



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** BL2023-1997      **Name:**

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

**File created:** 6/8/2023      **In control:** Planning Commission

**On agenda:** 7/18/2023      **Final action:** 7/18/2023

**Title:** An ordinance authorizing the acquisition of certain rights of way, easements, and property rights, by negotiation or condemnation, for use by the Metropolitan Government of Nashville and Davidson County (“Metropolitan Government” or “Metro”), acting by and through the Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”), in connection with the public project described as the “Estes Road at Hobbs Road Intersection Improvements”, NDOT Project No. 2023-R-1 (“the Project”). (Proposal No. 2023M-027AG-001).

**Sponsors:** Kevin Rhoten, Brett Withers, Russ Pulley

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit

Date	Ver.	Action By	Action	Result
7/21/2023	1	Mayor	approved	
7/18/2023	1	Metropolitan Council	passed on third reading	
7/6/2023	1	Metropolitan Council	passed on second reading	
7/6/2023	1	Transportation and Infrastructure Committee	approved	
7/5/2023	1	Planning and Zoning Committee	approved	
7/5/2023	1	Budget and Finance Committee	approved	
6/30/2023	1	Planning Commission	approved	
6/20/2023	1	Metropolitan Council	passed on first reading	
6/13/2023	1	Metropolitan Council	filed	

An ordinance authorizing the acquisition of certain rights of way, easements, and property rights, by negotiation or condemnation, for use by the Metropolitan Government of Nashville and Davidson County (“Metropolitan Government” or “Metro”), acting by and through the Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”), in connection with the public project described as the “Estes Road at Hobbs Road Intersection Improvements”, NDOT Project No. 2023-R-1 (“the Project”). (Proposal No. 2023M-027AG-001).

WHEREAS, the Project involves safety and efficiency improvements to the intersection of Estes Road and Hobbs Road, with the southwest and southeast corners requiring right-of-way acquisition and all four approaches requiring temporary construction and drainage easements; and,

WHEREAS, as part of the Project, NDOT proposes to acquire the rights-of-way and easements that are located on the properties as shown and described in Exhibit 1 hereto; and,

WHEREAS, it is in the best interests of the Metropolitan Government and the citizens of Nashville and Davidson County to authorize this acquisition.

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

Section 1. The Metropolitan Government, by and through NDOT and the Director of Public Property Administration, is hereby authorized to acquire the rights of way and easements described in Exhibit 1 hereto, as part of the Project, in accordance with TDOT and Federal Highway Administration ("FHWA") requirements, most notably the Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), which include fair market value, just compensation, negotiations, relocations assistance, etc., and if such attempts fail, NDOT is authorized to acquire via eminent domain by negotiation or condemnation the rights-of-way and easements described in Exhibit 1 hereto, the same being for a public purpose and the public convenience requiring it.

Section 2. The Director of Public Property Administration is hereby authorized and directed, if necessary, to take and appropriate by condemnation proceedings, in accordance with TDOT and FHWA requirements, the interests in real property described in Exhibit 1 herein in the name of the Metropolitan Government of Nashville and Davidson County for use in the Project.

Section 3. All necessary and incidental costs of the rights-of-way, easements, and property rights herein authorized to be acquired shall be paid from funds authorized from Fund No. 42021 and Business Unit No. 42410021.

Section 4. This ordinance shall take effect from and after its final passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

### Analysis

This ordinance authorizes NDOT and the Director of Public Property to acquire various rights-of-way and easements across 26 tracts on Hobbs Road and Estes Road for the public project described as "Estes Road at Hobbs Road Intersection Improvements." These acquisitions shall be used for rights-of-way, drainage easements, and construction easements. This proposal has not yet received a recommendation from the Planning Commission.

*Fiscal Note: The estimated acquisition cost is \$1,314,000 to be paid from Business Unit 42410021 for the Estes Road at Hobbs Road Intersection Improvements project.*