DR MEMPHIS, TN 38118 **MEMPHIS, TN 381128** MEMPHIS, TN 38125 JILL AND HANS HANSEN FAMILY **TRUST** RESIDENT MERIO KIMMONS 3255 E SARAZEN CIR 3147 WALTON LAKE DR 5149 WALTON LK MEMPHIS, TN 38118 MEMPHIS, TN 38118 STE 200 MEMPHIS, TN 38125 DIRECTED TRUST CO FBO BENJAMIN JAMES REAM IRA RESIDENT RESIDENT 3033 N CENTRAL AVE 5151 WALTON LAKE DR 5153 WALTON LAKE DR STE 415 MEMPHIS, TN 38118 MEMPHIS, TN 38118 PHOENIX, AZ 85012 HOMETOWN INVESTMENT GROUP RITA RODGERS RESIDENT LLC 5155 WALTON LAKE DR 5167 WALTON LAKE DR **PO BOX 241** MEMPHIS, TN 38118 MEMPHIS, TN 38118 MILLINGTON, TN 38053 **ROBIN STARK** MICHELLE GREGORY RESIDENT 4816 MONTEGA DR 5177 WALTON LAKE DR 5179 WALTON LAKE DR WOODBRIDGE, VA 22192 MEMPHIS, TN 38118 MEMPHIS, TN 38118

FRANK GILMORE

5185 WALTON LAKE DR

MEMPHIS, TN 38118

DEBORAH JONES

MEMPHIS, TN 38118

5189 WALTON LAKE DR

5205 Winchester Page 4 of 6

DEBORAH JONES 5191 WALTON LAKE DR MEMPHIS, TN 38118 LINDA CONLEY LIVING TRUST 5195 WALTON LAKE DR MEMPHIS, TN 38118 JACOBIE THOMAS 5197 WALTON LAKE MEMPHIS, TN 38118

DAVID JACKSON 5149 FLANDERS AVE MEMPHIS, TN 38118 RANDY CARTER 5139 FLANDERS AVE MEMPHIS, TN 38118 MIKKEL BRANCH 3675 CASTLEMAN ST MEMPHIS, TN 38118

GREATER COMMUNITY TEMPLE CHURCH OF GOD IN CHRIST 924 DUNLAP ST MEMPHIS, TN 38107

RESIDENT 5151 WINCHESTER RD MEMPHIS, TN 38118 BANES FAMILY TRUST 205 S YATES RD MEMPHIS, TN 38120

RESIDENT 5163 WINCHESTER RD MEMPHIS, TN 38118 MILLBRANCH PROP LLC 4646 POPLAR AVE STE 245 MEMPHIS, TN 38118

RESIDENT 5185 WINCHESTER RD MEMPHIS, TN 38118

QUALTIY MEMPHIS PROP LLC 7100 NORTHLAND CL STE 410 BROOKLYN PARK, MN 55428

RESIDENT 5260 WINCHESTER RD MEMPHIS, TN 38118 RESIDENT 3551 MENDENHALL RD MEMPHIS, TN 38118

AREC 4 LLC PO BOX 29046 PHOENIX, AZ 85038 CJL CAPITAL INVESTMENTS LLC 1200 STEEPLE CHASE CT ALEDO, TN 76008 RESIDENT 5286 WINCHESTER RD MEMPHIS, TN 38118

CEDAR MILL LLC 3505 S MENDENHALL RD MEMPHIS, TN 38118 JOSE RODRIGUEZ & BERTA GOVEA 3576 CASTLEMAN ST MEMPHIS, TN 38118 DARNELL JACKSON 5179 OGUNQUIT LN MEMPHIS, TN 38118

WILLIE & SHIRLEY BALFOUR 5187 OGUNQUIT LN MEMPHIS, TN 38118 WILBERT & CHARLOTTE STEPHENS 5191 OGUNQUIT LN MEMPHIS, TN 38118 ELISE CLARK & CANADY TERRY 5199 OGUNQUIT MEMPHIS, TN 38118

PATRICK & MARY MANNION 42 PERKINS DR PRESCOTT, AZ 86301 RESIDENT 5205 OGUNQUIT LN MEMPHIS, TN 38118 PROVISION FAMILY TRUST 10224 CHAMBORD KNL FORT WAYNE, IN 46835 5205 Winchester Page 5 of 6

RESIDENT 5211 OGUNQUIT MEMPHIS, TN 3118 PENSUL HARDIN & BRENDA WILLIAMS 4975 LOCH LOMOND RD MEMPHIS, TN 38116 RESIDENT 5217 OGUNQUIT LN MEMPHIS, TN 38118

BRYAN & NATASHA WESTERFELD 19 QUEENS WREATH WAT IRVINE, CA 92612 RESIDENT 5218 OGUNQUIT LN MEMPHIS, TN 38118 RONALD DAWSON 5214 OGUNQUIT LN MEMPHIS, TN 38118

ARULIA REALTY LLC 1883 W ROYAL HUNTE DR STE 200A CEDAR CITY, UT 84720

RESIDENT 5210 OGUNQUIT MEMPHIS, TN 38118 HUMPHREY SOLO 401K TRUST 26715 WAVERLY CT LEESBURG, FL 34748

RESIDENT 5206 OGUNQUIT LN MEMPHIS, TN 38118 LUIS MARTINEZ-AGUILAR & BRENDA IBANEZ PERDOMO 5200 OGUNQUIT LN MEMPHIS, TN 38118

PARTHENIA THOMPSON 5190 OGUNQUIT LN MEMPHIS, TN 38118

TSENG YANG 2235 WHITTEN RD STE 101 BARTLETT, TN 38133

RESIDENT 5186 OGUNQUIT LN MEMPHIS, TN 38118 KATHERINE ANDERTON 5178 OGUNQUIT LN MEMPHI, TN 38118

FRANCISCO AGZARIAN 3560 CASTLEMAN ST MEMPHIS, TN 38118 ELLIS CONFER 6064 VERA LN OLIVE BRANCH, MS 38654 RESIDENT 3550 CASTLEMAN ST MEMPHIS, TN 38118

WILLIAM & ALBERTA PHILLIPS 3542 CASTLEMAN ST MEMPHIS, TN 38118 DAESHA POPE 5185 BUCKSPORT LN MEMPHIS, TN 38118 LISA HOLDEN 5191 BUCKSPORT LN MEMPHIS, TN 38118

MCKENNA MARKS 5199 BUCKSPORT LN MEMPHIS, TN 38118 MOVITA GURULE 2804 PERSHING AVE SAN BERNARDINO, CA 92405 RESIDENT 5203 BUCKSPORT LN MEMPHIS, TN 38118

TUYEN LAM & BAO NGUYEN 4965 DEMETER CV MEMPHIS, TN 38118 RESIDENT 5207 BUCKSPORT LN MEMPHIS, TN 38118 BUTLER PROP LLC 4728 SPOTTSWOOD AVE 279 MEMPHIS, TN 38117 5205 Winchester Page 6 of 6

RESIDENT 5215 BUCKSPORT LN MEMPHIS, TN 38118 RESIDENT 5235 BUCKSPORT LN MEMPHIS, TN 38118 BRIA BOYLAND 5210 BUCKSPORTS LN MEMHIS, TN 38118

JENNIFER & OVILSON MARTINEZ 7388 LEE ANN DR HORN LAKE, MS 38637 RESIDENT 5224 BUCKSPORT LN MEMPHIS, TN 38118 TERRY & PHELICIA STUCKEY 5200 BUCKSPORT LN MEMPHIS, TN 38118

PAUL & JANET RICHARDSON 7784 HUNTERS RUN DR GERMANTOWN, TN 38138 RESIDENT 5188 BUCKSPORT LN MEMPHIS, TN 38118 JOHNNY TRAN 3524 CASTLEMAN ST MEMPHIS, TN 38118

ROWLING TN LLC 853 BROADWAY FLOOR 5 NEW YORK, NY 10003

RESIDENT 3577 CASTLEMAN ST MEMPHIS, TN 38118 MERMAID BOORROWER LLC 401 CONGRESS AVE FLOOR 33 AUSTIN, TX 78701

RESIDENT 3571 CASTLEMAN ST MEMPHIS, TN 38118 ARTHUR OWENS 3563 CASTLEMAN ST MEMPHIS, TN 38118 NOE & BRENDA DURAN 3557 CASTLEMAN ST MEMPHIS, TN 38118

AN NGUYEN & MY TRAN 3549 CASTLEMAN ST MEMPHIS, TN 38118 PETRA GONZALEZ 3541 CASTLEMAN ST MEMPHIS, TN 38118 OLIVER WHITE TRUST 1850 POPLAR CREST CV STE 201 MEMPHIS, TN 38119

RESIDENT 3533 CASTLEMAN ST MEMPHIS, TN 38118 GOLDSTAR HOMES LLC 3840 WINCHESTER RD MEMPHIS, TN 38118

RESIDENT 3562 MARCONI MEMPHIS, TN 38118

JORGE GARCIA 4248 COCHESE RD MEMPHIS, TN 38118 RESIDENT 3558 MARCONI CV MEMPHIS, TN 38118 BENJAMIN REYES 355 MARCONI CV MEMPHIS, TN 38118

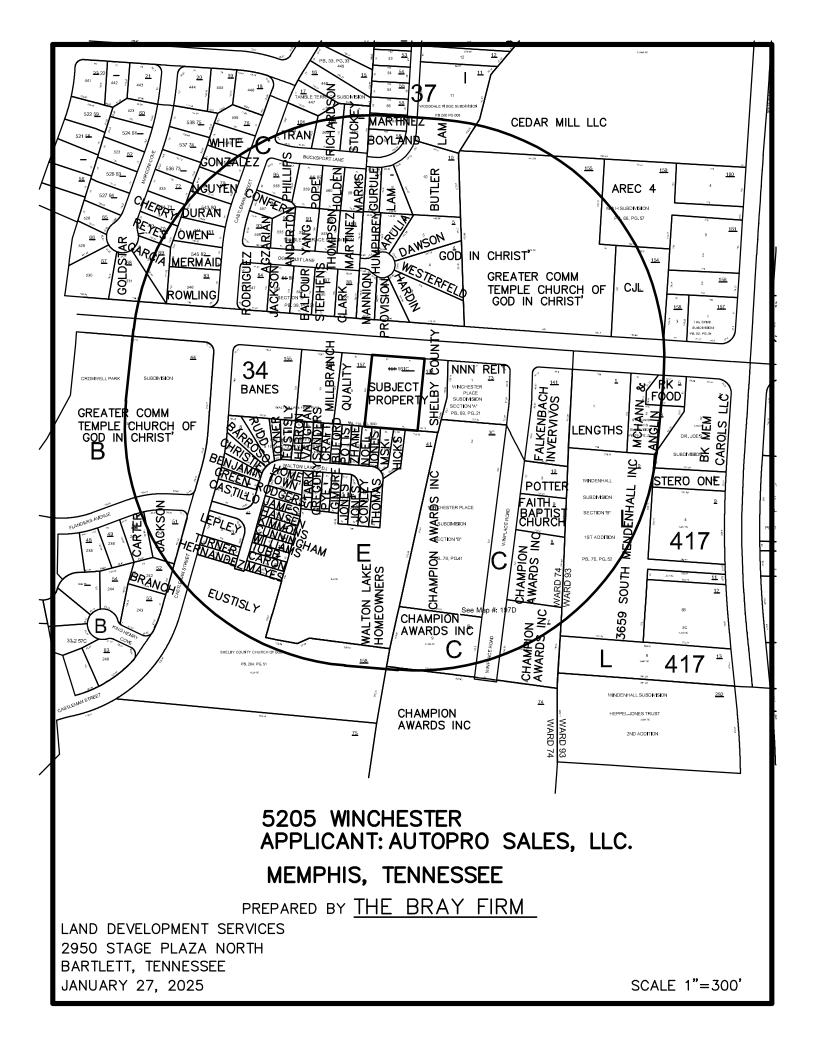
DINAH CHERRY 3544 MARCONI MEMPHIS, TN 38118 City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1. state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box): I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit) Jinchester Rd of the property located at and further identified by Assessor's Parcel Number for which an application is being made to the Division of Planning and Development. Subscribed and sworn to (or affirmed) before me to

My Commission Expires



CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEFT

COUNCIL AGENDA CHECK OFF SHEET ONE ORIGINAL | Planning & Development ONLY STAPLED | **DIVISION TO DOCUMENTS Planning & Zoning COMMITTEE:** 04/22/2025 DATE **PUBLIC SESSION:** 05/06/2025 **DATE** ITEM (CHECK ONE) X RESOLUTION REQUEST FOR PUBLIC HEARING ORDINANCE ITEM DESCRIPTION: Close and vacate the public right-of-way of: SAC 2024-007: 196 feet of Mahannah Ave, between Fred St and Minnie St, SAC 2024-008: 302 feet of Minnie St, north of Mahannah Ave **CASE NUMBER:** SAC 2024-007 and SAC 2024-008 LOCATION: 400 Mahannah Avenue **COUNCIL DISTRICTS:** District 7 and Super District 8 - Positions 1, 2, and 3 **OWNER/APPLICANT:** Scott Young **REPRESENTATIVES:** Mark Jobe/Charles Campbell **REQUEST:** Close and vacate public right-of-way AREA: +/-13,331.09 square feet (SAC 2024-007) and +/- 8,897.90 square feet (SAC 2024-008) **RECOMMENDATION:** The Division of Planning and Development recommended Approval with conditions The Land Use Control Board Recommended Approval with conditions RECOMMENDED COUNCIL ACTION: Public Hearing Not Required PRIOR ACTION ON ITEM: APPROVAL - (1) APPROVED (2) DENIED 01/09/2025 DATE ORGANIZATION - (1) BOARD / COMMISSION (1) Land Use Control Board (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE **FUNDING:** REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED SOURCE AND AMOUNT OF FUNDS **OPERATING BUDGET** CIP PROJECT # FEDERAL/STATE/OTHER ADMINISTRATIVE APPROVAL: **DATE POSITION** STAFF PLANNER **DEPUTY ADMINISTRATOR ADMINISTRATOR DIRECTOR (JOINT APPROVAL) COMPTROLLER**

FINANCE DIRECTOR

COMMITTEE CHAIRMAN

CHIEF ADMINISTRATIVE OFFICER

CITY ATTORNEY



Memphis City Council Summary Sheet

SAC 2024-007 and SAC 2024-008

RESOLUTION APPROVING RESIDENTIAL CORRIDOR DELETION AT 400 MAHANNAH AVENUE, KNOWN AS CASE NUMBER SAC 2024-007 AND SAC 2024-008

- This item is a resolution to allow the above; and
- This item may require a new public improvement contract.

RESOLUTION

RESOLUTION APPROVING THE CLOSURE OF 196 FEET OF MAHANNAH AVE, BETWEEN FRED ST AND MINNIE ST, AND 302 FEET OF MINNIE ST, NORTH OF MAHANNAH AVE, KNOWN AS CASE NUMBER SAC 2024-007 AND SAC 2024-008

WHEREAS, the City of Memphis is the owner of real property known as 196 feet of

Mahannah Ave, between Fred St and Minnie St and 302 feet of Minnie St, north of Mahannah Ave

in Memphis, Tennessee and being more particularly described as follows:

Closure Description - Mahannah Avenue

Part of Mahannah Avenue (68' Wide) between North Second Street and Minnie Street as dedicated in Menzer's North Second Street Subdivision as recorded in Plat Book 14, Page 32 and Road Dedication for Mahannah Street as recorded in Plat Book 81, Page 51, and being further described hereon:

Beginning at a point in the south line of Mahannah Avenue (68 feet wide as widened) a distance of 148.91 feet east of the east line of North Second Street (R.O. W. Varies), having Tennessee State Plane Coordinates of North 334471.1128, East 760199.0838 and being in the east line of a 12 foot wide alley as dedicated at Plat Book 14, Page 32 (R.O.S.C.); thence North 01 degrees 53 minutes 46 seconds East a distance of 68.05 feet to the intersection of the north line of Mahannah Avenue with the east line of Fred Street (30' R.O.W.); thence South 85 degrees 53 minutes 30 seconds East along the north line of Mahannah Avenue a distance of 190.00 feet to the intersection of the north line of Mahannah Avenue with the west line of Minnie Street (30' R.O.W.); thence South 15 degrees 12 minutes 12 seconds East along the projection of said west line of Minnie Street a distance of 32. 79 feet to a point in the easterly line of the Industrial Development Board of Memphis and Shelby County property (Inst.11079801); thence South 52 degrees 26 minutes 59 seconds West along said east line a distance of 2.97 feet to a point in the eastern terminus of Mahannah Avenue; thence South 04 degrees 06 minutes 30 seconds West along said western terminus a distance of 35.08 feet to a point; thence North 85 degrees 53 minutes 30 seconds West along the south line of Mahannah Avenue a distance of 196.00 feet to the point of beginning and containing 13,331.09 square feet. The City of Memphis hereby retains an easement for utilities over the above-described area.

Closure Description – Minnie Street

Real property situated in the City of Memphis, County of Shelby, to wit:

Part of Minnie Street (30' Wide) between Luke Street and Mahannah Avenue and being further described hereon:

Commencing at a point in the south line of Mahannah Avenue (68 feet wide as widened) a distance of 148.91 feet east of the east line of North Second Street (R.O.W. Varies), having Tennessee State Plane Coordinates of North 334471.1128, East 760199.0838 and being in the east line of a 12 foot wide alley as dedicated at Plat Book 14, Page 32 (R.O.S.C.); thence South 85 degrees 53 minutes 30 seconds East along

the south line of Mahannah Avenue a distance of 196.00 feet to the eastern terminus of Mahannah Avenue; thence North 04 degrees 06 minutes 30 seconds East along said line a distance of 35.08 feet; thence North 52 degrees 26 minutes 59 seconds East a distance of 2.97 feet to a point in the southward projection of the west line of Minnie Street and being the True Point of Beginning said point having Tennessee State Plane Coordinates of North 334493.8699, East 760399.4467; thence North 15 degrees 12 minutes 12 seconds West along the west line of Minnie Street a distance of 302.78 feet; thence North 74 degrees 47 minutes 48 seconds East a distance of 30.00 feet to a point in the east line of Minnie Street; thence South 15 degrees 12 minutes 12 seconds East a distance of 290.45 feet to a point in the southern terminus of Minnie Street; thence South 52 degrees 26 minutes 59 seconds West a distance of 32.43 feet to the point of beginning and containing 8,897.90 square feet. The City of Memphis hereby retains an easement for utilities over the above-described area.

WHEREAS, the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and desires to close the hereinabove described public right-of-way and it is deemed to be in the best interest of the City of Memphis that said public right-of-way be vacated, and revert to the abutting property owner(s); and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on January 09, 2025, and said Board has submitted its findings and recommendation to the Council of the City of Memphis subject to the following conditions:

- 1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 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 three years of the conditional approval of the closure by the Council of the City of Memphis.
- 4. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader. Drawings are subject to approval by City Engineering.

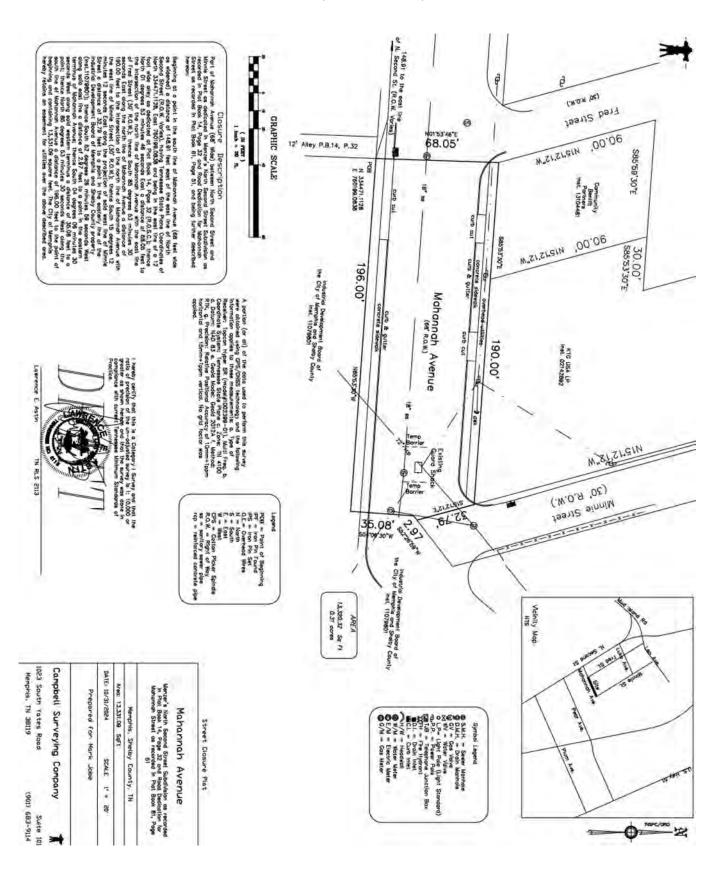
5. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that the above described public right-of-way be and is hereby closed for public use, subject to the aforementioned conditions.

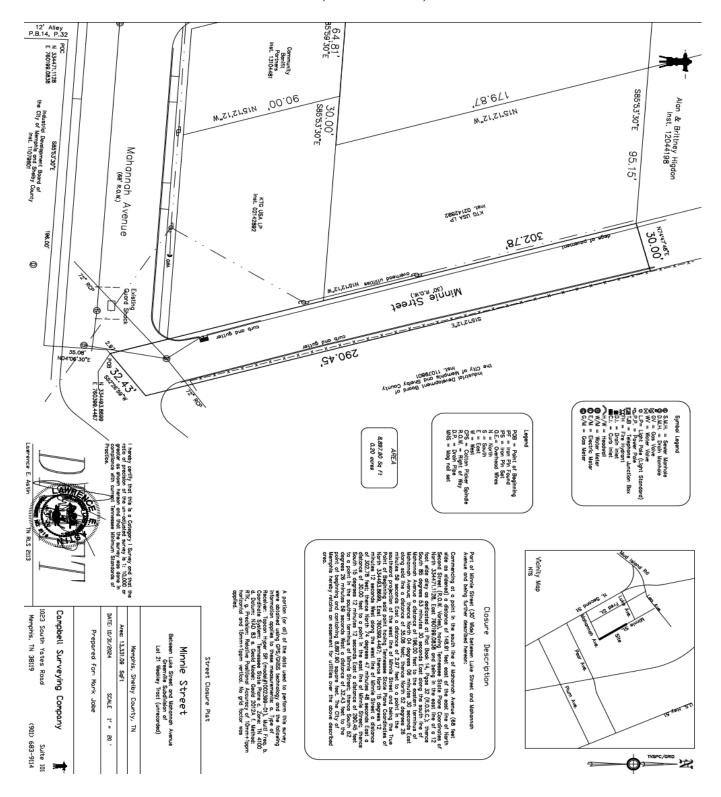
BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute all Quitclaim Deed(s) to the owners of the properties abutting on the above described public right-ofway, said Deeds not to be delivered until the conditions herein stated have been met by applicant.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Lawyers Title Insurance Company, the Memphis Title Company, the Chicago Title Company, the Security Title Company and the Shelby County Property Assessor's Office.

RIGHT-OF-WAY VACATION PLAT (SAC 2024-007)



RIGHT-OF-WAY VACATION PLAT (SAC 2024-008)



Division of Planning and Development – Land Use and Development Services City Engineering – Land Development City Real Estate Cc:

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, January 09, 2025*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SAC 2024-007 and SAC 2024-008

LOCATION: 400 Mahannah Avenue

COUNCIL DISTRICT(S): District 7, Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Scott Young

REPRESENTATIVE: Mark Jobe/Charles Campbell

REQUEST: Right-of-way vacation

EXISTING ZONING: Employment (EMP)

AREA: +/-13,331.09 square feet (SAC 2024-007) and +/- 8,897.90 square

feet (SAC 2024-008)

The following spoke in support of the application: None

The following spoke in opposition of the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with conditions of the application.

The motion passed by a unanimous vote of 8-0-1 on the consent agenda.

