

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 6/27/2023
DATE
PUBLIC SESSION: 6/27/2023
DATE

ITEM (CHECK ONE)
ORDINANCE RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution approving the conversion of a public street (Wychewood Cove), located south of Walnut Grove Road, to a private street, known as case number MJR 23-009 (Major Modification to S 11-015)

CASE NUMBER: MJR 23-009

LOCATION: Wychewood Cove – South of Walnut Grove Road

COUNCIL DISTRICTS: District 5 and Super District 9

OWNER/APPLICANT: Lewis Smith

REPRESENTATIVES: Tim McCaskill for The Reaves Firm

REQUEST: Conversion of a public street (Wychewood Cove) to a private street

AREA: +/-0.72 acres

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:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
4/13/2023 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____	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:

	<u>DATE</u>	<u>POSITION</u>
<u>Kendrea Cobbs</u>	<u>6/12/23</u>	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
<u>Bratt Ryn</u>	<u>6/12/23</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

MJR 23-009 (Major Modification to S 11-015)

RESOLUTION APPROVING THE CONVERSION OF A PUBLIC STREET (WYCHEWOOD COVE), LOCATED SOUTH OF WALNUT GROVE ROAD, TO A PRIVATE STREET, KNOWN AS CASE NUMBER MJR 23-009 (MAJOR MODIFICATION TO S 11-015)

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

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, April 13, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	MJR 23-009 (Major Modification to S 11-015)
LOCATION:	Wychewood Cove – South of Walnut Grove Road
COUNCIL DISTRICT(S):	District 5 and Super District 9
OWNER/APPLICANT:	Lewis Smith
REPRESENTATIVE:	Tim McCaskill for The Reaves Firm
REQUEST:	Conversion of a public street (Wychewood Cove) to a private street
EXISTING ZONING:	Residential Single-Family – 10 (R-10)
AREA:	0.72 acres

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 7-0 on the consent agenda.

Respectfully,

Kendra Cobbs

Kendra Cobbs, AICP
Planner III
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

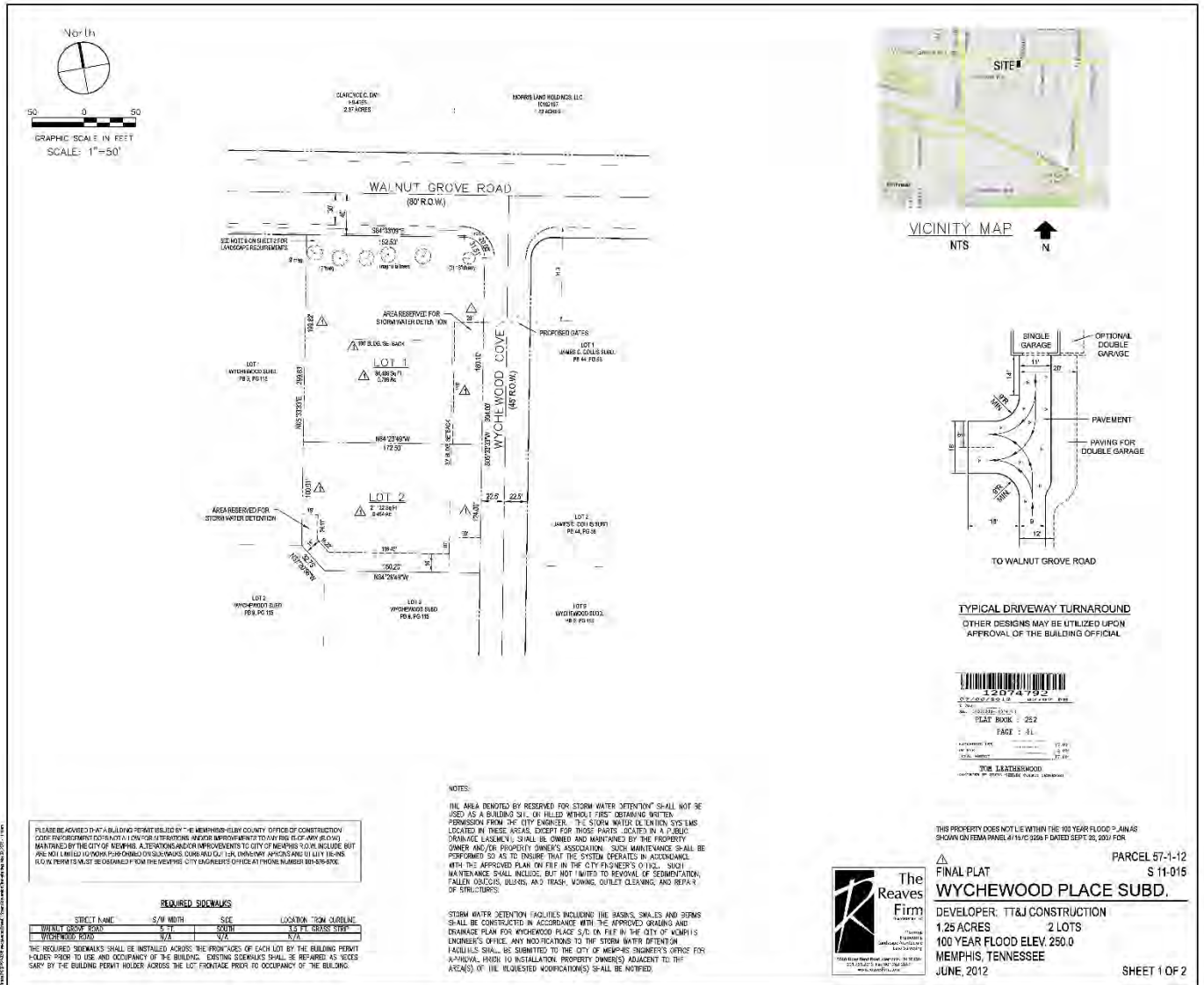
MJR 23-009 (Major Modification to S 11-015)

CONDITIONS

1. Perpetual maintenance of the private street is required by a property owners association to the same standards as connecting public streets for the safe use of persons using the streets.
2. The City has absolutely no obligation or intention to ever accept such street as public right-of-way.
3. The private street shall be labeled on the final plat and be assigned a lot and block number from its subdivision.
4. The existing green sign blade identifying Wychewood Drive is to be changed at the applicant's expense to a blue sign blade to signify the street as a private street.
5. Dedicate a 15' permanent Sewer Easement.
6. The city of Memphis shall have ingress/egress 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, fence, and yards.
7. Any improvements encroaching the sanitary sewer easements which are not authorized by the city of Memphis may be removed by the city at any time and the city shall bear no responsibility for the maintenance of said improvements.
8. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
9. 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.
10. The applicant shall comply with all conditions of the closure within 3 years of the conditional approval of the closure by the City Council.
11. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
12. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles. The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. Any gated and/or fenced community shall have at least one 20-foot opening gate which shall be designated as the Fire Department primary access. This gate shall conform to sections 503.6.1.1 through 503.6.1.6 and, if automated, shall be siren activated and equipped with both primary and secondary overrides. Exception: Group R-3 occupancies are

exempt from the requirements of this section when the fenced area is for a single occupancy.

MODIFICATION PLAT SITE PLAN





RESOLUTION

RESOLUTION APPROVING THE CONVERSION OF A PUBLIC STREET (WYCHEWOOD COVE), LOCATED SOUTH OF WALNUT GROVE ROAD, TO A PRIVATE STREET KNOWN AS CASE NUMBER MJR 23-009 (MAJOR MODIFICATION TO S 11-015)

WHEREAS, the City of Memphis is the owner of real property known as Wychewood Cove in Memphis, Tennessee; and

WHEREAS, Section 5.2.18 of the Unified Development Code permits the dislocation of a street or street segment from the public street system through the erection of a gate or other obstruction in a private street conversion as classified in Section 9.8A of the Unified Development Code; and

WHEREAS, the conversion of a public street to a private street may be processed as an amendment to a subdivision plan or plat pursuant to Chapter 9.7 and require approval by the legislative body; and

WHEREAS, the applicant is requesting the conversion of the public street Wychewood Cove to a private street by amending and re-recording the Wychewood Subdivision, James C. Callis Subdivision and Wychewood Place Subdivision Final Plat; and

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 convert the hereinabove described public right-of-way to private 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 converted, and maintained by a homeowners association; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on April 13, 2023, and said Board has submitted its findings and recommendation to the Council of the City of Memphis subject to the following conditions:

1. Perpetual maintenance of the private street is required by a property owners association to the same standards as connecting public streets for the safe use of persons using the streets.
2. The City has absolutely no obligation or intention to ever accept such street as public right-of-way.
3. The private street shall be labeled on the final plat and be assigned a lot and block number from its subdivision.
4. The existing green sign blade identifying Wychewood Drive is to be changed at the applicant's expense to a blue sign blade to signify the street as a private street.
5. Dedicate a 15' permanent Sewer Easement.
6. The city of Memphis shall have ingress/egress 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, fence, and yards.
7. Any improvements encroaching the sanitary sewer easements which are not authorized by the city of Memphis may be removed by the city at any time and the city shall bear no responsibility for the maintenance of said improvements.
8. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
9. 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.
10. The applicant shall comply with all conditions of the closure within 3 years of the conditional approval of the closure by the City Council.
11. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
12. Adequate maneuvering room shall be provided between the right-of-way and the

gate/guardhouse/card reader for vehicles. The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. Any gated and/or fenced community shall have at least one 20-foot opening gate which shall be designated as the Fire Department primary access. This gate shall conform to sections 503.6.1.1 through 503.6.1.6 and, if automated, shall be siren activated and equipped with both primary and secondary overrides. Exception: Group R-3 occupancies are exempt from the requirements of this section when the fenced area is for a single occupancy.

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.

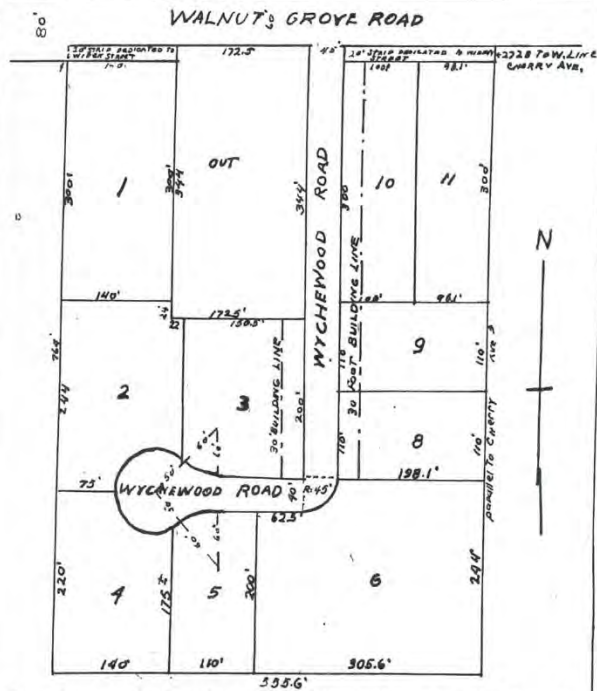
BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Lawyers Title Insurance Company, the Memphis Title Company, the Chicago Title Company, the Security Title Company and the Shelby County Property Assessor's Office.

ATTEST:

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

MJR 23-009: Conversion of Wychewood Cove from a public street to a private street

WYCHEWOOD
SUBDIVISION
SCALE 1"=100'
FRANK C. MULLAN CE
DEC 1931



115

I the undersigned owner of the property as shown herein, do hereby adopt this as my plan of Subdivision, and dedicate the streets as shown thereon to the public use forever. Mrs. Maud Dickerson

State of Tennessee, County of Shelby, personally appeared before me John W. Robinson a notary public in and for the State and County of Memphis and duly qualified Mrs MAUD DICKERSON the within named daughter, with whom I am personally acquainted and who upon oath acknowledged that she presented the within named instrument for the purposes contained therein and set out.

Witness my hand and notary seal at Memphis, Tennessee, this 23rd day of December 1931. My Commission expires April 29th 1934. John W. Robinson Notary Public.

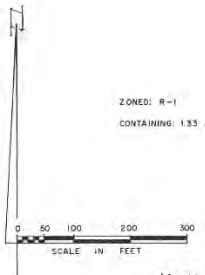
Approved Memphis City Planning Commission. Date Aug 12th 1936 R. B. Lockbill Secretary

Approved Board of Commissioners Shelby County Date 10/2/36 E. W. Hill Chairman

(N.P. SEAL) 2179
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81 54
Nov 5 36 P.M.T.
9 115 500
Jake Carter
Paul Miralay



Owner and Developer:
 JAMES C. CALLIS
 4353 WALNUT GROVE RD.
 MEMPHIS, TENN.



ZONED: R-1
 CONTAINING: 1.33 Ac.

JAMES C. CALLIS SUBDIVISION
 OF LOTS 10 AND 11, WYCHEWOOD SUBDIVISION
 (PLAT BOOK 9, PAGE 115, S.C.R.O.)
 JULY 8, 1971 SCALE: 1" = 100'
 PICKERING ENGINEERING ASSOCIATES, INC.
 3120 SUMMER AVENUE
 MEMPHIS, TENNESSEE

I, the undersigned, JAMES C. CALLIS, owner of the property shown hereon, hereby adopt this plat as my plan of subdivision (and dedicate the streets, rights-of-way, easements and rights of access as shown and/or described to the public use forever). I am the owner of the said property in fee simple, duly authorized so to act, and that said property is not encumbered by any mortgage or taxes which have become due and payable.

James C. Callis
 James C. Callis

STATE OF TENNESSEE
 COUNTY OF SHELBY

Before me, the undersigned, a notary public, in and for said state and county at Memphis, duly commissioned and qualified, personally appeared *James C. Callis*, of said county, with whom I am personally acquainted and who upon oath acknowledges that he executed the foregoing instrument for the purposes therein contained as his free act and deed.

Witness my hand and notarial seal this 8 day of July, 1971.

My commission expires _____
 Notary Public *[Signature]*



It is hereby certified that this plat is true and correct, prepared from an actual survey of the property made under my supervision.

By: *[Signature]*
 Notary Public
 Commission Certificate Number 492

Approved by the Memphis and Shelby County Planning Commission.
 Date: 7-1-71 By: *[Signature]*
 Director

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 July 1, 1971

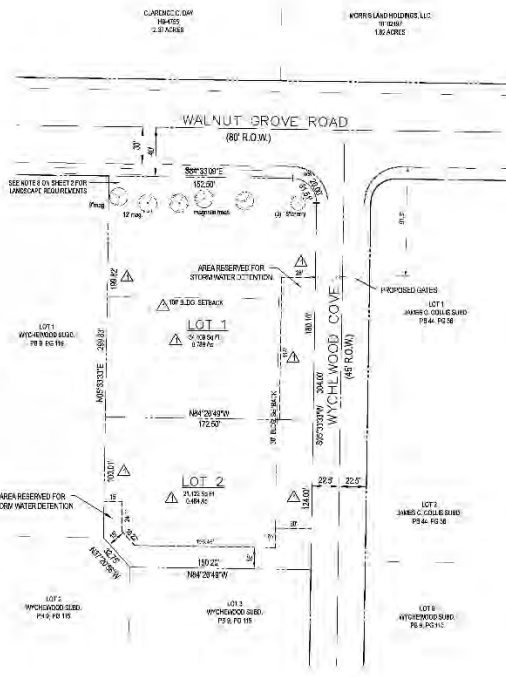
By: *[Signature]*
 Controller

Approved by Memphis and Shelby County Health Dept. *[Signature]*

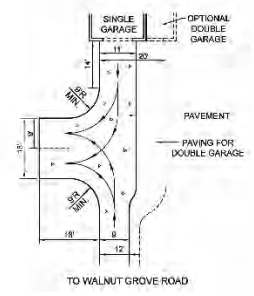
Book 54 Page 50
 640043
 RECORDED
 REGISTERED
 JUL 2 1971
 CLERK OF TENNESSEE
[Signature]



GRAPHIC SCALE IN FEET
SCALE: 1"=50'



VICINITY MAP
NTS



TYPICAL DRIVEWAY TURNAROUND
OTHER DESIGNING MAY BE UTILIZED UPON
APPROVAL OF THE BUILDING OFFICIAL

125074122

PLAT BOOK: 252

PAGE: 41

DATE: 06/12/12

BY: [Signature]

FOR: [Signature]

THE REAVES FIRM

PLEASE BE ADVISED THAT A BUILDING PERMIT ISSUED BY THE MEMPHIS-DELBLY COUNTY OFFICE OF CONSTRUCTION CODE ENFORCEMENT DOES NOT ALLOW FOR ALTERATIONS AND/OR IMPROVEMENTS TO ANY EXISTING (OR NEW) BUILDING MAINTAINED BY THE CITY OF MEMPHIS. A RESIDENTIAL IMPROVEMENTS TO CITY OF MEMPHIS DO NOT INCLUDE, BUT ARE NOT LIMITED TO WORK PERFORMED ON SIDEWALKS, CURBS AND GUTTERS, DRIVEWAYS, APPROACHES AND UTILITY TRENCHES. ROW PERMITS MUST BE OBTAINED PRIOR TO MEMPHIS CITY ENGINEER'S OFFICE AT PHONE NUMBER 901-526-6700.

REQUIRED SIDEWALKS

STREET NAME	S/W WIDTH	SIDE	LOCATION FROM CURBLINE
WALNUT GROVE ROAD	4 FT	SOUTH	5 FT SET BACK CURB
WYCHEWOOD ROAD	N/A	N/A	N/A

THE REQUIRED SIDEWALKS SHALL BE INSTALLED ACROSS THE FRONTS OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO USE AND OCCUPANCY OF THE BUILDING. EXISTING SIDEWALKS SHALL BE REPAIRED AS NECESSARY BY THE BUILDING PERMIT HOLDER ACROSS THE LOT FRONTAGE PRIOR TO OCCUPANCY OF THE BUILDING.

NOTES:

THE AREA DESIGNATED AS RESERVED FOR STORM WATER DETENTION SHALL NOT BE USED AS A BUILDING SITE, OR FILLED WITH OTHER STRUCTURES OBTAINING WRITTEN PERMISSION FROM THE CITY ENGINEER. THE STORM WATER DETENTION SYSTEMS LOCATED IN THESE AREAS, EXCEPT FOR THOSE PARTS LOCATED IN A PUBLIC DRAINAGE EASEMENT, SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER AND/OR PROPERTY OWNER'S ASSOCIATION. SUCH MAINTENANCE SHALL BE PERFORMED SO AS TO ENSURE THAT THE SYSTEM OPERATES IN ACCORDANCE WITH THE APPROVED PLAN ON FILE IN THE CITY ENGINEER'S OFFICE. SUCH MAINTENANCE SHALL INCLUDE, BUT NOT LIMITED TO, REMOVAL OF SEDIMENTATION, FALLEN OBJECTS, DEBRIS, AND TRASH, MOWING, OUTLET CLEANING, AND REPAIR OF STRUCTURES.

STORM WATER DETENTION FACILITIES INCLUDING THE BASINS, SWALES AND BERMS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE APPROVED GRADING AND DRAINAGE PLAN FOR WYCHEWOOD PLACE SUBD. ON FILE IN THE CITY OF MEMPHIS ENGINEER'S OFFICE. ANY MODIFICATIONS TO THE STORM WATER DETENTION FACILITIES SHALL BE SUBMITTED TO THE CITY OF MEMPHIS ENGINEER'S OFFICE FOR APPROVAL PRIOR TO INSTALLATION. PROPERTY OWNERS ADJACENT TO THE AREA(S) OF THE REQUESTED MODIFICATION(S) SHALL BE NOTIFIED.

THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON FEMA PANEL 4715C 0285 F DATED SEPT. 28, 2007 FOR

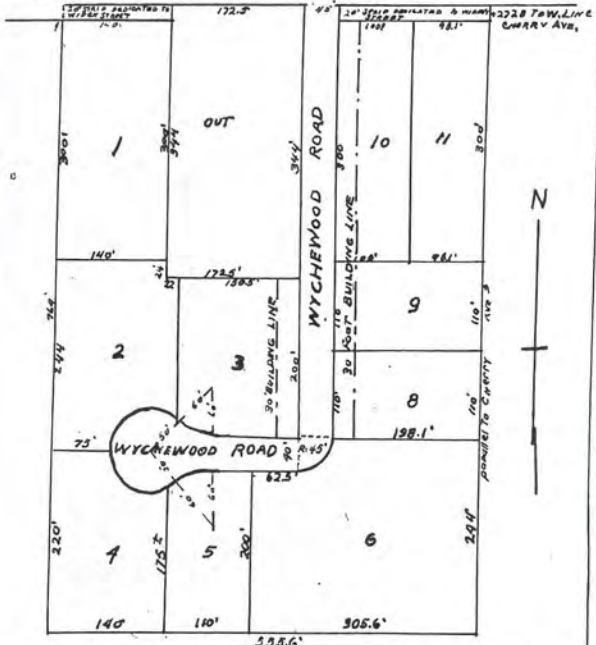


FINAL PLAT
WYCHEWOOD PLACE SUBD.
DEVELOPER: TT&J CONSTRUCTION
1.25 ACRES 2 LOTS
100 YEAR FLOOD ELEV. 250.0
MEMPHIS, TENNESSEE
JUNE, 2012

PARCEL 57-1-12
S 11-015
SHEET 1 OF 2

WYCHEWOOD
SUBDIVISION
SCALE 1"=100'
FRANK C. MULLAN CE
DEC 1931

WALNUT GROVE ROAD



115

I the undersigned owner of the property as shown herein, do hereby adopt this as my plan of Subdivision, and dedicate the streets as shown thereon to the public use forever. Mrs. Maud Dickerson

State of Tennessee, County of Shelby, personally appeared before me John W. Robinson a notary public in and for said State and County of Memphis and duly qualified Mrs MAUD DICKERSON the within named daughter, with whom I am personally acquainted, and who upon oath acknowledged that she executed the within named instrument for the purposes contained therein and set out.

Witness my hand and notary seal at Memphis, Tennessee, this 23rd day of December 1931. My Commission expires April 29th 1934 John W. Robinson Notary Public.

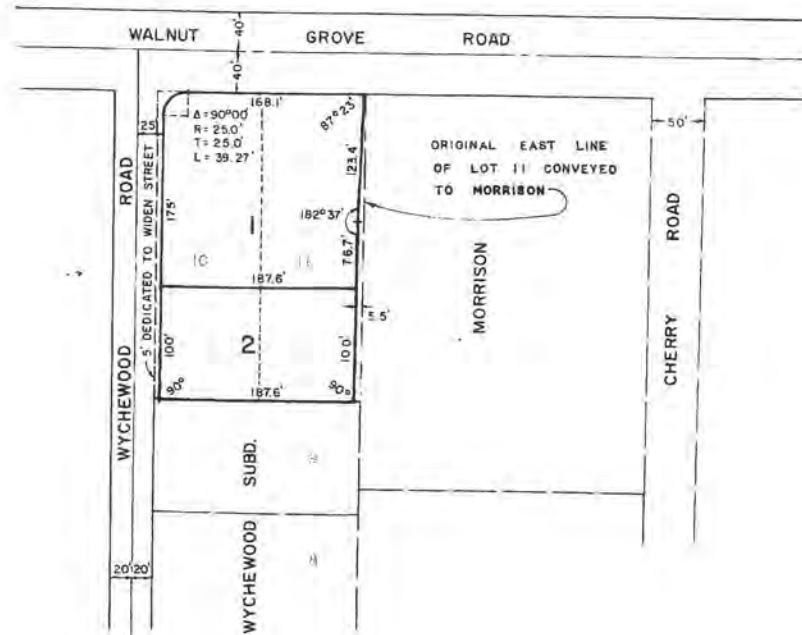
Approved Memphis City Planning Commission.
Date Aug 12th 1936 R. B. Lockhill Secretary

Approved: Board of Commissioners Shelby County
DATE 10/2/36
Attest: E. H. Hill Chairman

(N.P. SEAL)

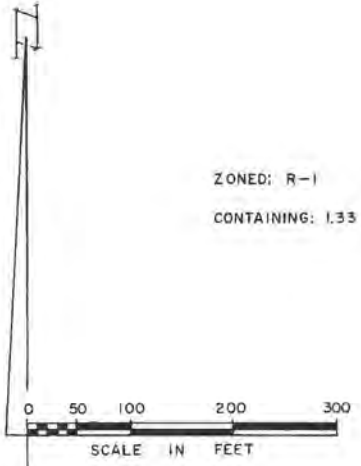
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Jaki Carter
Paul Miralay



Owner and Developer:
 JAMES C. CALLIS
 4353 WALNUT GROVE RD.
 MEMPHIS, TENN.

ZONED: R-1
 CONTAINING: 1.33 Ac.



JAMES G. CALLIS SUBDIVISION
 OF LOTS 10 AND 11, WYCHEWOOD SUBDIVISION
 (PLAT BOOK 9, PAGE 115, S.C.R.O.)
 JULY 8, 1971 SCALE: 1" = 100'
 PICKERING ENGINEERING ASSOCIATES, INC.
 3120 SUMMER AVENUE
 MEMPHIS, TENNESSEE

I, the undersigned, JAMES C. CALLIS, owner of the property shown hereon, hereby adopt this plat as my plan of subdivision (and dedicate the streets, rights-of-way, easements and rights of access as shown and/or described to the public use forever). I am the owner of the said property in fee simple, duly authorized so to act, and that said property is not encumbered by any mortgage or taxes which have become due and payable.

By James C. Callis Mary C. Callis

STATE OF TENNESSEE
 COUNTY OF SHELBY

before me, the undersigned, a notary public, in and for said state and county at Memphis, duly commissioned and qualified, personally appeared James C. Callis & Mary C. Callis with whom I am personally acquainted and who upon oath acknowledged that he executed the foregoing instrument for the purposes therein contained as his free act and deed.

Witness my hand and notarial seal this 8 day of July, 1971.

My commission expires _____
 Notary Public Dwight S. Brown

It is hereby certified that this plat is true and correct, prepared from an actual survey of the property made under my supervision.

By Dwight S. Brown R.L.S.
 Tennessee Certificate Number 493

Approved by the Memphis and Shelby County Planning Commission.

Date: 7-1-71 By: John L. Heston
 Director

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 Aug. 10, 1971

By: W. H. M. M. M.
 Controller

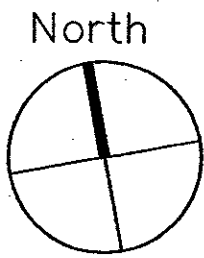
Approved by Memphis and Shelby County Health Dept.

George W. M. M. M.
 Local Health Officer

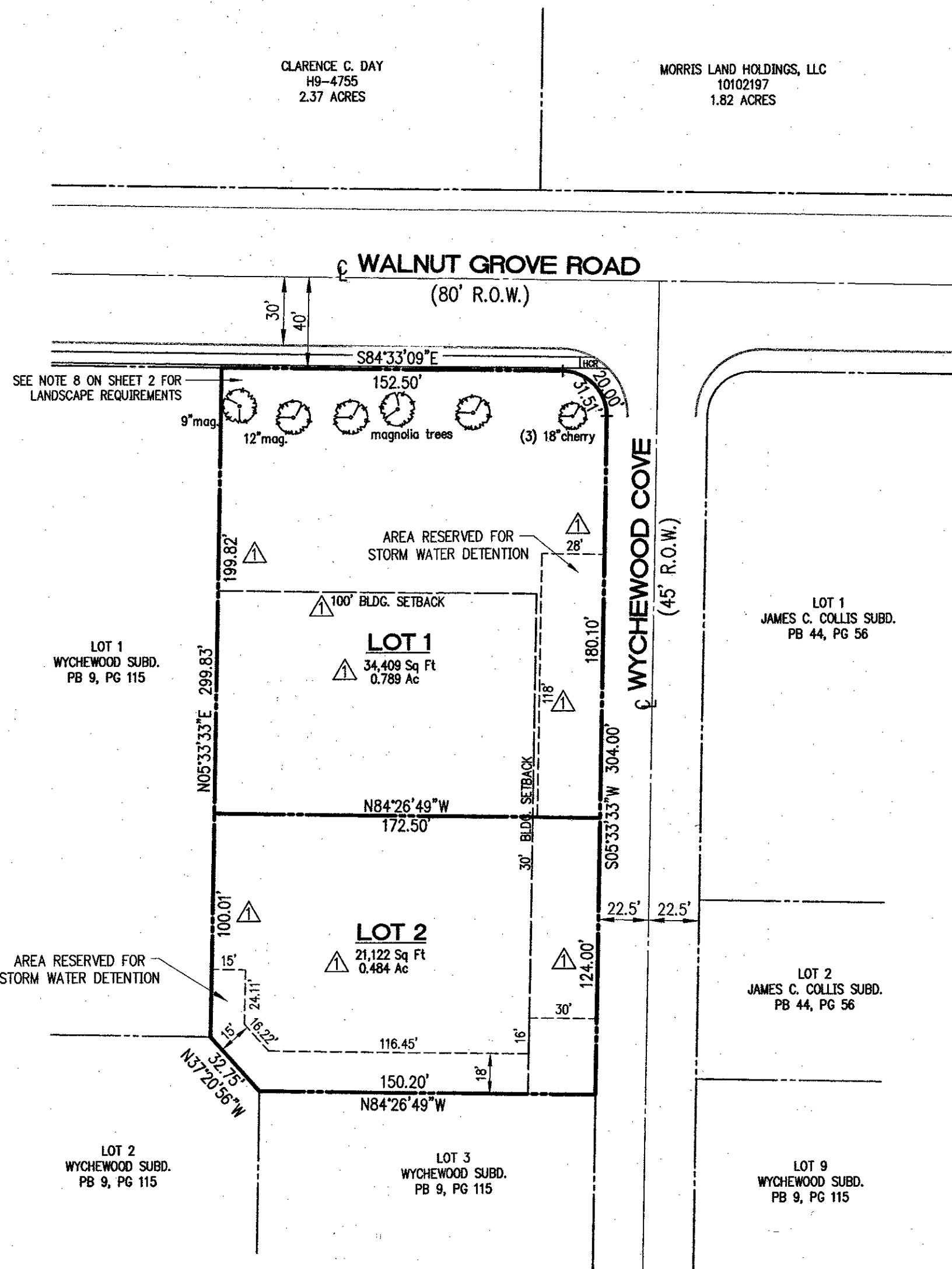
31 Aug 1971

STATE TAX
 REGISTER'S FEE
 RECORD FEE
 \$125.00
 \$125.00
 STATE OF TENNESSEE
 SHELBY COUNTY

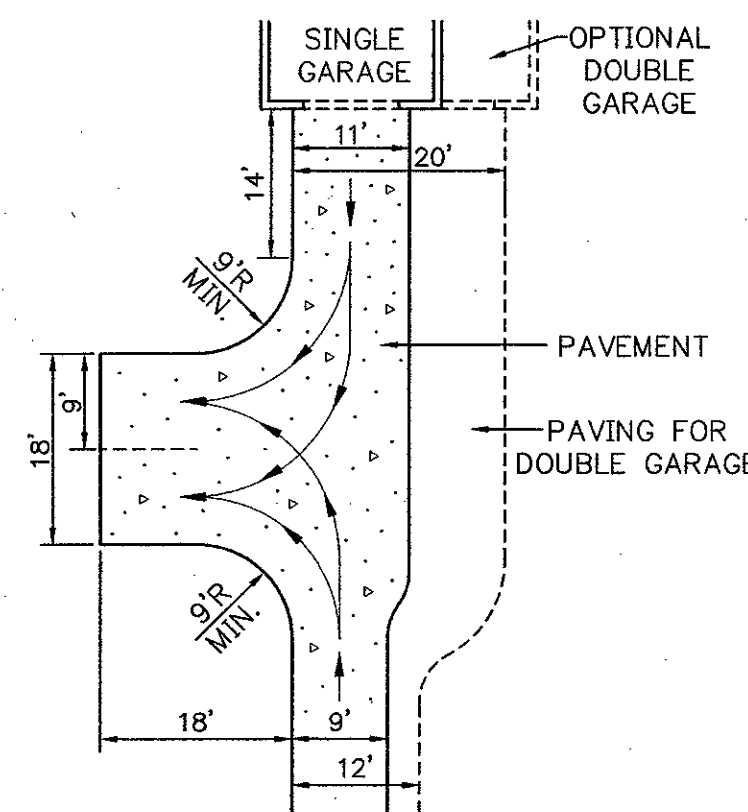
Book 44 Page 50
 640643



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 GRAPHIC SCALE IN FEET
 SCALE: 1"=50'



VICINITY MAP
 NTS



TO WALNUT GROVE ROAD

TYPICAL DRIVEWAY TURNAROUND
 OTHER DESIGNS MAY BE UTILIZED UPON APPROVAL OF THE BUILDING OFFICIAL

PLEASE BE ADVISED THAT A BUILDING PERMIT ISSUED BY THE MEMPHIS/SHELBY COUNTY OFFICE OF CONSTRUCTION CODE ENFORCEMENT DOES NOT ALLOW FOR ALTERATIONS AND/OR IMPROVEMENTS TO ANY RIGHT-OF-WAY (R.O.W.) MAINTAINED BY THE CITY OF MEMPHIS. ALTERATIONS AND/OR IMPROVEMENTS TO CITY OF MEMPHIS R.O.W. INCLUDE BUT ARE NOT LIMITED TO WORK PERFORMED ON SIDEWALKS, CURB AND GUTTER, DRIVEWAY APRONS AND UTILITY TIE-INS. R.O.W. PERMITS MUST BE OBTAINED FROM THE MEMPHIS CITY ENGINEER'S OFFICE AT PHONE NUMBER 901-576-6700.

REQUIRED SIDEWALKS

STREET NAME	S/W WIDTH	SIDE	LOCATION FROM CURBLINE
WALNUT GROVE ROAD	5 FT.	SOUTH	3.5 FT. GRASS STRIP
WYCHEWOOD ROAD	N/A	N/A	N/A

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

NOTES:
 THE AREA DENOTED BY RESERVED FOR STORM WATER DETENTION SHALL NOT BE USED AS A BUILDING SITE OR FILLED WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM THE CITY ENGINEER. THE STORM WATER DETENTION SYSTEMS LOCATED IN THESE AREAS, EXCEPT FOR THOSE PARTS LOCATED IN A PUBLIC DRAINAGE EASEMENT, SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER AND/OR PROPERTY OWNER'S ASSOCIATION. SUCH MAINTENANCE SHALL BE PERFORMED SO AS TO ENSURE THAT THE SYSTEM OPERATES IN ACCORDANCE WITH THE APPROVED PLAN ON FILE IN THE CITY ENGINEER'S OFFICE. SUCH MAINTENANCE SHALL INCLUDE, BUT NOT LIMITED TO REMOVAL OF SEDIMENTATION, FALLEN OBJECTS, DEBRIS, AND TRASH, MOWING, OUTLET CLEANING, AND REPAIR OF STRUCTURES.

STORM WATER DETENTION FACILITIES INCLUDING THE BASINS, SWALES AND BERMS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE APPROVED GRADING AND DRAINAGE PLAN FOR WYCHEWOOD PLACE S/D ON FILE IN THE CITY OF MEMPHIS ENGINEER'S OFFICE. ANY MODIFICATIONS TO THE STORM WATER DETENTION FACILITIES SHALL BE SUBMITTED TO THE CITY OF MEMPHIS ENGINEER'S OFFICE FOR APPROVAL PRIOR TO INSTALLATION. PROPERTY OWNER(S) ADJACENT TO THE AREA(S) OF THE REQUESTED MODIFICATION(S) SHALL BE NOTIFIED.

16129225
 12/20/2016 - 02:41 PM
 2 PGS
 BUDDY 1546064-16129225
 PLAT BOOK : 270
 PAGE : 40
 RECORDING FEE 15.00
 DP FEE 2.00
 TOTAL AMOUNT 17.00
 TOM LEATHERWOOD
 REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

12074792
 07/06/2012 - 02:02 PM
 2 PGS
 MAX 09869981-12074792
 PLAT BOOK : 252
 PAGE : 41
 RECORDING FEE 15.00
 DP FEE 2.00
 TOTAL AMOUNT 17.00
 TOM LEATHERWOOD
 REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON FEMA PANEL 47157C 0295 F DATED SEPT. 28, 2007 FOR



PARCEL 57-1-12
 S 11-015
WYCHEWOOD PLACE SUBD.
 DEVELOPER: TT&J CONSTRUCTION
 1.25 ACRES 2 LOTS
 100 YEAR FLOOD ELEV. 250.0
 MEMPHIS, TENNESSEE
 JUNE, 2012

g:\p\10000\10000-projects\2016\16-0000 WycheWood Place Update Plot\Final-Title.dwg Dec 08, 2016 - 2:09pm

AGENDA ITEM: 11

CASE NUMBER: MJR 2023-009 (Corr. to S 11-015) **L.U.C.B. MEETING:** April 13, 2023
LOCATION: Wychewood Drive – South of Walnut Grove Road
COUNCIL DISTRICT: District 5 and Super District 9
OWNER/APPLICANT: Lewis Smith
REPRESENTATIVE: The Reaves Firm – Tim McCaskill
REQUEST: Conversion of a public street (Wychewood Drive) to a private street
AREA: +/-0.72 acres
EXISTING ZONING: Residential Single-Family – 10 (R-10)

CONCLUSIONS

1. The applicant is seeking to convert a public street, Wychewood Drive, to a private street.
2. Wychewood Drive is the subdivision entrance to Wychewood Subdivision, originally platted in 1936 (see page 4).
3. Conversion of a public street to a private street may be permitted as a modification to an approved plat per Section 5.2.18 of the Unified Development Code by amending and re-recording the Wychewood Place Subdivision Final Plat (see page 6).
4. The applicant's intent is to add gates across Wychewood Drive, providing additional security to the residential properties fronting the right-of-way.
5. The closure of the subject right-of-way would 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 does not affect the Memphis 3.0 General Plan.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

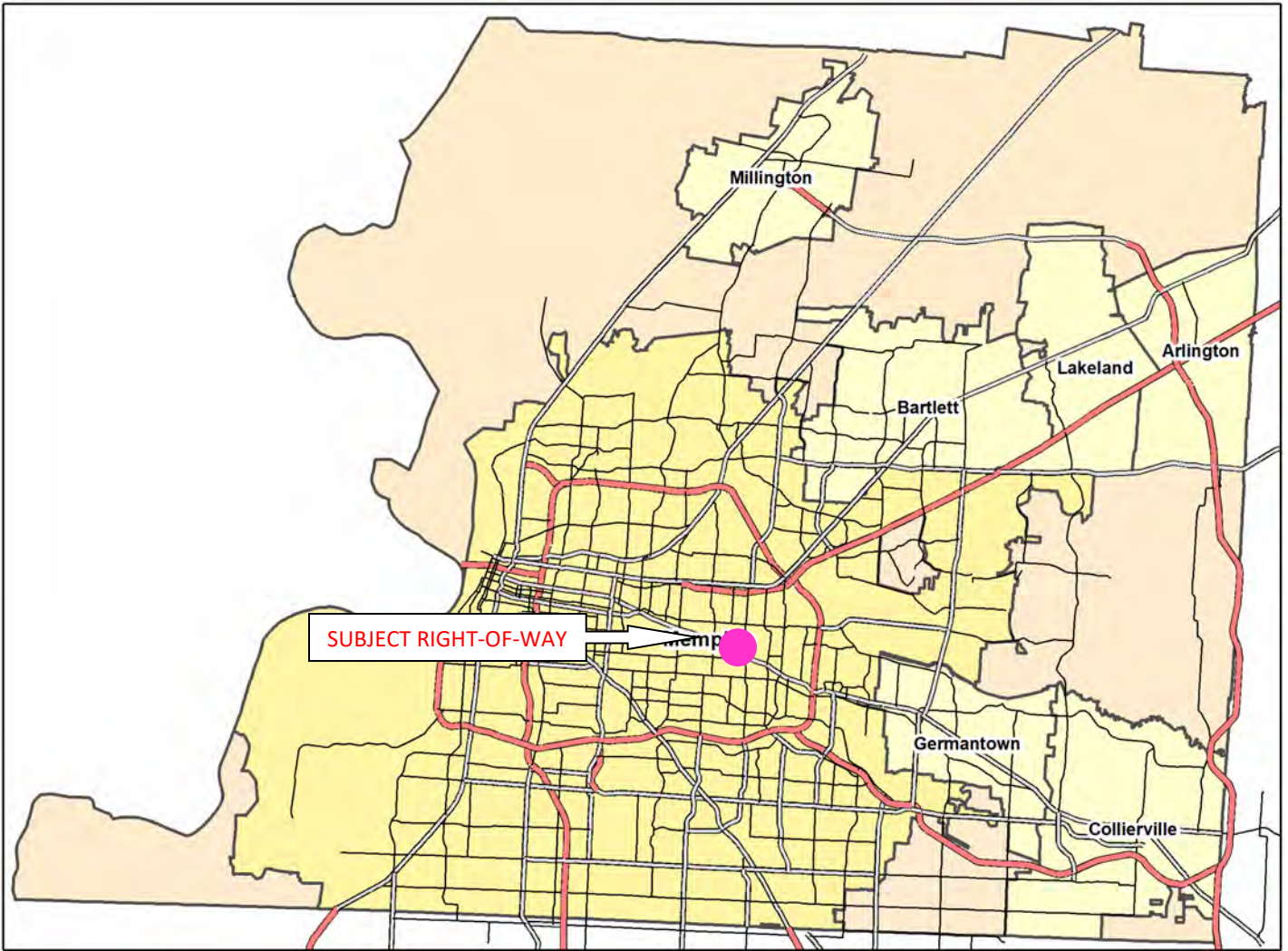
Zoning Atlas Page: 2040

Existing Zoning: Residential Single-Family – 10 (R-10)

PUBLIC NOTICE

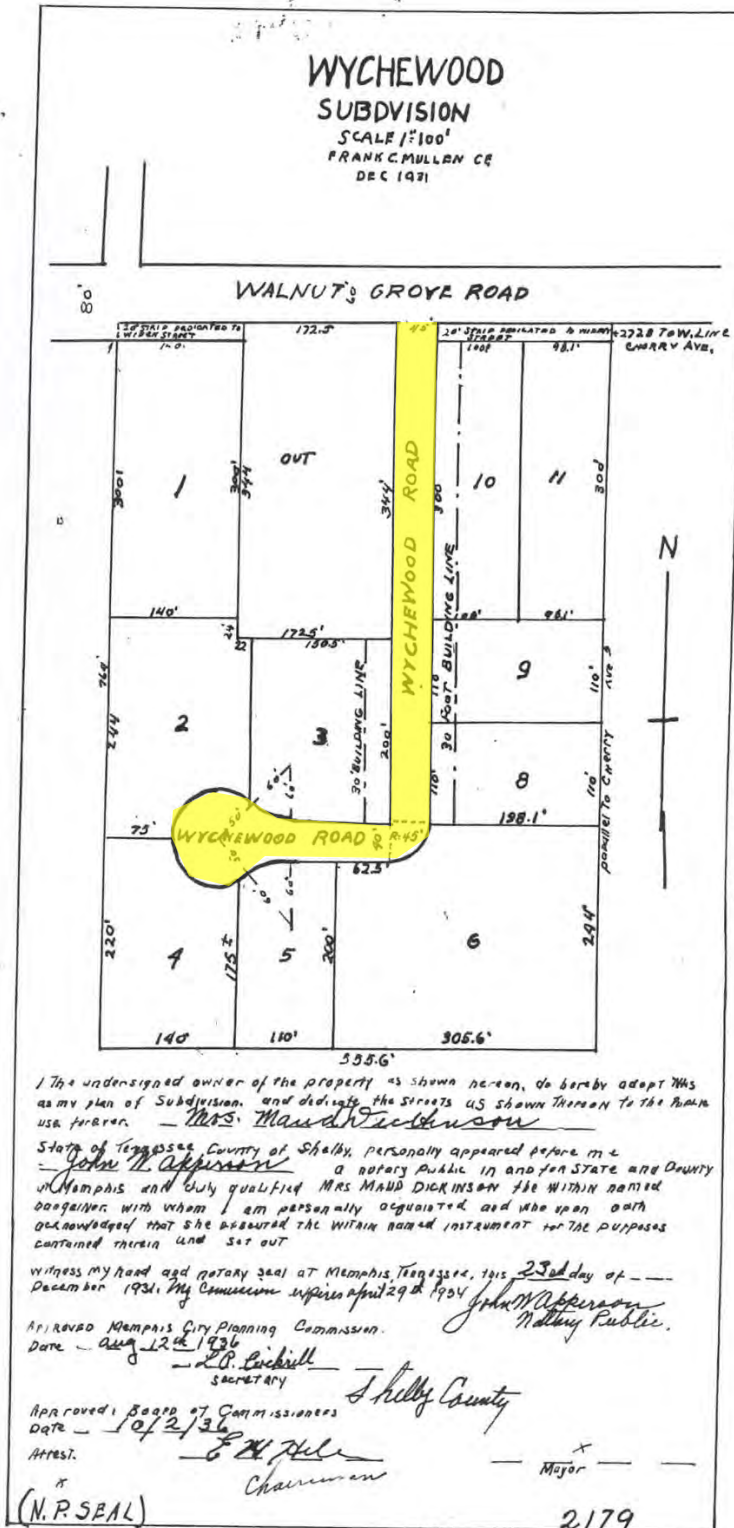
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 34 notices were mailed on March 28, 2023, and a total of 1 sign posted near the entrance of the right-of-way. The sign affidavit has been added to this report.

LOCATION MAP



Subject right-of-way located within the pink circle, East Memphis

Wychewood Subdivision (1936)



1120 Nov. 2 36
 81 A 54
 Nov 5 36 PLAT

Subject right-of-way highlighted in yellow

James C Callis Subdivision (1971)



I, the undersigned, JAMES C. CALLIS, owner of the property shown hereon, hereby adopt this plat as my plan of subdivision (and dedicate the streets, rights-of-way, easements and rights of access as shown and/or described to the public use forever). I am the owner of the said property in fee simple, duly authorized, so to act, and that said property is not encumbered by any mortgage or taxes which may become due and payable.

James C. Callis
 James C. Callis

STATE OF TENNESSEE
 COUNTY OF SHELBY

Before me, the undersigned, a notary public, in and for said state and county at Memphis, duly commissioned and qualified, personally appeared *James C. Callis* and *Mary C. Callis* with whom I am personally acquainted and who upon oath acknowledged that he executed the foregoing instrument for the purposes therein contained as his free act and deed.

Witness my hand and notarial seal this 8 day of July, 1971.

My commission expires: _____
 Notary Public: *[Signature]*

It is hereby certified that this plat is true and correct, prepared from an actual survey of the property made under my supervision.

By: *[Signature]* Notary Public
 Tennessee Certificate Number 493

Approved by the Memphis and Shelby County Planning Commission.
 Date: 7-1-71 By: *[Signature]* Director

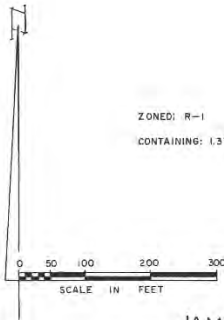
I hereby certify that the foregoing is a true copy and that said document was approved by the City Council of the City of Memphis in regular session on Aug. 11, 1971
 by: *[Signature]* Controller

Approved by Memphis and Shelby County Health DEPT.

[Signature]
 Local Health Officer
 31 Aug 1971

Owner and Developer:
 JAMES C. CALLIS
 4353 WALNUT GROVE RD.
 MEMPHIS, TENN.

ZONED: R-1
 CONTAINING: 1.33 Ac.



STATE TAX
 RECEIVED
 \$ 125.81
 JUL 1 1971
 STATE OF TENNESSEE
 MEMPHIS

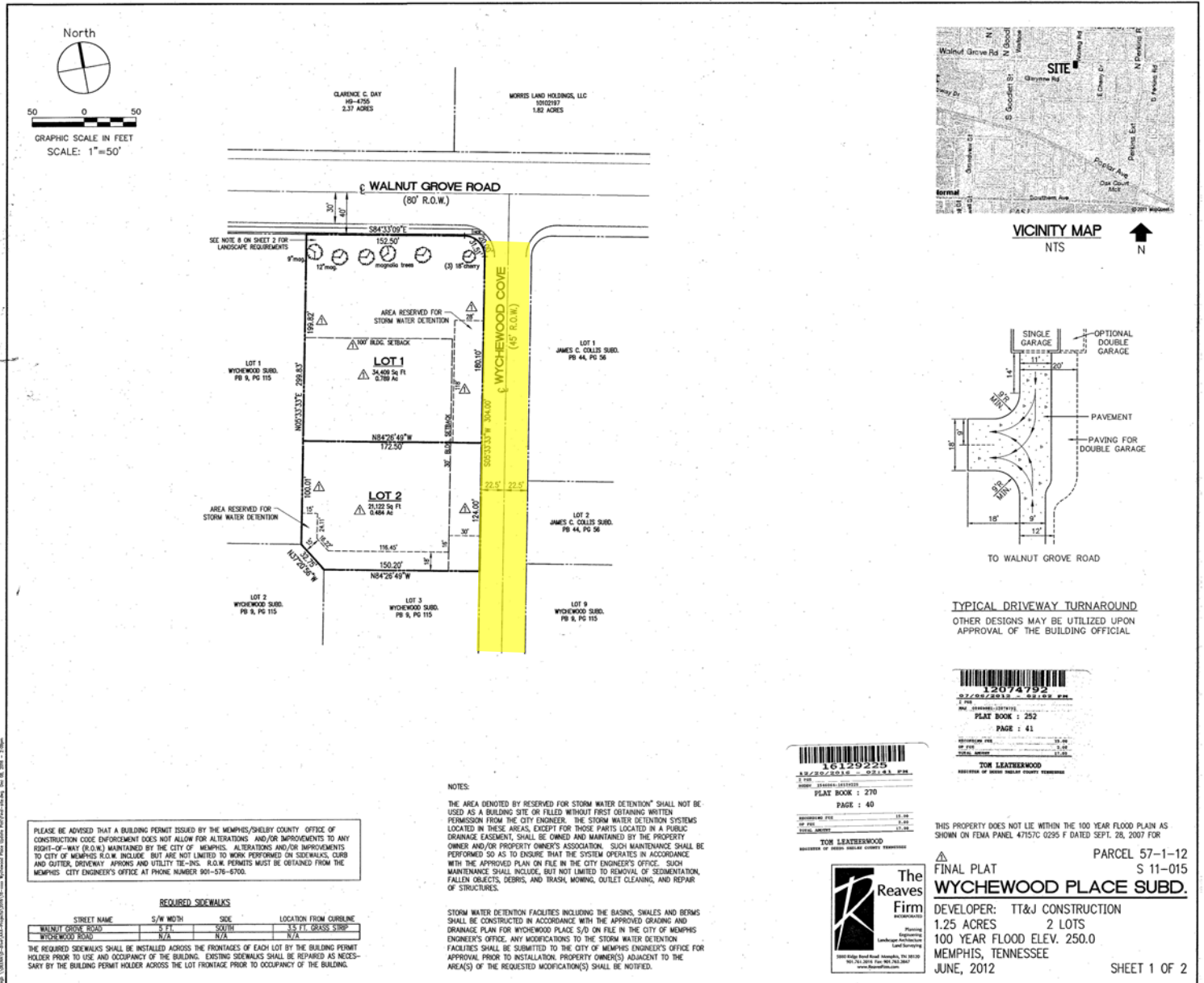
JAMES C. CALLIS SUBDIVISION

OF LOTS 10 AND 11, WYCHEWOOD SUBDIVISION
 (PLAT BOOK 9, PAGE 115, S.C.R.O.)

JULY 8, 1971 SCALE: 1" = 100'

PICKERING ENGINEERING ASSOCIATES, INC.
 3120 SUMMER AVENUE
 MEMPHIS, TENNESSEE

Wychewood Place Subdivision re-plat (2012)



PLEASE BE ADVISED THAT A BUILDING PERMIT ISSUED BY THE MEMPHIS/SHELBY COUNTY OFFICE OF CONSTRUCTION CODE ENFORCEMENT DOES NOT ALLOW FOR ALTERATIONS AND/OR IMPROVEMENTS TO ANY RIGHT-OF-WAY (R.O.W.) MAINTAINED BY THE CITY OF MEMPHIS. ALTERATIONS AND/OR IMPROVEMENTS TO CITY OF MEMPHIS R.O.W. INCLUDE, BUT ARE NOT LIMITED TO WORK PERFORMED ON SIDEWALKS, CURB AND GUTTER, DRIVEWAY APRONS AND UTILITY TIE-INS. R.O.W. PERMITS MUST BE OBTAINED FROM THE MEMPHIS CITY ENGINEER'S OFFICE AT PHONE NUMBER 901-576-6700.

