



**Application for Conveyance of Interest of
Surplus T.D.O.T. Right-of -Way**

Please Fill Out and Return to:

**Tennessee Department of Transportation
2nd Floor Right-of-Way Office
6601 Centennial Blvd.
Nashville, TN 37243**

ATTN: Jon "Bird" Armstrong

REF: Surplus Property Anna Dearman, NDOT

1. Name of Requestor: _____
Address: 750 S 5th Street
City: Nashville State: TN Zip: 37206
Day-time phone number: 615-862-8735
Email: anna.dearman@nashville.gov

Is the requestor a current or former employee of the State of Tennessee?

No

2. Name/Address to be on conveyance document if different from above:

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

3. Contact name and address if different from above:

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Day-time phone number: _____

Email: _____

4. Check type of request (one only):

Deed (Sale)

License

Lease

Access Control

5. Location and Address (approximate if none) of desired property:

Address: Arthur Avenue under I-40/I-65 bridge

City: Nashville State: TN Zip: 37208

6. Indicate the reason for this request (provide as much information as possible):

Installing artistic lighting project

7. Check all that apply:

- a. I am the property owner from which the state acquired the desired property within the past 10 years.
- b. I am an adjoining property owner of the desired property.
- c. None of the above.

8. Attach the following documents: (Provided in electronic pdf format if available)

- a. Tax Map with desired property highlighted
- b. Legal description of desired property (must reference TDOT roadway plans)
- c. If adjoining property owner, a copy of your deed
- d. If the adjoining property is to be developed, attach a copy of the site plan, drainage plan, and survey plat. If available, provide copies of environmental documents, traffic study, approved permits, and any other information that might be beneficial to your request.

I certify that the above information is true and accurate to the best of my knowledge.

Anna Dearman

Name

5/4/2023

Date

Additional information for governmental agencies:

9. Does your agency own adjoining property? Yes

If yes, attach a copy of your deed.

10. Provide proof of public liability insurance or self- insurance if lease or license is requested.

11. Are any enhancement grants or funds involved with this request?

NO

YES What type of grants are involved? NEA
What is the dollar amount of the grant? \$75,000

12. Indicate if request involves building or modifying a structure or any other work that will be done on state right-of-way. (Modifications would include grading of slopes, drainage, fence removal and replacement, air space rights, etc.) If yes, explain. Attach any other pertinent documents that were not included in item 8.

No listed modifications

I certify that the above information is true and accurate to the best of my knowledge.

Anna Dearman

Name

5/4/2023

Date

Walking & Biking Manager

Title

Explanation of Process for the Purchase of Surplus Property

1. A completed application must be sent to TDOT's Regional Right-of-Way Office, Excess Land Section.
2. The Region Right-of-Way Office will investigate the request and send a report to the Central Right-of-Way Office in Nashville.
3. The Central Right-of-Way Office presents the request to the Department's Excess Land Sub-Committee.
4. If the request is not recommended, the Central Right-of-Way Office will notify the requestor by letter with a copy to the Regional Right-of-Way Office.
5. If the request is recommended, the Central Right-of-Way Office will notify the requestor by letter. This **does not** indicate that final approval has been obtained. It simply means that the request is moving forward in the process.
6. An environmental document is prepared if needed. If this document must be prepared by a consultant, the requestor is responsible for the associated costs.
7. The request packet and environmental document will be sent to FHWA for their concurrence.
8. A preliminary value estimate will be prepared to determine if the fair market value will more than likely be less than or greater than \$10,000. If the estimate is less than \$10,000, an appraisal will be prepared by the Department's staff appraiser to determine the fair market value. If the estimate is greater than \$10,000, the Department will employ a fee appraiser. In this case, the requestor must pay the appraisal fee and provide written permission for TDOT to proceed. The requestor will be given **30 days** from notification to submit this payment to the Department. **If this 30 day deadline is not met, the file will be closed on the request.**
9. For fee simple sales or easements, a request for payment of the fair market value will be sent to the requestor after the property has been appraised, reviewed, and approved by the Department of General Services. The requestor will be given **60 days** from notification to submit payment to the Department. **If this 60 day deadline is not met, the file will be closed on the request.**
10. Once fair market value payment is collected on a fee simple sale or easement, a Quitclaim Deed is prepared by either TDOT or the Department of General Services, depending on the appraised value of the requested land. The deed will then be executed and delivered.
11. For a lease or license, the requestor will be required to provide a certificate of liability insurance with limits of \$300,000 per claimant and \$1, 000,000 per occurrence, and must agree to hold the State of Tennessee harmless from any and all claims, costs, damages, and judgments of whatsoever nature arising out of the activities of the lessee or licensee on the premises pursuant to the Lease or License and to assume all

