



**METROPOLITAN GOVERNMENT OF NASHVILLE
AND DAVIDSON COUNTY**
Metro Office Building
800 President Ronald Reagan Way
P.O. Box 196300
Nashville, TN 37219-6300

May 8, 2023

To: Ronald Colter Metropolitan Government of Nashville & Davidson County

Re: **0 HWY 70 SOUTH**
Planning Commission Mandatory Referral # 2023M-068ES-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:

An ordinance authorizing the granting of a permanent utility easement to Piedmont Natural Gas Co. on certain property owned by the Metropolitan Government (Parcel No. 14200021700) (Proposal No. 2023M-068ES-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 Delilah Rhodes at delilah.rhodes@nashville.gov or 615-862-7208.

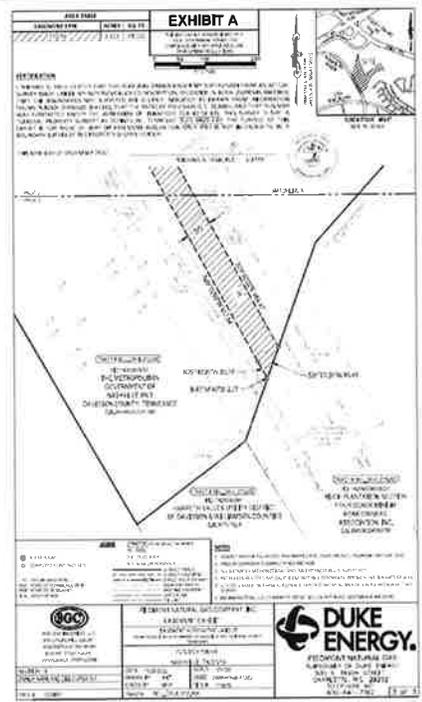
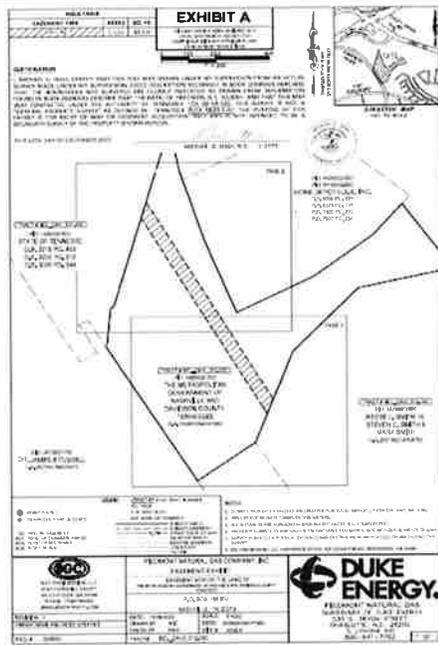
Sincerely,

A handwritten signature in blue ink that reads 'Lisa Milligan'.

Lisa Milligan
Land Development Manager
Metro Planning Department
cc: *Metro Clerk*

**Re: 0 HWY 70 SOUTH
Planning Commission Mandatory Referral # 2023M-068ES-001
Council District #22 Gloria Hausser, Council Member**

An ordinance authorizing the granting of a permanent utility easement to Piedmont Natural Gas Co. on certain property owned by the Metropolitan Government (Parcel No. 14200021700) (Proposal No. 2023M-068ES-001).



EASEMENT

Prepared by: Jeffrey E. James, Attorney, 4720 Piedmont Row Dr., Charlotte, NC 28210
Return Recorded Document To: Percheron Professional Services 5550 77 Center Dr., Suite 310, Charlotte, NC 28217

STATE OF TENNESSEE
COUNTY OF DAVIDSON

For Internal Informational Purposes Only
LINE NO. BELLEVUE LOOP
PROJECT TRACT NO. BEL_DAVI_012.000
PROJECT NO. 0234901
PARCEL ID #: 14200021700

THIS "EASEMENT" is made and granted as of this ____ day of _____, 2023, from THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY ("Grantor", whether one or more), to PIEDMONT NATURAL GAS COMPANY, INC., a North Carolina corporation ("Piedmont").

