



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2020-451, **Version:** 2

An ordinance amending BL2018-1137 with respect to retention of easements and amending the Geographic Information Systems Street and Alley Centerline Layer for The Metropolitan Government of Nashville and Davidson County by abandoning Alley Number 1715 between Crestmoor Road and the southern property line of the Calvary Methodist Church at 3701 Hillsboro Pike (Proposal No. 2020M-014AB-001).

WHEREAS, Tennessee CVS Pharmacy, L.L.C. ("CVS") has requested the closure and abandonment of Alley #1715 between Crestmoor Road and the southern property line of the Calvary Methodist Church at 3701 Hillsboro Pike, a distance of approximately 170 feet ("Alley #1715"); and,

WHEREAS, upon completion of the improvements depicted as the "Replacement Alley" on the document attached to this ordinance as Exhibit 1 (the "Improvements"), Alley #1715 will no longer be needed by the Metropolitan Government of Nashville and Davidson County for any public purpose; and,

WHEREAS, all of the abutting property owners have consented to the abandonment of Alley #1715 upon the condition that the Improvements be completed not later than two years after the effective date of this ordinance, such date of completion of the Improvements being the "Completion Date"); and,

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

Section 1. BL2018-1137 is amended by replacing section 3 thereof in its entirety with the following:

That easements for utilities relocated from the former Crestmoor Road upon completion of the Project shall be abandoned at the time of removal of such utilities, but easements for utilities remaining in the former Crestmoor Road upon completion of the Project, if any, shall be retained.

Section 2. On the condition that, prior to the completion date, an engineer licensed and in good standing in Tennessee certifies in writing to the Director of the Metropolitan Department of Public Works stating that the Improvements have been completed, the Geographic Information Systems (GIS) Street and Alley Centerline Layer for The Metropolitan Government of Nashville and Davidson County, as enacted by Ordinance No. BL2018-1060, shall be amended as follows:

Alley #1715, from Crestmoor Road to the southern property line of the Calvary Methodist Church at 3701 Hillsboro Pike, as depicted on the sketch attached hereto and made a part of this ordinance as though copied herein, is abandoned.

Section 3. All utility easements within Alley #1715, except as provided herein, shall also be abandoned upon the abandonment of Alley #1715 as contemplated in Section 2. An easement for the storm water line that crosses the alley shall be abandoned only upon the written certification by the Director of the Department of Water and Sewerage Services that such line has been relocated to the public right of way in accordance with the Department's standards by CVS or that no further need for the line exists and relocation is unnecessary.

Section 4. The Director of the Department of Public Works is authorized and directed, upon the abandonment of Alley #1715 as contemplated by Section 1, to amend the GIS Centerline Record as set out in Section 2 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 5. In the event that Alley #1715 has not been formally abandoned pursuant to the provisions of this ordinance within two years after the effective date of this ordinance, Sections 2-5 of this ordinance shall have no longer have effect.

Section 6. Amendments to this ordinance may be made by resolution.

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

This ordinance, as amended, amends Ordinance No. BL2018-1137 regarding the retention of easements and abandons Alley Number 1715 between Crestmoor Road and the southern property line of the Calvary Methodist Church at 3701 Hillsboro Pike. Pursuant to Ordinance No. BL2017-590, Council authorized the acquisition by negotiation or condemnation of property (the "Existing CVS Parcel") at the southwest corner of the intersection of Hillsboro Pike and Crestmoor Road in connection with a project (the "Project") to realign that intersection to improve traffic flow. The Project will entail the demolition of the CVS store on the Existing CVS Parcel and the construction of a new CVS store on the property at the northwest corner of the intersection. Council subsequently authorized the abandonment of the portion of Crestmoor to be taken out of service by the Project (BL2018-1137) and the sale of remnant property to CVS (BL2018-1136).

Tennessee CVS Pharmacy, L.L.C. has requested the closure and abandonment of a 170-foot long alley (#1715) between Crestmoor Road and the southern property line of the Calvary Methodist Church at 3701 Hillsboro Pike. This ordinance would approve the abandonment of the alley, and all easements within the alley, upon completion of the replacement alley. The ordinance also provides that in the event the new alley has not been constructed within two years after the effective date of this ordinance, then the abandonment will no longer be effective. A recently identified storm water line that crosses the alley would be abandoned upon the written certification by the Metro Water Services Director that the line has been appropriately relocated or that no further need for the line exists and relocation is unnecessary.

The abutting property owners have consented to the abandonment of Alley #1715 conditioned upon the new alley being constructed within two years.

This ordinance has been referred to the planning commission as a mandatory referral. A recommendation from the planning commission is expected prior to third reading.

Future amendments to this ordinance may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. In the opinion of the Public Works department, abandoned right-of-way has no market value when the Department has agreed that the abandoning of said right-of-way is considered acceptable. Additionally, the abandonment of rights-of-way that are unimproved, unmaintained, and serve no current or future purpose for Metro allows the abandoned area to be assessed for property tax purposes.