responsibility of liability therefore. Before the executed document will be delivered, the first annual payment must be collected.

12. For disposals of TDOT surplus property where the fair market value exceeds \$75,000, the Department of General Services will handle the request. The Department of General Services will charge a real estate management fee pursuant to the following fee schedule:

If the fair market value of the requested property is:

| | |
|----------------------------|---|
| \$0 - \$10,000.00 | The fee is \$500.00 |
| \$10,001.00 - \$999,999.00 | The fee is five (5%) per cent of transaction amount |
| \$1,000,000.00 or greater | The fee is \$10,000.00. |

All fees will be payable at closing or at the execution of instrument, or when the Director of Real Estate deems appropriate, except lease fees may be collected as each annual payment becomes due (see below).

Annual lease or license fee is as follows:

| | |
|--------------------|---|
| \$0 - \$2,000 | The fee is a \$500.00. |
| \$2,001 or greater | The fee is five (5%) of the annual lease or license payment |

RESTRICTIONS ON FUTURE USE OF PROPERTY

- (1) no person, on the grounds of sex, handicap, race, color, or national origin shall excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of any public facilities which may be constructed on the above described land;
- (2) that in connection with the construction of any improvements on said lands and the furnishings of services thereon, no discrimination shall be practiced and in the selection of employees and contractors, by contractors in the selection and retention of first-tier subcontractors and by first-tier subcontractors in the selection of the retention of second-tier subcontractors;
- (3) that such discrimination shall not be practiced against the public in their access to and use of the facilities and services provided for public accommodations (such as eating, sleeping, rest, recreation, and vehicle servicing) constructed or operated on the above described land; and,
- (4) that the Grantees comply with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, Title 49, Code of Federal Regulations, Part 27, Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance; and 23 U.S.C., Section 324.
- (5) that this conveyance is subject to any interest a utility may have in the placement and maintenance of existing utility facilities located on the property.

No junkyards, as defined in 23 U.S.C., Section 136 shall hereafter be established or maintained on land released as excess to highway needs. No signs, billboards, outdoor advertising structures or advertisement of any kind as provided for in 23 U.S.C., Section 131 shall be hereafter erected, displayed, placed or maintained upon or within the land released, except that signs may be erected and maintained to advertise the sale, hire or lease of the property, or the principal activities conducted on the land upon which the signs are located.

This is only a partial list. Other clauses may be added or removed at the Commissioner of Transportation's discretion.

Source:

Tennessee Code/TITLE 12 PUBLIC PROPERTY, PRINTING AND CONTRACTS/CHAPTER 2 ADMINISTRATION AND DISPOSITION OF STATE PROPERTY/PART 1 GENERAL PROVISIONS/12-2-112. Disposal of surplus interests in real property and energy resources.

(a) The commissioner of general services, with the approval of the governor and attorney general and reporter, may sell, lease or otherwise convey any interest in surplus state real property according to the following provisions:

(1) Real property shall not be sold in fee, and any interest or rights in minerals, coal, natural gas, oil, timber and any other energy related resources shall not be conveyed if there is any feasible use for the property by any state agency, as determined by the governor, the attorney general and reporter and the commissioner of general services. Should the state agency have an approved use for the property, the commissioner is authorized to transfer jurisdiction to the appropriate agency at no cost;

(2) As to sales in fee, and to any conveyance of any interest or rights in minerals, coal, natural gas, oil, timber and any other energy-related resources, such property shall be appraised by at least two (2) independent, qualified appraisers, wholly disconnected from state government or any other legal governmental entity except as may otherwise be determined by the state building commission;