REQUIRED SIDEWALKS		
STREET NAME	S/W WIDTH	LOCATION FROM CURBLINE
WALNUT GROVE ROAD	5 FT	SOUTH
WYCHEWOOD ROAD	N/A	N/A
		3.5 FT GRASS STRIP

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

NOTES:

THE AREA DENOTED BY RESERVED FOR STORM WATER DETENTION SHALL NOT BE USED AS A BUILDING SITE OR FILLED WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM THE CITY ENGINEER. THE STORM WATER DETENTION SYSTEMS LOCATED IN THESE AREAS, EXCEPT FOR THOSE PARTS LOCATED IN A PUBLIC DRAINAGE EASEMENT, SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER AND/OR PROPERTY OWNER'S ASSOCIATION. SUCH MAINTENANCE SHALL BE PERFORMED SO AS TO ENSURE THAT THE SYSTEM OPERATES IN ACCORDANCE WITH THE APPROVED PLAN ON FILE IN THE CITY ENGINEER'S OFFICE. SUCH MAINTENANCE SHALL INCLUDE, BUT NOT LIMITED TO REMOVAL OF SEDIMENTATION, FALLEN OBJECTS, DEBRIS, AND TRASH, MOWING, OUTLET CLEANING, AND REPAIR OF STRUCTURES.

STORM WATER DETENTION FACILITIES INCLUDING THE BASINS, SHALES AND BERMS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE APPROVED GRADING AND DRAINAGE PLAN FOR WYCHEWOOD PLACE S/D ON FILE IN THE CITY OF MEMPHIS ENGINEER'S OFFICE. ANY MODIFICATIONS TO THE STORM WATER DETENTION FACILITIES SHALL BE SUBMITTED TO THE CITY OF MEMPHIS ENGINEER'S OFFICE FOR APPROVAL PRIOR TO INSTALLATION. PROPERTY OWNER(S) ADJACENT TO THE AREA(S) OF THE REQUESTED MODIFICATION(S) SHALL BE NOTIFIED.

16129225
 48/20/2016 - 02:14 PM
 1 FEB 2016 10:55:23 AM
 PLAT BOOK : 270
 PAGE : 40

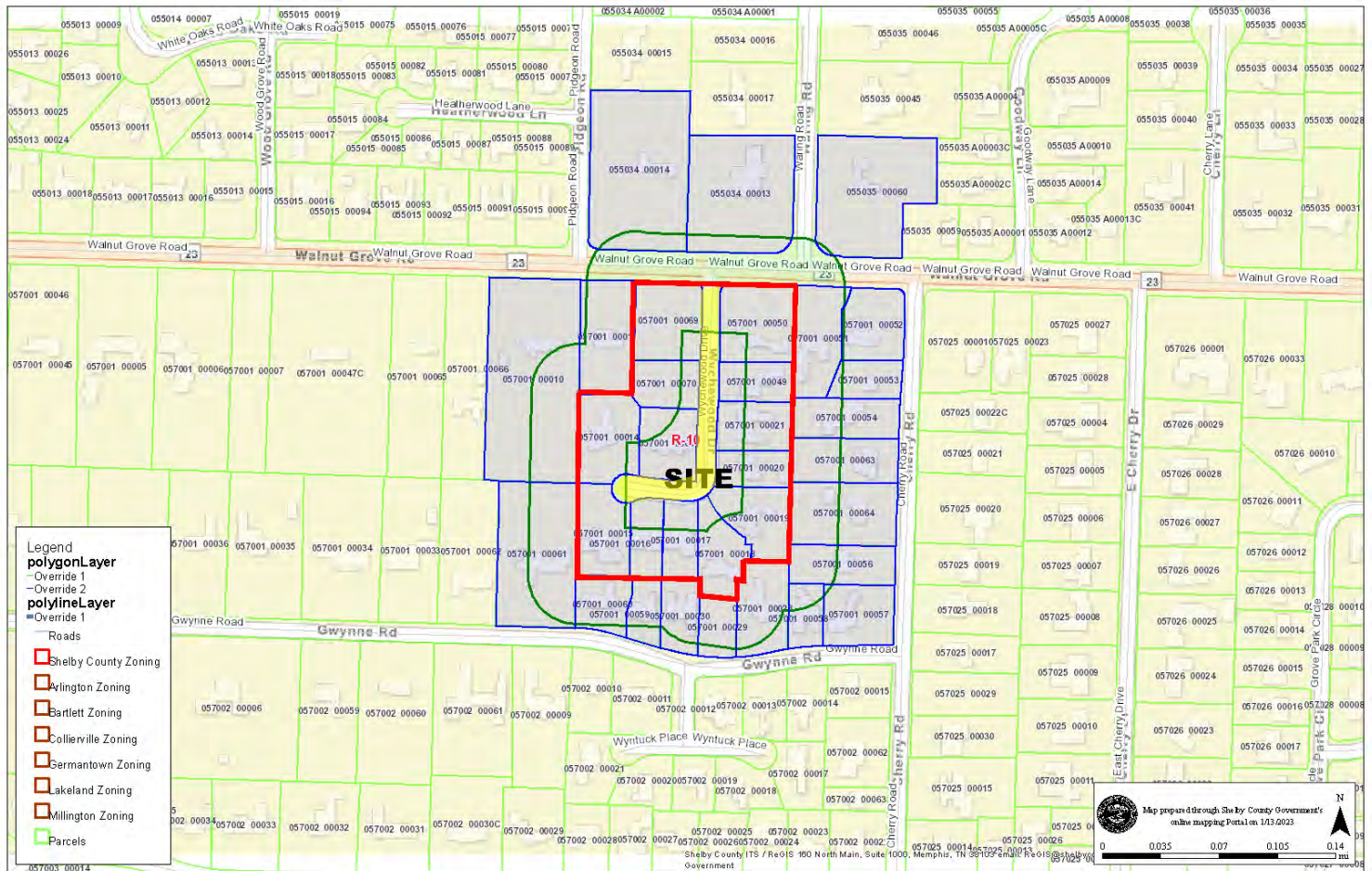
The Reaves Firm
 ARCHITECTS
 1000 Edge Hill Road Memphis, TN 38119
 901.761.2818 Fax 901.761.2817
 www.reavesfirm.com

12074792
 07/07/2013 - 02:02 PM
 PLAT BOOK : 252
 PAGE : 41

TOM LEATHERWOOD
 REGISTERED PROFESSIONAL ENGINEER
 15.00
 1.00
 11.00

THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON FEMA PANEL 4757C 0295 F DATED SEPT. 28, 2007 FOR
FINAL PLAT
WYCHEWOOD PLACE SUBD.
 DEVELOPER: TT&J CONSTRUCTION
 1.25 ACRES 2 LOTS
 100 YEAR FLOOD ELEV. 250.0
 MEMPHIS, TENNESSEE
 JUNE, 2012
 SHEET 1 OF 2

VICINITY MAP



Subject right-of-way highlighted in yellow

AERIAL



Subject right-of-way highlighted in yellow

ZONING MAP



Subject right-of-way highlighted in yellow

Existing Zoning: Residential Single-Family – 10 (R-10)

Surrounding Zoning

North: Residential Single-Family – 10 (R-10)

East: Residential Single-Family – 10 (R-10)

South: Residential Single-Family – 10 (R-10)

West: Residential Single-Family – 10 (R-10)

LAND USE MAP



Subject right-of-way outlined in orange

SITE PHOTOS



View of access point to the subject right-of-way from Walnut Grove Road looking south

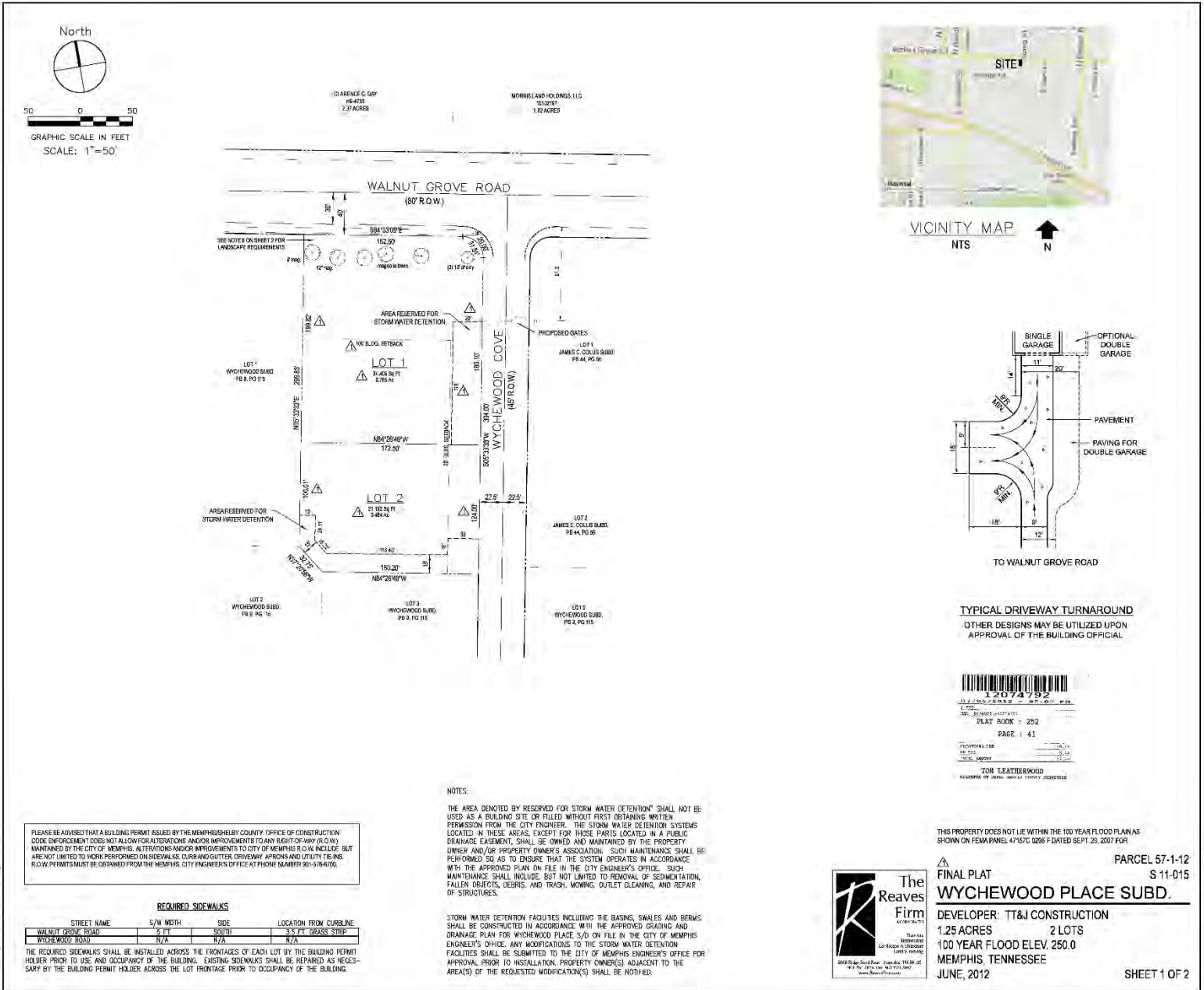


View of access point to the subject right-of-way from Walnut Grove Road looking north



View of subject right-of-way at the terminus looking east

CONCEPT PLAN (Gate Placement)



PLEASE BE ADVISED THAT A BUILDING PERMIT ISSUED BY THE MEMPHIS/DEKALB COUNTY OFFICE OF CONSTRUCTION CODE ENFORCEMENT DOES NOT ALLOW FOR ALTERATIONS AND/OR IMPROVEMENTS TO ANY RIGHT-OF-WAY (R.O.W.) MAINTAINED BY THE CITY OF MEMPHIS. ALTERATIONS AND/OR IMPROVEMENTS TO CITY OF MEMPHIS R.O.W. INCLUDE, BUT ARE NOT LIMITED TO WORK PERFORMED ON SIDEWALKS, CURB AND GUTTER, DRIVEWAY APPROXIMS AND UTILITY TIE-INS. R.O.W. PERMITS MUST BE OBTAINED FROM THE MEMPHIS CITY ENGINEER'S OFFICE AT PHONE NUMBER (901) 527-4000.

NOTES:
 THE AREA DENOTED BY RESERVED FOR STORM WATER DETENTION SHALL NOT BE USED AS A BUILDING SITE OR FILLED WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM THE CITY ENGINEER. THE STORM WATER DETENTION SYSTEMS LOCATED IN THESE AREAS, EXCEPT FOR THOSE PARTS LOCATED IN A PUBLIC DRAINAGE EASEMENT, SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER AND/OR PROPERTY OWNER'S ASSOCIATION. SUCH MAINTENANCE SHALL BE PERFORMED SO AS TO ENSURE THAT THE SYSTEM OPERATES IN ACCORDANCE WITH THE APPROVED PLAN ON FILE IN THE CITY ENGINEER'S OFFICE. SUCH MAINTENANCE SHALL INCLUDE, BUT NOT LIMITED TO REMOVAL OF SEDIMENTATION, FALLEN BRANCHES, DEBRIS, AND TRASH, MOWING, OUTLET CLEANING, AND REPAIR OF STRUCTURES.

REQUIRED SIDEWALKS

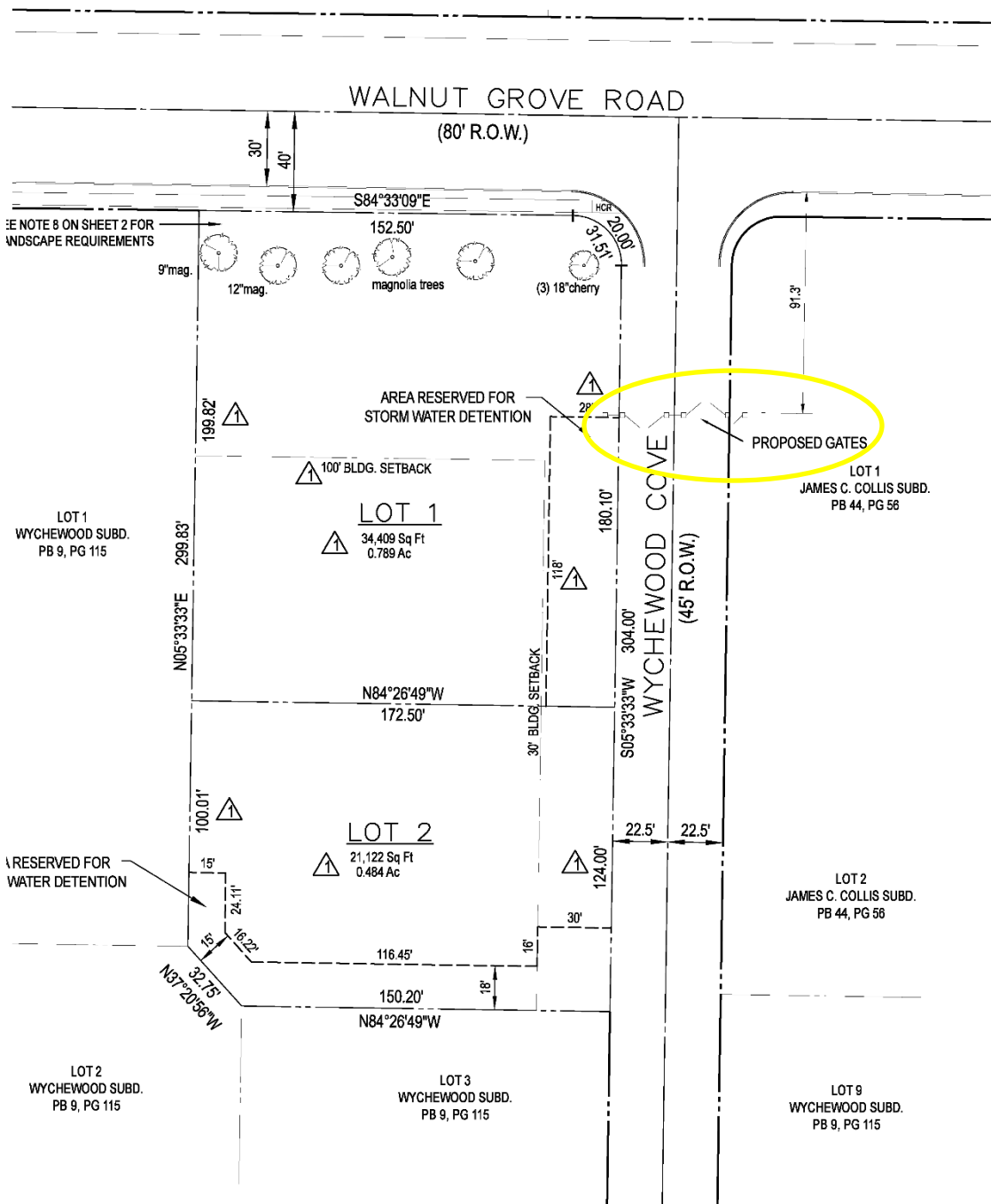
STREET NAME	S/W WIDTH	SIDE	LOCATION FROM CURBLINE
WALNUT GROVE ROAD	5 FT	SOUTH	3.5 FT GRASS STRIP
WYCHE WOOD COVE	5 FT	N/A	N/A

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



THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON FEMA PANEL 4757C 0266 F DATED SEPT. 26, 2007 FOR
 PARCEL 57-1-12
 S 11-015
FINAL PLAT
WYCHEWOOD PLACE SUBD.
 DEVELOPER: TT&J CONSTRUCTION
 1.25 ACRES 2 LOTS
 100 YEAR FLOOD ELEV. 250.0
 MEMPHIS, TENNESSEE
 JUNE, 2012
 SHEET 1 OF 2

GATE PLACEMENT MAGNIFIED



STAFF ANALYSIS

Request and Reason

The application and letter of intent have been added to this report.

The request is to convert a public street (Wychewood Drive) to a private street. If approved, the final plat for Wychewood Subdivision would be amended and re-recorded. The reason for the request is to place gates on Wychewood Drive near the intersection of Walnut Grove Road, in order to provide additional security for existing homes along Wychewood Drive.

Site Description

The subject right-of-way is +/-45 feet wide and approximately +/-700 feet long. It primarily runs north-south, perpendicular to Walnut Grove Road. The terminus of Wychewood Drive is a cul-de-sac. Thirteen residential lots front the right-of-way.

Relevant Unified Development Code Section

The Streets and Alleys Section of 5.2.18 reads as follows:

Conversion of Public Street to Private Street

A. Generally

Public streets must be connected to the public street system with at least one unobstructed access point. Any proposal that would involve completely dislocating a street or street segment from the public street system through the erection of a gate(s) or other obstruction(s) shall necessitate a private street conversion (see Sub-Section 9.8A). Private streets are maintained by a homeowners association or one or more abutting property owner(s). A proposal involving the erection of a gate(s) or other obstruction(s) that results in at least one unobstructed access point to the public street system may be processed as a physical closure (see Sub-Section 9.8B).

B. Procedure

Conversions of a public street to a private street shall be processed as either an amendment to a planned development outline plan or final plan, an amendment to a subdivision plan or plat or a right-of-way vacation in accordance with the provisions of this Sub-Section.

1. Amendment to a planned development outline plan or final plan. For streets that are located entirely within a planned development that neither stub to adjacent undeveloped property nor connect to adjacent streets, and where an established homeowners association maintains common areas, a public to private street conversion shall be processed as an amendment to the planned development outline or final plan pursuant to Chapter 9.6 and require approval by the legislative body. Before an application for such an amendment is accepted by the Division of Planning and Development, an affidavit shall be presented by the applicant that the percentage of lot owners as required by the homeowners or property owners association's bylaws that govern amendments to the outline or final plan has agreed on and voted for the amendment. A petition with the appropriate signatures indicating this vote shall be presented with the application.
2. Amendment to a subdivision plan or plat. In situations where all of the provisions of Paragraph (1) are met, except the street(s) proposed to be converted lies in a subdivision rather than a

planned development, the public to private street conversion shall be processed as a modification of an approved plan or plat pursuant to Chapter 9.7 and require approval by the legislative body.

3. Right-of-way vacation. In situations that do not meet the provisions of Paragraphs (1) and (2) above, the application shall be processed as a right-of-way vacation pursuant to Chapter 9.8. Before an application for such a vacation is accepted by the Division of Planning and Development, an affidavit shall be presented by the applicant that 100% of the property owners that abut the street or streets to be converted, as well as any other property owners who will be levied fees to maintain the converted street, has agreed and voted for the vacation. A petition with the appropriate signatures indicating this vote shall be presented with the application. For the purpose of this Paragraph, the approval of property owners of parcels that abut but do not access the street to be converted are not required to approve the vacation, provided they will not be part of the owners association that will maintain the converted street.

C. The applicant shall provide proof that the applicant and/or the applicable owners association has and will maintain general liability insurance covering bodily injury, property damage and personal and advertising injury, on an occurrence form to cover any loss or damage that may occur related to the use of the street or private improvement that occurs subsequent to the vacation, with the City or County added as an additional insured. The policy limits will not be less than \$1,000,000 per occurrence.

D. If more than one lot, a property owners association shall maintain the streets and other improvements granted to the association. If no formal community association exists in the subdivision, one shall be created.

E. Street maintenance shall include keeping the street driving surface in a good state of repair. Curbs, gutters, sidewalks and street trees shall be maintained so as to not present a safety hazard.

F. Unless otherwise required by the Public Works Director, stormwater systems, surface and underground, that collect runoff primarily from the area shall become private. The applicant shall retain public easements as required by the City or County Engineer where applicable.

G. Facilities, such as streetlights and underground utilities, shall be considered separately and the facility shall remain public if it can be shown it is in the best public interest for the facility to remain public.

H. The connection of the private drive to the public street shall be redesigned and constructed to clearly distinguish between the public street and the private drive, unless waived by the Land Use Control Board through the special exception process as outlined in Chapter 9.14. The appropriate private street name sign shall be installed by the applicant.

Conclusions

The applicant is seeking to convert a public street, Wychewood Drive, to a private street.

Wychewood Drive is the subdivision entrance to Wychewood Subdivision, originally platted in 1936 (see page 4).

Conversion of a public street to a private street may be permitted as a modification to an approved plat per Section 5.2.18 of the Unified Development Code by amending and re-recording the Wychewood Place Subdivision Final Plat (see page 6).

The applicant's intent is to add gates across Wychewood Drive, providing additional security to the residential properties fronting the right-of-way.

The closure of the subject right-of-way would 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. Perpetual maintenance of the private street is required by a property owners association to the same standards as connecting public streets for the safe use of persons using the streets.
2. The City has absolutely no obligation or intention to ever accept such street as public right-of-way.
3. The private street shall be labeled on the final plat and be assigned a lot and block number from its subdivision.
4. The existing green sign blade identifying Wychewood Drive is to be changed at the applicant's expense to a blue sign blade to signify the street as a private street.
5. Dedicate a 15' permanent Sewer Easement.
6. The city of Memphis shall have ingress/egress 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, fence, and yards.
7. Any improvements encroaching the sanitary sewer easements which are not authorized by the city of Memphis may be removed by the city at any time and the city shall bear no responsibility for the maintenance of said improvements.
8. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
9. 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.
10. The applicant shall comply with all conditions of the closure within 3 years of the conditional approval of

the closure by the City Council.

11. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
12. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles. The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. Any gated and/or fenced community shall have at least one 20-foot opening gate which shall be designated as the Fire Department primary access. This gate shall conform to sections 503.6.1.1 through 503.6.1.6 and, if automated, shall be siren activated and equipped with both primary and secondary overrides. Exception: Group R-3 occupancies are exempt from the requirements of this section when the fenced area is for a single occupancy.

DEPARTMENTAL COMMENTS

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

City/County Engineer: See comments as follows:
CASE: * MJR 23-09 (coresp. to S 11-015) NAME: Wychewood Drive; Pub-Pvt Street

Sewers:

1. Dedicate a 15' permanent Sewer Easement.
2. The city of Memphis shall have ingress/egress 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, fence, and yards.
3. No trees, shrubs, permanent structures, or other utilities (except for crossings) will be allowed within the sanitary sewer easement.
4. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
5. Any improvements encroaching the sanitary sewer easements which are not authorized by the city of Memphis may be removed by the city at any time and the city shall bear no responsibility for the maintenance of said improvements.

Street Closures:

6. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
7. City sanitary sewers/drainage facilities are located within the proposed closure area.
8. 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.
9. The applicant shall comply with all conditions of the closure within 3 years of the conditional approval of the closure by the City Council.
10. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
11. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles

City/County Fire Division: See comments as follows:

Date Reviewed: 4/5/23

Reviewed by: J. Stinson

Address or Site Reference: Wychewood Dr

503.6 Security gates is amended to delete the entire section and substitute in lieu thereof the following:

503.6 Security gates. The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. Any gated and/or fenced community shall have at least one 20-foot opening gate which shall be designated as the Fire Department primary access. This gate shall conform to sections 503.6.1.1 through 503.6.1.6 and, if automated, shall be siren activated and equipped with both primary and secondary overrides. Exception: Group R-3 occupancies are exempt from the requirements of this section when the fenced area is for a single occupancy.

503.6.1 Automatic gates. All automatic gates on required fire apparatus access roads, as determined by the fire code official, shall provide approved override and power-off equipment. This override system shall provide controls to open, override timer functions for emergency access, and power off equipment for manual operation.

503.6.1.1 Emergency override. Emergency override of all automated gate systems shall operate with power on or off. The emergency override system shall consist of a fire access housing designed as follows: The access box shall be red in color and display "Fire Dept." or "Fire Access" in white letters on the face plate. The face plate shall be hinged and designed to accept a Medeco padlock, keyed to the Memphis Fire Department access key. The Fire Access housing shall be equipped with an internal switch so as when the pad lock is removed and the face plate is opened it will signal the automated gate to open. The automated gate shall remain open while the face plate remains open. Upon closing of the face plate and reinserting the Medeco pad lock, the automated gate shall return to normal operation. The Fire Access housing shall be installed in a manner as to be plainly visible from the cab of the approaching emergency vehicle.

Page 8 of 27

503.6.1.2 Manual disconnects. All automated entry gates shall be equipped with Medeco padlocked disconnects for use if the power supply to the automated gate fails or the Fire Access housing device fails to open the gate.

503.6.1.2.1 For a sliding gate, the rear chain attachment point, at which the chain connects to the physical gate, shall be padlocked and secured with a Memphis Fire Department keyed Medeco lock. If the disconnect is not accessible from the public side or the secured sides of the gate, a walk gate padlocked with a Memphis Fire Department keyed Medeco lock shall be installed to allow access to the disconnect.

503.6.1.2.2 For a swing gate, the attachment point of the swing arm to the gate shall be equipped with a disconnect pin that shall be padlocked. As with the slide style gate, this pin shall be accessible from both the public and secured sides of the gate

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.

City/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.

APPLICATION



Record Summary for Major Modification

Record Detail Information

Record Type: Major Modification

Record Status: Assignment

Opened Date: March 2, 2023

Record Number: MJR 2023-009

Expiration Date:

Record Name: Wychewood Drive

Description of Work: Conversion of Public Street to Private Street

Parent Record Number:

Address:

35 WYCHEWOOD DR, MEMPHIS 38117

Owner Information

Primary Owner Name

Y SMITH LEWIS F & ELIZABETH A

Owner Address

35 WYCHEWOOD DR, MEMPHIS, TN 38117

Owner Phone

9016057985

Parcel Information

057001 00070

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chip Saliba

Date of Meeting

01/05/2023

Pre-application Meeting Type

Phone

GENERAL INFORMATION

GENERAL INFORMATION

Justification for Request Residents of neighborhood wish to gate their subdivision

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

Is this application in response to a citation, stop work order, or zoning letter No

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

GIS INFORMATION

Case Layer -

Central Business Improvement District No

Class R

Downtown Fire District No

Historic District -

Land Use SINGLE-FAMILY

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning R-10

Lot 2

State Route -

Subdivision WYCHEWOOD PLACE

Planned Development District -

Wellhead Protection Overlay District Yes

Contact Information

Name LEWIS SMITH Contact Type APPLICANT

Address

Phone (901)605-7985

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1452398	Major Modification Fee	1	300.00	INVOICED	0.00	03/02/2023
1452398	Credit Card Use Fee (.026 x fee)	1	7.80	INVOICED	0.00	03/02/2023

Total Fee Invoiced: \$307.80

Total Balance: \$0.00

Payment Information

Payment Amount \$307.80 Method of Payment Credit Card

LETTER OF INTENT



From the Desk of:
Tim McCaskill
Direct Dial: 901.821.4974
E-Mail: TimMcCaskill@ReavesFirm.com

February 27, 2023

Mr. Brett Ragsdale
Zoning Administrator
Memphis and Shelby County Division of Planning and Development
125 N. Main Street
Memphis, TN 38103

**LETTER OF INTENT
WYCHEWOOD COVE**

The property owners in Wychewood Subdivision, Wychewood Place Subdivision, and James C. Callis Subdivision are applying to be heard by the Land Use Control Board and Memphis City Council to convert Wychewood Cove from a public to a private street. The purpose of this conversion is to construct gates across Wychewood Cove. The street has a 45' ROW and is approximately 700' long. The neighborhood was recorded in the late 1930's and the majority of the homes were constructed in the 1940's. An outparcel at the Northwest corner of Wychewood Cove and Walnut Grove was subdivided into two lots in 2012. Lots 10 and 11 were re-subdivided into Lots 1 and 2 of the James C. Callis Subdivision in 1971. There are a total of 14 lots in the subdivisions.

HOA Representative:
Lewie Smith 901-605-7985
lewie@ngp.com

Consultants:
The Reaves Firm – 901-761-2016
Tim McCaskill – timmccaskill@reavesfirm.com

*6800 Poplar Avenue, Suite 101 • Memphis, TN 38138
901.761.2016 • Fax: 901.763.2847
www.ReavesFirm.com*

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Teresa McCaskill, being duly sworn, depose and say that at 10:30 ampm on the 3rd day of April, 2023, I posted 1 Public Notice Sign(s) pertaining to Case No. MJR 23-09 at Walnut Grove and Wychewood providing notice of a Public Hearing before the (check one):

- Land Use Control Board
- Board of Adjustment
- 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.

Teresa McCaskill
Owner, Applicant or Representative

4/3/23
Date

Subscribed and sworn to before me this 3 day of April, 2023.

Michelle Costese McIvor
Notary Public

My commission expires: 8/3/26



MJR 23-09 Wychewood



Walnut Grove and Wychewood Drive

LETTERS RECEIVED

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



Record Summary for Major Modification

Record Detail Information

Record Type: Major Modification

Record Status: Assignment

Opened Date: March 2, 2023

Record Number: MJR 2023-009

Expiration Date:

Record Name: Wychewood Drive

Description of Work: Conversion of Public Street to Private Street

Parent Record Number:

Address:

35 WYCHEWOOD DR, MEMPHIS 38117

Owner Information

Primary Owner Name

Y SMITH LEWIS F & ELIZABETH A

Owner Address

35 WYCHEWOOD DR, MEMPHIS, TN 38117

Owner Phone

9016057985

Parcel Information

057001 00070

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chip Saliba

Date of Meeting

01/05/2023

Pre-application Meeting Type

Phone

GENERAL INFORMATION

GENERAL INFORMATION

Justification for Request Residents of neighborhood wish to gate their subdivision

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

Is this application in response to a citation, stop work order, or zoning letter No

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

GIS INFORMATION

Case Layer -

Central Business Improvement District No

Class R

Downtown Fire District No

Historic District -

Land Use SINGLE-FAMILY

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning R-10

Lot 2

State Route -

Subdivision WYCHEWOOD PLACE

Planned Development District -

Wellhead Protection Overlay District Yes

Contact Information

Name LUIS SMITH **Contact Type** APPLICANT

Address

Phone
(901)605-7985

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1452398	Major Modification Fee	1	300.00	INVOICED	0.00	03/02/2023
1452398	Credit Card Use Fee (.026 x fee)	1	7.80	INVOICED	0.00	03/02/2023

Total Fee Invoiced: \$307.80

Total Balance: \$0.00

Payment Information

Payment Amount \$307.80 **Method of Payment** Credit Card

OWNER AFFIDAVIT

I, the undersigned, am the owner of a lot in Wychewood Subdivision or Wychewood Place Subdivision. I also support the Land Use Control Board application for the conversion of Wychewood Cove from a public street to a private street.

Owner: [Signature] Address: 4325 WYCHEWOOD Date: 01.24.23

Owner: Kimberly E Sharp Address: 4325 Wychewood Date: 01.25.23

Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____

OWNER AFFIDAVIT

I, the undersigned, am the owner of a lot in Wychewood Subdivision or Wychewood Place Subdivision. I also support the Land Use Control Board application for the conversion of Wychewood Cove from a public street to a private street.

Owner: ARISTORHER CONRAD Address: 4353 WALNUT GROVE RD Date: 1/25/03

Owner: [Signature] Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____


Owner: _____ Address: _____ Date: _____

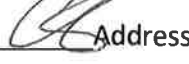
Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____

OWNER AFFIDAVIT

I, the undersigned, am the owner of a lot in Wychewood Subdivision or Wychewood Place Subdivision. I also support the Land Use Control Board application for the conversion of Wychewood Cove from a public street to a private street.

Owner: Abigail Caspary  Address: 72 Wychewood Dr Date: 1-19-23

Owner: Christopher Caspary  Address: 72 Wychewood Dr Date: 1-19-23

Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____

Owner: _____ Address: _____ Date: _____



**The
Reaves
Firm**
INCORPORATED

Planning
Engineering
Landscape Architecture
Land Surveying

From the Desk of:

Tim McCaskill

Direct Dial: 901.821.4974

E-Mail: TimMcCaskill@ReavesFirm.com

February 27, 2023

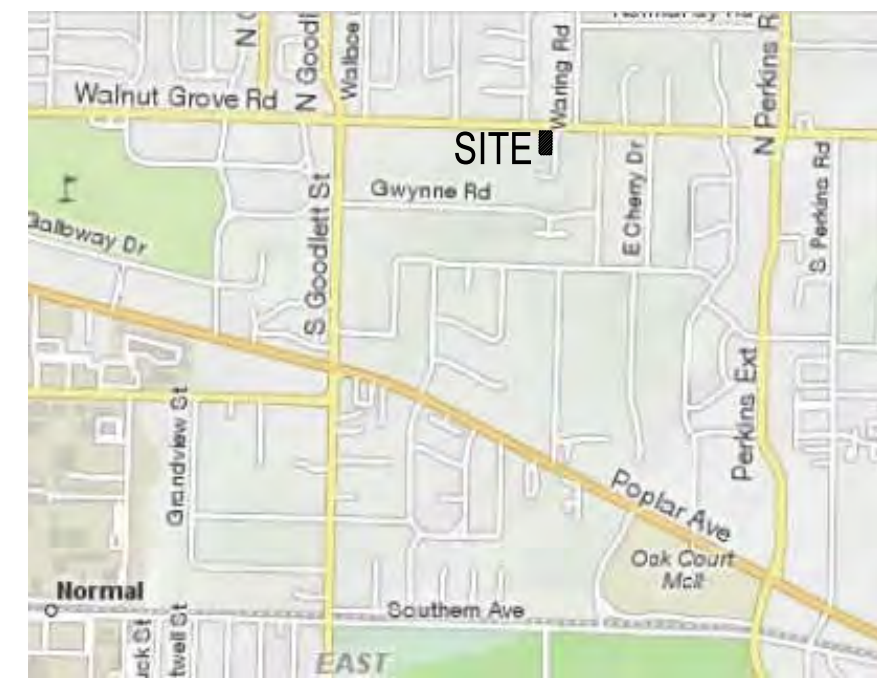
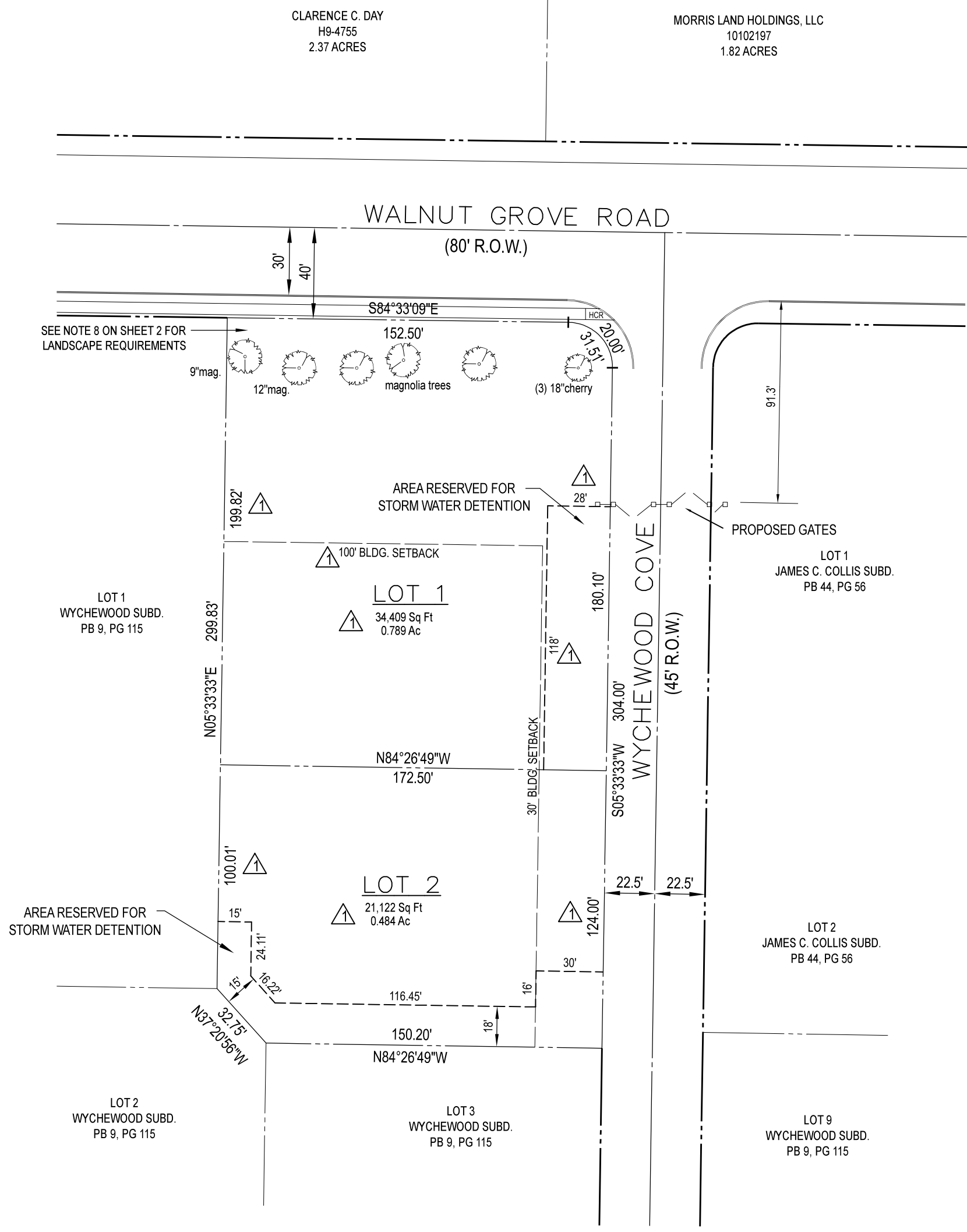
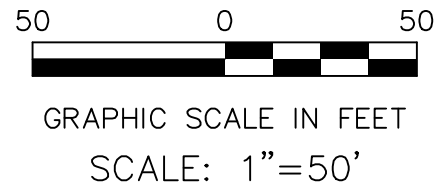
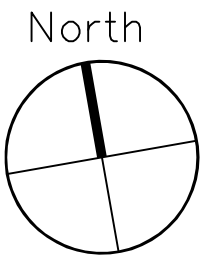
Mr. Brett Ragsdale
Zoning Administrator
Memphis and Shelby County Division of Planning and Development
125 N. Main Street
Memphis, TN 38103

LETTER OF INTENT WYCHEWOOD COVE

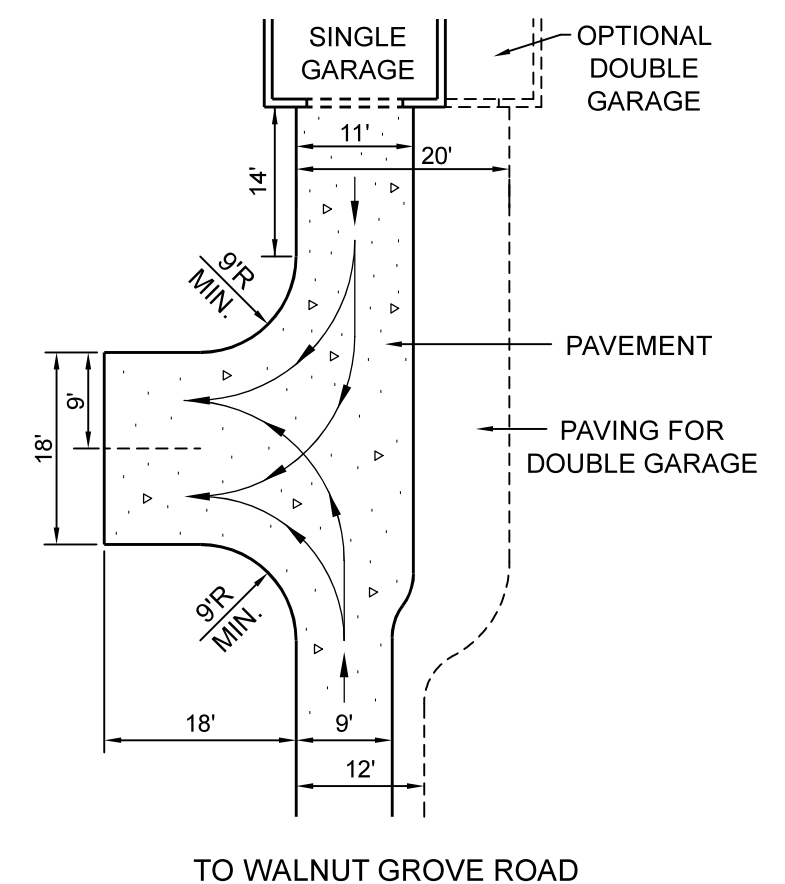
The property owners in Wychewood Subdivision, Wychewood Place Subdivision, and James C. Callis Subdivision are applying to be heard by the Land Use Control Board and Memphis City Council to convert Wychewood Cove from a public to a private street. The purpose of this conversion is to construct gates across Wychewood Cove. The street has a 45' ROW and is approximately 700' long. The neighborhood was recorded in the late 1930's and the majority of the homes were constructed in the 1940's. An outparcel at the Northwest corner of Wychewood Cove and Walnut Grove was subdivided into two lots in 2012. Lots 10 and 11 were re-subdivided into Lots 1 and 2 of the James C. Callis Subdivision in 1971. There are a total of 14 lots in the subdivisions.

HOA Representative:
Lewie Smith 901-605-7985
lewie@ngp.com

Consultants:
The Reaves Firm – 901-761-2016
Tim McCaskill – timmccaskill@reavesfirm.com



VICINITY MAP
NTS
N



TYPICAL DRIVEWAY TURNAROUND
OTHER DESIGNS MAY BE UTILIZED UPON APPROVAL OF THE BUILDING OFFICIAL

12074792
07/06/2012 - 02:02 PM
2 PGS
MAX 00969981-12074792
PLAT BOOK : 252
PAGE : 41
RECORDING FEE 15.00
DP FEE 2.00
TOTAL AMOUNT 17.00
TOM LEATHERWOOD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

PLEASE BE ADVISED THAT A BUILDING PERMIT ISSUED BY THE MEMPHIS/SHELBY COUNTY OFFICE OF CONSTRUCTION CODE ENFORCEMENT DOES NOT ALLOW FOR ALTERATIONS AND/OR IMPROVEMENTS TO ANY RIGHT-OF-WAY (R.O.W.) MAINTAINED BY THE CITY OF MEMPHIS. ALTERATIONS AND/OR IMPROVEMENTS TO CITY OF MEMPHIS R.O.W. INCLUDE, BUT ARE NOT LIMITED TO WORK PERFORMED ON SIDEWALKS, CURB AND GUTTER, DRIVEWAY APRONS AND UTILITY TIE-INS. R.O.W. PERMITS MUST BE OBTAINED FROM THE MEMPHIS CITY ENGINEER'S OFFICE AT PHONE NUMBER 901-576-6700.

REQUIRED SIDEWALKS

STREET NAME	S/W WIDTH	SIDE	LOCATION FROM CURBLINE
WALNUT GROVE ROAD	5 FT.	SOUTH	3.5 FT. GRASS STRIP
WYCHEWOOD ROAD	N/A	N/A	N/A

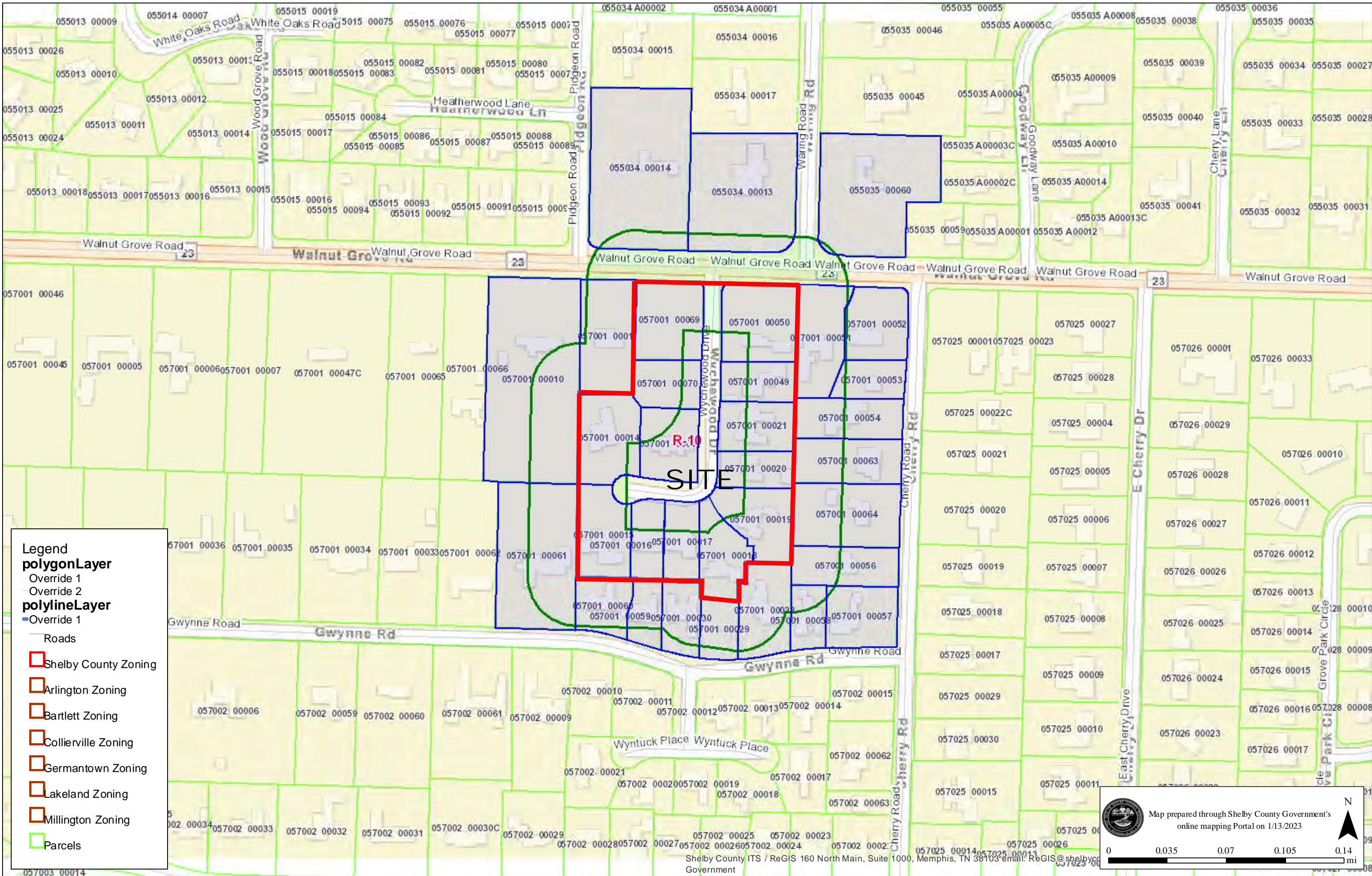
THE REQUIRED SIDEWALKS SHALL BE INSTALLED ACROSS THE FRONTAGES OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO USE AND OCCUPANCY OF THE BUILDING. EXISTING SIDEWALKS SHALL BE REPAIRED AS NECESSARY BY THE BUILDING PERMIT HOLDER ACROSS THE LOT FRONTAGE PRIOR TO OCCUPANCY OF THE BUILDING.

NOTES:
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STORM WATER DETENTION FACILITIES INCLUDING THE BASINS, SWALES AND BERMS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE APPROVED GRADING AND DRAINAGE PLAN FOR WYCHEWOOD PLACE S/D ON FILE IN THE CITY OF MEMPHIS ENGINEER'S OFFICE. ANY MODIFICATIONS TO THE STORM WATER DETENTION FACILITIES SHALL BE SUBMITTED TO THE CITY OF MEMPHIS ENGINEER'S OFFICE FOR APPROVAL PRIOR TO INSTALLATION. PROPERTY OWNER(S) ADJACENT TO THE AREA(S) OF THE REQUESTED MODIFICATION(S) SHALL BE NOTIFIED.

THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON FEMA PANEL 47157C 0295 F DATED SEPT. 28, 2007 FOR

PARCEL 57-1-12
FINAL PLAT S 11-015
WYCHEWOOD PLACE SUBD.
DEVELOPER: TT&J CONSTRUCTION
1.25 ACRES 2 LOTS
100 YEAR FLOOD ELEV. 250.0
MEMPHIS, TENNESSEE
JUNE, 2012



Legend

polygonLayer


- Override 1
- Override 2

polylineLayer

- Override 1

Roads

- Shelby County Zoning
- Arlington Zoning
- Bartlett Zoning
- Collierville Zoning
- Germantown Zoning
- Lakeland Zoning
- Millington Zoning
- Parcels



Map prepared through Shelby County Government's online mapping Portal on 1/13/2023

0 0.035 0.07 0.105 0.14 mi

N

057001 00010 - SHARP DALE W & KIMBERLY E
057001 00054 - WADSWORTH GILLIAN M
057001 00060 - MAGEVNEY RICHARD L & DIANNE S
057001 00030 - MCCULLOUGH JAMES L JR & VICKI S
057001 00018 - BAILEY MICHAEL N & AMELIA P
057001 00019 - BOYLE DAPHNE H H
055034 00014 - WILFONG JOHN E & CATHERINE D
055034 00013 - MORRIS LAND HOLDINGS LLC
057001 00050 - CONRAD CHRISTOPHER T
057001 00051 - WILLIAMS RUSSELL W & LAUREL
057001 00052 - BISHOP REVOCABLE LIVING TRUST
057001 00049 - BOYD JAMES H JR & ANN W
057001 00053 - GINGOLD JOYCE M DECLARATION OF TRUST
057001 00021 - POPWELL DAVID T & SELDEN E
057001 00063 - KEESEE THOMAS M JR LIVING TRUST (50%)
057001 00020 - GWIN JAN L REVOCABLE LIVING TRUST
057001 00015 - GILLESPIE PAUL T JR
057001 00064 - PRATHER JOHN & HERMENIA
057001 00016 - COSGROVE CHRISTOPHER T & ABIGAIL B
057001 00017 - FARMER R KENT REVOCABLE LIVING TRUST AND
057001 00056 - SMITH CHARLES F & SUSAN
057001 00059 - GARDNER ELLEN L AND ROBERT G GARDNER JR
057001 00058 - RYAN PHILLIP A REVOCABLE TRUST
057001 00057 - SLATERY JANE G
057001 00029 - MCCULLOUGH JAMES L JR & VICKI S

057001 00011 - PAGE NANCY O REVOCABLE LIVING TRUST

057001 00013 - COWAN TIMOTHY H & MILLER C

057001 00069 - SHARP DALE & KIMBERLY

057001 00070 - SMITH LEWIS F & ELIZABETH A

057001 00014 - WHITEHEAD WOODSON C & SUSANNAH G

055035 00060 - EGGLESTON ARTISTIC HOLDINGS LLC

057001 00061 - DOBBS JOHN H JR

057001 00028 - SWORDS LESLIE FAMILY TRUST

SHARP DALE W & KIMBERLY E
4285 WALNUT GROVE RD
MEMPHIS TN 38117

WADSWORTH GILLIAN M
55 CHERRY RD
MEMPHIS TN 38117

MAGEVNEY RICHARD L & DIANNE S
4300 GWYNNE RD
MEMPHIS TN 38117

MCCULLOUGH JAMES L JR & VICKI
4328 GWYNNE RD
MEMPHIS TN 38117

BAILEY MICHAEL N & AMELIA P
58 WYCHEWOOD DR
MEMPHIS TN 38117

BOYLE DAPHNE H H
54 WYCHEWOOD DR
MEMPHIS TN 38117

WILFONG JOHN E & CATHERINE D
4326 WALNUT GROVE RD
MEMPHIS TN 38117

MORRIS LAND HOLDINGS LLC
4354 WALNUT GROVE RD
MEMPHIS TN 38117

CONRAD CHRISTOPHER T
4353 WALNUT GROVE RD
MEMPHIS TN 38117

WILLIAMS RUSSELL W & LAUREL
4371 WALNUT GROVE RD
MEMPHIS TN 38117

BISHOP REVOCABLE LIVING TRUST
4385 WALNUT GROVE RD
MEMPHIS TN 38117

BOYD JAMES H JR & ANN W
28 WYCHEWOOD DR
MEMPHIS TN 38117

GINGOLD JOYCE M DECLARATION
OF TRUST
41 CHERRY RD
MEMPHIS TN 38117

POPWELL DAVID T & SELDEN E
36 WYCHEWOOD DR
MEMPHIS TN 38117

KEESEE THOMAS M JR LIVING
TRUST
73 CHERRY RD
MEMPHIS TN 38117

GWIN JAN L REVOCABLE LIVING
TRUST
42 WYCHEWOOD DR
MEMPHIS TN 38117

GILLESPIE PAUL T JR
76 WYCHEWOOD DR
MEMPHIS TN 38117

PRATHER JOHN & HERMENIA
87 CHERRY RD
MEMPHIS TN 38117

COSGROVE CHRISTOPHER T &
ABIGAIL B
72 WYCHEWOOD DR
MEMPHIS TN 38117

FARMER R KENT REVOCABLE
LIVING TRUST AND
66 WYCHEWOOD DR
MEMPHIS TN 38117

SMITH CHARLES F & SUSAN
111 CHERRY RD
MEMPHIS TN 38117

GARDNER ELLEN L AND ROBERT G
GARDNER JR
4312 GWYNNE RD
MEMPHIS TN 38117

RYAN PHILLIP A REVOCABLE
TRUST
4370 GWYNNE RD
MEMPHIS TN 38117

SLATERY JANE G
123 CHERRY RD
MEMPHIS TN 38117

MCCULLOUGH JAMES L JR & VICKI
4328 GWYNNE RD
MEMPHIS TN 38117

PAGE NANCY O REVOCABLE
LIVING TRUST
4315 WALNUT GROVE RD
MEMPHIS TN 38117

COWAN TIMOTHY H & MILLER C
4298 TUCKAHOE RD
MEMPHIS TN 38117

SHARP DALE & KIMBERLY
4285 WALNUT GROVE RD
MEMPHIS TN 38117

SMITH LEWIS F & ELIZABETH A
35 WYCHEWOOD DR
MEMPHIS TN 38117

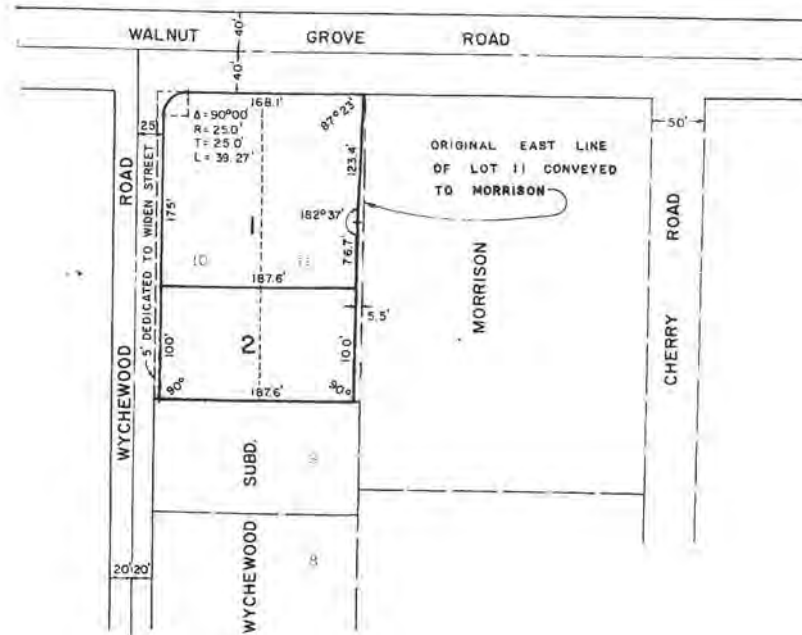
WHITEHEAD WOODSON C &
SUSANNAH G
83 WYCHEWOOD DR
MEMPHIS TN 38117

**EGGLESTON ARTISTIC HOLDINGS
3251 POPLAR AVE 110
MEMPHIS TN 38111**

**DOBBS JOHN H JR
5101 WHEELIS DR 210
MEMPHIS TN 38117**

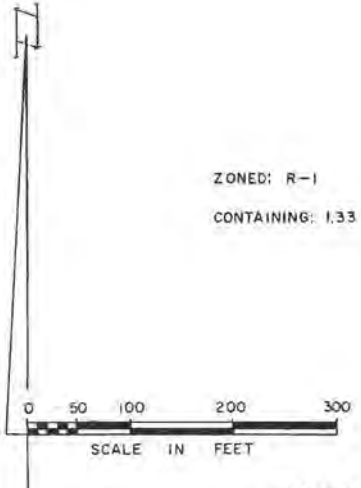
**SWORDS LESLIE FAMILY TRUST
1715 AARON BRENNER DR 300
MEMPHIS TN 38120**

**TIM MCCASKILL
THE REAVES FIRM, INC.
6800 POPLAR AVE. STE. 101
MEMPHIS, TN 38138**



Owner and Developer:
 JAMES C. CALLIS
 4353 WALNUT GROVE RD.
 MEMPHIS, TENN.

ZONED: R-1
 CONTAINING: 1.33 Ac.



JAMES C. CALLIS SUBDIVISION

OF LOTS 10 AND 11, WYCHEWOOD SUBDIVISION
 (PLAT BOOK 9, PAGE 115, S.C.R.O.)

JULY 8, 1971 SCALE: 1" = 100'

PICKERING ENGINEERING ASSOCIATES, INC.
 3120 SUMMER AVENUE
 MEMPHIS, TENNESSEE

I, the undersigned, JAMES C. CALLIS, owner of the property shown hereon, hereby adopt this plat as my plan of subdivision (and dedicate the streets, rights-of-way, easements and rights of access as shown and/or described to the public use forever). I am the owner of the said property in fee simple, duly authorized so to act, and that said property is not encumbered by any mortgage or taxes which have become due and payable.

By James C. Callis Mary C. Callis

STATE OF TENNESSEE
 COUNTY OF SHELBY

Before me, the undersigned, a notary public, in and for said state and county at Memphis, duly commissioned and qualified, personally appeared James C. Callis & Mary C. Callis with whom I am personally acquainted and who upon oath acknowledged that he executed the foregoing instrument for the purposes therein contained as his free act and deed.

Witness my hand and notarial seal this 8 day of July, 1971.

My commission expires _____
 Notary Public Dwight B. Brown



It is hereby certified that this plat is true and correct, prepared from an actual survey of the property made under my supervision.

By Dwight B. Brown R.L.S.
 Tennessee Certificate Number 493

Approved by the Memphis and Shelby County Planning Commission.

Date: 7-1-71 By: John L. Hester
 Director

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 Aug. 10, 1971

By: W. H. Ma
 Controller

Approved by Memphis and Shelby County Health Dept.

George W. Taylor
 Local Health Officer

31 Aug 1971


STATE TAX
 REGISTER: \$18.00
 RECORD: \$1.25
 \$1 25
 STATE OF TENNESSEE
 SHELBY COUNTY

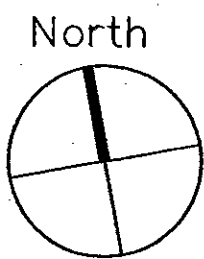
Book 44 Page 50
 640643



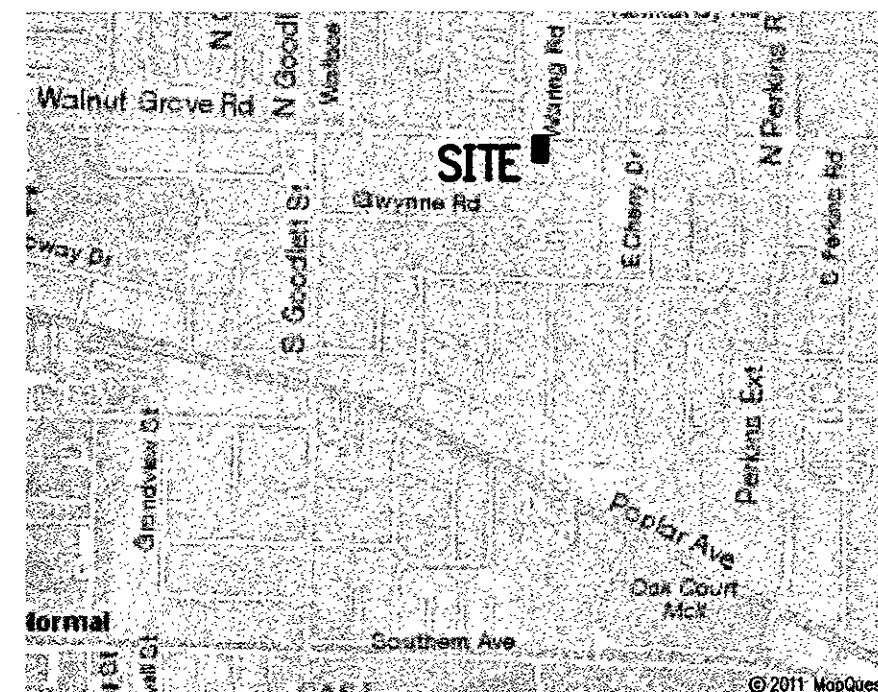
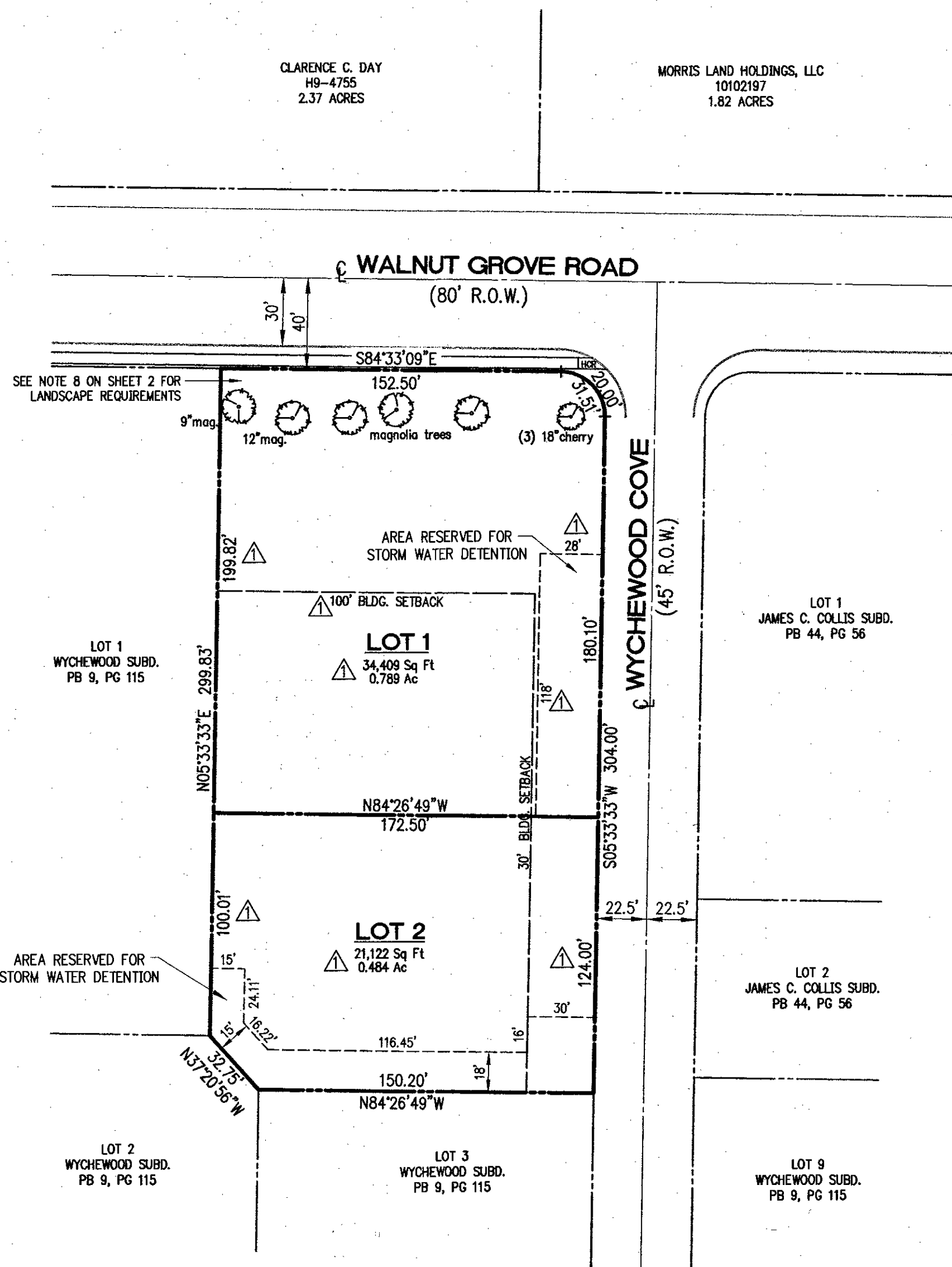
Tom Leatherwood
Shelby County Register / Archives

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.

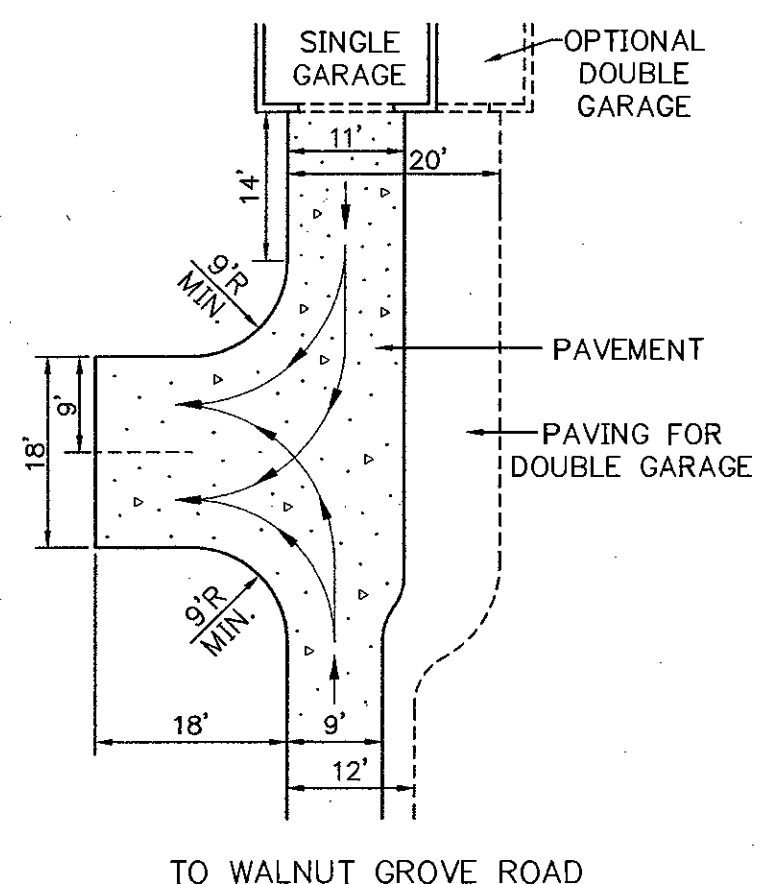
	
16129225	
12/20/2016 - 02:41 PM	
2 PGS	
BUDDY 1546064-16129225	
PLAT BOOK : 270	
PAGE : 40	
RECORDING FEE	15.00
DP FEE	2.00
TOTAL AMOUNT	17.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	



50 0 50
 GRAPHIC SCALE IN FEET
 SCALE: 1"=50'



VICINITY MAP
 NTS



TO WALNUT GROVE ROAD

TYPICAL DRIVEWAY TURNAROUND
 OTHER DESIGNS MAY BE UTILIZED UPON APPROVAL OF THE BUILDING OFFICIAL

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REQUIRED SIDEWALKS

STREET NAME	S/W WIDTH	SIDE	LOCATION FROM CURBLINE
WALNUT GROVE ROAD	5 FT.	SOUTH	3.5 FT. GRASS STRIP
WYCHEWOOD ROAD	N/A	N/A	N/A

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16129225
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 PLAT BOOK : 270
 PAGE : 40

RECORDING FEE 15.00
 DP FEE 2.00
 TOTAL AMOUNT 17.00

TOM LEATHERWOOD
 REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

12074792
 07/06/2012 - 02:02 PM
 2 PGS
 MAX 00869981-12074792
 PLAT BOOK : 252
 PAGE : 41

RECORDING FEE 15.00
 DP FEE 2.00
 TOTAL AMOUNT 17.00

TOM LEATHERWOOD
 REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON FEMA PANEL 47157C 0295 F DATED SEPT. 28, 2007 FOR

The Reaves Firm
 INCORPORATED
 Planning
 Engineering
 Landscape Architecture
 Land Surveying
 5880 Ridge Bend Road Memphis, TN 38120
 901.761.2016 Fax: 901.763.2847
 www.ReavesFirm.com

PARCEL 57-1-12
 S 11-015
WYCHEWOOD PLACE SUBD.
 DEVELOPER: TT&J CONSTRUCTION
 1.25 ACRES 2 LOTS
 100 YEAR FLOOD ELEV. 250.0
 MEMPHIS, TENNESSEE
 JUNE, 2012

Unified Development Code Technical Review Committee Conditions: 10-26-11

1. The minimum front yard building setback along Walnut Grove Road shall be 115 feet.
2. The minimum front yard building setback along Wychemood Road shall be 30 feet.
3. The minimum side and rear yard setbacks shall be governed by the requirements of the R-10 District.
4. 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.
5. The City Engineer shall approve the design, number and location of curb cuts.
6. Any existing non-conforming curb cuts shall be modified to meet current City Standards of closed with curb, gutter and sidewalk.
7. 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.
8. Tree A's (shad trees) shall be planted every 40 feet along Walnut Grove Road. Existing vegetation/trees may be permitted as equivalent substitutes subject to approval by the Office of Planning and Development.
9. The lot fronting on Walnut Grove Road shall have an on-site turn around area permitting egress by forward motion.
10. Drainage data for the assessment of on-site detention requirements shall be submitted to and approved by the City Engineer. The developer may be required to provide on-site detention based on this data.

▲ The Memphis City Council on 01/07/2014 approved a reduction in the minimum front yard setback from 115 feet to 100 feet for Lot 1 along Walnut Grove Road.

OWNER'S CERTIFICATE

I, Paul Tashie, the undersigned owner of the property shown, hereby adopt this plat as our plan of development and dedicate the streets, rights-of-way, and grant the easements as shown and/or described to public use forever. I certify that I am the owner of the said property in fee simple, duly authorized to act, and that said property is not encumbered by any taxes (or mortgages) which have become due and payable.

▲ Paul Tashie by Jack Culp POA

Paul Tashie by Jack Culp POA
Signature

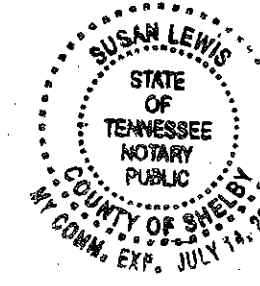
NOTARY'S CERTIFICATE

State of Tennessee
County of Shelby

Before me, the undersigned, a Notary Public in and for the said State and County at Memphis, duly commissioned and qualified, personally appeared Jack Culp Power of Attorney for Paul Tashie, with whom I am personally acquainted, and who upon his oath acknowledged himself to be to be owner of the property, the within named bargainer, and that he executed the foregoing instrument for the purpose therein contained. In witness whereof, I have hereunto set my hand and affixed my notarial seal at my office in Memphis, this 7 day of June, 2012.

Notary Public Christina M Stigel

My Commission Expires MY COMMISSION EXPIRES 05/24/2015



▲ Susan Lewis
My Commission Expires 07/14/2015



ENGINEER'S CERTIFICATE

It is hereby certified that this plat is true and correct, is in conformance with the design requirements of the Zoning Ordinance, the Subdivision Regulations and the specific conditions imposed on this development, and takes into account all applicable federal, state and local building laws and regulations.

▲ Gregory L. Barlett
9-15-16
TN CERT # 103756

By: [Signature]
Tennessee Certificate No. 103756

SURVEYOR'S CERTIFICATE

I hereby certify that this is a category "1" survey and that the ratio of precision of the undistorted survey is 1: 15,000 or greater; that this plat has been prepared by me or under my individual supervision and conforms with applicable State Law and local Zoning Ordinances, Subdivision Regulations and the specific conditions imposed on this development relating to the practice of surveying.

By: James P. [Signature]
Tennessee R/S No. 12074792
Tennessee No. 12074792

OFFICE OF PLANNING AND DEVELOPMENT CERTIFICATE

This plat is being re-recorded for the following purposes:
1. Shift the lot line between lots 1 and 2, 15 feet north; and
2. Reduce the building setback from Walnut Grove to 100 feet; and
3. Shift the "Area Reserved for Stormwater Detention" on lot 1, 15 feet north.

By: [Signature] Date: 12-16-16
Director, Office of Planning and Development

By: [Signature] Date: 12-13-16
City Engineer

OFFICE OF PLANNING AND DEVELOPMENT CERTIFICATE

This final plat conforms with the Minor Subdivision acted on by the Unified Development Code Technical Review Committee on October 26, 2011 and approved by the Memphis City Council on 05-15-12.

By: [Signature] Date: 7/3/12
Director, Office of Planning and Development
By: [Signature] Date: 07/03/12
City Engineer

16129225
12/20/2016 - 02:41 PM
2 PGS
SHDDY 1546054-16129225
PLAT BOOK : 270
PAGE : 40

TOM LEATHERWOOD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE



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07/06/2012 - 02:02 PM
2 PGS
MAX. 00969981-12074792
PLAT BOOK : 252
PAGE : 41
RECORDING FEE 15.00
DP FEE 2.00
TOTAL AMOUNT 17.00
TOM LEATHERWOOD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON FEMA PANEL 47157C 0295 F DATED SEPT. 28, 2007 FOR

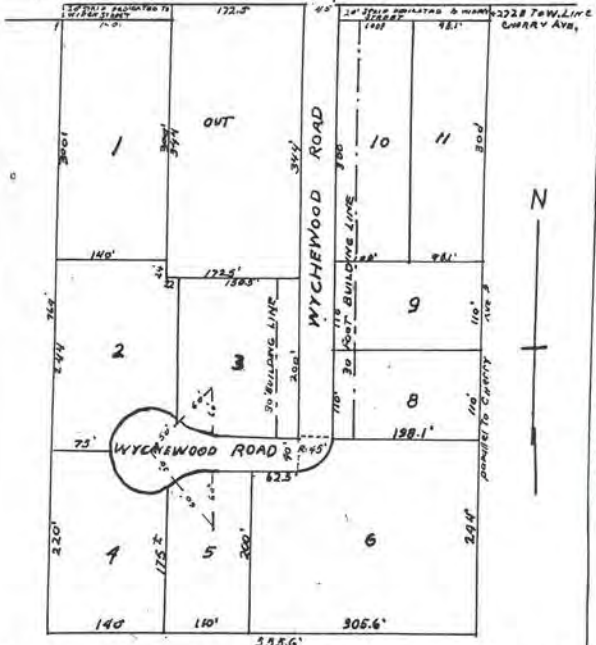
PARCEL 57-1-12
FINAL PLAT S 11-015
WYCHEWOOD PLACE SUBD.
DEVELOPER: TT&J CONSTRUCTION
1.25 ACRES 2 LOTS
100 YEAR FLOOD ELEV. 250.0
MEMPHIS, TENNESSEE
JUNE, 2012

Key ID: 00111-0275 Wychemood Place Subd Final-16.dwg Jun 26, 2012 - 10:27am

11-0275

WYCHEWOOD
SUBDIVISION
SCALE 1/100'
FRANK C. MULLAN CO
DEC 1931

WALNUT GROVE ROAD



115

I the undersigned owner of the property as shown herein, do hereby adopt this as my plan of Subdivision, and dedicate the streets as shown thereon to the public use forever. Mrs. Maud Dickerson

State of Tennessee, County of Shelby, personally appeared before me John W. Robinson a notary public in and for State and County of Memphis and duly qualified Mrs. Maud Dickerson the within named daughter, with whom I am personally acquainted and who upon oath acknowledged that she executed the within named instrument for the purposes contained therein and set out.

Witness my hand and notary seal at Memphis, Tennessee, this 23rd day of December 1931. My Commission expires April 29th 1934. John W. Robinson Notary Public.

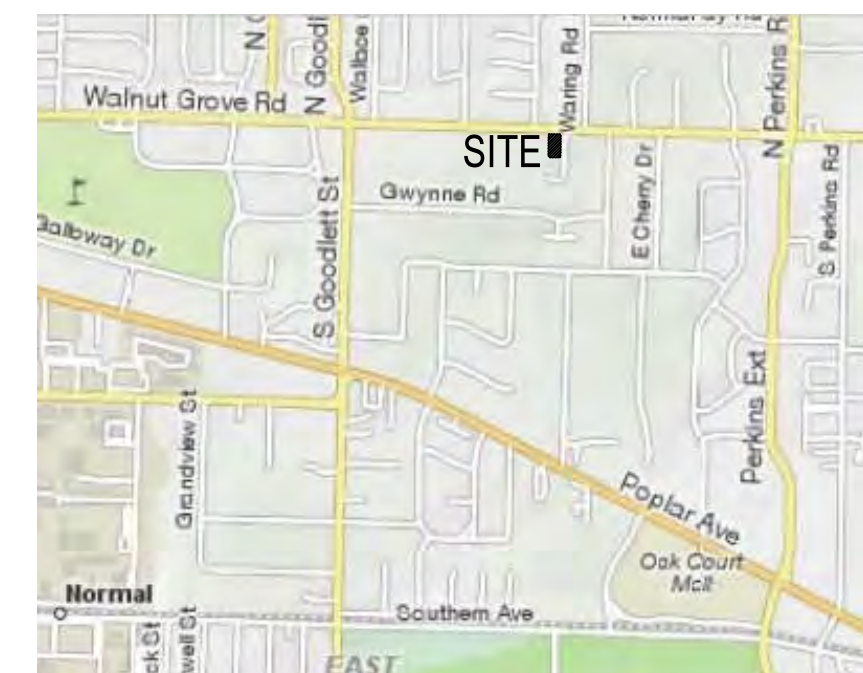
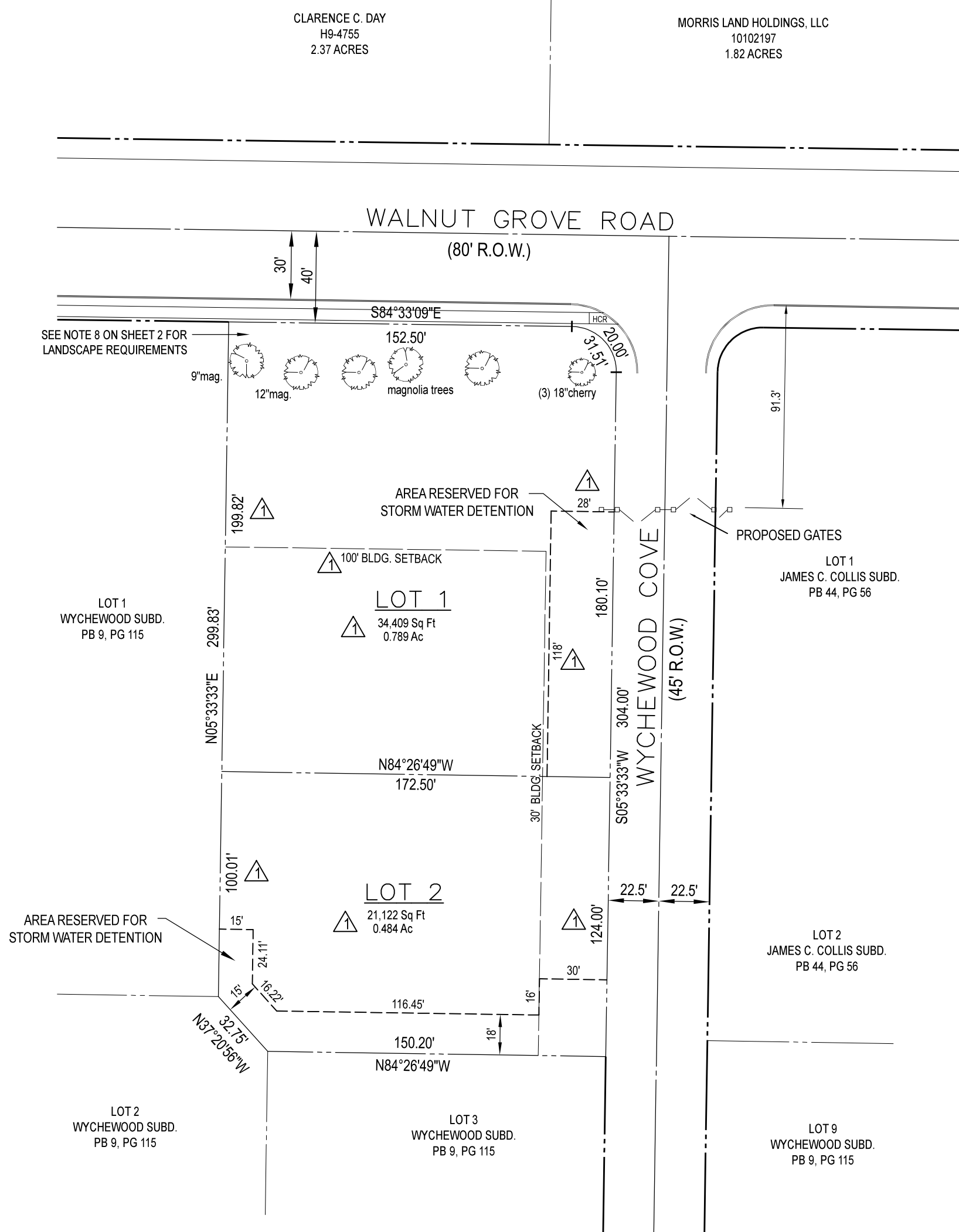
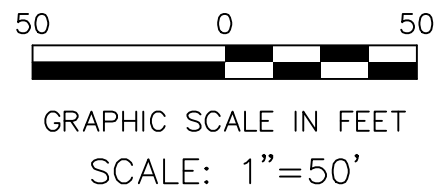
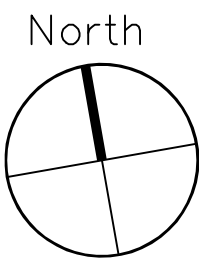
At a regular Memphis City Planning Commission.
Date Aug 12th 1934
E. B. Lockhill
Secretary

Approved: Board of Commissioners
Date 10/2/36
Attest: E. W. Hill Chairman
Major

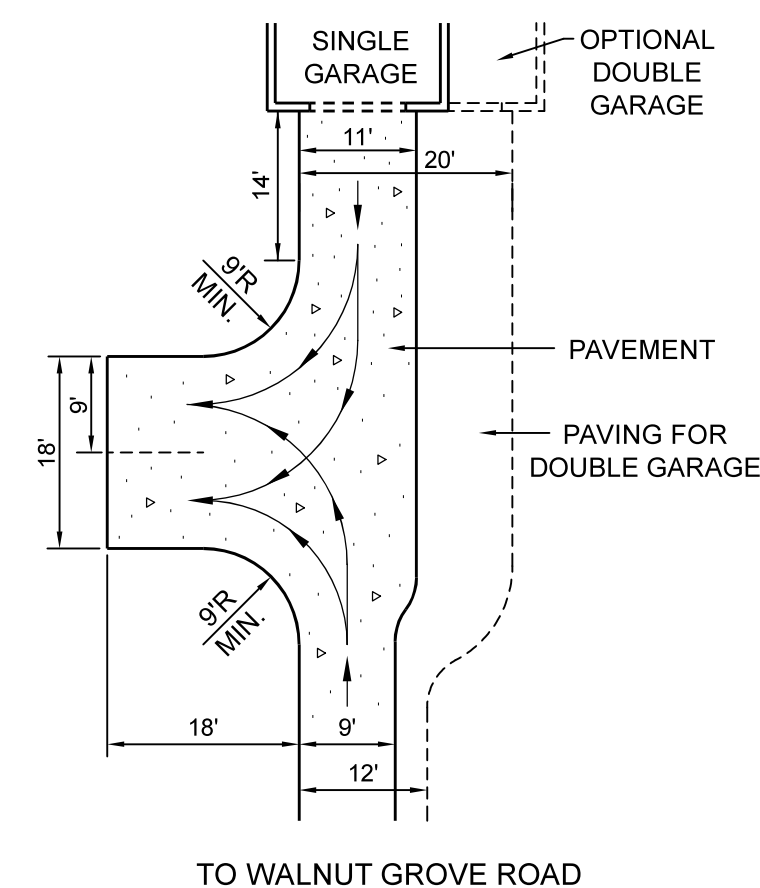
(N.P. SEAL)

2179

Nov. 2 36
1126 A
81 54
Nov 5 36 PAT
9 115 500
Jaki Carter
Paul Mirelax



VICINITY MAP
NTS



TYPICAL DRIVEWAY TURNAROUND
OTHER DESIGNS MAY BE UTILIZED UPON APPROVAL OF THE BUILDING OFFICIAL

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07/06/2012 - 02:02 PM
2 PGS
MAX 00969981-12074792
PLAT BOOK : 252
PAGE : 41
RECORDING FEE 15.00
DP FEE 2.00
TOTAL AMOUNT 17.00
TOM LEATHERWOOD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

NOTES:

THE AREA DENOTED BY RESERVED FOR STORM WATER DETENTION SHALL NOT BE USED AS A BUILDING SITE OR FILLED WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM THE CITY ENGINEER. THE STORM WATER DETENTION SYSTEMS LOCATED IN THESE AREAS, EXCEPT FOR THOSE PARTS LOCATED IN A PUBLIC DRAINAGE EASEMENT, SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER AND/OR PROPERTY OWNER'S ASSOCIATION. SUCH MAINTENANCE SHALL BE PERFORMED SO AS TO ENSURE THAT THE SYSTEM OPERATES IN ACCORDANCE WITH THE APPROVED PLAN ON FILE IN THE CITY ENGINEER'S OFFICE. SUCH MAINTENANCE SHALL INCLUDE, BUT NOT LIMITED TO REMOVAL OF SEDIMENTATION, FALLEN OBJECTS, DEBRIS, AND TRASH, MOWING, OUTLET CLEANING, AND REPAIR OF STRUCTURES.

STORM WATER DETENTION FACILITIES INCLUDING THE BASINS, SWALES AND BERMS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE APPROVED GRADING AND DRAINAGE PLAN FOR WYCHEWOOD PLACE S/D ON FILE IN THE CITY OF MEMPHIS ENGINEER'S OFFICE. ANY MODIFICATIONS TO THE STORM WATER DETENTION FACILITIES SHALL BE SUBMITTED TO THE CITY OF MEMPHIS ENGINEER'S OFFICE FOR APPROVAL PRIOR TO INSTALLATION. PROPERTY OWNER(S) ADJACENT TO THE AREA(S) OF THE REQUESTED MODIFICATION(S) SHALL BE NOTIFIED.

PLEASE BE ADVISED THAT A BUILDING PERMIT ISSUED BY THE MEMPHIS/SHELBY COUNTY OFFICE OF CONSTRUCTION CODE ENFORCEMENT DOES NOT ALLOW FOR ALTERATIONS AND/OR IMPROVEMENTS TO ANY RIGHT-OF-WAY (R.O.W.) MAINTAINED BY THE CITY OF MEMPHIS. ALTERATIONS AND/OR IMPROVEMENTS TO CITY OF MEMPHIS R.O.W. INCLUDE, BUT ARE NOT LIMITED TO WORK PERFORMED ON SIDEWALKS, CURB AND GUTTER, DRIVEWAY APRONS AND UTILITY TIE-INS. R.O.W. PERMITS MUST BE OBTAINED FROM THE MEMPHIS CITY ENGINEER'S OFFICE AT PHONE NUMBER 901-576-6700.

REQUIRED SIDEWALKS

STREET NAME	S/W WIDTH	SIDE	LOCATION FROM CURBLINE
WALNUT GROVE ROAD	5 FT.	SOUTH	3.5 FT. GRASS STRIP
WYCHEWOOD ROAD	N/A	N/A	N/A

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

THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON FEMA PANEL 47157C 0295 F DATED SEPT. 28, 2007 FOR



PARCEL 57-1-12
FINAL PLAT S 11-015
WYCHEWOOD PLACE SUBD.
DEVELOPER: TT&J CONSTRUCTION
1.25 ACRES 2 LOTS
100 YEAR FLOOD ELEV. 250.0
MEMPHIS, TENNESSEE
JUNE, 2012 SHEET 1 OF 2

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 6/27/2023
DATE
PUBLIC SESSION: 6/27/2023
DATE

ITEM (CHECK ONE)

X ORDINANCE _____ RESOLUTION X REQUEST FOR PUBLIC HEARING

ITEM CAPTION: Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located at the northwest corner of Airways Boulevard and East Person Avenue. By taking the land out of the Commercial Mixed Use – 1 (CMU-1) Use District and including it in the Employment (EMP) Use District, known as case number Z 23-006

CASE NUMBER: Z 23-006

LOCATION: Northwest corner of Airways Boulevard and East Person Avenue (1645 Airways Blvd.)

COUNCIL DISTRICTS: District 4 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: R & D Ventures, LLC and Sixteen Ninety Nine Airways/Haroon Haimed

REPRESENTATIVES: Cindy Reaves for SR Consulting, LLC

REQUEST: Rezoning of +/-0.873 acres from Commercial Mixed Use – 1 (CMU-1) to Employment (EMP)

RECOMMENDATION: The Division of Planning and Development recommended *Approval*
The Land Use Control Board recommended *Approval*

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Set date for first reading – May 16, 2023
Second reading – June 13, 2023
Third reading – June 27, 2023

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
04/13/2023 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____	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:

	<u>DATE</u>	<u>POSITION</u>
<u>Kendora Colby</u>	<u>5/8/23</u>	PLANNER III
_____	_____	DEPUTY ADMINISTRATOR
<u>Burt</u>	<u>5/8/23</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 23-006

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT THE NORTHWEST CORNER OF AIRWAYS BOULEVARD AND EAST PERSON AVENUE. BY TAKING THE LAND OUT OF THE COMMERCIAL MIXED USE-1 (CMU-1) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 23-006

- Approval of this zoning district reclassification will be reflected on the Memphis and Shelby County Zoning Atlas; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, April 13, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 23-006

LOCATION: Northwest corner of Airways Boulevard and East Person Avenue

COUNCIL DISTRICT(S): District 4, Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: R & D Ventures, LLC and Sixteen Ninety Nine Airways/Haroon Haimed

REPRESENTATIVE: Cindy Reaves for SR Consulting, LLC

REQUEST: Rezoning of +/-0.873 acres from Commercial Mixed Use – 1 (CMU-1) to Employment (EMP)

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 of the application.

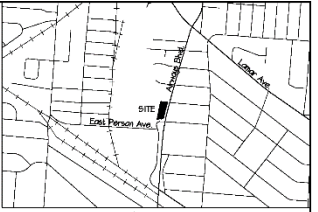
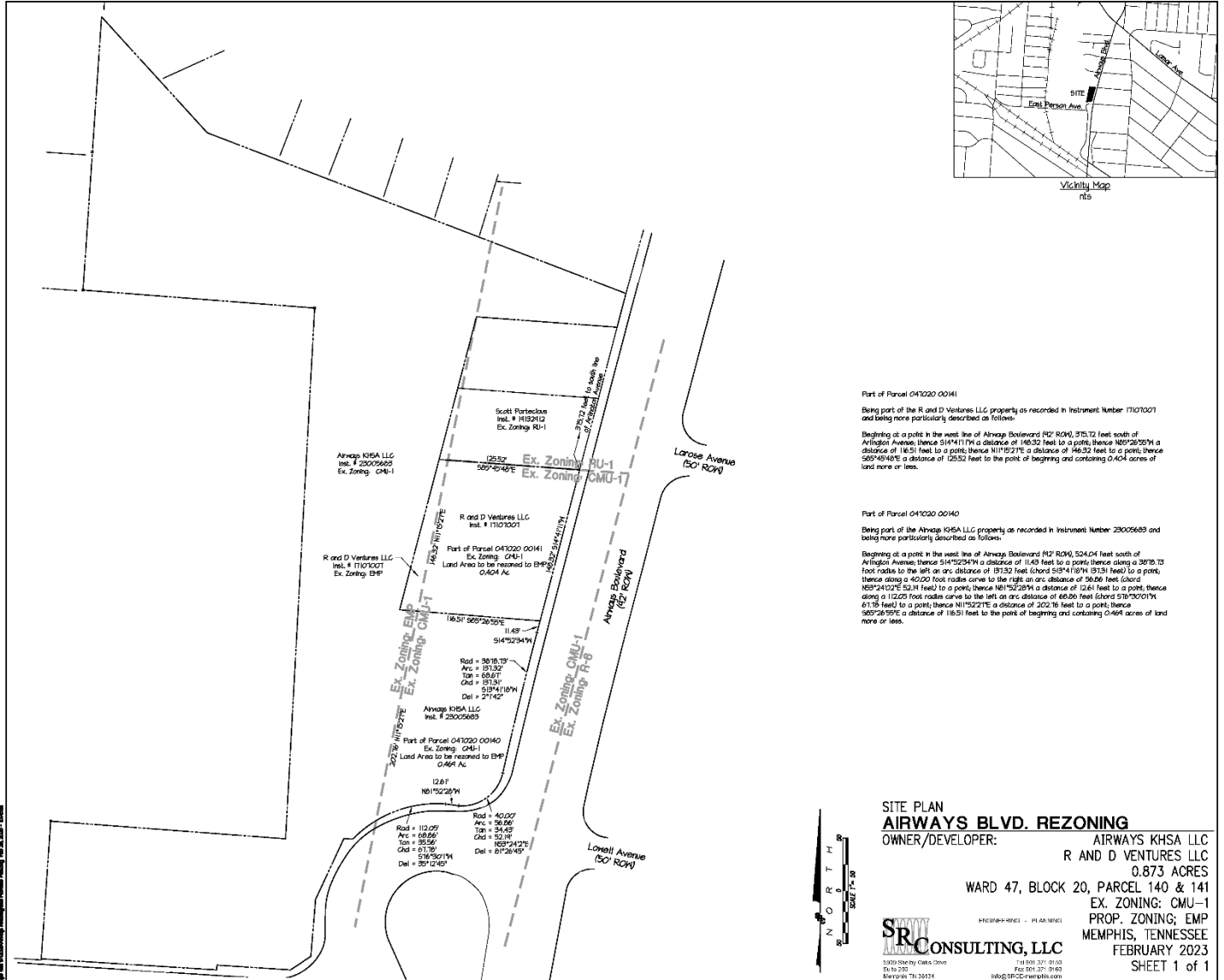
The motion passed by a unanimous vote of 7-0 on the consent agenda.

Respectfully,
Kendra Cobbs

Kendra Cobbs, AICP
Planner III
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

PLOT PLAN



Part of Parcel 041020 0014
 Being part of the R and D Ventures LLC property as recorded in Instrument Number 17107007 and being more particularly described as follows:
 Beginning at a point in the west line of Airways Boulevard (R2) R2W, 375.72 feet south of Arlington Avenue, thence S14°11'11\"

Part of Parcel 041020 0014
 Being part of the Airways KHSa LLC property as recorded in Instrument Number 23005683 and being more particularly described as follows:
 Beginning at a point in the west line of Airways Boulevard (R2) R2W, 524.04 feet south of Arlington Avenue, thence S14°52'34\"

SITE PLAN
AIRWAYS BLVD. REZONING
 OWNER/DEVELOPER: AIRWAYS KHSa LLC
 R AND D VENTURES LLC
 0.873 ACRES
 WARD 47, BLOCK 20, PARCEL 140 & 141
 EX. ZONING: CMU-1
 PROP. ZONING: EMP
 MEMPHIS, TENNESSEE
 FEBRUARY 2023
 SHEET 1 of 1

SRRC CONSULTING, LLC
 ENGINEER-REG. - PE AA 19161
 5032 Shelby Oaks Drive | 901.931.371 | 91.03
 Bldg. 225 | 901.931.371 | 91.03
 Memphis, TN 38134 | info@srcc-memphis.com



ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT THE NORTHWEST CORNER OF AIRWAYS BOULEVARD AND EAST PERSON AVENUE. BY TAKING THE LAND OUT OF THE COMMERCIAL MIXED USE-1 (CMU-1) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 23-006

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 23-006**; and

WHEREAS, the Memphis and Shelby County Land Use Control Board has filed its recommendation and the Division of Planning and Development has filed its report and recommendation with the Council of the City of Memphis; and

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

WHEREAS, the provisions of the Code of Ordinances, City of Memphis, Tennessee, as amended, relating to the proposed amendment, have been complied with.

NOW THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF MEMPHIS:

SECTION 1:

THAT, the Memphis and Shelby County Unified Development Code, Ordinance No. 5367 of the Code of Ordinances, City of Memphis, as amended, be and the same hereby is amended with respect to Use Districts, as follows:

BY TAKING THE FOLLOWING PROPERTY OUT OF THE COMMERCIAL MIXED USE-1 (CMU-1) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT.

The following property located in the City of Memphis, Tennessee being more particularly described as follows:

PARCEL 1

PART OF PARCEL 047020 00141

BEING PART OF THE R AND D VENTURES LLC PROPERTY AS RECORDED IN INSTRUMENT

NUMBER 17107007 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF AIRWAYS BOULEVARD (92' ROW), 375.72 FEET SOUTH OF ARLINGTON AVENUE; THENCE S14°41'11"W A DISTANCE OF 148.32 FEET TO A POINT; THENCE N85°26'55"W A DISTANCE OF 116.51 FEET TO A POINT; THENCE N11°15'27"E A DISTANCE OF 146.32 FEET TO A POINT; THENCE S85°45'48"E A DISTANCE OF 125.52 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.404 ACRES OF LAND MORE OR LESS.

PARCEL 2

PART OF PARCEL 047020 00140

BEING PART OF THE AIRWAYS KHSA LLC PROPERTY AS RECORDED IN INSTRUMENT NUMBER 23005683 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF AIRWAYS BOULEVARD (92' ROW), 524.04 FEET SOUTH OF ARLINGTON AVENUE; THENCE S14°52'34"W A DISTANCE OF 11.43 FEET TO A POINT; THENCE ALONG A 3878.73 FOOT RADIUS TO THE LEFT AN ARC DISTANCE OF 137.32 FEET (CHORD S13°41'18"W 137.31 FEET) TO A POINT; THENCE ALONG A 40.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 56.86 FEET (CHORD N53°24'02"E 52.19 FEET) TO A POINT; THENCE N81°52'28"W A DISTANCE OF 12.61 FEET TO A POINT; THENCE ALONG A 112.05 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 68.86 FEET (CHORD S76°30'01"W 67.78 FEET) TO A POINT; THENCE N11°52'27"E A DISTANCE OF 202.76 FEET TO A POINT; THENCE S85°26'55"E A DISTANCE OF 116.51 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.469 ACRES OF LAND MORE OR LESS.

SECTION 2:

THAT, the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the City of Memphis be, and they hereby are, amended and changed so as to show the aforementioned amendment of the said Zoning Ordinance.

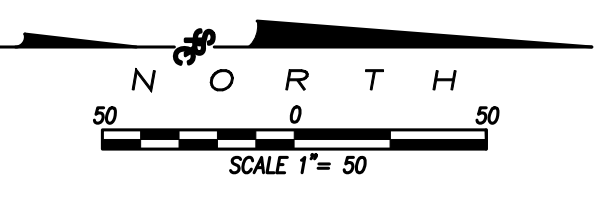
SECTION 3:

THAT, this ordinance take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law.

ATTEST:

**CC: Division of Planning and Development
– Land Use and Development Services
– Office of Construction Enforcement
Shelby County Assessor**

**//: ATTACHMENT
Plot Plan**



Part of Parcel 041020 00141
 Being part of the R and D Ventures LLC property as recorded in Instrument Number 11101001
 and being more particularly described as follows:
 Beginning at a point in the west line of Airways Boulevard (92' ROW) 375.72 feet south of
 Arlington Avenue; thence S14°41'11"W a distance of 146.32 feet to a point; thence N85°26'55"W a
 distance of 116.51 feet to a point; thence N11°52'27"E a distance of 146.32 feet to a point; thence
 S85°45'49"E a distance of 125.52 feet to the point of beginning and containing 0.404 acres of
 land more or less.

Part of Parcel 041020 00140
 Being part of the Airways KHSA LLC property as recorded in Instrument Number 23005683 and
 being more particularly described as follows:
 Beginning at a point in the west line of Airways Boulevard (92' ROW) 524.04 feet south of
 Arlington Avenue; thence S14°52'34"W a distance of 11.43 feet to a point; thence along a 3878.73
 foot radius to the left on arc distance of 1371.32 feet (chord S13°41'18"W 1371.31 feet) to a point;
 thence along a 4000 foot radius curve to the right on arc distance of 56.86 feet (chord
 N53°24'02"E 52.19 feet) to a point; thence N81°52'28"W a distance of 12.61 feet to a point; thence
 along a 11205 foot radius curve to the left on arc distance of 68.86 feet (chord S16°30'01"W
 61.78 feet) to a point; thence N11°52'27"E a distance of 202.76 feet to a point; thence
 S85°26'55"E a distance of 116.51 feet to the point of beginning and containing 0.464 acres of land
 more or less.

SITE PLAN
AIRWAYS BLVD. REZONING
 OWNER/DEVELOPER: AIRWAYS KHSA LLC
 R AND D VENTURES LLC
 0.873 ACRES

WARD 47, BLOCK 20, PARCEL 140 & 141

ENGINEERING - PLANNING
SR CONSULTING, LLC
 5909 Shelby Oaks Drive
 Suite 200
 Memphis TN 38134
 Tel 901.371.0150
 Fax 901.371.0160
 info@SRCE-memphis.com

MEMPHIS, TENNESSEE
 FEBRUARY 2023
 SHEET 1 of 1

AGENDA ITEM: 29

CASE NUMBER: Z 2023-006 **L.U.C.B. MEETING:** April 13, 2023

LOCATION: Northwest corner of Airways Boulevard and East Person Avenue

COUNCIL DISTRICT: District 4 and Super District 8

OWNER/APPLICANT: R & D Ventures, LLC and Sixteen Ninety Nine Airways/Haroon Haimed

REPRESENTATIVE: Cindy Reaves for SR Consulting, LLC

REQUEST: Rezoning of +/-0.873 acres from Commercial Mixed Use-1 (CMU-1) to Employment (EMP)

CONCLUSIONS

1. The request is to rezone +/- 0.873 acres from Commercial Mixed Use – 1 (CMU-1) to Employment (EMP).
2. The request consists of two parcels: a portion of Parcel ID 047020 00140 and the entirety of Parcel ID 047020 00141.
3. EMP zoning would allow for consistent zoning on the larger parcel (047020 00140), which is already largely zoned EMP.
4. Of the 3.899 acres of the larger parcel (047020 00140), only 0.469 acres are zoned CMU-1.
5. The entirety of Parcel 047020 00141, 0.404 acres, is zoned CMU-1.
6. EMP and Heavy Industrial (IH) zoning exists to the immediate south and west of the subject properties.

