



Memphis and Shelby County
Office of Planning and Development

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

09/23/10

Gail Ray
8649 Overcup Oaks Drive
Cordova, TN 38018

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

Dear Ms. Ray:

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

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

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

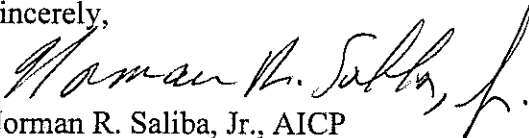
Gail Ray
Sunset Downs, Phase 9
09/23/10
Page 2

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

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

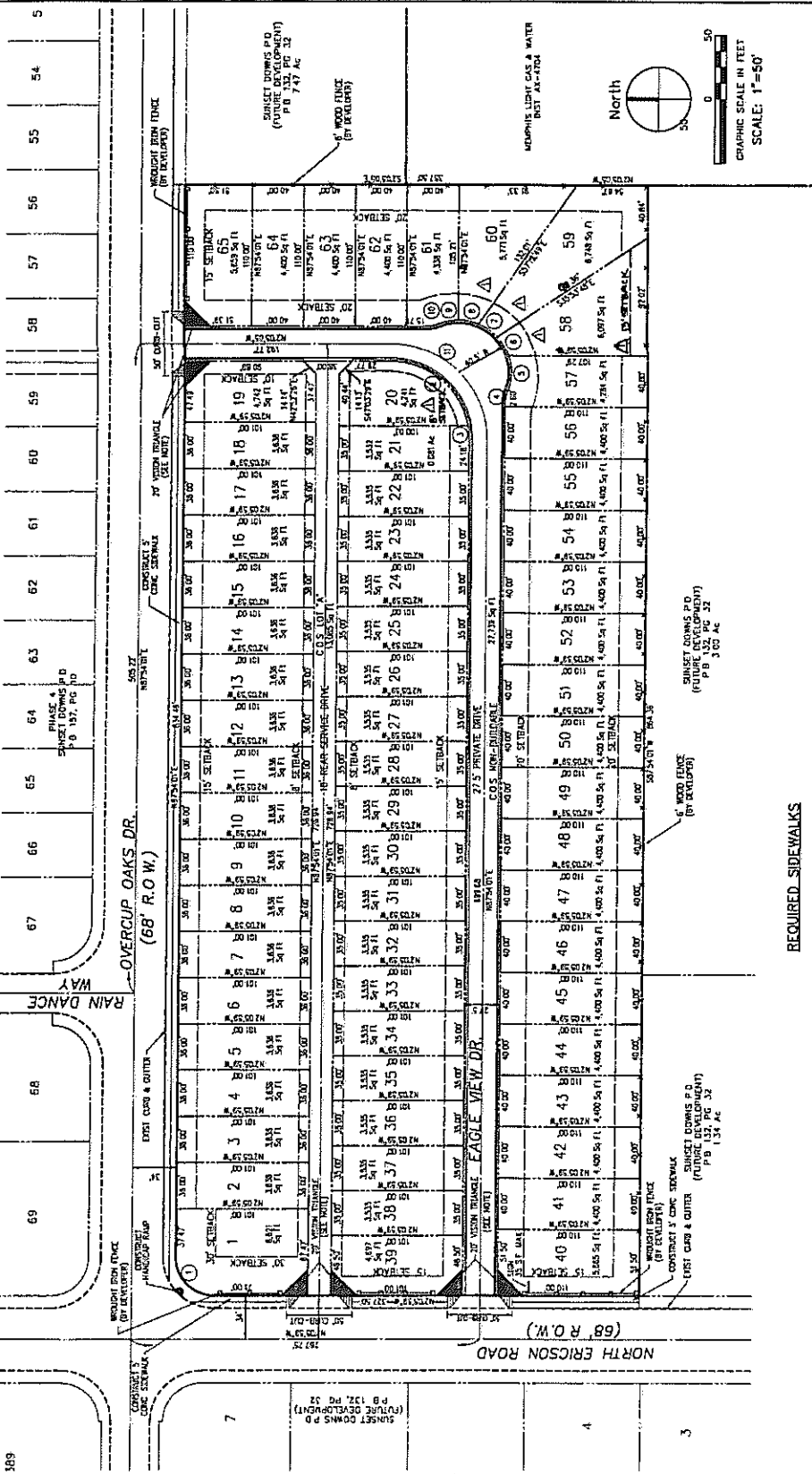
Please call me at 576-6619 or e-mail me if you have questions or need further information.

