




## MEMORANDUM

September 4, 2012

**TO:** Board of Mayor and Aldermen

**FROM:** Eric Stuckey, City Administrator   
Vernon J. Gerth, Assistant City Administrator  
Paul P Holzen, Director of Engineering

**SUBJECT:** Consideration and Discussion of Declaring a Portion of Jordan Road Surplus Property

### Purpose

The purpose of this memorandum is to provide the information necessary to the Franklin Board of Mayor and Aldermen (BOMA) for the consideration and discussion of declaring a portion of Jordan Road surplus property.

### Background

City staff was approached by representatives of the Aspen Grove Plaza Office Park proposing the sale of adjacent City-owned right of way for Jordan Road. The Aspen Grove Plaza Office Park owners desire to acquire this piece of property so they may build a building on the current site at the corner of Jordan Road and Aspen Grove Drive. This building was shown on the approved plans submitted during the preliminary design phase of their development in 2005. The piece of property in question is a strip of land approximately 60 feet wide and 650 feet long (39,000 SF or 0.9AC) with several public utilities located within the property. In addition there is currently a multipurpose trail that was constructed west of this property. The City has plans to extend the multipurpose trail east to connect into Aspen Grove Drive. The property is bounded by 5 different parcels owned by these 5 companies:

- (1.) Southern Land Company McEwen Land Holdings, LLC
- (2.) Aspen Grove Office Partners LLC
- (3.) Harvest Manor at Steeplechase RET RE
- (4.) Envirotest Systems Corp.
- (5.) AGL/SLC McEwen NO 1 LLC.

This request meets the criteria for disposal of unused City right-of-way as outlined in June 8<sup>th</sup>, 2010 Unused City Right-of-Way Policy. At this time no official appraisal has been completed. If the City were to purchase this property as part of a roadway project it is estimated that the right-of-way (ROW) cost would be \$77,000.

City Staff recently met with the property owner to discuss numerous issues associated with their development. During this meeting, the property owner agreed to construct and maintain the multiuse trail if the City would vacate the ROW at no cost. Vacating and declaring this portion of ROW surplus and, entering into a perpetual maintenance agreement for the pedestrian trail requires BOMA approval.



### **Options**

The following options have been identified:

Option 1: Based on the Cities Unused City Right-of-Way Policy, staff recommends vacating this property with the following conditions:

- 1) Require a Public Utility, Drainage and Access Easement on 100% of the property being vacated
- 2) Require the Developer, via an agreement recorded on the title of the property, to construct and maintain the proposed multiuse trail.
- 3) Obtain letters from all adjacent property owners to determine if adjacent property owners are interested in the surplus property.
- 4) Require 100% of the property (as shown in the attached exhibit) to be vacated.
- 5) Require owners of the Aspen Grove Plaza Office Park, via an agreement recorded on the title of the property, to deed back the easement, except for the portion used by the Office Park to construct their building at such time the City decides to install a connector road between Aspen Grove and McEwen Drive.

Option 2:

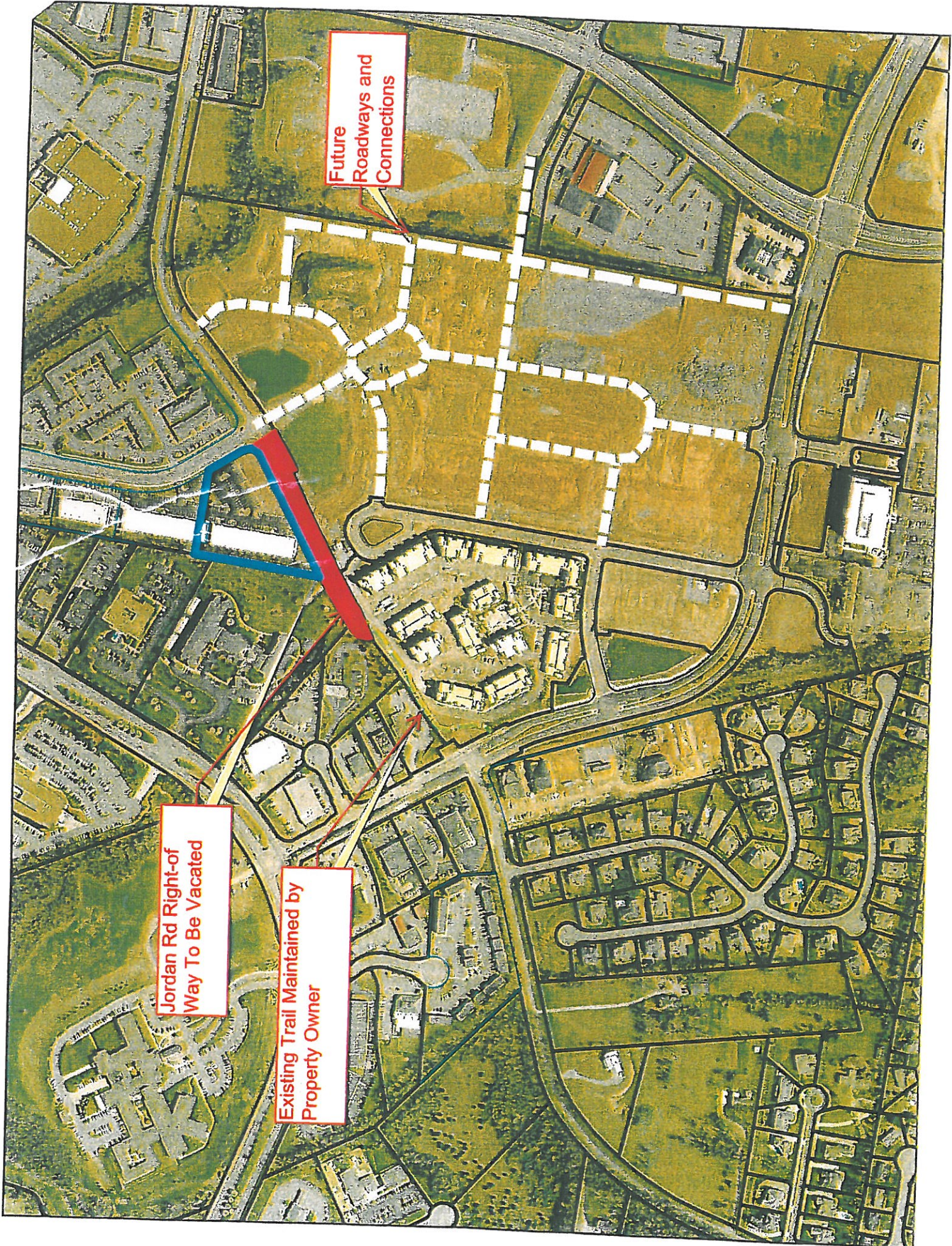
- 1) Sell the property through sealed bid (Franklin Municipal Code Sec. 5-802 (2)). Once Bids are received the BOMA would have the option to accept or reject the Bids. Selecting this option could require the City to incur the cost of improving and maintaining the pedestrian trail, indefinitely.

### **Financial Impact**

The City could potentially gain one-time revenue from the sale of the surplus property (option 2). There is also benefit to the maintenance of this property by the adjacent property owner, saving the City operating costs. Option 1 does provide the City with the ability to re-acquire (at no additional cost to the City) the property needed for construction of a future roadway (if needed).

### **Recommendation**

Option 1 (described above) is recommended for disposition of the surplus property.



Future  
Roadways and  
Connections

Jordan Rd Right-of-  
Way To Be Vacated

Existing Trail Maintained by  
Property Owner