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 13-15 of this report.

RECOMMENDATION

Approval

GENERAL INFORMATION

Street Frontage:	Airways Boulevard East Person Avenue	+/-148.74 linear feet +/-138.33 curvilinear feet
Zoning Atlas Page:	2135	
Parcel ID:	047020 00140 and 047020 00141	
Area:	+/-0.873 acres	
Existing Zoning:	Commercial Mixed Use – 1 (CMU-1)	
Requested Zoning:	Employment (EMP)	

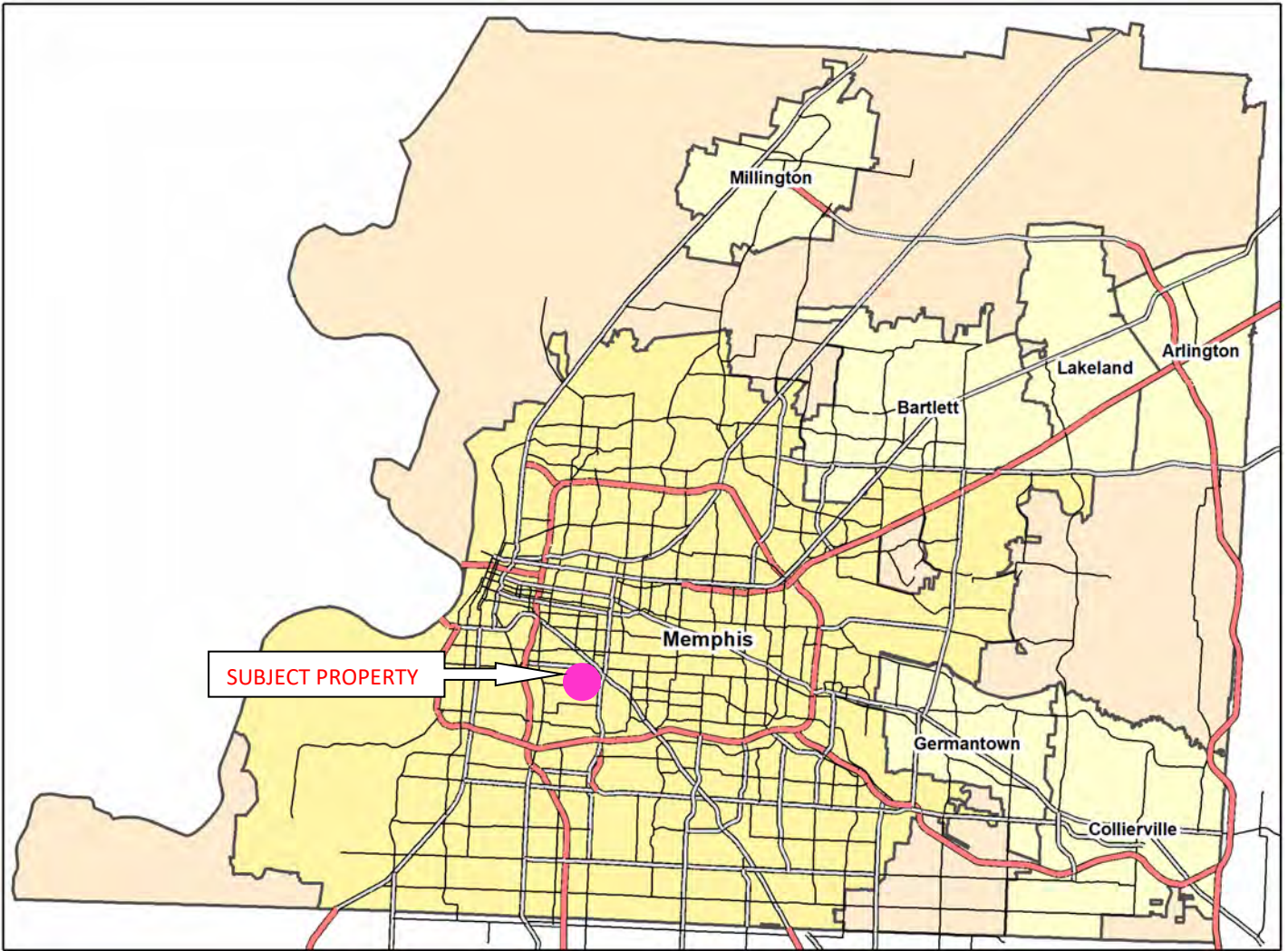
NEIGHBORHOOD MEETING

Not required, zoning change is in compliance with the Memphis 3.0 Comprehensive Plan.

PUBLIC NOTICE

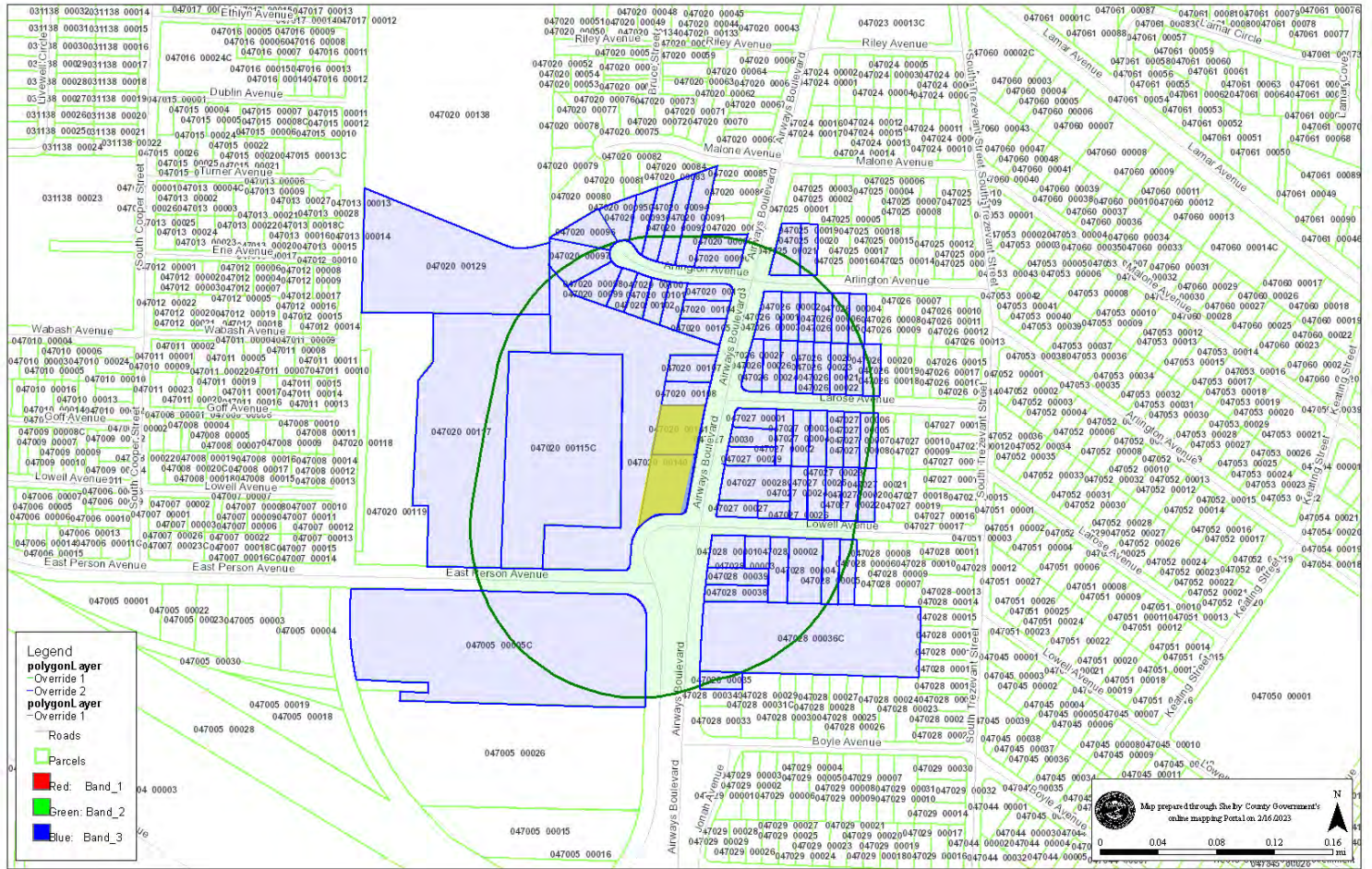
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 70 notices were mailed on March 28, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle, Castalia Heights neighborhood

VICINITY MAP



Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Commercial Mixed Use – 1 (CMU-1)

Surrounding Zoning

North: Residential Urban – 1 (RU-1)

East: Residential Single-Family – 6 (R-6)

South: Employment (EMP)

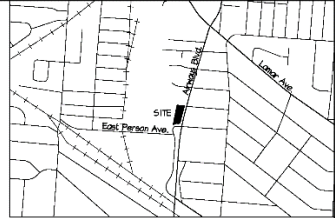
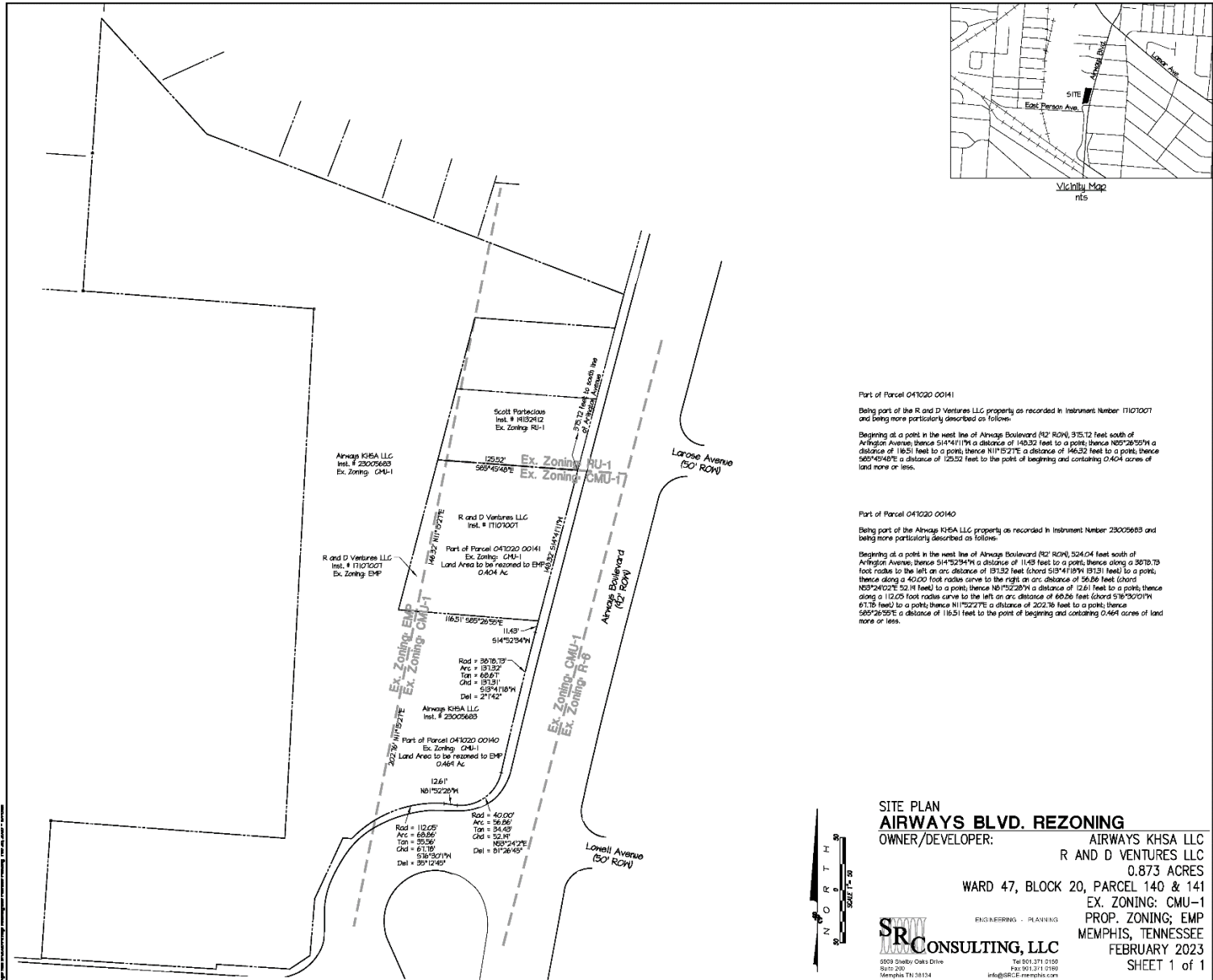
West: Employment (EMP)

LAND USE MAP



Subject property outlined in electric blue and indicated by pink stars

PLOT PLAN



Part of Parcel 041020 00141
Being part of the R and D Ventures LLC property as recorded in Instrument Number 17107007 and being more particularly described as follows:
Beginning at a point in the west line of Airways Boulevard (R2 ROW), 375.12 feet south of Airways Avenue; thence S14°41'17\"

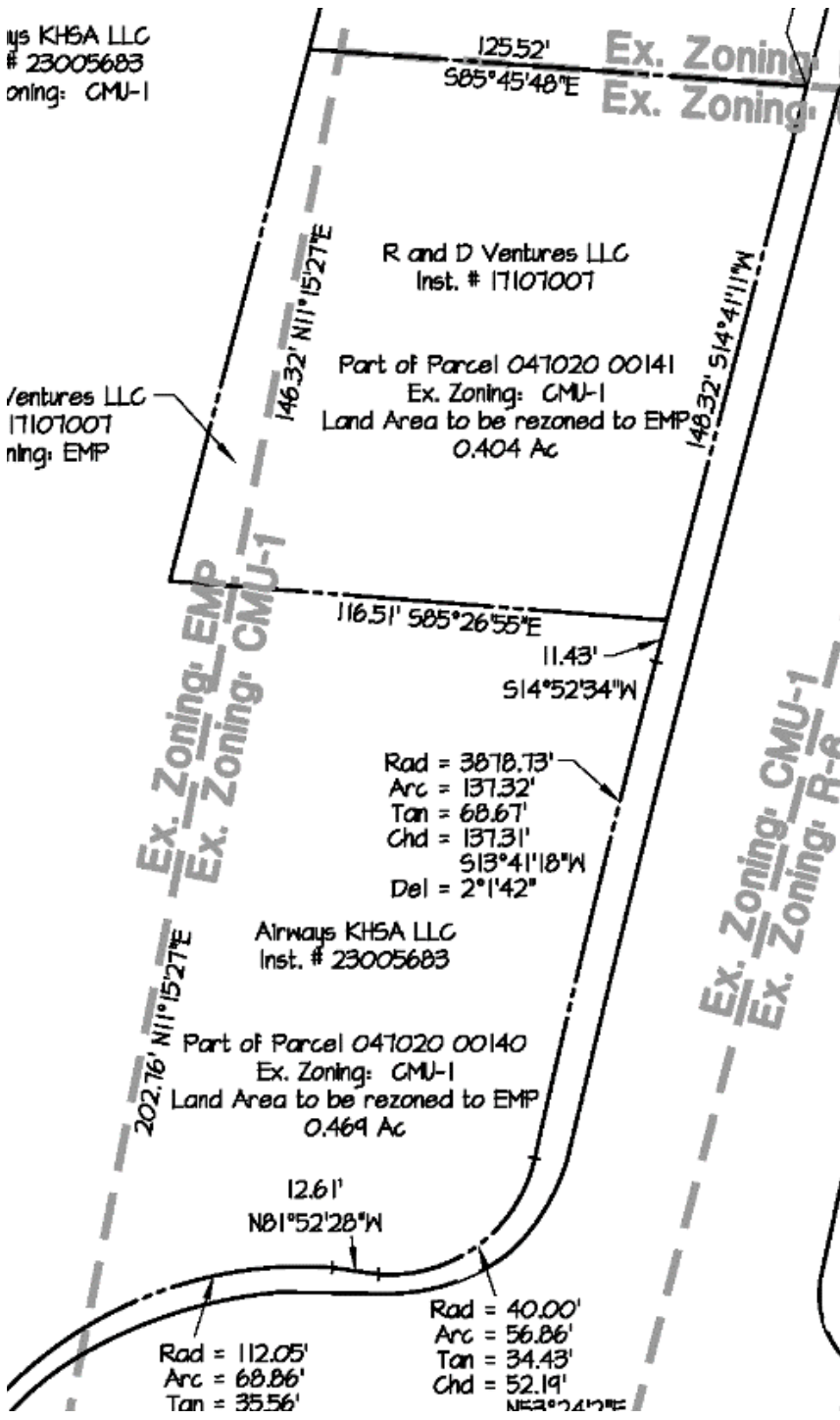
Part of Parcel 041020 00140
Being part of the Airways KHSa LLC property as recorded in Instrument Number 23005685 and being more particularly described as follows:
Beginning at a point in the west line of Airways Boulevard (R2 ROW), 524.04 feet south of Airways Avenue; thence S14°52'34\"

SITE PLAN
AIRWAYS BLVD. REZONING
OWNER/DEVELOPER: AIRWAYS KHSa LLC
R AND D VENTURES LLC
0.873 ACRES
WARD 47, BLOCK 20, PARCEL 140 & 141
EX. ZONING: CMU-1
PROP. ZONING: EHP
MEMPHIS, TENNESSEE
FEBRUARY 2023
SHEET 1 of 1

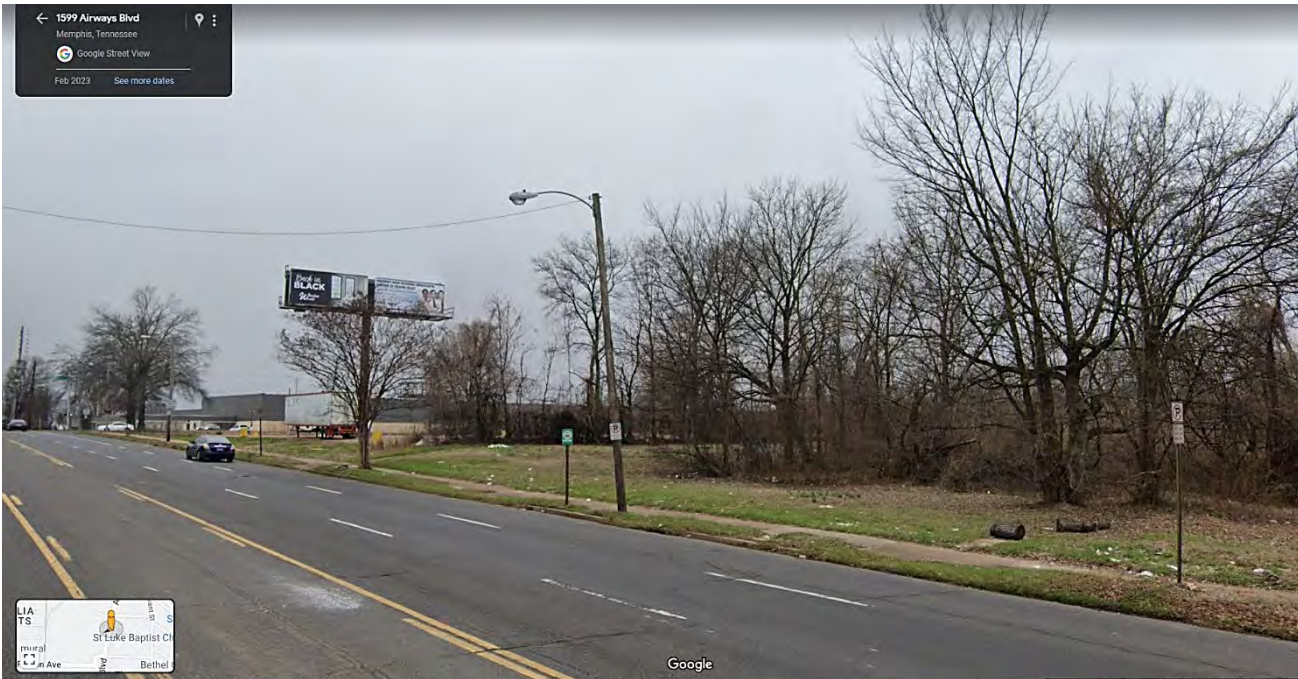
ENGINEERING - PLANNING
SR CONSULTING, LLC
6009 Shelby Oaks Drive
Suite 200
Memphis TN 38134
Tel 901.371.0100
Fax 901.371.0180
info@srconsulting.com

PLOT PLAN SUBJECT AREA - MAGNIFIED

airs KHS A LLC
23005683
oning: CMU-1



SITE PHOTOS



View of subject property from Airways Boulevard looking south



View of subject property from Airways Boulevard looking northwest



View of subject property from East Person Avenue looking north



View of subject property from Lowell Avenue looking west

STAFF ANALYSIS

Request

The application and letter of intent have been added to this report.

The request is to rezone 0.873 acres from Commercial Mixed Use – 1 (CMU-1) to Employment (EMP).

Review Criteria

Staff agrees the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met.

9.5.7B Review Criteria

In making recommendations, the Land Use Control Board shall consider the following matters:

9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);

9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;

9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;

9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and

9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.

Site Description

The subject property consists of two parcels a portion being 0.469 acres of Parcel 047020 00140 and the whole of Parcel 047020 00141, which is 0.404 acres. Therefore, the request is for a total of +/-0.873 acres. The parcels are located at the northwest corner of Airways Boulevard and East Person Road. The site is currently vacant land with a concrete pad for truck equipment storage. The off-premise advertising sign approved in Docket BOA 86-41 (see Site Zoning History) also exists on Parcel 047020 00141.

Site Zoning History

On April 23, 1986, the Board of Adjustment approved Docket BOA 86-41 for a variation at 1645 Airways Boulevard (northwest corner of Airways Boulevard and East Person Avenue) to allow a 600 square foot, two-faced, off-premise advertising sign. See page 16 of this report for said notice of disposition.

Conclusions

The request is to rezone 0.873 acres from Commercial Mixed Use – 1 (CMU-1) to Employment (EMP).

The purpose of this request is to allow for consistent zoning for future development.

Staff finds the request is consistent with the Memphis 3.0 Comprehensive Plan and is appropriate zoning being that EMP District zoning is immediately adjacent and west of that is heavy industrial zoning.

The subject property is vacant at this time.

RECOMMENDATION

Staff recommends approval.

DEPARTMENTAL COMMENTS

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

City/County Engineer: See comments as follows:
CASE: Z-23-006 NAME: 1645 Airways Blvd, CASTALIA HEIGHTS

1. Standard Public Improvement Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.
2. No further City Engineering comments provided for rezone.

City/County Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

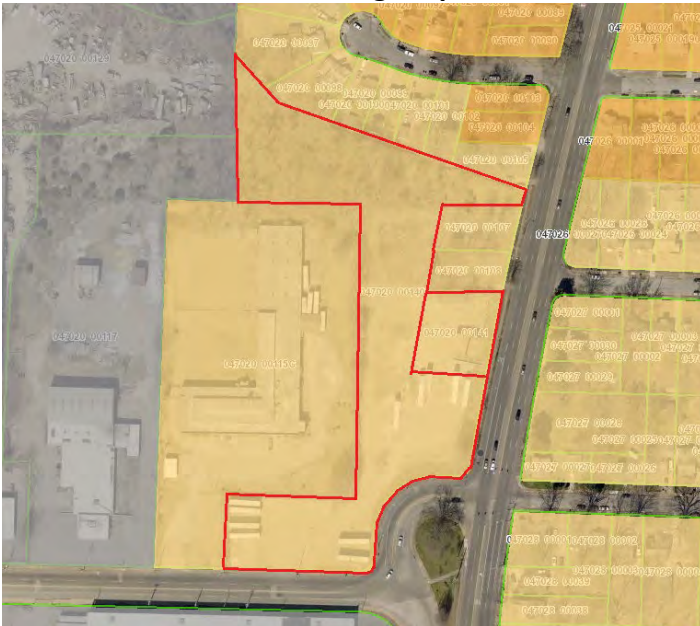
Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: See comments as follows:
Site Address/Location: 1629 and 0 Airways (Parcel IDs: 047020 00141, 047020 00140)
Overlay District/Historic District/Flood Zone: Not in an Overlay District, Historic District or Flood Zone
Future Land Use Designation: Anchor Neighborhood-Primarily Single-Unit (AN-S)
Street Type: Avenue & Parkway

The applicant is seeking to rezone sections of the subject parcels from CMU-1 to EMP.
The following information about the land use designation can be found on pages 76 – 122:

1. Future Land Use Planning Map



Red polygons indicate the application sites on the Future Land Use Map.

2. Land Use Description/Intent

Anchor Neighborhood-Primarily Single-Unit (AN-S) are walkable neighborhoods within a 5 – 10-minute walk of a Community Anchor. These neighborhoods are made up of single-unit and duplex housing. Graphic portrayal of AN-S is to the right.



“AN-S” Form & Location Characteristics

NURTURE, ACCELERATE, and SUSTAIN

Primarily detached, single-family residences and commercial and institutional uses. Attached single-family, duplexes, triplexes, quadplexes and large homes (defined in the UDC as those apartment buildings with up to 6 units), including those with active ground floor commercial uses (including live/work) along sidewalk, are also permitted. Height: 1-3 stories. Scale: house-scale.

“AN-S” Zoning Notes

Generally compatible with the following zone districts: R-15, R-10, R-8, R-6, R-3, RU-1, MDR in accordance with Form and characteristics listed below.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Parking, CMU-1, EMP

Adjacent Land Use and Zoning: Vacant, Industrial, Single-Family, CMU-1, EMP, R-6, RU-1

Overall Compatibility: *This requested use is not compatible with the land use description/intent, form & location characteristics, and zoning notes as the proposed EMP rezoning would permit industrial uses rather than single family residential uses. However, the requested rezoning is consistent with the existing, adjacent land use and zoning as the EMP zoning designation and industrial uses are present to the immediate west of the proposed area.*

3. Degree of Change Map



Red polygon denotes the proposed site in Degree of Change area. The Degree of Change is Accelerate.

4. Degree of Change Description

Accelerate areas rely on a mix of primarily private and philanthropic resources along with some public resources to intensify the existing pattern of a place.

The proposed rezoning would speed up development activity in the area by allowing a greater mix of uses on the subject sites.

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

N/A

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

N/A

Consistency Analysis Summary

The applicant is seeking to rezone sections of the subject parcels from CMU-1 to EMP.

This requested use is not compatible with the land use description/intent, form & location characteristics, and zoning notes as the proposed EMP rezoning would permit industrial uses rather than single family residential uses. However, the requested rezoning is consistent with the existing, adjacent land use and zoning as the EMP zoning designation and industrial uses are present to the immediate west of the proposed area.

The proposed rezoning would speed up development activity in the area by allowing a greater mix of uses on the subject sites.

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

Summary Compiled by: Brian Mykulyn, Comprehensive Planning.

BOA 86-41 NOTICE OF DISPOSITION



MEMPHIS AND SHELBY COUNTY BOARD OF ADJUSTMENT

SUITE 517 CITY HALL • 125 NORTH MID AMERICA MALL
MEMPHIS, TENNESSEE 38103

NOTICE OF DISPOSITION

TO: Aubrey Howard DATE: April 25, 1986
Belz/Curtis Outdoor Advertising Co.
Suite 209 RE: DOCKET 86-41 City
5130 Park Avenue
Memphis, TN 38117 LOCATION 1645 Airways Boulevard, (at the
northwest corner of Airways Boulevard and East
Person Avenue)

On April 23, 1986, the Memphis and Shelby County Board of Adjustment approved your application requesting a variation from the Zoning Regulations to allow the erection of a six hundred (600) square foot, two-faced, off-premises advertising sign; subject to the following condition:

1. The revised site plan submitted at the hearing is the plan herein approved and is so marked and made a part of the records of this case.

All appeals and applications GRANTED are expressly conditioned upon the applicant obtaining the permit requested or other order within one (1) year from the date of the decision of the Board of Adjustment.

The resolution of the Board is subject to your inspection at the office of the Board of Adjustment.

Respectfully,

A handwritten signature in cursive script that reads 'Anita Forrester'.

Anita Forrester
Secretary of the Board of Adjustment

APPLICATION



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: March 2, 2023

Record Number: Z 2023-006

Expiration Date:

Record Name: Airways Blvd. Rezoning

Description of Work: Rezoning from CMU-1 to EMP

Parent Record Number:

Address:

1645 AIRWAYS BLVD, MEMPHIS 38114

Owner Information

Primary Owner Name

Y AIRWAYS KHSA LLC

Owner Address

986 HOLLIS F PRICE ST, MEMPHIS, TN 38126

Owner Phone

Parcel Information

047020 00140

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner N/A

Date of Meeting -

Pre-application Meeting Type -

GENERAL INFORMATION

Is this application in response to a citation from No

GENERAL INFORMATION

Construction Code Enforcement or Zoning Letter?

Have you held a neighborhood meeting? No

If yes, please provide additional information -

GIS INFORMATION

Central Business Improvement District No

Case Layer BOA1986-041

Class C

Downtown Fire District No

Historic District -

Land Use PARKING

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning CMU-1

State Route -

Lot -

Subdivision -

Planned Development District -

Wellhead Protection Overlay District -

Data Tables

ADDRESS AND PARCEL LIST

Property Address: 0 Airways Blvd.

Property Parcel Number: 047020 00140

Property Address: 1629 Airways Blvd

Property Parcel Number: 047020 00141

Contact Information

Name

HAROON HAIMED

Contact Type

APPLICANT

Address

Phone

-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1452305	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	03/02/2023
1452422	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	03/02/2023

Total Fee Invoiced: \$1,000.00

Total Balance: \$0.00

LETTER OF INTENT



Date: February 21, 2023

To: Division of Planning & Development

From: Cindy Reaves

Re: Airways Blvd. Rezoning

LETTER OF INTENT

We are submitting a Rezoning application for property at 0 & 1629 Airways Blvd. The property is located at the northwest corner of Airways Blvd. and Person Ave. The property is part of a larger parcel that is Zoned EMP to the west of these parcels. Our request for rezoning is within the CMU-1 zoning district and is approximately 0.873 acres in area. The EMP zoning is also compatible with the surrounding adjacent properties to the west. The approval of this request will provide consistent zoning for this site to be developed in the future.

We appreciate your support with this request. Please contact me if you have any questions.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Kristin Reaves, being duly sworn, depose and say that at 1:52 pm on the 30th day of March, 2023. I posted one Public Notice Sign pertaining to Case No. Z 23-006 in front of the property located at 1629 Airways providing notice of a Public Hearing before the April 13, 2023 Land Use Control Board for consideration of a proposed Land Use Action (Zoning), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Kristin Reaves

Owner, Applicant or Representative

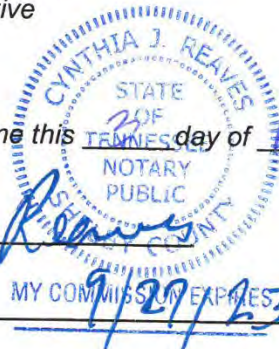
04/03/2023

Date

Subscribed and sworn to before me this 30 day of April, 2023

Cynthia J. Reaves

Notary Public
My commission expires: 9/29/23





MEMPHIS AND SHELBY COUNTY DIVISION OF PLANNING
AND DEVELOPMENT
FOR THE BENEFIT OF THE MEMPHIS AND SHELBY COUNTY

PUBLIC NOTICE

AN APPLICATION HAS BEEN FILED FOR A

REZONING

ON THIS PROPERTY.
A PUBLIC HEARING WILL BE HELD.

CASE NO: Z 23-006
INFORMATION: 636-6619

Memphis, Tennessee, is a community of diverse people and cultures. We are committed to providing a safe and healthy environment for all. We are committed to providing a safe and healthy environment for all.

LETTERS RECEIVED

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



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: March 2, 2023

Record Number: Z 2023-006

Expiration Date:

Record Name: Airways Blvd. Rezoning

Description of Work: Rezoning from CMU-1 to EMP

Parent Record Number:

Address:

1645 AIRWAYS BLVD, MEMPHIS 38114

Owner Information

Primary Owner Name

Y AIRWAYS KHSA LLC

Owner Address

986 HOLLIS F PRICE ST, MEMPHIS, TN 38126

Owner Phone

Parcel Information

047020 00140

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner N/A

Date of Meeting -

Pre-application Meeting Type -

GENERAL INFORMATION

Is this application in response to a citation from No

GENERAL INFORMATION

Construction Code Enforcement or Zoning Letter?

Have you held a neighborhood meeting? No

If yes, please provide additional information -

GIS INFORMATION

Central Business Improvement District No

Case Layer BOA1986-041

Class C

Downtown Fire District No

Historic District -

Land Use PARKING

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning CMU-1

State Route -

Lot -

Subdivision -

Planned Development District -

Wellhead Protection Overlay District -

Data Tables

ADDRESS AND PARCEL LIST

Property Address: 0 Airways Blvd.

Property Parcel Number: 047020 00140

Property Address: 1629 Airways Blvd

Property Parcel Number: 047020 00141

Contact Information

Name	Contact Type
HAROON HAIMED	APPLICANT

Address

Phone

-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1452305	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	03/02/2023
1452422	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	03/02/2023

Total Fee Invoiced: \$1,000.00

Total Balance: \$0.00

Payment Information**Payment Amount**

\$1,000.00

Method of Payment

Check

**MEMPHIS AND
SHELBY COUNTY**  **DIVISION OF PLANNING
AND DEVELOPMENT**

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, Khalid Haimeh
(Print Name)


(Sign Name)

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)

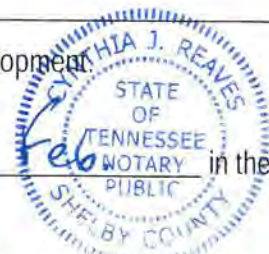
of the property located at 0 Airways Blvd.

and further identified by Assessor's Parcel Number 047020 00140

for which an application is being made to the Division of Planning and Development

Subscribed and sworn to (or affirmed) before me this 29th day of Feb in the year of 2023


Signature of Notary Public



MY COMMISSION EXPIRES 9/27/23
My Commission Expires

**MEMPHIS AND
SHELBY COUNTY**  **DIVISION OF PLANNING
AND DEVELOPMENT**

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, Ricky Tony Aik Tom (Print Name)  (Sign Name), 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 1629 Airways Blvd.

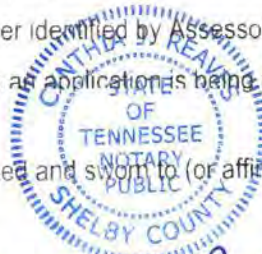
and further identified by Assessor's Parcel Number 047020 00141

for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 28th day of Feb. in the year of 23


Signature of Notary Public

9/27/23
My Commission Expires





ENGINEERING • PLANNING

5909 Shelby Oaks Drive
Suite 200
Memphis TN 38134

Tel: 901-373-0380
Fax: 901-373-0370
www.SRCE-memphis.com

Date: February 21, 2023

To: Division of Planning & Development

From: Cindy Reaves

Re: Airways Blvd. Rezoning

LETTER OF INTENT

We are submitting a Rezoning application for property at 0 & 1629 Airways Blvd. The property is located at the northwest corner of Airways Blvd. and Person Ave. The property is part of a larger parcel that is Zoned EMP to the west of these parcels. Our request for rezoning is within the CMU-1 zoning district and is approximately 0.873 acres in area. The EMP zoning is also compatible with the surrounding adjacent properties to the west. The approval of this request will provide consistent zoning for this site to be developed in the future.

We appreciate your support with this request. Please contact me if you have any questions.



Vicinity Map
nts



Part of Parcel 041020 00141

Being part of the R and D Ventures LLC property as recorded in Instrument Number 17107007 and being more particularly described as follows:

Beginning at a point in the west line of Airways Boulevard (92' ROW), 375.72 feet south of Arlington Avenue; thence 514°41'11"W a distance of 148.32 feet to a point; thence N85°26'55"W a distance of 116.51 feet to a point; thence N11°15'27"E a distance of 146.32 feet to a point; thence 585°45'48"E a distance of 125.52 feet to the point of beginning and containing 0.404 acres of land more or less.

Part of Parcel 041020 00140

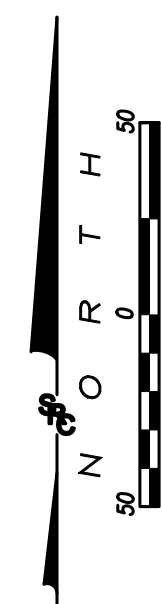
Being part of the Airways KHSa LLC property as recorded in Instrument Number 23005683 and being more particularly described as follows:

Beginning at a point in the west line of Airways Boulevard (92' ROW), 524.04 feet south of Arlington Avenue; thence 514°52'34"W a distance of 11.43 feet to a point; thence along a 3878.73 foot radius to the left an arc distance of 137.32 feet (chord 513°41'18"W 137.31 feet) to a point; thence along a 40.00 foot radius curve to the right an arc distance of 56.86 feet (chord N53°24'02"E 52.19 feet) to a point; thence N81°52'28"W a distance of 12.61 feet to a point; thence along a 112.05 foot radius curve to the left an arc distance of 68.86 feet (chord S16°30'01"W 67.78 feet) to a point; thence N11°15'27"E a distance of 202.76 feet to a point; thence 585°26'55"E a distance of 116.51 feet to the point of beginning and containing 0.469 acres of land more or less.

SITE PLAN
AIRWAYS BLVD. REZONING

OWNER/DEVELOPER: AIRWAYS KHSa LLC
R AND D VENTURES LLC
0.873 ACRES

WARD 47, BLOCK 20, PARCEL 140 & 141
EX. ZONING: CMU-1
PROP. ZONING; EMP
MEMPHIS, TENNESSEE
FEBRUARY 2023
SHEET 1 of 1



SRCONSULTING, LLC

5909 Shelby Oaks Drive
Suite 200
Memphis TN 38134

ENGINEERING - PLANNING

Tel 901.371.0150
Fax 901.371.0160
info@SRCE-memphis.com

Part of Parcel 047020 00141

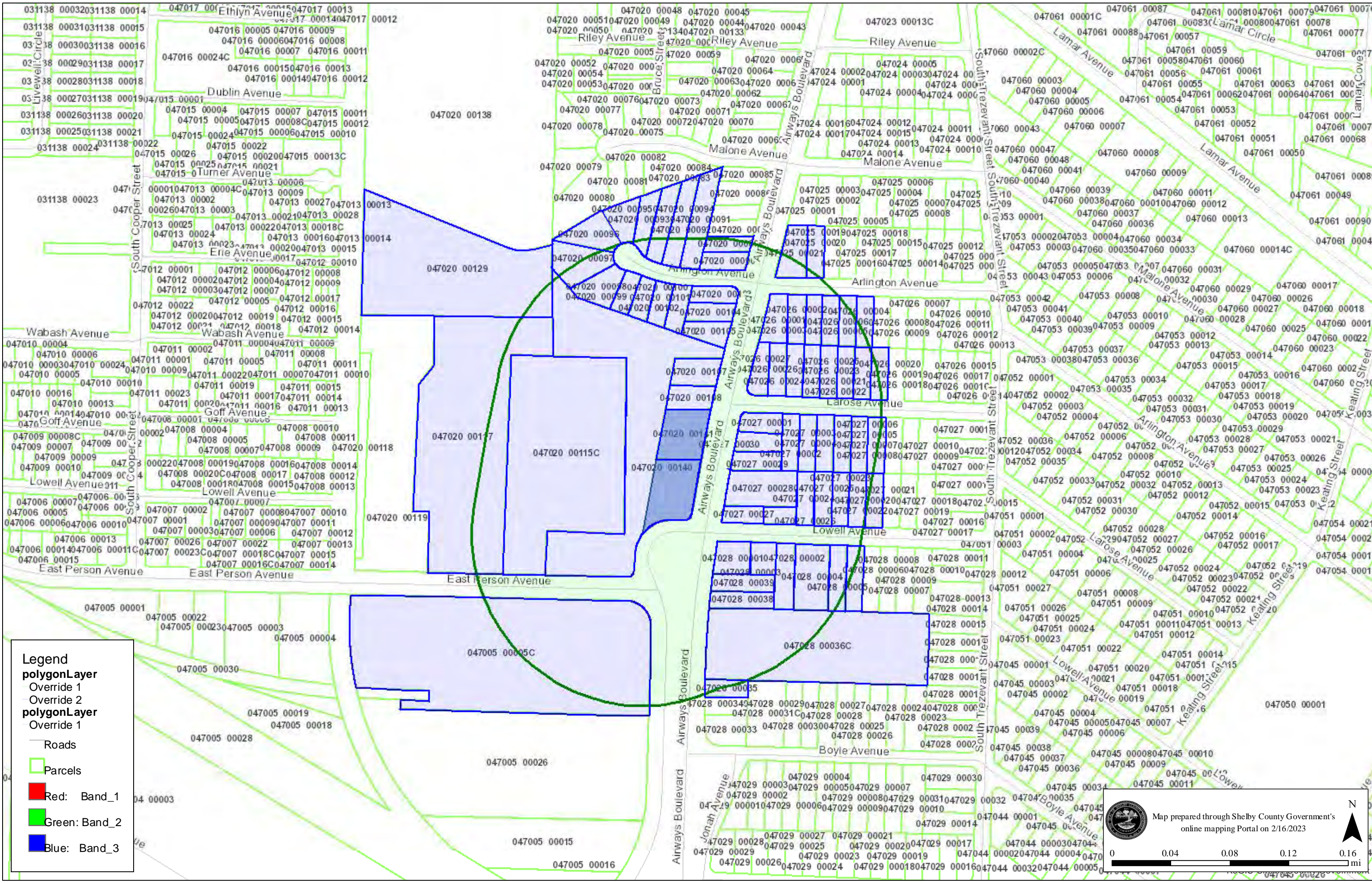
Being part of the R and D Ventures LLC property as recorded in Instrument Number 17107007 and being more particularly described as follows:

Beginning at a point in the west line of Airways Boulevard (92' ROW), 375.72 feet south of Arlington Avenue; thence S14°41'11"W a distance of 148.32 feet to a point; thence N85°26'55"W a distance of 116.51 feet to a point; thence N11°15'27"E a distance of 146.32 feet to a point; thence S85°45'48"E a distance of 125.52 feet to the point of beginning and containing 0.404 acres of land more or less.

Part of Parcel 047020 00140


Being part of the Airways KHSA LLC property as recorded in Instrument Number 23005683 and being more particularly described as follows:

Beginning at a point in the west line of Airways Boulevard (92' ROW), 524.04 feet south of Arlington Avenue; thence S14°52'34"W a distance of 11.43 feet to a point; thence along a 3878.73 foot radius to the left an arc distance of 137.32 feet (chord S13°41'18"W 137.31 feet) to a point; thence along a 40.00 foot radius curve to the right an arc distance of 56.86 feet (chord N53°24'02"E 52.19 feet) to a point; thence N81°52'28"W a distance of 12.61 feet to a point; thence along a 112.05 foot radius curve to the left an arc distance of 68.86 feet (chord S76°30'01"W 67.78 feet) to a point; thence N11°52'27"E a distance of 202.76 feet to a point; thence S85°26'55"E a distance of 116.51 feet to the point of beginning and containing 0.469 acres of land more or less.



Legend

- polygonLayer
- Override 1
- Override 2
- polygonLayer
- Override 1
- Roads
- Parcels
- Red: Band_1
- Green: Band_2
- Blue: Band_3


 Map prepared through Shelby County Government's online mapping Portal on 2/16/2023

0 0.04 0.08 0.12 0.16 0.20 0.24 0.28 0.32 0.36 0.40 0.44 0.48 0.52 0.56 0.60 0.64 0.68 0.72 0.76 0.80 0.84 0.88 0.92 0.96 1.00 mi

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

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5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

Airways KHASA LLC
986 Hollis F Price St.
Memphis, TN 38126-5910

Airways KHASA LLC
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Memphis, TN 38126-5910

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986 Hollis F Price St.
Memphis, TN 38126-5910

Airways KHASA LLC
986 Hollis F Price St.
Memphis, TN 38126-5910

Airways KHASA LLC
986 Hollis F Price St.
Memphis, TN 38126-5910

R & D Ventures LLC
5031 Anchor Cv.
Memphis, TN 38117-3404

R & D Ventures LLC
5031 Anchor Cv.
Memphis, TN 38117-3404

R & D Ventures LLC
5031 Anchor Cv.
Memphis, TN 38117-3404

R & D Ventures LLC
5031 Anchor Cv.
Memphis, TN 38117-3404

R & D Ventures LLC
5031 Anchor Cv.
Memphis, TN 38117-3404

STOL RENTALS LLC
137 HIDDEN ACRES DR #
LOGANTON PA 17747

STONE CHARLES AND BARBARA ADAIR (RS)
2308 LAROSE AVE #
MEMPHIS TN 38114

TATE RUTHIE
1670 AIRWAYS BLVD #
MEMPHIS TN 38115

WALKER GEORGE R
2231 ARLINGTON AVE #
MEMPHIS TN 38114

GIBSON KENNETH J & JEARL D
2312 LAROSE AVE #
MEMPHIS TN 38114

BOLDEN DONALD G
1678 AIRWAYS BLVD #
MEMPHIS TN 38114

DEAN LEARINZIA & ESTELLA
2237 ARLINGTON AVE #
MEMPHIS TN 38114

TATE DORIS
2318 LAROSE AVE #
MEMPHIS TN 38114

MENJIVAR MARIA
3099 KEMPER DR #
MEMPHIS TN 38115

HOYLE CAROLYN M
2241 ARLINGTON AVE #
MEMPHIS TN 38114

MALLORY LEE R
4577 HANCOCK DR #
MEMPHIS TN 38116

RUSSELL SAMUEL & SYLVIA
2294 LAROSE AVE #
MEMPHIS TN 38114

MCCRARY MARY E (LE) AND HAROLD MCCRARY A
2247 ARLINGTON AVE #
MEMPHIS TN 38114

HUERTA VICTOR S
1632 AIRWAYS BLVD #
MEMPHIS TN 38114

HAYES DORA P & DANESE F
502 W ARBUTUS ST #
COMPTON CA 90220

CURRY LAURA
1589 AIRWAYS BLVD #
MEMPHIS TN 38114

BEAUREGARD MURLENE
2325 LAROSE AVE #
MEMPHIS TN 38114

CRAWFORD BUREL & CAROL Y
2026 WILSON RD #
MEMPHIS TN 38116

PINSON RUTHIE M
1593 AIRWAYS BLVD #
MEMPHIS TN 38114

BOLDS CARRIE E
1640 AIRWAYS BLVD #
MEMPHIS TN 38114

FERRELL PAVING INC
2174 E PERSON AVE #
MEMPHIS TN 38114

EL-TAYECH MAHMOUD
4253 RHODES AVE #
MEMPHIS TN 38111

MCKINLEY RAY JR AND WILLIAMS LEONA
2308 LOWELL AVE #
MEMPHIS TN 38114

FIFER CARLOS
723 BRISTON LN
COLLIERVILLE TN 38017

MARSHALL TONYA M W
7469 MORGAN HOUSE DR #
MEMPHIS TN 38125

STALLINGS VINCENT T
2302 LOWELL AVE #
MEMPHIS TN 38114

BOONE EARNEST E
2238 ARLINGTON AVE #
MEMPHIS TN 38114

NEELY GERALD
PO BOX 34277 #
MEMPHIS TN 38184

GFM INVESTMENTS LLC
2130 PENDLETON ST #
MEMPHIS TN 38114

STREET WILLIAM A III AND CAROL E STREET
7938 US HIGHWAY 70 #
MEMPHIS TN 38133

HUDSON RICHARD E & FLOSSIE M
2296 ARLINGTON AVE #
MEMPHIS TN 38114

MORRIS BRIAN & ANDREA
2311 ARLINGTON #
MEMPHIS TN 38114

CLEAVES DEAN
2321 LAROSE AVE #
MEMPHIS TN 38114

WHITCOMB BLAKE
440 GAREDEN ST #
WEST SACRAMENTO CA 95691

HOOKS RONALD K JR
2317 ARLINGTON AVE #
MEMPHIS TN 38114

BOLDS CLARENCE L (ESTATE OF)
1640 AIRWAYS BLVD #
MEMPHIS TN 38114

GOODWIN CAROLYN M AND RONALD
1989 E PERSON AVE #
MEMPHIS TN 38114

JOHNSON RICHARD D
2196 E PERSON AVE #
MEMPHIS TN 38114

REFRESHING SPRINGS COMMUNITY DEV CORP
4935 ELVIS PRESLEY BLVD #
MEMPHIS TN 38116

MILES RON
1989 E PERSON AVE #
MEMPHIS TN 38114

SURGEON CORY J
3110 SEMINARY CV #
MEMPHIS TN 38116

HARVEY LASONYA AND ALTONIUS DAVIS
2312 LOWELL AVE #
MEMPHIS TN 38114

R AND D VENTURES LLC
5031 ANCHOR CV #
MEMPHIS TN 38117

PROFESSIONAL SPECIALTIES CO
PO BOX 140188 #
MEMPHIS TN 38114

PEARCE RICHARD
596 WARING RD #
MEMPHIS TN 38122

SMILE ROBERT L & INEZ AND SHEREE C HEROD
2253 ARLINGTON AVE #
MEMPHIS TN 38114

WILSON CORNELIUS & JOYCE M AND NICOLE
2328 LAROSE AVE #
MEMPHIS TN 38114

RKV REAL ESTATE LLC

STOKES BETTY A
2257 ARLINGTON AVE #
MEMPHIS TN 38114

FREEMAN MELODY
7727 DRISCOLL ST
MEMPHIS TN 38125

FIFER CARLOS
723 BRISTON LN #
COLLIERVILLE TN 38017

WINTON JIMMY AND CAROLYN W SHELL
8310 RAMBLING ROSE DR #
OOLTEWAH TN 37363

UPCHURCH BRANETTE M
1634 BONNIE DR #
MEMPHIS TN 38116

MASON PAMELA AND ZELA HAYSE AND
1658 AIRWAYS BLVD #
MEMPHIS TN 38114

NUNNALLY JAMES & IDA L
2301 ARLINGTON AVE #
MEMPHIS TN 38114

FREEMAN MELODY
7727 DRISCOLL ST
MEMPHIS TN 38125

HENDERSON LYJUANICA D
4620 CEDAR BRANCH CIR #
MEMPHIS TN 38128

CARPENTER ALONZA
6822 17TH ST S
SAINT PETERSBURG FL 33712

BOOKER JANET D
2317 LAROSE AVE #
MEMPHIS TN 38114

SENENSE TARYN
2293 LOWELL AVE #
MEMPHIS TN 38114

LEON FIDEL P
2301 LOWELL AVE #
MEMPHIS TN 38114

CARRUTHERS GRACIE
2307 LOWELL AVE #
MEMPHIS TN 38114

FOSTER REZELL (ESTATE OF) AND KAREN F
1628 CASTALIA #
MEMPHIS TN 38114

AIRWAYS PROPERTIES LLC
318 WINCHESTER RD #
MEMPHIS TN 38109

END TIME CHURCH (TRS)
4651 BARKLEY GLEN DR #
COLLIERVILLE TN 38017

SIXTEEN NINETY-NINE AIRWAYS WAREHOUSE
5160 SANDERLIN AVE #1
MEMPHIS TN 38117


SCOTT PARTECIOUS
3260 KIRBY PKWY #4
MEMPHIS TN 38115

SIXTEEN NINETY NINE AIRWAYS
5160 SANDERLIN #1
MEMPHIS TN 38117



Tom Leatherwood
Shelby County Register / Archives

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.