WHEREAS, Grantor is the owner of, or has an interest in, that property situated in the County of Davidson, Tennessee, as more particularly described in the instrument recorded in Instrument No. 20090505-0041383, Davidson County Registry (the "Property").

NOW, THEREFORE, Grantor for and in consideration of the sum of One Thousand Eight Hundred Dollars (\$1,800.00), the receipt and legal sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, and conveys unto Piedmont, its successors and assigns the following easement(s) and right(s) of way under, upon, over, through, and across the Property, as shown on the survey attached hereto as Exhibit A and incorporated herein by reference (the "Survey").

Pipeline Easement. A perpetual easement under, upon, over, through, and across that portion of the Property, generally 1.103 acres wide, designated "Pipeline Easement" on the Survey (the "Pipeline Easement Area") for purposes of constructing, installing, maintaining, operating, repairing, altering, replacing, removing, relocating, inspecting, upgrading, and protecting one or more pipelines (which pipelines shall be underground) and appurtenant facilities (including, without limitation: at or below grade valves and anode beds; and above ground markers, cathodic protection equipment, bollards) for the transportation of natural gas.

For purposes of this EASEMENT, the term "Easements" shall refer collectively to all easements described above and as depicted on the Survey and the term "Easement Areas" shall refer collectively to all the easement areas described above and as depicted on the Survey.

Piedmont's Use. Piedmont shall have all rights necessary or convenient for the full use and enjoyment of the rights herein granted, including, without limitation: (1) reasonable access across the Property to and from the Easement Areas, and (2) the right, but not the obligation, to clear and keep the Easement Areas cleared of vegetation, undergrowth, trees (including overhanging limbs and foliage), buildings, structures, installations, and any other obstructions which unreasonably interfere with the rights granted herein (collectively, "Obstructions"). Some or all of the natural gas pipelines and appurtenant facilities (collectively, as described and permitted in the Easements granted herein, the "Facilities") may be installed now and/or in the future. All Facilities shall be and remain the property of Piedmont and may be removed by it at any time and from time to time.

Grantor's Reservation of Rights. Grantor reserves the right to use the Property and Easement Areas for all purposes that do not unreasonably interfere with the rights granted herein and that are not inconsistent with any applicable federal, state, or local law, rule, or regulation. Grantor may change the use of the Easement Areas or install certain Obstructions within the Easement Areas if Grantor has obtained prior written approval from Piedmont, which approval shall not be unreasonably withheld, conditioned or delayed. Anything to the contrary herein notwithstanding, Grantor shall not: (1) unreasonably interfere with Piedmont's access to or maintenance of the Facilities or the Easement Areas; (2) endanger the safety of Grantor, Piedmont, the general public, private or personal property, or the Facilities; or (3) install or maintain, or permit to be installed or maintained, any Obstructions within the Easement Areas except as approved in writing by Piedmont.

Damages. Piedmont shall be responsible for actual physical damage to (1) the land within the Property and Easement Areas and (2) improvements and annual crops located on the Property that are not in violation of the terms hereof, to the extent caused by Piedmont in exercising the rights granted herein, provided that a claim is made by Grantor within one hundred and twenty (120) days after such damages are sustained. Piedmont shall restore and level the surface of the Easement Areas to a condition which is reasonably close to the condition existing immediately prior to Piedmont's use of the Easement Area, excepting those permanent alterations which may be permitted in connection with each Easement above, if any, and earthen water bars to prevent erosion. Piedmont shall not be liable for any damage caused to Obstructions or improvements installed in violation of the terms hereof and may remove them at Grantor's expense without Grantor's prior approval or permission.

No Waiver or Additional Representations. The failure by Piedmont to exercise and/or enforce any of the rights, privileges,

and Easements herein described shall not be construed as a waiver or abandonment of any such rights, privileges and Easements, and Piedmont thereafter may exercise and/or enforce, at any time and from time to time, any or all of them. It is understood and acknowledged by the undersigned that the person securing this grant on behalf of Piedmont is without authority to make any agreement with regard to the subject matter hereof which is not expressed herein, and that no such agreement will be binding on Piedmont.

