



# MEMORANDUM

December 29, 2012

**TO:** Board of Mayor and Aldermen

**FROM:** Eric Stuckey, City Administrator *Ei*  
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 8<sup>th</sup>, 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.

**Financial Impact**

The value of the property being considered for abandonment is estimated to be less than \$25,000. The City will not need to fund the completion of the multi-use path as this will be the responsibility of the party acquiring the surplus property.

**Options**

The Board may approve, modify or decline to adopt the proposed resolution.

**Recommendation**

Based on the Cities Unused City Right-of-Way policy, staff recommends approval of Resolution 2012-66 A Resolution Declaring Certain Property on Jordan Road as Surplus Property.

**RESOLUTION 2012-66**

**A RESOLUTION DECLARING CERTAIN RIGHT-OF-WAY ON  
JORDAN ROAD AS SURPLUS**

**WHEREAS**, in January 2013 the Board of Mayor and Aldermen determined that the existing street and right-of-way on Jordan Road southwest of the intersection with Aspen Grove Drive and shown in Exhibit A is no longer necessary, suitable or desirable for the public welfare; and

**WHEREAS**, the right-of-way as shown in Exhibit A is no longer needed and the City now desires to declare the right-of-way as surplus property in order to sell to the adjoining property owner (Aspen Grove Office Partners LLC); and

**WHEREAS**, the City will realize additional tax benefits from this property being returned to the tax roll with such transfer of ownership of the property; and

**WHEREAS**, the City currently has a proposed Capital Improvement Project known as Jordan Road Reconstruction Project and the Aspen Grove Office Partners LLC agree to construct a portion of this project as shown on Exhibit B; and

**WHEREAS**, since numerous utilities encumber the right-of-way being proposed as surplus property, it has been assumed that the right-of-way does not exceed \$25,000 in value and Municipal Code (Chapter 8; Sec. 5-802) allows for the Board to sell or dispose of property by negotiated contract or by other means that will adequately protect the public interest when the value does not exceed \$25,000.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that the portion of Jordan Road Right-of-Way as shown in attached Exhibit A is hereby declared surplus property with the following conditions:

- 1) The Aspen Grove Office Partners LLC shall record a public utility, drainage and access easement on the property being vacated.
- 2) The Aspen Grove Office Partners LLC shall obtain letters from all adjacent property owners ensuring they are not interested in the surplus property.

- 3) The Aspen Grove Office Partners LLC, via an agreement recorded on the title of the property, to construct and maintain the proposed multiuse trail.
- 4) 100% of the property as shown on exhibit A shall be vacated
- 5) The Aspen Grove Office Partners LLC, shall be required, 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.

**BE IT FURTHER RESOLVED** by the Board of Mayor and Aldermen that the Right-of-Way so declared as surplus shall be disposed to the Aspen Grove Office Partners LLC as negotiated by the City Engineer and approved by the City Administrator.

