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*** TN Supreme Court Rule 31
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**** Admitted in Alabama

March 12, 2013

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Jeffrey W. Roth
2008 Hoitt Avenue
Knoxville, Tennessee 37917

Wes Stowers
Stowers Machinery Corporation
P. O. Box 14802
Knoxville, Tennessee 37914

Re: Proposed Closure of Ben Atchley Street

Dear Commissioners:

The undersigned property owners, tenants, and business owners have requested that this letter be prepared so as to record for utilization in appropriate forums, including the meeting of the Board of Commissioners of the Metropolitan Planning Commission to be held on March 14, 2013. It represents a statement of their unequivocal opposition to the closing of Ben Atchley Street. It would be an arbitrary and capricious act of the members of the Commission if they take an action that results in the removal of Ben Atchley Street as a public road from public ownership, and transfer ownership to a private owner for a private purpose and gain, when such road was built and dedicated in or about 1924 and has been continuously maintained and used by the general public, and not just the property owners adjacent to the road.

Such an arbitrary and capricious act:

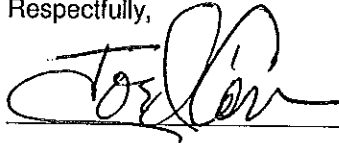
1. Would be tantamount to the wrongful use of eminent domain in that there is no public purpose being served;

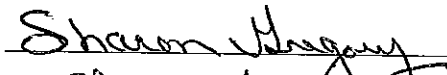
2. Would not afford all property owners serviced by the road with equal protection under the law;
3. Would result in the wrongful taking of the private property of all owners who have benefitted by the existence of the road by reducing the value of their property without just compensation and would, at the same time, constitute the giving of public property to a private owner for private gain.
4. Would vitiate the common knowledge and reliance of all property owners on the existence of the road at the time of their respective purchases of property serviced by the road and subsequent investments made by them in the improvements to their respective properties; and
5. Would constitute bad public policy and should be avoided by a public body charged with the responsibility of acting in the best interest of the overwhelming majority of property owners and not for the sole benefit of a single property owner, who only recently purchased the property adjacent to the road.

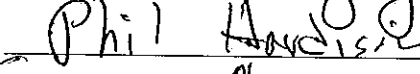
In summary, nothing has changed for the entirety of the area as shown on the attached survey of the area prepared in 1924 that justifies a change in the configuration of the streets. The giving of a street to an adjacent property owner, to both the direct and indirect detriment of other property owners served by that street, is a violation of good public policy. People have made real investments in their properties predicated on the existence of the streets and certainly should not be damaged by an unknown and speculative use of a closed street by a private owner. There are reasons for the existence of public streets; and the burden is on the public officials to justify their closure. There should be a presumption of continued existence. Therefore, the public officials must be persuaded by clear and convincing proof that the closure can be justified. Clearly, no such proof exists for the justification for the closing of Ben Atchley Street.

Accordingly, the undersigned demand and reasonably expect the members of the Board of Commissioners to deny the request to close Ben Atchley Street and convey the roadway to private citizens for private gain.

Respectfully,

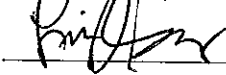


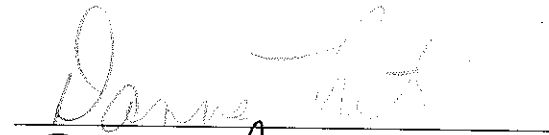


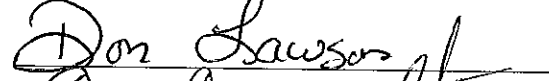


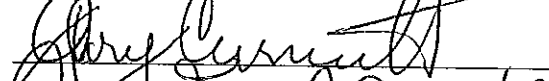


















cc: Georgiana Vines

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Respectfully,

James Otter
W. W. Dattermeil
Kiki McCammon
Richard F. Sadeh
Linda Otter
Charles George Jr
Andrea L. Cox

Deborah Penland
Julie B. Brien
Martha Logan
Paula Course
Jill Williams
Anita B. Grove

cc: Georgiana Vines

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Margaret Cloud Alderete
John Duffy
[Signature]
[Signature]
Doreen Rice
Mary Kleber

Julene Kote
Patty Strosch
Suzanne Paul
Jelly Sweeney
Kathy K. Miller
Patricia A. Hester

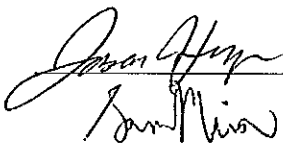
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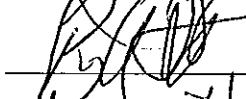
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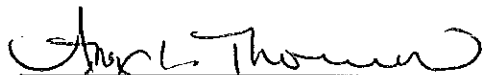


Manisha Harper

Rusty Colby



Karen H. White



Sally Buhlhart



Charlotte Smith

Donna Aisp

Mitzi Mayer

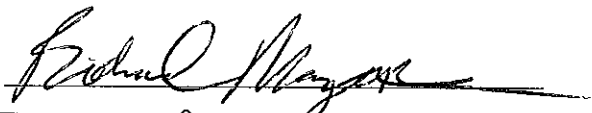
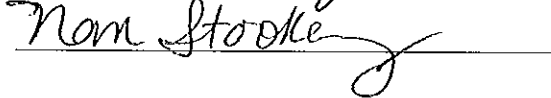
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Respectfully,

Frances Sexton by Ken Holbert

Susan Worthington by Ken Holbert

Anne Menzies by Ken Holbert

Frances is the owner of the Southern Market in

Atlanta where Frances is undergoing treatment

following the removal of a tumor in her brain.

cc: Georgiana Vines

DIXIE HIGHWAY ADDITION

Formerly

PART OF HIGHLANDS

KINGSTON PINE ADDITION

Property of M.E. Logan

Scale 1" = 100' Survey Oct. 1924

Schwan & Kennedy, Eng'rs

Note:

M.E. Logan sold to Anox County a strip of land 60 ft in width on both sides of Dixie Highway, through this addition.

See Circuit Court Case # 4057 Minute Book 100 - Page 165

EURESTON ST - 4 HANNA RD - DEN
ATTORNEY