	
17107007	
10/17/2017	02:03 PM
7 PGS	
MELISA 1660883-17107007	
VALUE	400000.00
MORTGAGE TAX	0.00
TRANSFER TAX	1480.00
RECORDING FEE	35.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	1518.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

This instrument prepared by:
Hartman Simons & Wood LLP
6400 Powers Ferry Road, Suite 400
Atlanta, Georgia 30339

After recording return to:
Greg Voehringer, Esq.
The Voehringer Law Firm, PC
4917 William Arnold Road
Memphis, TN 38117

ADDRESS NEW OWNER:
R&D Ventures, LLC
5031 Anchor Cove
Memphis, TN 38117

SEND TAX BILLS TO:
R&D Ventures, LLC
5031 Anchor Cove
Memphis, TN 38117

PARCEL ID:
096-400-00135
060-222-00377
060-220-00038
068-001-00005
020-086-00013 & 00014
088-035-00051
047-020-00141
060-227-00008 (easement)
089-002-A00007

STATE OF TENNESSEE
COUNTY OF SHELBY

The actual consideration or value, whichever is greater, for this transfer is \$400,000.00.



[Signature]

Affiant

Subscribed and sworn to before me this the 17 day of October, 2017.

[Signature]

Notary Public

My Commission Expires: 11/22/18

SPECIAL WARRANTY DEED

FOR AND IN CONSIDERATION OF the sum of Ten Dollars (\$10.00), cash in hand paid by the hereinafter named GRANTEE, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **RREF ST-TN WHT, LLC**, a Tennessee limited liability company, hereinafter called "GRANTOR," has bargained and sold, and by these presents does transfer and convey unto **R&D VENTURES, LLC**, a Tennessee limited liability company, hereinafter called "GRANTEE," its successors and assigns, certain real property in Shelby County, State of Tennessee, described as follows (the "Property") together with all rights, interests, easements and hereditaments appurtenant thereto:

SEE **EXHIBIT "A"** ATTACHED HERETO AND
MADE A PART HEREOF BY THIS REFERENCE.

Parcels 1-8 being the same parcels 1, 3, 6, 10, 11, 12, 16 and 17 conveyed to GRANTOR by Deed of record at Instrument Number 15072931 and re-recorded at Instrument Number 15095740 in the Shelby County Register's Office; and Parcel 9 being the same property conveyed to GRANTOR by Deed of record at Instrument Number 15090600 in the Shelby County Register's Office.

The Property is transferred subject to the limitations, restrictions, and encumbrances ("Permitted Exceptions") set forth as follows:

- (a) Real property taxes and assessments for the year 2018 and thereafter;
- (b) Zoning and other regulatory laws and ordinances affecting the Property;
- (c) Matters that would be disclosed by an accurate survey;
- (d) Rights of tenants in possession (if any);
- (e) Any plat affecting the Property; and
- (f) Easements, rights of way, limitations, conditions, covenants, restrictions, and other matters of record.

TO HAVE AND TO HOLD the Property, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEE, its successors and assigns, forever, and GRANTOR does covenant with said GRANTEE that it is lawfully seized and possessed of the Property in fee simple, has a good right to convey it, and the same is free from all encumbrances made or suffered by Grantor, except for the Permitted Exceptions; and GRANTOR does further covenant and bind itself, its successors and assigns, to warrant and forever defend the title to the Property to the said GRANTEE, its successors and assigns, against the lawful claims of all persons claiming by, through or under the GRANTOR, but not further or otherwise. 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.

(signature page follows)

WITNESS its hand this the 16 day of October, 2017.

RREF ST-TN WHT, LLC, a Tennessee limited liability company

By: RREF ST ACQUISITIONS, LLC, a Delaware limited liability company, Its Sole Member

By: RIALTO CAPITAL ADVISORS, LLC, a Delaware limited liability company, as its attorney in fact

By: [Signature] (Seal)
Name: Aaron Davis, Authorized Signatory
Title: Authorized Signatory

Signed sealed and delivered in the presence of:

By: [Signature] (Seal)
Name: Stephen Tyde, Authorized Signatory
Title: Authorized Signatory

Signature: [Signature]
Print Name: Robert Wagner

Signature: [Signature]
Print Name: Kim Tucker

STATE OF GEORGIA)
) SS.
COUNTY OF FULTON)

The foregoing instrument was acknowledged before me this 12 day of October, 2017, by Aaron Davis and Stephen J. Tyde, as Authorized Agents of RIALTO CAPITAL ADVISORS, LLC, a Delaware limited liability company, as the Attorney in Fact for RREF ST ACQUISITIONS, LLC, a Delaware limited liability company, the Sole Member of RREF SB SBL-TN, LLC, a Tennessee limited liability company, on behalf of the company. They are personally known to me or has produced a driver's license as identification.

[Signature]
Notary Public
Print Name: Leslie Washington
Serial No. (if any): _____

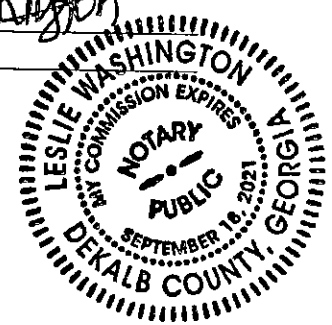


EXHIBIT "A"
LEGAL DESCRIPTION

Parcel 1- 0 Collierville-Arlington Road, Memphis, TN

BEGINNING at a set 1/2" iron pin on the North line of Collierville Arlington Road (State Highway 205) (40' wide R.O.W.), a distance of 1,044.13 feet West of the Centerline point where said road makes a 90 degree turn in a Northward direction in the unincorporated town of Eads, as measured along said North line, said point also being on the West line of the Patriola McIntyre property project Southwardly as described in Deed of record in Instrument Number BR 0408, at the Shelby County Register's Office, said point also being 60 feet South of the centerline of the old L & N Railroad 100' wide R.O.W. (Abandoned); thence Westwardly along the said North line of Collierville Arlington Road (20' North of the Centerline) and parallel to said L & N Railroad and along the arc of a curve to the right having a radius of 5,790.00 feet, an arc length of 730.41 feet and a chord of 729.93 feet (South 83 degrees 18 minutes 38 seconds West) to a set 1/2" iron pin at the point of tangency; thence South 86 degrees 55 minutes 28 seconds West along the North line of said Collierville Arlington Road and parallel to and 60' South of the centerline of said Railroad, a distance of 673.72 feet in a set 1/2" iron pin on the East line of the Rosewood Estate Partnership tract (Instrument Number KH 1572) thence North 3 degrees 55 minutes 13 seconds East along the East line of said Tract and crossing the said Railroad 1,101.07 feet to a set 1/2" iron pin at the Southwest corner of the Rosewood Estate Partnership property described in Instrument Number KH 1573; thence South 89 degrees 12 minutes 42 seconds East along the South line of said property 776.00 feet to a found 1/2" iron pipe at the Southwest corner of Lot 3, Section "A", Evelyn Byrd Subdivision of record in Plat Book 92, Page 48; thence South 87 degrees 01 minutes 55 seconds East along the South line of said Lot 3, a distance of 438.64 feet to a set 1/2" iron pin on the West line of the State of Tennessee property (Instrument Number 02074473), said point being on the West line of proposed State Highway 385; thence South 19 degrees 49 minutes 56 seconds East along said West line, a distance of 217.88 feet to a set 1/2" iron pin at an angle point; thence South 03 degrees 03 minutes 32 seconds East along said West line, 109.03 feet to a set 1/2" iron pin at the beginning of a curve to the left; thence Southwardly along said West line and along the arc of said curve having a radius of 6,594.48 feet, an arc length of 182.97 feet and a chord of 182.96 feet (South 03 degrees 51 minutes 13 seconds East) to a set 1/2" iron pin at the point of tangency; thence South 04 degrees 38 minutes 50 seconds East along said West line, a distance of 312.83 feet to a set 1/2" iron pin at an angle point; thence South 03 degrees 45 minutes 55 seconds West along said West line, a distance of 136.04 feet to the point of beginning, containing 31.942 acres, more or less.

Being all or part of the same property conveyed to William H. Thomas, Jr. by Warranty Deed of record as Instrument Number 02210814 in said Register's Office.

Parcel 2- 0 Elvis Presley Blvd., Memphis, TN

Lot 3, Elvis Presley Boulevard Industrial Subdivision as shown on Plat of record in Plat Book 220, Page 19, in Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description.

Being part of the same property conveyed to William H. Thomas, Jr. by Warranty Deed of record as Instrument Number 04135027 in said Register's Office.

Parcel 3- 0 Childress, Memphis, TN

Lot 3 of the Skyview Subdivision of record in Plat Book 14, Page 59, in the Register's Office of Shelby County, Tennessee, to which Plat reference is hereby made for a more particular description of the property.

Being part of the same property conveyed to William H. Thomas, Jr. by Special Warranty Deed with Reservation of Avigation Easement of record as Instrument Number 04047682 in said Register's Office.

Parcel 4- 0 I-40, Memphis, TN

Located adjacent to the east right-of-way line of the I-240 (N. bound) and I-40 (East bound) ramp. Western limit of property is generally the center line of the old Wolf River. Property is part of a 380 ft. wide permanent drainage easement acquired by the State of Tennessee recorded in Book 4516, page 445 as Parcel No. E-1E, and as amended in Book 4520, page 220 in the property of Frank M. Weathersby, Love Brooks, and Lavelle S. Brooks as recorded in Book 3034, page 575; Book 3193, page 328; and Book 3328, page 476, in the Shelby County Register's Office and more particularly described as follows:

Beginning at a point in the east right-of-way line of Interstate Highway Route No. FAI 511-B north 29 degrees 45 minutes 57 seconds west 143.16 feet and north 6 degrees 48 minutes 18 seconds west 164.22 feet from the north line of the N.C. and St. L. Railroad as measured along the east right-of-way line of the Interstate Highway and running thence with the east right-of-way line of the Interstate Highway north 6 degrees 48 minutes 18 seconds west 61.79 feet to an angle point in said right-of-way line; thence with said right-of-way line north 7 degrees 00 minutes 26 seconds east 620 feet to a point; thence leaving said rights-of-way south 82 degrees 59 minutes 34 seconds east 380 feet to a point; thence south 7 degrees 00 minutes 26 seconds west 125 feet more or less to the centerline of Wolf River; thence westwardly, southwardly and eastwardly with the meanders of the center line of Wolf River 980 feet more or less to a point in the east line of the 380 ft. wide permanent drainage easement; thence with said line south 7 degrees 00 minutes 26 seconds west 35 feet more or less to a point; thence north 82 degrees 59 minutes 34 seconds west 365.25 feet to the beginning. Containing 107,200 square feet more or less.

Being part of the same property conveyed to William H. Thomas, Jr. by Quit Claim Deed of record as Instrument Number 04160715 in said Register's Office.

Parcel 5- 0 N. Waldran St., Memphis, TN

Lots 20 and 21, McKeon & Cross Subdivision, as shown on plat of record in Plat Book 2, Page 28, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Less and Except that portion of the said property conveyed to The State of Tennessee by Instruments Number 02035230 and 04136592, in the Register's Office.

Being the same property conveyed to William H. Thomas, Jr. by Warranty Deed of record as Instrument Number 05148298 in said Register's Office.

Parcel 6- 0 I-240, Memphis, TN

Commencing at the point of intersection of the centerline of Tant Avenue and the centerline of Palm Avenue; thence south along the centerline of Tant Avenue approximately 184 feet to a point, said point being the intersection of the centerline of Tant Avenue and the north right-of-way of I-240, thence along the north right-of-way of I-240 approximately 1800 feet to a POINT OF BEGINNING, said point being the northwest corner of said property and the north ROW line of I-240; thence N30°32'32"E a distance of 455.29 feet; S29°00'40"E a distance of 427.88 feet; thence S55°22'20"W a distance of 296.82 feet; thence S50°52'20"W a distance of 48.97 feet; thence N31°53'40"W a distance of 82.97 feet; thence S87°40'20"W a distance of 135.56 feet; thence N30°58'40"W a distance of 417.76 feet to a POINT OF BEGINNING. Containing 217,762 Sq. Ft. (5.00 Acres) more or less.

Being part of the same property conveyed to William H. Thomas, Jr. by Warranty Deed of record as Instrument Number 05021028, and also re-conveyed to William H. Thomas, Jr. by Quit Claim Deed of record as Instrument Number 08019586, and re-recorded as Instrument Number 08124255 in said Register's Office.

Parcel 7- 1629 Airways Blvd., Memphis, TN

BEGINNING at the southwest corner of lot 2 of the Wallace Johnson Subdivision recorded in Plat Book 11, Page 3 in the Register's Office of Shelby County, Tennessee and a point on the west R.O.W. line of Airways Boulevard (92' R.O.W.); Thence S 10°39'33"W along the west R.O.W. for said Airways Boulevard a distance of 130.51' to a point; Thence southwestwardly with a 3,883.29 foot radius curve to the left, an arch distance of 17.81 feet (chord of S10°31'40"W, 17.81 feet) along the west R.O.W. for said Airways Boulevard to a point; Thence N79°20'27"W a distance of 131.72 feet to a point on the west side of a 2 foot MLGW easement (1676-6); Thence N10°39'33"E a distance of 147.58 feet along the west line of said U MLGW easement to the southwest corner of lot 2 of Wallace Johnson Subdivision; Thence S89°48'23"E a distance of 131.91 feet along the south line of said lot 2 to the POINT OF BEGINNING and containing 21,781.28 sf. and/or 0.500 ac.

Being part of the same property conveyed to 1699 Airways Warehouse, LLC, by Special Warranty Deed of record as Instrument Number 06006701 in said Register's Office.

Parcel 8 (Easement Only)- 0 Hernando Rd., Memphis, TN

EASEMENT GRANTED BY INSTRUMENT NO. 06000853, AS RE-RECORDED IN INSTRUMENT NO. 06070160, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, IN THE SAID PROPERTY:

BEGINNING at a metal pipe found in the east margin of Interstate I-240 and being in the north line of the Sander-Ellis property as described in Deed Book 3434, Page 192 and Deed Book 5102, Page 192, also being the southwest corner of the Clark property as described in Deed Book 5803, Page 83 in the Register's Office of Shelby County, Tennessee, of which the certificate more particularly describes; runs thence with the margin of Interstate I-240, north 23 degrees 05 minutes 17 seconds east 407.50 feet; thence north 56 degrees 29 minutes 47 seconds east 555.65 feet to an iron pin found; runs thence south 86 degrees 25 minutes 02 seconds east 104.76 feet to a 4 inch pipe found in the west margin of Old Hernando Road (25 feet from the centerline); runs thence with the west margin of Old Hernando Road, south 3 degrees 14 minutes 58 seconds west 707.93 feet to an iron pin, set in Sanders-Ellis' north line, runs thence with Sanders-Ellis' north line, north 87 degrees 21 minutes 57 seconds west 688.20 feet to the point of beginning containing 7.8873 acres as surveyed by Surveying Services, Inc., 41 Heritage Square, Jackson, Tennessee 38305 (654-0807)

Being the same property upon which William H. Thomas, Jr. was granted perpetual easements pursuant to that certain Agreement Granting Perpetual Easements of record as Instrument Number 06000853, re-recorded as Instrument Number 06070160, and re-recorded again as Instrument Number 12075753.

Parcel 9- 0 Shelby Oaks Drive

Lot 7, I-40/Shelby Oaks Drive Subdivision, Section A, as recorded in Plat Book 228, Page 31, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being part of the same property conveyed to the party of the first party by Quit Claim Deed of record at Instrument Number 03161839 in the Register's Office of Shelby County, Tennessee.



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.



23005683
01/20/2023 - 09:17:30 AM

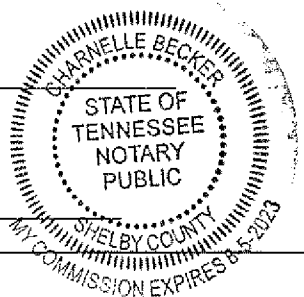
5 PGS

HERTHA 2536830-23005683

VALUE	115000.00
MORTGAGE TAX	0.00
TRANSFER TAX	425.50
RECORDING FEE	25.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	455.50

WILLIE F. BROOKS JR
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

<h2 style="margin: 0;">SPECIAL WARRANTY DEED</h2>	State of Tennessee County of Shelby The actual consideration or value, whichever is greater, for this transfer is \$115,000.00 .  _____ Affiant			
Subscribed and sworn to before me, this <u>19th</u> day of January, 2023  _____ Notary Public My Commission Expires: <u>08/05/2023</u> _____ (Affix Seal)				
This Instrument Was Prepared By: Byrne & Associates, PLLC File No. MT-2211-19				
1326 Hardwood Trail Cordova, TN 38016 (901) 737-2911	51 N. Cooper St. Memphis, TN 38104 (901) 572-1419	404 Galleria Ln, Ste 1 Oxford, MS 38655 (662) 238-7773	5960 Getwell Rd, Ste 113 Southaven, MS 38672 (662) 300-6550	118 E Mulberry St. Ste 201 Collierville, TN 38017 (901) 436-1410
Return To: Byrne & Associates, PLLC 51 North Cooper Street Memphis, TN 38104 File No. MT-2211-19				
Address of New Owner(s) as Follows:	Send Tax Notices To:	Map-Parcel Numbers:		
Airways KHSA, LLC 986 Doctor Hollis F Price Street Memphis, TN 38126	Airways KHSA, LLC 986 Doctor Hollis F Price Street Memphis, TN 38126	047-020-00140		



For and consideration of the sum of ten dollars, cash in hand paid by the hereinafter named Grantees, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, **Community Bank of Mississippi, hereafter referred to as "Grantor,"** have bargained and sold, and by these presents do transfer and convey unto new owner(s) as follows:

Airways KHSA, LLC, a Tennessee Limited Liability Company , hereinafter referred to as "Grantee", their heirs and assigns, a certain tract of parcel of land in **SHELBY** County, State of **TENNESSEE**, described as follows, to-wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

This conveyance is made subject to Subdivision Restrictions, Building Lines and easements of record in Plat Book 11 Page 3 and Plat Book 11 Page 38; plus any additional covenants etc., all in said Register's Office, and except for 2023 Memphis City Taxes and 2023 Shelby County Taxes, not yet due and payable, which Grantee assumes and agree to pay.

IMPROVED
 X UNIMPROVED 0 Airways Boulevard NW Memphis, TN 38114

To have and to hold the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said Grantee, their heirs and assigns forever; and I/we do covenant with said Grantee that I/we are lawfully seized and possessed of said land in fee simple, have a good right to convey said land, and the same is unencumbered unless otherwise herein set out, and I/we do further covenant with Grantee that Grantor will warrant and forever defend against the lawful claims of all persons claiming by, through or under Grantor, but not further or otherwise.

If there are multiple Grantors, the term "Grantor" as used herein shall collectively refer to each Grantor. If there are multiple Grantees, the term "Grantee" as used herein shall collectively refer to each Grantee.

Witness my hand this January 19th, 2023.

Community Bank of Mississippi
By: [Signature]
Simon Weir, Authorized Signatory

State of MS §

County of Desoto §

Before me, the undersigned Notary Public, of the State and County aforesaid, personally appeared Simon Weir, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged himself to be the Authorized Signatory of Community Bank of Mississippi, the within named bargainor, and that he as such Authorized Signatory, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the Community Bank of Mississippi, by himself as such Authorized Signatory.

Witness my hand and notarial seal this January 19th, 2023.

[Signature]
Notary Public
My Commission Expires: 3-24-23



EXHIBIT "A"**TRACT II:**

Being part of Lots 1, 2, and 3 of the Belz Person Avenue Subdivision (Plat Book 11, Page 38, Shelby County Register's Office, part of Lots 3, 4, 5, 6 and 7 of the Wallace Johnson Homes, Inc. Subdivision (Plat Book 11, Page 3, S.C.R.O.), and part of Lots 3 and 4 of the Dunlap Subdivision (unrecorded) in Memphis, Shelby County, Tennessee, and being more particularly described as follows:

Beginning at a crow's foot chisel mark found at the back of a concrete sidewalk on the north line of Person Avenue (71 foot wide right-of-way), said chisel mark being on the west line of Lot 3 of the Belz Person Avenue Subdivision; thence N 89 degrees 36" 56" E along the north line of Person Avenue 166.50 feet (measured and called) to a point on the west line of Lot 1, Belz Person Avenue Subdivision; thence N 0 degrees 03" 40" W along the west line of Lot 1, 4.5 feet (called 5.5 feet) to a point on the north line of Person Avenue (right-of-way width changes from 71 feet to 75.5 feet); thence N 89 degrees 36" 56" E along the north line of Person Avenue 70.00 feet (called 70.21 feet) to a point; thence N 52 degrees 23" 09" E 23.13" (called 22.14 feet) to a point on the east line of Lot 1; thence N 00 degrees 46" 56" E along the east line of Lot 1, 54.00 feet (called and measured) to a point; thence N 20 degrees 52" 24" E 63.30 feet (called 65.00 feet); to the northeast corner of Lot 1 and the southwest corner of Lot 7 of the Wallace Johnson Homes, Inc. Subdivision; thence N 89 degrees 36" 56" E along the south line of Lot 7, 8.2. feet (measured and called) to a point at the back of sidewalk on the north line of Airways Boulevard-west approach; thence northeastwardly with a 112.00 foot radius curve to the right an arc distance of 97.23 feet (called 98.78 feet) (Chord of N 65 degrees 11" 24" E, 94.26 feet) to the point of tangency; thence S 85 degrees 55" 03" E, 12.61 feet (called 14.43 feet) to a point of curvature; thence northeastwardly along a 40 foot radius curve to the left, an arc distance 56.86 feet (called 49.62 feet) (chord of N 49 degrees 21" 27" E, 52.19 feet) to a point of reverse curvature on the west line of Airways Boulevard (92 foot wide right-of-way); thence northwardly with the west line of Airways Boulevard along a 3883.29 foot radius curve to the right, an arc distance of 137.32 feet (called 133.45 feet) (chord of N 09 degrees 38" 44" E, 137.31 feet) to the point of tangency; thence N 10 degrees 39" 33" E along the west line of Airway Boulevard 159.76 feet (called 166.83 feet) to a crow's foot chisel mark found on the north line of Lot 3; thence N 89 degrees 48" 23" W, 133.91 feet (measured and called) to the southwest corner of Lot 2; thence N 10 degrees 39" 33" E along the west line of Lots 2 and 1, 140.03 feet (called 140.00 feet) to the northwest corner of Lot 1; thence 89 degrees 48" 23" east along the north line of Lot 1, 133.91 feet (called and measured) to a crow's foot chisel mark found on the west line of Airways Boulevard; thence N 10 degrees 39" 33" E along the west line of Airway Boulevard 35.20 feet (called 35.12 feet) to the southeast corner of the Robert Davis, et ux, property (Instrument U6-0385) said corner being 1 .09 feet north of the crow's foot chisel mark on the west line of Airway Boulevard; thence N 73 degrees 01" 18" W with the centerline of a concrete ditch along the south lines of the Davis property and Lot 27 thru 23 of the Lenow Brothers ReSubdivision (Plat Book 14 Page 58) 425.19 feet (called 430.71 feet) to an angle point in the south line of Lot 23; thence N 46 degrees 22" 34" N along the south lines of Lot 23 and 22 148.99 feet (called 143.88 feet) to the southwest corner of Lot 22, said corner being on the east line of Lincoln Street (closed); thence E 00 degrees 11" 17" E along the east line of Lincoln Street 260.00 feet (called and measured) to a point on the north line of the Professional Specialties, Inc. property (Instrument M6 6659) thence S 89 degrees 48" 23" E 220.6 feet to the northeast corner of the Professional Specialties Inc. property; thence E 00 degrees 54" 16" E 504.85 (called 502.36 feet) to the southeast corner of the Professional Specialties Inc. property, said corner being on the north line of Lot 1 of the Belz Person Avenue Subdivision; thence S 89 degrees 36" 56" W along the north line of Lots 1, 2 and 3 of the Belz Person Avenue Subdivision 323.96 feet (measured and called) to an iron pin at the northwest corner of Lot 3; thence E 00.03" 41" E 131.30 feet (called 131.60 feet) to the point of beginning.

LESS AND EXCEPT Part Sold as follows:

BEGINNING at the southwest corner of lot 2 of the Wallace Johnson Subdivision recorded in Plat Book 11, Page 3 in the Register's Office of Shelby County, Tennessee and a point on the west R.O.W. line of Airways Boulevard (92" R.O.W.); Thence S 10 degrees 39" 33" W along the west R.O.W. for said Airways Boulevard a distance of 130.51 to a point; Thence southwestwardly with a 3,883.29 foot radius curve to the left, an arch

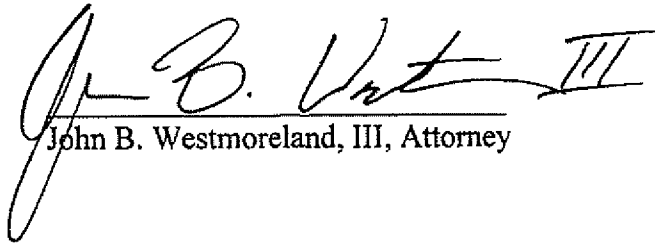
distance of 17.81 feet (chord of S 10°31'40"W 17.81 feet) along the West R.O.W. for said Airways Boulevard to a point; thence N79°20'27"W a distance of 131.72 feet to a point on the west side of a 2 foot MLGW easement (1676-6); Thence N10°39'33"E a distance of 147.58 feet along the west line of said U MLGW easement to the southwest corner of lot 2 of Wallace Johnson Subdivision; Thence S 89°48'23"E a distance of 131.91 feet along the south line of said lot 2 to the POINT OF BEGINNING and containing 21,781.28 sf. and or 0.500 ac.

Being the same property conveyed to Community Bank of Mississippi by Trustee's Deed of record at Instrument No. 22110778, dated 09/27/2022 and recorded 10/03/2022, in the Register's Office of Shelby County, Tennessee.

Property Address: 0 Airways Boulevard NW, Memphis, TN 38114

Tax Parcel ID No: 047-0200-0-00140-0

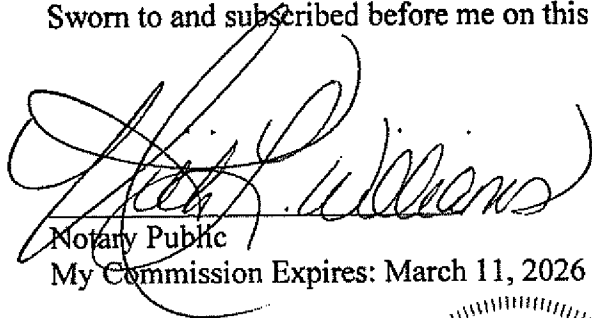
I, John B. Westmorland, III, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on 19th day of January, 2023.


John B. Westmoreland, III, Attorney

Date January 19th, 2023

State of TENNESSEE
County of SHELBY

Sworn to and subscribed before me on this 19th day of January, 2023


Notary Public
My Commission Expires: March 11, 2026

Notary's Seal





**MEMPHIS AND
SHELBY COUNTY** **DIVISION OF PLANNING
AND DEVELOPMENT**

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

April 27, 2023

SR Consulting, LLC
5909 Shelby Oaks Dr.
Memphis, TN 38134

Sent via electronic mail to: cindy.reaves@srce-memphis.com

Case Number: Z 23-006
LUCB Recommendation: Approval

Dear Applicant,

On Thursday, April 13, 2023, the Memphis and Shelby County Land Use Control Board recommended **approval** of your rezoning application located at the northwest corner of Airways Boulevard and East Person Avenue to be included in the Employment (EMP) Zoning District.

This application will be forwarded, for final action, to the Council of the City of Memphis. Ordinances appear on three consecutive Council Agendas with the third one being the Public Hearing. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

It is the applicant's responsibility to contact the City Council Records Office to determine when the application is scheduled to be heard at committee and in public session. The City Council Records Office may be reached at (901) 636-6792.

If for some reason you choose to withdraw your application, a letter should be mailed to the Land Use and Development Services Department of the Division of Planning and Development at the address provided above or emailed to the address provided below.

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at Kendra.Cobbs@memphistn.gov.

Respectfully,
Kendra Cobbs

Kendra Cobbs, AICP
Planner III
Land Use and Development Services

Letter to Applicant

Z 23-006

Division of Planning and Development

Cc: Melanie Jones, SR Consulting, LLC
File

**NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT
TO THE ZONING MAP OF THE CITY OF MEMPHIS**

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, _____ at 3:30 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

- CASE NUMBER:** Z 23-006
- LOCATION:** Northwest corner of Airways Boulevard and East Person Avenue
- COUNCIL DISTRICTS:** District 4 and Super District 8 – Positions 1, 2, and 3
- OWNER/APPLICANT:** R & D Ventures, LLC and Sixteen Ninety Nine Airways/Haroon Haimed
- REPRESENTATIVE:** Cindy Reaves for SR Consulting, LLC
- REQUEST:** Rezoning of +/-0.873 acres from Commercial Mixed Use-1 (CMU-1) to Employment (EMP)

RECOMMENDATIONS:

Memphis and Shelby County Division of Planning and Development: *Approval*

Memphis and Shelby County Land Use Control Board: *Approval*

NOW, THEREFORE, you will take notice that on Tuesday, _____, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance's or protests against the making of such changes; such remonstrance's or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

This case will also be heard at the Planning and Zoning Committee on the same day with the specific time to be determined prior to the meeting date and posted on the City of Memphis' website.

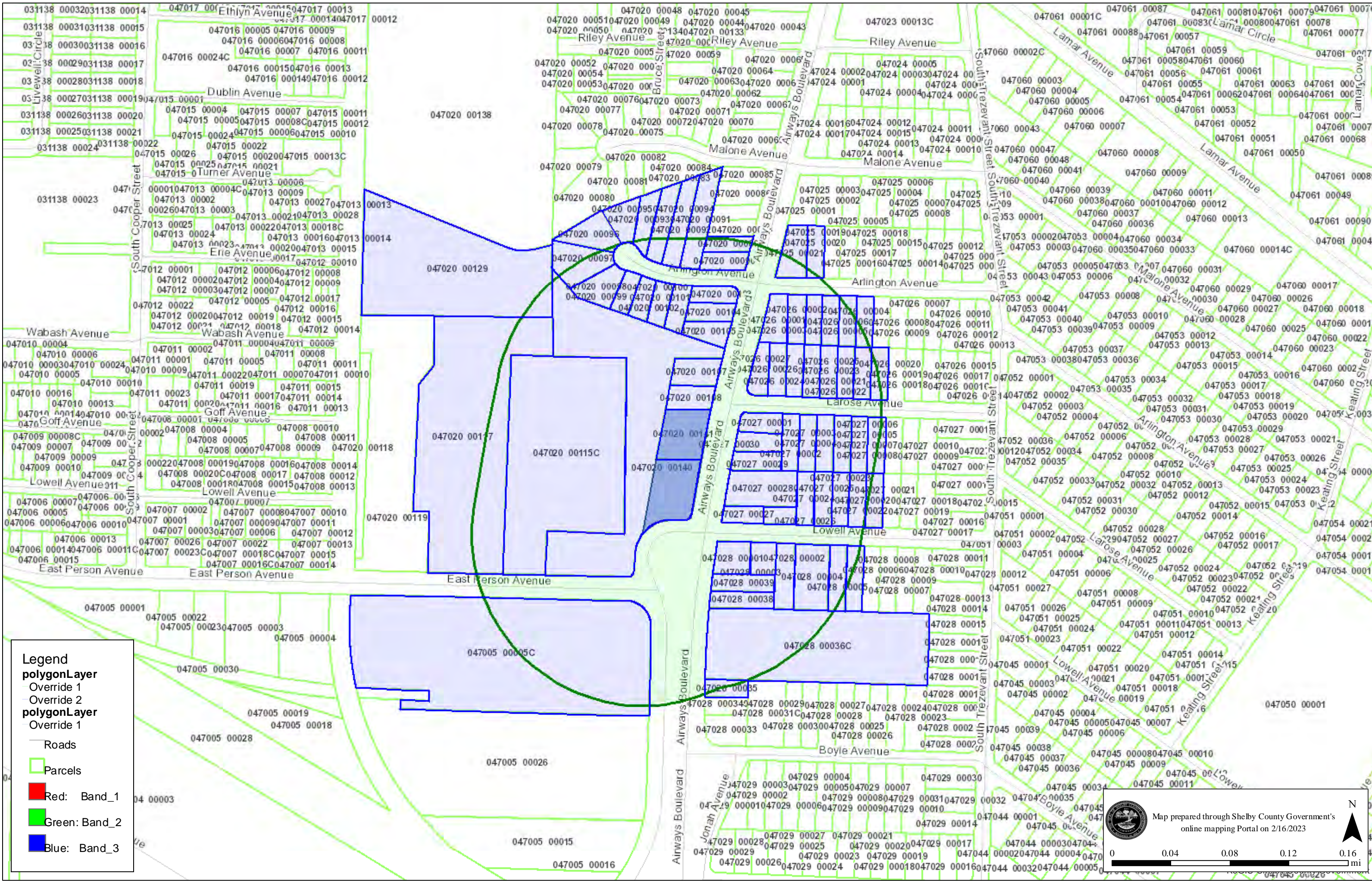
THIS THE _____, _____

MARTAVIOUS JONES
CHAIRMAN OF COUNCIL

ATTEST:

WALTER PERSON
CITY COMPTROLLER

TO BE PUBLISHED: _____



Legend

- polygonLayer
- Override 1
- Override 2
- polygonLayer
- Override 1
- Roads
- Parcels
- Red: Band_1
- Green: Band_2
- Blue: Band_3

Map prepared through Shelby County Government's online mapping Portal on 2/16/2023

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

Airways KHSa LLC
986 Hollis F Price St.
Memphis, TN 38126-5910

R & D Ventures LLC
5031 Anchor Cv.
Memphis, TN 38117-3404

STOL RENTALS LLC
137 HIDDEN ACRES DR #
LOGANTON PA 17747

STONE CHARLES AND BARBARA ADAIR (RS)
2308 LAROSE AVE #
MEMPHIS TN 38114

TATE RUTHIE
1670 AIRWAYS BLVD #
MEMPHIS TN 38115

WALKER GEORGE R
2231 ARLINGTON AVE #
MEMPHIS TN 38114

GIBSON KENNETH J & JEARL D
2312 LAROSE AVE #
MEMPHIS TN 38114

BOLDEN DONALD G
1678 AIRWAYS BLVD #
MEMPHIS TN 38114

DEAN LEARINZIA & ESTELLA
2237 ARLINGTON AVE #
MEMPHIS TN 38114

TATE DORIS
2318 LAROSE AVE #
MEMPHIS TN 38114

MENJIVAR MARIA
3099 KEMPER DR #
MEMPHIS TN 38115

HOYLE CAROLYN M
2241 ARLINGTON AVE #
MEMPHIS TN 38114

MALLORY LEE R
4577 HANCOCK DR #
MEMPHIS TN 38116

RUSSELL SAMUEL & SYLVIA
2294 LAROSE AVE #
MEMPHIS TN 38114

MCCRARY MARY E (LE) AND HAROLD MCCRARY A
2247 ARLINGTON AVE #
MEMPHIS TN 38114

HUERTA VICTOR S
1632 AIRWAYS BLVD #
MEMPHIS TN 38114

HAYES DORA P & DANESE F
502 W ARBUTUS ST #
COMPTON CA 90220

CURRY LAURA
1589 AIRWAYS BLVD #
MEMPHIS TN 38114

BEAUREGARD MURLENE
2325 LAROSE AVE #
MEMPHIS TN 38114

CRAWFORD BUREL & CAROL Y
2026 WILSON RD #
MEMPHIS TN 38116

PINSON RUTHIE M
1593 AIRWAYS BLVD #
MEMPHIS TN 38114

BOLDS CARRIE E
1640 AIRWAYS BLVD #
MEMPHIS TN 38114

FERRELL PAVING INC
2174 E PERSON AVE #
MEMPHIS TN 38114

EL-TAYECH MAHMOUD
4253 RHODES AVE #
MEMPHIS TN 38111

MCKINLEY RAY JR AND WILLIAMS LEONA
2308 LOWELL AVE #
MEMPHIS TN 38114

FIFER CARLOS
723 BRISTON LN
COLLIERVILLE TN 38017

MARSHALL TONYA M W
7469 MORGAN HOUSE DR #
MEMPHIS TN 38125

STALLINGS VINCENT T
2302 LOWELL AVE #
MEMPHIS TN 38114

BOONE EARNEST E
2238 ARLINGTON AVE #
MEMPHIS TN 38114

NEELY GERALD
PO BOX 34277 #
MEMPHIS TN 38184

GFM INVESTMENTS LLC
2130 PENDLETON ST #
MEMPHIS TN 38114

STREET WILLIAM A III AND CAROL E STREET
7938 US HIGHWAY 70 #
MEMPHIS TN 38133

HUDSON RICHARD E & FLOSSIE M
2296 ARLINGTON AVE #
MEMPHIS TN 38114

MORRIS BRIAN & ANDREA
2311 ARLINGTON #
MEMPHIS TN 38114

CLEAVES DEAN
2321 LAROSE AVE #
MEMPHIS TN 38114

WHITCOMB BLAKE
440 GAREDEN ST #
WEST SACRAMENTO CA 95691

HOOKS RONALD K JR
2317 ARLINGTON AVE #
MEMPHIS TN 38114

BOLDS CLARENCE L (ESTATE OF)
1640 AIRWAYS BLVD #
MEMPHIS TN 38114

GOODWIN CAROLYN M AND RONALD
1989 E PERSON AVE #
MEMPHIS TN 38114

JOHNSON RICHARD D
2196 E PERSON AVE #
MEMPHIS TN 38114

REFRESHING SPRINGS COMMUNITY DEV CORP
4935 ELVIS PRESLEY BLVD #
MEMPHIS TN 38116

MILES RON
1989 E PERSON AVE #
MEMPHIS TN 38114

SURGEON CORY J
3110 SEMINARY CV #
MEMPHIS TN 38116

HARVEY LASONYA AND ALTONIUS DAVIS
2312 LOWELL AVE #
MEMPHIS TN 38114

R AND D VENTURES LLC
5031 ANCHOR CV #
MEMPHIS TN 38117

PROFESSIONAL SPECIALTIES CO
PO BOX 140188 #
MEMPHIS TN 38114

PEARCE RICHARD
596 WARING RD #
MEMPHIS TN 38122

SMILE ROBERT L & INEZ AND SHEREE C HEROD
2253 ARLINGTON AVE #
MEMPHIS TN 38114

WILSON CORNELIUS & JOYCE M AND NICOLE
2328 LAROSE AVE #
MEMPHIS TN 38114

RKV REAL ESTATE LLC

STOKES BETTY A
2257 ARLINGTON AVE #
MEMPHIS TN 38114

FREEMAN MELODY
7727 DRISCOLL ST
MEMPHIS TN 38125

FIFER CARLOS
723 BRISTON LN #
COLLIERVILLE TN 38017

WINTON JIMMY AND CAROLYN W SHELL
8310 RAMBLING ROSE DR #
OOLTEWAH TN 37363

UPCHURCH BRANETTE M
1634 BONNIE DR #
MEMPHIS TN 38116

MASON PAMELA AND ZELA HAYSE AND
1658 AIRWAYS BLVD #
MEMPHIS TN 38114

NUNNALLY JAMES & IDA L
2301 ARLINGTON AVE #
MEMPHIS TN 38114

FREEMAN MELODY
7727 DRISCOLL ST
MEMPHIS TN 38125

HENDERSON LYJUANICA D
4620 CEDAR BRANCH CIR #
MEMPHIS TN 38128

CARPENTER ALONZA
6822 17TH ST S
SAINT PETERSBURG FL 33712

BOOKER JANET D
2317 LAROSE AVE #
MEMPHIS TN 38114

SENENSE TARYN
2293 LOWELL AVE #
MEMPHIS TN 38114

LEON FIDEL P
2301 LOWELL AVE #
MEMPHIS TN 38114

CARRUTHERS GRACIE
2307 LOWELL AVE #
MEMPHIS TN 38114

FOSTER REZELL (ESTATE OF) AND KAREN F
1628 CASTALIA #
MEMPHIS TN 38114

AIRWAYS PROPERTIES LLC
318 WINCHESTER RD #
MEMPHIS TN 38109

END TIME CHURCH (TRS)
4651 BARKLEY GLEN DR #
COLLIERVILLE TN 38017

SIXTEEN NINETY-NINE AIRWAYS WAREHOUSE
5160 SANDERLIN AVE #1
MEMPHIS TN 38117

SCOTT PARTECIOUS
3260 KIRBY PKWY #4
MEMPHIS TN 38115

SIXTEEN NINETY NINE AIRWAYS
5160 SANDERLIN #1
MEMPHIS TN 38117

Ordinance No. _____

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS, TENNESSEE, CHAPTER 15, TIRE BUSINESS AND TIRE HAULER REGULATION, TO PROVIDE FURTHER REQUIREMENTS FOR TIRE BUSINESS RETAILERS REGARDING THE STORAGE AND HAULING OF TIRES

WHEREAS, it is the desire of the Memphis City Council to take action to reduce the amount of illegal dumping in the City of Memphis, especially as it pertains to tires, in order to help improve blight that is present in Memphis neighborhoods; and

WHEREAS, the improper placement of tires on sidewalks, streets, utility easements, vacant lots, public rights of way, and in other areas destructive to neighborhoods, contributes to blight and the propagation of illegal dumping.

WHEREAS, it is necessary to amend certain sections of the Memphis City Code Chapter 9-58, Tire Business and Tire Hauler Regulation, to provide further requirements for tire business retailers regarding the storage and hauling of tires.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Memphis, that,
Section 1. Chapter 15, Article III, “Tire Business and Tire Hauler Regulation” of the official Memphis Code of Ordinances, is hereby amended as follows:

Sec. 15-46. Purpose and intent.

It is declared to be the purpose and intent of the city to protect the public health, safety, and welfare of its citizens, prevent the spread of disease and creation of nuisances, and to protect and enhance the quality of its environment. The purpose of this chapter is to institute and maintain a comprehensive city-wide program for tire disposal which will ensure that the storage, transportation, collection, processing and disposal of tires does not adversely affect the health, safety, and well-being of the public and does not degrade the quality of the environment.

Sec. 15-47. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dump means to throw, discard, place, deposit, discharge, bury, or dispose of.

Elements of nature means rainfall, snow, sleet, hail or other natural precipitation.

Manifest means a form or document used for identifying the quantity and the origin, routing, and destination of tires during transportation from the point of generation, through any intermediate points, to an end user, processor or disposer.

Person means any and all persons, natural or artificial, including any individual, firm or association.

Storage means to place, collect, or accumulate tires that are not for sale or resale as tires, whether the tires are directly on the ground, in roll-off containers, or otherwise.

Tire means a continuous solid or pneumatic rubber, covering encircling the wheel of a bicycle, motorcycle, automobile, truck, trailer, tractor or other vehicle.

Tire business means and includes any place or establishment engaged in the business of reselling tires or that generates waste tires and is occupied, used or maintained for the purpose of offering, transporting, repairing, processing, storing, utilizing, and disposing of any and all types of such tires.

Tire marking means the marking of a tire with the tire business permit number.

Tire recycling facility means a county facility, mandated and licensed pursuant to the Tennessee Solid Waste Management Act, which recycles or properly disposes of tires.

Waste tire means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect. The term "waste tire" also includes any tire that is destined for a tire disposer or reprocessor (i.e., recapper).

Waste tire hauler means any person or entity permitted by the City engaged in the business of picking up or transporting waste tires for the purpose of removal to a tire recycling facility, waste tire disposer, processor, end user, or disposal facility.

Waste tire disposer means any person who is approved by the state department of environment and conservation to receive waste tires from waste tire generators or waste tire haulers for the purpose of waste tire processing, shredding or otherwise facilitating recycling or resource recovery techniques for waste tires.

Waste tire generator means any person or entity that generates waste tires. Generators may include, but are not limited to, retail tire dealers, retreaders, waste tire disposers not approved by the state department of environment and conservation, automobile dealers, private company vehicle maintenance shops, garages, and service stations.

Sec. 15-48. Tire business permits.

All tire businesses located within the city limits engaging in the resale of tires or the generation of waste tires shall be issued a permit annually by the city, by and through its permits office for a nonrefundable fee of \$25.00. Tire businesses with multiple locations must purchase a permit for each location. Tire businesses that have their own trucks utilized to transport waste tires will

receive one decal included with the permit fee. A separate decal must be purchased by such business for any additional truck utilized by the tire business to transport waste tires at a cost of \$15.00 per decal. The city will conduct random inspections of such tire businesses for the sake of monitoring compliance with the foregoing requirement. Tire business permits issued under this article are personal to the applicant and may not be transferred, leased assigned, or given away or sold in any manner or under any circumstance. It shall be the duty of each registrant and permittee to advise the permits office in writing in ten business days of any change to any item for which representation or response was made in its application for registration or permit.

A. Application. Every person, firm or corporation obligated to comply with the permit requirement set forth herein shall make written application to the city. The application shall be made on a form obtained from the city permits office setting forth, among other things, the following:

1. Name, physical address, telephone and facsimile number of the applicant;
2. Tax identification number or taxpayer identification number;
3. Proof of current county business license, issued to the applicant at the proposed business address;
4. County code enforcement use and occupancy certificate;
5. Name, mailing address, telephone and facsimile number of the owner of the tire business (if different from subsection A.1 of this section);
6. Name, mailing address, telephone, facsimile number and copy of a valid City of Memphis tire hauler permit of the waste tire hauler who will be transporting tires and waste tires to and from the tire business.
7. The estimated maximum number of tires that will be stored on site;
8. The current physical address of the site;
9. A statement setting forth and describing the available space for properly accommodating and protecting all tires;
10. Proof of insurance required in accordance with the state financial responsibility laws;
11. Such other and further information as the permits office may require.

B. Annual fees.

1. All permit and decal fees are due annually by July 1 of each calendar year at the city permits office. These annual fees shall be paid in advance of the issuance of such permit and decal and shall be prorated as necessary.

2. A current valid permit or decal may be replaced by the permits office for a fee of \$15.00.

C. Issuance. The permits office shall issue a permit and decal to a tire business which submits the required and completed application, pays to the city the fee as required in this chapter, and has demonstrated compliance with this chapter and all applicable city ordinances. Each tire business registered in accordance with the provisions of this chapter shall immediately post such permit and decal in a prominent manner, or cause such permit to be posted in a conspicuous place within the premises where such tire business is thereby authorized to be established, maintained or operated. The decal shall be conspicuously displayed on each vehicle owned by such tire business that is utilized to transport used or waste tires. Any permit or decal issued hereunder shall not be sold, assigned, mortgaged or otherwise transferred without approval by the city permits office and shall expire upon termination of the existence of the tire business or revocation of such business' permit.

D. Effective period. The permit shall be effective beginning on July 1 until the next ensuing June 30, on and after which date it shall be null and void.

Sec. 15-49. Tire hauler permit.

All tire haulers, not affiliated with a tire business that is properly permitted as required herein, transporting used or waste tires within the city limits shall be issued a permit and decal annually by the city, by and through its permits office for a nonrefundable fee of \$250.00. Tire haulers with multiple locations must purchase a permit for each location. Tire haulers will receive one decal included with the permit fee. A separate decal must be purchased by such hauler for any additional vehicles utilized by the hauler to transport waste tires at a cost of \$15.00 per decal. Tire hauler permits issued under this article are personal to the applicant and may not be transferred, leased assigned, or given away or sold in any manner or under any circumstance. It shall be the duty of each registrant and permittee to advise the permits office in writing in ten business days of any change to any item for which representation or response was made in its application for registration or permit.

A. *Application.* Every person, firm or corporation obligated to comply with the permit and decal requirement set forth herein shall make written application to the city. The application shall be made on a form obtained from the city permits office setting forth, among other things, the following:

1. Name, physical address, telephone and facsimile number of the applicant;
2. Tax identification number or taxpayer identification number (if applicable);
3. Proof of current county business license, issued to the applicant at the proposed business address;
4. Proof of insurance required in accordance with the state financial responsibility laws;
5. Such other and further information as the permits office may require.

B. Annual fees.

1. All permit and decal fees are due annually by July 1 of each calendar year at the city permits office. These annual fees shall be paid in advance of the issuance of such permit, and such fee shall be prorated as necessary.

2. A current valid permit or decal may be replaced by the permits office for a fee of \$15.00.

C. *Issuance.* The permits office shall issue a permit and decal to a tire hauler who submits the required and completed application, pays to the city the fee as required in this chapter, and has demonstrated compliance with this chapter and all applicable city ordinances. Each waste tire hauler registered in accordance with the provisions of this chapter shall conspicuously post and maintain such decal in his or her vehicle which is used for transporting tires at all times. Any permit or decal issued hereunder shall not be sold, assigned, mortgaged or otherwise transferred without approval by the city permits office and shall expire upon termination of the tire hauler's business or revocation of such hauler's permit.

D. *Effective period.* The permit shall be effective beginning on July 1 until the next ensuing June 30, on and after which date it shall be null and void.

E. *Permit exemptions.* The following persons are exempt from the tire hauler permit requirements set forth herein:

1. A tire hauler who is regulated or licensed by, and is currently in compliance with, state or federal agencies such as the department of transportation;

2. A private individual transporting the individual's own waste tires to an approved tire disposal or tire recycling facility;

3. Haulers removing four or less tires from a residential location, which is under contract to remove that residence's solid waste; or

4. Anyone transporting four or fewer used tires directly from a used tire generator facility to a point of re-use or proper storage prior to their re-use.

Sec. 15-50. Denial of permit or renewal; suspension or revocation of permit.

In addition to the penalties set forth in section 9-58-12, the permits office may refuse to issue or renew a tire business or tire hauler permit or may suspend or revoke such permit if:

A. The applicant or permit holder refuses to allow entry into the tire business by the authorized representatives of the city or otherwise willfully obstructs the inspection of the tire business;

B. There are repeated or serious violations of any city ordinance by the tire business or tire hauler;

C. The tire business or tire hauler fails to comply with any provisions of this chapter and/or any other applicable city ordinance;

D. The tire business or tire hauler fails to comply with any applicable state or federal law, rule or regulation, including state and local traffic laws; or

E. The tire business knowingly authorizes a tire hauler who is not properly permitted as required in section 9-58-4 to transport tires on behalf of such business.

Sec. 15-51. Destruction of tires.

Any tire that is no longer suitable for its original intended purpose or deemed unfit for resale by a tire business shall be rendered unusable and properly disposed of at an authorized tire disposal or recycling facility. Such unusable and unfit tires may not be returned to the customer for disposal by that customer, but the customer may, in writing, request their return for continued use and, in so doing, releases the facility from all liability for that reuse. Each tire business shall have six months from the effective date of the ordinance from which this chapter is derived to comply with this provision. Failure to comply with this requirement shall be grounds for revocation of the permit holder's permit in accordance with section 9-58-5.

Sec. 15-52. Storage of tires.

Tire businesses shall properly store tires at each facility in accordance with local, state and federal laws. Prior to storage, each tire shall be permanently marked with the tire business permit number. To eliminate potential nuisances of litter, insect breeding, fire hazards and other health risks, each tire business shall at all times during storage:

A. Store tires in covered or enclosed areas, or under an impermeable cover, in accordance with applicable health and safety laws, including but not limited to the city's fire prevention code, to prevent the exposure to and collection of elements of nature, and accumulation of water, dirt or other foreign materials;

B. Tires stored outside shall be screened from public view.

C. Secure tires at each facility to prevent easy access or theft (lock, chain, or store inside a building or other securable structure);

D. Used tires, waste tires and tire pieces shall be stored separately.

E. Accumulate tires in piles in accordance with the city's fire prevention code, but not in excess of seven feet in height;

F. Isolate tires from other stored materials that may create hazardous products if there is a fire, including, but not limited to, lead acid batteries, fuel tanks, solvent barrels, and pesticide containers;

G. Store no more than 100 tires in each bay ~~or 100 tires per 1,500 square feet of inside storage space~~ and a maximum of 500 tires total.

Sec. 15-53. Transport and place for disposal of tires.

- A. All tires and waste tires shall be covered and secured during transport upon any public road or highway by a permitted waste tire hauler.
- B. It shall be unlawful for any person or tire business to cause, suffer or allow the dumping of tires at any place in the city, including, without limitation, in or on any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, any public or private property in the city or any waters in the city. Notwithstanding the foregoing, residential property owners within the city may properly discard up to four rimless used or waste tires on the curbside immediately in front of the property owner's residence for normal trash pickup without violating this provision; provided that such tires are discarded for removal within 24 hours of the property owner's designated day for trash pickup.
- C. It shall be unlawful for any person or tire business to cause, suffer, or allow the disposal of whole tires in a landfill.
- D. Tires shall be properly disposed of in accordance with section 9-58-9 by the delivery and manifesting of tires to an authorized tire disposal or tire recycling facility designated by the city. Tire businesses contracting with a tire hauler for the proper disposal of tires generated by such business shall require such hauler utilize a transmittal manifest documenting the pickup and delivery of the tires to an authorized tire disposal or tire recycling facility.
- E. It shall be unlawful for any person, tire business, or tire hauler to transport or dispose of tires or waste tires that are not marked with the tire business permit number.