Respectfully,

Planner II

Land Use & Development Services

Cc: Committee Members

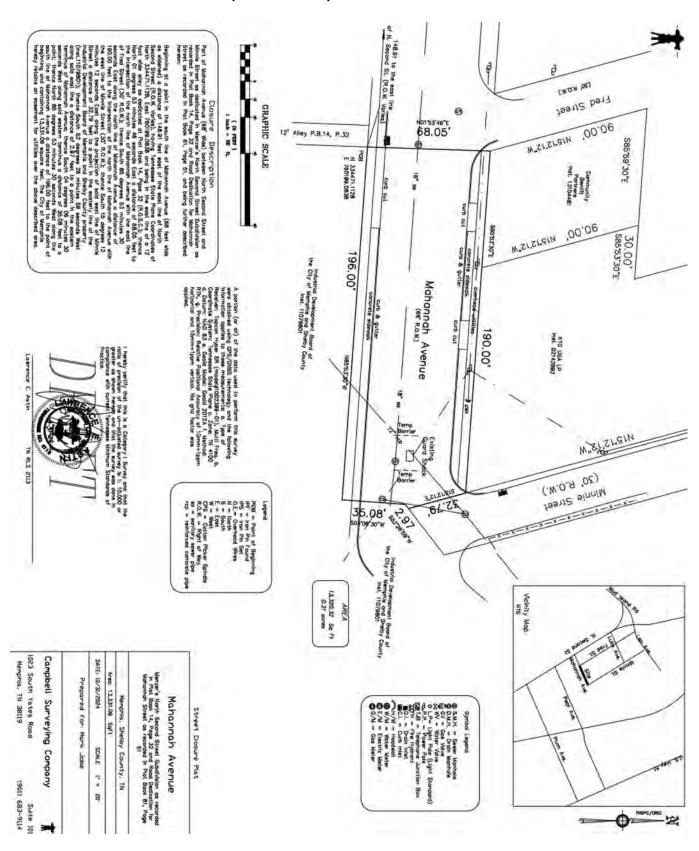
Mahsan Ostadnia

File

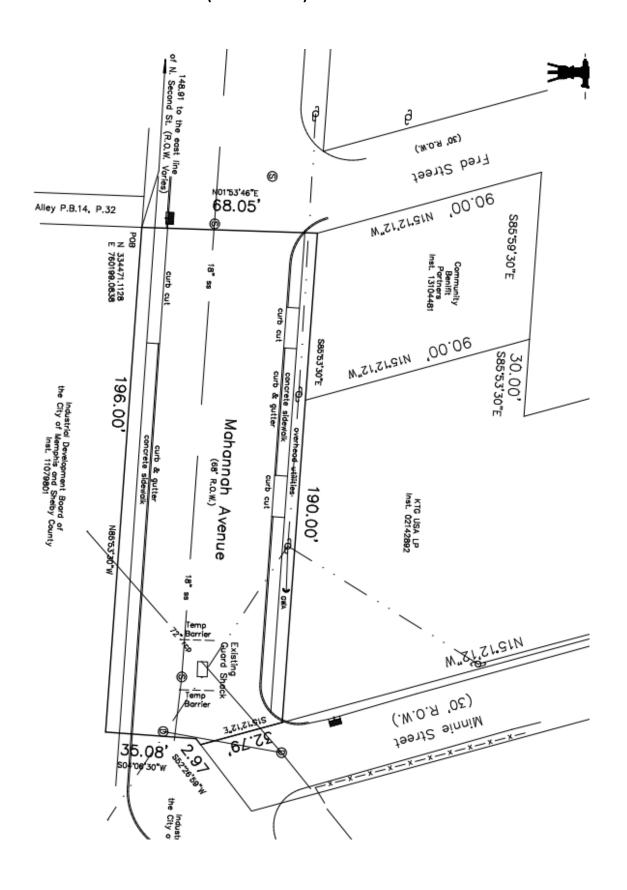
SAC 2024-007 and SAC 2024-008 CONDITIONS

- 1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 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 three years of the conditional approval of the closure by the Council of the City of Memphis.
- 4. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader. Drawings are subject to approval by City Engineering.
- 5. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

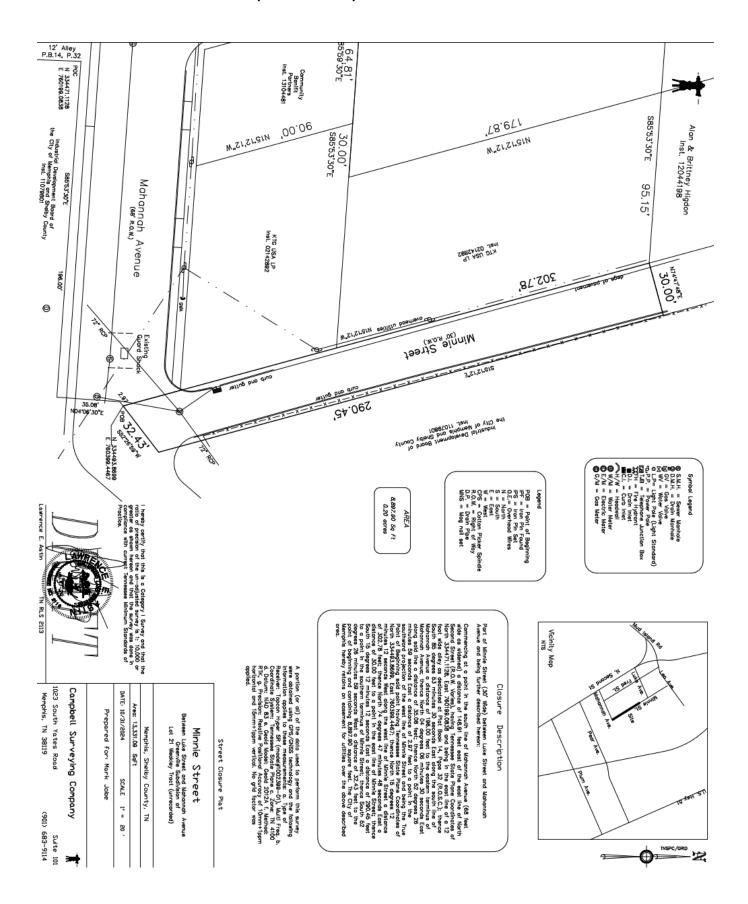
RIGHT-OF-WAY VACATION PLAT (SAC 2024-007)



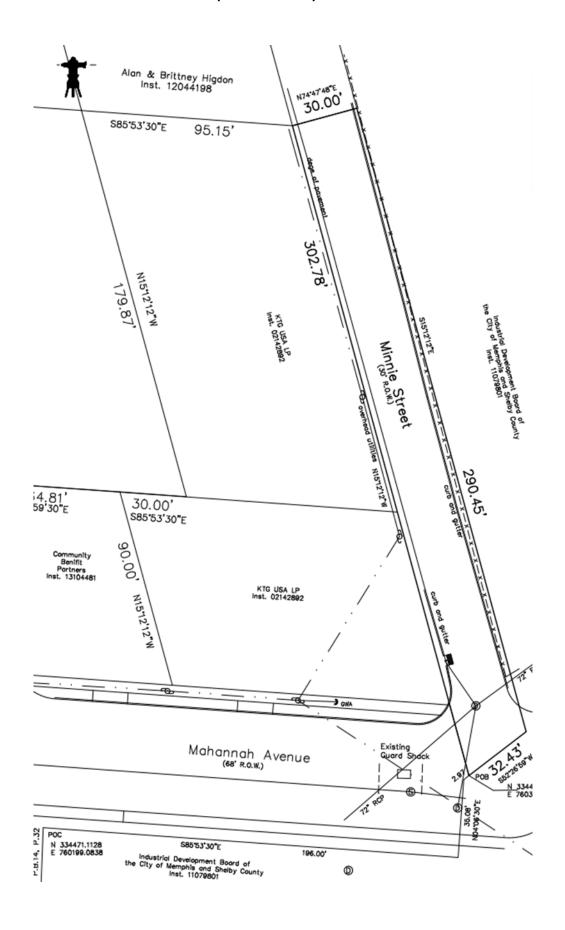
RIGHT-OF-WAY VACATION PLAT (SAC 2024-007) - MAGNIFIED



RIGHT-OF-WAY VACATION PLAT (SAC 2024-008)



RIGHT-OF-WAY VACATION PLAT (SAC 2024-008) - MAGNIFIED



dpd STAFF REPORT

AGENDA ITEM: 9 and 10 L.U.C.B. MEETING: January 09, 2025

CASE NUMBER: SAC 2024-007 and SAC 2024-008

LOCATION: 400 Mahannah Avenue

COUNCIL DISTRICT: District 7 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Scott Young

REPRESENTATIVE: Mark Jobe/Charles Campbell

REQUEST: Close and vacate the public right-of-way of: **SAC 2024-007**: 196 feet of Mahannah Ave,

between Fred St and Minnie St, SAC 2024-008: 302 feet of Minnie St, north of

Mahannah Ave

EXISTING ZONING: Employment (EMP)

CONCLUSIONS

- 1. The proposed closure of Mahannah Avenue will vacate 13,331.09 square feet (0.31 acres) of public right-of-way between North Second Street and Minnie Street, transitioning it to private use while preserving utility easements for essential services. This closure supports the consolidation and potential redevelopment of adjacent properties, including land owned by the Industrial Development Board, aligning with broader goals to enhance land use and promote redevelopment in the industrial corridor. A detailed survey ensures clear documentation of boundaries and infrastructure, reducing conflicts with neighboring parcels.
- 2. The Minnie Street closure involves vacating 8,897.90 square feet (0.20 acres) of a 30-foot-wide right-of-way from Mahannah Avenue to Levee Street. With limited public use, the closure allows adjacent property owners, like KTG USA LP, to incorporate the land for expansion or development. Utility easements will be retained to ensure uninterrupted public services, and a detailed survey ensures a smooth transition to private use while addressing all property and infrastructure considerations.
- 3. The closures of Mahannah Avenue and Minnie Street together would remove approximately 22,229 square feet (0.51 acres) of public right-of-way from the city's network.
- 4. The closure of the subject right-of-way will not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

CONSISTENCY WITH MEMPHIS 3.0

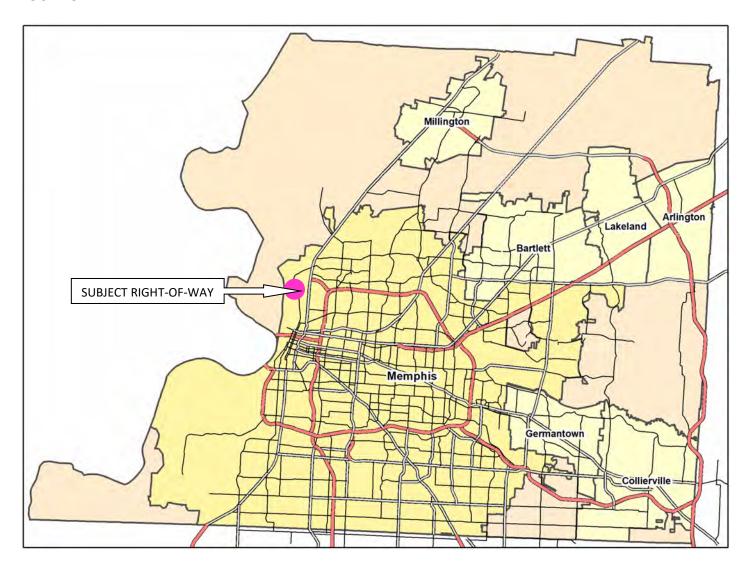
This proposal is inapplicable with the Memphis 3.0 General Plan per the land use decision criteria.

RECOMMENDATION:

Approval with conditions

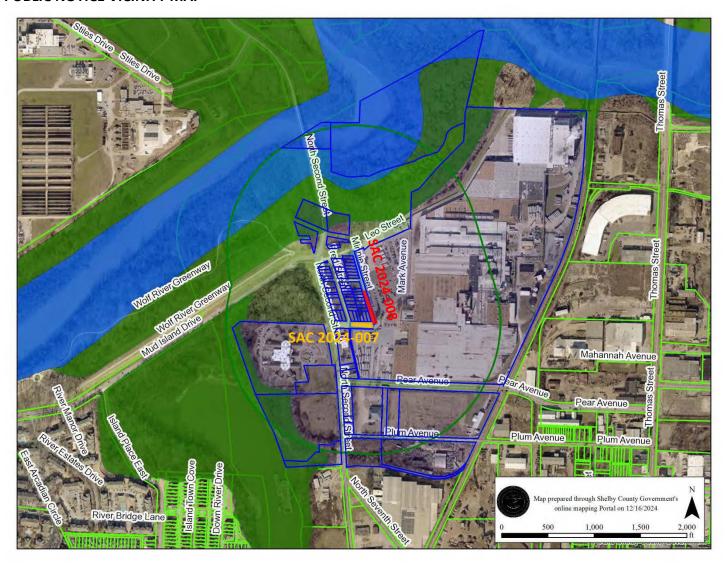
Staff Writer: Mahsan Ostadnia E-mail: mahsan.ostadnia@memphistn.gov

LOCATION MAP



Subject right-of-way located within the pink circle.

PUBLIC NOTICE VICINITY MAP

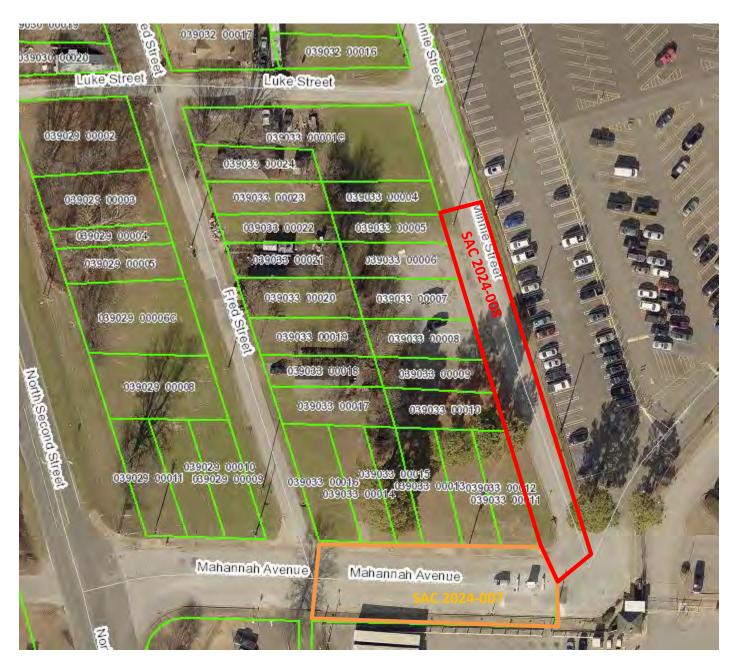


Subject right-of-way highlighted in orange and red.

PUBLIC NOTICE DETAILS

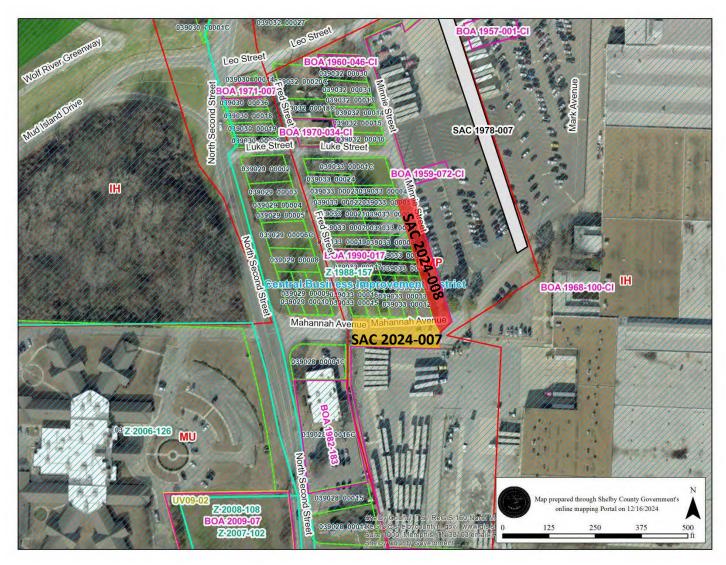
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 26 notices were mailed on December 17, 2024, see page 19 of this report for a copy of said notice. Additionally, a total of four signs were posted, one at each end of the subject right-of-way, see pages 22-24 of this report for a copy of the sign affidavit.

AERIAL



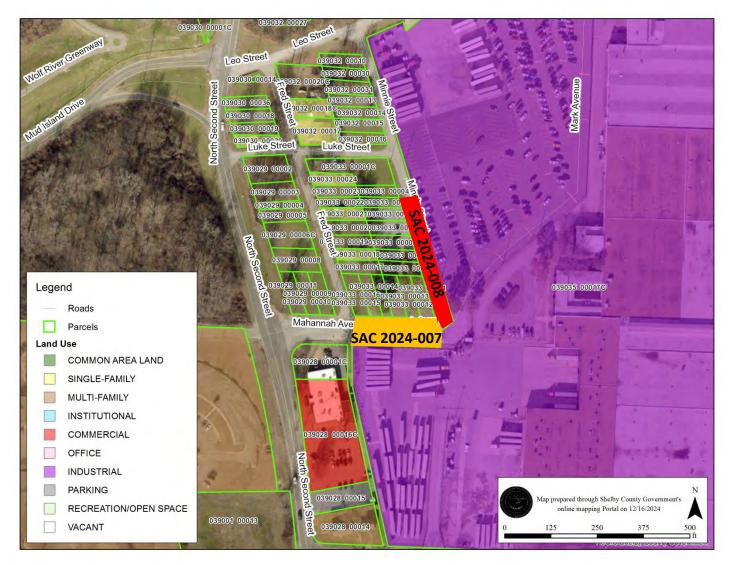
Subject right-of-way outlined in orange and red.

ZONING MAP



Subject right-of-way highlighted in orange and red.

LAND USE MAP



Subject right-of-way highlighted in orange and red.

SITE PHOTOS



View of access point to the subject right-of-way from Mahannah Avenue.



View of access point to the subject right-of-way from Mahannah Avenue and Minnie Street.



View of access point to the subject right-of-way from Minnie Street (south).

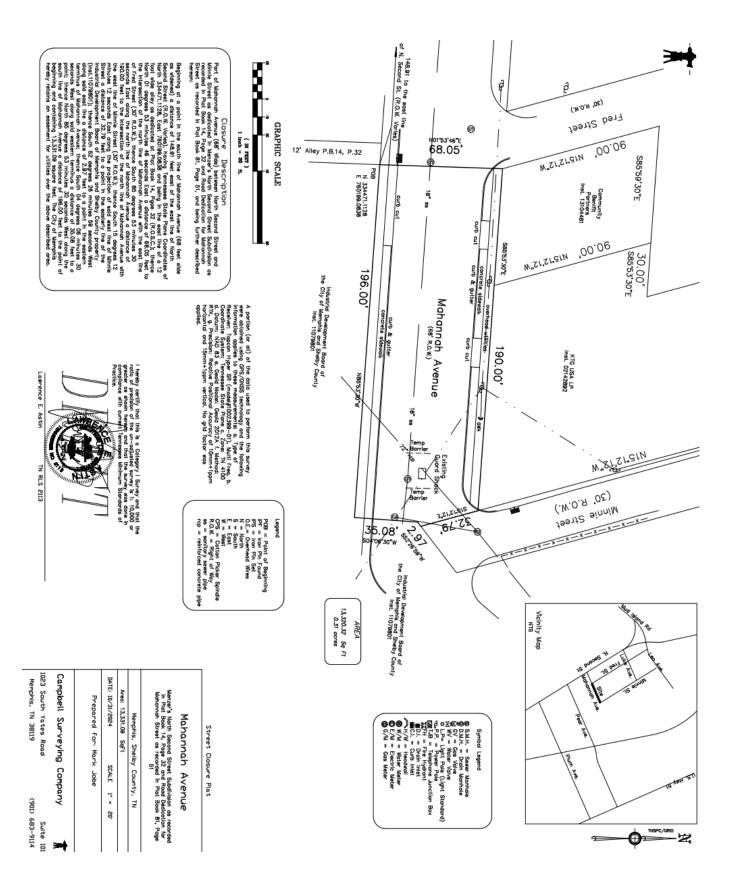


View of access point to the subject right-of-way from Minnie Street (south).

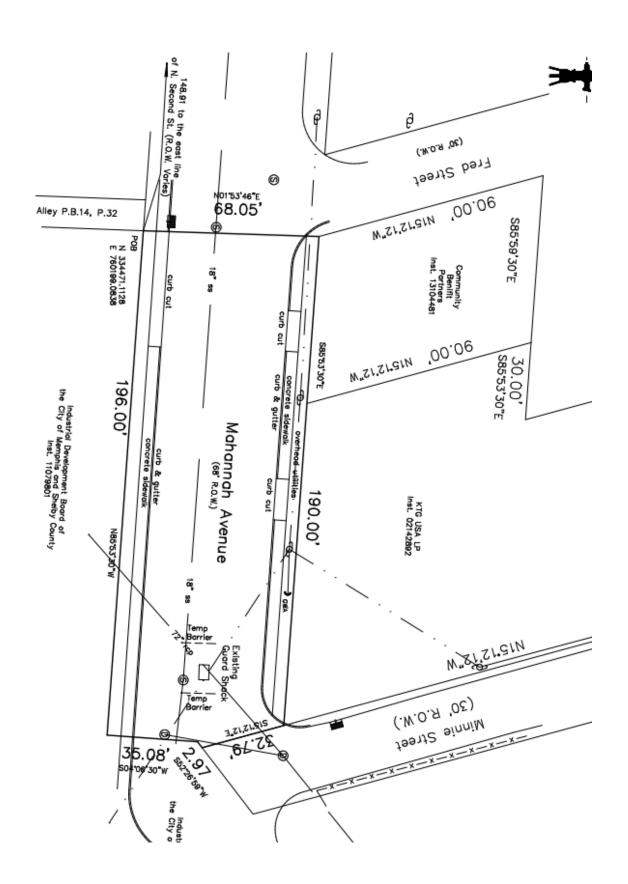


View of access point to the subject right-of-way from above.

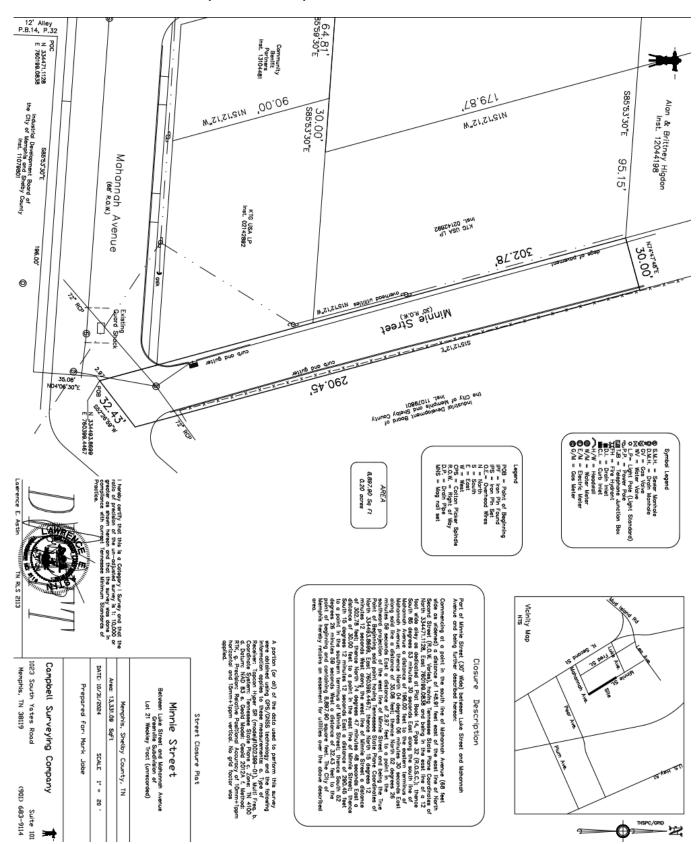
RIGHT-OF-WAY VACATION PLAT (SAC 2024-007)



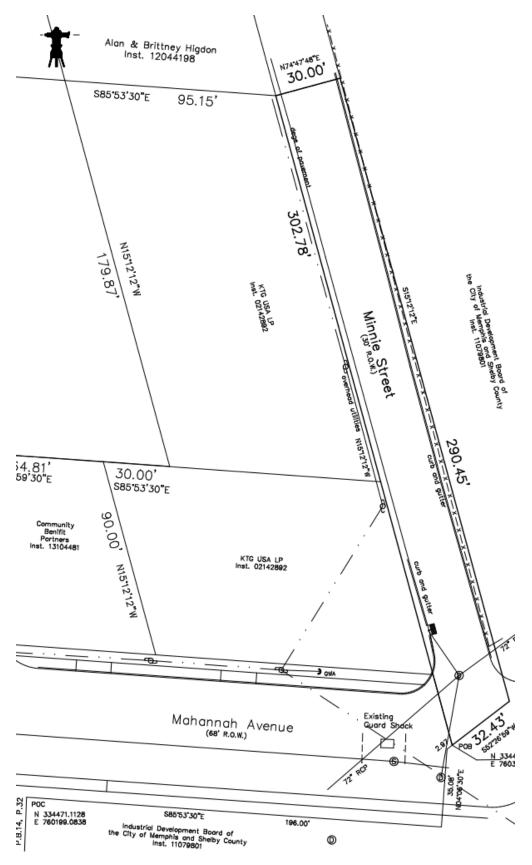
RIGHT-OF-WAY VACATION PLAT (SAC 2024-007) - MAGNIFIED



RIGHT-OF-WAY VACATION PLAT (SAC 2024-008)



RIGHT-OF-WAY VACATION PLAT (SAC 2024-008) - MAGNIFIED



LEGAL DESCRIPTION (SAC 2024-007)

Closure Description - Mahannah Avenue

Part of Mahannah Avenue (68' Wide) between North Second Street and Minnie Street as dedicated in Menzer's North Second Street Subdivision as recorded in Plat Book 14, Page 32 and Road Dedication for Mahannah Street as recorded in Plat Book 81, Page 51, and being further described hereon:

Beginning at a point in the south line of Mahannah Avenue (68 feet wide as widened) a distance of 148.91 feet east of the east line of North Second Street (R.O. W. Varies), having Tennessee State Plane Coordinates of North 334471.1128, East 760199.0838 and being in the east line of a 12 foot wide alley as dedicated at Plat Book 14, Page 32 (R.O.S.C.); thence North 01 degrees 53 minutes 46 seconds East a distance of 68.05 feet to the intersection of the north line of Mahannah Avenue with the east line of Fred Street (30' R.O.W.); thence South 85 degrees 53 minutes 30 seconds East along the north line of Mahannah Avenue a distance of 190.00 feet to the intersection of the north line of Mahannah Avenue with the west line of Minnie Street (30' R.O.W.); thence South 15 degrees 12 minutes 12 seconds East along the projection of said west line of Minnie Street a distance of 32. 79 feet to a point in the easterly line of the Industrial Development Board of Memphis and Shelby County property (Inst.11079801); thence South 52 degrees 26 minutes 59 seconds West along said east line a distance of 2.97 feet to a point in the eastern terminus of Mahannah Avenue; thence South 04 degrees 06 minutes 30 seconds West along said western terminus a distance of 35.08 feet to a point; thence North 85 degrees 53 minutes 30 seconds West along the south line of Mahannah Avenue a distance of 196.00 feet to the point of beginning and containing 13,331.09 square feet. The City of Memphis hereby retains an easement for utilities over the above-described area.

LEGAL DESCRIPTION (SAC 2024-008)

Closure Description - Minnie Street

Real property situated in the City of Memphis, County of Shelby, to wit:

Part of Minnie Street (30' Wide) between Luke Street and Mahannah Avenue and being further described hereon:

Commencing at a point in the south line of Mahannah Avenue (68 feet wide as widened) a distance of 148.91 feet east of the east line of North Second Street (R.O.W. Varies), having Tennessee State Plane Coordinates of North 334471.1128, East 760199.0838 and being in the east line of a 12 foot wide alley as dedicated at Plat Book 14, Page 32 (R.O.S.C.); thence South 85 degrees 53 minutes 30 seconds East along the south line of Mahannah Avenue a distance of 196.00 feet to the eastern terminus of Mahannah Avenue; thence North 04 degrees 06 minutes 30 seconds East along said line a distance of 35.08 feet; thence North 52 degrees 26 minutes 59 seconds East a distance of 2.97 feet to a point in the southward projection of the west line of Minnie Street and being the True Point of Beginning said point having Tennessee State Plane Coordinates of North 334493.8699, East 760399.4467; thence North 15 degrees 12 minutes 12 seconds West along the west line of Minnie Street a distance of 302.78 feet; thence North 74 degrees 47 minutes 48 seconds East a distance of 30.00 feet to a point in the east line of Minnie Street; thence South 15 degrees 12 minutes 12 seconds East a distance of 290.45 feet to a point in the southern terminus of Minnie Street; thence South 52 degrees 26 minutes 59 seconds West a distance of 32.43 feet to the point of beginning and containing 8,897.90 square feet. The City of Memphis hereby retains an easement for utilities over the above-described area.

CASE REVIEW

Request

The request is to close and vacate the public right-of-way of: **SAC 2024-007**: 196 feet of Mahannah Ave, between Fred St and Minnie St, **SAC 2024-008**: 302 feet of Minnie St, north of Mahannah Ave

Site Details

Address:

400 Mahannah Avenue

Area:

+/-13,331.09 square feet (SAC 2024-007) and +/- 8,897.90 square feet (SAC 2024-008)

Description:

SAC 2024-007: The subject property right-of-way is located in Memphis, Tennessee, beginning at a point along the south line of Mahannah Avenue, approximately 148.91 feet east of the intersection with North Second Street, based on Tennessee State Plane Coordinates. The boundaries are defined by precise bearings and distances, referencing adjacent streets and rights-of-way, including Fred Street, Minnie Street, and the property of the Industrial Development Board of Memphis and Shelby County. The total area encompasses 13,331.09 square feet, with the City of Memphis retaining a utility easement over the described area.

SAC 2024-008: The subject property right-of-way is located in Memphis, Tennessee, commencing at a point along the south line of Mahannah Avenue, approximately 148.91 feet east of the intersection with North Second Street, based on Tennessee State Plane Coordinates. The boundaries follow the south line of Mahannah Avenue, proceed to its eastern terminus, and continue along the west and east lines of Minnie Street. The area is defined by specific bearings and distances, with references to adjacent rights-of-way and property lines, and encompasses 8,897.90 square feet. The City of Memphis retains a utility easement over the described area.

Analysis

Mahannah Avenue Closure Analysis

The proposed closure of a portion of Mahannah Avenue focuses on vacating the public right-of-way between North Second Street and Minnie Street in Memphis, covering approximately 13,331.09 square feet (0.31 acres). This section includes infrastructure such as curb cuts, sidewalks, and overhead utilities, all of which are clearly documented in the survey. The request would officially close the eastern terminus of Mahannah Avenue, transitioning it from public to private use, while preserving utility easements for essential services like water, drainage, and power lines.

This closure would allow adjacent properties, including land owned by the Industrial Development Board of Memphis and Shelby County, to consolidate and potentially redevelop the area for commercial or industrial purposes. The detailed survey ensures all property boundaries and infrastructure are accounted for, minimizing potential conflicts with neighboring parcels. The closure aligns with the broader goals of improving land use and supporting redevelopment in this industrial corridor while maintaining access to critical utilities.

Minnie Street Closure Analysis

The request to close a portion of Minnie Street involves a 30-foot-wide right-of-way stretching from Mahannah Avenue to Levee Street, totaling 8,897.90 square feet (0.20 acres). This section serves as a secondary street with limited public use, making it a strong candidate for closure. Existing features include curb and gutter systems, overhead utilities, and a guard shack near Mahannah Avenue. The City of Memphis will retain utility easements in the area, ensuring no disruption to public services.

