File #: BL2025-996, **Version:** 1

An ordinance authorizing the Metropolitan Government of Nashville and Davidson County, by and through the Nashville Department of Transportation and Multimodal Infrastructure (NDOT), to construct, install, and maintain underground and aboveground encroachments along 2nd Avenue North, between Commerce Street and Church Street. (Proposal No. 2025M-033AG-001).

WHEREAS, NDOT is working with the Metropolitan Development Housing Agency (MDHA) to implement the 2nd Avenue Rebuild project, following the 2020 Christmas Day bombing; and,

WHEREAS, to drive pedestrian traffic to 2nd Avenue North, and with implementation assistance from MDHA, NDOT plans to construct, install, and maintain retail kiosks, encroaching into the public right-of-way on 2nd Avenue North, between Commerce Street and Church Street; and,

WHEREAS, the design plans for the retail kiosks are attached hereto as “Exhibit A”, and incorporated by reference herein; and,

WHEREAS, Metropolitan Code of Laws § 13.08.030 allows the Council of the Metropolitan Government of Nashville and Davidson County to, by ordinance, grant encroachments, permits or privileges to construct, install, operate and/or maintain an encroachment in, on, over, or under any street, road, alley, sidewalk, or other public way.

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

Section 1. The Metropolitan Government of Nashville and Davidson County, by and through the Nashville Department of Transportation and Multimodal Infrastructure (NDOT), is hereby granted the privilege to construct, install, and maintain, underground and aboveground encroachments, as described in Proposal No. 2025M-033AG-001, in accordance with the plans on file in the office of the Director of the NDOT, and attached hereto as Exhibit A, and with the implementation assistance of the Metropolitan Development Housing Agency (MDHA).

Section 2. That the authority granted hereby for the construction, installation, operation, and maintenance of said underground and aboveground encroachments under Proposal No. 2025M-033AG-001, shall not be construed as a surrender by the Metropolitan Government of its rights or power to pass resolutions or ordinances regulating the use of its streets, or the right of the Metropolitan Government through its legislative body, in the interest of public necessity and convenience to order the relocation of said facilities.

Section 3. That construction, installation, and maintenance of said underground and aboveground encroachments under Proposal No. 2025M-033AG-001 shall be under the direction, supervision, and control of the Director of NDOT, and its installation, when completed, must be approved by said Director.

Section 4. That the authority granted to MDHA and NDOT, as herein described, shall not in any way interfere

with the rights of the Metropolitan Government, its agents, servants, and/or contractors and utility companies, operating under franchise from the Metropolitan Government to enter, construct, operate, maintain, repair, rebuild, enlarge, and patrol its now existing or future utilities, including drainage facilities, together with their appurtenances, and to do any and all things necessary and incidental thereto.

Section 5. MDHA and NDOT are insured through the Metropolitan Government.

Section 6. That said construction shall be carefully guarded and protected, and shall be completed promptly, so as to cause the least inconvenience to the public.

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

Analysis

This ordinance authorizes Nashville Department of Transportation and Multimodal Infrastructure ("NDOT") to construct, install, and maintain underground and aboveground encroachments along 2nd Avenue North, between Commerce Street and Church Street. The encroachments would consist of retail kiosks that would encroach into the public right of way.

NDOT is working with the Metropolitan Development Housing Agency ("MDHA") to implement the 2nd Avenue Rebuild project, following the 2020 Christmas Day bombing. The construction, installation, and maintenance of the encroachments shall be under the direction, supervision, and control of the Director of NDOT. The completed installation must also be approved by the NDOT Director. MDHA and NDOT are insured through the Metropolitan Government.

Metropolitan Code of Laws § 13.08.030 allows the Metropolitan Council to grant encroachments, permits or privileges to construct, install, operate and/or maintain an encroachment in, on, over, or under any street, road, alley, sidewalk, or other public way by ordinance.

This ordinance has been approved by the Planning Commission.