

Resolution No. RS2020-555

A resolution approving an option agreement between the Metropolitan Government of Nashville and Davidson County and Jay Patel, authorizing the purchase of certain property owned by Jay Patel located at 0 Old Hickory Blvd., Nashville (Parcel No. 12800007100) (Proposal No. 2020M-013PR-001).

WHEREAS, the Metropolitan Government of Nashville and Davidson County (“Metropolitan Government”) and Jay Patel desire to enter into an Option Agreement, attached hereto and incorporated herein, pertaining to certain property (“Property”) owned by Jay Patel, located at 0 Old Hickory Blvd., Nashville (Parcel No. 12800007100); and,

WHEREAS, the Property was previously used by the Metropolitan Government as a landfill; and,

WHEREAS, the Tennessee Department of Environment and Conservation (“TDEC”) is requiring the cleanup of the Property to remediate solid waste existing on the Property; and,

WHEREAS, the Property was sold as a delinquent tax property to Jay Patel in 2010 for \$5,000; and,

WHEREAS, the Metropolitan Department of Public Works desires to repurchase the Property to remediate the solid waste on the Property as required by TDEC; and,

WHEREAS, the Metropolitan Government proposes to purchase the Property from Jay Patel for \$12,000; and,

WHEREAS, Section 2.24.250(F) of the Metropolitan Code of Laws provides:

Where land in fee simple is being purchased for purposes other than for rights-of-way for highways, streets, roads, alleys and other places for vehicular traffic, the director of public property administration shall negotiate for the purchase of such property and seek to obtain from the owner an option to sell to the Metropolitan government at a fixed price, subject to the approval of the Metropolitan Council by resolution, and no purchase shall be consummated until it has been so approved by the Metropolitan Council; and,

WHEREAS, pursuant to section 2.24.250(F) of the Metropolitan Code of Laws, the Director of Public Property Administration has negotiated the attached Option Agreement; and,

WHEREAS, the Director of Finance has determined that an appraisal is not needed for the Property, as reflected in the Appraisal Waiver Form attached hereto, because due to the TDEC requirement that the deed be amended to reflect the location of solid waste on the Property, comparables would be difficult to obtain; and,

WHEREAS, approval of the Option Agreement and authorizing the Director of Public Property to purchase said Property is in the best interest of the citizens of the Metropolitan Government.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE:

Section 1. The Option Agreement attached hereto, between the Metropolitan Government of Nashville and Davidson County and Jay Patel, granting the Metropolitan Government an option to purchase the Property located at 0 Old Hickory Blvd., Nashville (Parcel No. 12800007100), is hereby approved.

Section 2. The Director of Public Property Administration, or designee, is hereby authorized to execute and record such documents as may be necessary to carry out the purchase of said Property in substantially the form of the Option Agreement attached hereto.

Section 3. This resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

RECOMMENDED BY:

Jalia Lomax Colneal

Director
Public Property Administration

INTRODUCED BY:

Glenn J. Hester

Kymberly Johnson

Kathleen D. Murphy

Member(s) of Council

Robert Atack

APPROVED AS TO AVAILABILITY
OF FUNDS:

Kevin Crumbo

Kevin Crumbo, Director
Department of Finance

APPROVED AS TO FORM AND
LEGALITY:

Nicki Eke

Assistant Metropolitan Attorney



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department
Metro Office Building
800 Second Avenue South
Nashville, Tennessee 37201

August 26, 2020

To: Ronald Colter, Metro Finance

Re: 0 Old Hickory Boulevard - Land Acquisition
Planning Commission Mandatory Referral #2020M-013PR-001
Council District #22 – Gloria Hausser, Council Member

On behalf of the Metropolitan Planning Commission, the following item, referred to the Commission as required by the Metro Charter, has been recommended for *approval* to the Metropolitan Council:

A request for a resolution approving an option agreement between the Metropolitan Government of Nashville and Davidson County and Jay Patel, authorizing the purchase of certain property owned by Jay Patel located at 0 Old Hickory Blvd., Nashville (Parcel No. 12800007100) (Proposal No. 2020M-013PR-001).

The relevant Metro agencies (Metro Parks, Metro Public Works, Metro Water Services, Metro Emergency Communications, the Nashville Electric Service, Metro Finance – Public Property and the Metro Historical Commission) have reviewed the proposal and concur in the recommendation for approval. This request must be approved by the Metro Council to become effective. A sketch showing the location of the request is attached to this letter.

Conditions that apply to this approval: None.

This recommendation for approval is given as set forth in the Metropolitan Planning Commission Rules and Procedures. If you have any questions about this matter, please contact Jason Rust at Sharon.oconner@nashville.gov or [615-862-7208](tel:615-862-7208).