(3) As to sales in fee, and to any conveyance of any interest or rights in minerals, coal, natural gas, oil, timber and any other energy-related resources, such surplus property having an average appraised value exceeding twenty-five thousand dollars (\$25,000) shall be advertised not less than one (1) time in a newspaper which is local with respect to the property to be sold and once in a newspaper in either Nashville, Memphis, Chattanooga or Knoxville, whichever is nearest by air; provided, that if one (1) of these four (4) cities is the situs of the property to be sold, advertisement shall be made twice within a two-week period. Such property shall be sold by the sealed bid method with the condition that the state shall have the right to refuse any or all bids. Upon the approval of the governor, the attorney general and reporter, and the commissioner, the successful bidder will be notified of the intent to award within a period of forty-five (45) days commencing from the date of bid openings;

4) All interests in real property other than the fee interest, including, but not limited to, leases, easements and rights-of-way, shall be disposed of in accordance with policies established by the state building commission, including advertisement and appraisal where deemed appropriate by the state building commission; provided, however, that, if the property was acquired by or for the use of the department of transportation for right-of-way, then the department of transportation may convey the interests in the property by negotiated sale or disposal to any legal governmental body for a public use purpose, subject to reversion to the department of transportation for failure to continue public ownership and use, or to the former owner or an adjoining owner for fair market value, in accordance with procedures established in subdivision (a)(8). If approved by the department of transportation, and the federal highway administration where required by federal law, a functional replacement of real property may be considered to continue public ownership and use, and shall not be subject to reversion to the department of transportation, if the replacement property is at least equal in fair market value to the property being replaced. For the purposes of this subdivision (a)(4), a functional

replacement of real property means real property that serves the same function as the real property conveyed by the state by providing equivalent utility, as determined by the department of transportation, and the federal highway administration where required by federal law. The fair market value of the replacement property shall be determined in accordance with the procedures for determining the fair market value of the surplus property established in subdivision (a)(8). This subdivision (a)(4) shall not apply to the disposal or conveyance in any manner of any interest or rights in minerals, coal, natural gas, oil, timber and any other energy related resources; provided, that the commission shall have authority to promulgate rules and regulations over the disposal or conveyances pursuant to the Uniform Administrative Procedures Act, compiled in title [4](#), chapter 5;

(5) The provisions of subdivisions (a)(2) and (3) may be waived to permit the negotiated sale of any such property to any legal governmental body for a public use purpose, and, further, to permit any other negotiated sale or disposal without advertisement or appraisal as the state building commission may deem in the best interest of the state. The provisions of subdivisions (a)(2) and (3) may also be waived to permit the commissioner, with the approval of the attorney general and reporter and the governor, to grant such easements and rights-of-way as are deemed necessary to provide services for the benefit of the state agency, department or institution or of the general public;

(6) The final conveyance of any property shall be effective to vest in the purchaser thereof such title as the state shall have in the premises; the state shall not be liable upon any covenant of warranty or seisin irrespective of whether or not the same is contained in such conveyance;

(7) The funds so collected from the sale and conveyance of such property not otherwise specified shall be paid into the general fund of the state; provided, that all expenses incurred during such sale shall not become a part of the general fund, but shall be held as a finance and administration departmental account in the state treasury. The funds so collected from the sale and conveyance of any property which has been deemed surplus right-of-way held for the use or benefit of the department of transportation shall be paid into the highway fund, and all expenses incurred during such sale shall be paid from the highway fund;

