



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #: BL2022-1457 **Name:**

Type: Bill (Ordinance) **Status:** Passed

File created: 9/9/2022 **In control:** Planning Commission

On agenda: 10/18/2022 **Final action:** 10/18/2022

Title: An ordinance authorizing the abandonment and conveyance of the Metropolitan Government’s interest in Alley 68 in downtown Nashville and approving an easement and agreement providing for the Metropolitan Government’s use of certain space in improvements to be constructed in the former alley. (Proposal No. 2022M-032AG-001).

Sponsors: Freddie OConnell, Kevin Rhoten, Brett Withers, Jeff Syracuse, Russ Pulley

Indexes:

Code sections:

Attachments: 1. Exhibit

Date	Ver.	Action By	Action	Result
10/19/2022	1	Mayor	approved	
10/18/2022	1	Metropolitan Council	passed on third reading	
10/4/2022	1	Metropolitan Council	passed on second reading	
10/4/2022	1	Public Health and Safety Committee	approved	
10/4/2022	1	Transportation and Infrastructure Committee	approved	
10/4/2022	1	Planning Commission	approved	
10/3/2022	1	Planning and Zoning Committee	approved	
10/3/2022	1	Budget and Finance Committee	approved	
9/20/2022	1	Metropolitan Council	passed on first reading	
9/13/2022	1	Metropolitan Council	filed	

An ordinance authorizing the abandonment and conveyance of the Metropolitan Government’s interest in Alley 68 in downtown Nashville and approving an easement and agreement providing for the Metropolitan Government’s use of certain space in improvements to be constructed in the former alley. (Proposal No. 2022M-032AG-001).

WHEREAS, Alley 68 no longer serves any useful function for vehicles or pedestrians; and,

WHEREAS, the parcel of property at 411 Broadway (Metro ID No. 09306311100) (the “411 Property”) abuts Alley 68 on the east, and the parcel of property at 417 Broadway (Metro ID NO. 09306311000) (the “417 Property”) abuts Alley 68 on the west; and,

WHEREAS, the 411 LLC, the owner of the 411 Property, through such ownership and by conveyance from the owner of the 417 Property, has an interest in the real property (the “Alley Property”) comprising Alley 68; and,

WHEREAS, 411 LLC has requested the abandonment of Alley 68 and conveyance of such interest as the Metropolitan Government may have in the Alley Property, pursuant to the quitclaim deed (the “Deed”),

attached to this ordinance as Exhibit 1; and,

WHEREAS, pursuant to the easement agreement (the "Easement Agreement") attached to this ordinance as Exhibit 2 and the facility use agreement (the "Use Agreement") attached to this ordinance as Exhibit 3, 411 LLC proposes to grant the Metropolitan Government a permanent easement and right of use to improvements (the "Improvements") that 411 LLC will construct in the Alley Property; and,

WHEREAS, the Improvements will provide space for use by departments and agencies of the Metropolitan Government for public safety and other purposes; and,

WHEREAS, the abandonment of Alley 68 and conveyance of such interest as the Metropolitan Government may have in the Alley Property to 411 LLC and approval of the Deed, the Easement Agreement, and the Use Agreement are in the best interest of the citizens of Nashville and Davidson County.

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

Section 1. The abandonment of Alley 68 is hereby approved, provided that all utility easements shall be retained.

Section 2. Conveyance of such interest as the Metropolitan Government may own in the Alley Property to 411 LLC and the execution and delivery of the Deed (Exhibit 1) are approved.

Section 3. The Easement Agreement (Exhibit 2) is approved, and the Director of Public Property or designee is authorized to accept and record it.

Section 4. The Use Agreement (Exhibit 3) is approved, and the Director of Public Property or designee is authorized to accept and record it.

Section 5. The Director of Public Property or designee is authorized to execute such other documents as are necessary to carry out the property conveyances contemplated herein and the intent of this ordinance.

Section 6. Amendments to any document approved by this ordinance may be authorized by resolution of the Metropolitan Council.

Section 7. This ordinance shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This ordinance authorizes the abandonment and conveyance of the Metropolitan Government's interested in Alley 68 in downtown Nashville. Further, this ordinance approves an easement and agreement providing for the Metropolitan Government's use of certain space in improvements to be constructed in the former alley for a proposed special operations center to be used by the Metropolitan Nashville Police Department and the Nashville Department of Transportation.

Alley 68 is no longer useful for vehicle or pedestrian traffic. Alley 68 is abutted by 411 Broadway on the east and 417 Broadway on the west. The owner of 411 Broadway, known as 411 LLC, has an interest in Alley 68 and has requested the Metropolitan Government abandon Alley 68 and convey any interest the Metropolitan Government has in Alley 68 to 411 LLC. In exchange, 411 LLC proposes to grant the Metropolitan Government a permanent easement and right to use the improvements that 411 LLC plans to construct in Alley 68. 411 LLC plans to expand its building into the Alley 68 property and will give

This ordinance approves a quitclaim deed whereby the Metropolitan Government will transfer and convey any interest it has in the Alley 68 property to 411 LLC. The ordinance also approves an access easement agreement whereby 411 LLC will grant the Metropolitan Government a nonexclusive easement across the Alley 68 property in perpetuity. If the access easement is ever terminated, 411 LLC will pay an amount equal to the value of the unimproved Alley 68 property, as determined based upon tax appraisal for the land, to the Metropolitan Government.

The ordinance further approves a facility use agreement that gives the Metropolitan Government the right to use approximately 1,700 square feet of space in the basement, 140 square feet of square feet in the first floor, and approximately 680 square feet of space in the second floor for safety, security, medical, office, storage, and administrative purposes. Metro agrees to pay for the utilities in this pace and 411 LLC will pay the cost of all real estate taxes and insurance and will also carry general liability insurance.