

David Wilson Long
Dennis B. Ragsdale
John B. Waters III
J. Michael Ivens
R. Louis Crossley, Jr.
C. Paul Harrison
J. Randolph Miller
Garrett P. Swartwood



Long, Ragsdale & Waters, P.C.

ATTORNEYS AT LAW

Jennifer Milligan Swindle
Lee A. Popkin
Taylor D. Forrester
Kyle A. Baisley
Alexander O. Waters

Of Counsel
John B. Waters, Jr.

November 8, 2016

Knoxville-Knox County
Metropolitan Planning Commission
City-County Building, Suite 403
400 Main Street
Knoxville, TN 37902

Via email only

Re: Agenda Item No. 7 – Starboard Properties IV, LLC – Alley Closure Request
MPC File No. 10-A-16-AC

Dear Commissioners:

The above matter is Item No. 7 on your Agenda for the meeting on Thursday, November 10, 2016. I represent Starboard Properties IV, LLC and Peak Campus in its proposed redevelopment of the property located between Cumberland and Lake Avenue and 21st and 22nd Street also known as City Block 10442 (the "Property").¹ The proposed redevelopment is for a multi-use development consisting of commercial and residential. The commercial tenants will consist of a major national retailer and a restaurant. There will also be office space. These commercial tenants would operate at the street level of Cumberland Avenue.

The proposed development presents a unique opportunity to redevelop an entire block in the Cumberland Form District ("CFD"). A copy of the proposed development layout is enclosed herewith as **Exhibit A**. Included with Exhibit A, is an artistic rendering from the street level. If the requested relief is approved, then design and appearance of the building will be steered by the requirements of the CFD.

As you are aware, the CFD allows a much more intensive development pattern than that of the previous zoning ordinance. The CFD building requirements are more restrictive than the previous ordinance.

In the instant matter, the present encumbrance is an unnamed alley that bisects the Property. The bases for the alley closure request and support therefore includes, but is not limited to, the following reasons or concerns: (1) results in site interruption and interference; (2) reduces the amount of available parking; (3) loss of in demand major national retailer; (4) safety concerns and increased risk of liability; (5) not practical to obtain an air-rights easements to create a tunnel (that is longer than a football field) through the middle of the development practicality; and (6) the development will not happen if the alley is not closed.

We have resolved the objections raised by the City Engineering Department that are within our control. These are addressed below.

¹The portion of the Property on north side of the alley is the present location of Jason's Deli and the strip center that includes HYPE energy drink, a Smoke Shop, Subway, and Dominos. These buildings will be removed. Jason's Deli will resume operations in the lease space on the northeast corner of the proposed development, assuming the alley is closed.

1. Trash pick-up and service deliveries. Waste Management (“WM”) has reviewed the plans for the proposed development and has no objection or concern as represented in the email from WM, which is attached hereto as **Exhibit B.**
2. Alley connections and means of alternate of transportation.² The needs and uses of the alley between 18th and 21st Street are not comparable because this proposed development will be one cohesive development on the Property. Moreover, the alley dead ends on the west side of 22nd Street, which is actually a parking lot. Relying on the alley as alternate route for transportation is presents a concern for safety and liability.
3. Utilities. This has been resolved. See the letter from our engineer Michael A. Waller, P.E., attached hereto as **Exhibit C.** AT&T’s objection has been resolved. See the email from AT&T’s representative attached hereto as **Exhibit D.**
4. Traffic during students’ move-in/move-out week. This is not an issue because there will be a structured parking garage and a large loading and unloading bay.

The proposed development includes a structured parking garage with over 500 parking spaces. When the CFD was being considered by City Council the concern and repeated questions centered on the issue of there not being enough parking. The parking garage will have two separate dual entrance/exit driveways on 21st Street. More than 100 of the parking spaces will be non-reserved to be used by customers and visitors of the area. This can only be accomplished if the alley is closed.

By closing the alley, the parking garage can include a subterranean parking area by utilizing the natural slope of the Property. The location of the subterranean parking area and the parking deck above would be located in the present location of alley.

We appreciate your consideration and hope that you will support request.

Respectfully yours,

LONG, RAGSDALE & WATERS, P.C.

By: _____

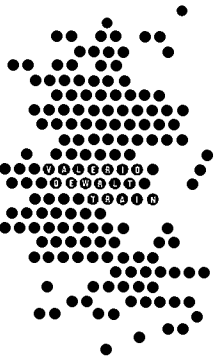
Taylor D. Forrester

Enc.

Cc: Mark Riley (via email: mriley@peakcampus.com)
Michael Waller, P.E. (via email: mwaller@cannon-cannon.com)
Michael George (via email: mgeorge@blaineconstruction.com)
Ann Wallace (via email: awallace@knoxvilletn.gov)
James R. Hagerman, P.E. (via email: jhagerman@knoxvilletn.gov)

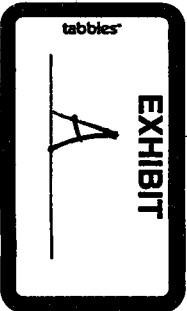
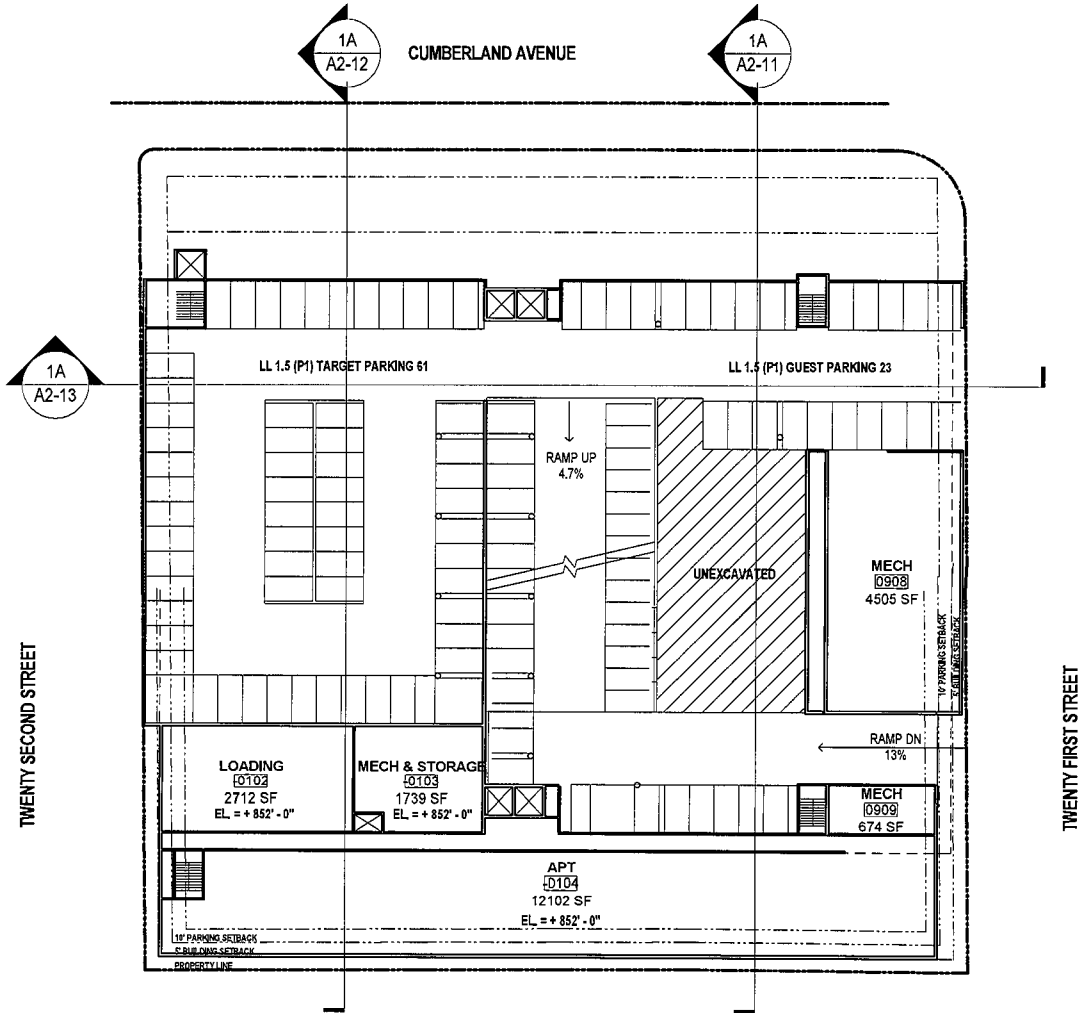
² Per City Ordinance, traffic in an alley is to travel from east to west or north to south