(8) (A) If the property was acquired by or for the use of the department of transportation for right-of-way, if its fair market value does not exceed seventy-five thousand dollars (\$75,000) or such amounts in excess of seventy-five thousand dollars (\$75,000) as may be approved by the state building commission, and if any adjoining property owner or the former owner of that property wishes to purchase the property, or if a legal governmental body wishes to acquire the property for a public use purpose, then this section shall not apply. Instead, the commissioner of transportation is authorized to declare the property surplus if the commissioner determines that the purpose of its acquisition has been completed and that the property is no longer needed by the department of transportation or another state agency, and may sell it to any adjoining property owner or the former owner of that property, for an amount representing not less than the fair market value, together with costs; provided, however, that the department of transportation may convey the property or any interest in the property by negotiated sale or disposal to any legal governmental body for a public use purpose, subject to reversion to the department of transportation for failure to continue public ownership and use. If approved by the department of transportation, and the federal highway administration where required by federal law, the department of transportation may accept real property in exchange for the surplus real property conveyed if the replacement property is at least equal in fair

market value to the surplus property being replaced. The fair market value of the replacement property shall be determined in accordance with the procedures for determining the fair market value of the surplus property established in this subdivision (a)(8). The commissioner of general services shall concur in the fair market value amount or in the negotiated sale or disposal of the property to a legal governmental body for a public use purpose. If in the judgment of the department of transportation a survey of the property is required, the prospective purchaser shall pay the department of transportation in advance for the cost of the survey;

(B) The former property owner's right shall terminate ten (10) years after the date of acquisition by the department of transportation by conveyance or date of taking in condemnation of the subject property by the department. The former property owner's right shall not transfer to the owner's heirs. The former property owner shall have first right of refusal to purchase the right-of-way; provided, however, that the department may convey the property or any interest in the property to a legal governmental body for a public use purpose, subject to reversion to the department of transportation for failure to continue public ownership and use, without offering the former owner a first right of refusal to purchase the property. If the former property owner relinquishes the owner's right or the right has expired, the property may be conveyed to an adjoining property owner. If more than one (1) adjoining property owner is interested in purchasing the right-of-way, the interested adjoining property owners shall submit sealed bids to the department of transportation, with the minimum bid price being the fair market value determined by appraisal, and the property may be conveyed to the adjoining property owner offering the highest responsive bid. The successful bidder shall reimburse any unsuccessful prospective purchaser for survey and appraisal costs incurred in accordance with the requirements of this subdivision (a)(8);

(C) For the purposes of this subdivision (a)(8), the fair market value of surplus right-of-way property shall be determined in accordance with the following procedures:

(i) The department of transportation shall make a preliminary planning estimate of the fair market value of the property in accordance with procedures that the department may establish;

(ii) If the department of transportation's preliminary planning estimate of the fair market value of the property is ten thousand dollars (\$10,000) or less, the property shall be appraised by an appraiser on staff with the department of transportation at no cost to the prospective purchaser;

(iii) If the department of transportation's preliminary planning estimate or subsequent staff appraisal of the fair market value of the property is greater than ten thousand dollars (\$10,000), the property shall be appraised by an independent appraiser whose services shall be procured by the department of transportation in accordance with state law. The independent appraiser must be licensed and certified by the Tennessee real estate appraiser commission and shall be selected from a list of prequalified appraisers approved by the department of transportation. The prospective purchaser shall pay the department of transportation in advance for the cost of the independent appraisal;

(iv) The initial appraisal shall be subject to review and approval by the department of transportation in accordance with procedures that the department of transportation may establish. The appraisal review shall be conducted, at the department of transportation's expense, by a review appraiser who is licensed and certified by the

Tennessee real estate appraiser commission and who is either employed by or under contract with the department of transportation. The review appraiser shall either approve the initial appraisal or reject the initial appraisal and reappraise the property to determine the fair market value of the property, subject to the approval of the director of the right-of-way division of the department of transportation or the director's designee. If approved by the director or the director's designee, the review appraiser's determination shall be presented to a prospective purchaser as the fair market value of the property;

(v) If a prospective purchaser does not accept the appraised fair market value of the property as determined by the review appraiser, the prospective purchaser may request a final review and reconsideration by the commissioner of transportation or the commissioner's designee. The commissioner or the commissioner's designee shall obtain a final review of the appraisal by a review appraiser who is licensed and certified by the Tennessee real estate appraiser commission and who is either employed by or under contract with the department of transportation; provided, however, that the final review appraiser shall not be the same person who previously reviewed the initial appraisal. The prospective purchaser shall be given the opportunity to present information concerning the value of the property for the consideration of the final review appraiser. The final review appraiser shall consider all relevant information, including any appraisal previously performed by or for the department of transportation, and shall have the authority to reappraise or make adjustments in the appraised fair market value, in accordance with generally accepted professional standards and guidelines. The final review appraiser's determination of the fair market value of the property shall be subject to the approval of the commissioner or the commissioner's designee; and

