



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** BL2023-2112      **Name:**

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

**File created:** 7/3/2023      **In control:** Planning Commission

**On agenda:** 8/15/2023      **Final action:** 8/15/2023

**Title:** An ordinance approving a greenway conservation easement and a participation agreement between the Metropolitan Government of Nashville and Davidson County, through the Metropolitan Board of Parks and Recreation, and 301 Ben Allen LP for greenway improvements. (Proposal No.2023M-032AG-001).

**Sponsors:** Kevin Rhoten, Brett Withers, Sharon Hurt, Russ Pulley, Burkley Allen, Nancy VanReece

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibits

Date	Ver.	Action By	Action	Result
8/28/2023	1	Mayor	approved	
8/15/2023	1	Metropolitan Council	passed on third reading	
8/1/2023	1	Metropolitan Council	passed on second reading	
8/1/2023	1	Public Facilities, Arts, and Culture Committee	approved	
8/1/2023	1	Transportation and Infrastructure Committee	approved	
7/31/2023	1	Planning and Zoning Committee	approved	
7/31/2023	1	Budget and Finance Committee	approved	
7/18/2023	1	Metropolitan Council	passed on first reading	
7/11/2023	1	Metropolitan Council	filed	
7/3/2023	1	Planning Commission	approved	

An ordinance approving a greenway conservation easement and a participation agreement between the Metropolitan Government of Nashville and Davidson County, through the Metropolitan Board of Parks and Recreation, and 301 Ben Allen LP for greenway improvements. (Proposal No.2023M-032AG-001).

WHEREAS, 301 Ben Allen LP ("Owner") is developing property located at 301 Ben Allen Road and Ben Allen Road (unnumbered) (Parcel No. 06100001700); and,

WHEREAS, pursuant to the greenway conservation easement and participation agreement attached hereto as Exhibit A (the "Participation Agreement"), 301 Ben Allen LP proposes to donate and the Metropolitan Government proposes to accept a conservation greenway easement; and,

WHEREAS, pursuant to Tenn. Code Ann. § 66-9-305 and Metropolitan Charter § 2.01, the Metropolitan Government may accept donations of property interests for the purpose of establishing greenways and providing the public with recreational opportunities in natural areas; and,

WHEREAS, it is in the best interest of The Metropolitan Government of Nashville and Davidson County that

this participation agreement be approved.

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

Section 1. That the Agreements attached hereto as Exhibit A and incorporated herein are hereby approved, and the Director of Public Property is authorized to execute the same.

Section 2. The Director of Public Property, or his designee, is authorized to accept and record the Agreement and to take such reasonable actions as may be necessary to carry out the intent of this ordinance.

Section 3. That this ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville & Davidson County requiring it.

#### Analysis

This ordinance approves a greenway conservation easement for property located at 301 Ben Allen Road and Ben Allen Road (unnumbered), owned by 301 Ben Allen LP. This ordinance also approves a participation agreement between the Metropolitan Board of Parks and Recreation and 301 Ben Allen LP. The easement will have a total area of approximately 2.40 acres.

The participation agreement provides that 301 Ben Allen LP will assist Metro in the construction of improvements within a portion of the greenway and will construct and keep, maintain, repair, and replace the greenway improvements in good order.

Pursuant to Tenn. Code Ann. § 66-9-305 and Metropolitan Charter § 2.01, the Metropolitan Government may accept donations of property interests for the purpose of establishing greenways and providing the public with recreational opportunities in natural areas.

*Fiscal Note: There is no cost to Metro to acquire this easement.*