By vacating this right-of-way, the closure would allow adjacent property owners, such as KTG USA LP and other industrial stakeholders, to incorporate the land into their operations. This could support expansions, improve logistics, or open new opportunities for development. The detailed survey ensures all property lines and infrastructure considerations are addressed, allowing for a smooth transition from public to private use.

The closures of Mahannah Avenue and Minnie Street together would remove approximately 22,229 square feet (0.51 acres) of public right-of-way from the city's network.

The closure of the subject right-of-way will not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

- 1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 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 three years of the conditional approval of the closure by the Council of the City of Memphis.
- 4. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader. Drawings are subject to approval by City Engineering.
- 5. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

DEPARTMENTAL COMMENTS

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

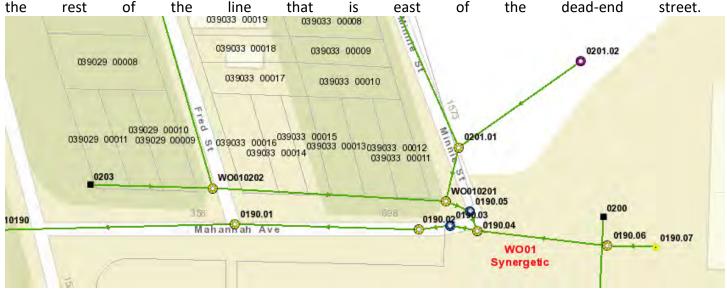
City Engineer:

SAC 2024-007

 Standard Public Improvement Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. See photo below. Dedicate the entire Mahannah Ave as a sewer easement and provide the easement for the rest of the line that is east of the dead-end street.



Street Closures:

- 3. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
- 4. City sanitary sewers/drainage facilities are located within the proposed closure area.
- 5. 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 Right of Way permit from the City Engineer to cover the above required construction work.
- 6. The applicant shall comply with all conditions of the closure within 3 years of the conditional approval of the closure by the City Council.
- 7. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.

8. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

9. Required landscaping shall not be placed on sewer or drainage easements.

SAC 2024-008:

1. Standard Public Improvement Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. Dedicate the entire Minnie Street as a sewer easement and provide the easement for the rest of the line that is east of the dead-end street.

Street Closures:

- 3. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
- 4. City sanitary sewers/drainage facilities are located within the proposed closure area.
- 5. 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 Right of Way permit from the City Engineer to cover the above required construction work.
- 6. The applicant shall comply with all conditions of the closure within 3 years of the conditional approval of the closure by the City Council.
- 7. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
- 8. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.
- 9. Required landscaping shall not be placed on sewer or drainage easements.

City Fire Division:

• The Fire Department does not object to the closure of portions of Minnie St and Mahannah Ave providing all points of Fire Department access to the facility are maintained in compliance with 2021 IFC Section 503.

City Real Estate: No comments received.

 Staff Report
 January 09, 2025

 SAC 2024-007 and SAC 2024-008
 Page 20

County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: No comments received.

Mahsan Ostadnia Staff Planner Contact:

mahsan.ostadnia@memphistn.gov

(901) 636-7181

MAILED PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

Shelby County Land Use Control Board. You are not required to property that is near the site of a development application to be of comment to the staff planner listed below no later than speak for or against this application. You may also submit a letter attend this hearing, but you are invited to do so if you wish to considered at an upcoming public hearing of the Memphis and You have received this notice because you own or reside on a

Thursday, January 2, 2025 at 8 AM

CASE NUMBER:

SAC 2024-007/ SAC 2024-008

Mahannah Ave nah Ave, between Fred St and Minnie St, 302 feet of Minnie St, north of Physical street closure of approx. 196 feet of Mahan-400 Mahannah Avenue

REQUEST: ADDRESS:

APPLICANT:

Scott Young

Meeting Details

Location: Council Chambers

Time:

9:00 AM

City Hall 1st Floor 125 N Main St.

Date: Thursday, January 9, 2025

26 Notices Mailed 12/17/2024

North Second Street

VICINITY MAP

MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

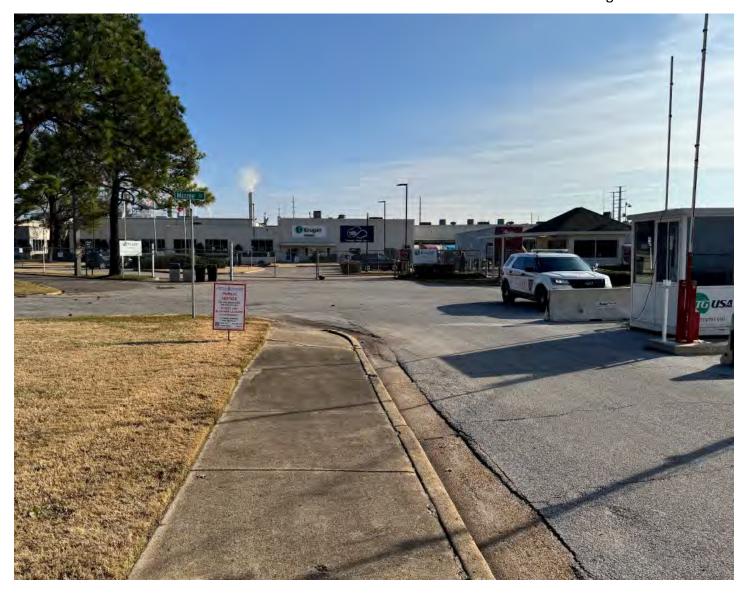
the full application the staff planner or use the QR code to view To learn more about this proposal, contact



SIGN AFFIDAVIT

AFFIDAVIT

	worn, depose and say that at 10:15 amip	
	24, I posted a Public Notice Sign(S) perta	ining
0	h and 0 Minnie Street	
providing notice of a Public Hearing before the x		
	ommissioners for consideration of a prope	
		ning
District Map Amendment, Street and/or Al		eing
attached hereon and a copy of the sign purchase	receipt or rental contract attached hereto.	
M-11/12	4	
The said	December 30, 2024	
Owner, Applicant or Representative	Date	
Subscribed and sworn to before me this 30th	day of December , 2024 .	
Dakito S. Bearly -		
Notary Public	- ANNI 11 (1)	
Notary r delic	allin S S Allin	
My commission expires: VI29/25	OTA SEA MILE	
iny commission expires.	STATE STATE	
	E O TE OF TO	
	TENNESSEE	
	NOTARY / E	





APPLICATION



Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis,

Tennessee 38134

Downtown Service Center: 125 N. Main Street;

Expiration Date:

Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Street and Alley Closure (Right of Way Vacation)

Record Detail Information

Record Type: Street and Alley Closure (Right of

Way Vacation)

Record Status: Pending

Opened Date: October 31, 2024

Record Number: SAC 2024-007

Record Name: Closure of a Portion of Mahannah Avenue

Description of Work: The Applicant and its affiliate, Community Benefit Partners, LLC, submit this request to close a portion of Mahannah Avenue at the western boundary of the property at 360 Mahannah (039033 00016). Applicant further requests authority to install a guard's shack/controlled entry closer to Fred Street at the point of closure.

Parent Record Number:

Address:

Owner Information

Primary Owner Name

Ν

Owner Address Owner Phon

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Date of Meeting Pre-application Meeting Type

r re-application meeting Ty

GENERAL INFORMATION

Name of Street where closure will begin Name of Street where closure will end What is the reason for the street closure?

What is the total area of the right-of-way being

LaTonya Hull 10/08/2024 Phone

Fred Street

Mark Avenue (Private)

Increased security for the manufacturing facility at

400 Mahannah Street.

12676.3

Page 1 of 4 SAC 2024-007

GENERAL INFORMATION

closed?

What is the overall length of the street closure?

Name of Street/Alley/ROW

Is this application in response to a citation from

Construction Code Enforcement or Zoning

Letter?

If yes, please provide additional information

Is this application a time extension?

RELATED CASE INFORMATION

Previous Case Numbers

216.5

Mahannah Avenue

No

No

No

No

No

BOA 1959-072-CI

SAC 1978-007 BOA 1968-100-CI

Applicant is submitting a corresponding application

to close a portion of Minnie Street contemporaneously herewith.

GIS INFORMATION

Case Layer

Central Business Improvement District

Downtown Fire District Historic District

Land Use Municipality

Overlay/Special Purpose District

Zoning State Route

Lot

Subdivision

Planned Development District

Wellhead Protection Overlay District

County Commission District

City Council District

City Council Super District

Data Tables

Property Owners

Property Address:

360 Mahannah

Property Owner Name:

Community Benefit Partners, LLC

Mailing Address (if

different than property

address):

Email Address:

scott.young@krugerproducts.ca

Note:

Community Benefit Partners is an entity affiliated with/subsidiary of the

c/o Glankler Brown, 6000 Poplar Avenue, Suite 400, Memphis, TN 38119

Applicant.

Property Address:

364 Mahannah

SAC 2024-007 Page 2 of 4

Property Owner Name:	Community Benefit Partners, LLC					
Mailing Address (if different than property address):	c/o Glankler Brown, 6000 Poplar Ave. Suite 400, Memphis, TN 38119					
Email Address:	scott.young@krugerproducts.ca					
Note:	Community Benefit Partners, LLC is an entity affiliated with/subsidiary of the Applicant.					
Property Address:	0 Mahannah					
Property Owner Name:	K.T.G. (USA) L.P.					
Mailing Address (if different than property address):	400 Mahannah Street, Memphis, TN 38107					
Email Address:	scott.young@krugerproducts.ca					
Property Address:	0 Mahannah Street					
Property Owner Name: K.T.G. (USA) L.P.						
Mailing Address (if different than property address):	400 Mahannah Street, Memphis, TN 38107					
Email Address:	scott.young@krugerproducts.ca					
Property Address:	0 Mahannah Street					
Property Owner Name:	K.T.G. (USA) L.P.					
Mailing Address (if different than property address):	400 Mahannah Street, Memphis, TN 38107					
Email Address:	scott.young@krugerproducts.ca					
Property Address:	0 Minnie Street					
Property Owner Name:	K.T.G. (USA) L.P.					
Mailing Address (if different than property address):	400 Mahannah Street, Memphis, TN 38107					
Email Address:	scott.young@krugerproducts.ca					

Page 3 of 4 SAC 2024-007

Name SCOTT YOUNG Address				ADJA		ACENT PROPERTY NER OF RECORD	
Phone (249)288-259	12						
Name SCOTT YOU	NG				Conta	ct Type	
Address							
Phone							
Name CHARLES CAMPBELL				Contact Type ARCHITECT / ENGIN			
Address					SURVEYOR		
Phone (901)683-911	4						
Name MARK JOBE					Contact Type REPRESENTATIVE		
Address							
Phone (901)857-832	4						
Fee Inform	nation						
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed	
1609966	Right of Way	1	400.00	INVOICED	0.00	12/05/2024	
	Vacation/Closure Fee	4	12 25	42.0144.5		- Landerson N	
1609966	Credit Card Use Fee (.026 x fee)	1	10.40	INVOICED	0.00	12/05/2024	
	Т	otal Fee Invoiced: \$410.40		Total Balance: \$0.00			
Payment I	Information						
Payment Amo	ount Method of Pa	yment					

Page 4 of 4 SAC 2024-007



Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis, Tennessee 38134

Downtown Service Center: 125 N. Main Street;

Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Street and Alley Closure (Right of Way Vacation)

Record Detail Information

Record Type: Street and Alley Closure (Right of

Way Vacation)

Record Status: Pending

Opened Date: November 19, 2024

Record Number: SAC 2024-008

Expiration Date:

Record Name: Closure of a Portion of Minnie Street

Description of Work: The Applicant submits this request o close a portion of Minnie Street at the northern boundary line of 0 Minnie Street (Tax Parcel 039033 00005) as depicted on the survey attached hereto. The Applicant further requests approval to install a concrete barrier at this point to restrict traffic heading

south on Minnie Avenue.

Parent Record Number:

Address:

Owner Information

Primary Owner Nam

N

Owner Address Owner Phone

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Date of Meeting Pre-application Meeting Type

GENERAL INFORMATION

Name of Street where closure will begin Name of Street where closure will end What is the reason for the street closure?

What is the total area of the right-of-way being

LaTonya Hull 10/08/2024 Phone

Luke Street (South of) Mahannah Avenue

Increased security for the manufacturing facility at 400 Mahannah Street, in particular its parking area.

9419.29

Page 1 of 4 SAC 2024-008

GENERAL INFORMATION

dosed?

What is the overall length of the street closure?

Name of Street/Alley/ROW

Is this application in response to a citation from

Construction Code Enforcement or Zoning

Letter?

If yes, please provide additional information

Is this application a time extension?

RELATED CASE INFORMATION

Previous Case Numbers

290.45

Minnie Street

No

No

BOA 1959-072-CI

SAC 1978-007 BOA 1968-100-CI

Applicant is submitting a corresponding application related to the closure of a portion of Mahannah

contemporaneously herewith.

GIS INFORMATION

Case Layer -

Central Business Improvement District No Class -

Downtown Fire District No

Historic District -

Land Use -

Municipality Overlay/Special Purpose District -

Zoning State Route -

Lot -Subdivision -

Planned Development District Wellhead Protection Overlay District No

County Commission District City Council District City Council Super District -

Data Tables

Property Owners

Property Address: 0 Minnie Street

Property Owner Name: K.T.G. (USA) LP

Mailing Address (if 400 Mahannah Street, Memphis, TN 38107

different than property

address):

Email Address: scott.young@krugerproducts.ca

Page 2 of 4 SAC 2024-008

Contact Type

Contact Type

Contact Type

Contact Type REPRESENTATIVE

SURVEYOR

ARCHITECT / ENGINEER /

APPLICANT

ADJACENT PROPERTY OWNER OF RECORD

Note:

Contact Information

SCOTT YOUNG

Address

Phone (249)288-2592

Name SCOTT YOUNG

Address

Phone

Name CHARLES T CAMPBELL

Address

Phone (901)683-9114

Name MARK JOBE

Address

Phone (901)576-1853

Fee Information

Invoice # Quantity Status Balance Date Assessed Fees 1609970 Right of Way 1 400.00 INVOICED 0.00 12/05/2024 Vacation/Closure Fee 1609970 Credit Card Use Fee (.026) 10.40 INVOICED 0.00 12/05/2024 x fee)

Total Fee Invoiced: \$410.40

Total Balance: \$0.00

Payment Information

Payment Amount \$410.40

Method of Payment Credit Card

Page 3 of 4

SAC 2024-008

OWNER AFFIDAVIT (SAC 2024-007)



City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries. contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code. full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1

I. Mark A. Hauke, Authorized Officer of Community Benefit Partners, LLC., state that I have read the definition of Owner' as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds, purchaser under a land. contract: a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises

, I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver. guardian or lessee (and have included documentation with this affidavit)

of the property located at 360 Mahannah and 364 Mahannah, Memphis. TN and further identified by Assessor's Parcel Numbers 039035 00016 and 039033 00015, for which an application is being made to the Division of Planning and Development.

Community Benefit Partners, LLC

Title: Authorized Officer

Subscribed and sworn to (or affirmed) before me this _5th day of December

ENNESSEE NOTARY

OWNER AFFIDAVIT (SAC 2024-008)



City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER, includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code. full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

I, Mark A. Hauke, Authorized Officer of K.T.G. (USA), L.P., state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box)

I am the owner of record as shown on the current tax rolls of the county Assessor of Property, the mortgage holder of record as shown in the mortgage records of the county Register of Deeds, purchaser under a land. contract, a mortgagee or vendee in possession, or I have a freehold or lesser estate in the premises

I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 400 Mahannah, 0 Mahannah, and 0 Minnie, Memphis, TN and further identified by Assessor's Parcel Numbers 039035 00017C, 039033 00005, 039033 00006, 039033 00007, 039033 00008, 039033 00009, 039033 00010, and 039033 00011, for which an application is being made to the Division of Planning and

K.T.G. (USA), L.P.

Development.

Title: Authorized Officer

Chamman S Subscribed and sworn to (or affirmed) before me this 5th day of December

> march 21, 2027 My Commission Expires

ENNESSEE NOTARY PLIBLIC

Signature of Notary Public

LETTER OF INTENT



a000 Finalch Ayrinus, Sure 600. Menighli, Tenneusee 36119 901 S26 (822) 901 536 (889 www.granuer.com

> Mark T. Jube, Jr. 901 576, 1853 micbe@glander.com

December 5, 2024

Memphis & Shelby County Division of Planning & Development 125 North Main Street, 4th Floor Memphis, TN 38103

Re: K.T.G. (USA) LP - Partial Closure of Mahannah Avenue and Minnie Street

Ladies & Gentlemen:

This firm represents K.T.G. (USA) LP and its affiliate Community Benefit Partners, LLC with respect to the two (2) Street and Alleyway Closure Applications submitted simultaneously for the partial closures of Mahannah Avenue and Minnie Street (the "Applications").

K.T.G. (USA) LP owns large industrial property at 400 Mahannah and its affiliates operate the plant thereon. Over the years, K.T.G. (USA) LP and its affiliate Community Benefit Partners, LLC, have acquired distressed residential properties along Mahannah Avenue and Minnie Street, all of which are now vacant lots adjacent to the portions of Mahannah Avenue and Minnie Street which are subject to these Applications. This request is being made to better control traffic adjacent to the manufacturing facility and to increase security of its parking facilities serving the same.

Closing these portions of these streets will not have any negative impact on the citizens of Memphis or specifically the nearby community, but rather will help the K.T.G. (USA) LP deter criminal activity and better secure its manufacturing facility (specifically the parking areas). As part of these requests, the K.T.G. (USA) LP is requesting approval to move its guard's shack further west on Mahannah and to install movable concrete barriers at the north end of the closure on Minnie Street to better control access to the manufacturing facility.

Thank you for your consideration of the attached Applications. We appreciate the support and if there are any concerns, look forward to finding a mutually agreeable solution to resolve the same.

With best regards,

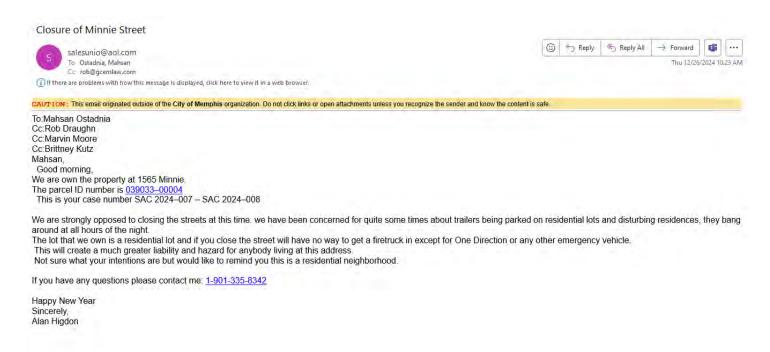
GLANKLER BROWN, PLLC

Herk Tilden Jobe Jr.

Mark T. Jobe, Jr.

LETTERS RECEIVED

One letter of opposition was received at the time of completion of this report and have subsequently been attached.





Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis,

Tennessee 38134

Downtown Service Center: 125 N. Main Street;

Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Street and Alley Closure (Right of Way Vacation)

Record Detail Information

Record Type: Street and Alley Closure (Right of

Way Vacation)

Record Status: Pending

Opened Date: October 31, 2024

Record Number: SAC 2024-007 Expiration Date:

Record Name: Closure of a Portion of Mahannah Avenue

Description of Work: The Applicant and its affiliate, Community Benefit Partners, LLC, submit this request to close a portion of Mahannah Avenue at the western boundary of the property at 360 Mahannah (039033 00016). Applicant further requests authority to install a guard's shack/controlled entry closer to Fred Street at the point of closure.

Parent Record Number:

Address:

Owner Information

Primary

Owner Name

Ν

Owner Address Owner Phone

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Date of Meeting

10/08/2024

Pre-application Meeting Type

Phone

GENERAL INFORMATION

Name of Street where closure will begin Fred Street

Name of Street where closure will end Mark Avenue (Private)

What is the reason for the street closure? Increased security for the manufacturing facility at

400 Mahannah Street.

What is the total area of the right-of-way being 12676.3

Page 1 of 4 SAC 2024-007

GENERAL INFORMATION

closed?

What is the overall length of the street closure?

Name of Street/Alley/ROW

Is this application in response to a citation from

Construction Code Enforcement or Zoning

Letter?

If yes, please provide additional information

Is this application a time extension?

RELATED CASE INFORMATION

Previous Case Numbers BOA 1959-072-CI

SAC 1978-007

Mahannah Avenue

216.5

No

No

BOA 1968-100-CI

Applicant is submitting a corresponding application

to close a portion of Minnie Street contemporaneously herewith.

GIS INFORMATION

Case Layer -

Central Business Improvement District No

Class -

Downtown Fire District No

Historic District Land Use -

Municipality -

Overlay/Special Purpose District -

Zoning -

State Route -

Lot Subdivision -

Planned Development District -

Wellhead Protection Overlay District No

County Commission District -

City Council District City Council Super District -

Data Tables

Property Owners

Property Address: 360 Mahannah

Property Owner Name: Community Benefit Partners, LLC

Mailing Address (if

different than property

address):

c/o Glankler Brown, 6000 Poplar Avenue, Suite 400, Memphis, TN 38119

Email Address: scott.young@krugerproducts.ca

Note: Community Benefit Partners is an entity affiliated with/subsidiary of the

Applicant.

Property Address: 364 Mahannah

Page 2 of 4 SAC 2024-007

Property Owner Name: Community Benefit Partners, LLC c/o Glankler Brown, 6000 Poplar Ave. Suite 400, Memphis, TN 38119 Mailing Address (if different than property address): scott.young@krugerproducts.ca **Email Address:** Note: Community Benefit Partners, LLC is an entity affiliated with/subsidiary of the Applicant. 0 Mahannah Property Address: K.T.G. (USA) L.P. **Property Owner Name:** 400 Mahannah Street, Memphis, TN 38107 Mailing Address (if different than property address): **Email Address:** scott.young@krugerproducts.ca Property Address: 0 Mahannah Street **Property Owner Name:** K.T.G. (USA) L.P. 400 Mahannah Street, Memphis, TN 38107 Mailing Address (if different than property address): **Email Address:** scott.young@krugerproducts.ca **Property Address:** 0 Mahannah Street K.T.G. (USA) L.P. **Property Owner Name:** Mailing Address (if 400 Mahannah Street, Memphis, TN 38107 different than property address): **Email Address:** scott.young@krugerproducts.ca

Property Address: 0 Minnie Street
Property Owner Name: K.T.G. (USA) L.P.

Mailing Address (if different than property

address):

400 Mahannah Street, Memphis, TN 38107

Email Address: scott.young@krugerproducts.ca

Contact Information

Page 3 of 4 SAC 2024-007

Name SCOTT YOUNG

Address

Contact Type

ADJACENT PROPERTY OWNER OF RECORD

Phone

(249)288-2592

Name SCOTT YOUNG Contact Type

APPLICANT

Address

Phone

Name CHARLES CAMPBELL **Contact Type**

ARCHITECT / ENGINEER /

SURVEYOR

Address

Phone (901)683-9114

Name MARK JOBE **Contact Type**

REPRESENTATIVE

Address

Phone

(901)857-8324

-

Fee Information Invoice # Fee Item Quantity Balance Date Assessed Fees **Status** 1609966 Right of Way 1 400.00 **INVOICED** 0.00 12/05/2024 Vacation/Closure Fee 1609966 Credit Card Use Fee (.026 1 10.40 **INVOICED** 0.00 12/05/2024

x fee)

Total Fee Invoiced: \$410.40

Total Balance: \$0.00

Payment Information

Payment Amount \$410.40

Method of Payment Credit Card

Page 4 of 4 SAC 2024-007



City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, de,

contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the
like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code
full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified
Development Code Section 12.3.1.
I, Mark A, Hauke, Authorized Officer of Community Benefit Partners, LLC., state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):
I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage
holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land
contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises
have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver,
guardian or lessee (and have included documentation with this affidavit)
of the property located at 360 Mahannah and 364 Mahannah, Memphis, TN and further identified by Assessor's
Parcel Numbers 039035 00016 and 039033 00015, for which an application is being made to the Division of
Planning and Development.
Community Benefit Partners, LLC
BY: MARK HAUKE TENNESSEE
Name: Mahle Haube
Title: Authorized Officer Subscribed and aware to (as officered) before me this. 5th. day of December 1997
Subscribed and sworn to (or affirmed) before me this _5th day ofDecember
Sondra A. malone march 21,2027
S ASSET LITTING TO THE STATE OF

Signature of Notary Public

My Commission Expires



City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

I, Mark A. Hauke, Authorized Officer of K.T.G. (USA), L.P., state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises

I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 400 Mahannah, 0 Mahannah, and 0 Minnie, Memphis, TN and further identified by Assessor's Parcel Numbers 039035 00017C, 039033 00014, 039033 00013, 039033 00012, and 039033 00011, for which an application is being made to the Division of Planning and Development.

K.T.G. (USA), L.P.

By:

MARK Hauke, Authorized Circles as trustee to the development of the county Assessor of Property; the mortgage to the county Assessor of Property; the mortgage to the county Assessor of Property; the mortgage holder of the county Assessor of Property; the mortgage holder of the mortgage and the county Assessor of Property; the mortgage holder of the county Assessor of Property; the mortgage holder of the county Assessor of Property; the mortgage holder of the county Assessor of Property; the mortgage holder of the county Assessor of Property; the mortgage holder of the county Assessor of Property; the mortgage holder of the county Assessor of Property; the mortgage holder of the county Assessor of Property; the mortgage holder of the county Assessor of Property; the mortgage holder of the county Assessor of Property; the mortgage holder of the county Assessor of Property; the mortgage holder of the county Assessor of Property; the mortgage holder of the county Assessor of P

Title: Authorized Officer

Subscribed and sworn to (or affirmed) before me this __5th___ day of __December_

My Commission Expires

Signature of Notary Public



Mark T. Jobe, Jr. 901.576.1853 mjobe@glankler.com

December 5, 2024

Memphis & Shelby County Division of Planning & Development 125 North Main Street, 4th Floor Memphis, TN 38103

> K.T.G. (USA) LP – Partial Closure of Mahannah Avenue and Minnie Street Re:

Ladies & Gentlemen:

This firm represents K.T.G. (USA) LP and its affiliate Community Benefit Partners, LLC with respect to the two (2) Street and Alleyway Closure Applications submitted simultaneously for the partial closures of Mahannah Avenue and Minnie Street (the "Applications").

K.T.G. (USA) LP owns large industrial property at 400 Mahannah and its affiliates operate the plant thereon. Over the years, K.T.G. (USA) LP and its affiliate Community Benefit Partners, LLC, have acquired distressed residential properties along Mahannah Avenue and Minnie Street, all of which are now vacant lots adjacent to the portions of Mahannah Avenue and Minnie Street which are subject to these Applications. This request is being made to better control traffic adjacent to the manufacturing facility and to increase security of its parking facilities serving the same.

Closing these portions of these streets will not have any negative impact on the citizens of Memphis or specifically the nearby community, but rather will help the K.T.G. (USA) LP deter criminal activity and better secure its manufacturing facility (specifically the parking areas). As part of these requests, the K.T.G. (USA) LP is requesting approval to move its guard's shack further west on Mahannah and to install movable concrete barriers at the north end of the closure on Minnie Street to better control access to the manufacturing facility.

Thank you for your consideration of the attached Applications. We appreciate the support and if there are any concerns, look forward to finding a mutually agreeable solution to resolve the same.

With best regards,

GLANKLER BROWN, PLLC

-DocuSigned by: Mark Tilden Jobs fr.

-3CDB080DDF6C44A... Mark T. Jobe, Jr.