(vi) The department's final determination of the fair market value of the property is subject to the concurrence of the commissioner of general services;

(9) If property acquired by the department of transportation for a right-of-way through the exercise of eminent domain or otherwise is determined by the commissioner of transportation to be no longer needed by the department of transportation, and the excess property is not transferred to another state agency or conveyed to some other legal governmental body as provided in this section, and the excess property is not disposed of in accordance with subdivision (a)(8), the excess property shall be disposed of by the department of general services in accordance with the following procedures:

(A) The excess property shall be sold to any adjoining property owner or the former owner of that property at fair market value. All funds collected from the sale of the property shall be paid into the highway fund, as provided in subdivision (a)(7);

(B) The costs associated with the conveyance of the land, including, but not limited to, the cost of appraising and surveying the property, shall be reimbursed to the state by the purchaser of the property;

(C) Any conveyance of the property made pursuant to this subsection (a) shall be subject to approval in advance by the state building commission;

(D) If no adjoining property owner or the former owner of that property is able and willing to purchase the excess property at fair market value, then the excess property may be disposed of in accordance with existing statutes;

(E) For the purposes of this subsection (a), the fair market value of the excess property shall initially be determined by the state through procedures established by the state

building commission. If such initial determination of fair market value is deemed unacceptable by the intended purchaser, the fair market value of the excess property shall then be determined by averaging the state's initial determination of fair market value with two (2) additional fair market value appraisals of the excess property. The two (2) additional appraisals shall be performed by two (2) nonassociated appraisers from the locality in which the property is located. The two (2) appraisers shall be mutually agreed upon by the parties to the conveyance; none of the appraisers involved shall have any personal or financial interest in the conveyance;

(F) The former property owner's right shall terminate ten (10) years after the date of acquisition by the department of transportation by conveyance or date of taking in condemnation of the subject property by the department. The former property owner's right shall not transfer to such owner's heirs. The former property owner shall have the first right of refusal to purchase the right-of-way. If the former property owner relinquishes such owner's right, the adjoining property owners interested in purchasing the right-of-way shall submit sealed bids with the minimum bid price being the fair market value determined by appraisal;

(G) If approved by the department of transportation, and the federal highway administration where required by federal law, the department of finance and administration may accept real property in exchange for the excess real property conveyed if the replacement property is at least equal in fair market value to the excess property being replaced. The fair market value of the replacement property shall be determined in accordance with the procedures for determining the fair market value of the excess property established in this subdivision (a)(9);

(10) Notwithstanding any provision to the contrary, any funds collected from the lease of surplus state real property for communications relay apparatus or antennae sites that would otherwise be paid into the general fund of the state pursuant to subdivision (a)(7) shall be specifically earmarked for maintenance of state park facilities, including furniture, fixtures and equipment. Any such funds that are unencumbered or unexpended at the end of any fiscal year shall not revert to the state general fund, but shall be carried forward until expended for the purposes stated in this section;

(11) (A) Notwithstanding subdivision (a)(9) or any other law to the contrary, when and if the state transfers to the local government in which any tract or combination of tracts of property which are contiguous to one another and exceed twenty (20) acres in size and which were acquired by the department of transportation as part of an uncompleted and cancelled interstate and defense highway right-of-way in a county with a population in excess of eight hundred thousand (800,000), according to the 1990 federal census or any subsequent federal census, is located, the transfer shall be subject to final approval by the state building commission and shall only be used for redevelopment pursuant to subdivision (a)(11)(B).

