



# MEMORANDUM

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March 14, 2013

**TO:** Board of Mayor and Aldermen

**FROM:** Eric Stuckey, City Administrator  
David Parker, City Engineer/CIP Executive  
Paul Holzen, Director of Engineering  
Katie Rubush, Staff Engineer II

**SUBJECT:** **Consideration of Resolution 2013-13, A Resolution Declaring Certain Right-of-Way on Liberty Pike as Surplus**

## Purpose

The purpose of this memorandum is to provide the information to the Franklin Board of Mayor and Aldermen (BOMA) for consideration of declaring a portion of right-of-way on Liberty Pike as surplus property.

## Background

On January 12, 2013, City staff received a letter from Ken Adler stating his interest in securing a portion of the right-of-way between his property and Liberty Pike. Ken Adler's property is located southeast of the intersection of Liberty Pike and Eddy Lane and is known as Lot 8, Liberty Industrial Park, Map 63, Parcel 44. As seen in Exhibit A, the portion of the right-of-way proposed for abandonment is only adjacent to Adler's property. For this reason, no additional property owners were contacted regarding interest in this property.

Based on the City of Franklin's Major Thoroughfare Plan and Transportation & Street Technical Standards, the Director of Engineering determined that 100 feet of right-of-way, centered on Liberty Pike, shall be retained by the City for the future improvements to Liberty Pike. The right-of-way proposed for abandonment is approximately 180 feet long and varies in width up to approximately 53 feet (4,300 SF or 0.10 AC) with several public utilities located within the 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. Based on an appraisal completed by F. Marc Headden of Headden Appraisal Services, the appraised value of this property as it stands today is \$2,580.

This request meets the criteria of unused City right-of-way as outlined in the June 8, 2010 Unused City Right-of-Way Policy. Vacating and declaring this portion of right-of-way surplus requires BOMA approval.

## Options

**Option 1:** Approval of *Resolution 2013-13, A Resolution Declaring Certain Property on Liberty Pike as Surplus Property* with the following conditions:



- 1) Require a Public Utility, Drainage and Access Easement on 100% of the property being vacated.
- 2) **Require the property owner to pay appraised value for the property (Estimated at \$2,580) and all closing cost and expenses to include survey, legal description, etc.**
- 3) Require the property owner to complete a survey of the surplus right-of-way. For any land required from Lot 8 to allow for a 100-foot right-of-way centered on Liberty Pike, ownership shall be transferred to the City. The cost for this portion of the property shall be based on the appraised value per square foot and shall be subtracted from the appraised value paid to the City for the surplus right-of-way.

**Option 2:** Approval of *Resolution 2013-13, A Resolution Declaring Certain Property on Liberty Pike as Surplus Property* with the following conditions:

- 1) Require a Public Utility, Drainage and Access Easement on 100% of the property being vacated.
- 2) **Give the property away at no cost and require the property owner to pay all closing cost and expenses to include survey, legal description, etc.**
- 3) Require the property owner to complete a survey of the surplus right-of-way. For any land required from Lot 8 to allow for a 100-foot right-of-way centered on Liberty Pike, ownership shall be transferred to the City. The cost for this portion of the property shall be based on the appraised value per square foot and shall be subtracted from the appraised value paid to the City for the surplus right-of-way.

**Option 3:** The City may choose to maintain the current right-of-way on Liberty Pike

**Recommendation**

Based on the City's Unused City Right-of-Way Policy, staff recommends **Option 1**, approval of *Resolution 2013-13, A Resolution Declaring Certain Property on Liberty Pike as Surplus Property* is recommended.

**RESOLUTION 2013-13**

**A RESOLUTION DECLARING CERTAIN RIGHT-OF-WAY ON  
LIBERTY PIKE AS SURPLUS**

**WHEREAS**, in March 2013 the Board of Mayor and Aldermen determined that the existing Right-of-Way of Liberty Pike southeast of the intersection with Eddy Lane and shown in Exhibit A is no longer necessary, suitable and desirable for the public welfare; and

**WHEREAS**, this 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 or dispose of the property to the adjoining property owner (Ken Adler); 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**, based on an appraisal of the property, the excess Right-of-Way has an appraised value of \$2,580, and the 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.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that the portion of Liberty Pike Right-of-Way as shown in attached Exhibit A is hereby declared surplus property.

