



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** BL2023-1896

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

**File created:** 5/23/2023      **In control:** Transportation and Infrastructure Committee

**On agenda:** 7/6/2023      **Final action:** 7/6/2023

**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 “Early Acquisition of ROW to include six parcels for Phase I-North/South Arterial Boulevard between Spring Street and Woodland Street”, State Project No. 19LPLM-S2-190, PIN 132289.00 (“the Project”); Proposal No. 2023M-021AG-001.

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

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit

Date	Ver.	Action By	Action	Result
7/10/2023	1	Mayor	approved	
7/6/2023	1	Metropolitan Council	passed on third reading	
7/6/2023	1	Transportation and Infrastructure Committee	approved	
6/20/2023	1	Metropolitan Council	passed on second reading	
6/20/2023	1	Planning and Zoning Committee	approved	
6/20/2023	1	Budget and Finance Committee	approved	
6/6/2023	1	Metropolitan Council	passed on first reading	
5/31/2023	1	Planning Commission	approved	
5/30/2023	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 “Early Acquisition of ROW to include six parcels for Phase I-North/South Arterial Boulevard between Spring Street and Woodland Street”, State Project No. 19LPLM-S2-190, PIN 132289.00 (“the Project”); Proposal No. 2023M-021AG-001.

WHEREAS, the Project involves a north-south arterial roadway that will serve as a multimodal spine east of the Cumberland River, with the portion connecting Spring Street and Woodland Street requiring right-of-way acquisition; and,

WHEREAS, the Metropolitan Government previously adopted and approved an intragovernmental agreement, Agreement No. 210258, between the State of Tennessee, by and through the Tennessee Department of Transportation (“TDOT”), and the Metropolitan Government, through resolution, RS2021-1237, wherein the State of Tennessee agreed to share in the cost of such right-of-way acquisition in connection with the Project;

and,

WHEREAS, the Metropolitan Government previously adopted and approved Amendment 1 to Agreement No. 210258 through resolution, RS2022-1410, which displayed adjustments to the total Project costs; and,

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

WHEREAS, the Project will be carried out in a manner to preserve the future roadway corridor and preserve the opportunity for future federal funding; 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. 40022 and Business Unit No. 42401022 and may be subject to 50% reimbursement by TDOT.

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 the Director of Public Property Administration to acquire by negotiation or condemnation rights-of-way, easements, and property rights for use by the Nashville Department of Transportation and Multimodal Infrastructure for the public project "Early Acquisition of ROW to include six parcels for Phase I-North/South Arterial Boulevard between Spring Street and Woodland Street." The State of Tennessee previously agreed to share the costs of such right-of-way acquisition pursuant to Resolution No. RS2021-1237 and as amended by RS2022-1410.

Future amendments to this legislation may be approved by resolution.

*Fiscal Note: Metro's estimated cost is \$23,000,000, which represents 50% of the total estimated cost of the acquisition to be paid from Fund No. 40022, Business Unit 42401022.*