(B) Any property transferred pursuant to subdivision (a)(11)(A) shall be subject to the following restrictions:

(i) Development by the local government of a flowering-tree landscaped parkway-type roadway in accordance with the provisions of title [54](#), chapter 17, part 1;

(ii) Development of the remaining property, with priority given to subdivision

(a)(11)(B)(ii)(a), for:

(a) Housing; provided, that some of the land is used for development of affordable housing with the needs of the community for affordable housing properly addressed in that use;

(b) School land;

(c) Park land;

(d) Public spaces; and

(e) Associated mixed-use neighborhood uses; and

(iii) The roadway involved herein from the end of Sam Cooper Boulevard to East Parkway and all the land involved herein shall conform to the limitations regulating scenic highways as in § [54-17-109](#), except for § [54-17-109](#)(11); and

(12) Notwithstanding any provisions of this section to the contrary, if property acquired by or for the use of the department of transportation for right-of-way has not been disposed of in accordance with the provisions of subdivision (a)(8) or (a)(9) and no person or entity, including the former owner of that property, has been able and willing to purchase the property within five (5) years after the date the property has been offered for sale by the department of transportation, then the property may be sold at public auction pursuant to rules promulgated by the commissioner of transportation.

(b) The commissioner of general services shall notify the house and senate member or members from the district in which the property to be sold or conveyed is located, and the notification shall be at least twenty (20) days prior to the agreement of sale or conveyance.

(c) This section and § [4-15-102](#) do not apply to timber which is harvested and sold pursuant to bona fide timber management practices. For the purpose of harvesting and selling of timber pursuant to bona fide timber management practices, the timber shall be treated as personal property and sold pursuant to rules and regulations of the board of standards as provided in part 4 of this chapter.

(d) This section and § [4-15-102](#) do not apply to leasing surplus state real property under crop lease arrangements by the Tennessee wildlife resources agency which shall be responsible for the leasing of such surplus state real property for crop leases, as well as being responsible for the administration of all crop leases; such leasing and administration shall be through procedures reviewed and approved by the state building commission.

[Acts 1953, ch. 258, § 1 (Williams, § 423.25a); 1974, ch. 621, §§ 1, 2; 1976, ch. 564, § 1; 1977, ch. 37, § 1; T.C.A. (orig. ed.), § 12-212; Acts 1981, ch. 184, §§ 1-7; 1981, ch. 332, § 27; 1984, ch. 790, § 1; 1984, ch. 872, § 1; 1985, ch. 291, § 1; 1986, ch. 662, §§ 1, 2; 1989, ch. 249, §§ 1-3; 1991, ch. 498, § 6; 1993, ch. 159, § 1; 1997, ch. 402, §§ 1-5; 1998, ch. 985, § 1; 1999, ch. 448, § 1; 2000, ch. 966, §§ 1, 2; 2006, ch. 649, § 1; 2007, ch. 118, §§ 1-3; 2010, ch. 985, §§ 1-3.]