Ownership of the Property. Grantor represents, warrants and covenants that it is the lawful owner of the Property and has the right to convey the rights set forth herein and that the Property is free from all encumbrances, except for encumbrances of record. Grantor represents it has obtained any necessary approvals from any applicable tenant interests.

To have and to hold said rights, privileges, and Easements unto Piedmont, its affiliates, successors, and assigns. Piedmont, its successors and assigns, shall have the right to assign, license, lease, or otherwise transfer, in whole or in part, this EASEMENT, or any rights granted herein, to any person or entity, including but not limited to, any affiliated parent or subsidiary entity of Piedmont, for the uses and purposes expressly stated herein. This EASEMENT shall run with the land and inure to the benefit of and be binding upon Grantor, Piedmont and their respective heirs, successors and assigns.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, this EASEMENT has been signed under seal by Grantor, as of the date first above written.

GRANTOR:

THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

By: [Signature]
Name: Monique H. Odom
Title: Director

STATE OF Tennessee
COUNTY OF Davidson

I, Larecia Travis, a Notary Public for Davidson County, _____, certify that Monique Odom personally came before me this day and acknowledged that he (or she) is Director of Metro Parks of The Metropolitan Government of Nashville and Davidson County, and that he (or she), in such capacity, being authorized to do so, executed the foregoing Easement on behalf of the corporation.

Witness my hand and official seal this the 11th day of April, 2023

[NOTARY SEAL]



Larecia Travis Sign
Larecia Travis Print

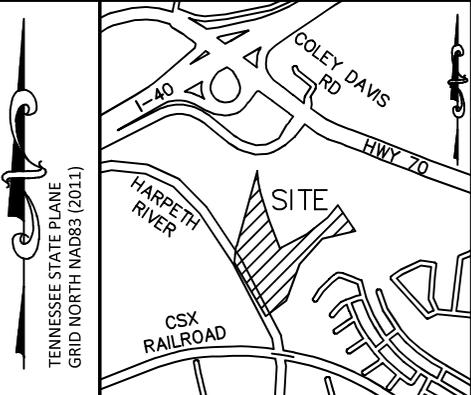
My commission expires: 7/6/2026

AREA TABLE		
EASEMENT TYPE	ACRES	SQ. FT.
PIPELINE	1.103	48,030

EXHIBIT A

THIS MAP HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS

1" = 200'