Closure Description - Mahannah Avenue

Part of Mahannah Avenue (68' Wide) between North Second Street and Minnie Street as dedicated in Menzer's North Second Street Subdivision as recorded in Plat Book 14, Page 32 and Road Dedication for Mahannah Street as recorded in Plat Book 81, Page 51, and being further described hereon:

Beginning at a point in the south line of Mahannah Avenue (68 feet wide as widened) a distance of 148.91 feet east of the east line of North Second Street (R.O. W. Varies), having Tennessee State Plane Coordinates of North 334471.1128, East 760199.0838 and being in the east line of a 12 foot wide alley as dedicated at Plat Book 14, Page 32 (R.O.S.C.); thence North 01 degrees 53 minutes 46 seconds East a distance of 68.05 feet to the intersection of the north line of Mahannah Avenue with the east line of Fred Street (30' R.O.W.); thence South 85 degrees 53 minutes 30 seconds East along the north line of Mahannah Avenue a distance of 190.00 feet to the intersection of the north line of Mahannah Avenue with the west line of Minnie Street (30' R.O.W.); thence South 15 degrees 12 minutes 12 seconds East along the projection of said west line of Minnie Street a distance of 32. 79 feet to a point in the easterly line of the Industrial Development Board of Memphis and Shelby County property (Inst.11079801); thence South 52 degrees 26 minutes 59 seconds West along said east line a distance of 2.97 feet to a point in the eastern terminus of Mahannah Avenue; thence South 04 degrees 06 minutes 30 seconds West along said western terminus a distance of 35.08 feet to a point; thence North 85 degrees 53 minutes 30 seconds West along the south line of Mahannah Avenue a distance of 196.00 feet to the point of beginning and containing 13,331.09 square feet. The City of Memphis hereby retains an easement for utilities over the above-described area.

STREET MAHANNAH 347.3 STREET _ 0.173 Ac. DEDICATION 343.22' F=30 D=10100 T = 36.59 PROPERTY DESCRIPTION L= 5288'

> BEGINNING AT A POINT IN THE EAST LINE OF NORTH SECOND STREET AT THE INTERSECTION WITH THE SOUTH LINE OF MAHANNAH STREET; THENCE EASTWARDLY ALONG THE SOUTH LINE OF MAHANNAH STREET 347.3 FEET TO A POINT; THENCE SOUTHWARDLY 21.0 FEET TO A POINT; THENCE WESTWARDLY ALONG A LINE PARALLEL TO AND 21.0 FEET SOUTH OF THE SOUTH LINE OF MAHANNAH STREET 343.22 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 30 FEET, 52.88 FEET TO A POINT ON THE EAST LINE OF NORTH SECOND STREET; THENCE NORTHWARDLY ALONG THE EAST LINE OF NORTH SECOND STREET 57.78 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.173 ACPES.

OWNER'S CERTIFICATE

(I, WE), THE UNDERSIGNED, OF THE PROPERTY SHOWN HEREON, HEREBY ADOPT THIS PLAT AS OUR PLAN OF SUBDIVISION (AND DEDICATE THE STREETS, RIGHTS-OF-WAY, EASEMENTS AND RIGHTS OF ACCESS AS SHOWN TO THE PUBLIC USE FOREVER). (I, WE) HEREBY CERTIFY THAT (I, WE) (AM, ARE) THE OWNER(S), DULY AUTHORIZED SO TO ACT, AND THAT SAID PROPERTY IS NOT ENCUMBERED BY ANY TAXES WHICH HAVE BECOME DUE AND PAYABLE.

MANAGER OF OPERATIONS

NOTARY'S CERTIFICATE STATE OF WISCONSIN, COUNTY OF WINNEBAGO

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID STATE AND COUNTY AT NEENAH, DULY COMMISSIONED AND QUALIFIED, PERSONALLY APPEARED WITH WHOM I AM PERSONALLY ACQUAINTED AND WHO UPON OATH ACKNOWLEDGED THAT HE EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED AS HIS OWN FREE ACT

WITNESS MY HAND AND NOTARIAL SEAL THIS 25 DAY OF 2016 MY COMMISSION EXPIRES

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY AND THAT SAID DOCUMENT WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MEMPHIS IN REGULAR SESSION ON March 25, 1980

HEALTH DEPARTMENT'S CERTIFICATE

APPROVED BY THE MEMPHIS AND SHELBY COUNTY HEALTH DEPARTMENT.

ENGINEER'S OR SURVEYOR'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION.

BY Ronald R. William 2 R.S.

APPROVED DIRECTOR OF PUBLIC WORKS

APPROVED DEPUTY DIRECTOR/CIVIL ENGINEER PLANE WARKS By g. G. James Jr. DATE 2-28-80

ROAD DEDICATION FOR MAHANNAH STREET

Memphis, Tennessee November, 1979

STATE TAX __ RECORDING FEE

Mar 2 12 53 1 # 81

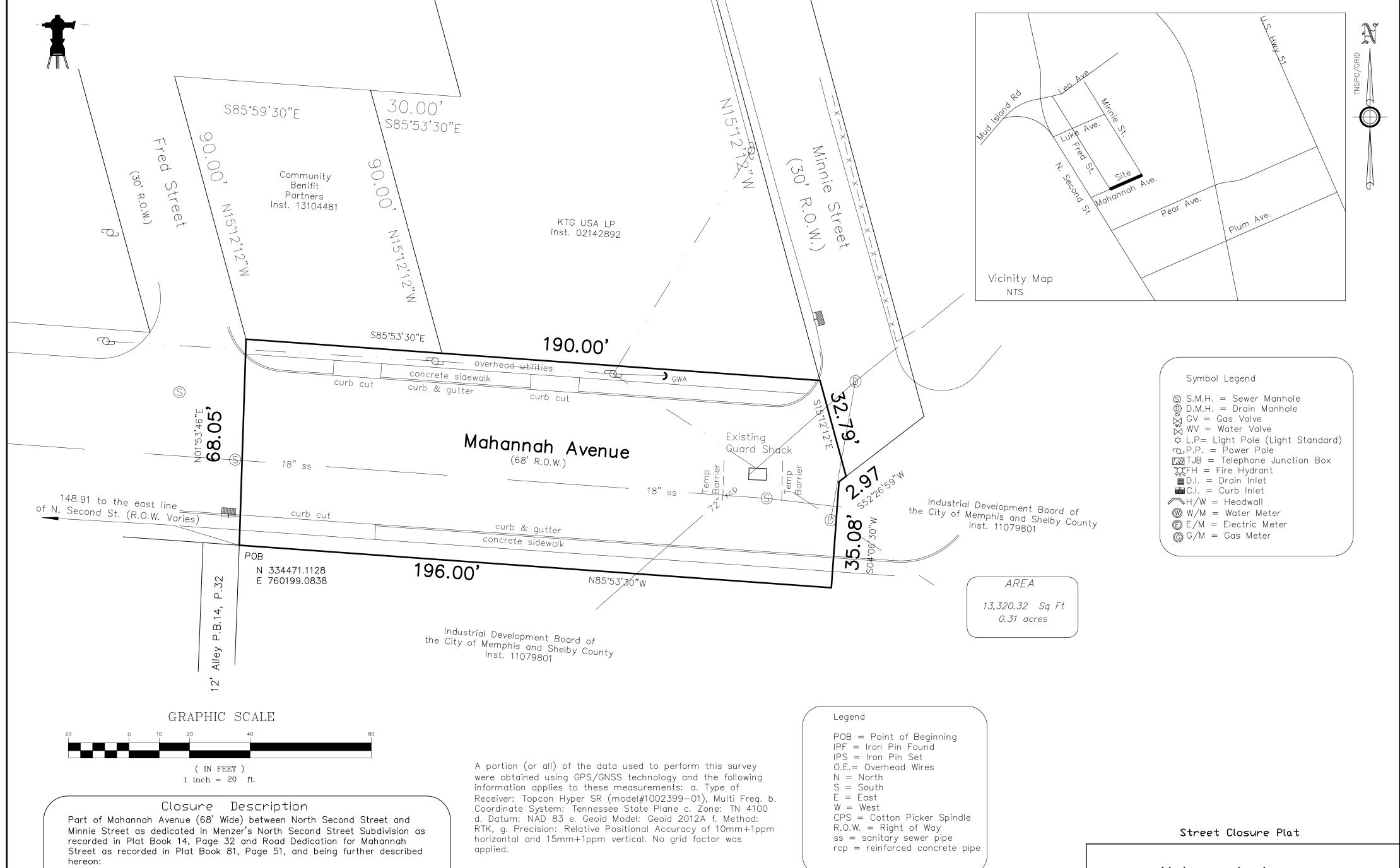
STATE OF TENNEDSEE

REAVES ENGINEERING INCORPORATED

ENGINEERING AND PLANNING CONSULTANTS

SUITE 507 MEMPHIS

5118 PARK AVE. TENNESSEE



Beginning at a point in the south line of Mahannah Avenue (68 feet wide as widened) a distance of 148.91 feet east of the east line of North Second Street (R.O.W. Varies), having Tennessee State Plane Coordinates of North 334471.1128, East 760199.0838 and being in the east line of a 12 foot wide alley as dedicated at Plat Book 14, Pgae 32 (R.O.S.C.); thence North 01 degrees 53 minutes 46 seconds East a distance of 68.05 feet to the intersection of the north line of Mahannah Avenue with the east line of Fred Street (30' R.O.W.); thence South 85 degrees 53 minutes 30 seconds East along the north line of Mahannah Avenue a distance of 190.00 feet to the intersection of the north line of Mahannah Avenue with the west line of Minnie Street (30' R.O.W.); thence South 15 degrees 12 minutes 12 seconds East along the projection of said west line of Minnie Street a distance of 32.79 feet to a point in the easterly line of the Industrial Development Board of Memphis and Shelby County property (Inst.11079801); thence South 52 degrees 26 minutes 59 seconds West along said east line a distance of 2.97 feet to a point in the eastern terminus of Mahannah Avenue; thence South 04 degrees 06 minutes 30 seconds West along said western terminus a distance of 35.08 feet to a point; thence North 85 degrees 53 minutes 30 seconds West along the south line of Mahannah Avenue a distance of 196.00 feet to the point of beginning and containing 13,331.09 square feet. The City of Memphis hereby retains an easement for utilities over the above described area.

I hereby certify that this is a Category I Survey and that the ratio of precision of the un—adjusted survey is 1: 10,000 or greater as shown hereon and that the survey was done in compliance with current Tennessee Minimum Standards of

greater as shown hereon and that the survey was done compliance with current Tennessee Minimum Standards of Practice.

Lawrence E. Astin

TN RLS 2113

Mahannah Avenue

Menzer's North Second Street Subdivision as recorded in Plat Book 14, Page 32 and Road Dedication for Mahannah Street as recorded in Plat Book 81, Page 51

Memphis, Shelby County, TN

Area: 13,331.09 SqFt

DATE: 10/31/2024

SCALE 1" = 20'

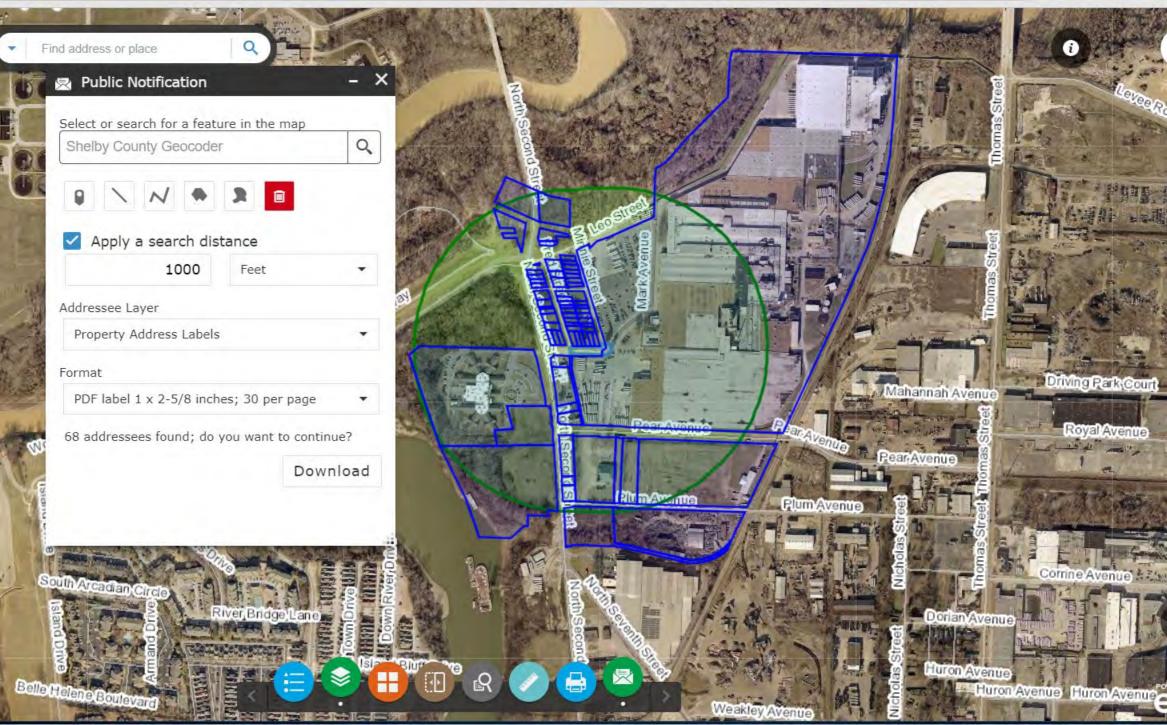
Prepared for: Mark Jobe

Campbell Surveying Company



1023 South Yates Road Memphis, TN 38119

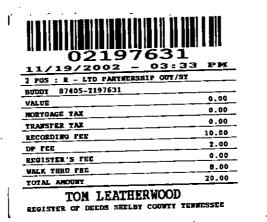
Suite 101 (901) 683-9114





Tom Leatherwood Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.



Delaware

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"120802 DELAWARE INC.", A DELAWARE CORPORATION,

WITH AND INTO "K.T.G. (USA) LP" UNDER THE NAME OF "K.T.G. (USA) LP", A LIMITED PARTNERSHIP ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE EIGHTEENTH DAY OF OCTOBER, A.D. 2002, AT 11 O'CLOCK A.M.



Varriet Smith Hindson
Harriet Smith Windson, Secretary of State

3581334 8100M

020708813

AUTHENTICATION: 2095331

DATE: 11-18-02

CERTIFICATE OF MERGER OF 120802 DELAWARE INC. INTO K.T.G. (USA) LP

Pursuant to Title 8, Section 263 of the Delaware General Corporation Law and Title 6, Section 17-211 of the Delaware Revised Uniform Limited Partnership Act, the undersigned limited partnership executed the following Certificate of Merger:

First: That the names and states of formation of each of the constituent entities of the merger are as follows:

Name 120802 Delaware Inc. K.T.G. (USA) LP State of Formation
Delaware
Delaware

Second: That an Agreement and Plan of Merger between the parties to the merger has been approved, adopted, certified, executed and acknowledged by each of the constituent entities in accordance with the requirements of Section 17-211 of the Delaware Revised Uniform Limited Partnership Act and Section 263 of the Delaware General Corporation Law.

Third: The name of the surviving limited partnership is K.T.G. (USA) LP.

Fourth: The merger is to become effective on October/2, 2002.

Fifth: The Agreement and Plan of Merger is on file at the place of business of the surviving limited partnership, the address of which is 400 Mahannah Avenue, Memphis TN, 38107.

Sixth: A copy of the Agreement and Plan of Merger will be furnished by the surviving limited partnership on request, without cost, to any partner of any constituent limited partnership or stockholder of any constituent corporation.

In Witness Whereof said limited partnership has caused this certificate to be signed by the general partner on October 19, 2002.

K.T.G. (USA) LP,

a Delaware limited partnership

By: K.T.G. (USA) INC.,

a Delaware corporation

Its: General Partner

rame: Corge J Bunze

Title Director

STATE OF DELAWARE SECRETARY OF STATE DIVISION OF CORPORATIONS FILED 11:00 AM 10/18/2002 020645089 - 3581334



Tom Leatherwood Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.



This Instrument Prepared by and Return to: Stewart G. Austin, Jr., Atty. GLANKLER BROWN, PLLC 6000 Poplar Avenue, Suite 100 Memphis, Tennessee 38119-3978

SPECIAL WARRANTY DEED

THIS INDENTURE, made and entered into on this 28 day of August, 2002, by and between NORMAN P. HAGEMEYER, Chapter 7 Trustee pursuant to Order of the United States Bankruptcy Court Western District of Tennessee Western Division under Case No. 02-33488-DSK, party of the first part, and 120802 DELAWARE INC. a Delaware corporation, party of the second part.

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the County of Shelby, State of Tennessee, to-wit:

See Exhibit "A" attached hereto and by reference, made a part hereof.

Being the same property conveyed to Super American Tissue Mills of Tennessee LLC, a Delaware limited liability company, by Deed of record at Instrument No. KM 9194 in the Register's Office of Shelby County, Tennessee. Party of the first part makes this conveyance as the Chapter 7 Trustee pursuant to Order of the United States Bankruptcy Court Western District of Tennessee Western Division under Case No. 02-33488-DSK.

The undersigned Chapter 7 Trustee believes the title hereby conveyed to be good, but warrants same solely against the lawful claims of all persons claiming by, through or under a conveyance from the undersigned as Chapter 7 Trustee, but not further or otherwise.

The property herein conveyed is subject to the following:

See Exhibit B attached hereto and incorporated by reference.

TO HAVE AND TO HOLD the aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that he is lawfully seized in fee of the aforedescribed real estate; that he has good right to sell and convey the same; that the same is unencumbered, except as set out hereinabove; and that the title and quiet possession thereto he will warrant and forever defend against the lawful claims of all persons claiming by, through or under him, but not further or otherwise.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

WITNESS the signature of the party of the first part the day and year first above written.

NORMAN P. HAGEMEYER,

Chapter 7 Trustee pursuant to Order of the United States Bankruptcy Court Western District of Tennessee Western Division under Case No. 02-33488-DSK.

STATE OF TENNESSEE

COUNTY OF SHELBY

Personally appeared before me, <u>Secret G. Hostin, Tr.</u> a Notary Public in and for said State and County, NORMAN P. HAGEMEYER, Chapter 7 Trustee pursuant to Order of the United States Bankruptcy Court Western District of Tennessee Western Division under Case No. 02-33488-DSK, the within named bargainor(s), with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand at office this $\frac{28+5}{2}$ day of August, 2002.

Notary Public

My commission expires: 2-76-03

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$4,000,000.00.

homan P Hagymun Tristee Affiant

Subscribed and swom to before me this 28th

day of August, 2002.

Notary Public

Constitution Co.

My commission expires: 2 - 26 - 03

PROPERTY ADDRESS:

400 Mahannah Memphis, Tennessee

TAX PARCEL ID:

Ward 039 Blk 029 Parcels 08, 09, 10 and 11 Ward 039 Blk 032 Parcels 013 Ward 039 Blk 033 Parcels 05, 06, 07, 08, 09, 10, 12, 13, and 14 Ward 039 Blk 035 Parcels 01, 02C and 107 Ward 069 Blk 074 Parcels 09 Ward 069 Blk 078 Parcels 04

NAME AND ADDRESS OF PROPERTY OWNER(S): 120802 Delanose Inc. C/O Glankler Brown, PLLC 6000 Poplar Ave. #100 Memphis, TN 38119

MAIL TAX NOTICES TO: 120802 Delaware Inc. 40 Glankler Brown, PLLC 6000 Poplar Ave. #100 Memphis, TN 38119

\$ 14,800.00 State Tax Register's Fee \$ 3.00 Recording Fee \$ 55.00 \$14,858.00 TOTAL

EXHIBIT A

Parcel 1

Being Parcels 1 through 4 of the Kimberly-Clark Corporation property of record in Book 1921, Page 121 at the Shelby County Register's Office, located in Memphis, Tennessee and being more particularly described as follows.

Beginning at the intersection of the north line of Pear Avenue (64 foot right-of-way) and the west line of the Illinois Central Railroad (50 foot right-of-way); thence north 87 degrees 34 minutes 24 seconds west along the said north line of Pear Avenue a distance of 992.22 feet to a point of transition in said Pear Avenue, from a 64.00 foot right-of-way to a 66.00 foot right-of-way; thence north 03 degrees 33 minutes 36 seconds east along the east line of Minnie Street (now closed) a distance of 488.00 feet to a point; thence north 87 degrees 25 minutes 44 seconds west a distance of 185.30 feet to point; thence north 50 degrees 09 minutes 14 seconds east a distance of 26.39 feet (record, 27.10 feet, survey) to a point; thence north 17 degrees 29 minutes 57 seconds west a distance of 26.73 feet (record, 26.26 feet, survey) to a point; thence north 50 degrees 09 minutes 14 seconds east a distance of 385.85 feet to a point; thence north 02 degrees 18 minutes 41 seconds east a distance of 870.09 feet to a point in the approximate centerline thread of the Old Wolf River; thence along said centerline the following calls and distances:

North 62 degrees 57 minutes 24 seconds East – 78.99 feet North 41 degrees 57 minutes 49 seconds East – 220.00 feet North 44 degrees 58 minutes 49 seconds East – 350.00 feet North 03 degrees 28 minutes 49 seconds East – 240.00 feet North 13 degrees 03 minutes 26 seconds East – 749.45 feet

to a point on the south line of the Wolf River Channel; thence along said south line the following calls and distances:

North 88 degrees 13 minutes 49 seconds East – 207.75 feet South 35 degrees 40 minutes 11 seconds East – 464.66 feet South 64 degrees 55 minutes 11 seconds East – 171.00 feet South 66 degrees 39 minutes 11 seconds East – 303.20 feet

to a point on the west line of the Illinois Central Railroad (50.00 foot right-of-way) thence south 03 degrees 32 minutes 49 seconds west along said west line a distance of 555.77 feet to a point of curvature; thence southwestwardly continuing along said west line and along a curve to the right, having a radius of 2839.93 feet, an arc distance of 1088.89 feet chord south 14 degrees 31 minutes 52 seconds west 1082.23 feet to a point of tangency; thence south 25 degrees 30 minutes 55 seconds west a distance of 1049.47 feet to the point of beginning and containing 3,466,434 square feet or 79.578 acres.

Being the same property conveyed to Shepherd Tissue, Inc. by Special Warranty Deed recorded in Instrument No. ER 9392, Register's Office, Shelby County, Tennessee.

Parcel 2

Being Lots 13, 14, 15, 16, 17, Block "D" of Hirsh & Goldstein's Greenville Subdivision (unrecorded) and being more particularly described as follows:

Beginning at the intersection of the north line of Mahannah Street (68 foot right-of-way) and the west line of Fred Street (30 foot right-of-way); thence north 88 degrees 11 minutes 15 seconds west along said north line a distance of 95.00 feet to a point; thence north 17 degrees 27 minutes 40 seconds west a distance of 150.01 feet to found iron pin at the southwest corner of Lot 18 of said Greenville Subdivision; thence south 88 degrees 08 minutes 20 seconds east along the south line of said Lot 18 a distance of 94.92 feet to a found iron pin on the west line of said Fred Street; thence south 17 degrees 29 minutes 57 seconds east along said west line a distance of 149.96 feet to the point of beginning and containing 13,441 square feet or 0.309 acres.

Parcel 3

Being Lots 27 through 36, Block "E" of the Hirsh & Goldstein's Greenville Subdivision (unrecorded) and being more particularly described as follows:

Beginning at the intersection of the north line of Mahannah Street (68 foot right-of-way) and the west line of Minnie Street (30 foot right-of-way); thence north 88 degrees 11 minutes 15 seconds west along said north line a distance of 125.15 feet to the southeast corner of Lot 26 of said Greenville Subdivision; thence north 17 degrees 29 minutes 57 seconds west along the east line of said Lot 26 a distance of 90.00 feet to a point on the south line of Lot 24; thence south 88 degrees 11 minutes 15 seconds east along the said south line a distance of 30.00 feet to the southeast corner of said Lot 24; thence north 27 degrees (record, 17 degrees, survey) 29 minutes 57 seconds west along the east line of Lots 24, 23, 22, 21, 20 and 19 a distance of 179.87 to a point at the northeast corner of said Lot 19, also being the southwest Corner of Lot 37; thence south 88 degrees 11 minutes 15 seconds east along the south line of said Lot 37 a distance of 95.15 feet to a point on the west line of said Minnie Street; thence south 17 degrees 29 minutes 57 seconds east along said west line a distance of 269.99 feet (record, 269.87 feet, survey) to the point of beginning and containing 26.781 square feet of 0.615 acres.

Parcel 4

Being Lot 44, Block "E" of the Hirsh & Goldstein's Greenville Subdivision (unrecorded) and being more particularly described as follows:

Beginning at a found iron pin on the west line of Minnie Street 89.69 feet north of the north line of Luke Street said iron pin also being the northeast corner of Lot 43 of said Greenville Subdivision; thence north 88 degrees 11 minutes 15 seconds west along the north line of said Lot 43 a distance of 95.15 feet to a point at the northeast (record, northwest, survey) corner of said Lot 43, said point also being the southeast (record,

northeast, survey) corner of Lot 11; thence north 17 degrees 29 minutes 57 seconds west along the east line of said Lot 11 a distance of 30.00 feet to point at the southwest corner of Lot 45; thence south 88 degrees 11 minutes 15 seconds east along the south line of said Lot 45 a distance of 95.15 feet to a point on the west line of said Minnie Street; thence south 17 degrees 29 minutes 57 seconds east along said west line a distance of 30.00 feet to the point of beginning and containing 2,681 square feet or 0.062 acres.

Parcel 5

Commencing at the intersection of the west line of the Illinois Central Railroad (50.00 foot right-of-way) and the north line of the Wolf River Channel; thence north 72 degrees 23 minutes 11 seconds west along said north line a distance of 276.01 feet to a point; thence continuing along said north line north 38 degrees 47 minutes 11 seconds west a distance of 394.84 feet to a point; thence continuing along said north line north 55 degrees 17 minutes 11 seconds west a distance of 100.00 feet to a point on the approximate centerline thread of the old Wolf River Channel and the point of beginning; thence continuing along the said north line of the existing Wolf River Channel north 55 degrees 17 minutes 11 seconds west a distance of 413.42 feet to a point; thence continuing along said north line north 77 degrees 26 minutes 11 seconds west a distance of 174.27 feet to a point on the approximate centerline thread of the Old Wolf River Channel; thence northwardly and following the said centerline thread of the Old Wolf River Channel the following calls and distances:

North 14 degrees 16 minutes 11 seconds west – 138.90 feet North 05 degrees 13 minutes 49 seconds east – 165.00 feet North 23 degrees 28 minutes 49 seconds east – 320.00 feet North 41 degrees 13 minutes 49 seconds east – 170.00 feet North 69 degrees 58 minutes 49 seconds east – 180.00 feet South 71 degrees 01 minutes 11 seconds east – 180.00 feet South 15 degrees 36 minutes 11 seconds east – 175.00 feet South 08 degrees 13 minutes 49 seconds west – 550.00 feet South 03 degrees 38 minutes 49 seconds west – 284.39 feet

To the point of beginning and containing 452.773 square feet or 10.394 acres.

Being the same property conveyed to Shepherd Tissue, Inc. by Quitclaim Deed of record in Instrument No. ER 9393, Register's Office, Shelby County, Tennessee.

Parcel 6

Beginning at a point on the north line of Pear Avenue (64.00 foot right-of-way) 922.22 feet west of the west right-of-way line of the Illinois Central Railroad (50.00 foot right-of-way) as measured along the north line of Pear Avenue, said point being on the east line of Minnie Street (now closed) and also being a point of transition in said Pear Avenue from a 64.00 foot right-of-way to a 66.00 foot right-of-way; thence north 82 degrees 09 minutes 06 seconds west continuing along the north line of Pear Avenue a distance of 54.57 feet to a point; thence north 87 degrees 13 minutes 18 seconds west a distance of 228.35 feet to a point in the east line of a 10 foot wide alley; thence north 12

degrees 11 minutes 47 seconds west along said east line a distance of 361.29 feet to a point; thence north 00 degrees 10 minutes 06 seconds distance of 89.06 feet to a point an the south line of Mahannah Street (68 foot right-of-way); thence south 88 degrees 11 minutes 15 seconds east along said south line a distance of 196.00 feet to point; thence north 01 degrees 48 minutes 45 seconds east a distance of 35.08 feet (record, 35.76 feet, survey) to point; thence north 50 degrees 09 minutes 14 seconds east a distance of 9.01 feet (record, 8.03, survey) to a point on the north line of Mahannah Street (now closed); thence south 87 degrees 25 minutes 44 seconds east along said north line a distance of 185.30 feet to a point in the east line of said Minnie Street; thence south 03 degrees 33 minutes 36 seconds west along said east line distance of 488.00 feet to a point of beginning and containing 158.967 square feet or 3.649 acres.