PROJECT NAME
**PEAK CAMPUS DEV.
 KNOXVILLE
 STUDENT HOUSING**
 PROJECT ADDRESS
 21ST STREET AND
 CUMBERLAND STREET,
 KNOXVILLE, TN



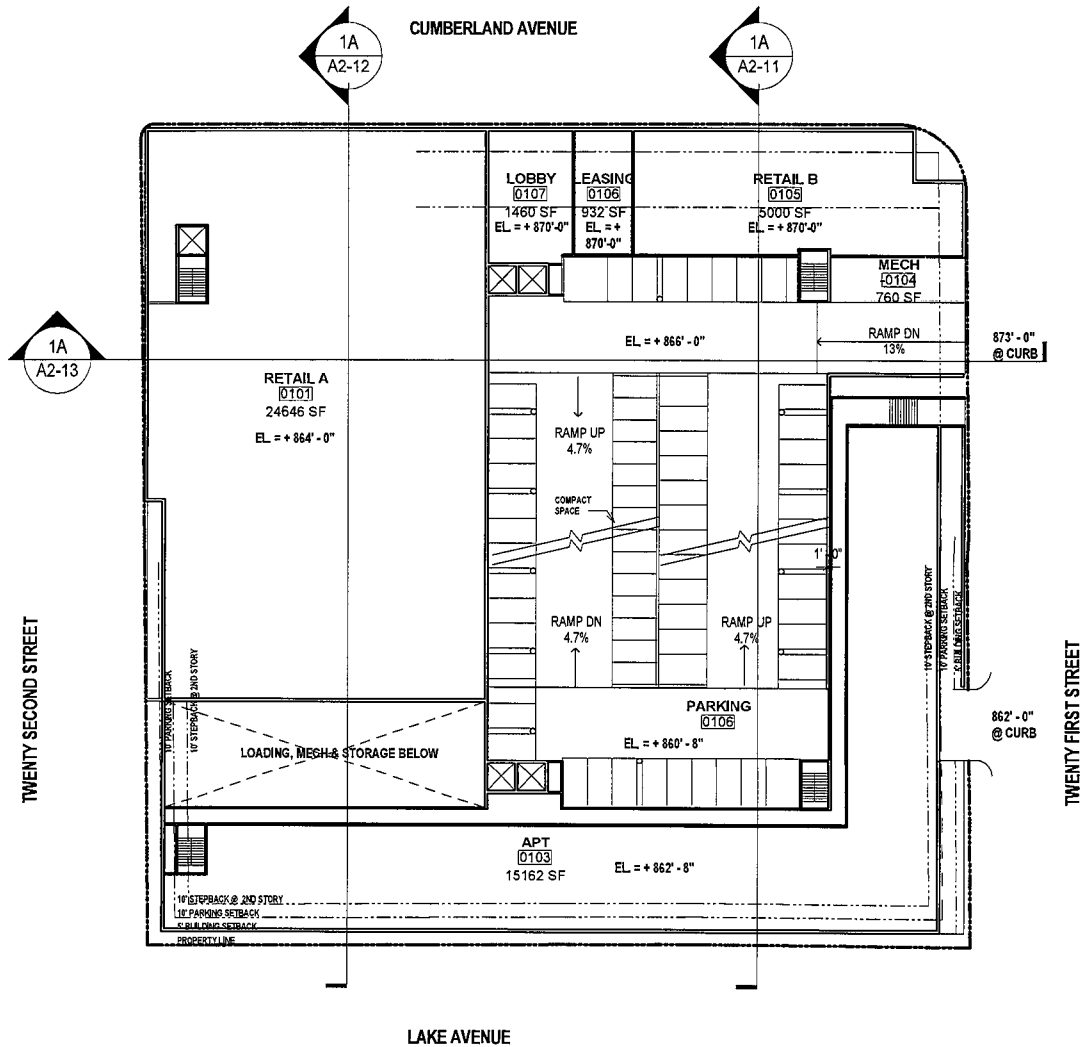
DATE
 10/14/16
 PROJECT NUMBER
 16084.00
 SHEET TITLE
**LEVELS LL 02 - LL 01
 FLOOR PLAN**

SHEET NUMBER
A1-00

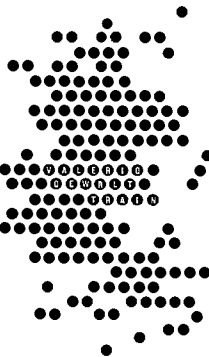


1A LEVEL LL 02 - LL 01 FLOOR PLAN
 SCALE: 1" = 40'-0"

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PROJECT NAME
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 KNOXVILLE
 STUDENT HOUSING**
 PROJECT ADDRESS
 21ST STREET AND
 CUMBERLAND STREET,
 KNOXVILLE, TN



