



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** RS2021-1194      **Name:**

**Type:** Resolution      **Status:** Passed

**File created:** 10/8/2021      **In control:** Metropolitan Council

**On agenda:** 10/19/2021      **Final action:** 10/19/2021

**Title:** A resolution to amend Ordinance No. BL2020-538 to authorize The Metropolitan Government of Nashville and Davidson County to abandon retained public utility easement rights, for property located at 405 South 4th Street, formerly Alley Number 264 and formerly Alley Number 305 (MWS Project No. 21-WL-28 and Proposal No. 2021M-077ES-001).

**Sponsors:** Brett Withers, Zach Young

**Indexes:**

**Code sections:**

**Attachments:** 1. RS2021-1194 Exhibit

Date	Ver.	Action By	Action	Result
10/21/2021	1	Mayor	approved	
10/19/2021	1	Transportation and Infrastructure Committee	approved	
10/19/2021	1	Metropolitan Council	adopted	
10/18/2021	1	Planning and Zoning Committee	approved	
9/30/2021	1	Planning Commission	approved	

A resolution to amend Ordinance No. BL2020-538 to authorize The Metropolitan Government of Nashville and Davidson County to abandon retained public utility easement rights, for property located at 405 South 4th Street, formerly Alley Number 264 and formerly Alley Number 305 (MWS Project No. 21-WL-28 and Proposal No. 2021M-077ES-001).

WHEREAS, Ordinance No. BL2020-538, approved December 16, 2020, authorized the amendment of the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County by abandoning Alley Number 264 and Alley Number 305 right-of-way between South Fourth Street and Shelby Avenue and retaining existing public utility easement rights; and,

WHEREAS, the public utility easement rights that were retained by Council Bill BL2020-538, for any existing utilities located at 405 South 4th Street, formerly Alley Number 264 and formerly Alley Number 305, are no longer needed; and,

WHEREAS, the abandonment has been requested by the Barge Cauthen and Associates on behalf of the owner; and,

WHEREAS, the Metropolitan Planning Commission approved mandatory referral No. 2021M-077ES-001 on September 30, 2021, for the abandonment of said utility easement rights; and,

WHEREAS, Ordinance No. BL2020-538 provides that amendments to the legislation shall be approved by resolution.

Now, therefore, be it resolved by the Council of The Metropolitan Government of Nashville and Davidson

County:

Section 1. Ordinance BL2020-538 is hereby amended by deleting Section 1 in its entirety and replacing it with the following:

That the Geographic Information Systems (GIS) Street and Alley Centerline Layer for The Metropolitan Government of Nashville and Davidson County, as enacted by Ordinance No. 2019-96 be and hereby is amended as follows:

Alley # 264 from S 4th Street to Alley #305 between Shelby Ave and Fatherland St and Alley #305 from Shelby Ave to Alley #264 between S 4th St & S 5th St. all of which is more particularly described by lines, right-of-way and easement, all of which is more particularly described by lines, words and figures on the sketch, which is attached to and made a part of this ordinance as though copied herein, are hereby abandoned.

Section 2. Ordinance BL2020-538 is hereby amended by deleting Section 2 in its entirety and replacing it with the following:

That said right-of-way, including all utility easements within it, are herein abandoned.

Section 3. The Directors of Water and Sewerage Services and Public Property Administration are authorized to execute such documents as may be necessary and appropriate to carry out the abandonment authorized by this resolution.

Section 4. This resolution shall take effect upon passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

### Analysis

This resolution amends Ordinance No BL2020-538, which was approved on December 16, 2020, and abandoned Alley Number 264 and 305 right-of-way between South Fourth Street and Shelby Avenue. The ordinance retained the existing public utility easement rights.

The public utility easements rights are no longer needed and an abandonment has been requested by Barge Cauthen and Associates on behalf of the owner.

*Fiscal Note: This ordinance has no cost to Metro. Abandoned easements have no market value according to the Department of Water Services.*