Parcel 7

Commencing at a point on the north line of Pear Avenue (64.00 foot right-of-way) 922.22 feet west of the west right-of-way line of the Illinois Central Railroad (50.00 foot rightof-way) as measured along the north line of Pear Avenue, said point being on the east line Minnie Street (now closed) and also being a point of transition in said Pear Avenue from a 64.00 foot right-of-way to a 66.00 foot right-at-way; thence north 03 degrees 33 minutes 36 seconds east a distance of 488.00 feet to a point on the north line of Mahannah Street (now closed): thence north 87 degrees 25 minutes 44 seconds west along said north line a distance of 185.30 feet to a point; thence north 50 degrees 09 minutes 14 seconds east a distance of 26.39 feet (record, 27.10, survey) to point; thence north 17 degrees 29 minutes 57 seconds west distance of 26.73 feet (record, 26.26 feet, survey) to the point of beginning said point being in the east line of the southerly extension of Minnie Street (30 foot right-of-way); thence north 17 degrees 29 minutes 57 seconds west along said east line a distance of 650.43 feet to a point on the south line of the City of Memphis and Shelby County Flood Control Property; thence north 66 degrees 27 minutes 36 seconds east along said south line a distance of 88.28 feet to point; thence south 17 degrees 29 minutes 57 seconds east a distance of 21.10 feet to a point; thence north 50 degrees 02 minutes 30 seconds east a distance of 60.50 feet to a point; thence north 70 degrees 12 minutes 29 seconds east a distance of 77.97 feet to a point; thence north 65 degrees 46 minutes 23 seconds east a distance of 328.58 feet to a point; thence south 02 degrees 18 minutes 41 seconds west a distance of 563.74 feet to a point; thence south 50 degrees 09 minutes 14 seconds west a distance of 385.85 feet to the point of beginning and containing 249,510 square feet or 5.728 acres.

Being the same property conveyed to Shepherd Tissue, Inc. by Special Warranty Deed of record in Instrument No. ER 9394, Register's Office, Shelby County, Tennessee.

Parcel 8

Commencing at the southeast corner of Mahannah Street (68' R.O.W.); thence north 01 degrees 48 minutes 45 seconds east along the east line of Mahannah Street a distance of 35.76 feet; thence north 50 degrees 09 minutes 14 seconds east along an easterly line of Mahannah Street a distance of 8.03 feet; thence south 87 degrees 25 minutes 44 seconds east a distance of 186.02 feet to the point of beginning; thence south 87 degrees 25

minutes 44 seconds east a distance of 1,189.29 feet to a point on the west line of Illinois Central Railroad (50 R.O.W.); thence south 25 degrees 30 minutes 55 seconds west along said Illinois Central Railroad line a distance of 21.72 feet; thence north 87 degrees 25 minutes 44 seconds west a distance of 1,181.2 feet; thence north 03 degrees 33 minutes 36 seconds east a distance of 20 feet to the point of beginning. Containing 23,705 square feet or 0.544 acres.

Being the same property conveyed to Shepherd Tissue, Inc. by deed from City of Memphis of record as Instrument No. FK 0563, Register's Office, Shelby County, Tennessee.

EXHIBIT B

- 1) City of Memphis Taxes for 2002 and prior years plus any interest and penalties due.
- 2) Shelby County Taxes for 2001 and prior years plus any interest and penalties due.
- 3) Easement and restrictions of record:

Plat Book 14, Page 32

Plat book 17, Page 77

Book 1676, Page 490

Book 1952, Page 8

Plat Book 3730, Page 95

Book 4126, Page505

Book 4660, Page 33

Book 5764, Page 360

Book 5928, Page 296

Book 3626, Page 451

Book 3553 Page 151

Book 2648, Page 497

Book 1693, Page 186

Book 2648, Page 495

Instrument No. F1 4066

Instrument No. F6 3909

Instrument No. J7 0134

Instrument No. L2 0134

Instrument No. L2 5236

Instrument No. X3 6421

Instrument No. CV 7749

Instrument No. R7 1099

Instrument No. R7 1098

Instrument No. R8 8978

Instrument No. FK 0563

- 4) Riparian rights in and to the waters of the Wolf River
- 5) Covenants, Restrictions, and Easements at Instrument No. R5 3301; Book 1921, Page 121; and Book 4126, Page 505
- 6) All valid statutory liens of record.



Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis,

Tennessee 38134

Downtown Service Center: 125 N. Main Street;

Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Street and Alley Closure (Right of Way Vacation)

Record Detail Information

Record Type: Street and Alley Closure (Right of

Way Vacation)

Record Status: Pending

Opened Date: November 19, 2024

Record Number: SAC 2024-008 Expiration Date:

Record Name: Closure of a Portion of Minnie Street

Description of Work: The Applicant submits this request o close a portion of Minnie Street at the northern boundary line of 0 Minnie Street (Tax Parcel 039033 00005) as depicted on the survey attached hereto. The Applicant further requests approval to install a concrete barrier at this point to restrict traffic heading south on Minnie Avenue.

Parent Record Number:

Address:

Owner Information

Primary

Owner Name

Ν

Owner Address Owner Phone

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Date of Meeting

10/08/2024

Pre-application Meeting Type

Phone

GENERAL INFORMATION

Name of Street where closure will begin Name of Street where closure will end What is the reason for the street closure? Luke Street (South of) Mahannah Avenue

Increased security for the manufacturing facility at 400 Mahannah Street, in particular its parking area.

What is the total area of the right-of-way being 9419.29

Page 1 of 4 SAC 2024-008

GENERAL INFORMATION

closed?

What is the overall length of the street closure?

Name of Street/Alley/ROW

Is this application in response to a citation from

Construction Code Enforcement or Zoning

Letter?

If yes, please provide additional information

Is this application a time extension?

RELATED CASE INFORMATION

Previous Case Numbers BOA 1959-072-CI

SAC 1978-007

290.45

No

No

Minnie Street

BOA 1968-100-CI

Applicant is submitting a corresponding application related to the closure of a portion of Mahannah

contemporaneously herewith.

GIS INFORMATION

Case Layer -

Central Business Improvement District No

Class -

Downtown Fire District No Historic District -

Land Use -

Municipality -

Overlay/Special Purpose District -

Zoning -

State Route Lot -

Subdivision -

Planned Development District -

Wellhead Protection Overlay District No

County Commission District -

City Council District -

City Council Super District

Data Tables

Property Owners

Property Address: 0 Minnie Street

Property Owner Name: K.T.G. (USA) LP

Mailing Address (if

different than property

address):

Email Address: scott.young@krugerproducts.ca

Page 2 of 4 SAC 2024-008

400 Mahannah Street, Memphis, TN 38107

Note: Tax Parcels:

039033 00005 039033 00006 039033 00007 039033 00008 039033 00009

039033 00010 039033 00011

Contact Information

Name <u>Contact Type</u>

Address Address Address

Phone (249)288-2592

Name Contact Type

SCOTT YOUNG APPLICANT

Address

Phone

Name Contact Type

CHARLES T CAMPBELL

ARCHITECT / ENGINEER /

Address

Phone (901)683-9114

Name
MARK JOBE

EXEMPTED IN THE INTERIOR OF TH

Address

Phone (901)576-1853

(901)576-1853

Fee Information
Invoice # Fee Item Quantity

Fees Status Balance **Date Assessed** 1609970 Right of Way 1 400.00 **INVOICED** 0.00 12/05/2024 Vacation/Closure Fee 1609970 Credit Card Use Fee (.026 1 10.40 **INVOICED** 0.00 12/05/2024 x fee)

Total Fee Invoiced: \$410.40 Total Balance: \$0.00

Payment Information

Payment Amount Method of Payment \$410.40 Credit Card

Page 3 of 4 SAC 2024-008



City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

I, Mark A. Hauke, Authorized Officer of K.T.G. (USA), L.P., state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises

I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 400 Mahannah, 0 Mahannah, and 0 Minnie, Memphis, TN and further identified by Assessor's Parcel Numbers 039035 00017C, 039033 00005, 039033 00006, 039033 00007, 039033 00008, 039033 00009, 039033 00010, and 039033 00011, for which an application is being made to the Division of Planning and Development.

K.T.G. (USA), L.P.

STATE OF TENNESSEE NOTARY PUBLIC Title: Authorized Officer Subscribed and sworn to (or affirmed) before me this 5th day of December

Signature of Notary Public



Mark T. Jobe, Jr. 901.576.1853 mjobe@glankler.com

December 5, 2024

Memphis & Shelby County Division of Planning & Development 125 North Main Street, 4th Floor Memphis, TN 38103

> K.T.G. (USA) LP – Partial Closure of Mahannah Avenue and Minnie Street Re:

Ladies & Gentlemen:

This firm represents K.T.G. (USA) LP and its affiliate Community Benefit Partners, LLC with respect to the two (2) Street and Alleyway Closure Applications submitted simultaneously for the partial closures of Mahannah Avenue and Minnie Street (the "Applications").

K.T.G. (USA) LP owns large industrial property at 400 Mahannah and its affiliates operate the plant thereon. Over the years, K.T.G. (USA) LP and its affiliate Community Benefit Partners, LLC, have acquired distressed residential properties along Mahannah Avenue and Minnie Street, all of which are now vacant lots adjacent to the portions of Mahannah Avenue and Minnie Street which are subject to these Applications. This request is being made to better control traffic adjacent to the manufacturing facility and to increase security of its parking facilities serving the same.

Closing these portions of these streets will not have any negative impact on the citizens of Memphis or specifically the nearby community, but rather will help the K.T.G. (USA) LP deter criminal activity and better secure its manufacturing facility (specifically the parking areas). As part of these requests, the K.T.G. (USA) LP is requesting approval to move its guard's shack further west on Mahannah and to install movable concrete barriers at the north end of the closure on Minnie Street to better control access to the manufacturing facility.

Thank you for your consideration of the attached Applications. We appreciate the support and if there are any concerns, look forward to finding a mutually agreeable solution to resolve the same.

With best regards,

GLANKLER BROWN, PLLC

-DocuSigned by: Mark Tilden Jobs fr.

-3CDB080DDF6C44A...

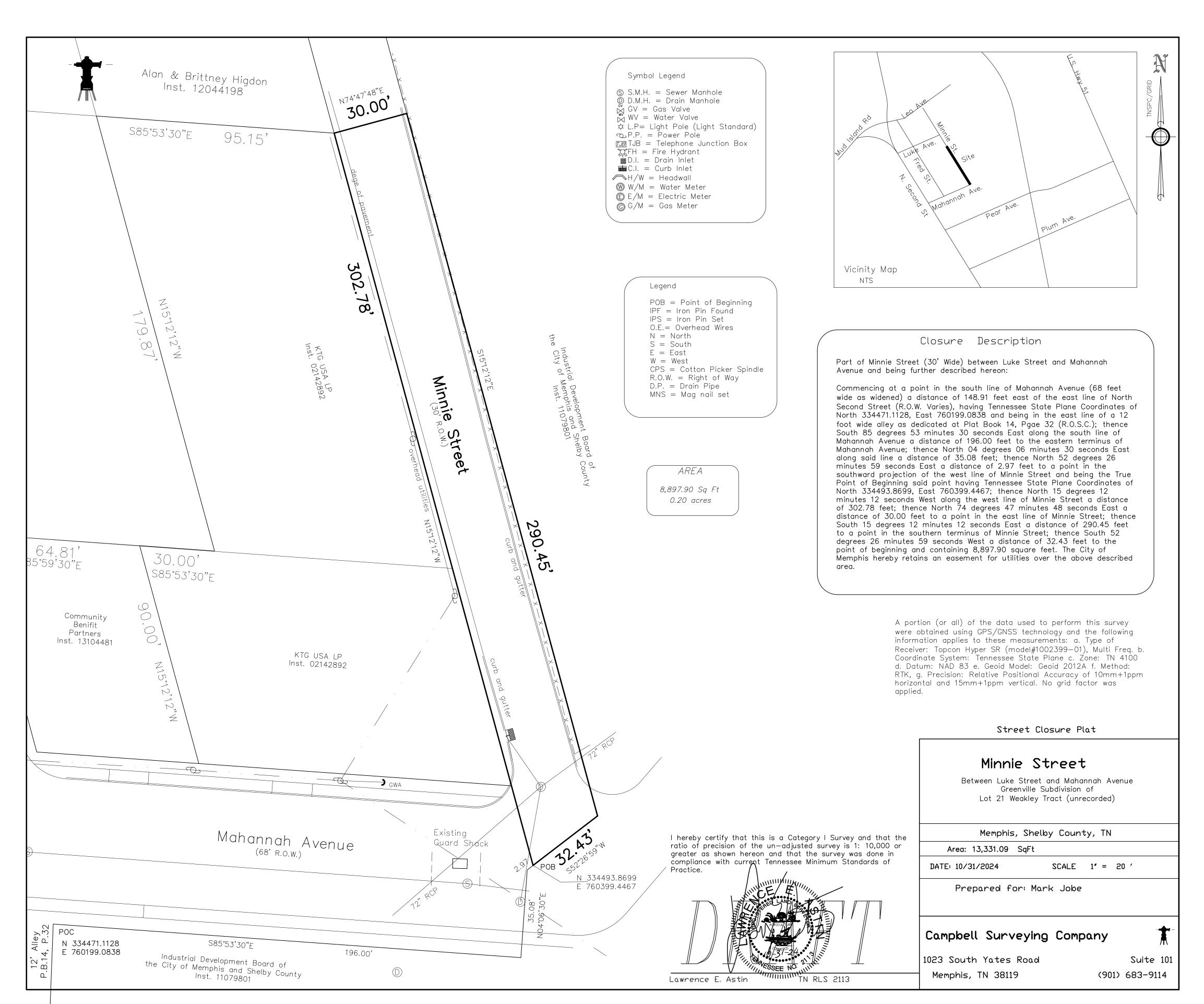
Mark T. Jobe, Jr.

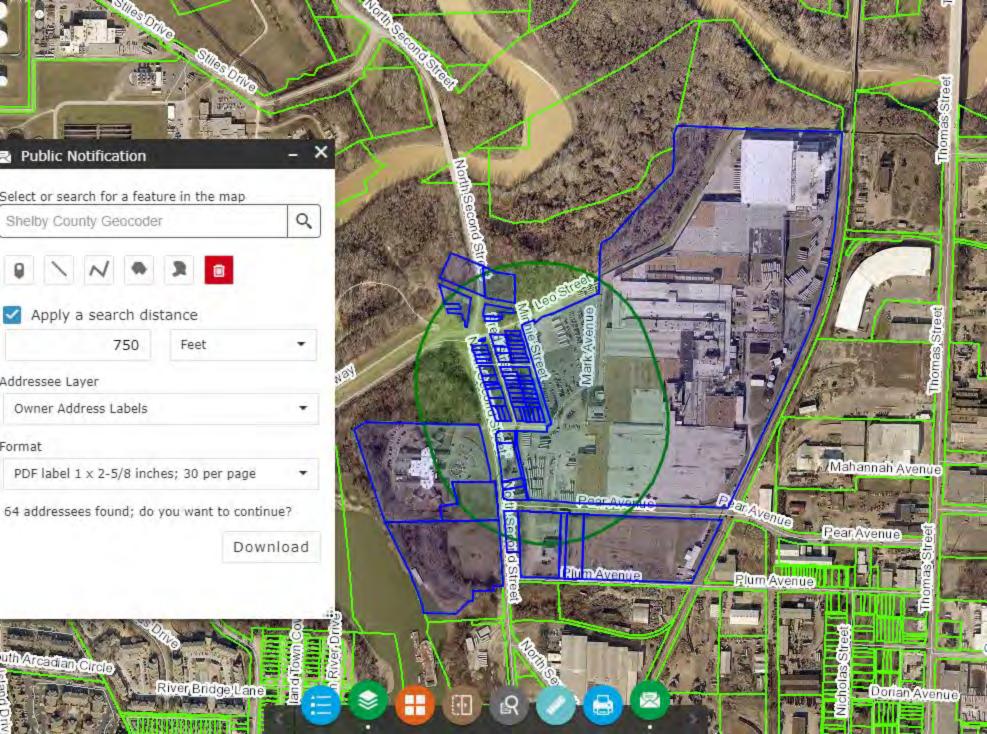
Closure Description – Minnie Street

Real property situated in the City of Memphis, County of Shelby, to wit:

Part of Minnie Street (30' Wide) between Luke Street and Mahannah Avenue and being further described hereon:

Commencing at a point in the south line of Mahannah Avenue (68 feet wide as widened) a distance of 148.91 feet east of the east line of North Second Street (R.O.W. Varies), having Tennessee State Plane Coordinates of North 334471.1128, East 760199.0838 and being in the east line of a 12 foot wide alley as dedicated at Plat Book 14, Page 32 (R.O.S.C.); thence South 85 degrees 53 minutes 30 seconds East along the south line of Mahannah Avenue a distance of 196.00 feet to the eastern terminus of Mahannah Avenue; thence North 04 degrees 06 minutes 30 seconds East along said line a distance of 35.08 feet; thence North 52 degrees 26 minutes 59 seconds East a distance of 2.97 feet to a point in the southward projection of the west line of Minnie Street and being the True Point of Beginning said point having Tennessee State Plane Coordinates of North 334493.8699, East 760399.4467; thence North 15 degrees 12 minutes 12 seconds West along the west line of Minnie Street a distance of 302.78 feet; thence North 74 degrees 47 minutes 48 seconds East a distance of 30.00 feet to a point in the east line of Minnie Street; thence South 15 degrees 12 minutes 12 seconds East a distance of 290.45 feet to a point in the southern terminus of Minnie Street; thence South 52 degrees 26 minutes 59 seconds West a distance of 32.43 feet to the point of beginning and containing 8,897.90 square feet. The City of Memphis hereby retains an easement for utilities over the above-described area.

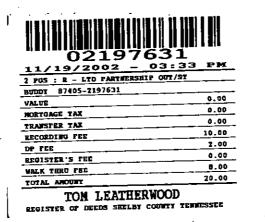






Tom Leatherwood Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.



Delaware

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"120802 DELAWARE INC.", A DELAWARE CORPORATION,

WITH AND INTO "K.T.G. (USA) LP" UNDER THE NAME OF "K.T.G. (USA) LP", A LIMITED PARTNERSHIP ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE EIGHTEENTH DAY OF OCTOBER, A.D. 2002, AT 11 O'CLOCK A.M.



Varriet Smith Hindson
Harriet Smith Windson, Secretary of State

3581334 8100M

020708813

AUTHENTICATION: 2095331

DATE: 11-18-02

CERTIFICATE OF MERGER OF 120802 DELAWARE INC. INTO K.T.G. (USA) LP

Pursuant to Title 8, Section 263 of the Delaware General Corporation Law and Title 6, Section 17-211 of the Delaware Revised Uniform Limited Partnership Act, the undersigned limited partnership executed the following Certificate of Merger:

First: That the names and states of formation of each of the constituent entities of the merger are as follows:

Name 120802 Delaware Inc. K.T.G. (USA) LP State of Formation
Delaware
Delaware

Second: That an Agreement and Plan of Merger between the parties to the merger has been approved, adopted, certified, executed and acknowledged by each of the constituent entities in accordance with the requirements of Section 17-211 of the Delaware Revised Uniform Limited Partnership Act and Section 263 of the Delaware General Corporation Law.

Third: The name of the surviving limited partnership is K.T.G. (USA) LP.

Fourth: The merger is to become effective on October/2, 2002.

Fifth: The Agreement and Plan of Merger is on file at the place of business of the surviving limited partnership, the address of which is 400 Mahannah Avenue, Memphis TN, 38107.

Sixth: A copy of the Agreement and Plan of Merger will be furnished by the surviving limited partnership on request, without cost, to any partner of any constituent limited partnership or stockholder of any constituent corporation.

In Witness Whereof said limited partnership has caused this certificate to be signed by the general partner on October 19, 2002.

K.T.G. (USA) LP,

a Delaware limited partnership

By: K.T.G. (USA) INC.,

a Delaware corporation

Its: General Partner

rame: Corge J Bunze

Title Director

STATE OF DELAWARE SECRETARY OF STATE DIVISION OF CORPORATIONS FILED 11:00 AM 10/18/2002 020645089 - 3581334



Tom Leatherwood Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.



This Instrument Prepared by and Return to: Stewart G. Austin, Jr., Atty. GLANKLER BROWN, PLLC 6000 Poplar Avenue, Suite 100 Memphis, Tennessee 38119-3978

SPECIAL WARRANTY DEED

THIS INDENTURE, made and entered into on this 28 day of August, 2002, by and between NORMAN P. HAGEMEYER, Chapter 7 Trustee pursuant to Order of the United States Bankruptcy Court Western District of Tennessee Western Division under Case No. 02-33488-DSK, party of the first part, and 120802 DELAWARE INC. a Delaware corporation, party of the second part.

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the County of Shelby, State of Tennessee, to-wit:

See Exhibit "A" attached hereto and by reference, made a part hereof.

Being the same property conveyed to Super American Tissue Mills of Tennessee LLC, a Delaware limited liability company, by Deed of record at Instrument No. KM 9194 in the Register's Office of Shelby County, Tennessee. Party of the first part makes this conveyance as the Chapter 7 Trustee pursuant to Order of the United States Bankruptcy Court Western District of Tennessee Western Division under Case No. 02-33488-DSK.

The undersigned Chapter 7 Trustee believes the title hereby conveyed to be good, but warrants same solely against the lawful claims of all persons claiming by, through or under a conveyance from the undersigned as Chapter 7 Trustee, but not further or otherwise.

The property herein conveyed is subject to the following:

See Exhibit B attached hereto and incorporated by reference.

TO HAVE AND TO HOLD the aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that he is lawfully seized in fee of the aforedescribed real estate; that he has good right to sell and convey the same; that the same is unencumbered, except as set out hereinabove; and that the title and quiet possession thereto he will warrant and forever defend against the lawful claims of all persons claiming by, through or under him, but not further or otherwise.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

WITNESS the signature of the party of the first part the day and year first above written.

NORMAN P. HAGEMEYER.

Chapter 7 Trustee pursuant to Order of the United States Bankruptcy Court Western District of Tennessee Western Division under Case No. 02-33488-DSK.

STATE OF TENNESSEE

COUNTY OF SHELBY

Personally appeared before me, Stewart C. Hustin, Tr. a Notary Public in and for said State and County, NORMAN P. HAGEMEYER, Chapter 7 Trustee pursuant to Order of the United States Bankruptcy Court Western District of Tennessee Western Division under Case No. 02-33488-DSK, the within named bargainor(s), with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand at office this 28th day of August, 2002.

Notary Public

My commission expires: 2-76-03

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$4,000,000.00.

homan P Hagymun Tristee Affiant

Subscribed and swom to before me this 28th

day of August, 2002.

Notary Public

Constitution Constitution

My commission expires: 2 - 26 - 03

PROPERTY ADDRESS:

400 Mahannah Memphis, Tennessee

TAX PARCEL ID:

Ward 039 Blk 029 Parcels 08, 09, 10 and 11 Ward 039 Blk 032 Parcels 013 Ward 039 Blk 033 Parcels 05, 06, 07, 08, 09, 10, 12, 13, and 14 Ward 039 Blk 035 Parcels 01, 02C and 107 Ward 069 Blk 074 Parcels 09 Ward 069 Blk 078 Parcels 04

NAME AND ADDRESS OF PROPERTY OWNER(S): 120802 Delanose Inc. C/O Glankler Brown, PLL 6000 Poplar Ave. #100 Memphis, TN 38119

MAIL TAX NOTICES TO: 120802 Delaware Inc. 40 Glankler Brown, PLLC 6000 Poplar Ave. #100 Memphis, TN 38119

\$ 14,800.00 State Tax Register's Fee \$ 3.00 Recording Fee \$ 55.00 \$14,858.00 TOTAL

EXHIBIT A

Parcel 1

Being Parcels 1 through 4 of the Kimberly-Clark Corporation property of record in Book 1921, Page 121 at the Shelby County Register's Office, located in Memphis, Tennessee and being more particularly described as follows.

Beginning at the intersection of the north line of Pear Avenue (64 foot right-of-way) and the west line of the Illinois Central Railroad (50 foot right-of-way); thence north 87 degrees 34 minutes 24 seconds west along the said north line of Pear Avenue a distance of 992.22 feet to a point of transition in said Pear Avenue, from a 64.00 foot right-of-way to a 66.00 foot right-of-way; thence north 03 degrees 33 minutes 36 seconds east along the east line of Minnie Street (now closed) a distance of 488.00 feet to a point; thence north 87 degrees 25 minutes 44 seconds west a distance of 185.30 feet to point; thence north 50 degrees 09 minutes 14 seconds east a distance of 26.39 feet (record, 27.10 feet, survey) to a point; thence north 17 degrees 29 minutes 57 seconds west a distance of 26.73 feet (record, 26.26 feet, survey) to a point; thence north 50 degrees 09 minutes 14 seconds east a distance of 385.85 feet to a point; thence north 02 degrees 18 minutes 41 seconds east a distance of 870.09 feet to a point in the approximate centerline thread of the Old Wolf River; thence along said centerline the following calls and distances:

```
North 62 degrees 57 minutes 24 seconds East – 78.99 feet
North 41 degrees 57 minutes 49 seconds East – 220.00 feet
North 44 degrees 58 minutes 49 seconds East – 350.00 feet
North 03 degrees 28 minutes 49 seconds East – 240.00 feet
North 13 degrees 03 minutes 26 seconds East – 749.45 feet
```

to a point on the south line of the Wolf River Channel; thence along said south line the following calls and distances:

```
North 88 degrees 13 minutes 49 seconds East – 207.75 feet
South 35 degrees 40 minutes 11 seconds East – 464.66 feet
South 64 degrees 55 minutes 11 seconds East – 171.00 feet
South 66 degrees 39 minutes 11 seconds East – 303.20 feet
```

to a point on the west line of the Illinois Central Railroad (50.00 foot right-of-way) thence south 03 degrees 32 minutes 49 seconds west along said west line a distance of 555.77 feet to a point of curvature; thence southwestwardly continuing along said west line and along a curve to the right, having a radius of 2839.93 feet, an arc distance of 1088.89 feet chord south 14 degrees 31 minutes 52 seconds west 1082.23 feet to a point of tangency; thence south 25 degrees 30 minutes 55 seconds west a distance of 1049.47 feet to the point of beginning and containing 3,466,434 square feet or 79.578 acres.

Being the same property conveyed to Shepherd Tissue, Inc. by Special Warranty Deed recorded in Instrument No. ER 9392, Register's Office, Shelby County, Tennessee.

Parcel 2

Being Lots 13, 14, 15, 16, 17, Block "D" of Hirsh & Goldstein's Greenville Subdivision (unrecorded) and being more particularly described as follows:

Beginning at the intersection of the north line of Mahannah Street (68 foot right-of-way) and the west line of Fred Street (30 foot right-of-way); thence north 88 degrees 11 minutes 15 seconds west along said north line a distance of 95.00 feet to a point; thence north 17 degrees 27 minutes 40 seconds west a distance of 150.01 feet to found iron pin at the southwest corner of Lot 18 of said Greenville Subdivision; thence south 88 degrees 08 minutes 20 seconds east along the south line of said Lot 18 a distance of 94.92 feet to a found iron pin on the west line of said Fred Street; thence south 17 degrees 29 minutes 57 seconds east along said west line a distance of 149.96 feet to the point of beginning and containing 13,441 square feet or 0.309 acres.