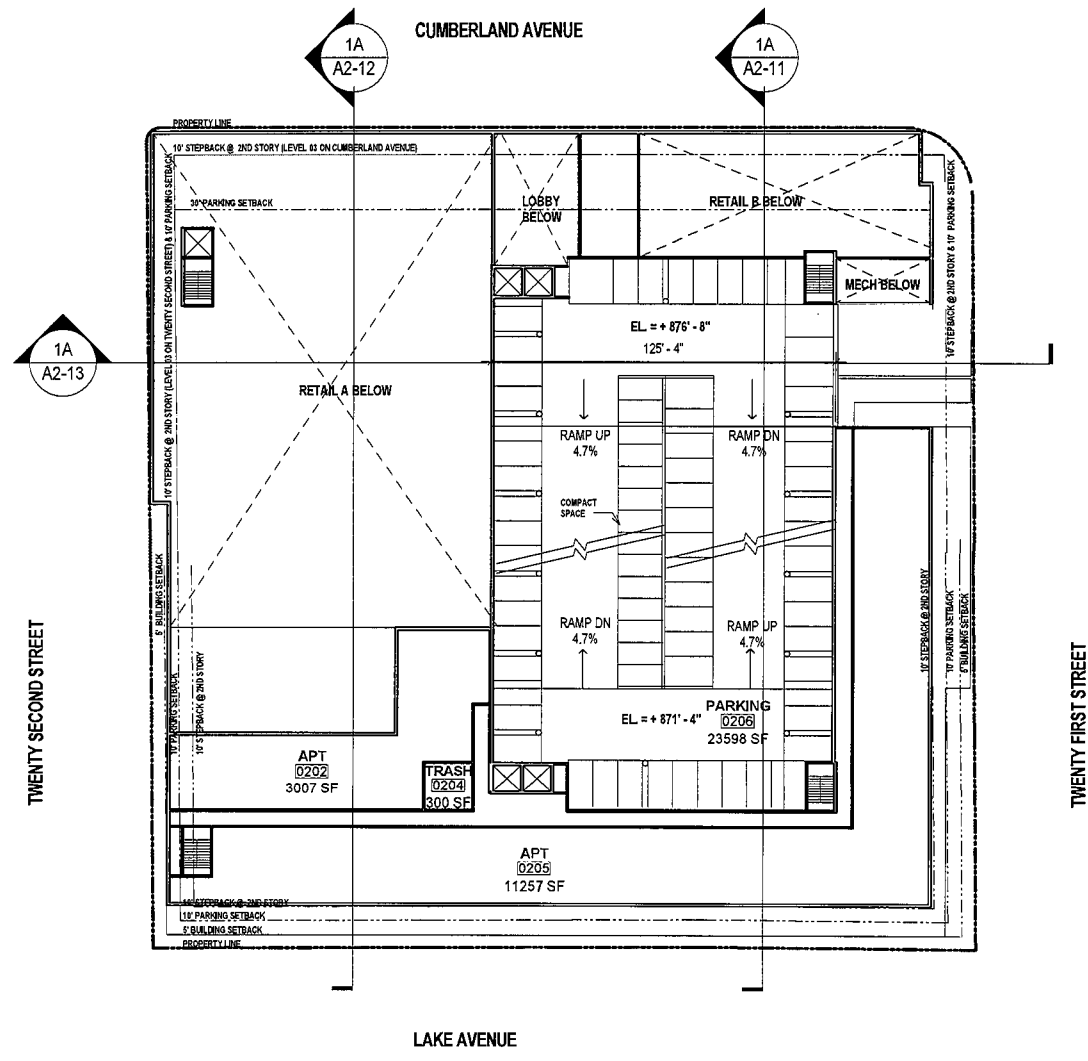
DATE
 10/14/16
 PROJECT NUMBER
 16084.00
 SHEET TITLE
**LEVEL 01 FLOOR
 PLAN**

SHEET NUMBER
A1-01

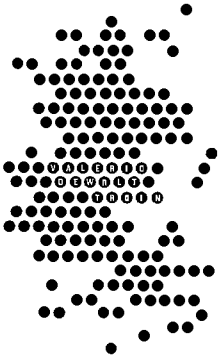
1A LEVEL 01 FLOOR PLAN

SCALE: 1" = 40'-0"

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PROJECT NAME
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 KNOXVILLE, TN



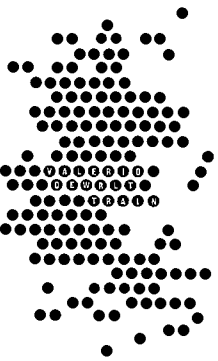
DATE
 10/14/16
 PROJECT NUMBER
 16084.00

SHEET TITLE
**LEVEL 02 FLOOR
 PLAN**

SHEET NUMBER
A1-02

1A LEVEL 02 FLOOR PLAN
 SCALE: 1" = 40'-0"

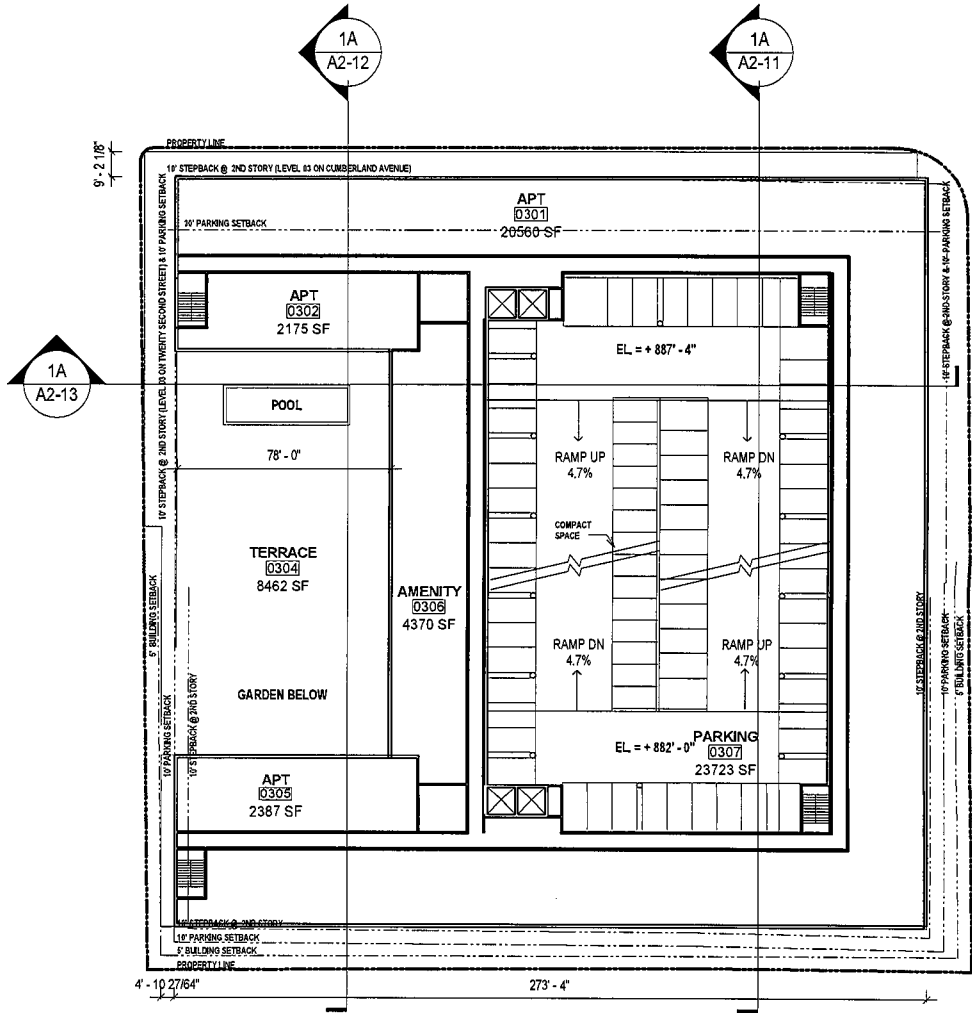
PROJECT NAME
**PEAK CAMPUS DEV.
 KNOXVILLE
 STUDENT HOUSING**
 PROJECT ADDRESS
 21ST STREET AND
 CUMBERLAND STREET,
 KNOXVILLE, TN



