



# Metropolitan Nashville and Davidson County, TN

## Legislation Text

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**File #:** BL2021-963, **Version:** 2

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An ordinance accepting a greenway conservation easement and approving a greenway participation agreement and declaration, both in connection with improvements to the Bicentennial Mall Greenway Connector. (Proposal No. 2021M-028AG-001).

WHEREAS, a portion of the Bicentennial Mall Greenway Connector (the “Greenway”) was built as part of the construction of the minor league baseball park project and on the ballpark property (“the Ballpark Property”), now owned by the Sports Authority of the Metropolitan Government of Nashville and Davidson County; and

WHEREAS, constraints associated with operation of the baseball park have led to frequent closures of the Greenway; and

WHEREAS, the Sports Authority proposes to grant the Metropolitan Government an easement for the purpose of moving the Greenway a short distance to the south of its current location on the Ballpark Property pursuant to a greenway conservation easement agreement materially in the form attached as Exhibit 1 (the “Easement Agreement”); and

WHEREAS, Portman Residential, LLC (“Portman”), a Delaware limited liability company, owns the property (the “Residential Property”) immediately to the south of the Ballpark Property; and

WHEREAS, pursuant to the participation agreement and declaration (the “Participation Agreement”) attached to this ordinance as Exhibit 2, Portman proposes to build the relocated Greenway and bind the owner of the Residential Property to maintain it in perpetuity; and

WHEREAS, relocation as contemplated in the Easement Agreement and Participation Agreement will allow the Greenway to remain open to the public much more frequently,

WHEREAS, it is the understanding of the parties to the Easement Agreement and the Metropolitan Council that the prohibitions set forth in Section 3(b)(iv) of the Easement Agreement do not prohibit the use of e-bikes as defined under applicable state law.

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

Section 1. The Participation Agreement and a Greenway Easement materially in the form of Exhibit 1 are approved, and the Director of the Department of Parks and Recreation or her designee is authorized to accept and record them.

Section 2. The Metropolitan Mayor or his designee is further authorized to execute such documents as are customary and necessary to carry out the intent of this ordinance.

Section 3. Amendments to the Participation Agreement and Easement Agreement may be approved by resolution of the Metropolitan Council.

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

### Analysis

This ordinance, as amended, accepts a greenway conservation easement and approves a greenway participation agreement and declaration for improvements to the Bicentennial Mall Greenway Connector.

The ordinance further authorizes the Mayor to execute the easement and participation agreement. Amendments to the easement agreement and participation agreement may be approved by resolution.

Pursuant to the easement agreement, Metro will use the easement area for a pathway for pedestrian or bicycle travel, nature trail, and/or natural area. Metro will design, construct, maintain any pathway or physical structure to best preserve the open and natural condition of the property. The easement area will be available for use by all members of the public. Certain activities would be prohibited, such as consuming or possessing alcoholic beverages, horseback riding, vending or concessions without a permit, and littering or dumping.

There is also a participation agreement between Metro and PR Germantown, LLC (referred to in the agreement as "Portman"). Portman would agree to construct and maintain certain improvements within a portion of the greenway. Those improvements are shown on an attachment to the agreement.