Parcel 3

Being Lots 27 through 36, Block "E" of the Hirsh & Goldstein's Greenville Subdivision (unrecorded) and being more particularly described as follows:

Beginning at the intersection of the north line of Mahannah Street (68 foot right-of-way) and the west line of Minnie Street (30 foot right-of-way); thence north 88 degrees 11 minutes 15 seconds west along said north line a distance of 125.15 feet to the southeast corner of Lot 26 of said Greenville Subdivision; thence north 17 degrees 29 minutes 57 seconds west along the east line of said Lot 26 a distance of 90.00 feet to a point on the south line of Lot 24; thence south 88 degrees 11 minutes 15 seconds east along the said south line a distance of 30.00 feet to the southeast corner of said Lot 24; thence north 27 degrees (record, 17 degrees, survey) 29 minutes 57 seconds west along the east line of Lots 24, 23, 22, 21, 20 and 19 a distance of 179.87 to a point at the northeast corner of said Lot 19, also being the southwest Corner of Lot 37; thence south 88 degrees 11 minutes 15 seconds east along the south line of said Lot 37 a distance of 95.15 feet to a point on the west line of said Minnie Street; thence south 17 degrees 29 minutes 57 seconds east along said west line a distance of 269.99 feet (record, 269.87 feet, survey) to the point of beginning and containing 26.781 square feet of 0.615 acres.

Parcel 4

Being Lot 44, Block "E" of the Hirsh & Goldstein's Greenville Subdivision (unrecorded) and being more particularly described as follows:

Beginning at a found iron pin on the west line of Minnie Street 89.69 feet north of the north line of Luke Street said iron pin also being the northeast corner of Lot 43 of said Greenville Subdivision; thence north 88 degrees 11 minutes 15 seconds west along the north line of said Lot 43 a distance of 95.15 feet to a point at the northeast (record, northwest, survey) corner of said Lot 43, said point also being the southeast (record,

northeast, survey) corner of Lot 11; thence north 17 degrees 29 minutes 57 seconds west along the east line of said Lot 11 a distance of 30.00 feet to point at the southwest corner of Lot 45; thence south 88 degrees 11 minutes 15 seconds east along the south line of said Lot 45 a distance of 95.15 feet to a point on the west line of said Minnie Street; thence south 17 degrees 29 minutes 57 seconds east along said west line a distance of 30.00 feet to the point of beginning and containing 2,681 square feet or 0.062 acres.

Parcel 5

Commencing at the intersection of the west line of the Illinois Central Railroad (50.00 foot right-of-way) and the north line of the Wolf River Channel; thence north 72 degrees 23 minutes 11 seconds west along said north line a distance of 276.01 feet to a point; thence continuing along said north line north 38 degrees 47 minutes 11 seconds west a distance of 394.84 feet to a point; thence continuing along said north line north 55 degrees 17 minutes 11 seconds west a distance of 100.00 feet to a point on the approximate centerline thread of the old Wolf River Channel and the point of beginning; thence continuing along the said north line of the existing Wolf River Channel north 55 degrees 17 minutes 11 seconds west a distance of 413.42 feet to a point; thence continuing along said north line north 77 degrees 26 minutes 11 seconds west a distance of 174.27 feet to a point on the approximate centerline thread of the Old Wolf River Channel; thence northwardly and following the said centerline thread of the Old Wolf River Channel the following calls and distances:

North 14 degrees 16 minutes 11 seconds west – 138.90 feet North 05 degrees 13 minutes 49 seconds east – 165.00 feet North 23 degrees 28 minutes 49 seconds east – 320.00 feet North 41 degrees 13 minutes 49 seconds east – 170.00 feet North 69 degrees 58 minutes 49 seconds east – 180.00 feet South 71 degrees 01 minutes 11 seconds east – 180.00 feet South 15 degrees 36 minutes 11 seconds east – 175.00 feet South 08 degrees 13 minutes 49 seconds west – 550.00 feet South 03 degrees 38 minutes 49 seconds west – 284.39 feet

To the point of beginning and containing 452.773 square feet or 10.394 acres.

Being the same property conveyed to Shepherd Tissue, Inc. by Quitclaim Deed of record in Instrument No. ER 9393, Register's Office, Shelby County, Tennessee.

Parcel 6

Beginning at a point on the north line of Pear Avenue (64.00 foot right-of-way) 922.22 feet west of the west right-of-way line of the Illinois Central Railroad (50.00 foot right-of-way) as measured along the north line of Pear Avenue, said point being on the east line of Minnie Street (now closed) and also being a point of transition in said Pear Avenue from a 64.00 foot right-of-way to a 66.00 foot right-of-way; thence north 82 degrees 09 minutes 06 seconds west continuing along the north line of Pear Avenue a distance of 54.57 feet to a point; thence north 87 degrees 13 minutes 18 seconds west a distance of 228.35 feet to a point in the east line of a 10 foot wide alley; thence north 12

degrees 11 minutes 47 seconds west along said east line a distance of 361.29 feet to a point; thence north 00 degrees 10 minutes 06 seconds distance of 89.06 feet to a point an the south line of Mahannah Street (68 foot right-of-way); thence south 88 degrees 11 minutes 15 seconds east along said south line a distance of 196.00 feet to point; thence north 01 degrees 48 minutes 45 seconds east a distance of 35.08 feet (record, 35.76 feet, survey) to point; thence north 50 degrees 09 minutes 14 seconds east a distance of 9.01 feet (record, 8.03, survey) to a point on the north line of Mahannah Street (now closed); thence south 87 degrees 25 minutes 44 seconds east along said north line a distance of 185.30 feet to a point in the east line of said Minnie Street; thence south 03 degrees 33 minutes 36 seconds west along said east line distance of 488.00 feet to a point of beginning and containing 158.967 square feet or 3.649 acres.

Parcel 7

Commencing at a point on the north line of Pear Avenue (64.00 foot right-of-way) 922.22 feet west of the west right-of-way line of the Illinois Central Railroad (50.00 foot rightof-way) as measured along the north line of Pear Avenue, said point being on the east line Minnie Street (now closed) and also being a point of transition in said Pear Avenue from a 64.00 foot right-of-way to a 66.00 foot right-at-way; thence north 03 degrees 33 minutes 36 seconds east a distance of 488.00 feet to a point on the north line of Mahannah Street (now closed): thence north 87 degrees 25 minutes 44 seconds west along said north line a distance of 185.30 feet to a point; thence north 50 degrees 09 minutes 14 seconds east a distance of 26.39 feet (record, 27.10, survey) to point; thence north 17 degrees 29 minutes 57 seconds west distance of 26.73 feet (record, 26.26 feet, survey) to the point of beginning said point being in the east line of the southerly extension of Minnie Street (30 foot right-of-way); thence north 17 degrees 29 minutes 57 seconds west along said east line a distance of 650.43 feet to a point on the south line of the City of Memphis and Shelby County Flood Control Property; thence north 66 degrees 27 minutes 36 seconds east along said south line a distance of 88.28 feet to point; thence south 17 degrees 29 minutes 57 seconds east a distance of 21.10 feet to a point; thence north 50 degrees 02 minutes 30 seconds east a distance of 60.50 feet to a point; thence north 70 degrees 12 minutes 29 seconds east a distance of 77.97 feet to a point; thence north 65 degrees 46 minutes 23 seconds east a distance of 328.58 feet to a point; thence south 02 degrees 18 minutes 41 seconds west a distance of 563.74 feet to a point; thence south 50 degrees 09 minutes 14 seconds west a distance of 385.85 feet to the point of beginning and containing 249,510 square feet or 5.728 acres.

Being the same property conveyed to Shepherd Tissue, Inc. by Special Warranty Deed of record in Instrument No. ER 9394, Register's Office, Shelby County, Tennessee.

Parcel 8

Commencing at the southeast corner of Mahannah Street (68' R.O.W.); thence north 01 degrees 48 minutes 45 seconds east along the east line of Mahannah Street a distance of 35.76 feet; thence north 50 degrees 09 minutes 14 seconds east along an easterly line of Mahannah Street a distance of 8.03 feet; thence south 87 degrees 25 minutes 44 seconds east a distance of 186.02 feet to the point of beginning; thence south 87 degrees 25

minutes 44 seconds east a distance of 1,189.29 feet to a point on the west line of Illinois Central Railroad (50 R.O.W.); thence south 25 degrees 30 minutes 55 seconds west along said Illinois Central Railroad line a distance of 21.72 feet; thence north 87 degrees 25 minutes 44 seconds west a distance of 1,181.2 feet; thence north 03 degrees 33 minutes 36 seconds east a distance of 20 feet to the point of beginning. Containing 23,705 square feet or 0.544 acres.

Being the same property conveyed to Shepherd Tissue, Inc. by deed from City of Memphis of record as Instrument No. FK 0563, Register's Office, Shelby County, Tennessee.

EXHIBIT B

- 1) City of Memphis Taxes for 2002 and prior years plus any interest and penalties due.
- 2) Shelby County Taxes for 2001 and prior years plus any interest and penalties due.
- 3) Easement and restrictions of record:

Plat Book 14, Page 32

Plat book 17, Page 77

Book 1676, Page 490

Book 1952, Page 8

Plat Book 3730, Page 95

Book 4126, Page505

Book 4660, Page 33

Book 5764, Page 360

Book 5928, Page 296

Book 3626, Page 451

Book 3553 Page 151

Book 2648, Page 497

Book 1693, Page 186

Book 2648, Page 495

Instrument No. F1 4066

Instrument No. F6 3909

Instrument No. J7 0134

Instrument No. L2 0134

Instrument No. L2 5236

Instrument No. X3 6421

Instrument No. CV 7749

Instrument No. R7 1099

Instrument No. R7 1098

Instrument No. R8 8978

Instrument No. FK 0563

- 4) Riparian rights in and to the waters of the Wolf River
- 5) Covenants, Restrictions, and Easements at Instrument No. R5 3301; Book 1921, Page 121; and Book 4126, Page 505
- 6) All valid statutory liens of record.

CITY OF MEMPHIS

COUNCIL AGENDA CHECK OFF SHEET ONE ORIGINAL | Planning & Development ONLY STAPLED | **DIVISION TO DOCUMENTS Planning & Zoning COMMITTEE:** 04/22/2025 DATE **PUBLIC SESSION:** 05/06/2025 **DATE** ITEM (CHECK ONE) REQUEST FOR PUBLIC HEARING X RESOLUTION ORDINANCE ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit at the subject property located at 611 E Cadraca Dr, known as case number SUP 2025-002. **CASE NUMBER:** SUP 2025-002 LOCATION: 611 E Cadraca Dr **COUNCIL DISTRICTS:** District 5 and Super District 9 – Positions 1, 2, and 3 **OWNER/APPLICANT:** Louis Bernard Katzerman **REPRESENTATIVE:** Louis Bernard Katzerman **REQUEST:** Special use permit to allow a communications tower AREA: +/-30,927 square feet total area – 2,100 square feet ground lease area **RECOMMENDATION:** The Division of Planning and Development recommended Approval with conditions The Land Use Control Board Recommended Approval with conditions RECOMMENDED COUNCIL ACTION: Public Hearing Not Required PRIOR ACTION ON ITEM: APPROVAL - (1) APPROVED (2) DENIED 03/13/2025 DATE ORGANIZATION - (1) BOARD / COMMISSION (1) Land Use Control Board (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE **FUNDING:** REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED SOURCE AND AMOUNT OF FUNDS **OPERATING BUDGET** CIP PROJECT # FEDERAL/STATE/OTHER ADMINISTRATIVE APPROVAL: **DATE POSITION** STAFF PLANNER **DEPUTY ADMINISTRATOR**

ADMINISTRATOR

COMPTROLLER

CITY ATTORNEY

FINANCE DIRECTOR

COMMITTEE CHAIRMAN

DIRECTOR (JOINT APPROVAL)

CHIEF ADMINISTRATIVE OFFICER



Memphis City Council Summary Sheet

SUP 2025-002

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 611 E CADRACA DR, KNOWN AS CASE NUMBER SUP 2025-002.

- This item is a resolution with conditions for a special use permit to allow a communications tower; and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, March 13, 2025*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SUP 2025-002

LOCATION: 611 E Cadraca Dr

COUNCIL DISTRICT(S): District 5 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Louis Bernard Katzerman

REPRESENTATIVE: Louis Bernard Katzerman

REQUEST: Special use permit to allow a communications tower

EXISTING ZONING: Residential Urban-3 (RU-3)

AREA: +/-30,927 square feet total area – 2,100 square feet ground lease

area

The following spoke in support of the application: None

The following spoke in opposition the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with conditions.

The motion passed by a vote of 7-0 on the consent agenda.

Respectfully,

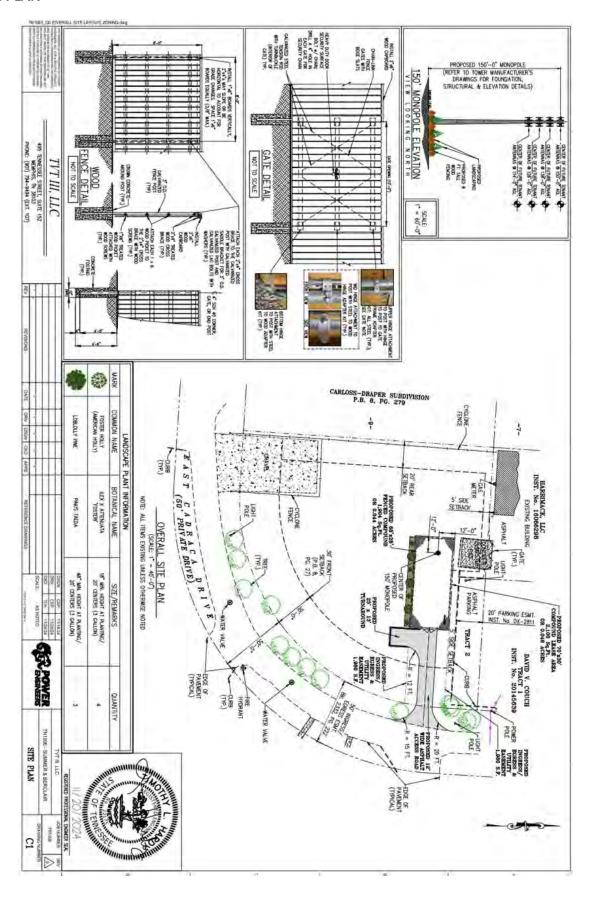
Cc: Committee Members

File

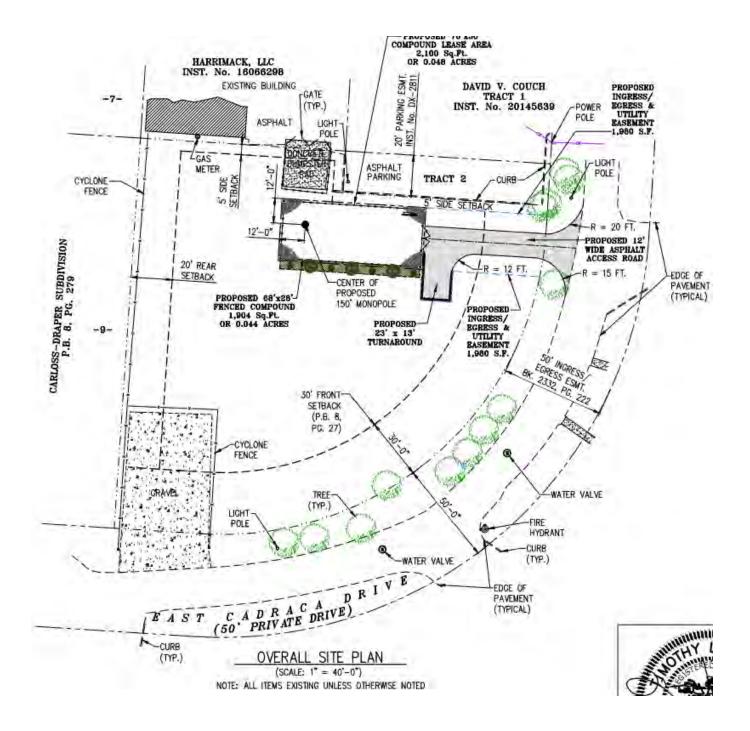
SUP 2025-002 CONDITIONS

- 1. The compound shall be screened by evergreen landscaping and shall be subject to final review and approval by the Division of Planning and Development. All landscaping and screening shall be installed prior to the launch and operation of the tower equipment. Required landscaping shall not be placed on or over any sewer or drainage easements or under any utility easement.
- 2. The equipment compound shall be enclosed by a 6-foot wooden privacy fence around the lease area to conceal the ground equipment. The compound gates will be chain link with concealment slats.
- 3. The maximum tower height shall be one-hundred fifty-five (155) feet CMCS tower.
- 4. The tower and related equipment shall be removed within one hundred eighty (180) days of ceasing operations.
- 5. The tower shall be constructed within two (2) years of approval by the Shelby County Board of Commissioners. The Land Use Control Board may grant a time extension through the applicant filing a correspondence item application with public notice sent to all property owners within five hundred feet (500') feet of the property.
- 6. Any interference with Memphis-Shelby County emergency communications by a station using this tower shall be the responsibility of the station and tower owner to remedy.

SITE PLAN



SITE PLAN - MAGNIFIED



RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 611 E CADRACA DR, KNOWN AS CASE NUMBER SUP 2025-002

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a special use permit for certain stated purposes in the various zoning districts; and

WHEREAS, Louis Bernard Katzerman filed an application with the Memphis and Shelby County Division of Planning and Development to allow a communications tower; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives, and standards for special use permits as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation concerning the above considerations to the Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on March 13, 2025, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards and criteria for a special use permit, and said development is consistent with the public interests.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit is hereby granted for the request use in accordance with the attached conditions.

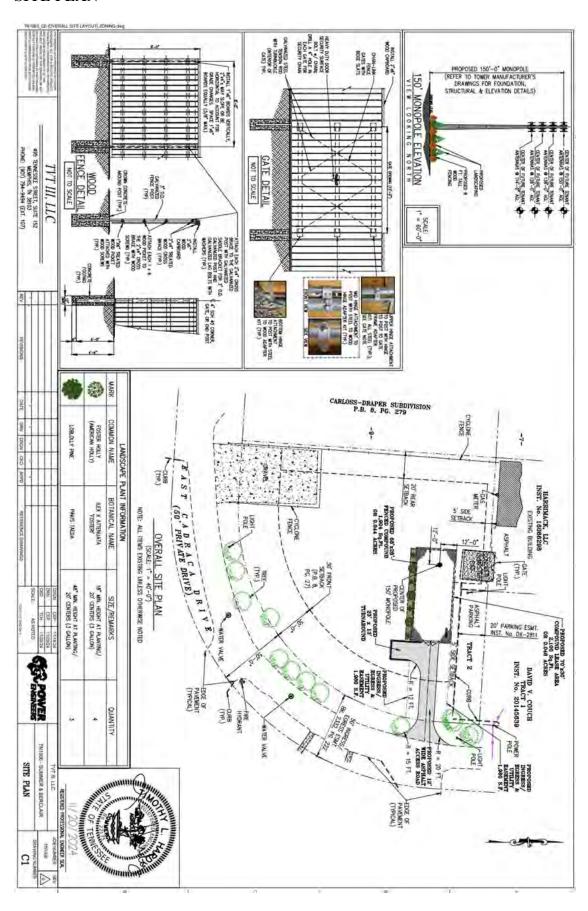
BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by the Council of the City of Memphis have been met.

BE IT FURTHER RESOLVED, that this Resolution take effect from and after the date it shall have been passed by this Council of the City of Memphis, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of passage thereof by the Council of the City of Memphis, the public welfare requiring same.

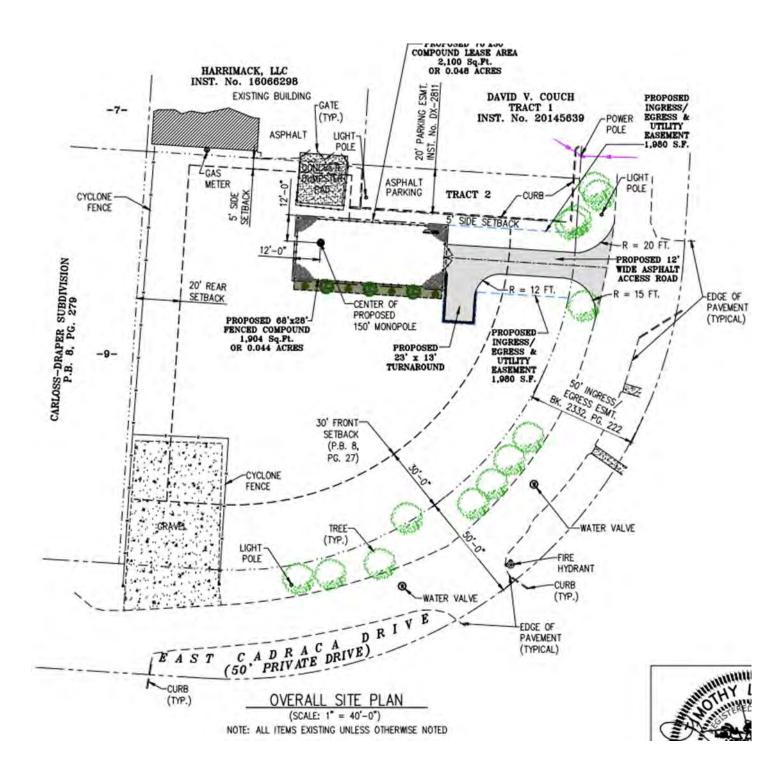
CONDITIONS

- 1. The compound shall be screened by evergreen landscaping and shall be subject to final review and approval by the Division of Planning and Development. All landscaping and screening shall be installed prior to the launch and operation of the tower equipment. Required landscaping shall not be placed on or over any sewer or drainage easements or under any utility easement.
- 2. The equipment compound shall be enclosed by a 6-foot wooden privacy fence around the lease area to conceal the ground equipment. The compound gates will be chain link with concealment slats.
- 3. The maximum tower height shall be one-hundred fifty-five (155) feet CMCS tower.
- 4. The tower and related equipment shall be removed within one hundred eighty (180) days of ceasing operations.
- 5. The tower shall be constructed within two (2) years of approval by the Shelby County Board of Commissioners. The Land Use Control Board may grant a time extension through the applicant filing a correspondence item application with public notice sent to all property owners within five hundred feet (500') feet of the property.
- 6. Any interference with Memphis-Shelby County emergency communications by a station using this tower shall be the responsibility of the station and tower owner to remedy.

SITE PLAN



SITE PLAN - MAGNIFIED



ATTEST:

CC: Division of Planning and Development
- Land Use and Development Services
- Office of Construction Enforcement

dpd STAFF REPORT

AGENDA ITEM: 15 L.U.C.B. MEETING: March 13, 2025

CASE NUMBER: SUP 2025-002

LOCATION: 611 E Cadraca Dr

COUNCIL DISTRICT: District 5 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Louis Bernard Katzerman

REPRESENTATIVE: Louis Bernard Katzerman

REQUEST: Special use permit to allow a communications tower

EXISTING ZONING: Residential Urban-3 (RU-3)

CONCLUSIONS

- 1. The applicant is seeking a special use permit to construct a 150-foot CMCS communications tower on Lot 10 of Carlos Draper, a vacant ±30,927 square foot site zoned Residential Urban-3. The tower will be built within a 2,100 square foot ground lease area, and the project is designed to enhance wireless connectivity and digital accessibility for an area surrounded by multi-family and commercial uses.
- 2. This project is consistent with the Memphis 3.0 Comprehensive Plan, specifically aligning with Objective 4.4 to invest in smart city infrastructure. The new communications tower will help ensure residents remain interconnected through improved telecommunications, supporting local initiatives to expand wireless connectivity and broadband services.
- 3. The granting of this special use permit will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), nor will it be injurious to the neighborhood or the general welfare, and it will be in harmony with the purpose and intent of the UDC.

CONSISTENCY WITH MEMPHIS 3.0

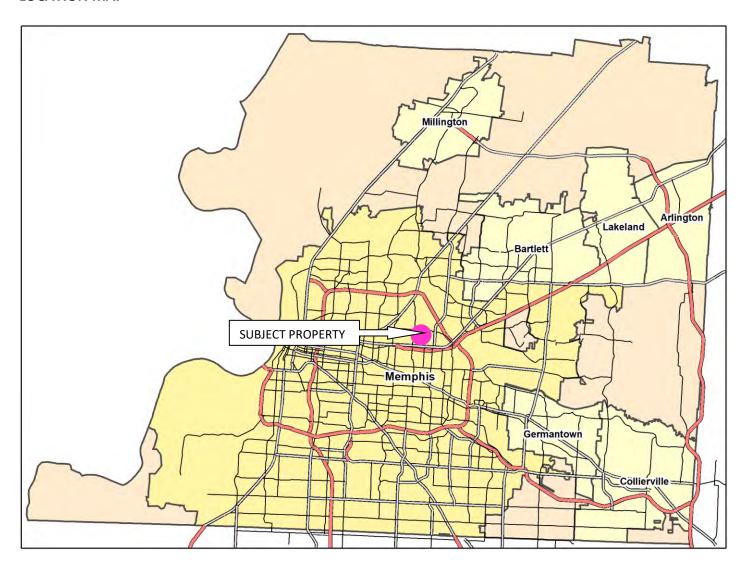
This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 16-18 of this report.

RECOMMENDATION:

Approval with conditions

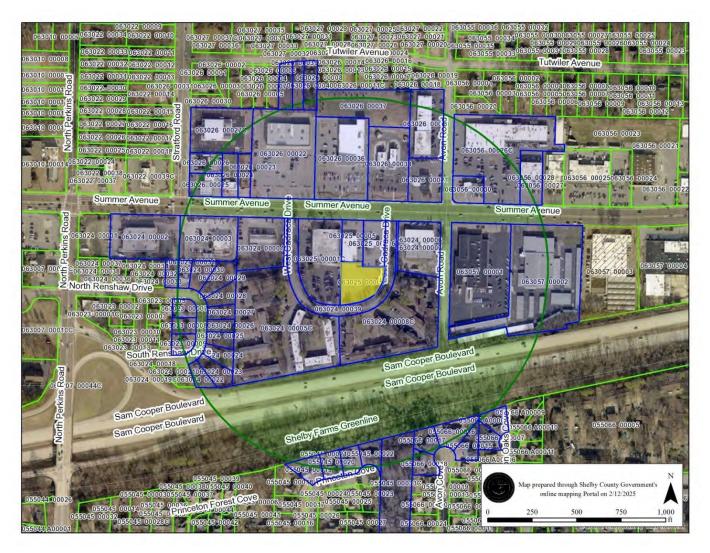
Staff Writer: Mahsan Ostadnia E-mail: mahsan.ostadnia@memphistn.gov

LOCATION MAP



Subject property located within the pink circle.

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow.

PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 51 notices were mailed on February 12, 2025, see page 20 of this report for a copy of said notice. Additionally, two signs were posted at the subject property, see pages 21-23 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

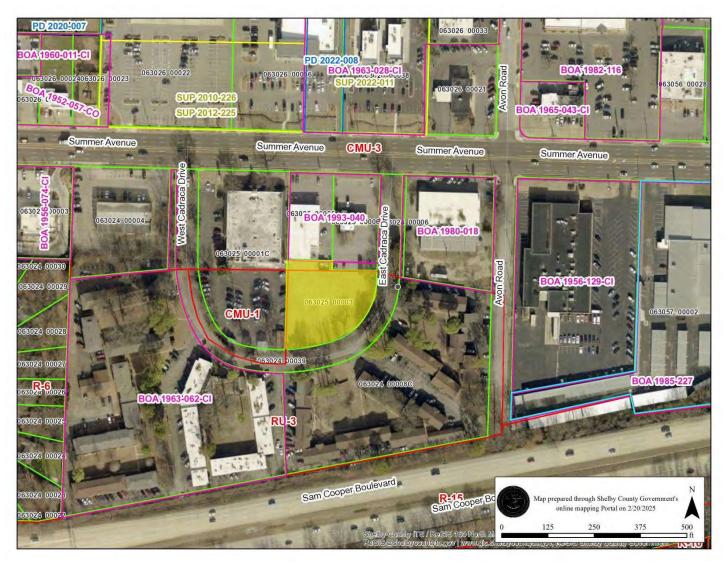
The meeting was held at 6:00 PM on Monday, March 03, 2025, at the Central BBQ Restaurant, 4375 Summer Avenue, Memphis, TN 38122.