DATE
 10/14/16
 PROJECT NUMBER
 16084.00
 SHEET TITLE
**LEVEL 03 FLOOR
 PLAN**

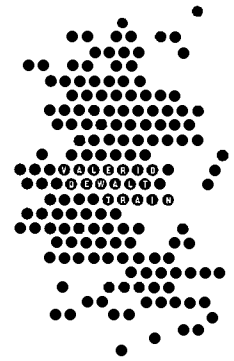
SHEET NUMBER
A1-03

PARKING COUNT		
FLR	COUNT	TOTAL
LVL LL 1.5 (P1)	TARGET 61 + RESIDENTIAL GUEST 23	64
RAMP FROM LVL LL 1.5 TO LVL LL 01	25	20
LVL LL 01 (P2)	9	5
RAMP FROM LL 01 (P2) TO LVL LL 0.5	25	20
LVL LL 0.5	9	5
RAMP FROM LVL LL 0.5 TO LVL 01	25	20
LVL 01 (P3)	12	12
RAMP FROM LVL 01 TO LVL 02	RAMP 23 + LANDING 9 + RAMP 25	57
LVL 02 (P4)	14	14
RAMP FROM LVL 02 TO LVL 03	RAMP 23 + LANDING 9 + RAMP 25	57
LVL 03 (P5)	14	14
RAMP FROM LVL 03 TO LVL 04	RAMP 23 + LANDING 9 + RAMP 25	57
LVL 04 (P6)	14	14
RAMP FROM LVL 04 TO LVL 05	RAMP 23 + LANDING 9 + RAMP 25	57
LVL 05 (P7)	14	14
RAMP FROM LVL 05 TO LVL 06	RAMP 23 + LANDING 9 + RAMP 25	57
LVL 06 (P8)	14	14
TOTAL		501 TOTAL SPACES



1A LEVEL 03 FLOOR PLAN
 SCALE: 1" = 40'-0"

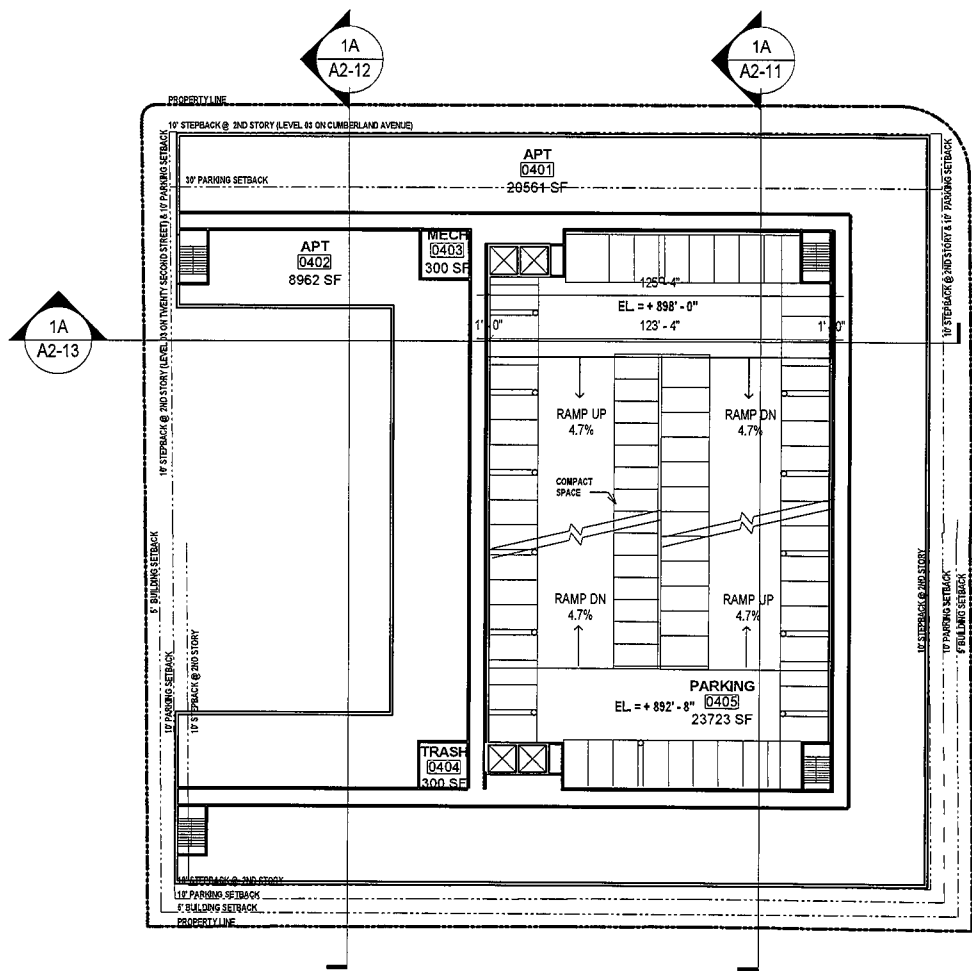
PROJECT NAME
**PEAK CAMPUS DEV.
 KNOXVILLE
 STUDENT HOUSING**
 PROJECT ADDRESS
 21ST STREET AND
 CUMBERLAND STREET,
 KNOXVILLE, TN