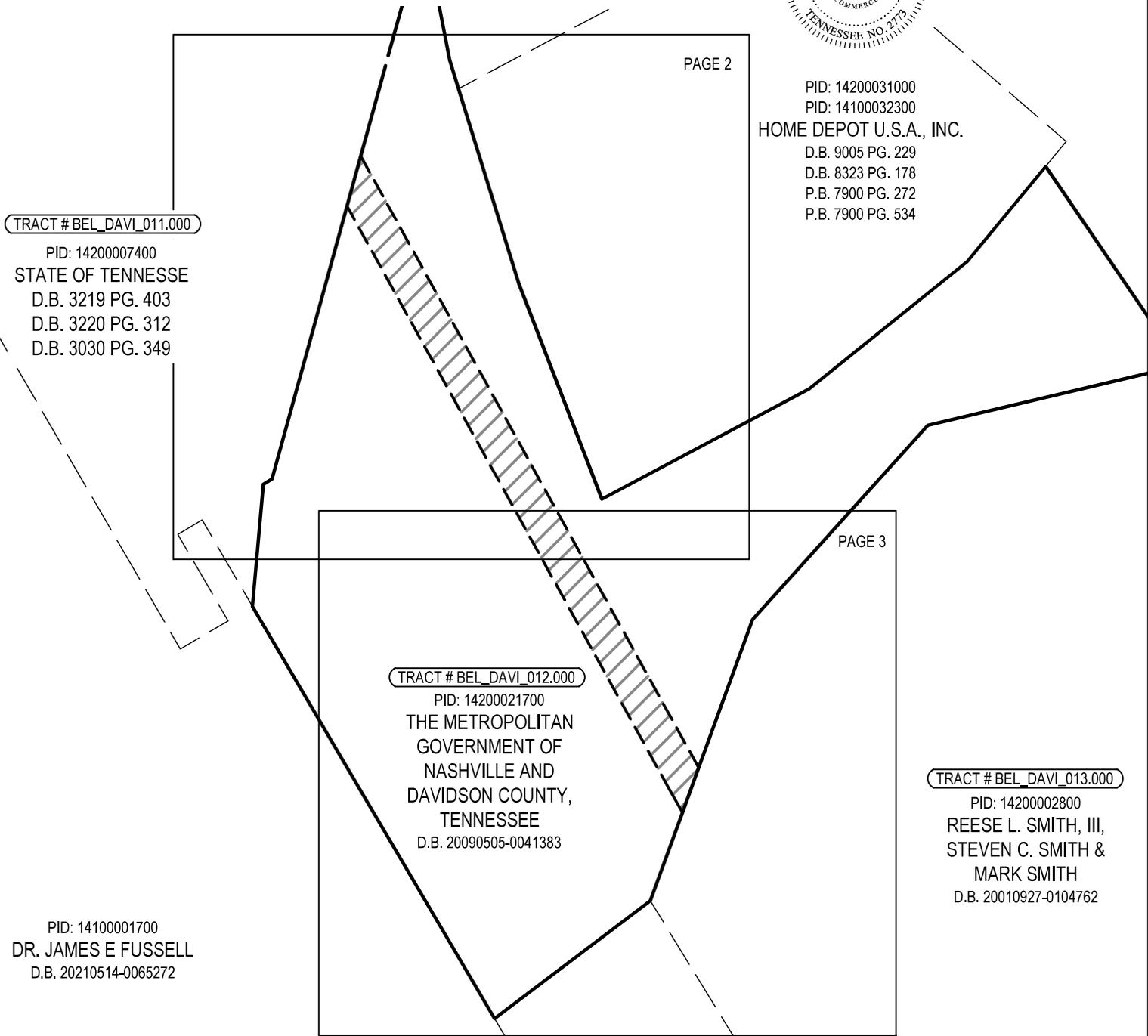


CERTIFICATION

I, MICHAEL G. HIGH, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 20090505-0041383); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 20090505-0041383; THAT THE RATIO OF PRECISION IS 1: 10,000+; AND THAT THIS MAP WAS COMPLETED UNDER THE AUTHORITY OF TENNESSEE TCA 62-18-126; THIS SURVEY IS NOT A "GENERAL PROPERTY SURVEY" AS DEFINED IN TENNESSEE RULE 0820-3-07; THE PURPOSE OF THIS EXHIBIT IS FOR RIGHT OF WAY OR EASEMENT ACQUISITION ONLY AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN HEREON.

THIS 12TH DAY OF DECEMBER 2022

Michael G. High
MICHAEL G. HIGH, RLS L-2773



LEGEND

- (TRACT #) DUKE TRACT NUMBER
- PG. PAGE
- D.B. DEED BOOK
- N/F NOW OR FORMERLY
- SUBJECT PARCEL
- - - - - SUBJECT EASEMENT
- - - - - R/W STREET RIGHT OF WAY
- ADJACENT PARCEL
- - - - - EXISTING EASEMENT
- CENTERLINE
- - - - - TIE LINE

NOTES

1. SUBJECT PROPERTY SURVEYED AND MAPPED FOR: (DUKE ENERGY / PIEDMONT NATURAL GAS).
2. AREA BY COORDINATE COMPUTATION METHOD.
3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET.
4. PROPERTY SUBJECT TO ANY VALID & ENFORCEABLE EASEMENTS, RESTRICTIONS, & RIGHTS OF WAY.
5. SURVEY IS BASED ON PHYSICAL EVIDENCE AND EXISTING MONUMENTATION FOUND DURING THIS SURVEY.
6. SGC ENGINEERING, LLC, CORPORATE OFFICE: 501 COUNTY ROAD, WESTBROOK, ME 04092

- REBAR FOUND
- COMPUTED POINT (NOT SET)
- PE PIPELINE EASEMENT
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- R/W RIGHT OF WAY

SGC ENGINEERING, LLC
610 CHURCHILL COURT
WOODSTOCK, GA 30188
PHONE: 770-575-4300
WWW.SGCSURVEY.COM

PIEDMONT NATURAL GAS COMPANY, INC

EASEMENT EXHIBIT

EASEMENT ACROSS THE LAND OF
THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY,
TENNESSEE