Sec. 15-54. Disposal records/transmittal manifest.

- A. Tire businesses shall keep disposal records in the form of a daily transmittal manifest, as prescribed by the city, of the numbers of tires and waste tires received and transported away at each business location for a minimum of three years and make such records readily available upon request at reasonable hours for inspection by representatives of the city. The daily manifest must be maintained legibly and signed by an authorized representative of the tire business and clearly state the following:
 - 1. Name, address, telephone number, permit number and authorized signature of the tire hauler;
 - 2. Name, address, telephone number, and authorized signature of the tire business who is contracting for the removal of the tires along with the permit number for such business;
 - 3. Date and time of removal/transport and the number of tires being transported;
 - 4. Name, address, and telephone number of the location where the tires are to be delivered; and

5. Upon delivery, the name and signature of the person accepting the tires, including the date of acceptance, the number of tires received, and certification the received tires are properly marked with permit numbers.

B. The manifest required by this section shall at all times accompany tires while in transit. Any tire business directly delivering waste or used tires generated at its business location to a tire disposal or tire recycling facility must also utilize the daily transmittal manifest and make such manifest available for production or inspection by representatives of the city, upon request. The original manifest shall be maintained by the tire business evidencing all information and signatures required herein, notwithstanding the use of a tire hauler or direct delivery by the tire business. A tire hauler contracted to deliver tires to a recycling facility or disposal facility must maintain a duplicate copy of the manifest reflecting the delivery of such tires for proper disposal. The tire recycling or tire disposal facility shall sign the manifest upon acceptance of the tires and also maintain a copy of the manifest for the facility's records.

C. It shall be unlawful for tire businesses to accept delivery of tires or waste tires without tire markings. All tire businesses shall immediately report to City of Memphis code enforcement if tires or waste tires are delivered without tire markings.

Sec. 15-55. Redemption program.

A. For the purpose of assisting with the proper disposal of waste or scrap tires, any county resident, other than a tire business or waste tire carrier, generator, hauler, disposer, or sorter, presenting an illegally disposed used or waste tire to an authorized tire disposal or recycling facility shall receive a redemptive value of \$1.00 per tire. The tire disposal or tire recycling facility receiving such tires shall require that the person presenting such tires for redemption execute an affidavit certifying that the tires were not stolen and that such person was not hired to haul such used or waste tires for disposal. Upon execution of such affidavit, the permits office is hereby authorized to make payment to the affiant after five calendar days and shall properly record and retain documentation reflecting such payment for a period of 12 months. Any person presenting a used or waste tire for redemption shall present valid Tennessee identification evidencing a Shelby County address. Information regarding the location of authorized tire disposal and tire recycling facilities shall be made available through the permits office.

B. The redemption program established in subsection A of this section shall commence immediately upon the effective adoption of the ordinance from which this chapter is derived and shall expire within 12 months of same, unless prior to such date the city council, after conducting public hearings, finds that the purpose of the program has yet to be fully achieved, in which case it may extend the effective period of the program for an additional two years.

C. Tire businesses and haulers may dispose of up to ten tires every thirty days at a City of Memphis owned and operated convenience center for no associated cost.

Sec. 15-56. Administration/enforcement.

A. Administration and enforcement of this chapter shall be the responsibility of the city permits office, city police department, public works division, and community enhancement division. The city, by and through its authorized representatives, is hereby authorized to enter any property regulated by this chapter, at reasonable or necessary times in order to properly inspect for violations.

B. The permits office is hereby authorized to promulgate all such rules and regulations considered necessary and proper to effectuate the implementation and enforcement of this chapter.

Sec. 15-57. Violations and penalties.

A. The improper storage of one or more used tires shall constitute a separate offense per tire and be punishable by a fine of \$50.00 for each improperly stored tire on the location of the tire business. Each day of continued violation of this subsection constitutes a separate offense.

B. The transport of one or more tires without the required permit and decal shall constitute a separate offense per tire and be punishable by a fine of \$50.00 for each tire being transported in violation of this chapter. Each day of continued violation of this subsection constitutes a separate offense. In addition, if the improper transport of one or more tires was done from an identified motor vehicle, with the aid of an identified motor vehicle, or in connection with an identified motor vehicle, a traffic citation shall be issued against such vehicle for \$50.00 for each offense of a tire or tires being transported in violation of this chapter. Furthermore, such traffic citation for improper dumping of tires, if unpaid, shall also constitute grounds for impoundment and/or immobilization of such vehicle as provided in section 11-40-27.

C. The improper transporting or dumping of a tire shall constitute a separate offense per tire and be punishable by a fine of \$50.00 for each tire found improperly dumped. Each day of continued violation of this subsection constitutes a separate offense. In addition, if the improper transporting or dumping of one or more tires was done from an identified motor vehicle, with the aid of an identified motor vehicle, or in connection with an identified motor vehicle, a traffic citation shall be issued against such vehicle for \$50.00 for each tire being transported in violation of this chapter. Furthermore, such traffic citation for improper transporting or dumping of tires, if unpaid, shall also constitute grounds for impoundment and/or immobilization of such vehicle as provided in section 11-40-27.

Sec. 15-58. Injunctive relief.

In addition to, and cumulative of, all other penalties herein provided, the city shall have the right to seek injunctive relief, for any violation of this chapter.

Sec. 15-59. Tire disposal fund.

All funds received by the city pursuant to this chapter shall solely be used to pay for the administrative and operational costs resulting from the enforcement and implementation of this chapter. The city shall also contribute \$50,000.00 for the establishment of a special fund designated by the city comptroller as the tire disposal fund which shall be used to fund the city's share of the redemption program.

Section 2. Severability. The provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Section 3. Effective Date. This Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

SPONSORS

Rhonda Logan
Jana Swearngen-Washington
Chase Carlisle
Michalyn Easter-Thomas
Edmund Ford, Sr.
Cheyenne Johnson
JB Smiley, Jr.

CHAIRMAN

Martavius Jones

AN ORDINANCE TO AMEND CHAPTER 41- WRECKERS OR TOWING OPERATORS OF THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE, SO AS TO UPDATE FEES PRESCRIBED

WHEREAS, the Memphis City Council strives to ensure our laws are clear, current and relevant to keep our citizens safe and best serve our business community, assisting them in operating in accord with the laws contained within the Tennessee Code Annotated and the Code of Ordinances of Memphis, Tennessee; and

WHEREAS, the City of Memphis has a significant governmental interest in protecting the health, safety and welfare of the general public and preserving the public order; and

WHEREAS, Chapter 41 of the Code of Ordinances of Memphis, Tennessee, allows the Memphis City Council to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of the public, and the peace and dignity of the City; and

WHEREAS, the fees charged for non-consensual wreckers and towing operators within the City of Memphis have not been updated since 2006; in contrast, the cost of doing business has steadily risen since 2006, and current inflation and materials pricing have raised that cost even higher; and

WHEREAS, steady or increasing calls for service, coupled with space and staffing shortages at the City of Memphis Impound Lot require Towing Company drivers to spend more time dropping vehicles on the lot, thus further eroding the profitability of the business; and

WHEREAS, the Memphis City Council has heard the pleas of the city's Towing Operators to raise fees for their service to sustainable levels;

NOW, THEREFORE,

Section 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 41 - Wreckers and Towing Operators, of the Code of Ordinances, is hereby amended as follows:

Article 1, Section 41-6. Wrecker Fees Prescribed

(1) Class A Wrecker Service: The maximum charge for Class A wrecker services, except in those instances which require the use of heavy-duty equipment as provided for in paragraph (2)(a) of this section, shall be as follows within the corporate limits of the city:

Year	Fee
2023	Two hundred and twenty-five dollars (225.00)
and all the years thereafter, until further amended	

The fee for towing required on a Night/ Weekend/ Holiday shall be two hundred and fifty dollars (\$250.00). For purposes of this and Sections 1-41-6-2 and 1-41-6-3, "Night" shall be defined as the hours

between 6 PM and 6 AM daily; "Weekend" shall be defined as the hours between 6 PM Friday and 6 AM Monday; "Holiday" shall be defined as any paid holiday recognized by the U.S. Federal or Tennessee State Governments.

The applicable fee shall include the point of final destination given to the wrecker driver in accordance with section 41-12(a).

Should the vehicle to be towed require extra winching, an additional one-hundred dollar (\$100.00) fee shall be assessed.

(2) Class B Wrecker Service fees shall apply as follows:

Year	Fee
2023 and all the years thereafter, until further amended	Five hundred dollars (500.00) per hour

The fee for towing by a Class B Wrecker required on a Night/ Weekend/ Holiday shall be five hundred twenty-five dollars (\$525.00) per hour.

These fee amounts shall be for the first hour or any portion thereof and for each additional hour thereafter.

The fee for extra winching for a Class B Wrecker shall be three hundred dollars (\$300.00) per hour

The fee for the use of a licensed driver helper will be sixty dollars (\$60.00) per hour. The licensed driver helper's time will commence at the time the wrecker arrives on the scene where the vehicle is located and will terminate at the time the wrecker and vehicle to be towed arrives at the final destination.

(3) Class C Wrecker service fees shall apply as follows:

Year	Fee
2023 and all the years thereafter, until further amended	Six hundred seventy-five dollars (\$675.00) per hour

The fee for towing by a Class C Wrecker required on a Night/ Weekend/ Holiday shall be seven hundred dollars (\$700.00) per hour.

These fee amounts shall be for the first hour or any portion thereof and each additional hour for the use of the wrecker.

The fee for the use of a licensed driver helper will be one hundred dollars (\$100.00) per hour. The licensed driver helper's time will commence at the time the wrecker arrives on the scene where the vehicle is located and will terminate at the time the wrecker and vehicle to be towed arrives at the final destination.

Airbag Fee

Should the tow require the use of Airbags, an additional fee of \$1,500 per hour shall be assessed.

This fee amount shall be for the first hour or any portion thereof and each additional hour for the use of the Airbags.

“Oil-Dri” Fee

When a wrecker service is required to use “Oil-Dri” to remove fluids from the scene of a tow, the fee for such use shall be fifteen dollars (\$15.00) per bag.

Wreck Cleanup Fee

Should the tow require of the wrecker service the cleanup of debris from a wreck or collision, an additional fee of \$45 shall be assessed.

Fee To Drop Vehicle Before Departing.

If the owner or operator of the vehicle is present and removes the vehicle to be towed from the premises before it is connected to the towing vehicle, the owner or operator shall not be charged any fee. If the owner or operator of the vehicle is present after the towing vehicle has been connected to the vehicle to be towed, the vehicle shall not be towed, but the owner or operator of the vehicle shall be liable for a reasonable fee not to exceed seventy-five dollars (\$75.00), in lieu of towing, provided the owner or operator of the vehicle forthwith removes the vehicle from the premises. A vehicle shall be deemed connected if every procedure required to secure the vehicle to the wrecker or wrecker equipment so that the vehicle may be safely towed has been completed at the time the owner or operator arrives, including the attachment of any safety chains. In the event that a tow is disregarded, the wrecker owner/operator responding to the call shall be rotated back to the top of the City's Wrecker Rotation List.

Bi-Annual Fee Review

The fees prescribed in this Chapter, including the foregoing and any prescribed in the Chapter's subsequent Articles or Sections, shall be subject to review by the Memphis City Council once every two years, to ensure parity with Towing Operator business costs.

Section 41-7. City Impound Lot Storage Fees, Private Lot Fees, and Administrative Fees

(a) An administrative fee of seventy-five dollars (\$75.00) will be assessed for each tow ticket processed at the Memphis Police Department (City Impound Lot Facility). Such fee shall be charged to the consumer.

(b) The storage of a vehicle by a wrecker operator on any municipally operated vehicle storage or impound lot shall be forty dollars (\$40.00) for each twenty-four (24) hour period, or fraction thereof, after the first two (2) hours of impoundment. All vehicles shall be towed to the City Impound Lot except vehicles which have been damaged in an accident and cannot be safely driven. Such vehicles shall be removed from the scene of the accident by a wrecker service owner or operator and towed to such wrecker owner or operator's private wrecker lot, provided that, such wrecker owner or operator has not been notified by the Memphis Police Department that the vehicle is needed for evidentiary or investigative purposes.

(c) The storage fee for tractor trailer trucks shall be seventy dollars (\$70.00) for the rig and seventy dollars (\$70.00) for the trailer, for each twenty-four hour period, or fraction thereof. All vehicles must be stored behind the fence of the vehicle storage lot.

(d) A "Gate Fee" of fifty dollars (\$50.00) shall be charged to release any car from the Impound Lot during business hours. Should a release be required during hours defined as "Night," "Weekend" or "Holiday" in 1-41-6-1, a Gate Emergency Release Fee of \$100 shall be charged.

Section 2. BE IT FURTHER ORDAINED, That the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Section 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect after having been passed by City Council, signed by the Chair of Council, certified and delivered to the office of the Mayor in writing by the comptroller, and becomes effective as otherwise provided by law.

Sponsor:

Ford Canale

REFERENDUM ORDINANCE NO. _____

A REFERENDUM ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879 AS AMENDED, PURSUANT TO ARTICLE XI, § 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), SO AS TO PROVIDE PROVISIONS FOR THE REGULATION OF DEADLY WEAPONS

WHEREAS, it is deemed advisable and in the best interest of the citizens of the City of Memphis that the City of Memphis Charter be amended by ordinance as provided by Article XI, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment) for the purpose of regulating deadly weapons in the City of Memphis.

Section 1. Proposed Amendment Authorized.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, That pursuant to Article XI, Section 9 of the Constitution of the State of Tennessee, as amended, a proposal for amending the Charter of the City, as set forth in this ordinance, shall be published and submitted by the City of Memphis to its qualified voters at the first state general election, which shall be held in the City of Memphis on August 1, 2024, and which shall be held at least sixty (60) days after such publication.

Section 2. Publication of Home Rule Amendment as required by Tennessee Constitution.

BE IT FURTHER ORDAINED, That the Comptroller is hereby directed to cause this Ordinance, as finally adopted, to be published pursuant to provisions of Article XI, Section 9 of the Constitution of the State of Tennessee immediately after adoption by the City Council.

Section 3. Certification and Delivery to Election Commission.

BE IT FURTHER ORDAINED, That upon the adoption of this Ordinance becoming effective as required by law, the Comptroller of the City of Memphis shall immediately certify adoption of this Ordinance and deliver a certified copy thereof to the Shelby County Election Commission in charge of holding the general State election on August 1, 2024, and shall request that the proposed amendment to the Home Rule Charter of the City of Memphis, in the preferred form set forth in this Ordinance, be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, That the City Council does hereby adopt the suggested proposal and form of question to be placed on the ballot for a referendum vote on a Home Rule Amendment to the Charter of the City of Memphis in a State General election to be held on the 1st day of August 2024, which question(s) shall read as follows:

QUESTION:

Shall the Charter of the City of Memphis be amended to read:

1. No person shall be allowed to carry a handgun in the City of Memphis without possessing a valid handgun carry permit.
2. No person shall be allowed to carry, store, or travel with a handgun in a vehicle in the City of Memphis without possessing a valid handgun permit.
3. It shall be unlawful for a person to store a firearm, whether loaded or unloaded, or firearm ammunition, in a motor vehicle or boat while the person is not in the motor vehicle or boat unless the firearm or firearm ammunition is kept from ordinary observation and locked within the trunk, utility or glove box, or a locked container securely affixed to the motor vehicle or boat.

I, Shirley Ford, Director of Finance for the City of Memphis do hereby certify that the foregoing amendment shall have no impact on the annual revenues and expenditures of the City.

FOR THE AMENDMENT	(YES) _____
AGAINST THE AMENDMENT	(NO) _____

QUESTION:

Shall the Charter of the City of Memphis be amended to read:

1. The citizens of Memphis hereby find and declare that the proliferation and use of assault weapons pose a threat to the health, safety, and security of all citizens of Memphis.
2. Hereafter, it shall be unlawful and prohibited for a person to possess or carry, openly or concealed, any assault rifles in the City of Memphis. Persons with valid handgun permits are exempt from this restriction when possessing or carrying an assault rifle on their privately owned property or at a shooting range.
3. Hereafter, the commercial sale of assault rifles within the City of Memphis is unlawful and is hereby prohibited.
4. The provisions of this Chapter shall not apply to the commercial sale of assault rifles to:
 - 4.1 Any federal, state, local law enforcement agency;
 - 4.2 The United States Armed Forces or department or agency of the United States;
 - 4.3 Tennessee National Guard, or a department, agency, or political subdivision of a state; or
 - 4.4 A Law Enforcement Officer.

5. Pre-existing owners that can demonstrate that the commercial sale of an assault rifle was completed prior to the Effective Date of January 1, 2025, which means that prior to January 1, 2025, the purchaser completed an application, passed a background check, and has a receipt or purchase order for said purchase, without regard to whether the purchaser has actual physical possession of the Assault Rifle, shall be considered a pre-existing purchaser.

I, Shirley Ford, Director of Finance for the City of Memphis do hereby certify that the foregoing amendment shall have no impact on the annual revenues and expenditures of the City.

FOR THE AMENDMENT	(YES) _____
AGAINST THE AMENDMENT	(NO) _____

QUESTION:

Shall the Charter of the City of Memphis be amended to read:

Section 1. EXTREME RISK PROTECTION ORDERS

A. Definitions

1. “Petitioner” means:

- (A) A law enforcement officer or agency, including an attorney for the state;
- (B) A member of the family of the respondent, which shall be understood to mean a parent, spouse, child, or sibling of the respondent;
- (C) A member of the household of the respondent;
- (D) A dating or intimate partner of the respondent;
- (E) A health care provider who has provided health services to the respondent;
- (F) An official of a school or school system in which the respondent is enrolled or has been enrolled within the preceding month;

2. “Respondent” means the person against whom an order under Section 2 or 3 has been sought or granted.

B. Types of Orders

1. The petitioner may apply for an emergency ex parte order as provided in Section 2 or an order following a hearing as provided in Section 3.

Section 2. EMERGENCY EX PARTE ORDER

(a) Basis for Order. The court shall issue an emergency ex parte extreme risk protection order upon submission of an application by a petitioner, supported by an affidavit or sworn oral statement of the petitioner or other witness, that provides specific facts establishing probable cause that the respondent's possession or receipt of a firearm will pose a significant danger or extreme risk of personal injury or death to the respondent or another person. The court shall take up and decide such an application on the day it is submitted, or if review and decision of the application on the same day is not feasible, then as quickly as possible but in no case later than forty-eight hours.

(b) Content of Order. An order issued under this section shall,

(1) prohibit the respondent from possessing, using, purchasing, manufacturing, or otherwise receiving a firearm;

(2) order the respondent to provisionally surrender any firearms in his or her possession or control, and any license or permit allowing the respondent to possess or acquire a firearm, to any law enforcement officer presenting the order or to a law enforcement agency as directed by the officer or the order; and

(3) inform the respondent of the time and place of the hearing under Section 3 to determine whether he or she will be subject to a continuing prohibition on possessing and acquiring firearms.

(c) Search and Seizure.

(1) If the application and its supporting affidavit or statement establish probable cause that the respondent has access to a firearm, on his or her person or in an identified place, the court shall concurrently issue a warrant authorizing a law enforcement agency to search the person of the respondent and any such place for firearms and to seize any firearm therein to which the respondent would have access.

(2) The court may subsequently issue additional search warrants of this nature based on probable cause that the respondent has retained, acquired, or gained access to firearm while an order under this section remains in effect.

(3) If the owner of a firearm seized pursuant to this subsection is a person other than the respondent, the owner may secure the return of the firearm as provided in Section 3(c)(3).

(d) Time for Service and Searches. The responsible law enforcement agency shall serve the order on the respondent and carry out any search authorized under subsection (c)(1), promptly following issuance of the order. If a search is authorized under subsection (c)(1), the agency may serve the order on the respondent concurrently with or after the execution of the search.

SEC. 3. ORDER AFTER HEARING

(a) Order After Hearing. Upon application for an extreme risk protection order, supported by an affidavit or sworn oral statement of the petitioner or other witness that provides specific facts giving rise to the concern about the significant danger or extreme risk described in Section 2, the court may issue an order under this section, which shall be effective for a period of one (1) year after a hearing. An order issued under this section shall,

(1) prohibit the respondent from possessing, using, purchasing, or otherwise receiving a firearm; and

(2) order the respondent to surrender any firearm in his or her possession or control, and any license or permit allowing the respondent to possess or acquire a firearm, to any law enforcement officer presenting the order or to a law enforcement agency as directed by the officer or the order.

(b) Basis for order. The court shall issue such an order based on a preponderance of the evidence that the respondent's possession or receipt of a firearm will pose a significant danger or extreme risk of personal injury or death to the respondent or another person. In determining the satisfaction of this requirement, the court shall consider all relevant facts and circumstances after reviewing the petitioner's application and conducting the hearing described in Section 2(d). The court may order a psychological evaluation of the respondent, including voluntary or involuntary commitment of the respondent for purposes of such an evaluation, to the extent authorized by other law.

(c) Search and Seizure.

(1) If the evidence presented at the hearing establishes probable cause that the respondent has access to a firearm, on his or her person or in an identified place, the court shall concurrently issue a warrant authorizing a law enforcement agency to search the person of the respondent and any such place for firearms and to seize any firearm therein to which the respondent would have access.

(2) The court may subsequently issue additional search warrants of this nature based on probable cause that the respondent has retained, acquired, or gained access to a firearm while an order under this section remains in effect.

(3) If the owner of a firearm seized pursuant to this subsection is a person other than the respondent, the owner may secure the prompt return of the firearm by providing an affidavit to the law enforcement agency affirming his or her ownership of the firearm and providing assurance that he or she will safeguard the firearm against access by the respondent. The law enforcement agency shall return the firearm to the owner upon its confirmation, including by a check of the National Instant Criminal Background Check System and the applicable state firearm background check system, that the owner is not legally disqualified from possessing or receiving the firearm.

(d) Time for Hearings and Service.

(1) A hearing under this section shall be held within three (3) days of the filing of the application, or within one (1) day of the issuance of an emergency ex parte order under Section 2, if such an order is issued. The responsible law enforcement agency shall serve notice of the hearing on the respondent promptly after the filing of the application or issuance of an emergency ex parte order, but notice may be provided by publication or mailing if the respondent cannot be personally served within the specified period. The respondent shall be entitled to one continuance of up to two (2) days on request, and the court may thereafter grant an additional continuance or continuances for good cause. Any emergency ex parte order under Section 2 shall remain in effect until the hearing is held. The court may temporarily extend the emergency order at the hearing, pending a decision on a final order.

(2) The responsible law enforcement agency shall serve an order issued under this section on the respondent and carry out any search authorized under subsection (c)(1), promptly following issuance of the order. If a search is authorized under subsection (c)(1), the agency may serve the order on the respondent concurrently with or after the execution of the search.

(e) Termination and Renewal of Orders.

(1) A respondent may file a motion to terminate an order under Section 3 one time during the effective period of that order. The respondent shall have the burden of proving, by the same standard of proof required for issuance of such an order, that he or she does not pose a significant danger or extreme risk of personal injury or death to himself or herself or another.

(2) The petitioner may seek renewals of an order under this section for an additional six (6) months at any time preceding its expiration. Renewals after the initial order shall be granted subject to the same standards and requirements as an initial order. The preceding order shall remain in effect until the renewal hearing is held and the court grants or denies a renewed order.

(3) If the respondent fails to appear at, or cannot be personally served in relation to, any hearing or renewal hearing under this section, the default does not affect the court's authority to issue an order or entitle the respondent to challenge the order prior to its expiration. The order will lapse after one (1) year if no eligible petitioner seeks its renewal.

SEC. 4. ENTRY INTO BACKGROUND CHECK SYSTEMS

The court shall forward any order issued under Section 2 or 3 to an appropriate law enforcement agency on the day it is issued. Upon receipt of an order under Section 3, the law enforcement agency shall make the order available to the National Instant Criminal Background Check System and any state system used to identify persons who are prohibited from possessing firearms.

SEC. 5. VIOLATIONS

The following persons shall be in violation of the City Code of Ordinances:

(1) **FILER OF FALSE OR HARASSING APPLICATION.** – Any person filing an application under Section 2 or 3 containing information that he or she knows to be materially false, or for the purpose of harassing the respondent.

(2) **RESPONDENT NOT COMPLYING WITH ORDER.** – Any person who knowingly violates an order under Section 2 or 3, including by possessing or acquiring a firearm in violation of the order or failing to surrender a firearm as required by the order.

(3) **PROVIDER OF PROHIBITED ACCESS TO RESPONDENT.** – Any person who knowingly provides the subject of an order under Section 2 or 3 access to a firearm, in violation of an assurance the person has provided in an affidavit under Section 2(c)(3) or 3(c)(3) that he or she will safeguard the firearm against access by the respondent.

I, Shirley Ford, Director of Finance for the City of Memphis do hereby certify that the foregoing amendment shall have no impact on the annual revenues and expenditures of the City.

FOR THE AMENDMENT	(YES) _____
AGAINST THE AMENDMENT	(NO) _____

Section 5. Effective Date of Charter Amendment.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect for the purposes set forth herein on January 1, 2025, after approval by a majority of the qualified voters voting thereon in an election to be held on the 1st day of August 2024, the public welfare, requiring it.

Section 6. Certification of Results.

BE IT FURTHER ORDAINED, That the Shelby County Election Commission certify the result of said election on the referendum question to the Comptroller of the City of Memphis, who shall see that said result is made a part of the Minutes of the Council of the City of Memphis.

Section 7. Nonconflicting – Conflicting Laws.

BE IT FURTHER ORDAINED, That from and after the effective date of this Home Rule Amendment, all laws constituting the present Charter of the City of Memphis in conflict with the subject matter of this amendatory Home Rule Ordinance shall be immediately annulled, vacated, and repealed and all laws constituting the present Charter of the City of Memphis not in conflict

with this amendatory Home Rule Ordinance, be and the same are here continued in full force and effect.

Section 8. Severability.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this Ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this Ordinance notwithstanding the parts so held to be invalid, if any.

Section 9. Publication as Required by the City Charter.

BE IT FURTHER ORDAINED, that this Ordinance shall also be published by the Comptroller at the same time and manner as required by the City's Charter for all ordinances adopted by the City Council.

Section 10. Enactment of Referendum Ordinance.

BE IT FURTHER ORDAINED, that the adoption of this Referendum Ordinance shall take effect from and after the date it shall have passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

SPONSORS

JB Smiley, Jr.
Jeff Warren

CHAIRMAN

Martavius Jones



RESOLUTION accepting public improvements for:
Chick-fil-A #4615 (Summer Ave.) [CR#5343]
and releasing **Bond** held as security

WHEREAS, **Chick-fil-A, Inc.**, is the Developer of a certain property within the present limits of the City of Memphis, located at 4649 Summer Avenue, in Memphis, Tennessee.

and

WHEREAS, all of the public improvements, required by the Standard Improvement Contract for the project, are completed;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the engineering plans for **Chick-fil-A #4615 (Summer Ave.) [CR#5343]**, and the completion of the public improvements therein, are and the same, are hereby accepted by the City.

BE IT FURTHER RESOLVED, that the **Performance Bond**, in the amount of **\$98,000.00** and held as security for the Standard Improvement Contract, is **hereby ordered released**.



RESOLUTION accepting public improvements for:
Captain D's Site Getwell Road at Shelby Drive [CR#5390]
and releasing **Bond** held as security

WHEREAS, **Nufish, LLC.**, is the Developer of a certain property within the present limits of the City of Memphis, located at 4735 Getwell Road, in Memphis, Tennessee.

and

WHEREAS, all of the public improvements, required by the Standard Improvement Contract for the project, are completed;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the engineering plans for **Captain D's Site Getwell Road at Shelby Drive [CR#5390]** , and the completion of the public improvements therein, are and the same, are hereby accepted by the City.

BE IT FURTHER RESOLVED, that the **Performance Bond**, in the amount of **\$68,100.00** and held as security for the Standard Improvement Contract, is **hereby ordered released**.



RESOLUTION accepting public improvements for
VA Resource Center and Care Coordination [CR#5425]
and releasing bond

WHEREAS, **575 Phelan Avenue, LLC.**, is the Developer of a certain property within the present limits of the City of Memphis, and located at the southeast corner of Mississippi Blvd and Phelan Ave. in Memphis, Tennessee.

and

WHEREAS, all of the public improvements, required by the Standard Improvement Contract for the project, are completed;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the engineering plans for **VA Resource Center and Care Coordination [CR#5425]**, and the completion of the public improvements therein, are and the same, are hereby accepted by the City.

BE IT FURTHER RESOLVED, that the **CASH BOND**, in the amount of **\$54,200.00** and held as security for the Standard Improvement Contract, is **hereby ordered released**.

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding Contract No. 12421, Cross Connection Control Surveys to Mid-South Engineering Consultants, LLC., in the funded amount of \$2,099,250.00.

2. Additional Information

The project scope is to furnish all supervision, labor, transportation, materials, equipment, tools, and supplies to provide Cross Connection Control Surveys of up to 3000 site surveys a year for a total of 60 months for non-residential customers in accordance with the Contract Documents and Specifications.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of June 7, 2023 awarded Contract No. 12421, Cross Connection Control Surveys to Mid-South Engineering Consultants, LLC in the funded amount of \$2,099,250.00 and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to furnish all supervision, labor, transportation, materials, equipment, tools and supplies to provide Cross Connection Control Surveys of up to 3000 site surveys a year for a total of 60 months for non-residential customers in accordance with the Contract Documents and Specifications; and

WHEREAS, the Notice to Bidders was advertised using MLGW's Online Bid Notification System and the Memphis Daily News on February 17, 2023. MLGW solicited 10 bids; and received three (3) bids on March 21, 2023. The lowest and best bid received was from Mid-South Engineering Consultants, LLC in the funded amount of \$2,099,250.00. The term of this contract is 60 months from the date of the Notice to Proceed. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12421, Cross Connection Control Surveys to Mid-South Engineering Consultants, LLC in the funded amount of \$2,099,250.00.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
June 7, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12421, Cross Connection Control Surveys to Mid-South Engineering Consultants, LLC in the funded amount of \$2,099,250.00.

The project scope is to furnish all supervision, labor, transportation, materials, equipment, tools and supplies to provide Cross Connection Control Surveys of up to 3000 site surveys a year for a total of 60 months for non-residential customers in accordance with the Contract Documents and Specifications.

The Notice to Bidders was advertised using MLGW's Online Bid Notification System and the Memphis Daily News on February 17, 2023. MLGW solicited 10 bids; and received three (3) bids on March 21, 2023. The lowest and best bid received was from Mid-South Engineering Consultants, LLC in the funded amount of \$2,099,250.00. The term of this contract is 60 months from the date of the Notice to Proceed. This award complies with all applicable laws and policies.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12421, Cross Connection Control Surveys to Mid-South Engineering Consultants, LLC in the funded amount of \$2,099,250.00, as outlined in the foregoing preamble, is approved and further,

THAT, the President, or his designated representative is authorized to execute the Award.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular ~~regular~~ ^{special} meeting held on 7th day of June, 2023, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 1 to Contract No. 12360 (solicited under Contract No. 12292), Professional Engineering Services for Water Engineering to HDR Engineering, Incorporated. This change is to renew the current contract for the first and second of four annual renewal terms for the period covering October 13, 2023, through October 12, 2025, in the funded not-to-exceed amount of \$4,000,000.00.

2. Additional Information

The project scope is to provide professional services to include design and construction administration for various projects at MLGW's Water Pumping Stations, Water Booster Stations, and Overhead Storage Tanks.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of June 7, 2023 approved Change No. 1 to Contract No. 12360 (solicited under Contract No. 12292), Professional Engineering Services for Water Engineering to HDR Engineering, Incorporated in the funded not-to-exceed amount of \$4,000,000.00, and is now recommending to the Council of the City of Memphis that it approves said renewal as approved; and

WHEREAS, the project scope is to provide professional services to include design and construction administration for various projects at MLGW's Water Pumping Stations, Water Booster Stations, and Overhead Storage Tanks. This change is to renew the current contract for the first and second of four (4) annual renewal terms for the period covering October 13, 2023 through October 12, 2025 in the funded not-to-exceed amount of \$4,000,000.00, which reflects an increase in some of the contracted position rates but not the overall rate schedule. The cost increase is also due to awarding HDR Engineering, Inc. the opportunity to design the New Allen Pumping Station. The Contractor has already performed a pumping station assessment and has the necessary data of the plant which will help with the design and the timeframe of the design. This renewal complies with all applicable laws and policies. The new contract value is \$6,000,000.00; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 1 to Contract No. 12360 (solicited under Contract No. 12292), Professional Engineering Services for Water Engineering with HDR Engineering, Inc. in the funded not-to-exceed amount of \$4,000,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
June 7, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 1 to Contract No. 12360 (solicited under Contract No. 12292), Professional Engineering Services for Water Engineering to HDR Engineering, Incorporated in the funded not-to-exceed amount of \$4,000,000.00.

The project scope is to provide professional services to include design and construction administration for various projects at MLGW's Water Pumping Stations, Water Booster Stations, and Overhead Storage Tanks. This change is to renew the current contract for the first and second of four (4) annual renewal terms for the period covering October 13, 2023 through October 12, 2025 in the funded not-to-exceed amount of \$4,000,000.00, which reflects an increase in some of the contracted position rates but not the overall rate schedule. The cost increase is also due to awarding HDR Engineering, Inc. the opportunity to design the New Allen Pumping Station. The Contractor has already performed a pumping station assessment and has the necessary data of the plant which will help with the design and the timeframe of the design. This renewal complies with all applicable laws and policies. The new contract value is \$6,000,000.00.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 1 to Contract No. 12360 (solicited under Contract No. 12292), Professional Engineering Services for Water Engineering with HDR Engineering, Incorporated in the funded not-to-exceed amount of \$4,000,000.00, as outlined in the above preamble, is approved; and further

THAT, the President, or his designated representative is authorized to execute the Renewal.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular ~~regular~~-special meeting held on 7th day of June 2023, at which a quorum was present.


SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving the ratification of Purchase Order Number 7025167 to Hawkins, Inc., formerly Vertex Chemical Corporation, for sodium hypochlorite, in the additional amount of \$1,592,000.00.

2. Additional Information

The sodium hypochlorite will be used to disinfect MLGW's potable water system as required by the Tennessee Department of Environmental and Conservation Water Division. The ratification is to extend the purchase order for twelve months and increase the purchase order.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of June 7, 2023 approved ratification of Purchase Order Number 7025167 for sodium hypochlorite and is now recommending to the Council of the City of Memphis that it approves said ratification as approved in the 2023 fiscal year budget; and

WHEREAS, on May 6, 2020, the Board of Light, Gas and Water Commissioners approved a thirty-six-month purchase order for sodium hypochlorite in the amount of \$1,162,000.00. On May 18, 2022, the Board of Light, Gas and Water Commissioners approved a twelve-month extension of Purchase Order Number 7025167 and approved an additional amount of \$500,000.00 needed as a result of increases in raw material cost due to market volatility with the supply chain. The sodium hypochlorite will be used to disinfect MLGW's potable water system as required by the Tennessee Department of Environmental and Conservation Water Division. The ratification is to extend the purchase order for twelve months and increase the purchase order in the amount of \$1,592,000.00. The extension and additional funds are needed due to a lack of competition and a potential maximum increase of up to twenty-five percent in years two and three. The new contract value is \$3,254,000.00. All existing terms and conditions will remain the same. This ratification complies with all applicable laws and policies.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved ratification of Purchase Order Number 7025167 to Hawkins,

Inc. in the amount of \$796,000.00 chargeable to the MLGW 2023 fiscal year budget and remaining balance of \$796,000.00 chargeable to subsequent budget year as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
June 7, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it approve the ratification of Purchase Order Number 7025167 to Hawkins, Inc., formerly Vertex Chemical Corporation, for sodium hypochlorite in the additional amount of \$1,592,000.00.

On May 6, 2020, the Board of Light, Gas and Water Commissioners approved a thirty-six-month purchase order for sodium hypochlorite in the amount of \$1,162,000.00. On May 18, 2022, the Board of Light, Gas and Water Commissioners approved a twelve-month extension of Purchase Order Number 7025167 and approved an additional amount of \$500,000.00 needed as a result of increases in raw material cost due to market volatility with the supply chain. The sodium hypochlorite will be used to disinfect MLGW's potable water system as required by the Tennessee Department of Environmental and Conservation Water Division. The ratification is to extend the purchase order for twelve months and increase the purchase order in the amount of \$1,592,000.00. The extension and additional funds are needed due to a lack of competition and a potential maximum increase of up to twenty-five percent in years two and three. The new contract value is \$3,254,000.00. All existing terms and conditions will remain the same. This ratification complies with all applicable laws and policies.

The 2023 budgeted amount for Water Plant Maintenance Supply is \$1,688,184.00; the amount spent to date is \$787,046.27; leaving a balance available of \$901,137.73 to be spent in 2023; of which \$796,000.00 will be spent on this purchase order in 2023; leaving a balance of \$105,137.73 after award; the remaining balance of \$796,000.00 to be spent from subsequent

budget year as approved; and

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, subject to the consent and approval of the Council of the City of Memphis, approves the ratification of unit price for the fourth year to \$1.99 per gallon for Purchase Order Number 7025167 with Hawkins, Inc. for sodium hypochlorite as outlined in the foregoing preamble.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 7th day of June, 2023, at which a quorum was present.


SVP, CFO & CAO Secretary - Treasurer

4/12/23

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding a purchase order to Rush Truck Centers of Tennessee for two-ton cab and chassis, in the funded amount of \$939,978.00.

2. Additional Information

The two-ton cab and chassis will be used by Division crews to maintain the electric, gas and water systems and for various customer service functions throughout Shelby County, Tennessee. These vehicles will replace existing equipment that will be retired from service based on age, actual operational usage, projected usage, repair cost and frequency, parts availability, and effectiveness to meet the Division's needs.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of June 7, 2023 approved the purchase of two-ton cab and chassis and is now recommending to the Council of the City of Memphis that it approves said purchase; and

WHEREAS, the two-ton cab and chassis will be used by Division crews to maintain the electric, gas and water systems and for various customer service functions throughout Shelby County, Tennessee. These vehicles will replace existing equipment that will be retired from service based on age, actual operational usage, projected usage, repair cost and frequency, parts availability, and effectiveness to meet the Division's needs; and

WHEREAS, bids were opened on April 5, 2023. Notice to Bidders was advertised. Five bids were solicited and four bids were received with the lowest and best complying bidder being the firm of Rush Truck Centers of Tennessee. This award complies with all applicable laws and policies; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved a purchase order for eleven two-ton cab and chassis from Rush Truck Centers of Tennessee for the sum of \$939,978.00. Due to delivery time funds for this equipment will be requested for carry over to the 2024 budget.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
June 7, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it award a purchase order to Rush Truck Centers of Tennessee for two-ton cab and chassis in the amount of \$939,978.00.

The two-ton cab and chassis will be used by Division crews to maintain the electric, gas and water systems and for various customer service functions throughout Shelby County, Tennessee. These vehicles will replace existing equipment that will be retired from service based on age, actual operational usage, projected usage, repair cost and frequency, parts availability, and effectiveness to meet the Division's needs.

Bids were opened on April 5, 2023. Notice to Bidders was advertised. Five bids were solicited and four bids were received with the lowest and best complying bidder being the firm of Rush Truck Centers of Tennessee. This award complies with all applicable laws and policies.

The 2023 budgeted amount for the purchase of Transportation – Vehicle Acquisition and Training is \$9,517,202.00; the amount spent to date is \$967,850.00; leaving a balance of \$8,549,352.00; of which \$939,978.00 will be requested for carry over to the 2024 budget based on the quoted lead time; leaving a balance of \$7,609,374.00 after award; and

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, subject to the consent and approval of the Council of the City of Memphis, award of a purchase order to Rush Truck Centers of Tennessee is

approved for furnishing:

1 - Latest model cab and chassis having at least a 35,000 Gross Vehicle Weight Rating (GVWR) and 102" cab to axle, all in accordance with Division Specification No. TCC-23-1312;

10 - Latest model crew cab and chassis having at least a 35,000 Gross Vehicle Weight Rating (GVWR) and 102" cab to axle, all in accordance with Division Specification No. TCC-23-1320;

The total amount of the award is \$939,978.00; f.o.b. Memphis, Tennessee, transportation prepaid; our dock; said prices being firm; delivery 27 weeks; terms net 30 days.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular ~~regular~~ ^{special} meeting held on 7th day of June, 2023, at which a quorum was present.


SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding a purchase order to Stribling Equipment, LLC., for backhoe tractors, in the funded amount of \$1,364,859.00.

2. Additional Information

This purchase is for eleven backhoe tractors that will be used by Division crews for digging, trenching, back-filling, excavation, and various customer service functions to maintain the electric, gas and water systems throughout Shelby County, Tennessee.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of June 7, 2023 approved a purchase order for eleven backhoe tractors and is now recommending to the Council of the City of Memphis that it approves said purchase; and

WHEREAS, this purchase is for eleven backhoe tractors that will be used by Division crews for digging, trenching, back-filling, excavation, and various customer service functions to maintain the electric, gas and water systems throughout Shelby County, Tennessee; and

WHEREAS, bids were opened on April 5, 2023. Notice to Bidders was advertised. Four bids were solicited, and one bid was received with the most responsive and best complying bidder being the firm of Stribling Equipment, LLC. This award complies with all applicable laws and policies; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved a purchase order for eleven backhoe tractors from Stribling Equipment, LLC. for the sum of \$1,364,859.00. Based on the quoted lead time funds for this equipment will be carried over to the 2024 budget.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
June 7, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it award a purchase order to Stribling Equipment, LLC. for backhoe tractors in the amount of \$1,364,859.00.

This purchase is for eleven backhoe tractors that will be used by Division crews for digging, trenching, back-filling, excavation, and various customer service functions to maintain the electric, gas and water systems throughout Shelby County, Tennessee.

Bids were opened on April 5, 2023. Notice to Bidders was advertised. Four bids were solicited, and one bid was received with the most responsive and best complying bidder being the firm of Stribling Equipment, LLC. This award complies with all applicable laws and policies.

The 2023 budgeted amount for Transportation – Vehicle and Acquisition Training is \$11,435,963.00; of which \$1,364,859.00 has been requested for carryover to the 2024 budget based on the quoted lead time for the backhoe tractors; leaving a balance of \$10,071,104.00 after award; and

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, subject to the consent and approval of the Council of the City of Memphis, award of a purchase order to Stribling Equipment, LLC. is approved for furnishing:

2 – Latest model hydraulic tractor loader & backhoe ext-a-hoe 4WD; approximately 1.25 cubic yards, 8 feet loading height, ext-a-hoe 19.6 feet digging depth, 11 feet loading height all in accordance with Division Specification No. TELB-23-0114.

9 – Latest model hydraulic tractor loader & backhoe 2WD; approximately 1.25 cubic yards, 8 feet loading height, backhoe - 15' 6" digging depth, 11 feet loading height all in accordance with Division Specification No. TTLB-23-0115.

Totaling \$1,364,859.00; f.o.b. Memphis, Tennessee, transportation prepaid; our dock; said prices being firm; delivery in 34 weeks; terms net 30 days.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular -special meeting held on 7th day of June, 2023, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

4/25/23



ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY OF MEMPHIS, TENNESSEE

ADOPTING THE ANNUAL BUDGET AND TAX RATE

FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024

WHEREAS, Tennessee Code Annotated §9-1-116 requires that all funds of the State of Tennessee and all its political subdivisions shall first be appropriated before being expended and that only funds that are available shall be appropriated; and

WHEREAS, the Municipal Budget Law of 1982 (TCA§ 6-56-Part 2) requires that the legislative body of each municipality adopt and operate under an annual budget ordinance presenting a financial plan with at least the information required by that state statute, that no municipality may expend any money regardless of the sources except in accordance with a budget ordinance and that the legislative body shall not make any appropriation in excess of the estimated available funds; and

WHEREAS, the Legislative Body, identified interchangeably as the Memphis City Council, has published the annual operating budget and budgetary comparisons of the proposed budget with the prior year (actual) and the current year (estimated) in a newspaper of general circulation not less than ten (10) days prior to the meeting where the Memphis City Council will consider final passage of the budget.

NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE BODY OF THE CITY OF MEMPHIS, TENNESSEE AS FOLLOWS:

SECTION 1

That the legislative body projects anticipated revenues for all sources and appropriates planned expenditures for each Fund, Division, or other agency of the municipality, herein presented together with the actual annual receipts and expenditures of the last preceding fiscal year and the estimated annual expenditures for the current fiscal year, and from those revenues and unexpended and unencumbered funds as follows for the fiscal year 2023, and including the projected ending balances for the budget year, the actual ending balances for the most recent ended fiscal year and the estimated ending balances for the current fiscal years:

General Fund

	Actual FY2022	Estimated Actual FY2023	Budget FY2024
Revenue			
Local Taxes	506,376,488	-	508,101,000
State Taxes	76,183,224	-	79,260,000
Licenses and Permits	13,157,116	-	14,501,000
Fines and Forfeitures	11,096,752	-	12,162,000
Charges for Services	42,053,344	-	44,965,125
Use of Money and Property	(2,607,620)	-	6,175,000
Federal Grants	8,627,974	-	4,750,000
State Grants	5,000,000	-	-
Intergovernmental Revenues	4,574,827	-	4,500,000
Other Revenues	12,617,396	-	10,275,875
Transfers In	84,829,758	-	100,618,000
Contributed from Fund Balance	-	-	6,692,000
Total Revenue	761,909,259	-	792,000,000
Expenditures			
Personnel Services	535,815,714	-	576,590,663
Materials and Supplies	172,133,662	-	167,095,340
Capital Outlay	580,653	-	1,270,414
Grants and Subsidies	61,141,870	-	66,152,904
Inventory	357,213	-	495,700
Expense Recovery	(20,575,092)	-	(21,035,300)
Investment Fees	127,200	-	149,652
Service Charges	169,704	-	259,627
Transfers Out	4,061,484	-	1,021,000
Misc Expense	126,961	-	-
Total Expenditures	753,939,369	-	792,000,000

Special Revenue Funds:

Drug Enforcement Fund

	Actual FY2022	Estimated Actual FY2023	Budget FY2024
Revenue			
Fines and Forfeitures	\$ 2,169,196	\$ -	\$ 2,370,000
Federal Grants	33,801	-	82,500
Other Revenues	9,076	-	-
Contributed from Fund Balance	-	-	507,968
Total Revenue	\$ 2,212,073	\$ -	\$ 2,960,468
Expenditures			
Personnel Services	\$ 555,253	\$ -	\$ 820,000
Materials and Supplies	1,173,295	-	1,867,458
Capital Outlay	132,211	-	467,500
Total Expenditures	\$ 1,860,759	\$ -	\$ 3,154,958
Net Revenue	\$ 351,314	\$ -	\$ (194,490)

Hotel / Motel Tax Fund

	FY22 Actual	FY23 Forecast	FY24 Proposed
Revenue			
Local Taxes	\$ 17,056,925	\$ 15,750,000	\$ 15,750,000
Total Revenue	\$ 17,056,925	\$ 15,750,000	\$ 15,750,000
Expenditures			
Grants and Subsidies	\$ 10,521,111	\$ 8,900,000	\$ 8,900,000
Transfers Out	6,633,050	6,633,050	6,633,050
Contributed to Fund Balance	-	216,950	216,950
Total Expenditures	\$ 17,154,161	\$ 15,750,000	\$ 15,750,000

Metro Alarm Fund

	FY22 Actual		FY23 Forecast		FY24 Proposed
<u>Revenue</u>					
Licenses and Permits	\$ 1,894,999	\$	-	\$	1,940,000
Other Revenue	-		-		10,000
Contributed from Fund Balance	342,794		-		344,161
Total Revenue	\$ 2,237,793	\$	-	\$	2,294,161

<u>Expenditures</u>					
Personnel Services	\$ 399,660	\$	-	\$	424,115
Materials and Supplies	214,500		-		249,500
Transfers Out	1,625,000		-		1,625,000
Miscellaneous Expense	-		-		10,000
Total Expenditures	\$ 2,239,160	\$	-	\$	2,308,615

New Memphis Arena Fund

	FY22 Actual		FY23 Forecast		FY24 Proposed
<u>Revenue</u>					
Local Taxes	\$ 2,500,000	\$	2,500,000	\$	2,500,000
Transfer In	1,975,000		-		-
Total Revenue	\$ 4,475,000	\$	2,500,000	\$	2,500,000

<u>Expenditures</u>					
Grants and Subsidies	\$ 2,500,000	\$	2,500,000	\$	2,500,000
Total Expenditures	\$ 2,500,000	\$	2,500,000	\$	2,500,000

Pre-K Fund

	FY22 Actual	FY23 Forecast	FY24 Proposed
<u>Revenue</u>			
Local Taxes	\$ 5,573,288	\$ 10,484	\$ -
Use of Money and Property	(65,669)	118,839	-
Transfer In	5,000,000	6,000,000	6,500,000
Total Revenue	\$ 10,507,619	\$ 6,129,323	\$ 6,500,000

<u>Expenditures</u>			
Grants and Subsidies	\$ 6,000,000	\$ 6,000,000	\$ 6,500,000
Total Expenditures	\$ 6,000,000	\$ 6,000,000	\$ 6,500,000

Sales Tax Referendum Fund

	FY22 Actual	FY23 Forecast	FY24 Proposed
<u>Revenue</u>			
Local Taxes	\$ 71,304,060	\$ 73,000,000	\$ 76,000,000
Contributed to Fund Balance	-	-	346,000
Total Revenue	\$ 71,304,060	\$ 73,000,000	\$ 76,346,000

<u>Expenditures</u>			
Materials and Supplies	\$ 626,597	\$ 500,000	\$ -
Project Cost	16,660	7,000,000	-
Transfers Out	49,581,397	63,600,000	76,346,000
Contributed to Fund Balance	-	4,000,000	-
Total Expenditures	\$ 50,224,654	\$ 75,100,000	\$ 76,346,000

Solid Waste Management Fund

(Placeholder)

State Street Aid Fund

	FY22 Actual	FY23 Forecast	FY24 Proposed
Revenue			
State Taxes	\$ 23,339,088	\$ 23,110,000	\$ 23,110,000
Total Revenue	\$ 23,339,088	\$ 23,110,000	\$ 23,110,000
Expenditures			
Materials and Supplies	\$ 20,575,092	\$ 21,341,700	\$ 21,341,700
Transfers Out	1,768,300	1,768,300	1,768,300
Total Expenditures	\$ 22,343,392	\$ 23,110,000	\$ 23,110,000

Debt Service Fund

Revenues	FY 2022	FY 2023	FY 2023	FY 2024
	Actual	Funding Budget	Forecast	Requested Budget
040110 Ad Valorem Tax - Current	\$ 125,171,748	\$ 126,000,000	\$ 124,000,000	\$ 122,600,000
040112 Ad Valorem Tax - Current Sales of Receivables	1,651,590	1,800,000	1,800,000	1,800,000
040120 Ad Valorem Tax Prior	1,000,411	1,000,000	3,100,000	3,100,000
040130 PILOT's	1,711,665	2,201,839	2,201,839	2,201,839
040210 Local Sales Tax	11,458,235	11,000,000	11,200,000	11,750,000
040211 Tourism Development Zone Local Sales	-	-	1,951,660	2,221,622
041201 Tourism Development Zone State Sales	4,355,925	7,000,000	15,326,383	16,680,878
FSC455 455 Use of Money and Property	(1,257,825)	201,600	3,041,821	3,041,000
FSC460 460 Federal Grants	2,123,540	1,968,346	1,968,627	1,758,988
FSC475 475 Other Revenues	1,644,711	1,632,831	2,057,832	2,057,832
070111 Oper Tfr In - General Fund	177,273	-	-	-
070201 Oper Tfr In - State Street Aid	1,768,300	1,768,300	1,768,300	1,768,300
070204 Oper Tfr In - Solid Waste Fund	2,170,732	2,644,299	2,644,299	2,644,298
070205 Oper Tfr In - Misc Grants Fund	14,873	192,271	192,271	192,246
070223 Oper Tfr In - Hotel/Motel Fund	6,633,050	6,633,050	6,633,050	6,633,050
FSC486 486 Proceeds from Refunding Debt	207,863,832	150,780,000	150,677,985	-
FSC490 Dividend and Interest on Investment	-	-	1,000	-
049600 Bond Sale Proceeds	38,199,085	167,555,000	167,555,000	-
049996 Contribution from Restricted Fund Balance	-	1,810,360	1,810,360	1,809,228
049997 Contribution from Committed Fund Balance	-	13,241,905	-	5,444,232
Total Revenues	\$ 404,687,145	\$ 497,429,801	\$ 497,930,427	\$ 185,703,513

Expenditures	FY 2022	FY 2023	FY 2023	FY 2024
	Actual	Funding Budget	Forecast	Requested Budget
505 Materials and Supplies - Professional Services	\$ 388,669	\$ 476,965	\$ 458,000	\$ 450,000
505 Materials and Supplies - Bank Fees	587,130	700,000	700,000	700,000
505 Miscellaneous Expense	-	-	20,000	20,000
526 Investment Fees	3,100	4,000	4,000	4,000
535 Bond Issue Costs	29,734,772	1,471,314	1,150,000	-
540 Redemption of Serial Bonds and Notes	101,317,147	106,681,275	106,681,275	113,908,652
545 Interest	69,178,739	70,388,666	67,322,749	70,558,561
550 Service Charges	36,900	62,445	60,363	62,300
555 Transfers Out - General Fund	22,963	-	-	-
555 Transfers Out - Capital Project Fund	993,591	-	-	-
555 Transfers Out - Sewer Treatment & Collection Fund	864,164	-	-	-
567 Retirement of Refunded Debt	207,083,587	316,968,686	316,968,686	-
598 Misc Expense - Prior Year Expense	-	-	(1,097,088)	-
089996 Contribution to Restricted Fund Balance	-	-	2,053,412	-
Total Expenditures	\$ 410,210,762	\$ 496,753,351	\$ 494,321,397	\$ 185,703,513

Enterprise Funds:

Sewer Fund

	FY22 Actual	FY23 Forecast	FY24 Proposed
Revenue			
Fines and Forfeitures	\$ 276,850	\$ -	\$ 1,001,000
Charges for Services	156,011,668	-	158,028,307
Use of Money and Property	(491,522)	-	600,000
Federal Grants	-	-	-
Other Revenues	3,569,979	-	83,000
Transfers In	864,164	-	-
Dividend and Interest on Investment	63,621	-	-
Employee Contributions	-	-	-
Gain (Loss) on Investments	(382,862)	-	-
Gain (Loss) on Sale of Assets	7,986	-	-
Contributed from Fund Balance	-	-	353,161
Capital Contributions	463,215	-	-
Total Revenue	\$ 160,383,099	\$ -	\$ 160,065,468
Expenditures			
Personnel Services	\$ 24,024,516	\$ -	\$ 27,760,606
Materials and Supplies	70,224,953	-	81,637,535
Pension Expense	1,893,000	-	-
Capital Outlay	3,191,026	-	10,022,000
Grants and Subsidies	21,208	-	-
Investment Fees	3,230	-	-
Project Costs	-	-	-
Bond Issue Costs	-	-	-
Interest	7,086,466	-	11,393,233
Service Charges	7,300	-	-
Transfers Out	11,254,055	-	14,001,294
Depreciation on Own Funds	14,556,141	-	15,250,800
Misc Expense	151,270	-	-
Total Expenditures	\$ 132,413,165	\$ -	\$ 160,065,468
Net Revenue	\$ 27,969,934	\$ -	\$ -

Storm Water Fund

	FY22	FY23	FY24
	Actual	Forecast	Proposed
Revenue			
Fines and Forfeitures	14,492	-	35,000
Charges for Services	36,696,969	-	36,500,000
Use of Money and Property	(204,080)	-	-
Other Revenues	1,560,764	-	-
Dividend and Interest on Investment	19,031	-	-
Gain (Loss) on Investments	5,781	-	-
Gain (Loss) on Sale of Assets	21,742	-	-
Total Revenue	38,114,699	-	36,535,000
Expenditures			
Personnel Services	11,245,105	-	12,997,012
Materials and Supplies	6,477,940	-	10,947,982
Pension Expense	826,000	-	-
Capital Outlay	5,508	-	2,583,375
Grants and Subsidies	202,500	-	380,000
Investment Fees	6,330	-	-
Project Costs	-	-	-
Bond Issue Costs	-	-	-
Interest	843,306	-	1,653,500
Service Charges	700	-	-
Transfers Out	106,000	-	106,000
Depreciation on Own Funds	3,333,713	-	2,416,340
Contributed to Fund Balance	-	-	5,450,791
Total expenditures	23,047,102	-	36,535,000
Net Revenue	15,067,597	-	-

Internal Service Funds:

Fleet Fund

Healthcare Fund

Unemployment Fund

	FY22 Actual	FY23 Forecast	FY24 Proposed
Revenue			
Use of Money and Property	\$ (25,491)	\$ (37,289)	\$ -
Employer Contributions	528,720	508,560	503,440
Total Revenue	\$ 503,229	\$ 471,271	\$ 503,440
Expenditures			
Claims Incurred	\$ 89,776	\$ 98,000	\$ 200,000
Contributed to Fund Balance	-	-	303,440
Total Expenditures	\$ 89,776	\$ 98,000	\$ 503,440

Fiduciary Funds:

Other Post-Employment Benefits Fund

Library Retirement System Fund

All monies subject to appropriation by all Funds and Division shall be deposited with the City Treasurer for the use of the City of Memphis and all monies so received shall be considered appropriated regardless of the foregoing estimates by items until the appropriations have been filled.