DATE
 10/14/16
 PROJECT NUMBER
 16084.00

SHEET TITLE
**LEVELS 04-06 FLOOR
 PLAN**

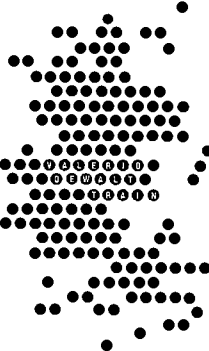
SHEET NUMBER
A1-04



PARKING COUNT		
FLR	COUNT	TOTAL
LVL LL 1.5 (P1)	TARGET 61 + RESIDENTIAL GUEST 23	64
RAMP FROM LVL LL 1.5 TO LVL LL 01	25	20
LVL LL 01 (P2)	9	5
RAMP FROM LL 01 (P2) TO LVL LL 0.5	25	20
LVL LL 0.5	9	5
RAMP FROM LVL LL 0.5 TO LVL 01	25	20
LVL 01 (P3)	12	12
RAMP FROM LVL 01 TO LVL 02	RAMP 23 + LANDING 9 + RAMP 25	57
LVL 02 (P4)	14	14
RAMP FROM LVL 02 TO LVL 03	RAMP 23 + LANDING 9 + RAMP 25	57
LVL 03 (P5)	14	14
RAMP FROM LVL 03 TO LVL 04	RAMP 23 + LANDING 9 + RAMP 25	57
LVL 04 (P6)	14	14
RAMP FROM LVL 04 TO LVL 05	RAMP 23 + LANDING 9 + RAMP 25	57
LVL 05 (P7)	14	14
RAMP FROM LVL 05 TO LVL 06	RAMP 23 + LANDING 9 + RAMP 25	57
LVL 06 (P8)	14	14
TOTAL		501 TOTAL SPACES

1A LEVEL 04-06 FLOOR PLAN
 SCALE: 1" = 40'-0"

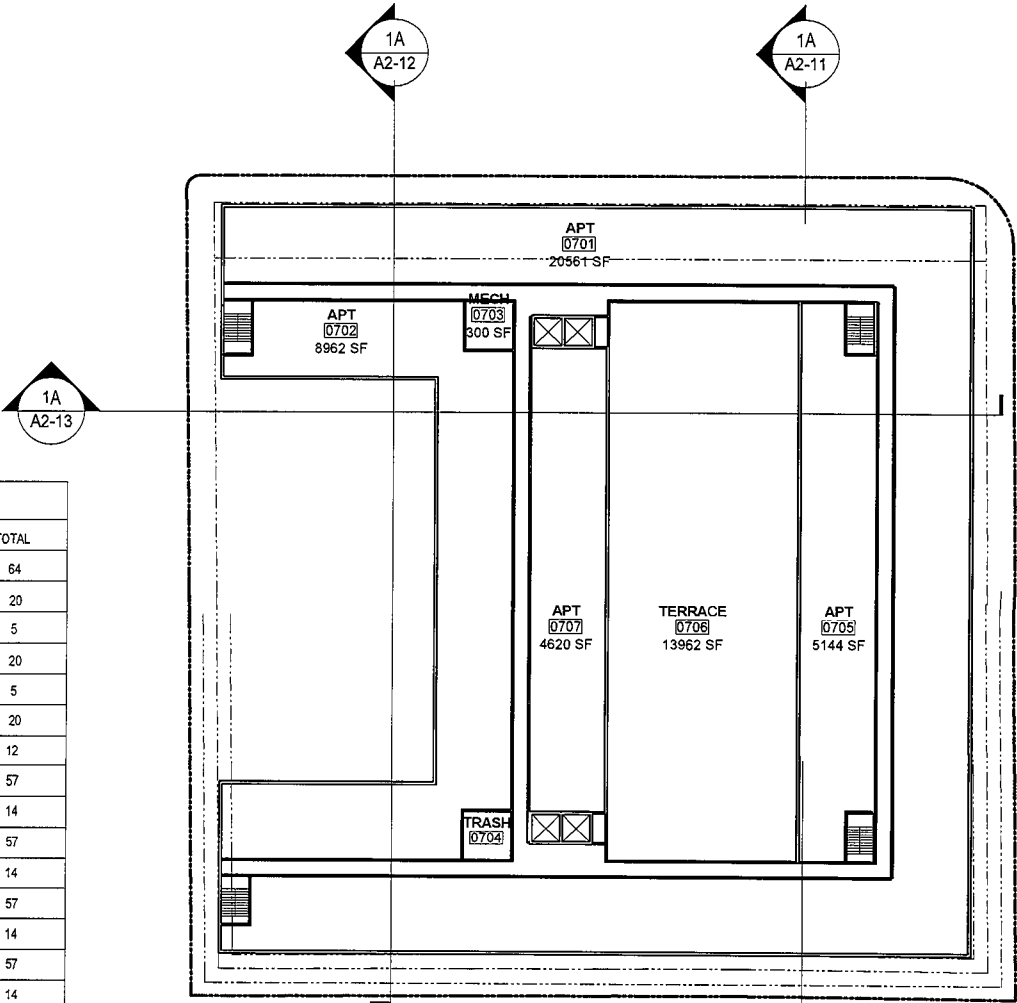
PROJECT NAME
**PEAK CAMPUS DEV.
 KNOXVILLE
 STUDENT HOUSING**
 PROJECT ADDRESS
 21ST STREET AND
 CUMBERLAND STREET,
 KNOXVILLE, TN



DATE
 10/14/16
 PROJECT NUMBER
 16084.00

SHEET TITLE
**LEVELS 07-09 FLOOR
 PLAN**

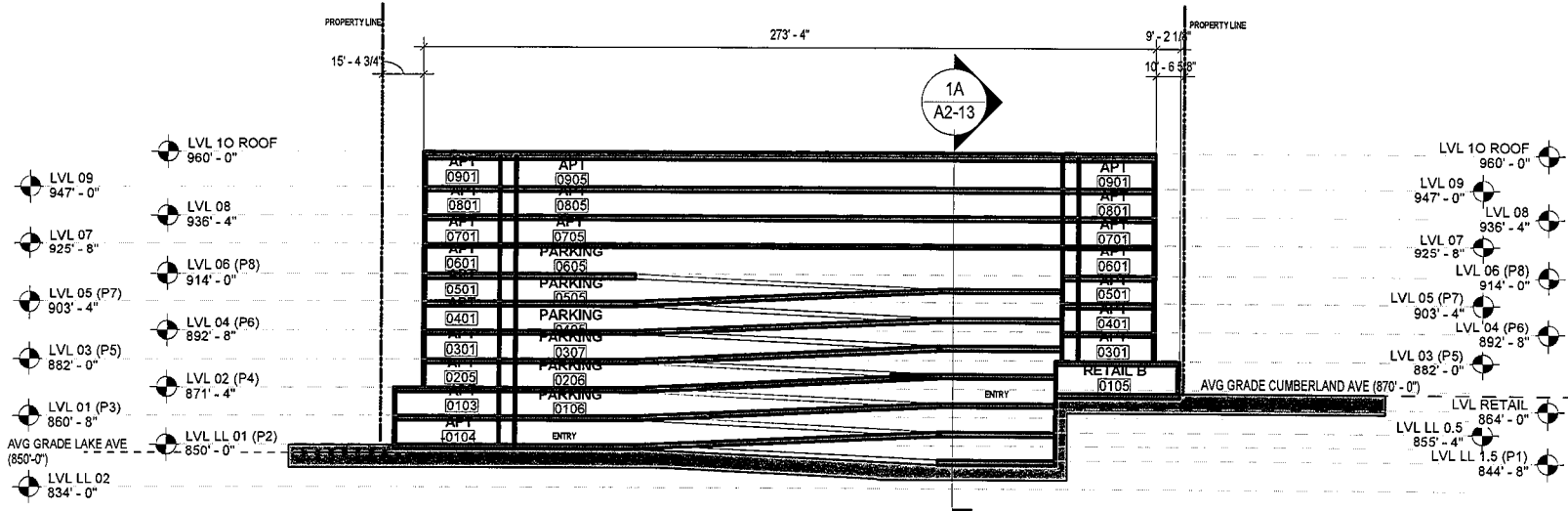
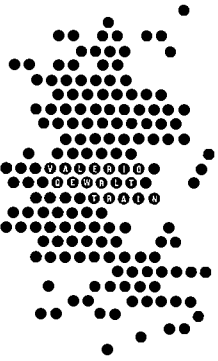
SHEET NUMBER
A1-06