P.O. BOX 196300
NASHVILLE, TN 37219

DUKE ENERGY®

PIEDMONT NATURAL GAS
SUBSIDIARY OF DUKE ENERGY
535 S. TRYON STREET
CHARLOTTE, N.C. 28202
TELEPHONE NO.
800-641-7762

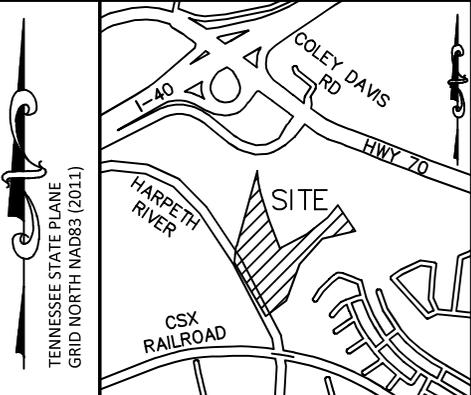
REVISION: 1	DATE: 11/28/2022	SCALE: 1"=200'
OWNER NAME AND DEED UPDATES	DRAWN BY: ANT	DEED: 20090505-0041383
	CHECK BY: MGH	SITE #: 115670
PROJ #: 0234901	TRACT#: BEL_DAVI_012.000	

AREA TABLE		
EASEMENT TYPE	ACRES	SQ. FT.
PIPELINE	1.103	48,030

EXHIBIT A

THIS MAP HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS

1" = 100'

