



HISTORIC
FRANKLIN
TENNESSEE

MEMORANDUM

December 2, 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 of Resolution 2012-66 A Resolution Declaring Certain Right-of-Way on Jordan Road as Surplus

Purpose

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

Background

City staff was approached by representatives of the Aspen Grove Office Partners LLC with the proposal for the City to sell a small piece of property owned by the City and currently functioning as right-of-way for Jordan Road. The Aspen Grove Office Partners LLC 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. In 2005 the Aspen Grove Office Partners LLC submitted a site plan for approval that showed a building located within the right-of-way. This site plan was approved contingent on the BOMA abandoning the Jordan Road right-of-way.

The right-of-way proposed for abandonment is approximately 60 feet wide and 650 feet long (39,000 SF or 0.9AC) with several public utilities located within right-of-way. Municipal Code Chapter 8; Sec. 5-802; allows for the board to sell or dispose of right-of-way by negotiated contract or by other means that will adequately protect the public interest when the value does not exceed \$25,000. With numerous utilities encumbering the property it has been assumed that the property does not exceed \$25,000 although no official appraisal has been completed. This right-of-way is bounded by 5 different parcels owned by:

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

On 9/10/12 Certified Mail was sent to all adjacent property owners to determine if there was any interest in owning the existing right-of-way. Tract 1 indicated that they have no interest in any ownership or access to the existing Jordan Road right-of-way. No response was received from Tracts 3, 4 and 5. Tract 3 and 4 are platted as no access permitted to Jordan Road.



This request meets the criteria for disposal of unused City right-of-way as outlined in June 8th, 2010 Unused City Right-of-Way Policy. City Staff recently met with the Aspen Grove Office Partners LLC to discuss numerous issues associated with their development. During this meeting the property owner agreed to construct and maintain a multiuse trail within the existing right-of-way if the City would vacate the right-of-way at no cost. Vacating and declaring this portion of right-of-way surplus and entering into a perpetual maintenance agreement for the pedestrian trail requires BOMA approval.

Options

Option 1: Approval of *Resolution 2012-66 A Resolution Declaring Certain Property on Jordan Road as Surplus Property* with the following conditions:

- 1) Require a Public Utility, Drainage and Access Easement on 100% of the property being vacated
- 2) Obtain letters from all adjacent property owners to determine if adjacent property owners are interested in the surplus property.
- 3) Require the Developer, via an agreement recorded on the title of the property, to construct and maintain the proposed multiuse trail.
- 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 may or may not decides to install a connector road between Aspen Grove and McEwen Drive.

Option 2: If the Board Determines that the value of the property is reasonably likely to be greater than \$25,000 the property should be sold by sealed bid per City of Franklin Code of Ordinances 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) Require 100% of the property (as shown in the attached exhibit) to be vacated.

Recommendation

Based on the Cities Unused City Right-of-Way Policy staff recommends **Option 1** approval of *Resolution 2012-66 A Resolution Declaring Certain Property on Jordan Road as Surplus Property* with the conditions listed in **Option 1**