1A LEVEL 07-09 FLOOR PLAN
 SCALE: 1" = 40'-0"

PARKING COUNT		
FLR	COUNT	TOTAL
LVL LL 1.5 (P1)	TARGET 61 + RESIDENTIAL GUEST 23	64
RAMP FROM LVL LL 1.5 TO LVL LL 01	25	20
LVL LL 01 (P2)	9	5
RAMP FROM LL 01 (P2) TO LVL LL 0.5	25	20
LVL LL 0.5	9	5
RAMP FROM LVL LL 0.5 TO LVL 01	25	20
LVL 01 (P3)	12	12
RAMP FROM LVL 01 TO LVL 02	RAMP 23 + LANDING 9 + RAMP 25	57
LVL 02 (P4)	14	14
RAMP FROM LVL 02 TO LVL 03	RAMP 23 + LANDING 9 + RAMP 25	57
LVL 03 (P5)	14	14
RAMP FROM LVL 03 TO LVL 04	RAMP 23 + LANDING 9 + RAMP 25	57
LVL 04 (P6)	14	14
RAMP FROM LVL 04 TO LVL 05	RAMP 23 + LANDING 9 + RAMP 25	57
LVL 05 (P7)	14	14
RAMP FROM LVL 05 TO LVL 06	RAMP 23 + LANDING 9 + RAMP 25	57
LVL 06 (P8)	14	14
TOTAL	501 TOTAL SPACES	

PROJECT NAME
**PEAK CAMPUS DEV.
 KNOXVILLE
 STUDENT HOUSING**
 PROJECT ADDRESS
 21ST STREET AND
 CUMBERLAND STREET,
 KNOXVILLE, TN

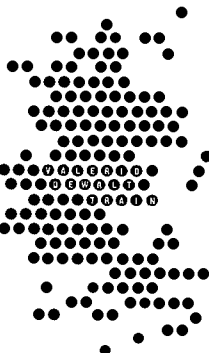


DATE
 10/14/16
 PROJECT NUMBER
 16084.00
 SHEET TITLE
**N-S BUILDING
 SECTION**

SHEET NUMBER
A2-11

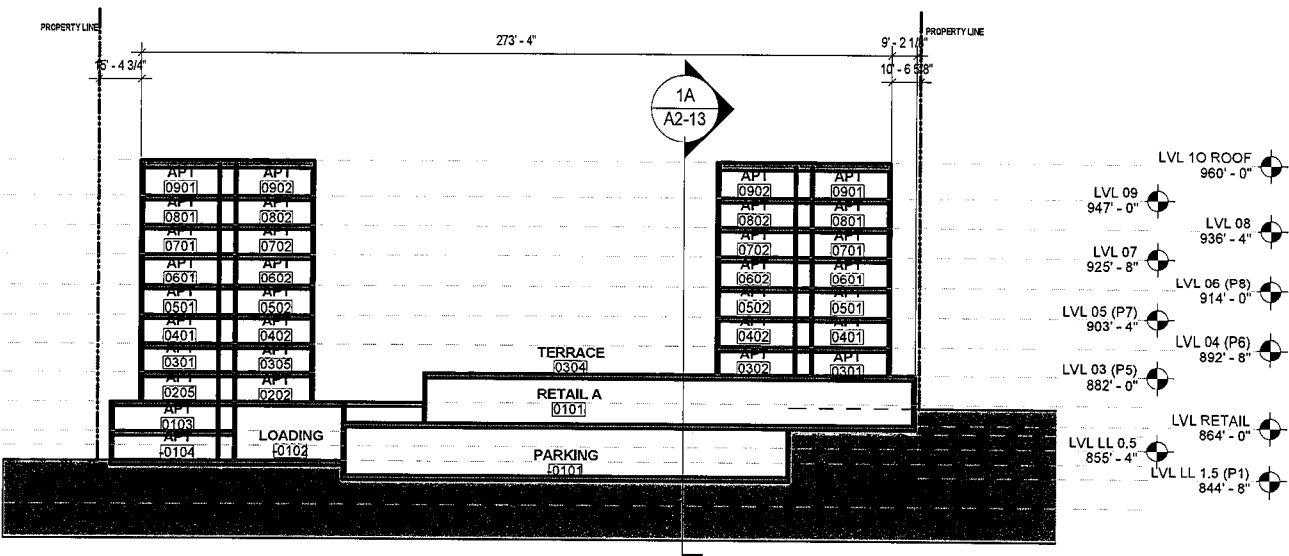
1A N-S BUILDING SECTION 01
 SCALE: 1" = 40'-0"

PROJECT NAME
**PEAK CAMPUS DEV.
 KNOXVILLE
 STUDENT HOUSING**
 PROJECT ADDRESS
 21ST STREET AND
 CUMBERLAND STREET,
 KNOXVILLE, TN