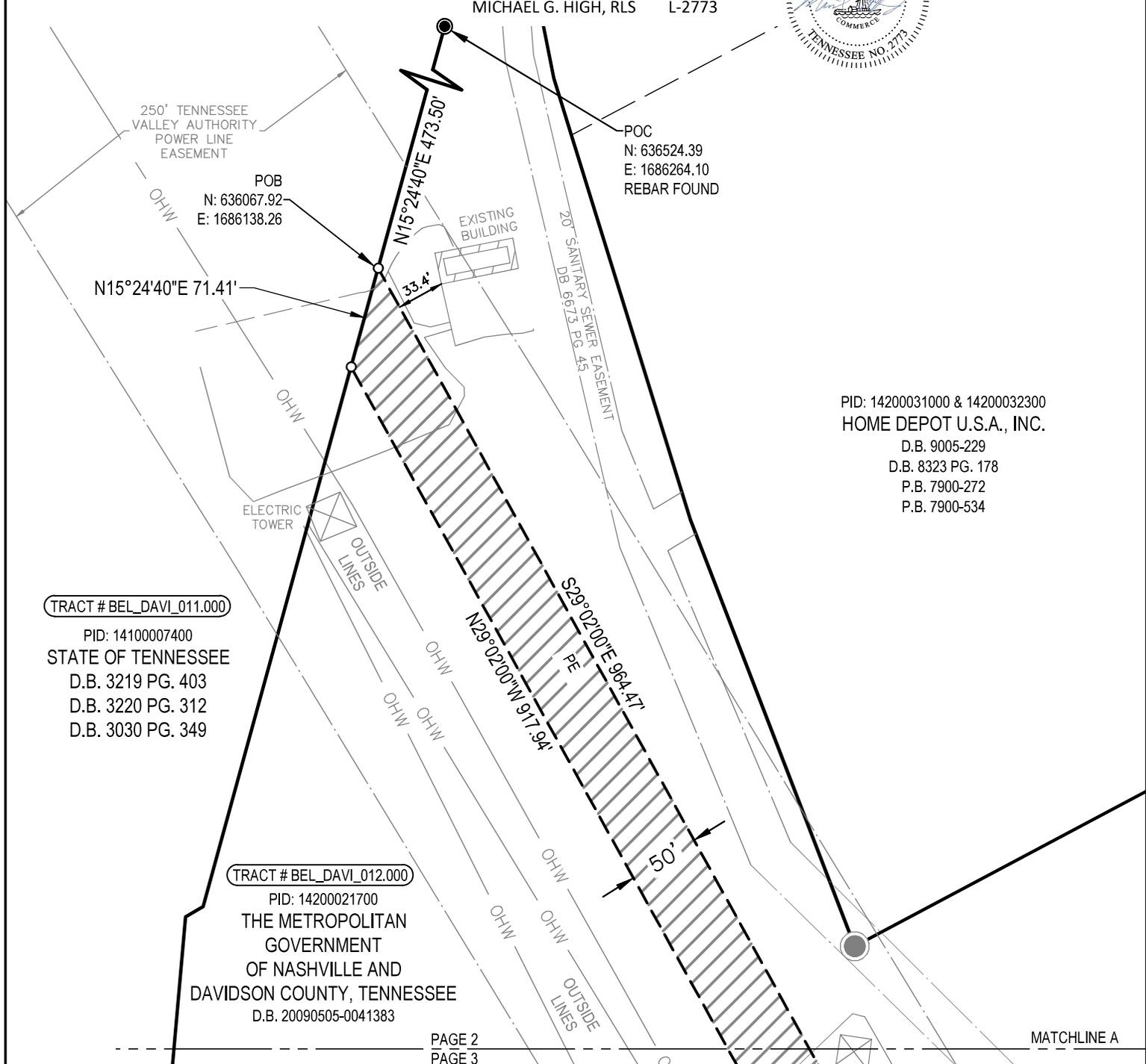


CERTIFICATION

I, MICHAEL G. HIGH, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 20090505-0041383); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 20090505-0041383; THAT THE RATIO OF PRECISION IS 1: 10,000+; AND THAT THIS MAP WAS COMPLETED UNDER THE AUTHORITY OF TENNESSEE TCA 62-18-126; THIS SURVEY IS NOT A "GENERAL PROPERTY SURVEY" AS DEFINED IN TENNESSEE RULE 0820-3-07; THE PURPOSE OF THIS EXHIBIT IS FOR RIGHT OF WAY OR EASEMENT ACQUISITION ONLY AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN HEREON.

THIS 12TH DAY OF DECEMBER 2022

Michael G. High
MICHAEL G. HIGH, RLS L-2773



PID: 14200031000 & 14200032300
HOME DEPOT U.S.A., INC.
D.B. 9005-229
D.B. 8323 PG. 178
P.B. 7900-272
P.B. 7900-534

LEGEND	
● REBAR FOUND	(TRACT #) DUKE TRACT NUMBER
○ COMPUTED POINT (NOT SET)	PG. PAGE
	D.B. DEED BOOK
	N/F NOW OR FORMERLY
PE PIPELINE EASEMENT	— SUBJECT PARCEL
POC POINT OF COMMENCEMENT	--- SUBJECT EASEMENT
POB POINT OF BEGINNING	--- R/W STREET RIGHT OF WAY
R/W RIGHT OF WAY	--- ADJACENT PARCEL
	--- EXISTING EASEMENT
	--- CENTERLINE
	--- TIE LINE

- NOTES**
- SUBJECT PROPERTY SURVEYED AND MAPPED FOR: (DUKE ENERGY / PIEDMONT NATURAL GAS).
 - AREA BY COORDINATE COMPUTATION METHOD.
 - ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET.
 - PROPERTY SUBJECT TO ANY VALID & ENFORCEABLE EASEMENTS, RESTRICTIONS, & RIGHTS OF WAY.
 - SURVEY IS BASED ON PHYSICAL EVIDENCE AND EXISTING MONUMENTATION FOUND DURING THIS SURVEY.
 - SGC ENGINEERING, LLC, CORPORATE OFFICE: 501 COUNTY ROAD, WESTBROOK, ME 04092

PIEDMONT NATURAL GAS COMPANY, INC
EASEMENT EXHIBIT
EASEMENT ACROSS THE LAND OF
THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY,
TENNESSEE
P.O. BOX 196300
NASHVILLE, TN 37219

REVISION: 1	DATE: 11/28/2022	SCALE: 1"=100
OWNER NAME AND DEED UPDATES	DRAWN BY: ANT	DEED: 20090505-0041383
	CHECK BY: MGH	SITE #: 115670
PROJ #: 0234901	TRACT#: BEL_DAVI_012.000	