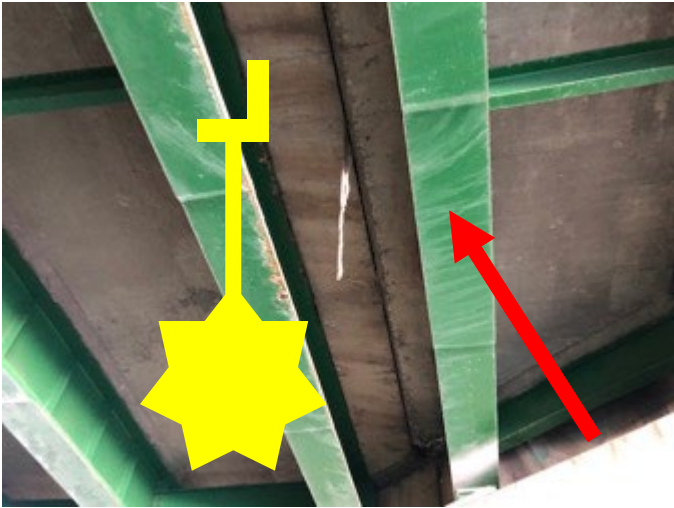
Lighting Up Arthur

Artwork Realm of Possibilities

Light fixtures clamped to bridge deck

Location on bridge

Example product types

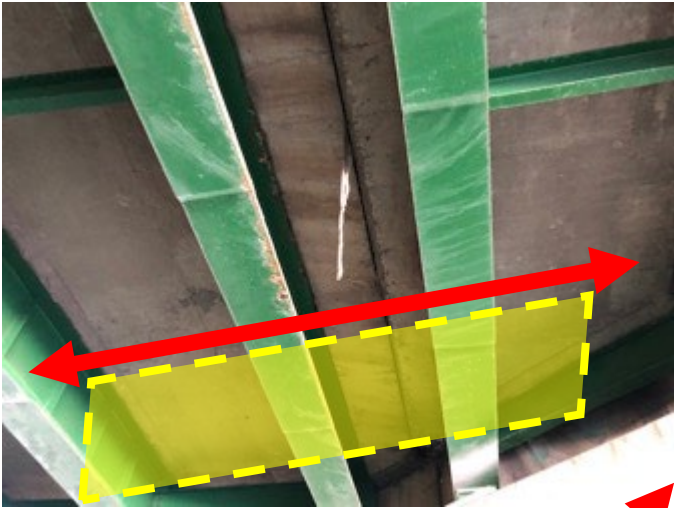


Lighting sculpture clamped to bridge deck

Location on bridge

Example product

Subterranean River, Kong Wee Pang—Memphis



Lighting sculpture attached to bridge “abutment”

Location on bridge



Example product

Wave, Erwin Redl

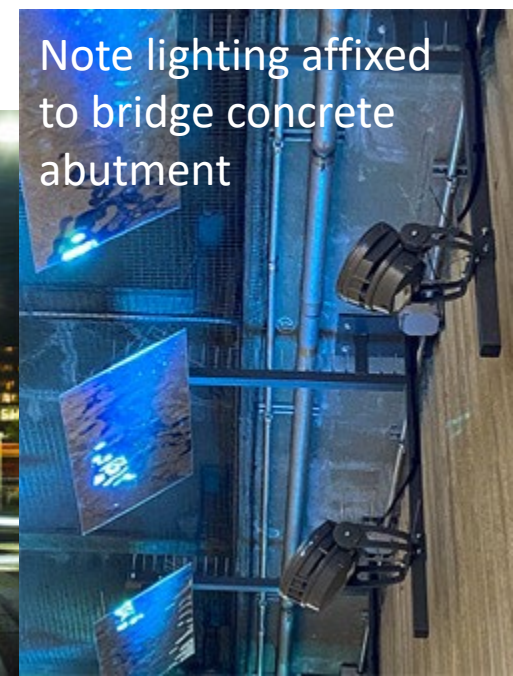
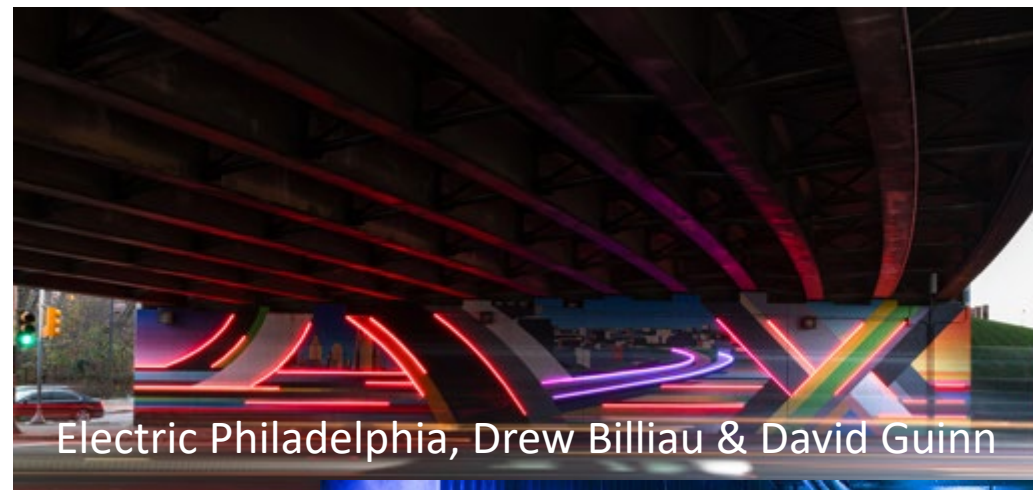