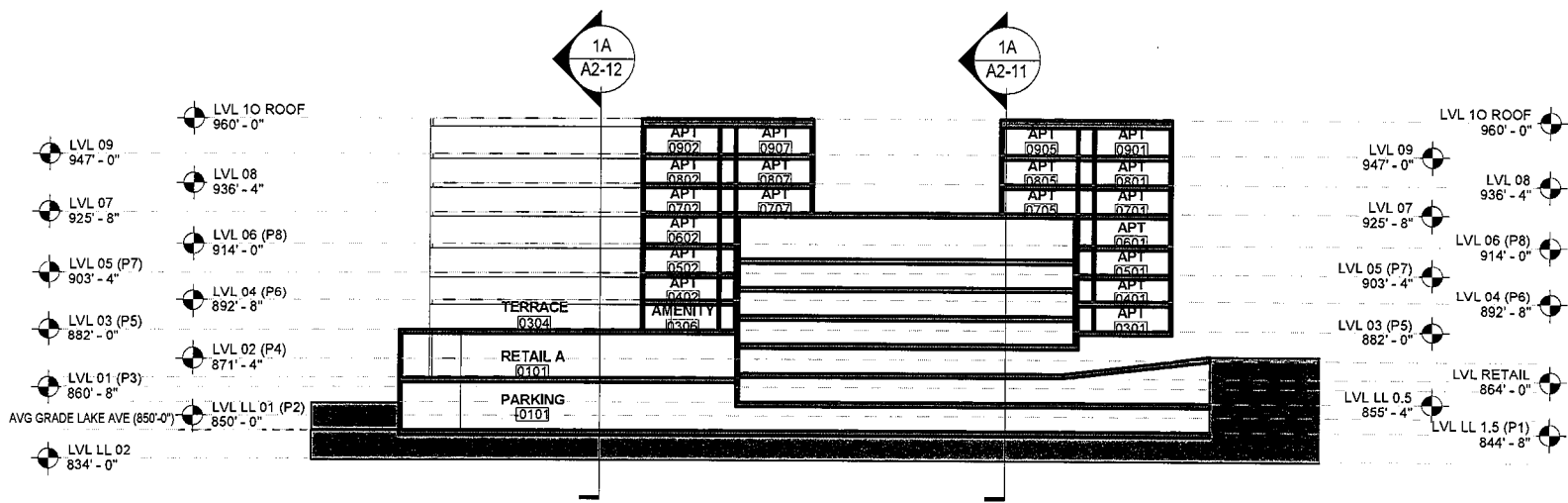
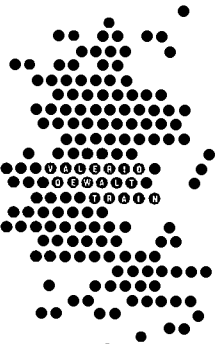
DATE
 10/14/16
 PROJECT NUMBER
 16084.00
 SHEET TITLE
**N-S BUILDING
 SECTION**

SHEET NUMBER
A2-12



1A N-S BUILDING SECTION 02
 SCALE: 1" = 40'-0"

PROJECT NAME
**PEAK CAMPUS DEV.
 KNOXVILLE
 STUDENT HOUSING**
 PROJECT ADDRESS
 21ST STREET AND
 CUMBERLAND STREET,
 KNOXVILLE, TN



DATE
 10/14/16
 PROJECT NUMBER
 16084.00

SHEET TITLE
**E-W BUILDING
 SECTION**



SHEET NUMBER
A2-13

1A E-W BUILDING SECTION
 SCALE: 1" = 40'-0"



KNOXVILLE HOUSING APARTMENTS
RETAIL CONCRETE PODIUM, PRECAST GARAGE, PRESCIENT APARTMENT BUILDING
 TYPE 1-B CONSTRUCTION, HIGHRISE

11.07.2016

Flr	Notes	Dwelling Units										Count Totals		Areas (SF)							Totals		
		1 BED (ave sf)		2 BED (ave sf)		3 BED (ave sf)		4 BED (ave sf)		5 BED (ave sf)		Units / Floor	Parking Count	Services		Retail	Residential			Total Gross (GSF)	Total Height		
		#	#	#	#	#	#	#	#	Parking*	Loading / Mech / Service			Ground Level	Unit Rentable Area	Core	Lobby / Amenity	Courtyards					
L01.5	Parking/Residential		1		1		0		3		1	6		134	28,604	4,679		10,946	3,582			47,811	10'-8"
L01	Parking/Residential/Retail/Res Lobby		1		1		1		5		1	9		69	26,166	12,070	30,233	12,509	3,446	2,544		86,968	10'-8"
L02	Parking/Residential/Garden		1		2		1		7		1	12		71	25,007	336		16,704	4,325		3,191	46,372	10'-8"
L03	Retail/ Res Lobby		3		3		3		11		1	21		71	24,372	672		26,791	6,780	4,655	8,462	63,270	10'-8"
L04	Residential / Parking		3		3		3		13		2	24		71	24,372	672		31,446	6,780			63,270	10'-8"
L05	Residential / Courtyard		3		3		3		13		2	24		71	24,372	672		31,446	6,780			63,270	10'-8"
L06	Residential Floor		3		3		3		13		2	24		14	24,372	672		31,446	6,780			63,270	11'-8"
L07	Residential Floor		5		3		3		19		4	34	1100			672		41,856	6,780		13,962	49,308	10'-8"
L08	Residential Floor		5		3		3		19		4	34				672		41,856	6,774			49,302	10'-8"
L09	Residential Floor		5		3		3		19		4	34				672		41,856	6,774			49,302	13'-0"
L10	Roof																						
P	Rooftop Mechanical (estimate)																						
Total Residential Units		37/15%	30	61/25%	25	26/10%	23	112/45%	122	13/5%	22	222		501	177,265	21,789	30,233	286,856	58,801	7,199	25,615	582,143	120'-0"
% of Total		13.5%		11.3%		10.4%		55.0%		9.9%												excludes courtyards	
Total Beds			30		50		69		488	0	110	747	750 Target										
% of Total		4.0%		6.7%		9.2%		65.3%		14.7%													
Required Parking (MIN) Amount			30		38		46		305		55	501											
Parking Ratio (Spaces per Unit):														2.26									
Parking Ratio (Spaces per Bedroom):														0.67									



1 NORTHWEST CORNER
SCALE: N.T.S.

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PROJECT NAME
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 PROJECT ADDRESS
 21ST STREET AND
 CUMBERLAND STREET,
 KNOXVILLE, TN



DATE
 10/06/16
 PROJECT NUMBER
 16084.00
 SHEET TITLE
VIEWS



SHEET NUMBER
G1-00



1 **SOUTHEAST CORNER**
SCALE: N.T.S.

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STUDENT HOUSING**
PROJECT ADDRESS
21ST STREET AND
CUMBERLAND STREET,
KNOXVILLE, TN



DATE
10/26/16
PROJECT NUMBER
16084.00
SHEET TITLE
VIEWS



SHEET NUMBER
G1-01

Taylor Forrester

From: Burlison, Jonathan <jburliso@wm.com>
Sent: Friday, November 04, 2016 3:16 PM
To: Taylor Forrester
Subject: RE: Cumberland development

From: Burlison, Jonathan [<mailto:jburliso@wm.com>]
Sent: Friday, November 04, 2016 3:16 PM
To: Taylor Forrester <TForrester@lrwlaw.com>
Subject: RE: Cumberland development

Taylor,

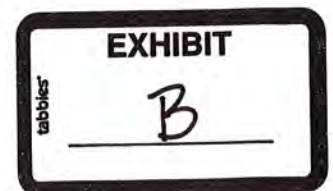
After discussing and meeting with you in regards to the new development on Cumberland Ave, I have no objection to the proposed plans. In fact after discussing with several people at WM, I believe as well as others, that it would be nothing but an improvement to the area and increase the safety of that particular section of Cumberland Ave. From the drawings and information that I have seen, as long as the necessary space is available for our truck to maneuver safely, we are good to go.