DATE: 11/28/2022	SCALE: 1"=100
DRAWN BY: ANT	DEED: 20090505-0041383
CHECK BY: MGH	SITE #: 115670
TRACT#: BEL_DAVI_012.000	

PIEDMONT NATURAL GAS
SUBSIDIARY OF DUKE ENERGY
535 S. TRYON STREET
CHARLOTTE, N.C. 28202
TELEPHONE NO.
800-641-7762

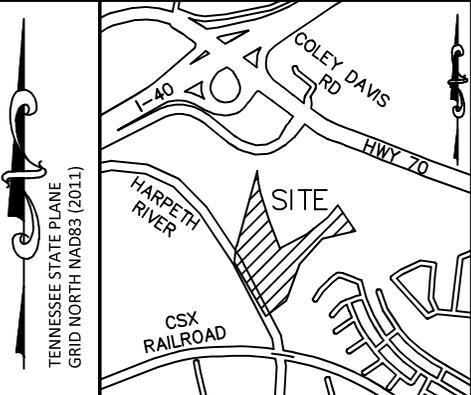
2 OF 3

AREA TABLE		
EASEMENT TYPE	ACRES	SQ. FT.
PIPELINE	1.103	48,030

EXHIBIT A

THIS MAP HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS

1" = 100'

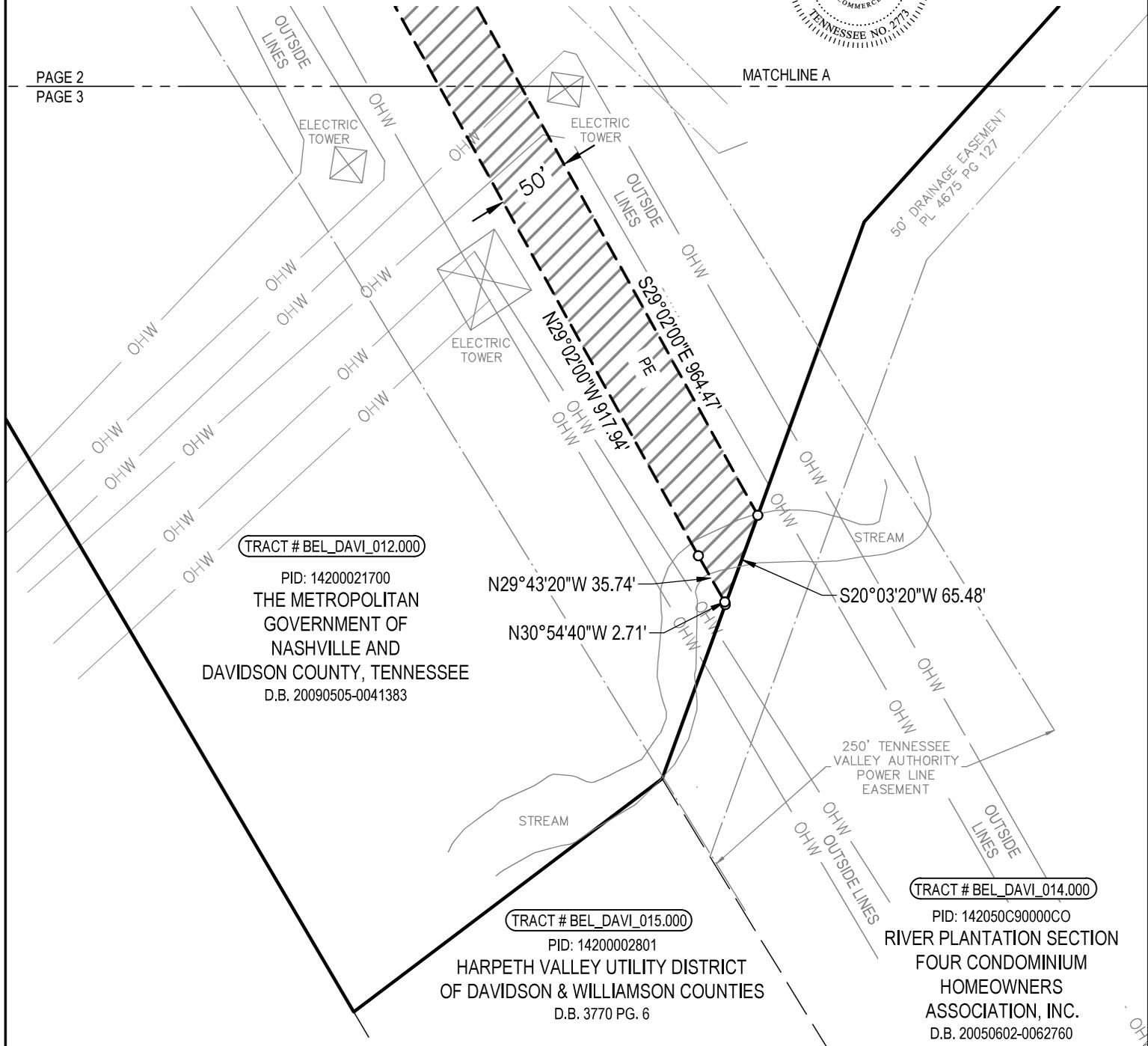


CERTIFICATION

I, MICHAEL G. HIGH, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 20090505-0041383); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 20090505-0041383; THAT THE RATIO OF PRECISION IS 1: 10,000+; AND THAT THIS MAP WAS COMPLETED UNDER THE AUTHORITY OF TENNESSEE TCA 62-18-126; THIS SURVEY IS NOT A "GENERAL PROPERTY SURVEY" AS DEFINED IN TENNESSEE RULE 0820-3-07; THE PURPOSE OF THIS EXHIBIT IS FOR RIGHT OF WAY OR EASEMENT ACQUISITION ONLY AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN HEREON.

THIS 12TH DAY OF DECEMBER 2022

Michael G. High
MICHAEL G. HIGH, RLS L-2773



LEGEND	
● REBAR FOUND	(TRACT #) DUKE TRACT NUMBER
○ COMPUTED POINT (NOT SET)	PG. PAGE
	D.B. DEED BOOK
	N/F NOW OR FORMERLY
PE PIPELINE EASEMENT	————— SUBJECT PARCEL