The City Comptroller shall have no power to authorize withdrawal of funds constituting the current operating revenues of the City of Memphis from the Treasury of the City of Memphis, nor shall any obligations for the expenditure of any funds be incurred except in pursuance of this ordinance; provided however, that the City Council may appropriate in the current year a greater amount for the operation of any Fund or Division, or for any corporate purpose other than those for which an appropriation shall have been made herein in the event that the current revenues shall be available for such purposes; and provided further, that said expenditures shall be authorized by ordinance or resolution duly adopted by the City Council.

The Fiscal Year 2024 Adopted Budget contains funding for 13 paid holidays for City of Memphis Employees. Those paid holidays are: New Year’s Day, Martin Luther King Day, Martin Luther King Memorial Day, Good Friday, Memorial Day, Juneteenth, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Day After Thanksgiving, Christmas Eve, and Christmas Day.

Where work is done or materials furnished by one Division and/or Service Center for another Division and/or Service Center, the City Comptroller is directed to charge the appropriation of the Division or Service Center receiving and to credit the appropriation of the Division or Service enter furnishing such labor materials with the proper cost thereof, which said charge is accepted by the Division or Service Center receiving the same.

Pursuant to the provisions of the City of Memphis Charter as amended, when any obligation has been incurred by order, contract, agreement to purchase, hire, receive or otherwise obtain anything of value for the us of the City of Memphis by the joint action of respective Division Chiefs for Directors, a liability shall be construed to have been created against the appropriation of the Division affected and the respective Division Chiefs or Directors and Program Heads in charge and other persons are prohibited from incurring liabilities in excess of the amount appropriated for each budget of each Program, the totals of which are set out in Section One (1), hereof, of additional amounts which may hereafter be authorized by the City Council.

SECTION 2

At the end of the fiscal year 2023, the Legislative body estimates fund balances as follows:

General Fund	\$202,000,000
Drug Enforcement Fund	\$ 8,000,000
Hotel / Motel Tax Fund	\$ 6,000,000
Metro Alarm Fund	\$ 1,000,000
New Memphis Arena Fund	\$ 0 (fund allocated to Debt Service for bond payment)
Pre-K Fund	\$ 6,500,000
Sales Tax Referendum Fund	\$ 38,000,000 Restricted Fund Balance
	\$ 30,000,000 Encumbered
Solid Waste Management Fund	\$ 7,000,000
State Street Aid Fund	\$ 0 (funds allocated to General Fund at Year End)
Debt Service Fund	\$ 50,000,000
Sewer Fund	\$ 550,000,000
Storm Water Fund	\$ 150,000,000
Fleet Fund	\$ 3,000,000
Healthcare Fund	\$ 15,000,000
Unemployment Fund	\$ 1,500,000
Other Post-Employment Benefits Fund	\$ 6,000,000

Library Retirement System Fund \$ 50,000,000

SECTION 3

That the Legislative body herein certifies that the City is compliant pursuant to its bond covenants, and recognizes that the municipality has outstanding bonded and other indebtedness as follows:

**City of Memphis Operating Budget
Debt Service Payment Data
Fiscal Year 2024**

Fund	Type of Debt	Loan Name and Description	Original Issuance	Authorized & Unissued	Principal	Budgeted Annual Debt Service				
					Outstanding at June 30	Principal	Interest			
Debt Service	Bonds	General Improvement Bonds, Series 2022A	\$ 138,010,000	\$ -	\$ 138,010,000	\$ -	\$ 6,900,500			
		General Improvement Refunding Bonds, 2022 (Federally Taxable Convertible to Tax Exempt)	167,555,000	-	167,555,000	-	6,281,344			
		NMAPBA Local Gov't Public Improv. Bonds (City of Memphis Project), Series 2021	163,772,126	-	163,772,126	-	-			
		EDGE Economic Development Bonds (City of Memphis Project), Series 2021A	19,140,000	-	19,140,000	-	796,650			
		EDGE Economic Development Bonds (City of Memphis Project) Series 2021B (Federally Taxable)	5,115,000	-	5,115,000	1,000,000	67,985			
		EDGE Revenue Bonds (Liberty Park Project) Series 2021 (Federally Taxable)	69,635,000	-	69,635,000	500,000	1,809,228			
		General Improvement Refunding Bonds, Series 2021	165,680,000	-	165,180,000	5,555,000	7,306,100			
		General Improvement Bonds, Series 2020A	24,470,000	-	20,500,000	2,135,000	971,625			
		General Improvement & Refunding Bonds, Series 2020	214,675,000	-	149,095,000	26,890,000	6,435,000			
		General Improvement Bonds, Series 2018	309,255,000	-	280,335,000	6,915,000	11,348,220			
		General Improvement Bonds, Series 2016	69,885,000	-	56,215,000	2,290,000	1,942,181			
		General Improvement Bonds, Series 2015C	67,845,000	-	22,755,000	-	1,137,750			
		General Improvement Refunding Bonds, Series, 2015B (Taxable)	54,390,000	-	45,090,000	13,435,000	1,315,818			
		General Improvement Refunding Bonds, Series, 2015A	76,820,000	-	76,820,000	-	3,841,000			
		General Improvement Refunding Bonds, Series 2014B	208,230,000	-	57,015,000	4,970,000	2,643,400			
		General Improvement Refunding Bonds, Series 2014A	103,955,000	-	39,135,000	24,860,000	1,307,050			
		General Improvement Bonds, Series 2012B	5,145,000	-	385,000	385,000	14,245			
		General Improvement & Refunding Bonds, Series 2012A	93,595,000	-	10,175,000	-	394,344			
		General Improvement Bonds, Series 2010F (RZEDB)	11,160,000	-	11,160,000	-	674,287			
		General Improvement Bonds, Series 2010C (Direct Pay BABs)	62,550,000	-	47,570,000	4,035,000	2,552,372			
		General Improvement Bonds, Series 2010B (Direct Pay BABs)	39,950,000	-	32,485,000	4,145,000	1,910,146			
		EDGE Revenue Refunding Bond, Series 2022 (Electrolux Project)	28,935,000	-	13,540,000	867,500	407,464			
		TDZ Revenue Refunding Bonds, Series 2017B	87,725,000	-	87,725,000	-	4,386,250			
		TDZ Revenue Refunding Bonds, Series 2017C (Taxable)	34,300,000	-	15,125,000	10,900,000	275,399			
		Sports Facility Revenue Bonds, Series 2014A (Stadium Project)	17,925,000	-	9,920,000	1,270,000	433,438			
		Sports Facility Revenue Bonds, Series 2014B (Stadium Project) (Taxable)	5,720,000	-	2,355,000	390,000	114,041			
		CCRFC Qualified Energy Conservation Bonds, Series 2015A	8,316,000	-	1,663,200	831,600	61,871			
		CCRFC Qualified Energy Conservation Bonds, Series 2015B	2,015,300	-	201,530	201,530	7,880			
		CCRFC Qualified Energy Conservation Bonds, Series 2015C	340,700	-	34,070	34,070	1,332			
		Loan Agreements	TMBF Loan (Solid Waste)		6,800,000	6,800,000	647,000	259,760		
		Notes	Commercial Paper	50,000,000	100,000,000	50,000,000	-	4,916,667		
		Leases	Solid Waste Lease, 2019	8,000,000	-	2,491,413	1,651,951	45,215		
		Total			\$ 2,314,109,126	\$ 106,800,000	\$ 1,766,997,339	\$ 113,908,651	\$ 70,558,561	
		General Fund	Bonds		\$ -	\$ -	\$ -	\$ -	\$ -	
				Loan Agreements						
				Notes						
				Leases	Fire Services Lease 2019	1,183,958	-	410,336	271,753	9,085
				Total			\$ 1,183,958	\$ -	\$ 410,336	\$ 271,753
		Storm Water Fund	Bonds	Storm Water System Revenue Bonds, Series 2019	\$ 35,830,000	\$ -	\$ 33,500,000	\$ 860,000	\$ 1,653,500	
				Loan Agreements						
Notes										
Leases										
Total			\$ 35,830,000	\$ -	\$ 33,500,000	\$ 860,000	\$ 1,653,500			
Sewer Fund	Bonds	Sanitary Sewerage System Revenue and Revenue Refunding Bonds, Series 2020B	\$ 123,535,000	\$ -	\$ 114,295,000	\$ 4,970,000	\$ 5,590,500			
		Sanitary Sewerage System Revenue and Revenue Refunding Bonds, Series 2018	69,480,000	-	59,155,000	3,465,000	2,551,075			
		Sanitary Sewerage System Revenue Refunding Bonds, Series 2014	18,930,000	-	6,430,000	2,080,000	161,700			
	Loan Agreements	WIFIA Loan	156,000,000	-	84,051,074	-	1,320,445			
		State Revolving Fund Loan - SRF 13-311	100,000,000	-	84,843,844	4,797,156	685,980			
		State Revolving Fund Loan - SRF 13-309	11,601,993	-	8,788,961	569,040	70,788			
		State Revolving Fund Loan- SRF 06-195	3,988,541	-	2,267,189	199,368	56,364			
		State Revolving Fund Loan- SRF 15-355	25,000,000	-	22,370,986	1,182,756	181,188			
		State Revolving Fund Loan- SRF 18-409	11,000,000	-	9,758,199	523,824	84,720			
		State Revolving Fund Loan- SRF 19-421	6,500,000	-	5,729,176	299,160	71,580			
		State Revolving Fund Loan- SRF 19-434	48,000,000	-	41,136,728	1,912,165	263,392			
		State Revolving Fund Loan- SRF 21-451	-	-	11,243,179	643,519	115,500			
	Notes	Unissued State Revolving Fund Loan		42,000,000	-	-	240,001			
	Leases									
	Total			\$ 574,035,534	\$ 42,000,000	\$ 450,069,336	\$ 20,641,988	\$ 11,393,233		

SECTION 4

During the coming fiscal year 2024 the Legislative body has pending and planned capital projects with proposed funding as follows:

Projects	FY24
	PROPOSED
G.O. Bonds	
Engineering	\$ 3,750,000
Convention Center	250,000
Fire Services	4,427,000
General Services	24,500,000
Housing and Community Development	2,050,000
Information Technology	1,200,000
Library	750,000
Memphis Area Transit Authority	5,755,750
Memphis Parks	16,700,000
Memphis River Parks Partnership	250,000
Police Services	18,983,000
Public Works	17,300,000
TOTALS for G.O. Bonds	<u>\$ 95,915,750</u>
Various Funding Sources - Pay Go, Revenue Bonds, State, Federal	
Sewer Fund	\$ 108,500,000
Storm Water Fund	40,612,000
TOTALS Enterprise Funding	<u>\$ 305,966,500</u>

The Capital Acquisition Budget projects needed acquisitions of vehicles and equipment and the Capital Improvement Program does project on a priority basis the anticipated Capital expenditure required to construct needed public improvements and mission-critical capital operations for the said period. The City Council has held meetings and reviewed thoroughly the recommended Capital Acquisition Budget and Capital Improvement Program. It is the intent of the Council that funds for replacement vehicles and equipment as set forth in this Budget Ordinance should be appropriated herein. It is the intent of the Council that funds for construction require appropriation by Council.

The City Comptroller is authorized to bring forward into the 2024 fiscal year all unappropriated allocations for incomplete or on-going projects, or projects that have not begun and are necessary to be carried forward from the fiscal year 2023 Capital Budget as carried forward dollars. It is the intent of the Council and the Administration to affect a material reduction in future capital expenditures where possible; and to achieve this goal all prior years G. O. Bond unappropriated allocations, that have not been approved to carry forward in the fiscal year 2024 Capital Improvement Budget, shall be unallocated and removed from the Capital Improvement Program.

Provisions have been made that upon completion or deletion of any authorized project, all unused allocations or unencumbered appropriations on projects completed in fiscal year 2024, the funding will be returned to its source by the Comptroller and/or made available for transfer or reallocation, subject to further appropriation and allocation of said funds by the Council.

City Council of Memphis approves that the fiscal years 2023-2027 Capital Improvement Program be and the same is hereby approved and adopted as the City's Official Statement of Intent to construct needed public improvements subject to annual review and modification, and the Capital Acquisition Budget is hereby approved and adopted as needed replacements of vehicles and equipment. Funds approved for capital acquisition, street maintenance and asphalt/paving/resurfacing are considered approved, allocated, and appropriated as set forth in the fiscal year 2024 budget upon approval, the welfare of the City requiring it.

The General Obligation Bond Capital Improvement Program funding for fiscal year 2024 is \$95,915,750. The Enterprise Funds Capital Improvement Program funding for fiscal year 2024 is \$305,966,500. The Fiscal Year 2024 General Obligation Bond CIP Budget and the Fiscal Year 2024 Enterprise Funds CIP Budget, attached hereto details the construction projects and capital maintenance, and is made a part of this Budget Ordinance.

The fiscal year 2024 allocations in the Capital Improvement Program be and are hereby adopted as the fiscal year 2024 Capital Construction Budget and funds are appropriated for architectural/engineering services and for land options, if necessary. The Administration shall use the following procedures in moving forward with Capital Construction projects:

The Administration shall present to the appropriate Council Committee the schematic design of the project(s) as defined by the standard Architectural and Engineering Agreement used by the City of Memphis, at an architectural or engineering expense not to exceed 20% of the contracted professional fee amount. Projects designed "in house" or gratuitously must also go through the process. Council approval in the next following regular session of the Council is then required before the continuation of any such project.

After such Council approval, Administration will proceed with final plan preparation, final land acquisition and take bids for the project. Council shall be informed as to the time limitation designated in the professional contract. The Administration will return to the Council for approval of funds for construction expenditures.

Projects with prior years allocation in any stage of design on the date of the 2024 budget adoption, that have not followed the procedure outlined above, must be returned to the Council for approval prior to going to bid. Projects with prior years allocation, which are not yet in the design process on the date of the adoption of the 2024 CIP budget, and have been allowed for carry forward, or are funded by funds other than G. O. Bonds, must follow the same procedure outlined above for all prior approved projects.

Upon the completion/bond release of any authorized project, any unencumbered balance on projects completed in fiscal year 2024 will be returned to its source of funding, and/or made available for transfer or reallocation, subject to further allocation and appropriation of said funds by the Council.

The City Comptroller be and is hereby authorized to un-allocate and eliminate all prior year allocations that have not been carried forward in the fiscal year 2024 Capital Construction Budget. After construction funds have been appropriated by the Council, the Comptroller is no longer authorized to approve the transfer of unencumbered funds between categories within each project but must return to the Council for approval of such action.

Projects which subsequently require appropriations more than the total project amount approved in the fiscal year 2024 Capital Construction Budget and the Capital Acquisition Budget be subject to further Council approval.

Any land, building or facility under the jurisdiction of the City of Memphis or which has ever been funded or partially funded by the City of Memphis cannot be demolished, sold, given to, or leased to any non-municipal entity without authorization of the City Council. The authorization does not apply to routine short-term rental. Without authorization of the City Council, no assets may be received by the City.

This Budget Ordinance appropriates an amount up to \$10,000,000 for the acquisition of vehicles and equipment as set forth in the fiscal year 2024 allocation of the Capital Acquisition Budget.

SECTION 5

No appropriation listed above may be exceeded without an amendment of the budget ordinance as required by the Municipal Budget Law (Tenn. Code Ann. § 6-56-208).

SECTION 6

The Mayor of the City of Memphis shall have the authority to approve transfers between all categories except the Personnel category, within the total amounts of each Program as set forth herein, however, each transfer shall have a maximum limit of \$100,000 and each Program shall have an annual cumulative limit of \$250,000 for transfers between categories, within the total amounts of each Program. For Personnel budget transfers. The Mayor shall have authority to approve an annual cumulative limit of \$150,000 from a Personnel category to another category within each Program. An amount exceeding the annual limit of \$150,000 must be approved by the City Council. The transfer of an amount between Personnel categories within a Program that is associated with authorized and funded positions, also transfer the position to the category receiving funding. All other transfers of appropriations between Programs shall be made only upon the authorization by Ordinance or Resolution of the City Council.

The Mayor shall have the authority to dispose of any City of Memphis owned property only in accordance with the provision of the Charter and/or Ordinance duly adopted by the City Council. The Mayor shall have the authority to lease any City of Memphis owned real property to any non-municipal entity for terms exceeding two (2) years or more only upon prior approval of the City Council.

SECTION 7

A detailed financial plan will be attached to this budget and become part of this budget ordinance.

SECTION 8

There is hereby levied a property tax of \$2.701640 per \$100 of assessed value of each species of taxable property within the corporate limits of the City of Memphis, Tennessee, subject to the taxing power of Memphis to be apportioned as hereinafter set forth in this Budget Ordinance.

The taxes levied in this Budget Ordinance shall be due and payable to the City of Memphis City Treasurer from and after the last publication of a notice of the adoption of the Budget Ordinance. Said publication shall be made by the Council of the City of Memphis for two consecutive days in a newspaper published in the City of Memphis after the final passage of the Ordinance and shall fix a day to be determined upon receipt of official certification of the 2023 assessment of which the tax books shall be opened for the payment of taxes. All taxes levied shall be delinquent if unpaid on September 1, 2023, as provided by Sections 36-3 of the Code of Ordinances, City of Memphis, Tennessee's.

Taxes levied in this Ordinance when collected shall be apportioned in the fiscal year 2023 as follows:

For the General Fund \$1.845868 on each \$100 of assessed valuation.

For the Capital Pay-Go (additional funding for capital acquisitions consistent with debt policy) \$0.008287 on each \$100 of assessed valuation

For the Debt Service of the City of Memphis, including interest and principal payments, sinking fund contributions, and interest and principal on temporary borrowing, \$0.847485 on each \$100 of assessed valuation.

SECTION 9

This annual operating and capital budget ordinance and supporting documents shall be submitted to the Comptroller of the Treasury or Comptroller's Designee for approval pursuant to Title 9, Chapter 21 of the Tennessee Code Annotated with fifteen (15) days of its adoption. If the Comptroller of the Treasury or Comptroller's Designee determines that the budget does not comply with the Statutes, the Legislative Body will adjust its estimates or make additional tax levies sufficient to comply with the Statutes or as directed by the Comptroller of the Treasury or Comptroller's Designee.

SECTION 10

All unencumbered balances of appropriations remaining at the end of the fiscal year shall lapse and revert to the respective fund balances. Any surplus shall become and be designated unappropriated revenue, except those as designated otherwise, and be subject to lawful appropriation by the City Council. Encumbered appropriations shall be carried forward into the next fiscal year from the current year budget in furtherance of improvements or for any corporate purpose which will not be completed within such current fiscal year. Such amounts are not appropriated for the use of the Division receiving same, but shall be carried as a memorandum of collections and earning for the specified Fund, except for those funds specifically designated as assigned or committed.

SECTION 11

City Council expressly declares that each section, subsection, paragraph and provision of this ordinance is severable, and that should any portion of this ordinance be held unconstitutional or invalid, the same shall not affect the remainder of this ordinance, but such unconstitutional or invalid portion be repealed, and the remainder of this Ordinance shall continue in full force and effect.

Pursuant to any Substitute Ordinance, any decision of the City Council, acting as arbiter only to resolve any impasse between the City and any employee association over economic items, if any, shall be effective and funded only to the extent of funds appropriated for such items in the Appropriation Ordinance, but not otherwise.

SECTION 12

This ordinance shall take effect from and after the date it shall have been passed by the City Council, signed by the Chairperson of the City Council, certified and delivered to the Office of the Mayor in writing by the City Comptroller, and become effective as otherwise provided by law.

In accordance with TCS §6-56-210, if for any reason a budget ordinance is not adopted prior to the beginning of the next succeeding fiscal year, the appropriations from the previous fiscal year's adopted budget ordinance shall become the appropriation for the new fiscal year until the adoption of the new fiscal year budget ordinance is approved, provided sufficient revenues are being collected to support the continuing appropriations.

Ordinance No. XXXX

Detailed Financial Plan

Attachments will include detail budget information:

General Fund Revenues by line item

General Fund Expenditures by Division Legal Level

All other Funds budget

CIP at Project Level

FY24 Proposed Budget: City Engineering

Project Number	Project Name	Funding Source	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
EN23100	Traffic Signals Coverline	G.O. Bonds	1,000,000	1,250,000	1,275,000	1,260,000	1,260,000	6,045,000
EN23200	Traffic Calming Devices Coverline	G.O. Bonds	1,700,000	1,700,000	1,700,000	1,700,000	1,700,000	8,500,000
EN23300	Urban Art Coverline	G.O. Bonds	400,000	400,000	400,000	400,000	400,000	2,000,000
EN23400	Traffic Safety Dvlpmt Coverline	G.O. Bonds	250,000	250,000	250,000	250,000	250,000	1,250,000
EN01067	HSIP Coverline	G.O. Bonds	150,000	150,000	150,000	150,000	150,000	750,000
Engineering Total			\$3,500,000	\$3,750,000	\$3,775,000	\$3,760,000	\$3,760,000	\$18,545,000

FY24 Proposed Budget: Convention Center

Project Number	Project Name	Funding Source	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
GS23200	Convention Ctr Coverline	G.O. Bonds	400,000	250,000	250,000	400,000	400,000	1,700,000
Convention Center Total			\$400,000	\$250,000	\$250,000	\$400,000	\$400,000	\$1,700,000

FY24 Proposed Budget: Fire Services

Project Number	Project Name	Funding Source	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
FS02031	Fire Station 1	G.O. Bonds	500,000	-	-	-	-	500,000
FS02032	EMA Sirens	G.O. Bonds	127,200	153,000	150,000	136,080	173,800	740,080
FS02033	Drill Tower Improvs	G.O. Bonds	1,000,000	2,000,000	1,125,000	-	-	4,125,000
FS04012	Pers Protective Equip	G.O. Bonds	644,000	1,274,000	1,275,000	1,300,000	1,300,000	5,793,000
FS23100	Fire Stat Improvs Cover	G.O. Bonds	1,500,000	1,000,000	2,000,000	6,000,000	-	10,500,000
Fire Total			\$3,771,200	\$4,427,000	\$4,550,000	\$7,436,080	\$1,473,800	\$21,658,080

FY24 Proposed Budget: General Services

Project Number	Project Name	Funding Source	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
GS01049	Coke Facility	G.O. Bonds	8,000,000	2,000,000	1,500,000	-	-	11,500,000
GS23100	Major Mod Coverline	G.O. Bonds	9,000,000	10,000,000	12,000,000	12,000,000	12,000,000	55,000,000
GS22201	City Hall Improvements	G.O. Bonds	7,000,000	2,000,000	-	-	-	9,000,000
GS TBD	Whitehaven STEM Infrastructure	G.O. Bonds	-	500,000	-	-	-	500,000
GS0223-A-B	Capital Acquisitions	G.O. Bonds	6,000,000	10,000,000	11,000,000	12,000,000	12,000,000	51,000,000
GS Total			\$30,000,000	\$24,500,000	\$24,500,000	\$24,000,000	\$24,000,000	\$127,000,000

FY24 Proposed Budget: Housing and Community Development

Project Number	Project Name	Funding Source	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
CD01030	South City - MHA Foote Homes (HOPE VI)	G.O. Bonds	2,000,000	-	-	-	-	2,000,000
CD02018	Edgeview at Legends Park (Sr. Housing)	G.O. Bonds	500,000	-	-	-	-	500,000
CD TBD	Pinch District	G.O. Bonds	-	250,000	250,000	-	-	500,000
CD TBD	Melrose Project - Match	G.O. Bonds	-	1,800,000	-	-	-	1,800,000
HCD Total			\$2,500,000	\$2,050,000	\$250,000	-	-	\$4,800,000

FY24 Proposed Budget: Information Technology

Project Number	Project Name	Funding Source	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
IT01001	IT01001 Desktop & App Infrastruc	G.O. Bonds	500,000	-	250,000	250,000	250,000	1,250,000
IT01002	IT01002 Cyber Security Infrastruc Upg	G.O. Bonds	1,000,000	250,000	500,000	500,000	500,000	2,750,000
IT01003	IT01003 Operational Infrastruc Enhanc	G.O. Bonds	1,000,000	750,000	1,000,000	1,000,000	1,000,000	4,750,000
IT01004	IT01004 Implementation Modernization	G.O. Bonds	1,000,000	200,000	500,000	500,000	500,000	2,700,000
IT01005	FY23 Treasury Tax System	G.O. Bonds	2,000,000	-	-	-	-	2,000,000
IT Total			\$5,500,000	\$1,200,000	\$2,250,000	\$2,250,000	\$2,250,000	\$13,450,000

FY24 Proposed Budget: Library Services

Project Number	Project Name	Funding Source	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
LB TBD	New Library to replace Levi	G.O. Bonds	-	750,000	750,000	5,000,000	4,000,000	10,500,000
Library Total			-	\$750,000	\$750,000	\$5,000,000	\$4,000,000	\$10,500,000

FY24 Proposed Budget: MATA

Project Number	Project Name	Funding Source	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
GA03028	Innovation Corridor BRT	G.O. Bonds	5,000,000	5,005,750	7,041,500	-	-	17,047,250
GA03029	Transit Vision Project	G.O. Bonds	1,000,000	750,000	750,000	750,000	750,000	4,000,000
MATA Total			\$6,000,000	\$5,755,750	\$7,791,500	\$750,000	\$750,000	\$21,047,250

FY24 Proposed Budget: Memphis Parks

Project Number	Project Name	Funding Source	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
PK01036	New Lester Community Center	G.O. Bonds	4,000,000	5,000,000	7,000,000	-	-	16,000,000
PK03004	Tennis Major Maint	G.O. Bonds	750,000	600,000	500,000	500,000	500,000	2,850,000
PK06018	Audubon Golf Course Redesign	G.O. Bonds	4,000,000	5,000,000	1,000,000	-	-	10,000,000
PK07127	Wolf River Greenway - Phase 6	G.O. Bonds	1,000,000	1,500,000	1,500,000	1,500,000	1,500,000	7,000,000
PK08037	Lichterman Major Maint	G.O. Bonds	500,000	250,000	250,000	1,000,000	1,000,000	3,000,000
PK09002	Zoo Major Maint	G.O. Bonds	250,000	250,000	250,000	250,000	250,000	1,250,000
PK23100	Parks Coverline	G.O. Bonds	2,500,000	2,500,000	3,000,000	3,000,000	3,000,000	14,000,000
PK TBD	Brooks Museum	G.O. Bonds	-	-	2,000,000	-	-	2,000,000
PK TBD	RedZone Opportunity Zone	G.O. Bonds	-	1,100,000	-	-	-	1,100,000
PK TBD	Botanic Garden Infrastructure	G.O. Bonds	-	500,000	500,000	-	-	1,000,000
Parks Total			\$13,000,000	\$16,700,000	\$16,000,000	\$6,250,000	\$6,250,000	\$58,200,000

FY24 Proposed Budget: MRPP

Project Number	Project Name	Funding Source	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
GA07002	GA07002 MRPP Coverline	G.O. Bonds	-	250,000	250,000	250,000	250,000	1,000,000
GA07003	GA07003 Garage Repairs-Front at Poplar	G.O. Bonds	120,000	-	-	-	-	120,000
GA07004	GA07004 Gates-Wagner Parking Lot	G.O. Bonds	30,000	-	-	-	-	30,000
GA07005	GA07005 Greenbelt Park Fence Upgrades	G.O. Bonds	125,000	-	-	-	-	125,000
GA07006	GA07006 Canopy Lighting-Mud Isl. Terminals	G.O. Bonds	525,000	-	-	-	-	525,000
MRPP Total			\$800,000	\$250,000	\$250,000	\$250,000	\$250,000	\$1,800,000

FY24 Proposed Budget: Police Services

Project Number	Project Name	Funding Source	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
PD02010	Raines Station (on SouthWest Location)	G.O. Bonds	-	1,000,000	1,000,000	5,000,000	5,000,000	12,000,000
PD02013	Police Academy Reno	G.O. Bonds	750,000	750,000	437,000	-	-	1,937,000
PD02016	Mount Moriah Station	G.O. Bonds	4,000,000	4,000,000	2,000,000	-	-	10,000,000
PD03010	Take-Home Car Program	G.O. Bonds	-	1,500,000	2,000,000	1,000,000	1,000,000	5,500,000
PD04022	In-Car Video/GPS/BWC	G.O. Bonds	1,000,000	-	-	-	-	1,000,000
PD04029	Radio Maint	G.O. Bonds	300,000	733,000	-	-	-	1,033,000
PD TBD	AXON Updates	G.O. Bonds	-	11,000,000	11,000,000	11,000,000	11,000,000	44,000,000
Police Total			\$6,050,000	\$18,983,000	\$16,437,000	\$17,000,000	\$17,000,000	\$75,470,000

FY24 Proposed Budget: Public Works

Project Number	Project Name	Funding Source	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
PW23100	Asphalt Paving Cover	G.O. Bonds	20,000,000	15,000,000	15,000,000	20,000,000	20,000,000	90,000,000
PW23200	Sidewalks Coverline	G.O. Bonds	500,000	500,000	500,000	500,000	500,000	2,500,000
PW23300	ADA Curb Ramp Cover	G.O. Bonds	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	5,000,000
PW23400	Bridge Repair Coverline	G.O. Bonds	800,000	800,000	800,000	800,000	800,000	4,000,000
PW01290	Channel Avenue Repaving	G.O. Bonds	1,400,000	-	-	-	-	1,400,000
Public Works Total			\$23,700,000	\$17,300,000	\$17,300,000	\$22,300,000	\$22,300,000	\$102,900,000

FY24 Proposed Budget: Public Works-Sewer Fund CIP

Project Number	Project Name	Funding Source (Shown on Project Specific)	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
SW24100	Misc Subdivisions Outfalls Coverline	Various	3,500,000	2,500,000	-	-	-	
SW24200	Rehab Existing System Coverline	Various	14,500,000	17,000,000	-	-	-	
SW24300	Service Unsewered Coverline	Various	2,000,000	2,000,000	-	-	-	
SW02011	Covered Anaerobic Lagoon	Various	4,000,000	1,000,000	-	-	-	5,000,000
SW02033	South Plant Expansion	Various	32,500,000	25,000,000	8,000,000	-	-	65,500,000
SW04009	Stiles Plant Modification	Various	10,000,000	10,000,000	5,000,000	5,000,000	5,000,000	35,000,000
SW04011	Stiles WWTF Biosolids Upgrades	Various	31,000,000	31,000,000	30,500,000	5,500,000	5,000,000	103,000,000
SW05001	Sewer Assessment and Rehab	Various	40,000,000	20,000,000	20,000,000	10,000,000	10,000,000	100,000,000
Sewer Fund CIP Total			\$137,500,000	\$108,500,000	\$63,500,000	\$20,500,000	\$20,000,000	\$350,000,000

FY24 Proposed Budget: Public Works-Storm Water Fund CIP

Project Number	Project Name	Funding Source (Shown on Project Specific)	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
ST02001	Design Coverline	Various	6,000,000	7,225,000	13,230,000	13,230,000	9,900,000	49,585,000
ST03205	Drainage Coverline	Various	10,000,000	32,037,000	25,690,000	25,655,000	25,655,000	119,037,000
ST03211	Curb & Gutter Misc Locations	Various	500,000	500,000	500,000	500,000	500,000	2,500,000
ST03214	Flood Mitigation Coverline	Various	350,000	350,000	350,000	350,000	350,000	1,750,000
ST03216	Bridge Repair Coverline	Various	500,000	500,000	500,000	500,000	500,000	2,500,000
Storm Water Fund CIP Total			\$17,350,000	\$40,612,000	\$40,270,000	\$40,235,000	\$36,905,000	\$175,372,000

Item 18-OMIT



Resolution for City Treasurer to Prepare 2023 Tax Bills for State Assessed Properties

WHEREAS, the assessment made on various Utilities and Carriers by the Office of State Assessed Properties for the year 2023 will not be received by the City until about December 2023; and

WHEREAS, it is necessary that the City Treasurer prepare tax bills for these Utilities Carriers in order that the 2023 taxes of those taxpayers can be collected during the collection dates for the other Ad Valorem taxes; and

WHEREAS, it is necessary for the 2022 certified assessment to be used as a tentative assessment for the purposes mentioned above.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis, that the City Treasurer be and is hereby directed to prepare tax bills for the various Utilities and Carriers utilizing the last certified assessment and that upon receipt of the certified 2023 assessment of the Office of State Assessed Properties or its successor, the Treasurer be and is hereby directed and authorized to bill the said taxpayers for an increase in the 2023 assessment over the 2022 assessment, or make appropriate adjustments therein; and that he be further directed and authorized to refund any amounts paid by said taxpayer in excess of their certified 2023 Office of State Assessed Properties assessment.

ORDINANCE NO.

AN ORDINANCE TO MAKE MINIMALLY NECESSARY CHANGES TO CERTAIN COUNCIL DISTRICTS ESTABLISHED BY ORDINANCE NO. 5833 TO ENHANCE THE RELATIVE POPULATION DISPERSION AMONG ALL SUCH DISTRICTS AND TO INSURE THAT ALL SUCH DISTRICTS WILL CONTINUE TO COMPLY WITH THE INJUNCTION DECREE ISSUED BY UNITED STATES DISTRICT JUDGE JEROME TURNER PERTAINING TO VOTING RIGHTS ACT REMEDIES

P R E A M B L E

WHEREAS, the City Council adopted Substitute Ordinance No. 5833 on August 23, 2022 to revise City Council electoral districts and to reapportion the City's population based on the population changes reflected in the 2020 federal census;

WHEREAS, Substitute Ordinance No. 5833 expressed the intention to make only minimal changes in existing Council Districts necessary to make each Council District be as equal in population as practicable while complying with 1996 referendum charter amendment and the permanent injunction entered by Judge Jerome Turner on January 29, 1997 that made permanent the redistricting plan approved by Memphis voters;

WHEREAS, a potential clerical error in the total census population for the City may cause the population in two of the single member districts to be outside the ideal ranges of population dispersion preferred under traditional redistricting principles;

WHEREAS, the potential clerical error in the total census population for the City does not affect the redistricting plan for Super Districts or for the remaining five single member districts adopted in Substitute Ordinance No. 5833;

WHEREAS, U.S. Supreme Court and Tennessee precedents recognize that there are no redistricting safe harbors and that population dispersion is one of a totality of factors that courts consider to determine the validity of an electoral redistricting plan;

WHEREAS, assuming that there are deviations from the ideal ranges of population dispersion in Ordinance No. 5833 for two single member districts the Council's legal counsel has expressed the opinion that such deviations do not affect

the legal validity of the redistricting plan for any council district adopted in Ordinance No. 5833;

WHEREAS, the Council desires out of an abundance of caution to reassign one precinct from Districts 5 to District 2, which will bring those districts within the ideal ranges of population dispersion preferred under traditional redistricting principles;

WHEREAS, the Council finds that the proposed change to the redistricting plan adopted in Ordinance No. 5833 does not dilute minority vote, create voter confusion and disruption, materially change the compactness of any district or existing voting patterns of minority voters; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS:

Section 1. Redistricting Amendment. That the Council districts 1 through 7, both inclusive, which are represented, by one council member each and multi-member districts 8 and 9, which are composed of approximately one-half the total city's population and are each represented by three (3) council members elected by position, shall each be amended and reconstituted to include the following Wards and Precincts:

DISTRICT ONE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts”, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

- DISTRICT 1
- 111
- 108
- 110
- 609
- 601
- 606
- 502
- 109
- 608
- 605
- 604

501

505

DISTRICT TWO shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts”, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

DISTRICT 2

404

412

409

407

509

507

511

202

1205

1204

1303

403

408

504

1203

1202

1312

510

508

ADDED

1301

DISTRICT THREE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

DISTRICT 3

1106

1108

1105

1207

1208
1201
1107
908
1009
1010
911
907

DISTRICT FOUR shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

DISTRICT 4

1101
1307
1008
1005
1004
1007
811
1003
1103
1001
1102
1104

DISTRICT FIVE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

DISTRICT 5

401
708
709
707
1308
710

1304
1302
1301 reassigned
to District 2
1305
1306
1309
1310
1311
402

DISTRICT SIX shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

DISTRICT 6

909
906
901
910
905
904
902
903
1002
812
808
810
809
806
807
1006

DISTRICT SEVEN shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

DISTRICT 7

803
104
801
701
702
703
704
705
706
607
805
804
802
603

DISTRICT EIGHT shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards” and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

SUPER DISTRICT EIGHT

104
701
702
703
704
705
706
801
802
803
804
805
806
807
808
809
810
811
812

901
902
903
904
905
906
907
908
909
910
911
1001
1002
1003
1004
1006
1007
1008
1009
1010
1102
1103
1104
1105
1107
1108
1201
1207

DISTRICT NINE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards” and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

SUPER DISTRICT NINE

108
109

110
111
202
401
402
403
404
407
408
409
412
501
502
504
505
507
508
509
510
511
601
603
604
605
606
607
608
609
707
708
709
710
1005
1101
1106
1202
1203
1204
1205
1208

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Wards and precincts have been allocated between the various districts using the U.S. Census Bureau's block and ward/precinct data released by the U.S. Census Department to the Governor and General Assembly of the State of Tennessee. Such data may vary from the wards and precincts split or consolidated by the Shelby County Election Commission after the compilation of census data by the U.S. Census Bureau.

Reference is made to the Memphis Municipal Code, as amended, and to the Official Ward and Precinct Map of the City of Memphis in the Office of the City Comptroller for a description of the wards and precincts hereinabove allocated to the respective districts One (1) through Nine (9), both inclusive. Annexed areas shall be assigned as future wards are described. Reference is also made to the minutes of the Board of Commissioners of Shelby County, Tennessee, for ordinances and resolutions establishing precinct lines. A map describing said Districts, as amended, is hereby adopted and is ordered to be filed with the Comptroller of the City of Memphis. Should there be discrepancies between the official U.S. census districts and the voting districts assigned by the Shelby County Election Commission and the text of this Ordinance using the Election Commission's descriptions of voting districts and precincts such discrepancies shall be resolved by the Election Commission by reference to the official map filed with the Comptroller of the City, which shall control.

Section 2. Nonconflicting-Conflicting Laws.

BE IT FURTHER ORDAINED That all laws or ordinances of the City of Memphis, not in conflict with this Ordinance, be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 3. Severability.

BE IT FURTHER ORDAINED, That if any clause, sentence, paragraph, section or part of this ordinance shall be held or declared to be unconstitutional or void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 4. Effective Date.

BE IT FURTHER ORDAINED, That this ordinance shall take effect immediately after its adoption, the public welfare requiring it.

SPONSORS:

CHASE CARLISLE COUNCIL MEMBER DIST. 9

FORD CANALE COUNCIL MEMBER DIST. 9

FRANK COLVETT COUNCIL MEMBER DIST. 2

**MARTAVIUS JONES
CHAIRMAN OF COUNCIL**

Attest:

VALERIE C. SNIPES
Deputy City Comptroller

**An Ordinance to Amend Chapter 25—Pension and Retirement System
of the City of Memphis, Tennessee**

WHEREAS, the City of Memphis, Tennessee (the “Employer”) has adopted a defined benefit retirement plan known as City of Memphis Retirement System for General Employees, including police officers and firefighters, as subsequently amended and restated from time to time, and consisting of a 1948 plan (that part of the plan benefiting employees participating under the provisions of sections 4-25-60 through 4-25-99) and a 1978 plan (that part of the plan benefiting employees participating under the provisions of sections 4-25-160 through 4-25-199), as amended in 2012, and a 2016 plan (that part of the plan benefiting employees participating under the provisions of sections through 4-25-210 through 4-25-274), currently codified and established under City Ordinance Chapter 25, Articles I through VII, Division 1 and Division 2 and Division 3 (collectively, “the Pension System”); and

WHEREAS, the Employer desires to amend the Pension System as provided herein,

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEMPHIS that the Pension and Retirement System of the City of Memphis be amended as follows:

1. Sec. 4-25-1(11) Compensation shall be amended by addition of the following subparagraph as subparagraph (e) and subparagraph (f) thereto:

(e) *Back pay.* For purposes of determining average monthly compensation under section 4-25-1(1), and section 4-25-1(4) pay awarded by an administrative agency or court or pursuant to a bona fide agreement by the city to compensate a participant for lost wages shall be credited as pay to each individual year to which the award or agreement for back pay pertains, rather than to the year in which the award, agreement or payment is made.

(f). *Overtime pay.* For purposes of determining average monthly compensation under section 4-25-1(1) and section 4-25-1(4) “overtime pay” constitutes pay in excess of forty (40) hours a week regardless of the rate for which such hours are paid.

2. Sec. 4-25-1(17) References, construction and definitions - *Employee* as presently written shall be amended and restated in its entirety and the following provision shall be substituted in lieu thereof:

17. *Employee* means, except for any such employee who is eligible to make and has duly made the election provided in sections 4-25-160(E) and 4-25-160(F) hereof, any person hired on or before June 30, 2016, but who as of June 30, 2016 has seven and one-half (7.5) or more years of service with the city and who was

on June 30, 2016 a participant in the City of Memphis Retirement System for General Employees, including police officers and firefighters, under City Ordinance Chapter 25, Articles I through VII, in the regular, full-time employ of the city to the extent that the city contributes to the salary of such employee in a job classification or title that the city administration shall designate as eligible for participation in the plan, including any person who is elected to his/her office by the people, but not including the light, gas and water division of the city, temporary employees as classified by the city, part-time employees, or any employee mandated by law to contribute to the federal Social Security system and not eligible to be a participant by his/her job classification.

The term “*employee*” shall also not include any person who is a leased employee within the meaning of code section 414(n). Leased employee means any person (other than an employee of the recipient) who pursuant to an agreement between the recipient and any other person (“leasing organization”) has performed services for the recipient (or for the recipient and related persons determined in accordance with code section 414(n)(6)) on a substantially full-time basis for a period of at least one year, and such services are performed under primary direction or control by the recipient. Contributions or benefits provided a leased employee by the leasing organization which are attributable to services performed for the recipient employer shall be treated as provided by the recipient employer. A leased employee shall not be considered an employee (unless otherwise specifically covered by the pension system) of the recipient if: (i) such employee is covered by a money purchase pension plan providing: (1) a nonintegrated employer contribution rate of at least ten percent of compensation, as defined in code section 415(c)(3), but including amounts contributed pursuant to a salary reduction agreement which are excludible from the employee's gross income under code section 125, code section 1320, code section 401(k), code section 402(h) or code section 403(b), (2) immediate participation, and (3) full and immediate vesting; and (ii) leased employees do not constitute more than 20 percent of the recipient's non-highly compensated workforce.

3. **Sec. 4-25-1(30) Normal retirement date** shall be amended by addition thereto as subsection (d) the following subsection (d) to read as follows:

d. *2016 Plan*. “Normal retirement date” for participants of the 2016 Cash Balance Plan/Defined Contribution Plan means:

i. General employees: the first day of the month coincident with or next following earliest date on which the participant, other than a commissioned police officer or firefighter:

Attains:

(A) Age 65 and completes five years of service; or

(B) Twenty-five (25) years of service and submits a written election designating the date he or she will retire not less than 30 days before such designated date.

- ii. Police officers and firefighters: the first day of the month coincident with or next following earliest date on which the participant:

Attains:

(A) Age 55 and ten years of service; or

(B) Twenty-five (25) years of service and submits a written election designating the date he or she will retire not less than 30 days before such designated date.

- 4. **Sec. 4-25-2 Board of Administration created; composition; election and term of members**, as presently written shall be repealed in its entirety and the following provision shall be substituted in lieu thereof and designated as Section Sec. 4-25-2:

Sec. 4-25-2 – Board of Administration created; composition; election and terms of members.

There is created and established a board of administration which, under the provisions of this title and the direction of the mayor, shall administer the plan and the trust fund created by this title. The board shall consist of the mayor or the mayor's designee, the officer in charge of the division of personnel or that officer's designee, the comptroller, four employees of the city with at least ten years of service, one employee of the city who is a participant in the 2016 plan with at least four years of service, a citizen member of the city, a retiree of the plan, and a member of the city council. The member of city council shall be an ex officio member without a vote. The officer in charge of the division of personnel or that officer's designee shall be an ex officio member without a vote. The employee, citizen and retiree members of the board shall be appointed on the first Tuesday in December in odd-numbered years by the council on the recommendation of the mayor, for two year appointments which shall begin on the January 1 next following the appointments. The council member of the board shall be the chair of the city council or the chair's designee, who will be appointed each December, to serve for one year beginning on the January 1 next following the appointments. Each of the employee, citizen, retiree member, and city council member of the board shall serve until his or her successor is duly appointed. Vacancies during the term of any employee, citizen, retiree and/or city council member shall be filled by appointment in the same manner as provided for the original appointment except that such appointment shall be made as soon as reasonably feasible after such vacancy occurs (regardless of the year or when in the year such vacancy occurs). The term of such member shall begin effective immediately upon such

appointment, and such member so appointed shall serve for the unexpired term of the original member or until a successor to such member is duly appointed. Until a vacancy is filled as provided herein the action of a quorum of the members as provided in section 4-25-7 shall be and constitute a valid and binding action of the board notwithstanding that a position is vacant.

5. **Sec. 4-25-48** shall be added as follows:

Sec. 4-25-48. Disqualified Participants. Any participant who is convicted in any state or federal court of a felony arising out of the participant's employment or official capacity with the city constituting malfeasance in office shall forfeit the participant's retirement pension benefits hereunder. Such participant's rights shall be governed by Sec. 8-36-918 of the Tennessee Code Annotated, as amended, and any successor statute thereto.