Jonathan

Jonathan Burlison
Major Account Manager
Waste Management Inc.
865-313-4536 (cell)
jburliso@wm.com

9504 Diggs Gap Road
Heiskell, TN 37754
(865) 938-4934 fax

Recycling is a good thing. Please recycle any printed emails.



November 7, 2016

Mr. Mark Riley
PEAK CAMPUS
2970 Clairmont Road SE, Suite 310
Atlanta, Georgia 30329

**RE: Proposed Mixed Use Facility - Student Housing
Alley Closure-Knoxville Utility Board Coordination**

Dear Mr. Riley:

Cannon & Cannon, Inc. (CCI) in accordance with our agreement and your instructions met with representatives of Knoxville Utility Board (KUB) New Services Department for the purpose of investigating and coordinating utility relocation in the alley between Twenty-First and Twenty Second Street on the south side of Cumberland Avenue. The proposed development requires closure of the referenced alley to facilitate parking and continuity of the development. Our meeting was held on August 23, 2016 and was attended by Bill Warren, Tim Branson, Zachary Cole and Chris Fullerton with KUB and Taylor Forrester with Long, Ragsdale and Waters..

During the meeting it was determined utilities affected by the potential alley closure included sanitary sewer, natural gas and overhead electric lines.

The existing natural gas line located in the alley also currently loops the entire block. To be confirmed by additional modeling it could be abandoned by installing a simple cross connection at Twenty-First and Cumberland Avenue.

The sanitary sewer line could be rerouted to Lake Avenue and connected to an existing sanitary sewer main running down Lake Avenue. This relocation would require additional modeling and formal design of the relocation but based on preliminary discussions this relocation is likely feasible.

The existing overhead power line is a high voltage line serving the businesses on Cumberland Avenue. Relocation of this line would require burial of the line down Twenty-First, along Lake Avenue and up Twenty-Second to be reconnected to the existing overhead. It was determined this was feasible and KUB provided a cost estimate (attached) to relocate these lines.

Should you have any questions, please do not hesitate in calling me at (865) 670-8555.

Sincerely,



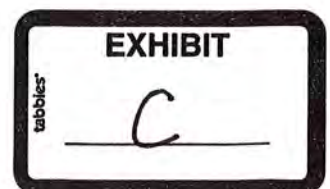
Michael A. Waller, P.E.
Director Community Development

CC: Taylor Forrester - Long Ragsdale & Wate



TEL **865.670.8555**
CANNON-CANNON.COM

KNOXVILLE 8550 Kingston Pike
BOWLING GREEN Knoxville, TN 37919
MEMPHIS
NASHVILLE FAX 865.670.8866



From: [Bill Warren](#)
To: [Michael Waller](#)
Cc: [Tim Branson](#)
Subject: Fw: Estimate - Cumberland Ave - Peak Development Group (Southside of Cumberland Ave between 21st St and 22nd St)
Date: Monday, September 19, 2016 5:00:33 PM

Mike,

Our estimate to underground the electric for the Peak Development project is attached below - please review and let me know if there are any questions.

Thanks,

Bill Warren
KUB New Service Department CS26
4505 Middlebrook Pike, Knoxville, TN 37921
865-558-2592 Office
865-851-2122 Cell
Bill.Warren@KUB.org

----- Forwarded by Bill Warren/NSV/KUB on 09/19/2016 04:55 PM -----

From: Chris Fullerton/ENS/EAO/KUB
To: Bill Warren/NSV/KUB@KUB, Tim Branson/NSV/KUB@KUB
Cc: Mike Patterson/SYS/EAO/KUB@KUB, Les Beaver/ENG/KUB@KUB
Date: 09/16/2016 04:05 PM
Subject: Estimate - Cumberland Ave - Peak Development Group (Southside of Cumberland Ave between 21st St and 22nd St)

Bill and Tim,

Below is the estimate that was requested by the customer.

Replace the overhead 3PH 795AA trunkline in the alley between 21st St and 22nd St with a 750AL UD ((2) 750AL UD cables per phase) underground ductline (remove approx. 400' of OH and install approx. 700' of UG). The underground ductbank route is being proposed from 21st St south to Lake Ave, west on Lake Ave and then north on 22nd St. Feed the customer's load (4)1000kVA (120/208V) transformers, (1)500kVA (277/480V) transformer from a separate riser pole (west of 22nd St in the alley). The route of the local load will follow the route of the ductline cable. This also includes separately metering all residential and commercial units in the building. The estimate is \$700,000.

This is priced as a turnkey job.

This estimate has a number of caveats. See below. If these are not met, we will need to re-calculate the estimate.

I do not think that we will need any easements at this time but if we do, the customer is responsible for securing easement.

City of Knoxville will need to grant us (and/or the developer's contractor) permission to install a ductbank along the ROW from 21st St south to Lake Ave, west on Lake Ave and north on 22nd St. The developer will also need to successfully secure approval of condemnation of the alley way between Cumberland Ave and Lake Ave.

Additional review may be needed based on the results from Cannon and Cannon's survey information of 21st St, 22nd St and Lake Ave ROW and a determination if additional easements will be needed.

Please let me know if you would like to review the estimate or if you have any questions.

Chris

Taylor Forrester

From: PEARMAIN, KELLY <kp6012@att.com>
Sent: Monday, November 07, 2016 6:46 AM
To: Taylor Forrester
Subject: RE: Right-of-Way Closure at MPC November 10, 2016 -

Mr. Forrester,

AT&T would be more than willing to relocate facilities however, this would be a billable issue with the full cost of relocation being incurred back to the requesting party. An engineering fee would need to be paid upfront in order to prepare the actual cost estimate. The engineering fee could range anywhere from \$1,000 to \$2,000 dollars. Please advise how you would like to pursue this endeavor.

Kelly Pearmain
MGR OSP PLNG & ENG DESIGN
AT&T Technology Operations, Construction & Engineering SE

AT&T
9733 Parkside Dr
Knoxville, TN 37922
O:865-539-8580 / kp6012@att.com

From: Taylor Forrester [mailto:TForrester@lrwlaw.com]
Sent: Friday, November 04, 2016 2:58 PM
To: PEARMAIN, KELLY <kp6012@att.com>
Subject: Right-of-Way Closure at MPC November 10, 2016 -

Kelly,

I represent the applicant, Starboard Properties IV, LLC, in its request to close the unnamed alley between 22nd St. and 21st St. (Tax ID No. 108 C K 008). Our request was postponed to November's meeting.

In the event we are successful in our request, the KUB utilities will be rerouted underground south on 21st to Lake Ave and then west on Lake Ave to north on 22nd at which point it will tie back into to the above ground utilities or existing underground utilities.

We have met with KUB and it proposed the above course of action, which my client is agreeable. I have attached the MPC Agenda Package from last month's meeting.

If the utilities are rerouted accordingly would AT&T still have an objection?

I appreciate your time and consideration.

Respectfully yours,

Taylor D. Forrester