POC POINT OF COMMENCEMENT	————— SUBJECT EASEMENT
POB POINT OF BEGINNING	————— R/W ————— STREET RIGHT OF WAY
R/W RIGHT OF WAY	————— ADJACENT PARCEL
	————— EXISTING EASEMENT
	————— CENTERLINE
	————— TIE LINE

- NOTES**
- SUBJECT PROPERTY SURVEYED AND MAPPED FOR: (DUKE ENERGY / PIEDMONT NATURAL GAS).
 - AREA BY COORDINATE COMPUTATION METHOD.
 - ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET.
 - PROPERTY SUBJECT TO ANY VALID & ENFORCEABLE EASEMENTS, RESTRICTIONS, & RIGHTS OF WAY.
 - SURVEY IS BASED ON PHYSICAL EVIDENCE AND EXISTING MONUMENTATION FOUND DURING THIS SURVEY.
 - SGC ENGINEERING, LLC, CORPORATE OFFICE: 501 COUNTY ROAD, WESTBROOK, ME 04092

 SGC ENGINEERING, LLC 610 CHURCHILL COURT WOODSTOCK, GA 30188 PHONE: 770-575-4300 WWW.SGCSURVEY.COM	PIEDMONT NATURAL GAS COMPANY, INC EASEMENT EXHIBIT EASEMENT ACROSS THE LAND OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE P.O. BOX 196300 NASHVILLE, TN 37219	 DUKE ENERGY PIEDMONT NATURAL GAS SUBSIDIARY OF DUKE ENERGY 535 S. TRYON STREET CHARLOTTE, N.C. 28202 TELEPHONE NO. 800-641-7762		
	REVISION: 1 OWNER NAME AND DEED UPDATES		DATE: 11/28/2022 DRAWN BY: ANT CHECK BY: MGH	SCALE: 1"=100 DEED: 20090505-0041383 SITE #: 115670
	PROJ #: 0234901		TRACT#: BEL_DAVI_012.000	3 OF 3