6. **Sec. 4-25-160 Participation** shall be amended by addition thereto as subsection (F) the following subsection (F) to read as follows:

F. Commissioned Police Officer, Firefighter, Police Dispatcher, Fire Dispatcher, Fire Alarm Operators, and Paramedics.

1. *Hire dates on or after July 1, 2023.* Each employee who is hired on or after July 1, 2023 as a commissioned police officer, firefighter, police dispatcher, fire dispatcher, fire alarm operator, or paramedic (for purposes of this subsection referred to as an "eligible public safety employee") may make a one-time irrevocable election upon the eligible public safety employee's date of hire in the form and manner and within the time prescribed by the Board to opt out of participation in the 2016 Plan and elect in lieu thereof to participate in the 1978 Plan provided that the rate of employee contributions required of the eligible public safety employee is identical in each Plan regardless of participation in the 1978 Plan or 2016 Plan.
2. *Hire dates on or after July 1, 2016 and on or before June 30, 2023.* Provided that the rate of employee contributions required of the eligible public safety employee is identical in each Plan regardless of participation in the 1978 Plan or 2016 Plan, each employee who is hired as a commissioned police officer, firefighter, police dispatcher, fire dispatcher, fire alarm operator, or paramedic on or after July 1, 2016 and on or before June 30, 2023 who meets each and all of the following listed criteria may make a one-time irrevocable election in the form and manner and within the time prescribed by the Board to have his or her entire 2016 Plan cash balance account plus his or her entire 2016 defined contribution plan account balance transferred to the 1978 Plan, whereupon his or her participation in the 2016 Plan and any and all rights and benefits thereunder shall cease and such participant shall participate in the 1978 Plan, the same as if he or she had never participated in the 2016 Plan. To make such election, such participant must meet each and all of the following criteria:

- a. Since such employee's date of hire such employee has continuously been employed by the city in full-time employment as a commissioned police officer, firefighter, police dispatcher, or fire dispatcher;
 - b. Such employee has not experienced a severance date as such term is defined in section 4-25-1(39);
 - c. Such employee has not withdrawn any amount of his or her cash balance account or separate defined contribution plan account from the 2016 Plan; and
 - d. Has not otherwise made an election under Section 4-25-160(E)
3. As required by T.C.A. §9-3-506(a)(3) and the Comptroller of the State of Tennessee, the pension benefits of the eligible public safety employees making the irrevocable election provided in this subsection (F) shall be funded by and only to the extent of the city contribution to the cost of the pension benefits that would otherwise have accrued for such employees in the 2016 Plan plus the available funds allocated for the cost of pension benefits of these employees in the Special Revenue Fund created pursuant to the referendum passed October 3, 2019 increasing the sales and use tax in the City of Memphis by 0.5% from 2.25% to 2.75% to restore pension benefits of public safety employees from and after the date of such referendum. In the event the cost of the pension benefits for the eligible employees making the irrevocable election provided in this subsection (F) in the 1978 Plan in any Plan Year (based on the city's funding policy in effect for such Plan Year adopted pursuant to T.C.A. §9-3-504, as amended) exceeds: (i) the cost of the pension benefits for these employees had they participated in the 2016 Plan (based on the city's funding policy in effect for such plan year adopted pursuant to T.C.A. §9-3-504, as amended) rather than the 1978 Plan, plus (ii) the city's required 1.5% of compensation defined contribution plan contribution otherwise allocable to 2016 plan defined contribution accounts of these employees (as provided in section 4- 25-231) had they participated in the 2016 Plan rather than the 1978 Plan, plus (iii) the amount allocated in the Special Revenue Fund for the cost of the pension benefits for public safety employees in the 1978 Plan, then the following steps shall automatically apply in determining the pension benefit of such eligible public safety employees for such Plan Year:
- a. The retirement allowance formula for the pension benefit of these employees for such Plan Year will be reduced from 2.25% or 2.50%, as applicable, in ten basis point increments, to such lesser amount (but not below zero) as is necessary so that the costs of benefits for these employees does not exceed does not exceed the sum of (i), (ii), and (iii) immediately above;

- b. The adjustment provided above shall be effective as of July 1 next following the determination of the cost of benefits, and shall not reduce the accrued pension benefit of any such eligible public safety employee earned immediately prior to the effective date of the adjustment.
- 4. The elections provided in this subsection (F) once made shall be irrevocable and may not be subsequently modified or rescinded by the employee. If an employee eligible to make an election hereunder makes such an election as provided herein, all rights and benefits upon subsequent retirement or other termination of employment of such employee shall be governed solely and exclusively by the terms and provisions of the plan to which the employee elected and such employee shall have no rights under any other plan of the pension system.
- 7. **Sec. 4-25-192 Refund upon death** subsection “B” shall be deleted in its entirety and the following Section 4-25-192 subsection “B” substituted therefor as subsection “B”:
 - B. The beneficiaries of the refund under subsection A of this section shall be the person so designated by the participant in writing, or, if no such designation, his or her estate. Notwithstanding the foregoing, however, a final divorce decree shall terminate an ex-spouse’s status as beneficiary, unless the participant has on file in the Retirement Office a beneficiary designation that redesignates the ex-spouse as beneficiary dated subsequent to the issuance of the divorce decree.
- 8. **Sec. 4-25-194 Residual benefits and refund of employee contributions** subsection “b” shall be deleted in its entirety and the following Section 4-25-194 subsection “b” substituted therefor as subsection “b”:
 - b. For a participant whose employment terminates due to death, whose beneficiaries are not entitled to any benefit under any other section of this plan, such participant's beneficiaries, in the order specified below, shall be entitled to receive a refund of the participant's contributions, less the aggregate of any amount of such contributions paid to the participant, the participant's spouse, children or any other designated beneficiary, prior to the participant's death. The beneficiaries of the benefit under this section (or in the case of residual benefits the beneficiaries of any residual benefits under section 4-25-194(a) hereof) shall be:

- (i) the beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board). Notwithstanding the foregoing to the contrary, if the participant is married at the time of such designation, if the beneficiary or beneficiaries designated by the participant is not the participant's spouse, the participant's spouse's written consent to such specific beneficiary or beneficiaries shall be required for such designation to be effective, and such consent shall be witnessed by a

notary public or by the Benefits Manager of the City, the Total Rewards Officer of the city, or such other person representing the Board as duly designated by the Board. A participant's spouse may give a general consent acknowledging the spouse's right to consent to any beneficiary or beneficiaries and relinquishing such right, in which event any future revocation and/or redesignation of beneficiary(ies) by the participant shall not require further spousal consent. The consent of the spouse must acknowledge the effect of such election and, once given, cannot be revoked by such spouse. Any spousal consent shall only be applicable to the spouse granting such consent, or

(ii) the participant's spouse, if married to the participant at the time of his/her death, or

(iii) if no such spouse, the participant's surviving child and handicapped child, as those terms are defined in section 4-25-1(6), or

(iv) if no such surviving child and/or handicapped child, to the participant's surviving child as the term "child" is defined in section 4-25-1(6) but without regard to the child's age or status in an educational institution, or

(v) if no such surviving child to the alternative beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board) or

(vi) if the participant failed to designate an alternate beneficiary or beneficiaries as provided above, to the participant's estate.

If there is more than one eligible beneficiary the benefit shall be divided equally among the eligible beneficiaries unless the beneficiaries are designated beneficiaries by the participant as provided above whereupon the benefit will be divided in accordance with the designation by the participant, or if no such designation then equally. For purposes of this section, the terms "spouse" and "child" shall mean any person who the Board determines in good faith under the plan is the legally recognized spouse or child of the participant. Notwithstanding the foregoing, a final divorce decree shall terminate an ex-spouse's status as beneficiary, unless the participant has on file in the Retirement Office a beneficiary designation that redesignates the ex-spouse as beneficiary dated subsequent to the issuance of the divorce decree. Each beneficiary, or his/her duly appointed representative, shall be responsible for making application, in accordance with uniform procedures established by the Board, for any benefit due him/her under this section. A beneficiary shall have no claim against the Board, or the pension system, or the city by reason of the failure of such beneficiary to apply properly or timely for benefits under the pension system.

9. **Sec. 4-25-212** shall be amended and restated in its entirety and the following deleted in its entirety and the following Section 4-25-192 subsection “B” substituted therefor:

Except as provided in section 4-25-211(B), any former participant under this 2016 plan or the 1978 plan, as amended in 2012, or the 1948 plan of this chapter who is reemployed as an employee shall enter this 2016 plan as a participant upon his/her reemployment commencement date. His/her years of service shall be determined as provided under section 4-25-1(45).

Notwithstanding the foregoing, a police officer or firefighter who was a participant in the 1978 Plan who terminated employment prior to July 1, 2016 and received a lump sum withdrawal or refund of employee contributions pursuant section 4-25-185 of the 1978 Plan, and who is reemployed as a police officer or firefighter on or after July 1, 2023 shall have the right to be a participant in the 1978 Plan upon such reemployment provided such police officer or firefighter (i) elects in writing in the manner, method, within the time limit, and on such forms as prescribed by the board to repay the trust as provided below; and (ii) such participant repays in full to the trust pursuant to such election in a single lump sum an amount equal to the withdrawal or refunded amount with compounded interest, from the date of withdrawal or refund to the date of repayment, at the rate established by the board. Upon fulfillment of all conditions above (i) such participant shall be an Employee for purposes of Section 1-25-1(l 7), (ii) such participant shall be a participant in the City of Memphis Retirement System for General Employees, including police officers and firefighters, under City Ordinance Chapter 25, Articles I through VII, Division 2, as applicable, and shall not participate in the 2016 plan, and (iii) the years of service of such participant in the 1978 Plan prior to the participant’s termination of employment that would otherwise be disregarded because of his/her prior termination of employment shall be restored. Absent fulfillment of the conditions above such police officer or firefighter upon his/her reemployment shall enter this 2016 Plan.

10. **Sec. 4-25-253** *Residual benefits* shall be deleted in its entirety and the following Section 4-25-253 substituted therefor:

Notwithstanding any other sections of this 2016 plan, a participant's beneficiaries, in the order of priority as set forth in section 4-25-254 hereof, shall be paid any excess of the participant's total accumulated employee contributions, minus the aggregate total retirement and death benefit payments under this 2016 plan made to the participant, the participant's spouse, children, or any other designated beneficiary, following the death of all such individuals. Notwithstanding the foregoing, however, a final divorce decree shall terminate an ex-spouse’s status as beneficiary, unless the participant has on file in the Retirement Office a

beneficiary designation that redesignates the ex-spouse as beneficiary dated subsequent to the issuance of the divorce decree.

11.Sec. 4-25-254 *Employee contributions refund upon death* subsection “B” shall be deleted in its entirety and the following Section 4-25-254:

For a participant whose employment terminates due to death, whose beneficiaries are not entitled to any benefit under any other section of this plan, such participant's beneficiaries, in the order specified below, shall be entitled to receive a refund of the participant's contributions, less the aggregate of any amount of such contributions paid to the participant, the participant's spouse, children or any other designated beneficiary, prior to the participant's death. The beneficiaries of the benefit under this section (or in the case of residual benefits the beneficiaries of any residual benefits under section 4-28-20(A) hereof) shall be:

(i) the beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the board). Notwithstanding the foregoing to the contrary, if the participant is married at the time of such designation, if the beneficiary or beneficiaries designated by the participant is not the participant's spouse, the participant's spouse's written consent to such specific beneficiary or beneficiaries shall be required for such designation to be effective, and such consent shall be witnessed by a notary public or by the benefits manager of the city, the total rewards officer of the city, or such other person representing the board as duly designated by the board. A participant's spouse may give a general consent acknowledging the spouse's right to consent to any beneficiary or beneficiaries and relinquishing such right, in which event any future revocation and/or redesignation of beneficiary(ies) by the participant shall not require further spousal consent. The consent of the spouse must acknowledge the effect of such election and, once given, cannot be revoked by such spouse. Any spousal consent shall only be applicable to the spouse granting such consent, or

(ii) the participant's spouse, if married to the participant at the time of his/her death, or

(iii) if no such spouse, the participant's surviving child and handicapped child, as those terms are defined in https://library.municode.com/tn/memphis/codes/code_of_ordinances?nodeId=TIT4PERESY_CH4-4DEGEPR_S4-4-1RECODE section 4-25-1(6), or

(iv) if no such surviving child and/or handicapped child, to the participant's surviving child as the term "child" is defined in section 4-25-1(6) but without regard to the child's age or status in an educational institution, or

(v) if no such surviving child to the alternative beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board) or

(vi) if the participant failed to designate an alternate beneficiary or beneficiaries as provided above, to the participant's estate.

If there is more than one eligible beneficiary the benefit shall be divided equally among the eligible beneficiaries unless the beneficiaries are designated beneficiaries by the participant as provided above whereupon the benefit will be divided in accordance with the designation by the participant, or if no such designation then equally. For purposes of this section, the terms "spouse" and "child" shall mean any person who the Board determines in good faith under the plan is the legally recognized spouse or child of the participant. Notwithstanding the foregoing, a final divorce decree shall terminate an ex-spouse's status as beneficiary, unless the participant has on file in the Retirement Office a beneficiary designation that redesignates the ex-spouse as beneficiary dated subsequent to the issuance of the divorce decree. Each beneficiary, or his/her duly appointed representative, shall be responsible for making application, in accordance with uniform procedures established by the Board, for any benefit due him/her under this section. A beneficiary shall have no claim against the Board, or the pension system, or the city by reason of the failure of such beneficiary to apply properly or timely for benefits under the pension system.

SPONSOR

ADMINISTRATION

CHIARMAN

MARTAVIUS JONES

ORDINANCE NO.

ORDINANCE TRANSFERRING THE DIVISION OF TRAFFIC VIOLATIONS BUREAU FROM THE CITY COURT CLERK'S OFFICE AND REINSTATING THE DIVISION OF TRAFFIC VIOLATIONS BUREAU AS A SEPARATE DIVISION WITHIN THE DIVISION OF FINANCE AND ADMINISTRATION TO BE SUPERVISED BY A DEPUTY DIRECTOR APPOINTED BY THE MAYOR AND APPROVED BY THE MEMPHIS CITY COUNCIL AND ELIMINATING THE OFFICE OF CITY COURT CLERK AS AN ELECTED OFFICE OF THE CITY

WHEREAS, by Ordinance No. 926 adopted April 27, 1971 the Memphis City Council ratified the creation of a traffic violations bureau, which was then under the budget and finance department of the City and transferred supervision of and operation thereof as a division within the city court clerk's office separate from the functions of the City Courts;

WHEREAS, the Council adopted Ordinance No. 2246 on April 29, 1975 providing, *inter alia*, for the election of a City Court Clerk and for the selection of separate deputy clerks to supervise (1) the Traffic Violations Bureau and (2) the clerical functions of the City Court's per se;

WHEREAS, the City's attorneys have advised the Council that as a part of their review of the City's charter and ordinances in connection with the 2021 Codification project that Ordinance No. 2246 was not properly adopted as a charter amendment pursuant to Article XI, section 9 of the Tennessee Constitution and therefore may be invalid and void in whole or in part;

WHEREAS, Ordinance No. 2246, however, may still be valid and effective as an ordinary ordinance of the City to the extent that it is not in conflict with the City's charter in effect on April 29, 1975 or thereafter and to the extent the provisions thereof are not subsequently amended or repealed by the Council;

WHEREAS, Ordinance No. 2246 purported to repeal Article 35, section 260 of the City's Charter in effect on April 29, 1975; however, under Article XI, section 9 of the Tennessee Constitution the City's Home Rule Charter may only be amended by a charter amending ordinance of equal dignity and not by an ordinary ordinance that has not been approved as a charter amendment pursuant to Article XI, section 9 of the Tennessee Constitution;

WHEREAS, Ordinance No. 2246, as a non-charter amending ordinance, is in conflict with Ordinance No. 770 adopted by the City Council on August 25, 1970 and properly approved at a referendum election on November 3, 1970 all in accordance with Article XI, section 9 of the Tennessee Constitution;

WHEREAS, Ordinance No. 770 amended the pre-home rule charter Article 35 pertaining to the operations of the City Court to create the position of an Administrative Judge, to establish the duties of the Administrative Judge, to establish salaries for City Court Judges and for the appointment by the Judges of a City Court Clerk to administer the functions of the City Courts per se;

WHEREAS, prior to the approval of Ordinance No. 770 as amendment to the City's charter, the charter provided that the City Court Clerk would be elected by the Legislative Council of the City following the election of said council;

WHEREAS, there is no lawfully effective provision in Article 35 of the City's Charter or otherwise for the popular election of a City Court Clerk by qualified voters of Memphis to administer the functions of the City Courts per se or to supervise a separate Traffic Violations Bureau as a division of the City;

WHEREAS, the Council desires, subject to approval of the Mayor, to exercise its authority under Referendum Ordinance No. 1300, approved as amendment to the City's Home Rule Charter on August 3, 1972, to transfer the Traffic Violations Bureau from the City Court Clerk to the Division of Finance and Administration as hereinafter set forth;

WHEREAS, Council desires to direct the Mayor and the City Attorney not to certify to the Shelby County Election Commission the office of Memphis City Court Clerk as an elected office of the City in any municipal or special election occurring after the adoption of this Ordinance and to prohibit the use of any city funds to reimburse the Shelby County Election Commission for the cost of including the office of Memphis City Court Clerk on any approved ballot for a Memphis municipal or special election occurring after the adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MEMPHIS CITY COUNCIL AS FOLLOWS:

Section 1. Ordinance No. 2246, adopted April 29, 1975 is hereby repealed in its entirety and the elected office of City Court Clerk is hereby abolished.

Section 2. Subject to approval of the Mayor, the functions and personnel of the City's Traffic Violations Bureau are hereby transferred on or after January 1, 2024 from the City Court Clerk to the Division of Finance and Administration to be administered and supervised by a deputy director appointed by the Mayor and approved by the Memphis City Council. The Division of Finance and Administration and the City Attorney are authorized to determine the procedures and process for completing the transfer.

Section 3. After the transfer of the City's Traffic Violations Bureau from the City Court Clerk to the Division of Finance and Administration, the City Court Clerk's

duties shall be limited to administering all clerical functions of the City Court, which shall include, unless modified by the Administrative Judge, the following:

- a. All functions described in Referendum Ordinance No 770, adopted August 25, 1970 and approved by Memphis voters on November 3, 1970;
- b. All functions described in Section 11-16 of the 1985 City Code, including maintenance, custody and control of the docket and minute books of the City Court. Assignment of cases to the divisions of City Court, subject to Judges' authority to transfer cases among divisions.
- c. Selection of personnel to perform the functions assigned to the City Court Clerk's Office hereunder based on their qualifications for this type work.
- d. Preparation of an annual budget for the City Court Clerk's office to be included with the budget of the City Court required to be submitted to the Mayor by the Administrative Judge each year.
- e. Any and all other functions and duties determined by the Administrative Judge of the City Courts.

Section 4. Notwithstanding Section 1 of Referendum Ordinance No 770 to the contrary, the Administrative Judge is authorized to allow the City Court Clerk to choose special judges from a list of all Tennessee licensed attorneys who volunteer for said service and to assign cases to the divisions of City Court, subject to Judges' authority to transfer cases among divisions.

Section 5. The Mayor and the City Attorney are hereby requested not to certify to the Shelby County Election Commission the office of Memphis City Court Clerk as an elected office of the City in any municipal or special election occurring after the adoption of this Ordinance and are hereby prohibited from expending any city funds to reimburse the Shelby County Election Commission for the cost of including the office of Memphis City Court Clerk on any approved ballot for a Memphis municipal or special election occurring after the adoption of this Ordinance.

Section 6. The provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Section 7. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 8. This Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

SPONSOR

J. FORD CANALE

CHASE CARLISLE

JB SMILEY, JR.

CHAIRMAN

MARTAVIUS JONES

Resolution to raise the tax rate by \$0.29 for FY24

WHEREAS, the Memphis City Council recognizes the need to provide more continuous financial support to certain funds that significantly contribute to the growth and development to the City of Memphis; and

WHEREAS, the Division of Solid Waste and other City Divisions and organizations that have presented before the Council have informed this body, and the public, of the needs of the community; those needs include an increase in access to affordable housing, a more efficient public transportation system, a cleaner city, and programs for the city’s youth; and

WHEREAS, it is the intent of the Memphis City Council to use its authority to allocate funding to achieve these objectives; based on the current state of Memphis’ economy, it is necessary to increase taxes so as to increase the accessibility and quality of the services that the City of Memphis provides to the public.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council hereby increases the tax rate for Fiscal Year 2024 as follows:

Increase tax rate by:	To Fund:
\$0.08	MATA Operations
\$0.04	Affordable Housing Trust Fund
\$0.08	Solid Waste
\$0.04	The creation of an Opportunity Youth Fund
\$0.05	General Fund
Total \$0.29	

Sponsor:
Martavius Jones

**RESOLUTION TO ALLOCATE AND APPROPRIATE AMERICAN RESCUE PLAN
ACT FUNDS FOR A SHELBY COUNTY ENVIRONMENTAL COURT INDIGENT
FUND**

WHEREAS, the City Council has made it a top priority to address blight remediation, alleviate the prevalence of neglected properties, and take proactive steps to beautify the city; and

WHEREAS, there currently exists a need for funding at Shelby County Environmental Court, which maintains a waiting-list of citizens willing to remediate blight on their properties but are unable to do so due to the cost; and

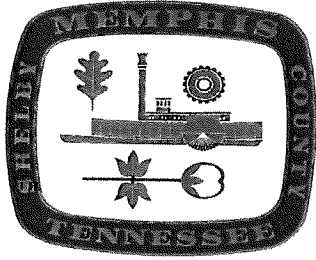
WHEREAS, the City of Memphis American Rescue Plan Act funding previously allocated to the “Community Micro Grocery Initiative” will no longer be able to be completed, making these funds now available for reallocation.

NOW, THEREFORE, BE IT RESOLVED that the City of Memphis ARPA allocations shall be amended by reallocating and reappropriating \$150,000.00 from the Community Micro Grocery Initiative project line item to the Shelby County Environmental Court Foundation for the purposes of establishing an indigent fund to help citizens mitigate blighted properties **and shall not be used for payment of citations and, or other fines.**

THEREFORE, BE IT FURTHER RESOLVED, that a representative of the Shelby County Environmental Court Foundation shall make bi-annual presentations to the Memphis City Council beginning January 2024 and lasting for as long as the court receives funding from the City of Memphis.

Sponsors
Rhonda Logan
Michalyn Easter-Thomas

Chairman
Martavius Jones



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

A Resolution requesting the City of Memphis to transfer its ownership rights and interest in 5 parcels located in Council District 6 to the Blight Authority Memphis / Memphis Metropolitan Land Bank Authority, Shelby County, Tennessee 38106 and further described as Parcel #'s 013017 00013 | 013019 00015| 013033 00003 |013046 00036| 013054 00016;

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

General Services

3. State whether this is a change to an existing ordinance or resolution, if applicable.

This item does not require a change to an existing ordinance.

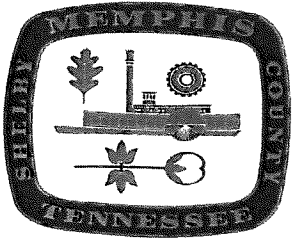
4. State whether this requires a new contract, or amends an existing contract, if applicable.

This item does not require a new contract or amend an existing contract.

5. State whether this requires an expenditure of funds/requires a budget amendment.

This item does not require an expenditure of funds or a budget amendment.

City Council Resolution



A Resolution requesting the City of Memphis to transfer its ownership rights and interest in 5 parcels located in Council District 6 to the Blight Authority Memphis /Memphis Metropolitan Land Bank Authority

Whereas the City of Memphis is the owner of Parcel ID #'s 013017 00013 | 013019 00015 | 013033 00003 |013046 00036| 013054 00016;

Whereas the Blight Authority Memphis / Memphis Metropolitan Land Bank Authority has submitted an offer of Five Hundred and Twenty-Five Dollars (\$525.00) for each Parcel totaling Two Thousand Six Hundred Twenty-Five Dollars (\$2,625.00);

Whereas the Blight Authority Memphis / Memphis Metropolitan Land Bank Authority works with communities to address blight and provide affordable housing through the building of single-family homes;

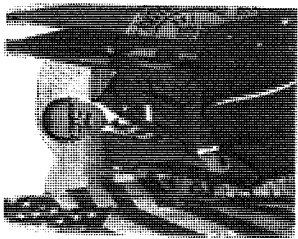
Whereas the Blight Authority Memphis / Memphis Metropolitan Land Bank Authority endeavors to redevelop these parcels for the betterment of the communities in Council District 6 and would like to acquire all interest in the aforementioned City owned parcels;

Whereas the Blight Authority Memphis /Memphis Metropolitan Land Bank Authority has requested that the City of Memphis transfer its interest in Parcel ID #'s 013017 00013 | 013019 00015| 013033 00003 |013046 00036| 013054 00016; and

Whereas it is deemed to be in the best interest of the Citizens of the City of Memphis and County of Shelby that said exchange be accepted subject to City Ordinance 2-16(F).

Now, therefore, be it resolved, by the Council of the City of Memphis that the request made by the Blight Authority Memphis / Memphis Metropolitan Land Bank Authority for the above described property be hereby accepted subject to the City Ordinance 2-16(F) which states in part, "Property acquired by the city for redevelopment purposes may be conveyed upon such terms and conditions as it deems proper and without regard to the conveyance procedure outlined in subsection A of this section, upon passage of a resolution authorizing such sale or conveyance by the City Council upon first reading, which reading shall be final."

Be it further resolved, that subject to the Ordinance, the City of Memphis Real Estate Department shall prepare and arrange for the execution of the quit claim deed, and any other documents incidental to the completion of the transfer, and the Mayor of the City of Memphis is hereby authorized to execute said deeds or any other documents necessary to complete the sale and conveyance. **Be it further resolved**, that subject to the Ordinance, the City of Memphis Real Estate Department shall prepare and arrange for the execution of the quit claim deed, and any other documents incidental to the completion of the transfer, and the Mayor of the City of Memphis is hereby authorized to execute said deeds or any other documents necessary to complete the sale and conveyance.



Willie F. Brooks, Jr.
Shelby County Register of Deeds

Owner: MEMPHIS CITY OF TAX SALE #5
EXH #497

Parcel Address: 0 LATHAM

Parcel ID: 013017 00013

2023 Appraisal: \$3,000

Tax District: MEMPHIS

Year Built:

Lot Number: 0 3

Subdivision: RAUCH

Plat BK & PG: UNKNOWN

Dimensions: 30.3/30 X 128.6/124.3

Total Acres: 0.087

Owner Address: 125 N MAIN ST

MEMPHIS TN

38103 2026



Willie F. Brooks, Jr.
Shelby County Register of Deeds

MEMPHIS CITY OF FOR COMM DEV

Parcel Address: 268 E OLIVE AVE

Parcel ID: 013019 00015

2023 Appraisal: \$3,000

Tax District: MEMPHIS

Year Built:

Lot Number: 0 8

Subdivision: HAYNES

Plat BK & PG: 5-33

Dimensions: 50/47 X 147

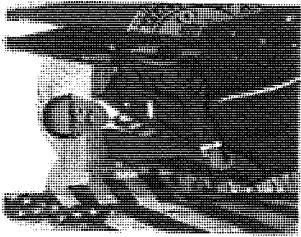
Total Acres: 0.163

Owner Address: 125 N MAIN ST

MEMPHIS TN

38103 2026





Willie F. Brooks, Jr.
 Shelby County Register of Deeds

Owner: MEMPHIS CITY OF DIVISION OF HOUSING & COMMUNITY DEVELOPMENT

Parcel Address: 255 MARYLAND

Parcel ID: 013033 00003

2023 Appraisal: \$3,500

Tax District: MEMPHIS

Year Built:

Lot Number: E PT 17

Subdivision: COCKE

Plat BK & PG: 4-21

Dimensions: 40 X 111

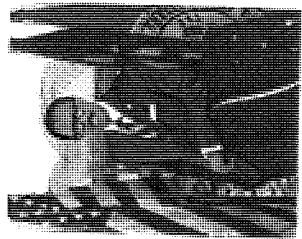
Total Acres: 0.101

Owner Address: 701 N MAIN ST

MEMPHIS TN

38107 2311





Willie F. Brooks, Jr.
Shelby County Register of Deeds

Owner: MEMPHIS CITY OF DIV OF HOUSING & COM DEV

Parcel Address: 366 GASTON

Parcel ID: 013046 00036

2023 Appraisal: \$3,500

Tax District: MEMPHIS

Year Built:

Lot Number: PT 17-18

Subdivision: WASHINGTON HGTS BLK 6

Plat BK & PG: 3-48

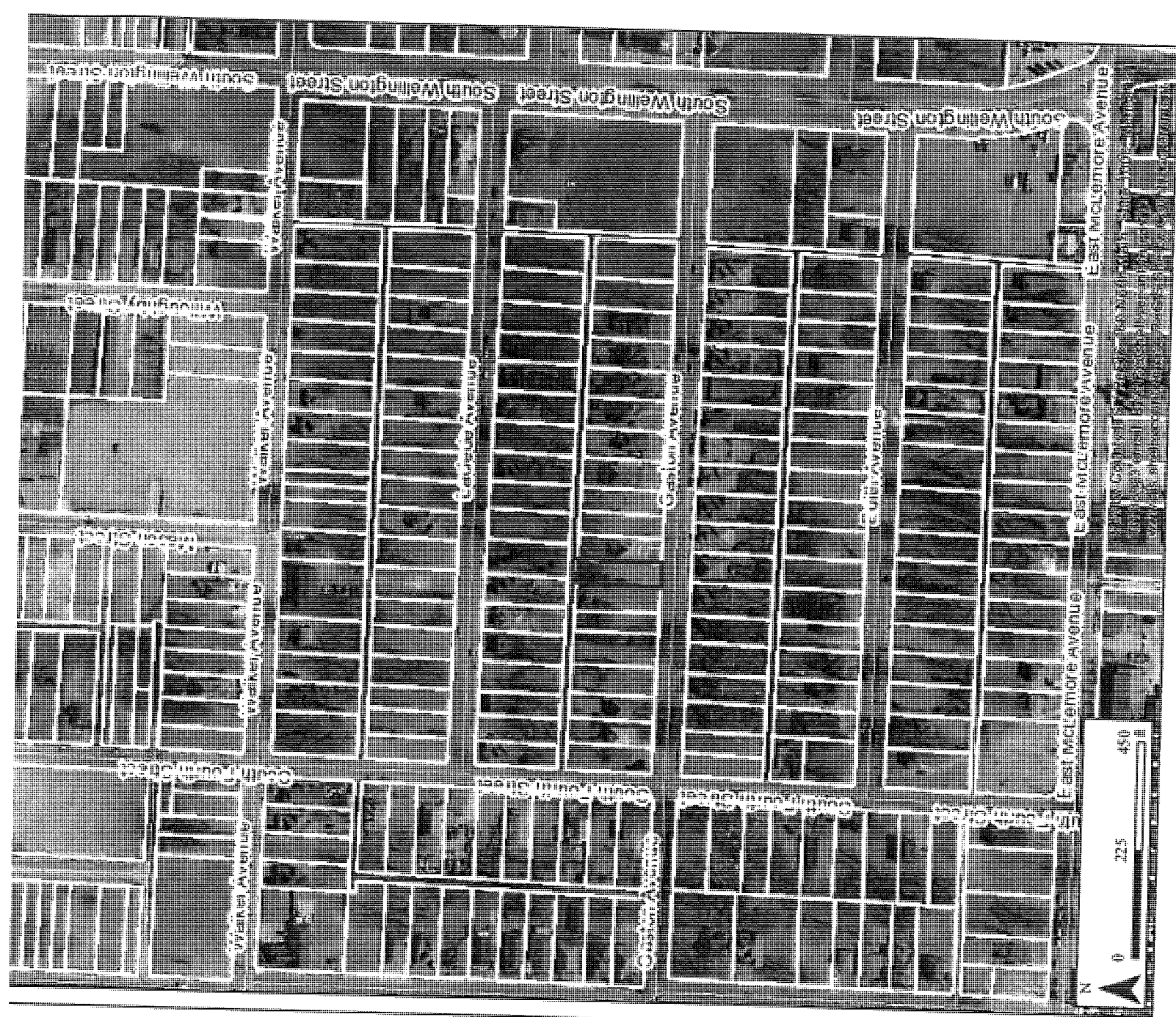
Dimensions: 40X140

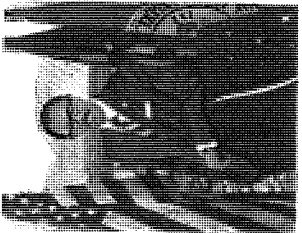
Total Acres: 0.128

Owner Address: 701 MAIN ST

MEMPHIS TN

38107 2311





Willie F. Brooks, Jr.
 Shelby County Register of Deeds

Owner: MEMPHIS CITY OF

Parcel Address: 431 LUCY AVE

Parcel ID: 013054 00016

2023 Appraisal: \$3,000

Tax District: MEMPHIS

Year Built:

Lot Number: 21

Subdivision: RANDOLPH

Plat BK & PG: UNKNOWN

Dimensions: 45X134

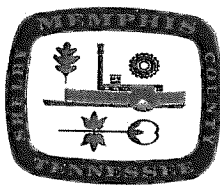
Total Acres: 0.138

Owner Address: 125 N MAIN ST STE 406

MEMPHIS TN

38103 2030





Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

This is a Resolution requesting the approval of the sale of city owned property acquired by the City of Memphis Tax Sale 16.05, located at 1417 Nicholas Street in Memphis Shelby County, Tennessee 38107 Parcel039019 00007

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

General Service

3. State whether this is a change to an existing ordinance or resolution, if applicable.

This is not a change to an existing ordinance or resolution.

4. State whether this will impact specific council districts or super districts.

Council District 7 and Super district 8

5. State whether this requires a new contract, or amends an existing contract, if applicable.

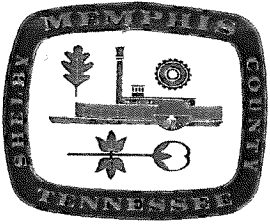
N/A - Sale

6. State whether this requires an expenditure of funds/requires a budget amendment

This does not require expenditure of funds nor a budget amendment.

7. If applicable, please list the MWBE goal and any additional information needed

N/A



A Resolution requesting the approval the sale of a city owned property known as 1417 Nicholas Street, Memphis, TN 38107, Parcel ID# 039019 00007

WHEREAS, the City of Memphis owns the property known as 1417 Nicholas Street, Memphis, TN 38107 ("The Property") was acquired in the City Tax Sale 16.05 and is further identified by Shelby County Tax Assessor as Parcel # 039019 00007 containing 0.16 acres, more or less;

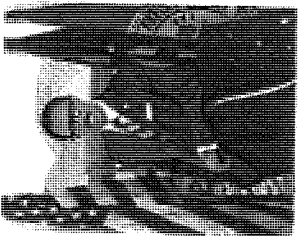
WHEREAS, the sale of the subject Property will increase the City's General Fund, generate tax revenue, and eliminate blight and maintenance cost for the City of Memphis; and

WHEREAS, Willie Robinson submitted an offer of Three Thousand Dollars (\$3,000.00) along with a Six Hundred Fifteen Dollars (\$615.00) Earnest Money deposit to the City of Memphis Real Estate Office; and

WHEREAS, is it deemed to be in the best interest of the citizens of the City of Memphis and County of Shelby that this request be considered subject to the terms and conditions set forth in the Offer to Purchase and in City Ordinance 5637.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that the offer made by Willie Robinson, on the above described property is hereby accepted subject to the City Ordinance 5637, Amendment to section 2-291-1(A) which states in part, "The City Real Estate Manager shall place a value on all properties being considered for sale in a manner herein determined and on all properties having an estimated and probable value of \$10,000.00 or less shall place a value without obtaining an independent appraisal."

BE IT FURTHER RESOLVED, that subject to the Ordinance, the City of Memphis Real Estate Office shall prepare and arrange for the execution of the quit claim deed, and any other documents incidental to the completion of the transfer, and the Mayor of the City of Memphis is hereby authorized to execute said deeds or any other documents necessary to complete the sale and conveyance.



Willie F. Brooks, Jr.
Shelby County Register of Deeds

Owner: CITY OF MEMPHIS TAX SALE 16.05

Parcel Address: 1417 NICHOLAS ST

Parcel ID: 039019 00007

2023 Appraisal: \$2,400

Tax District: MEMPHIS

Year Built:

Lot Number: 48-49

Subdivision: FACTORIA

Plat BK & PG: 7-86

Dimensions: 50 X 140

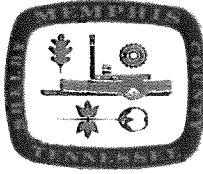
Total Acres: 0.16

Owner Address: 125 N MAIN ST

MEMPHIS TN

38103 2026





Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

Resolution to accept an appropriation and allocation of U.S. Department of Treasury ERA2 funding in the amount of \$1,380,585.65 for the Division of Housing and Community Development for affordable housing purposes.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

HCD

3. State whether this is a change to an existing ordinance or resolution, if applicable.

N/A

4. State whether this will impact specific council districts or super districts.

Various council districts and super districts will be impacted.

5. State whether this requires a new contract, or amends an existing contract, if applicable.

New contracts will be required.

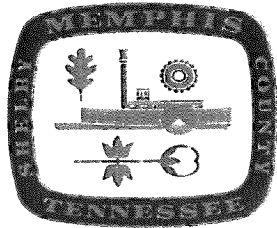
6. State whether this requires an expenditure of funds/requires a budget amendment

Expenditure of funds will be required.

7. If applicable, please list the MWBE goal and any additional information needed

Not applicable to MWBE goals.

Resolution-Division of Housing and Community Development



RESOLUTION to accept the appropriation and allocation of ERA2 funding through the Department of Treasury in the amount of \$1,380,585.65 for the Division of Housing and Community Development's efforts to develop affordable housing in response to the pandemic.

WHEREAS, the U.S. Department of Treasury through the Emergency Rental and Utility Assistance Fund, has provided payments to assist State, Local, and Tribal governments in navigating the impact of the COVID-19 outbreak on rental and utility delinquency; and

WHEREAS, the U.S. Department of Treasury allows for the use of ERA2 funds for eligible affordable rental housing purposes that include the construction, rehabilitation, or preservation of affordable rental housing projects serving very low income families; and

WHEREAS, the City of Memphis Division of Housing and Community Development has received a reallocation from the U.S. Department of Treasury in the amount of \$1,380,585.65 to allocate towards affordable rental housing purposes; and

WHEREAS, guidance from the US Department of Treasury as of October 1, 2022, states that local government is authorized to use the funds for affordable rental housing purposes; and

WHEREAS, the COVID19 pandemic has disrupted the national and local economy, resulting in an inability for some households to have housing instability; and

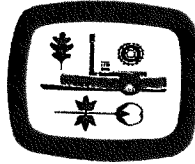
WHEREAS, the City of Memphis Division of Housing and Community Development desires to increase the number of affordable rental housing units; and

WHEREAS, the creation or preservation of affordable housing units must be aligned with other programs that serve very low income families and be maintained as such for a minimum of twenty years; and

WHEREAS, it is imperative for the general fund budget be amended in accordance with Tennessee Constitution Article 2 § 24, TCA § 9-1-116, Municipal Budget Law of 1982.

NOW, THEREFORE BE IT RESOLVED, that the following unbudgeted necessary expenditures to be incurred for actions taken in response to the public health emergency be approved as allocated from the U.S. Department of Treasury funding in the amount of \$1,380,585.65 as follows:

Treasury Emergency Rental Assistance Program 2021	\$1,380,585.65
Fund: 0221 HCD Grants	
Project: CD91008 Treasury ER Utility & Rental Assistance Fund 2020	
Award: 13182	



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

This is a resolution to transfer and appropriate construction funds to Sewer Emergency Repairs, Project Number SW23202 for emergency sewer line repairs.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Public Works

3. State whether this is a change to an existing ordinance or resolution, if applicable.

This resolution does not change any existing ordinance or resolution.

4. State whether this will impact specific council districts or super districts.

The project is a work order based contract for emergency repairs at various locations throughout the City.

5. State whether this requires a new contract, or amends an existing contract, if applicable.

The request will not require a new construction contract or amend an existing contract.

6. State whether this requires an expenditure of funds/requires a budget amendment

Yes, this requires an expenditure of funds.

7. If applicable, please list the MWBE goal and any additional information needed

The MBE goal is 22% and the WBE goal is 3%. The MBE goal will be met by DC Construction Services LLC. The WBE goal will be met by All Rite Plumbing.

RESOLUTION

This is a resolution to transfer and appropriate construction funds to Sewer Emergency Repairs, Project Number SW23202 for emergency sewer line repairs.

WHEREAS, the Council of the City of Memphis approved FY'23 Rehab Existing Coverline, project number SW23200, as part of the Public Works Fiscal Year 2023 Capital Improvement Budget; and

WHEREAS, a bid was received on June 1, 2022, for emergency sewer repair services with the complying bid submitted by Acuff Enterprises, Inc., DBA Scott Contractors; and

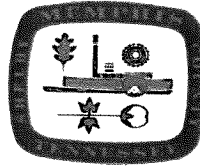
WHEREAS, it is necessary to transfer a construction allocation of \$10,000,000.00 funded by Capital Pay Go-Sewer in FY'23 Rehab Existing Coverline, project number SW23200, to Sewer Emergency Repairs, project number SW23202; and

WHEREAS, it is necessary to appropriate \$10,000,000.00 funded by Capital Pay Go-Sewer in Sewer Emergency Repairs, project number SW23202, for emergency sewer repair services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2023 Capital Improvement Budget be and is hereby amended by transferring a construction allocation of \$10,000,000.00 funded by Capital Pay Go-Sewer in FY'23 Rehab Existing Coverline, project number SW23200, to Sewer Emergency Repairs, project number SW23202, for emergency sewer line repairs.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$10,000,000.00 funded by Capital Pay Go-Sewer chargeable to the FY2023 Capital Improvement Budget and credited as follows:

Project Title	Sewer Emergency Repairs
Project Number	SW23202
Total Amount	\$10,000,000.00



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

This Resolution is an additional funds request for an existing three year contract to transfer and appropriate additional construction funds for project number SW22201-Install CIPP Annual 2022. This is for the second year.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Public Works

3. State whether this is a change to an existing ordinance or resolution, if applicable.

This resolution does not change any existing ordinance or resolution.

4. State whether this will impact specific council districts or super districts.

The project is a work order based contract for installation of CIPP at various locations throughout the City.

5. State whether this requires a new contract, or amends an existing contract, if applicable.

This request does not require a new contract or amend an existing contract.

6. State whether this requires an expenditure of funds/requires a budget amendment

Yes, this requires an expenditure of funds.

7. If applicable, please list the MWBE goal and any additional information needed

The MBE goal is 4% and the WBE goal is 1%. The MBE goal will be met by Southland Enterprises. The WBE goal will be met by H&K Plumbing & Heating.



This Resolution is an additional funds request for the second year of an existing three-year contract to transfer and appropriate additional construction funds for project number SW22201-Install CIPP Annual 2022 to repair/rehab existing damaged sanitary sewer pipes using CIPP process at various locations. All Council and Super Districts 8 and 9.

WHEREAS, the Council of the City of Memphis approved FY'23 Rehab Existing Coverline, project number SW23200 and Install CIPP Annual 2022, project number SW22201, as part of the Public Works Fiscal Year 2023 Capital Improvement Budget; and

WHEREAS, there currently exists a three-year contract (estimated contract amount \$3,000,000.00/year). Council approved an appropriation via a Resolution (*CIP #SW22201*) awarding a construction contract to Moore Construction Services (*Contract #39296*) on March 1, 2022, for the installation of Cured In Place Pipe at various locations; and

WHEREAS, this is the second year of a three-year contract (# 39296) awarded to Moore Construction Services and it is necessary for additional construction funds in the amount of \$2,750,000.00 for Install CIPP Annual 2022, project number SW22201 to repair/rehab sanitary sewer pipes as stated above; and

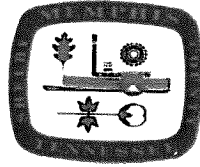
WHEREAS, it is necessary to transfer a construction allocation of \$2,750,000.00 funded by Capital Pay Go-Sewer in FY'23 Rehab Existing Coverline, project number SW23200 to Install CIPP Annual 2022, project number SW22201 to repair/rehab sanitary sewer pipes as stated above; and

WHEREAS, it is necessary to appropriate \$2,750,000.00 funded by Capital Pay Go-Sewer in Install CIPP Annual 2022, project number SW22201 to repair/rehab sanitary sewer pipes as stated above; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2023 Capital Improvement Budget be and is hereby amended by transferring a construction allocation of \$2,750,000.00 funded by Capital Pay Go-Sewer in FY'23 Rehab Existing Coverline, project number SW23200 to Install CIPP Annual 2022, project number SW22201 to repair/rehab sanitary sewer pipes as stated above.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$2,750,000.00 funded by Capital Pay Go-Sewer chargeable to the FY 2023 Capital Improvement Budget and credited as follows:

Project Title	Install CIPP Annual 2022
Project Number	SW22201
Total Amount	\$2,750,000.00



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

Resolution is an additional funds request for an existing three year contract to transfer and appropriate additional construction funds for Storm Water CIPP 2022, project number ST03222. This is for the second year.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Public Works

3. State whether this is a change to an existing ordinance or resolution, if applicable.

This resolution does not change any existing ordinance or resolution.

4. State whether this will impact specific council districts or super districts.

The project is a work order based contract for installation of CIPP at various locations throughout the City.

5. State whether this requires a new contract, or amends an existing contract, if applicable.

This request does not require a new contract or amend an existing contract.

6. State whether this requires an expenditure of funds/requires a budget amendment

Yes, this requires an expenditure of funds.

7. If applicable, please list the MWBE goal and any additional information needed

The MBE goal is 4% and the WBE goal is 1%. The MBE goal will be met by Southland Enterprises. The WBE goal will be met by H&K Plumbing & Heating.



This Resolution is an additional funds request for the second year of an existing three-year contract to transfer and appropriate additional construction funds for Storm Water CIPP 2022, project number ST03222, to repair/rehab existing damaged storm drainpipes using CIPP process at various locations. All Council and Super Districts 8 and 9.

WHEREAS, the Council of the City of Memphis approved Drainage – ST Coverline, project number ST03205 and Storm Water CIPP 2022, project number ST03222, as part of the Public Works Fiscal Year 2023 Capital Improvement Budget; and

WHEREAS, there currently exists a three-year contract (estimated contract amount \$3,000,000.00/year). Council approved an appropriation via a Resolution (*CIP #ST03222*) awarding a construction contract to Moore Construction Services (*Contract #39296*) on March 1, 2022, for the installation of Cured In Place Pipe at various locations; and

WHEREAS, this is the second year of a three-year contract (# 39296) awarded to Moore Construction Services and it is necessary for additional construction funds in the amount of \$500,000 for Storm Water CIPP 2022, project number ST03222 to repair/rehab Storm drainpipes as stated above; and

WHEREAS, it is necessary to transfer a construction allocation of \$500,000.00 funded by Storm Water Revenue Bonds in Drainage – ST Coverline, project number ST03205 to Storm Water CIPP 2022, project number ST03222 to repair/rehab Storm drainpipes as stated above; and

WHEREAS, it is necessary to appropriate \$500,000.00 funded by Storm Water Revenue Bonds in Storm Water CIPP 2022, project number ST03222 to repair/rehab Storm drainpipes as stated above; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2023 Capital Improvement Budget be and is hereby amended by transferring a construction allocation of \$500,000.00 funded by Storm Water Revenue Bonds in Drainage – ST Coverline, project number ST03205 to Storm Water CIPP 2022, project number ST03222 to repair/rehab Storm drainpipes as stated above.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$500,000.00 funded by Storm Water Revenue Bonds chargeable to the FY 2023 Capital Improvement Budget and credited as follows:

Project Title	Storm Water CIPP 2022
Project Number	ST03222
Total Amount	\$500,000.00



A resolution to transfer, allocate and appropriate construction funds under Construction PW23200 for Sidewalk Repairs

WHEREAS, the Council of the City of Memphis approved FY23 Sidewalk Cover line, PW23200 in the amount of \$1,000,000 as part of the Public Works Fiscal Year 2023 Capital Improvement Budget; and

WHEREAS, it is necessary to transfer the allocation of \$1,000,000 from PW23200 to Sidewalk Replacement, project number PW23201; and appropriate same, funded by G.O. Bonds and Operating Transfer Ins to repair sidewalks when property owners have not complied with repair notices or have been approved for assistance for repairs on sidewalk adjacent to property; and

WHEREAS, this appropriation would allow the funds encumbrance for a construction contract for PW22201;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2023 Capital Improvement Budget be and is hereby amended by transferring a contract construction allocation in the amount of \$1,000,000 funded by G.O. Bonds (\$500,000.00 -Award 11005) and Operating Transfer In (\$500,000.00 -Award 11518) from FY23 Sidewalk Cover line, project number PW23201 chargeable to the FY2023 Capital Improvement budget and credited as follows:

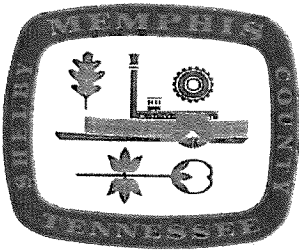
Contract Title: Sidewalk Replacement

Project Number: PW23201

GO Bond: \$500,000.00

Operating Transfer Ins: \$500,000.00

Total Amount: \$1,000,000



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

Resolution to transfer, allocate and appropriate Construction Funds \$1,000,000 from CIP Coverline PW23200 to PW23201 for Sidewalk repairs various location in City of Memphis where property owners have failed to comply with notice or qualified for assistance.

This project will cover Council Districts 1,2,3,4,5,6,7 and Super Districts 8-1, 8-2, 8-3, 9-1, 9-2, 9-3

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

This project was initiated by the Public Works Division and will be administered by the Engineering Division

3. State whether this is a change to an existing ordinance or resolution, if applicable.

This resolution transfers, allocates and appropriates \$1,000,000 construction funds (Award #11005-\$500,000 and Award #11518-\$500,000) from Coverline PW23200 to PW23201

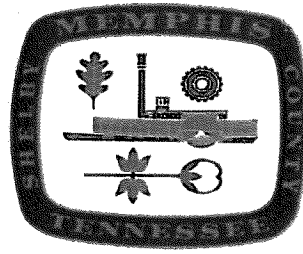
4. State whether this requires a new contract, or amends an existing contract, if applicable.

This resolution does not require new contract as the existing contract is for three (3) year

5. State whether this requires an expenditure of funds/requires a budget amendment.

This resolution requires transfer, allocation and appropriation from existing FY23 Capital Budget coverline PW23200 for the construction under PW23201.

Same night meeting minutes are requested.



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

This resolution is to provide One Hundred Thousand Dollars (\$100,000) in grant funds to Clean Memphis, Inc. from the FY2023 Storm Water Program Operating Budget for the share of cost to implement clean water initiatives in various City of Memphis' dainage basins by removing waste and debris. Clean Memphis, Inc. will also provide environmental book clubs for 2nd and 3rd grade students.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

The Public Works Division is the initiating party of this resolution.

3. State whether this is a change to an existing ordinance or resolution, if applicable.

This is a change to an existing resolution to include environmental book clubs targeting 2nd and 3rd grade students. These book clubs will allow Clean Memphis, Inc. to deliver valuable lessons through the lens of literacy at an age where reading is critical to students' long-term success. In addition, the grant amount has been increased from \$75,000 per year to \$100,000 per year.

4. State whether this will impact specific council districts or super districts.

N/A

5. State whether this requires a new contract, or amends an existing contract, if applicable.

The grant agreement between the City of Memphis and Clean Memphis, Inc. is an amendment to an existing contract to \$100,000. This agreement will be renewable for a period of three years subject to funding availability.

6. State whether this requires an expenditure of funds/requires a budget amendment.

This requires an expenditure of funds from the FY23 Stormwater Program Operating Budget in the total amount of \$100,000.

7. If applicable, please list the MWBE goal and any additional information needed.

There is not an M/WBE goal. Clean Memphis is non-profit.



Resolution – Public Works

A resolution to provide grant funding in the amount of One Hundred Thousand Dollars (\$100,000) from the FY2023 Storm Water Program Operating Budget for clean water initiative and environmental book clubs for 2nd and 3rd grade students.

WHEREAS, the City of Memphis (“City”) is committed to storm water quality and in accordance with its Storm Water NPDES Permit, has an obligation to reduce pollutants and waste from negatively impacting streams and other such natural resources within the City of Memphis limits;

WHEREAS, Clean Memphis, Inc. (“Clean”) has proposed to share the cost to maintain a clean water initiative for various drainage basins with the City of Memphis to remove waste and debris that would otherwise enter the storm water system thus, negatively impacting a valuable natural resource;

WHEREAS, by Resolution dated November 15, 2022, Clean agreed to accept grant funds from the City to maintain a clean water initiative (“Agreement”);

WHEREAS, City and Clean now desire to formally amend said Agreement to include an additional need for building a strong environmental education foundation for 2nd and 3rd grade students through Clean’s environmental book clubs. These book clubs will allow Clean to deliver valuable lessons through the lens of literacy at an age where reading is critical to student’s long-term success;

WHEREAS, the parties now desire to amend the Agreement to change the grant amount to One Hundred Thousand Dollars (\$100,000) to Clean on an annual basis for a period of three (3) years to assist in funding such initiative.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that Public Works provide Clean Memphis, Inc. grant funds in the amount of One Hundred Thousand Dollars (\$100,000).

BE IT FURTHER RESOLVED that, in the event Clean Memphis, Inc. fails to use the funding for stormwater quality initiatives and the environmental book clubs as authorized by the City of Memphis, such funding shall be returned to the City of Memphis.