**IT IS SO RESOLVED AND DONE** on this 8<sup>th</sup> day of January 2013.

**ATTEST:**

**CITY OF FRANKLIN, TENNESSE**

By: \_\_\_\_\_

**ERIC S. STUCKEY**  
City Administrator

By: \_\_\_\_\_

**DR. KEN MOORE**  
Mayor

**Approved as to Form**

By: \_\_\_\_\_

**Kristen L. Corn**  
Staff Attorney



Exhibit A

Future Roadways and Connections

Jordan Rd Right-of-Way To Be Vacated

Existing Trail Maintained by Property Owner

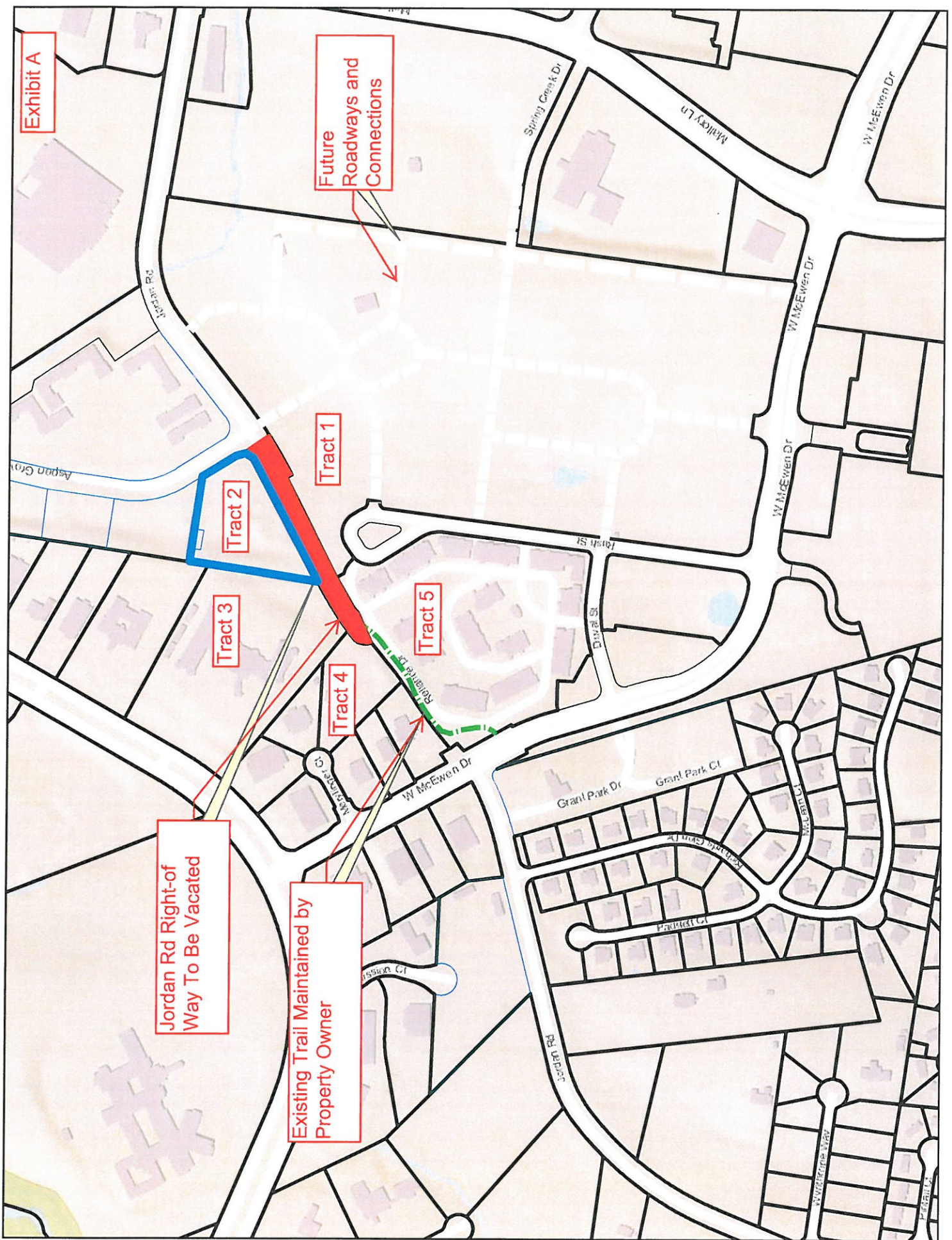
Tract 1

Tract 2

Tract 3

Tract 4

Tract 5





REV	DATE	BY	CHKD	DESCRIPTION

DESIGNED BY: **E. KOSTER**  
 CHECKED BY: **J. BISHOP**  
 PROJECT ENGINEER: **J. BISHOP**  
 APPROVED BY: **T. DAVIS**  
 DATE: **08/01/2010**

**CDM**  
 CONSULTING ENGINEERS  
 12000 West 10th Avenue, Suite 100  
 Golden, CO 80401  
 PHONE: (303) 440-1111  
 FAX: (303) 440-1111  
 WWW.CDMENGINEERS.COM