Sincerely,

A handwritten signature in black ink that reads 'Robert Leeman'.

Robert Leeman, AICP
Deputy Director
Metro Planning Department

cc: *Metro Clerk, Elizabeth Waites*

Re: 0 Old Hickory Boulevard - Land Acquisition
Planning Commission Mandatory Referral #2020M-013PR-001
Council District #22 – Gloria Hausser, Council Member

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Fee Simple Acquisition Option

Project: **Land Acquisition for Metro Public Works**

Property Address: **0 Old Hickory Blvd.
Nashville, TN 37221**

Map No. 128-00-0
Parcel No. 071.00

KNOW ALL MEN BY THESE PRESENTS that, for and in consideration of the mutual benefits that will accrue by reason of the hereinafter described acquisition, we/I hereby grant and give to the Metropolitan Government of Nashville and Davidson County, Tennessee ("Metropolitan Government"), its agents or assigns, the right and option to purchase at any time within 120 days from the date hereof or within a reasonable period of time thereafter necessary to obtain the required documents to conclude the closing, upon the terms set forth, the fee simple interest in the herein described property located in Metropolitan Nashville and Davidson County, Tennessee:

JP
90
days

Being Parcel 071.00, Tax Map 128-00-0 containing 7.47 acres, more or less.

And Grantor(s) hereby agree(s) upon notice of the desire of the Metropolitan Government to exercise said right or option, within the time set out above (the Notice), to convey to said Metropolitan Government, its agents or assigns, by good and sufficient ~~Warranty Deed~~ Quitclaim Deed, the stated interest in the described tract of land. In the event the Metropolitan Government does not give notice of exercise of this option within the time set out above, this instrument is to become null and void.

JP
Quitclaim
Deed

It is agreed that consideration paid to Grantor(s) by the Metropolitan Government will be applied consistent with applicable lien holders agreements, if applicable, unless waived by said lien holders. It is further agreed that when this option is executed, Grantor(s) shall give complete possession of above described property by the date of deed.

It is agreed should the Metropolitan Government exercise said right or option within the time set out above, that Grantor(s) in addition to other good and valuable consideration as detailed herein, will be paid **Twelve Thousand Dollars and 00/00 (\$ 12,000.00)** upon execution of the aforesaid deed to the Metropolitan Government. Metro will pay all closing costs. Closing agent for both parties will be a title company approved by Metro.

It is agreed that within ten (10) days from this agreement, the Metropolitan Government will be granted access to the property at all times for the purpose of performing any and all inspections deemed necessary.

The purchase of this property is contingent upon the approval of the Metropolitan Council.

IN WITNESS WHEREOF, we/I hereunto set our/my hand(s), and obligate ourselves/myself and our/my heirs, executors and assigns to faithfully perform this agreement, in its entirety, on this, the 5 day of August, 2020.

Grantor(s) **Signature(s) Required:**

Jay Patel
Jay Patel

For the Metropolitan Government:

Jalila Lomax Colneal
Director
Public Property Administration

Waiver/Approval Director of Finance for Public Property Administration Action

Regarding the property located at 0 Old Hickory Boulevard
this form shall serve as notice of the Director of Finance's:

- Waiver of
- Approval of

the following actions:

- Appraisal Order
- Environmental Assessment Order
- Acquisition of the above-referenced property on behalf of _____
- Negotiation of lease agreement for above-referenced property on behalf of _____
- Disposition of above-referenced property on behalf of _____
- Mandatory Referral process

If applicable, please provide a brief explanation for waiver of action: The subject property is one of two parcels previously used by Metro as a landfill. The property was sold as a back tax lot to the current owner in 2010. The property consists of 7.47 acres and was acquired for \$5,000. TDEC is requiring the clean up of this property and the adjoining tract to remediate the solid waste currently existing on these properties. In order to insure that the remediation is done correctly and because the property owner bought this as a back tax property, Metro Public Works desires to repurchase the property prior to any work being done on the site. The current owner has offered to sell the tract back to Metro for \$12,000. This price would reimburse the owner for the initial purchase price of \$5,000, property taxes paid during the time of ownership totaling \$5,057, and legal fees and miscellaneous expenses incurred during his ownership totaling \$1,943. An appraisal waiver is being requested due, in part, to TDEC's requirement that the deed be amended to reflect the location of solid waste on the property which would make comparables difficult to come by, as well as, having to incur the cost of the appraisal. This action

is being requested by Public Works in order to insure full compliance with TDEC regulations. _____

Signed as of this 21st day of July, 2020.

Karen Crumso
Director of Finance