Exhibit A

Jordan Rd Right-of Way To Be Vacated

Existing Trail Maintained by Property Owner

Tract 3

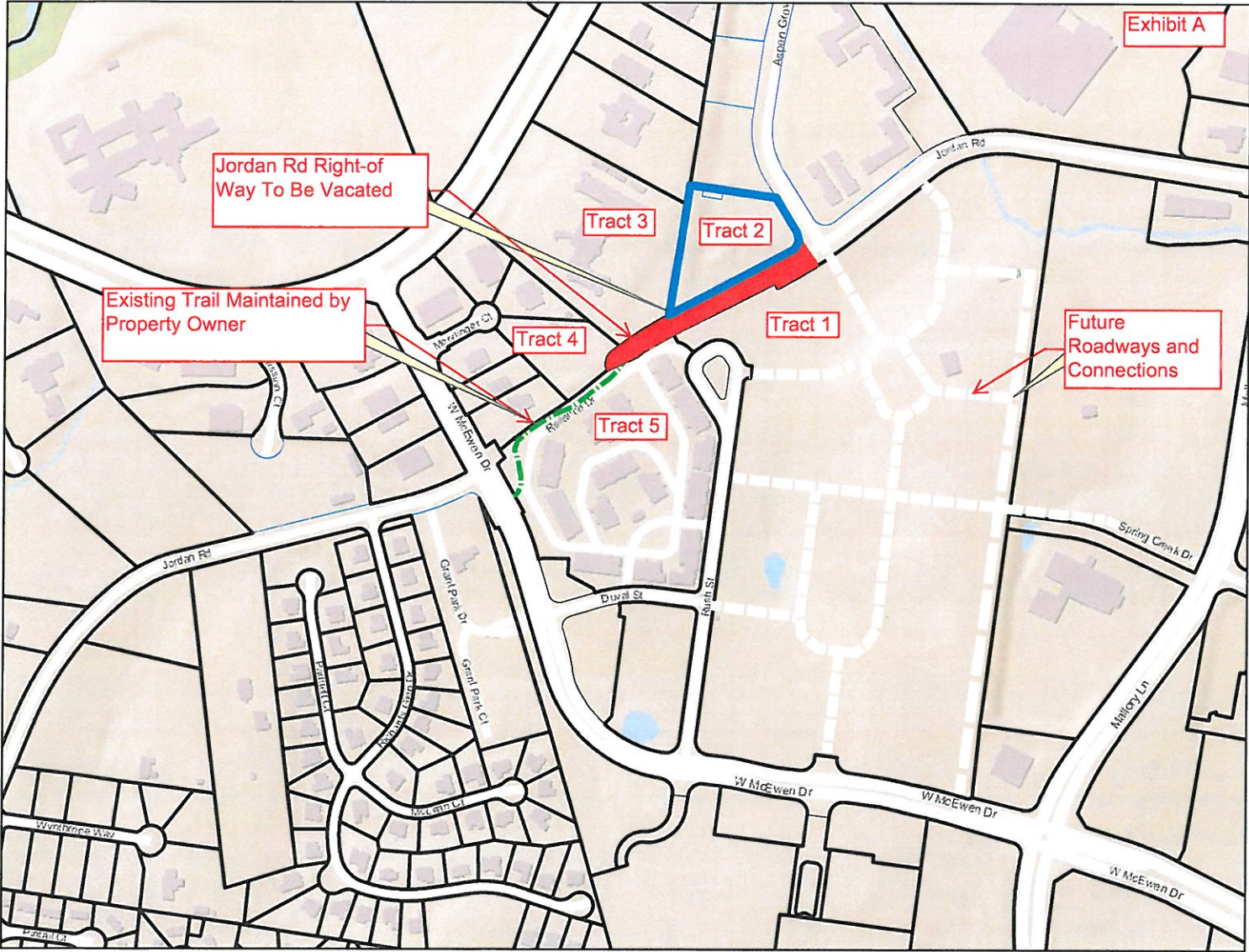
Tract 2

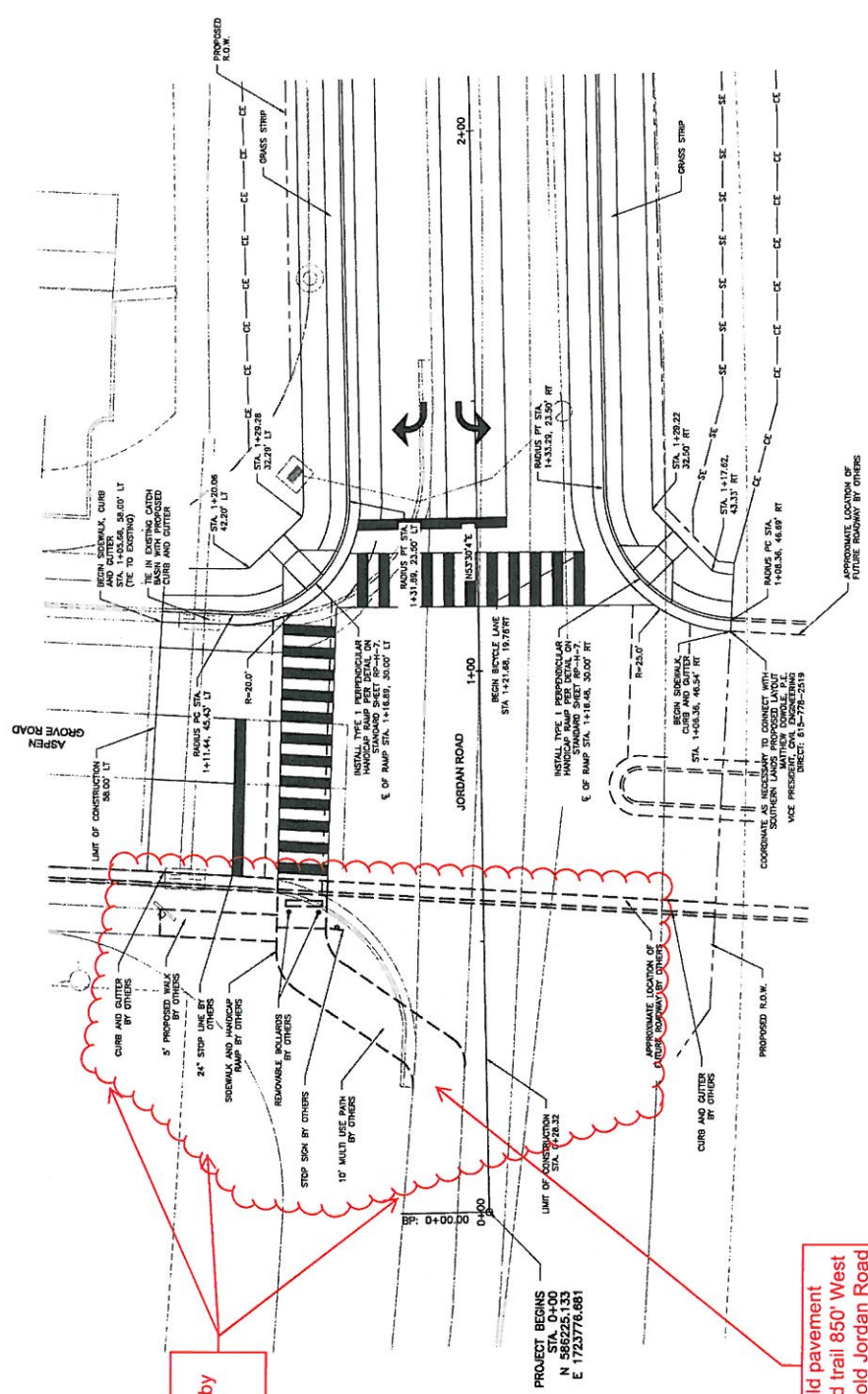
Tract 4

Tract 1

Future Roadways and Connections

Tract 5





Required Improvements by Aspen Grove Partners LLC

Remove old pavement and extend trail 850' West within the old Jordan Road Right-of-Way to connect to the existing trail.



PROJECT NO.	14815-0210
FILE NAME	CSTPL200
SHEET NO.	PL-2

PROPOSED INTERSECTION LAYOUT
ASPEN GROVE DRIVE

RECONSTRUCTION OF JORDAN ROAD

City of Franklin

DESIGNED BY	S. MURPHY
CHECKED BY	K. JENSEN
DATE	12/15/2015

NO.	DATE	DESCRIPTION

100% SUBMITTAL