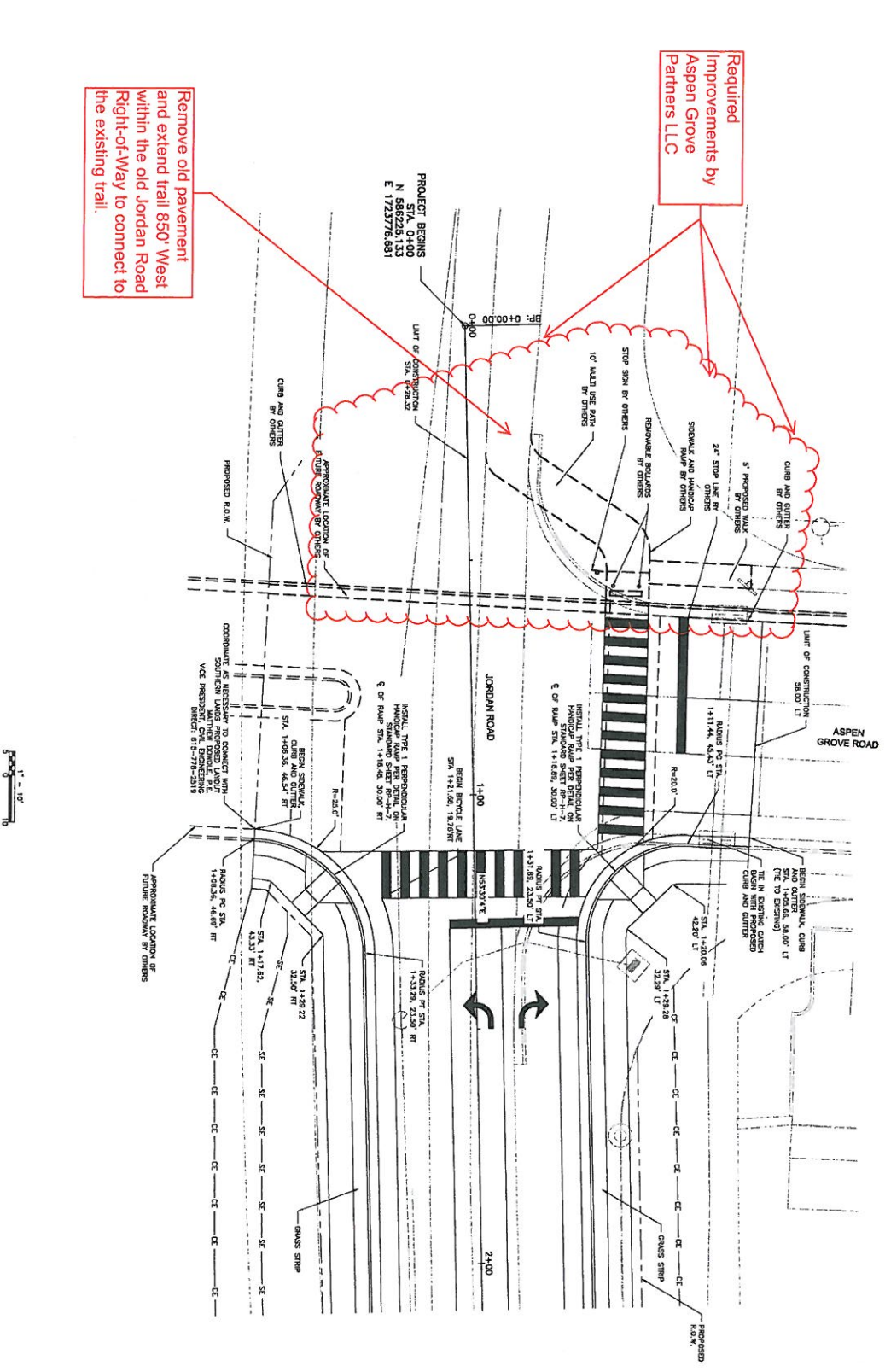
City of Franklin  
**RECONSTRUCTION OF JORDAN ROAD**

**PROPOSED INTERSECTION LAYOUT  
 ASPEN GROVE DRIVE**

PROJECT NO.: 14815-0218  
 FILE NAME: CSTR\_200  
 SHEET NO.: **PL-2**  
**100% SUBMITTAL**

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

Required  
 Improvements by  
 Aspen Grove  
 Partners LLC



SHEET 8 OF 34  
**Exhibit B**