Reflective paint on bridge deck/abutment

Location on bridge



Example product types

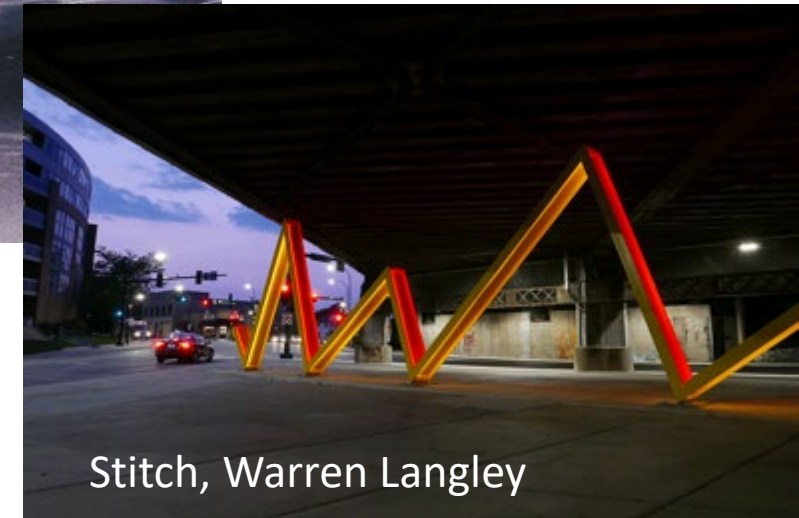
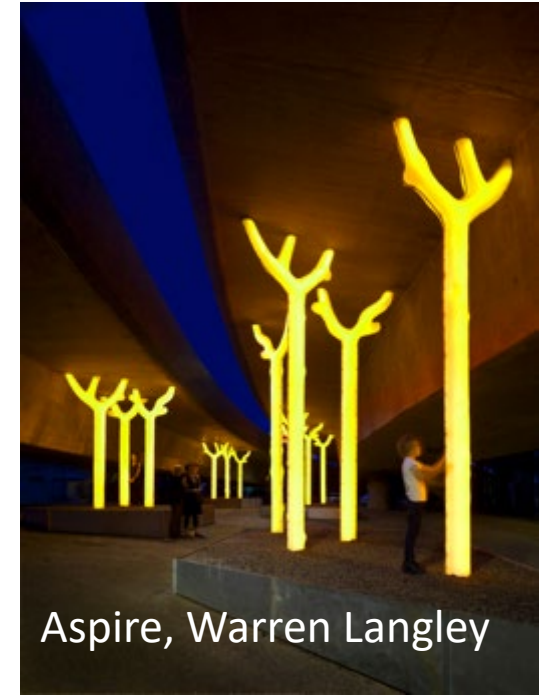


Lighting elements installed on NDOT ROW, not touching bridge

Location relative to bridge



Example product types



Lighting elements installed on NDOT ROW, not touching bridge (continued)

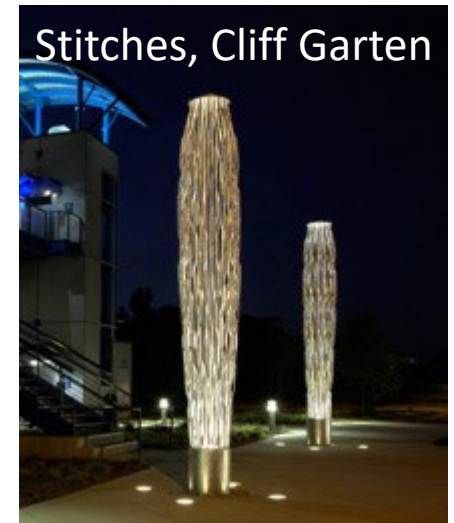
Location relative to bridge



Example product types



Heartfelt #2, Ekene Ijeoma



Stitches, Cliff Garten



Breathing Pavilion, Ekene Ijeoma