



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2024-468, **Version:** 2

An ordinance amending Metropolitan Code of Laws Sections 2.24.240 and 2.24.250, relative to the acquisition of property by the Metropolitan Government.

WHEREAS, Metropolitan Code of Laws § 2.24.250(F) permits approval by resolution of fixed-price option agreements for the purchase of certain types of real property; and,

WHEREAS, the application of Metropolitan Code of Laws § 2.24.250 to purchases of property to be used for school purposes is unclear; and,

WHEREAS, some property purchase option agreements must be exercised within a shorter time than approval by ordinance will allow, potentially jeopardizing the Metropolitan Government's ability to acquire properties that are necessary for governmental purposes; and,

WHEREAS, in addition, Metropolitan Code of Laws § 2.24.250(F) is located within a section pertaining to the disposition of surplus property, instead of § 2.24.240, which is the section pertaining to the acquisition of real estate; and,

WHEREAS, amending the provisions of the Metropolitan Code of Laws to authorize the purchase of property for schools purposes by option agreement, and relocating that provision in the Metropolitan Code of Laws, are to the benefit of the citizens of the Metropolitan Government of Nashville and Davidson County.

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

Section 1. Metropolitan Code of Laws § 2.24.240(I) is amended by replacing the existing text in its entirety with the following:

Prior to the adoption of an ordinance, on second reading, or a resolution, pursuant to Section 2.24.240.K of the Metropolitan Code, by the council authorizing the acquisition by purchase or condemnation of real estate to be utilized as a site for the construction of a new public school or relocation of existing public school, a public hearing shall be held on said legislation. The metropolitan clerk shall give notice in two newspapers of general circulation in the area of metropolitan government at least fifteen days but no more than thirty days prior to the public hearing and shall provide additional written notice of such hearing to the district member of council in whose district the property to be acquired is to be located and to all members of the metropolitan board of public education. In addition to such notice, the metropolitan planning commission shall cause signs to be posted on the site in the same manner and under the same conditions as provided in Article XV of Chapter 17.40 of the Metropolitan Code; provided, however, the wording shall clearly state the intended use rather than zoning provisions. Such public hearing shall be held in the council chambers; however, such hearing need not be held during a regular meeting of the council.

Section 2. Metropolitan Code of Laws § 2.24.250(F) is amended by deleting the section in its entirety and renumbering the subsequent subsections accordingly.

Section 3. Metropolitan Code of Laws § 2.24.240 is amended by adding the following as a new subsection (K) replacing the existing text in its entirety with the following:

Where land in fee simple is being purchased for purposes, including school purposes, other than rights

-of-way for highways, streets, roads, alleys, and other places for vehicular traffic, the director of public property administration or other officer of the metropolitan government shall negotiate for the purchase of such property and seek to obtain from the owner an option to sell to the metropolitan government at a fixed price, subject to the approval of the metropolitan council by resolution, and no purchase shall be consummated until it has been so approved by the metropolitan council. No such resolution relating to an option for property to be used for school purposes shall be approved until a public hearing has been conducted as provided in Metropolitan Code of Laws § 2.24.240(I).

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

Analysis

This ordinance, as substituted, amends Metropolitan Code of Laws Sections 2.24.240 and 2.24.250.

Under current law, Metropolitan Code of Laws Section 2.24.240.I regulates the acquisition of real estate to be used as a site for the construction or relocation of a public school. This provision requires the adoption of an ordinance which, prior to second reading, must have a public hearing. The public hearing must be noticed by the Metropolitan Planning Commission in two newspapers of general circulation at least 15 days prior to the public hearing, written notice of the public hearing must be sent to the district Councilmember and members of the Board of Education, and a sign must be placed at the site in the same manner as provided in Article XV of Chapter 17.40 and Section 17.08.030 of the Metropolitan Code. The public hearing must be held in the Council chambers but need not be held during a regular Council meeting.

As substituted, the ordinance under consideration would allow for real estate being purchased for school purposes to be approved by resolution. This provision provides that, when the Metropolitan Government is purchasing property other than for right-of-way, an option agreement must be negotiated with the property owner for the purchase of the property at a fixed price. The property cannot be purchased until the Council approves the option agreement by resolution. The ordinance would also require a public hearing for property for school purposes. The provision authorizing the purchase of property by an option agreement approved by Council would be moved from its current location in Metropolitan Code of Laws Section 2.24.250.F to a new subsection Metropolitan Code of Laws Section 2.24.240.K.

The ordinance under consideration also makes changes to Metropolitan Code of Laws Section 2.24.240.I to clarify and remove erroneous language and to move the responsibility for noticing the public hearing from the Planning Commission to the Metropolitan Clerk, consistent the responsibility for noticing other public hearings at Council.