AERIAL



Subject property outlined in yellow.

ZONING MAP



Subject property highlighted in yellow.

LAND USE MAP



Subject property indicated by a pink star.

SITE PHOTOS



View of subject property from Cadraca Drive.



View of subject property from Cadraca Drive.

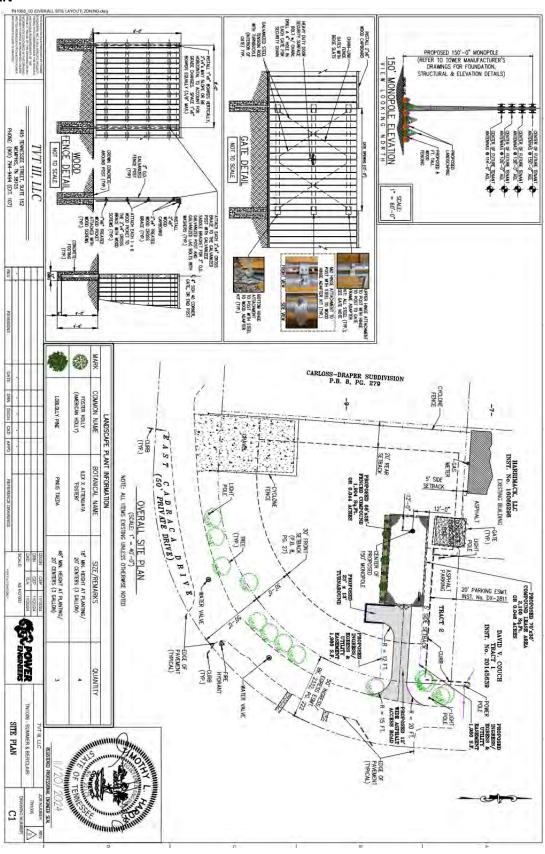


View of subject property from Cadraca Drive.

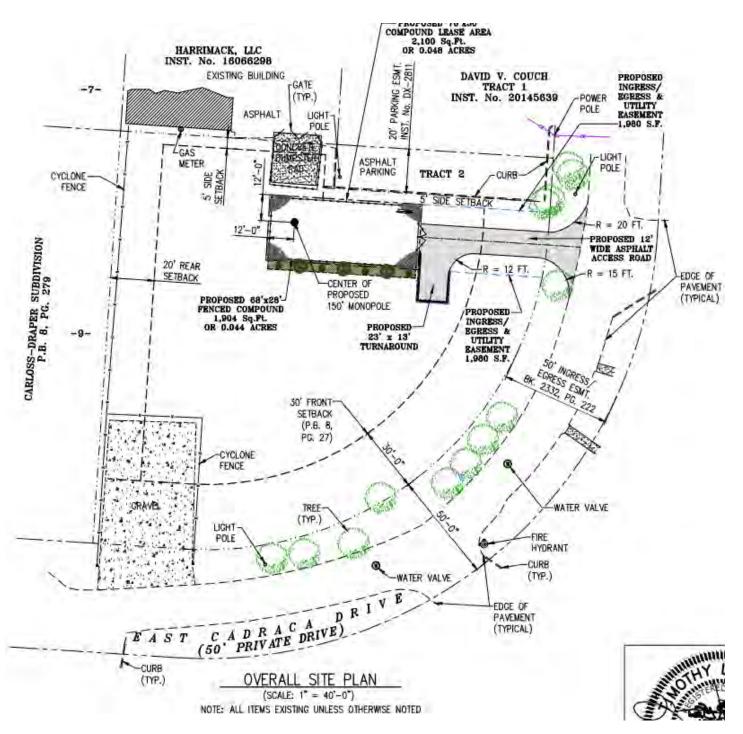


View of subject property from above.

SITE PLAN



SITE PLAN - MAGNIFIED



CASE REVIEW

Request

The request is a special use permit to allow a communications tower.

Approval Criteria

Staff **agrees** the approval criteria in regard special use permits as set out in Section 9.6.9 of the Unified Development Code are met.

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

The project will not have a substantial or undue adverse effect upon adjacent property, the
character of the neighborhood, traffic conditions, parking, utility facilities and other matters
affecting the public health, safety, and general welfare.

- 9.6.9B The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.
- 9.6.9C The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.
- 9.6.9D The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.
- 9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.
- 9.6.9F The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.
- 9.6.9H Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.

Additional Approval Criteria for CMCS Towers

Staff agrees the requirements for special use permits for cell towers as set out in the Unified Development Code Paragraph 2.6.2I(2) are met.

Item 2.6.2I(2)(b) General Requirements

The location, size and design of such facilities shall be such that minimal negative impacts result from the facility. Any application for a new tower shall not be approved nor shall any building permit for a new tower be issued unless the applicant certifies that the equipment planned for the

proposed tower cannot be accommodated on an existing or approved tower or other structure due to one or more of the following reasons:

- 1. The planned equipment would exceed the structural capacity of existing and approved structures, considering existing and planned use of those structures, and those structures cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.
- 2. The planned equipment would result in technical or physical interference with or from other existing or planned equipment and the interference cannot be prevented at a reasonable cost.
- 3. There are no appropriate existing or pending structures to accommodate the planned equipment, taking into account, among other factors, the applicant's system requirements.
- 4. Other reasons that make it impractical to place equipment planned by the applicant on existing and approved structures.

Item 2.6.2I(2)(d) Co-Location – CMCS Towers Only

- 1. Any proposed CMCS tower shall be structurally designed to accommodate at least three additional CMCS sectorized antennas, if at least 100 feet in height, at least five additional CMCS sectorized antennas if at least 150 feet in height, at least six additional CMCS sectorized antennas if at least 170 feet in height. Co-located CMCS antennas shall be placed on a structure in such a manner as to avoid interference with or impairment of operations of existing antennas or other uses.
- Nothing in these rules and regulations shall obligate the owner of an existing CMCS tower to colocate additional antennas on such tower or be construed to interfere with or limit the rights of parties to set rent or establish other terms and conditions of the shared use of a CMCS tower or facility.

Site Details

Address:

611 E Cadraca Dr

Parcel ID:

063025 00003

Area:

+/-30,927 square feet total area - 2,100 square feet ground lease area

Description:

The subject property is known as Lot 10 of Carlos Draper with a zoning of Residential Urban-3. Per the Assessor's website, this lot is currently vacant and the surrounding land uses are a mixture of multi-family and commercial.

Site Plan Review

Setbacks

- Front Setback: 30' (per P.B. 8, PG. 27).
- Side Setback: 12' from the property boundary.
- Rear Setback: 20'.
- Turnaround Area: Proposed 23' diameter turnaround area.

Screening & Landscaping

- The site includes a cyclone fence enclosing the tower compound.
- Wood fencing details are provided to enhance security and aesthetics.
- Landscaping includes:
 - Foster Holly (Ilex x attenuata 'Fosteri'): 4 trees planted at 20' centers (3-gallon containers).
 - Loblolly Pine (Pinus taeda): 3 trees planted at 40' centers (5-gallon containers).

Cell Tower Details

- Monopole Height: 150' (proposed).
- Antenna Mounting Heights:
 - Center of future tenant antennas at 150' AGL.
 - Center of future tenant antennas at 140' AGL.
 - Center of future tenant antennas at 130' AGL.
 - Center of future tenant antennas at 120' AGL.
- Fencing & Security:
 - o **8' high wood fence** for screening.
 - o **Chain-link fence with barbed wire** to secure the compound.
 - Heavy-duty security gate with keypad entry for restricted access.
- A 12' wide asphalt access road is proposed, ensuring adequate site entry.

Analysis

The applicant is seeking a special use permit to construct a 150-foot CMCS communications tower on Lot 10 of Carlos Draper, a vacant ±30,927 square foot site zoned Residential Urban-3. The tower will be built within a 2,100 square foot ground lease area, and the project is designed to enhance wireless connectivity and digital accessibility for an area surrounded by multi-family and commercial uses.

This project is consistent with the Memphis 3.0 Comprehensive Plan, specifically aligning with Objective 4.4 to invest in smart city infrastructure. The new communications tower will help ensure residents remain interconnected through improved telecommunications, supporting local initiatives to expand wireless connectivity and broadband services.

The granting of this special use permit will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of an adopted plan or the Unified Development Code (UDC), nor will it be injurious to the neighborhood or the general welfare, and it will be in harmony with the purpose and intent of the UDC.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

- 1. The compound shall be screened by evergreen landscaping and shall be subject to final review and approval by the Division of Planning and Development. All landscaping and screening shall be installed prior to the launch and operation of the tower equipment. Required landscaping shall not be placed on or over any sewer or drainage easements or under any utility easement.
- 2. The equipment compound shall be enclosed by a 6-foot wooden privacy fence around the lease area to conceal the ground equipment. The compound gates will be chain link with concealment slats.
- 3. The maximum tower height shall be one-hundred fifty-five (155) feet CMCS tower.
- 4. The tower and related equipment shall be removed within one hundred eighty (180) days of ceasing operations.
- 5. The tower shall be constructed within two (2) years of approval by the Shelby County Board of Commissioners. The Land Use Control Board may grant a time extension through the applicant filing a correspondence item application with public notice sent to all property owners within five hundred feet (500') feet of the property.
- 6. Any interference with Memphis-Shelby County emergency communications by a station using this tower shall be the responsibility of the station and tower owner to remedy.

DEPARTMENTAL COMMENTS

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

City Engineer:

1. Standard Public Improvement Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. The availability of City sanitary sewer is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.

Roads:

3. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

Drainage:

4. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

City Fire Division:

- All design and construction shall comply with the 2021 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503.
- Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such
 protection shall be installed and made serviceable prior to and during the time of construction except when
 approved alternate methods of protection are provided.

• A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

City Real Estate: No comments received.

County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning:

This summary is being produced in response to the following application to support the Land Use and Development Services Department in their recommendation: **SUP 2025-002 UNIVERSITY**

Site Address/Location: 611 E Cadraca Drive, 38122 (Parcel no. 063025 00003)

Overlay District/Historic District/Flood Zone: Not located in an overlay or historic district, or a flood zone

Future Land Use Designation: Primarily Multifamily Neighborhood (NM)

Street Type: N/A

Applicant requested to build a 150ft CMCS Tower and associated equipment in an RU-3 zoning district.

The following information about the land use designation can be found on pages 76 - 122:

1. Future Land Use Planning Map



Red polygon indicates the application site on the Future Land Use Map.

2. Land Use Description/Intent

Primarily Multifamily Neighborhood (NM) are residential neighborhoods consisting primarily of multi-unit buildings that not near a Community Anchor. Graphic portrayal of NM is to the right.



are

"NM" Form & Location Characteristics

Attached, semi-detached, and detached House-scale and some block-scale buildings, primarily residential with mixed use encouraged along avenues, boulevards and parkways as identified in the Street Types Map, 1-3+ stories height; Beyond 1/2 mile from a Community Anchor

"NM" Zoning Notes

Generally compatible with the following zone districts: RU-2, RU-3, RU-4, R-SD, R-R, MDR, and CMU-1 when located along avenues, boulevards, and parkways as identified in the Street Types Map, in accordance with Form and characteristics listed above.

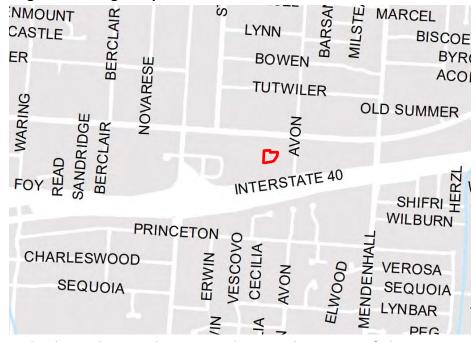
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant; RU-3

Adjacent Land Use and Zoning: Multi-family, Office, Commercial; RU-3, CMU-1, CMU-3

Overall Compatibility: The requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning.

3. Degree of Change Map



Red polygon denotes the proposed site on the Degree of Change Map. There is no Degree of Change.

4. Degree of Change Description

N/A

5. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities

N/A

6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations

The request to construct a CMCS tower is consistent with <u>Objective 4.4</u> Invest in smart city infrastructure, including wireless connectivity, broadband, and connected infrastructure <u>Action 4.4.2</u> Create and expand technology applications to allow employees and citizens to better access and improve City services. A new cell tower will ensure that residents nearby can stay interconnected through telecommunications.

Consistency Analysis Summary

Applicant requested to build a 150ft CMCS Tower and associated equipment in an RU-3 zoning district.

The requested use is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning.

The request to construct a CMCS tower is consistent with <u>Objective 4.4</u> Invest in smart city infrastructure, including wireless connectivity, broadband, and connected infrastructure <u>Action 4.4.2</u> Create and expand technology applications to allow employees and citizens to better access and improve City services. A new cell tower will ensure that residents nearby can stay interconnected through telecommunications.

Based on the information provided, the proposal is **CONSISTENT** with the Memphis 3.0 Comprehensive Plan.

MAILED PUBLIC NOTICE

Staff Planner Contact: Mahsan Ostadnia

☐ mahsan.ostadnia@memphistn.gov

(901) 636-7181

NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than Thursday, March 6, 2025 at 8 AM.

CASE NUMBER: SUP 2025-002

ADDRESS: 611 E Cadraca Dr

REQUEST: Special use permit to allow a communications tower

APPLICANT: Louis Katzerman

Meeting Details

Location: Council Chambers

City Hall 1st Floor 125 N Main St.

Date:

Thursday, March 13, 2025

51 Notices Mailed 02/12/2025

Time:

9:00 AM

VICINITY MAP

Summay Avenue

Paul Gestions Innue

Aven Food

To learn more about this proposal, contact the staff planner or use the QR code to view the full application.





SIGN AFFIDAVIT

Sign Affidavit for S.U.P. Case Number: 2025-002

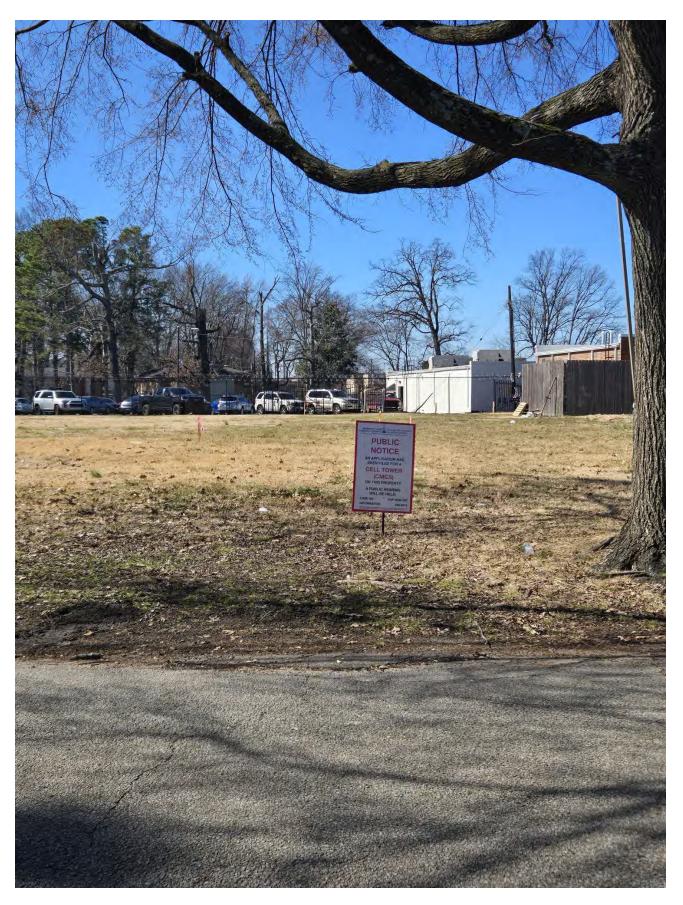
County of Shelby State of Tennessee

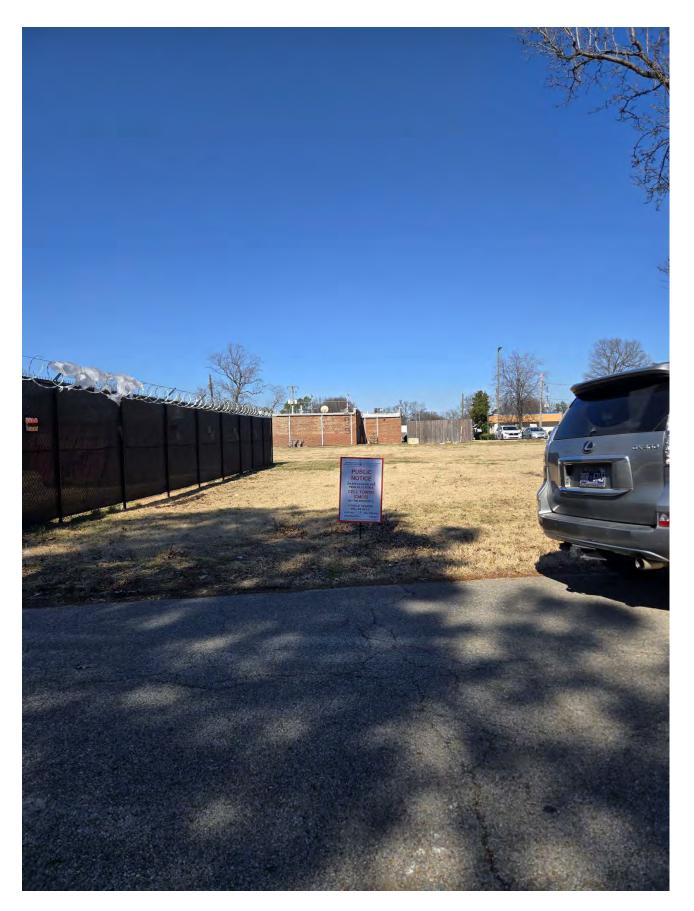
I, Louis B. Katzerman, being duly sworn, depose and say that at approximately 01.30 pm on the 25th day of February 2025. I posted Two (2) Public Notice Signs pertaining to Case No. SUP 2025-002 at 611 E. Cadraca RD Memphis, TN 38122 (Parcel ID #063025 00003), providing notice of a Public Hearing before the Land Use Control Board (Hearing on March 13th, 2025) for consideration of a proposed SUP/CMCS Tower Request and two (2) photographs of said signs.

TVT III, LLC (Tower Ventures), Applicant Louis Katzerman, Sr. Zoning Manager

Subscribed and sworn to before me this 26th day of February 2025.

My Commission Expires:





APPLICATION



Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis,

Tennessee 38134

Downtown Service Center: 125 N. Main Street;

Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit Record Status: Pending

Opened Date: January 24, 2025

Record Number: SUP 2025-002 Expiration Date:

Record Name: Berclair CMCS Tower

Description of Work: 150ft CMCS Tower. 70ft x 30ft lease area. To be built to accommodate all four current Metro Memphis Cell carriers. 6ft wooden fence, access RD, utility easements and and associated

tower equipment. Landscaping screen on south side of tower compound.

Parent Record Number:

Address:

611 E CADRACA DR, Memphis 38122

Owner Information

Primary Owner Name

Y 4701 SUMMER AVENUE LLC

Owner Address Owner Phone

4701 SUMMER AVE, MEMPHIS, TN 38122

Parcel Information

063025 00003

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Date of Meeting

Pre-application Meeting Type GENERAL PROJECT INFORMATION

Application Type

List any relevant former Docket / Case Number(s) related to previous applications on

this site

Chip 11/21/2024

~

New Special Use Permit (SUP)

na

Page 1 of 3 SUP 2025-002

GENERAL PROJECT INFORMATION

Is this application in response to a citation, stop work order, or zoning letter

If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information APPROVAL CRITERIA

A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare

B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D

UDC Sub-Section 9.6.9E

UDC Sub-Section 9.6.9F

GIS INFORMATION

Case Layer

Central Business Improvement District

Class

Downtown Fire District

Historic District

Land Use Municipality

Overlay/Special Purpose District

Zoning State Route Lot

Subdivision

Planned Development District Wellhead Protection Overlay District No

na

Proposed Site is located in an mostly Commercial area. Property is bounded by existing natural tree cover. Site carefully chosen to minimize the impact to the neighborhood. The tower would serve the public heath and well being by providing reliable wireless coverage.

Site is surrounded by commercial properties. There are apartments near the site. Apartment residents benefit by this tower. Folks in apartments are least likely to have "wired" home phones. Very little impact to the neighborhood to the south east of the site. Nearest residence is +/- 605FT form the proposed tower.

In America, there are over 400,000 daily 911 calls coming form wireless users, the proposed site with function as public safety asset.

No. CMCS Towers are heavily regulated in this regard; site will have completed Phase I environmental testing, FAA and FCC compliance and approvals prior to construction.

Yes, site will kindly comply with all local, state and Federal Cell Tower Requirements and regulations. As noted above, site will comply with UDC Section 2.6.2.1.2.

No, does nor appear to fall under plans A-AA listed in the UPC Chapter on CMCS Tower regulations.

No C

No

VACANT MEMPHIS

RU-3 -10

CARLOS DRAPER

No

Page 2 of 3 SUP 2025-002

RECORD

GIS INFORMATION

County Commission District City Council District City Council Super District

Contact Information

Name LOUIS BERNARD KATZERMAN **Contact Type** APPLICANT

Address

Phone (901)239-3892

Name **Contact Type** JIM REEDY PROPERTY OWNER OF

Address 4701 SUMMER AVE, MEMPHIS, TN, MEMPHIS, TN, 38122

Phone (901)842-0805

Fee Inform	nation					
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1620308	Special Use Permit Fee - 5 acres or less (Base Fee)	1	500.00	INVOICED	0.00	01/24/2025
1620308	Credit Card Use Fee (.026 x fee)	ì	13.00	INVOICED	0.00	01/24/2025

Total Fee Invoiced: \$513.00 Total Balance: \$0.00

Payment Information

Payment Amount Method of Payment \$513.00 Credit Card

SUP 2025-002 Page 3 of 3

OWNER AFFIDAVIT



City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

	with the same of the same state of the same of the sam					
	WNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries,					
	contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like.					
	Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified					
	Development Code Section 12.3.1 Owner of Record : 4701 Summer Ave LLC, Jim Reedy, President. (, Jim Reedy (Priot Name) (Sign Name)					
	"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12,3,1 and hereby state					
	[[마다이어 교회자이어 기계 (10 max 10 ma					
	that (select applicable box):					
	X I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises					
	I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)					
	of the property located at :TBD Cadraca Drive Memphis, TRN 38122					
	and further identified by Assessor's Parcel Number: 063024 00003					
for which an application is being made to the Division of Planning and Development.						
	Subscribed and sworn to (or affirmed) before me this wild have day of January in the year of 2025					
	Signature of Notary Public Signature of Notary Public My Commission Expires					

LETTER OF INTENT

TVT III, LLC - Tower Ventures

Phone: 901 244-4017 495 Tennessee Street Suite: 152 Memphis, TN 38103

January 24th, 2025

Memphis and Shelby County Division of Planning and Development Memphis City Hall C/O Mr. Norman "Chip" Saliba Suite # 468 125 North Mid-American Mall Memphis, TN 38103-2084

RE: Site Name: TN 1006; Berclair: Letter of Intent for a One Hundred Fifty Foot (150') Monopole Communications ("CMCS") Tower at 611 E. Cadraca, Memphis, TN 381228 (Parcel ID # 063025 00003)

Dear Mr. Saliba:

TVT III, LLC (Tower Ventures), 495 Tennessee Street, Suite: 152 Memphis, TN 38103 proposes to construct a one hundred fifty Foot (150') CMCS tower at 611 E. Cadraca RD (Parcel ID #063025 00003) Memphis, TN 38122. The tower will be a Monopole design. It will be built to support cellular communications and wireless data services. Per the UDC, the tower will be designed to support four (4) antenna arrays. The tower will be equipped with a climbing apparatus. This application will present clear and concise evidence of the need for the proposed tower.

Site equipment will be placed in a Lease area of 70' x 40'. A 6' (six foot) wooden fence will be constructed around the lease area to conceal the ground equipment. The Compound Gates will also be wooden. We are proposing to build a landscape screen on the south side of the compound, to conceal the site from the street view.

There is a need for improved cellular coverage in this area of Memphis. This site is a huge need to improve network quality and reduce network congestion at the busy intersection of Summer Ave. and Stratford. The CMCS equipment planned for the proposed tower cannot be accommodated on any existing structures because there are no appropriate existing structures or pending structures to accommodate the planned equipment, considering, among other factors, the licensees' system requirements. The nearest tower is +/-3200 to the west. Therefore, the proposed tower is needed so that the licensees can provide better cellular coverage and can improve their E911 emergency services network. The citizens of Memphis and Shelby County benefit each time a licensee expands its network coverage because each site enhances the licensee's ability to provide emergency response services.

TVT III, LLC - Tower Ventures, appreciates the Memphis and Shelby County Division of Planning and Development's consideration of this application. Please contact me on (901) 244-4017 if you have any questions concerning this application. Many thanks.

Sincerely,

Lou Katzerman

Sr. Site Acquisition and Zoning Manager TVT III, LLC - Tower Ventures

Office: 901-244-4017

LETTERS RECEIVED

No letters received at the time of completion of this report.



Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis,

Tennessee 38134

Downtown Service Center: 125 N. Main Street;

Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Special Use Permit

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tower equipment. Landscaping screen on south side of tower compound.

Parent Record Number:

Address:

611 E CADRACA DR, Memphis 38122

Owner Information

Primary Owner Name

Y 4701 SUMMER AVENUE LLC

Owner Address Owner Phone

4701 SUMMER AVE, MEMPHIS, TN 38122

Parcel Information

063025 00003

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner Chip
Date of Meeting 11/21/2024

Pre-application Meeting Type GENERAL PROJECT INFORMATION

Application Type New Special Use Permit (SUP)

List any relevant former Docket / Case Number(s) related to previous applications on

this site

Page 1 of 3 SUP 2025-002

GENERAL PROJECT INFORMATION

Is this application in response to a citation, stop work order, or zoning letter

If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information

APPROVAL CRITERIA

A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare

B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D

UDC Sub-Section 9.6.9E

UDC Sub-Section 9.6.9F

GIS INFORMATION

Case Layer

Central Business Improvement District

Class

Downtown Fire District

Historic District Land Use Municipality

Overlay/Special Purpose District

Zoning State Route

Lot

Subdivision

Planned Development District

Wellhead Protection Overlay District

No

na

Proposed Site is located in an mostly Commercial area. Property is bounded by existing natural tree cover. Site carefully chosen to minimize the impact to the neighborhood. The tower would serve the public heath and well being by providing reliable wireless coverage.

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No. CMCS Towers are heavily regulated in this regard; site will have completed Phase I environmental testing, FAA and FCC compliance and approvals prior to construction.

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No, does nor appear to fall under plans A-AA listed in the UPC Chapter on CMCS Tower regulations.