Sincerely,



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

cc: Jack Stevenson, City Engineering/Land Development



CURVE DATA

NO.	RAD.	ARC.	TAN.	CHORD.	DELTA.
1	25.00	117.75	74.58	104.00	89.85
2	25.00	117.75	74.58	104.00	89.85
3	25.00	117.75	74.58	104.00	89.85
4	25.00	117.75	74.58	104.00	89.85
5	25.00	117.75	74.58	104.00	89.85
6	25.00	117.75	74.58	104.00	89.85
7	25.00	117.75	74.58	104.00	89.85
8	25.00	117.75	74.58	104.00	89.85
9	25.00	117.75	74.58	104.00	89.85
10	25.00	117.75	74.58	104.00	89.85
11	25.00	117.75	74.58	104.00	89.85

REQUIRED SIDEWALKS

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

THE REQUIRED SIDEWALKS SHALL BE INSTALLED ACROSS THE FRONTAGES OF EACH LOT BY THE PROPERTY OWNER PRIOR TO USE AND OCCUPANCY OF THE BUILDING. EXISTING SIDEWALKS SHALL BE REPAIRED AND MAINTAINED BY THE BUILDING PERMIT HOLDER PRIOR TO THE LOT FRONTAGE PRIOR TO OCCUPANCY OF THE BUILDING.

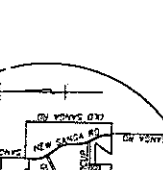
ALL PRIVATE DRIVES, PRIVATE SEWERS, PRIVATE DRAINAGE, AND LANDSCAPE AREAS SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION AS RECORDERED IN INSTRUMENT NO. 201-0000000000.

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

NO TREES, SHRUBS, PERMANENT STRUCTURES, OR OTHER UTILITIES (EXCEPT FOR CROSSINGS) SHALL BE ALLOWED WITHIN SANITARY BE ALLOWED WITHIN AREAS DESIGNATED AS USE TRIANGLES.

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

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



FINAL PLAT - PHASE 9
P.D. 98-347 AREA "B-2"
FORMERLY P.D. 89-371 CC
SUNSET DOWNS P.D. AMENDED

WARD 91, BLOCK 53, PARCEL 33
 65 LOTS - 7.090 ACRES
 100 YEAR FLOOD ELEV. - 286.0
 MEMPHIS, TENNESSEE
 DEVELOPER: TRINITY PROPERTIES, INC.
 MARCH, 1999

REAVES
SWEENEY
MARCOM

REGISTERED PROFESSIONAL ENGINEERS
 1000 SOUTH MAIN STREET, SUITE 200
 MEMPHIS, TENNESSEE 38103
 PHONE: (901) 525-1100
 FAX: (901) 525-1101
 WWW: WWW.REAVES-SWEENEY-MARCOM.COM

NO. 201-0000000000
 FULL BOOK 076-000000
 RECORDED ON
 MAR 25 1999
 SHELBY COUNTY, TENNESSEE

△ This plat is being recorded to show that on October 14, 1989, the Land Use Control Board of the City of Memphis has approved a 1/2 acre parcel of land for rezoning from R-1 to R-2. The rezoning is shown on the map attached to this plat. The rezoning is effective for July 14, 1989, and is shown on the map attached to this plat.

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

General Conditions

1. The plat is subject to the underlying interest(s) of the property shown hereon, and the plat is subject to the terms, conditions, covenants, and restrictions of any deed, mortgage, lease, or other instrument affecting the property shown hereon. The plat is subject to the terms, conditions, covenants, and restrictions of any deed, mortgage, lease, or other instrument affecting the property shown hereon.

[Signature]

Notary's Certificate

Name of Testator: _____
 County of Residence: _____

I, the undersigned, a Notary Public in and for the State of Tennessee, do hereby certify that the foregoing instrument was duly executed and acknowledged before me on this _____ day of _____, 1989, at _____, Tennessee, by _____, the testator, who is personally known to me, and who upon his oath acknowledged himself to be the testator. I am duly qualified to perform the duties of my office in accordance with the laws of the State of Tennessee, and I am duly sworn to perform the duties of my office in accordance with the laws of the State of Tennessee.



My Commission Expires July 15, 1992

FINAL PLAT - PHASE 9
 P.D. 98-347 AREA "B-2"
 Δ FORMERLY P.D. 89-371 CC
 SUNSET DOWNS P.D. AMENDED
 WARD 91, BLOCK 53, PARCEL 33
 65 LOTS - 7.080 ACRES
 100 YEAR FLOOD ELEV. - 286.0
 MEMPHIS, TENNESSEE
 DEVELOPER: TRINITY PROPERTIES, INC.
 MARCH, 1989

REAVES
 SWEENEY
 MARCOM
 REGISTERED PROFESSIONAL SURVEYORS
 1000 W. WASHINGTON
 MEMPHIS, TENNESSEE 38103
 (901) 525-1111

NO TESTATE
 FOR RECORD (L) (M) (D)
 REC'D IN THE OFFICE OF THE CLERK OF THE COURT
 IN THE COUNTY OF MEMPHIS, TENNESSEE
 DATE: 11/2/99
 BY: [Signature]

SHREVE COUNTY
 REGISTERED OFFICES
 93 NW 1/4, PH 2-10

JY3366