No C

No

VACANT MEMPHIS

RU-3

10

CARLOS DRAPER

-No

Page 2 of 3 SUP 2025-002

GIS INFORMATION

County Commission District

City Council District -

City Council Super District -

Contact Information

Name
LOUIS BERNARD KATZERMAN

DIS BERNARD KATZERMAN APPLICANT

Address

Phone (901)239-3892

Name <u>Contact Type</u>

JIM REEDY PROPERTY OWNER OF

Address

4701 SUMMER AVE, MEMPHIS, TN, MEMPHIS, TN, 38122

Phone (901)842-0805

Fee Information
Invoice # Fee Item Quantity Fees Status Balance Date Assessed

1620308 Special Use Permit Fee - 1 500.00 INVOICED 0.00 01/24/2025
5 acres or less (Base Fee)

1620308 Credit Card Use Fee (.026 1 13.00 INVOICED 0.00 01/24/2025

x fee)

Total Fee Invoiced: \$513.00 Total Balance: \$0.00

Payment Information

Payment Amount Method of Payment \$513.00 Credit Card

Page 3 of 3 SUP 2025-002

City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

iviempnis and Sneiby County Unitied Development Code Section 12.3.1
OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries,
contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like.
Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full
disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified
Development Code Section 12.3.1 Owner of Record : 4701 Summer Ave LLC, Jim Reedy, President.
I, Jim Reedy (Print Name) (Sign Name) (Sign Name)
"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state
that (select applicable box):
 X I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)
of the property located at :TBD Cadraca Drive Memphis, TRN 38122
and further identified by Assessor's Parcel Number: 063024 00003
for which an application is being made to the Division of Planning and Development.
Subscribed and sworn to (or affirmed) before me this day of January in the year of 2025 Danielle Hound Signature of Notary Public Signature of Notary Public Subscribed and sworn to (or affirmed) before me this day of January in the year of 2025 STATE OF TENNESSEE NOTARY PUBLIC My Commission Expires

TVT III, LLC - Tower Ventures

Phone: 901 244-4017 495 Tennessee Street

Suite: 152

Memphis, TN 38103

January 24th, 2025

Memphis and Shelby County Division of Planning and Development Memphis City Hall C/O Mr. Norman "Chip" Saliba Suite # 468 125 North Mid-American Mall Memphis, TN 38103-2084

RE: Site Name: TN 1006; Berclair: <u>Letter of Intent</u> for a One Hundred Fifty Foot (150') Monopole Communications ("CMCS") Tower at 611 E. Cadraca, Memphis, TN 381228 (Parcel ID # 063025 00003)

Dear Mr. Saliba:

TVT III, LLC (Tower Ventures), 495 Tennessee Street, Suite: 152 Memphis, TN 38103 proposes to construct a one hundred fifty Foot (150') CMCS tower at 611 E. Cadraca RD (Parcel ID #063025 00003) Memphis, TN 38122. The tower will be a Monopole design. It will be built to support cellular communications and wireless data services. Per the UDC, the tower will be designed to support four (4) antenna arrays. The tower will be equipped with a climbing apparatus. This application will present clear and concise evidence of the need for the proposed tower.

Site equipment will be placed in a Lease area of 70' x 40'. A 6' (six foot) wooden fence will be constructed around the lease area to conceal the ground equipment. The Compound Gates will also be wooden. We are proposing to build a landscape screen on the south side of the compound, to conceal the site from the street view.

There is a need for improved cellular coverage in this area of Memphis. This site is a huge need to improve network quality and reduce network congestion at the busy intersection of Summer Ave. and Stratford. The CMCS equipment planned for the proposed tower cannot be accommodated on any existing structures because there are no appropriate existing structures or pending structures to accommodate the planned equipment, considering, among other factors, the licensees' system requirements. The nearest tower is +/-3200 to the west. Therefore, the proposed tower is needed so that the licensees can provide better cellular coverage and can improve their E911 emergency services network. The citizens of Memphis and Shelby County benefit each time a licensee expands its network coverage because each site enhances the licensee's ability to provide emergency response services.

TVT III, LLC - Tower Ventures, appreciates the Memphis and Shelby County Division of Planning and Development's consideration of this application. Please contact me on (901) 244-4017 if you have any questions concerning this application. Many thanks.

Sincerely,

Lou Katzerman Sr. Site Acquisition and Zoning Manager

TVT III, LLC - Tower Ventures

Office: 901-244-4017

TVT III, LLC - Tower Ventures

Phone: 901 244-4017 495 Tennessee Street

Suite: 152

Memphis, TN 38103

January 24th, 2025

Memphis & Shelby County Division of Planning and Development Memphis City Hall C/O Mr. Norman "Chip" Saliba Suite # 468 125 North Main Street Memphis, TN 38103-2084

RE: Site Name: TN 1006; Berclair Letter of Shared Use for a One Hundred Fifty Foot (150') Monopole Communications ("CMCS") Tower at 611 E. Cadraca RD, Memphis, TN 38122 (Parcel ID # 063025 00003)

Dear Mr. Saliba:

TVT III, LLC kindly commits to allow shared use of the proposed tower at 611 E. Cadraca RD (Parcel ID #063025 00003), Memphis, TN 38122 in capacities based on existing and planned use, and if a future applicant agrees in writing to pay any reasonable charge for shared use, the potential use is technically compatible, and the future applicant is in good standing.

The tower will be built to accommodate a total of four tenants. A tower height for all four of the current cellular licensees in the Metro Memphis Area.

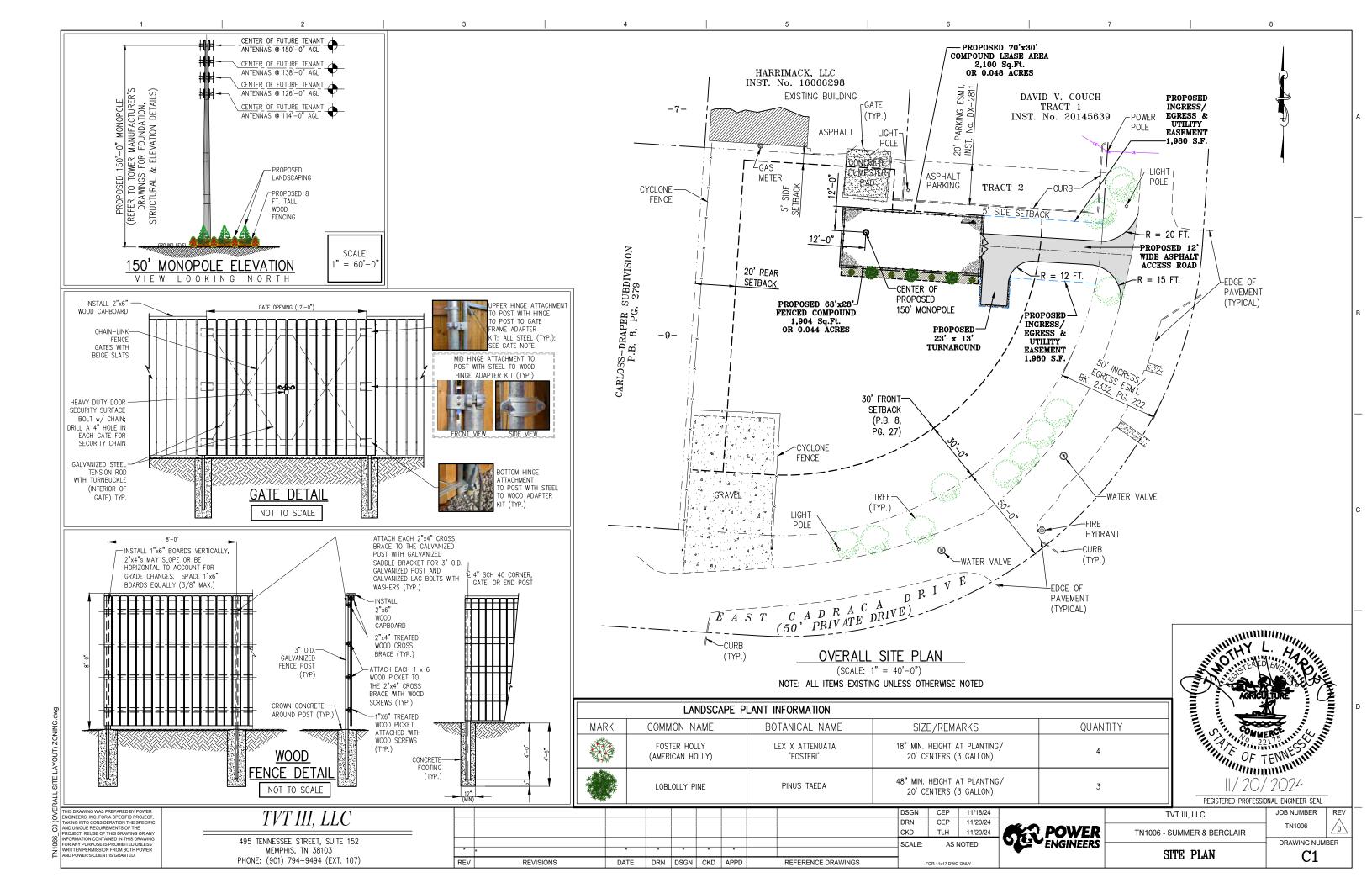
Sincerely,

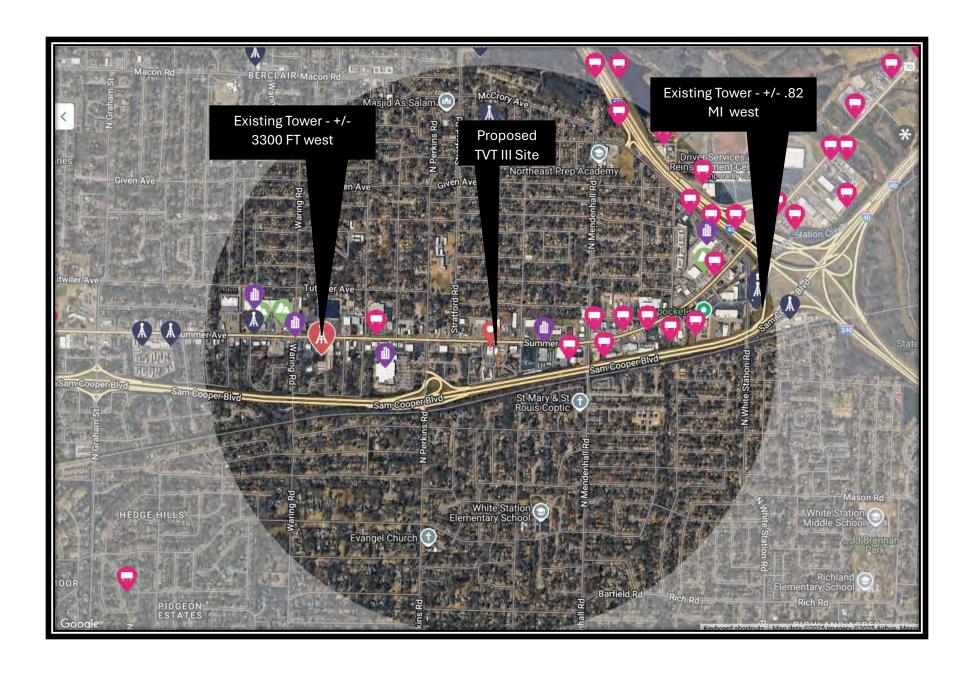
Lou Katzerman

Sr. Site Acquisition and Zoning Manager

TVT III, LLC - Tower Ventures

Office: 901-244-4017 lou@towerventures.com





MILESTONE LAND SURVEYING, INC.

2880 Cobb Road Lakeland, TN 38002 Phone: (901) 867-8671 Fax: (901) 867-9889

October 24, 2024

TVT II, LLC 495 Tennessee Street, Suite 152 Memphis, TN 38103

Re: Center of a Proposed Tower located on the 4701 Summer Avenue, LLC property recorded at Instrument No. 18093949 in the Register's Office of Shelby County, Tennessee, located on the west side of East Cadraca Drive, 192 feet south of the south line of Summer Avenue, Memphis, Tennessee. (Tax Parcel # 063025 00003)

This letter is to certify that the following latitude, longitude and elevation (Latitude = 35 degrees 08 minutes 52.30 seconds North, Longitude = 89 degrees 54 minutes 12.26 seconds West, Elevation = 280.75) are accurate within the tolerances +-15 feet horizontal and +- 3 feet vertical as required by a "1-A" Survey. This information is based on NAD 83.

MILESTONE LAND SURVEYING, INC.

Regis T. Storch, Jr., RLS

Date

Vice President

Tennessee Certificate No. 2138



T.B.M.-

-P.O.B.

50' INGRESS /

LEGEND:

T. B. M.

P. B.

PG.

No.

S. F.

UTIL.

ESMT.

CONC.

EOP

FΗ

INST

P.O.B. POINT OF BEGINNING

PLAT BOOK

INSTRUMENT

SQUARE FEET

EDGE OF PAVEMENT OVERHEAD ELECTRIC

BOOK

PAGE

NUMBER

ACRES

UTILITY

EASEMENT

CONCRETE

LIGHT POLE

POWER POLE

GAS METER

FIRE HYDRANT

WATER VALVE

BRADFORD PEAR TREE

SET 1/2" REBAR W/PLASTIC CAP

QUADRUPLE

TWIN

P. O. C. POINT OF COMMENCEMENT

TEMPORARY BENCHMARK

DAVID V. COUCH

TRACT 1

INST. No. 20145639

20' PARKING ESMT.

SUMMER RD. PRINCETON WILBURN PRINCETON RD. HARLESWOO! VERUSA SEQUOIA

VICINITY

DESCRIPTION (PROPOSED GROUND LEASE AREA): Description of a Proposed Ground Lease Area on part of the 4701 Summer Avenue, LLC property recorded at Instrument No. 18093949 in Memphis,

Commencing at a point in the west line of East Cadraca Drive (50' Private

DESCRIPTION (PROPOSED INGRESS/EGRESS & UTILITY EASEMENT): Description of a Proposed Ingress/Egress & Utility Easement on part of the 4701 Summer Avenue, LLC property recorded at Instrument No. 18093949 in Memphis, Shelby County, Tennessee:

CERTIFICATION:

I hereby certify to TVT III, LLC, a Delaware limited liability company; Trustmark National Bank; Burch, Porter & Johnson, PLLC; and Chicago Title Insurance Company that this is a Category 1 Survey and that the ratio of precision of the

MILESTONE LAND SURVEYING, INC.

trois 1. 10/24/24 Regis I Storch Jr. RLS Vice President Tennessee Certificate No. 213

2880 Cobb Road Lakeland, TN 38002 Phone: (901) 867-8671 Fax: (901) 867-9889 milestonels@bellsouth.net

Shelby County, Tennessee:

NOT TO SCALE

Drive), said point being located 192.12 feet south of the intersection of the west line of said East Cadraca Drive and the south line of Summer Avenue and being located in the south line of Tract 2 of the David V. Couch property recorded at Instrument No. 20145639; thence south 03 degrees 39 minutes 07 seconds west with the west line of said East Cadraca Drive 5.00 feet to a point in the north line of the Proposed Ingress/Egress and Utility Easement described hereon; thence north 86 degrees 24 minutes 02 seconds west with the north line of said easement and across the 4701 Summer Avenue, LLC property recorded at Instrument No. 18093949, 58.90 feet to a set 1/2" rebar with plastic cap and the Point of Beginning; thence continuing across said property recorded at Instrument No. 18093949 the following calls: south 03 degrees 35 minutes 58 seconds west, 30.00 feet to a set 1/2" rebar with plastic cap; north 86 degrees 24 minutes 02 seconds west, 70.00 feet to a set 1/2" rebar with plastic cap; north 03 degrees 35 minutes 58 seconds east, 30.00 feet to a set 1/2" rebar with plastic cap; south 86 degrees 24 minutes 02 seconds east, 70.00 feet to the Point of Beginning and containing 2,100 square feet of land.

Commencing at a point in the west line of East Cadraca Drive (50' Private Drive), said point being located 192.12 feet south of the intersection of the west line of said East Cadraca Drive and the south line of Summer Avenue and being located in the south line of Tract 2 of the David V. Couch property recorded at Instrument No. 20145639; thence south 03 degrees 39 minutes 07 seconds west with the west line of said East Cadraca Drive 5.00 feet to a the Point of Beginning; thence in a southerly direction with the west line of said East Cadraca Drive the following calls: south 03 degrees 39 minutes 07 seconds west, 7.67 feet to a point of curvature; along a curve to the right having a radius of 157. 27 feet, delta angle of 08 degrees 09 minutes 51 seconds, chord = south 07 degrees 44 minutes 03 seconds west - 22.39 feet, an arc length of 22.41 feet to a point; thence across the 4701 Summer Avenue, LLC property recorded at Instrument No. 18093949 the following calls: north 86 degrees 24 minutes 02 seconds west, 42.28 feet; south 03 degrees 35 minutes 58 seconds west, 15.00 feet; north 86 degrees 24 minutes 02 seconds west, 15.00 feet to a point in the southward extension of the east line of the Proposed Ground Lease Area described hereon; north 03 degrees 35 minutes 58 seconds east with the east line of said Ground Lease Area and the southward extension thereof, passing a set 1/2" rebar with plastic cap at 15.00 feet and on for a total distance of 45.00 feet to a set 1/2" rebar with plastic cap; south 86 degrees 24 minutes 02 seconds east, 58.90 feet to the Point of Beginning and containing 1,980 square feet of land.

unadjusted survey is 1:10,000 or greater.

Milestone Land Surveying, Inc.

12/06/24: Revised to reflect Title Commitment.

SCALE: 1" = 20' DATE: OCTOBER 24, 2024 REVISED: DECEMBER 6, 2024

SURVEY OF A PROPOSED GROUND

LEASE AREA ON PART OF THE

4701 SUMMER AVENUE, LLC

PROPERTY

RECORDED AT

INST. No. 18093949

MEMPHIS,

SHELBY COUNTY, TENNESSEE

Scale: 1" = 20' MLS JOB No. 24174 24174X.ASC - 24174LEASE.DWG DRAWN BY: R.T.S.

1. Survey prepared for TVT III, LLC.

2. Bearings are relative to NAD '83.

3. This survey was prepared from information contained in Commitment No. 12071326, Effective Date: October 30, 2024 at 8:00 AM by Chicago Title Insurance Company.

4. All deed book references shown hereon are recorded in the Register's Office of Shelby County, Tennessee.

5. This property is not located in a Special Flood Hazard Area per Flood Insurance Rate Map, Map No. 47157C 0294 G, Community Panel No. 470177 0284 G, Effective Date: February 6, 2013.

6. Structures visible on the date of this survey are shown hereon.

7. All visible utility structures located on this property of which we have knowledge are shown hereon.

8. There may be non-visible underground utilities crossing or serving this property of which we have no knowledge.

9. There may be underground or non-visible utilities, drain and/or sewer lines across this property that are not shown. The proper utility authorities should be contacted for more specific locations and information on underground utilities.

10. Subsurface and environmental conditions were not examined or considered as a part of this survey.

11. Governmental jurisdictional areas, if any, which might impact on the use of the premises were not located. No liabilty is assumed by the undersigned for any loss resulting from the exercise of any governmental jurisdiction affecting the use of the premises.

12. If this survey plat is also provided in electronic form, the electronic copy must be compared to the original hard copy issued at the survey date with its original seal to insure the accuracy of the information and to further insure that no changes, alterations or modifications have been made. No reliance should be made on a document transmitted by computer or other electronic means unless first compared to the original sealed document issued

13. Elevations shown hereon were taken on the ground using T.B.M. noted

14. Contours were plotted at half foot intervals for convenience only.

15. Contours were derived from elevations taken on the ground by means of radial topo and are relative to T.B.M. noted hereon.

16. Temporary Benchmark (T.B.M.): Found iron pipe on the west side of East Cadraca Drive, at the southeast corner of Tract 1 of the David V. Couch property, shown hereon.

SCHEDULE B, PART II - EXCEPTIONS:

Elevation: 280.28 (NAVD '88 Datum)

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed Insured acquires for value of record the estate or interest or Mortgage thereon covered by the form. (not a survey matter)

2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. (none of which we

3. Easements, or claims of easements, not shown by the public records. (none of which we are aware)

4. Any lien or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records. (not a survey matter)

5. The rights or claims of parties in possession not shown by the

public records. (not a survey matter) 6. Taxes or special assessments which are not shown as existing liens by the public records. (not a survey matter)

7. Any taxes or assessments not posted on the record of the taxing authority(ies) of which the Land described in Schedule A hereof is subject, including but not limited to: Supplemental, Revised, and/or Corrected Assessments pursuant to T.C.A. Section 67-5-509 and 67-5-603 et seq. dealing with any improvements completed after January 1 and before September 1 of any year; or Back Assessments pursuant to T.C.A. Section 67-1-1001 et. seq.; or taxes based on a change in the classification of the Insured Land (Roll Back Taxes) pursuant to T.C.A. Section 67-5-1001 et seq. (not a survey matter)

8. Subdivision restrictions, building lines and easements of record in Plat Book 8, Page 279, in the Register's Office of Shelby County, Tennessee. (shown hereon)

9. Easement(s) of record in Book 2332, Page 222 and at Instrument Nos. DX-2811 and DY-7085, in the aforesaid Register's Office. - Bk. 2332, Pg. 222 (shown hereon)

- Inst. No. DY-7085 (transfer deed, no easements that affect the subject property contained therein)

10. Rights of tenants in possession, as tenants only, under unrecorded leases, if any. (not a survey matter)

- Inst. No. DX-2811 (shown hereon)

HARRIMACK, LLC INST. No. 16066298 -7-EXISTING BUILDING ASPHALT FOUND — 5' SIDE SETBACK 20' REAR _____

PARKING TRACT 2 S 86°24'02" E 70.00' PROPOSED GROUND LEASE AREA 2,100 S.F. N 86°24'02" W 70.00' N 86° 24' 02" W PROPOSED INGRESS EGRESS & UTIL. ESMT. 1,980 S.F.

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NUMBER RADIUS ARC LENGTH DELTA ANGLE CHORD LENGTH CHORD DIRECTION C1 157.27' 22.41' 08°09'51" 22.39' \$ 07°44'03" W



Tom Leatherwood

Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

18066312 07/03/2018 - 02:06 PM

07/03/2010	02.00 FM
6 PGS	
LAKECIA 1755085-1800	66312
VALUE	27500.00
MORTGAGE TAX	0.00
TRANSFER TAX	101.75
RECORDING FEE	30.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	134.75

TOM LEATHERWOOD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

CloseTrak Closing & Title Services

WARRANTY DEED

THIS INDENTURE, made and entered into this 28th day of June, 2018 by and between

Summer Avenue Real Estate Group #6, a Tennessee General Partnership, hereinafter called Grantor, and 4701 Summer Avenue, LLC, a Tennessee Limited Liability Company hereinafter called Grantee.

WITNESSETH: That for and in consideration of ten dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the Grantor has bargained and sold and does hereby bargain, sell, convey and confirm unto the Grantee the following described real estate, situated and being in the County of Shelby, State of Tennessee, to wit:

See attached Exhibit "A" for legal description

This conveyance is made subject to all subdivision restrictions, building lines, easements, zoning and planning ordinances, and other municipal regulations including those of record in Plat Book 8, Page 279, and Book 2322, Page 222; Easements of record at Instrument Number DX 2811 and Book 2322, Page 222, all in said Register's Office; and except 2019 City Property Taxes and 2018 County Property taxes that are not yet due and payable.

TO HAVE AND TO HOLD the aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the Grantee, Grantee's heirs, and assigns, in fee simple forever.

The Grantor does hereby covenant with the Grantee that Grantor is lawfully seized in fee of the aforedescribed real estate; that the Grantor has a good right to sell and convey the same; that the same is unencumbered except any taxes not yet due but constituting a lien which are assumed by Grantee, and

And that the title and quiet possession Grantor warrants and will forever defend against the lawful claims of all persons.

The words "Grantor" and "Grantee" shall include the plural where appropriate and pronouns shall be construed according to their proper gender and number according to the context hereof.

WITNESS the signature of the Grantor the day and year first above written.

Summer Avenue Real Estate Group #6, a Tennessee General Partnership

> By: Aug Jee Roy Leon May Leneral Pa

artner, by Audrey May.

his Attorney-In-Fact y Centrey Thoug attylin fort

Mississippi State of Tennessee County of Shelby

Before me, the undersigned notary public of the State and County mentioned, personally appeared **Audrey May**, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, executed the foregoing instrument on behalf of Roy Leon May a General Partner of Summer Avenue Real Estate Group #6, the within named bargainor, a General Partnership, and acknowledged that she executed the same as the free act and deed of said Roy Leon May, by signing the name of the Company.

WITNESS my hand and notarial seal at office this the

day of Me 201

My commission expires:

Notary Public

Summer Avenue Real Estate Group #6, a Tennessee General Partnership Before me, the undersigned notary public of the State and County mentioned, personally appeared Ronald B. Anglin, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be a General Partner of Summer Avenue Real Estate Group #6, the within named bargainor, a General Partnership, and that as such General Partner executed the General Partner COTT FERM SOLVEN FROM and notarial seal at office this the 28th day of June 2018.

My committee on ENNIESSEE

Notary Public foregoing instrument for the purposes therein contained, by signing the name of the Company by himself as a Summer Avenue Real Estate Group #6, a Tennessee General Partnership Anglin Drywall & Construction, Inc., a Tennessee Corporation. Partner By: Ronald B. Anglin, President

STATE OF TENNESSEE COUNTY OF SHELBY

CONNISSION EXPIRES

STATE OF TENNESSEE **COUNTY OF SHELBY**

Before me, the undersigned notary public of the State and County mentioned, personally appeared Ronald B. Anglin, President of Anglin Drywall & Construction, Inc., which is General Partner of Summer Avenue Real Estate Group #6, who acknowledged that he executed the above and foregoing instrument in his

STATE OF TENNESSEE COUNTY OF SHELBY

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred whichever is greater, is \$27,500.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Subscribed and sworn to before me this the $\frac{28}{}$

Motary Public

Commission Expires Of

My Commission Expires:

Owner's Mailing Address: 4701 Summer Ave, LLC 4701 Summer Avenue Memphis, TN 38122

Property Address: <u>0 Cadraca Drive</u> <u>Memphis, TN 38122</u>

Person responsible for the payment of taxes: 4701 Summer Ave. LLC 4701 Summer Avenue Memphis, TN 38122

File Number: 18-5310VK

Prepared By and Return To: CloseTrak, LLC 5860 Ridgeway Center Parkway, #101 Memphis, TN 38120

EXHIBIT "A"

Lot 10, Carloss-Draper Subdivision, as shown on plat of record in Plat Book 8, Page 279, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property recorded in the Register's Office of Shelby County, Tennessee, and being more particularly described as:

Beginning at a point in the wets line of Cadraca Drive (Private Drive), said point being 192.21 feet south of the south line of Summer Avenue, said point being the south line of Lot 8; thence southwardly with the west line of Cadraca Drive (Private Drive) a distance of 54.46 feet to a point of curve; thence along a curve to the right having a radius of 125.0 feet a distance of 160.49 feet to a point of compound curve; thence along a curve to the right having a radius of 390 feet a distance of 111.49 feet to a point in the east line of Lot 9; thence North 0 degrees 21 minutes 40 seconds East with the east line of Lot 9 a distance of 190.0 feet to a point in the south line of Lot 8; thence South 89 degrees 39 minutes 28 seconds East with the south line of Lot 8 a distance of 199.80 feet to the point of beginning.

LESS AND EXCEPT the part conveyed at Instrument Number DY7085;

A twenty (20) foot parcel located on the north side of Lot 10, carlos/Draper Subdivision, as recorded in Plat Book 8, Page 29, in the Register's Office of Shelby County, Tennessee, and being more particularly described as follows:

Beginning at a point in the west line of Cadraca Drive of the south line of Lot 8, said subdivision; thence North 89 degrees 39 minutes 25 seconds West along the south line of said Lot 8, 99.80 feet; thence South 00 degrees 21 minutes 40 seconds West 20.00 feet; thence South 89 degrees 39 minutes 28 seconds East, along a line 20.00 feet south of and parallel to the south line of said Lot 8, 99.80 feet; thence North 00 degrees 26 minutes 37 seconds East along the west line of Cadraca Drive 20.00 feet to the point of beginning and containing 1,996.0 square feet.

Being the same property conveyed to Grantor herein by Quit Claim Deed of record at Instrument Number GY8467 in said Register's Office.

Tax Parcel Number: 06-3024-0-0005C

I, Greg A. Ziskind, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.

A. Ziskind

State of Tennessee County of Shelby

Personally appeared before me, the undersigned a notary public for the county and state, Greg A. Ziskind, who acknowledged that this certification of an electronic document is true and correct

and whose signature I have witnessed.

MY COMMISSION EXPIRES
AUGUST 11, 2018

STATE
OF
TENNESSEE
NOTARY
PUBLIC
NOTARY
PUBLIC

Notary Public