**BE IT FURTHER RESOLVED** by the Board of Mayor and Aldermen that the Right-of-Way so declared as surplus shall be disposed, by quitclaim deed, to Ken Adler as negotiated by the City Engineer and approved by the City Administrator with the following conditions:

- 1) Require a Public Utility, Drainage and Access Easement on 100% of the property being vacated.
- 2) Require the property owner to pay appraised value for the property (Estimated at \$2,580) and all closing cost and expenses to include survey, legal description, etc.
- 3) Require the property owner to complete a survey of the surplus right-of-way. For any land required from Lot 8 to allow for a 100-foot right-of-way centered on Liberty Pike, ownership shall be transferred to the City. The cost for this portion of the property shall be based on the

appraised value per square foot and shall be subtracted from the appraised value paid to the City for the surplus right-of-way.

IT IS SO RESOLVED AND DONE on this 26<sup>th</sup> day of March 2013.

ATTEST:

CITY OF FRANKLIN, TENNESSE

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

ERIC S. STUCKEY  
City Administrator

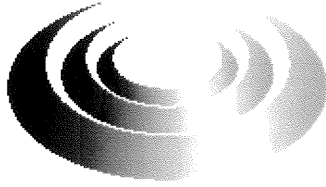
By: \_\_\_\_\_

DR. KEN MOORE  
Mayor

Approved as to Form

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

Shauna R. Billingsley  
City Attorney



## AFP 2, L.L.C.

119 South East Parkway Court / Suite 270 / Franklin, Tennessee 37064 / Phone 615-794-5517 / Fax 615-794-5518  
K.Adler@GenesisGlassTN.com

DATE: January 12, 2013  
TO: Paul Holzen  
FROM: Ken Adler (cell phone is 294-1425)  
RE: Excess "right-of-way" land

REPLY NEEDED ()      F.Y.I. ()      PER YOUR REQUEST ()

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Thanks you for your help as I researched the information surrounding the property known as Lot 8, Liberty Industrial Park, Map 63, Parcel 44 (also known as the old Eurofix site).

I have completed my purchase of the property and want to move forward in securing the excess right-of-way land that lies between my property and Liberty Pike.

You indicated that the City had plans to widen Liberty Pike to 4 lanes (with sidewalks) and you needed to retain a 100' wide right-of-way. Your quick calculation determined that there was 1,200 +/- square feet of excess land that you thought the city would give me as long as I paid for the surveyor work needed and gave the city the right to re-annex it at no cost should that be necessary.

I would like to move forward as quickly as possible on this issue. Please use this letter as my formal request and let me know if you need anything further from me.

Thanks for your continued help.

March 7, 2013

Katie Rubush, P.E., LEED AP BD+C, Staff Engineer II  
City of Franklin  
109 Third Avenue South  
Franklin, TN 37064

Re: ~4,300 SF excess ROW for Lot 8 Liberty Pike, map 63 parcel 44, Franklin, TN

Dear Ms. Rubush:

Per our earlier conversation, I have appraised the above-referenced ~4,300 SF of excess right-of-way in front of Mr. Kenneth Adler's (AFP2, LLC) property known as Lot 8 on Liberty Pike, map 63 parcel 44.

As you know, this small parcel alone is not buildable. If placing this small parcel on the market, there is basically only one potential buyer to whom it would provide value and that is the one adjoining landowner, Mr. Adler. Because of this extremely limited market, the value of this parcel alone is tremendously diminished. By viewing other similar property settlements, the property is diminished by an estimated 90%+-.

After considering current market land sales and active listings of similar properties in this area and the estimated diminishment percentage of 90%, a value estimate of \$0.60/SF is assigned this property. Therefore, ~4,300 SF x \$0.60/SF = **\$2,580** estimated market value.

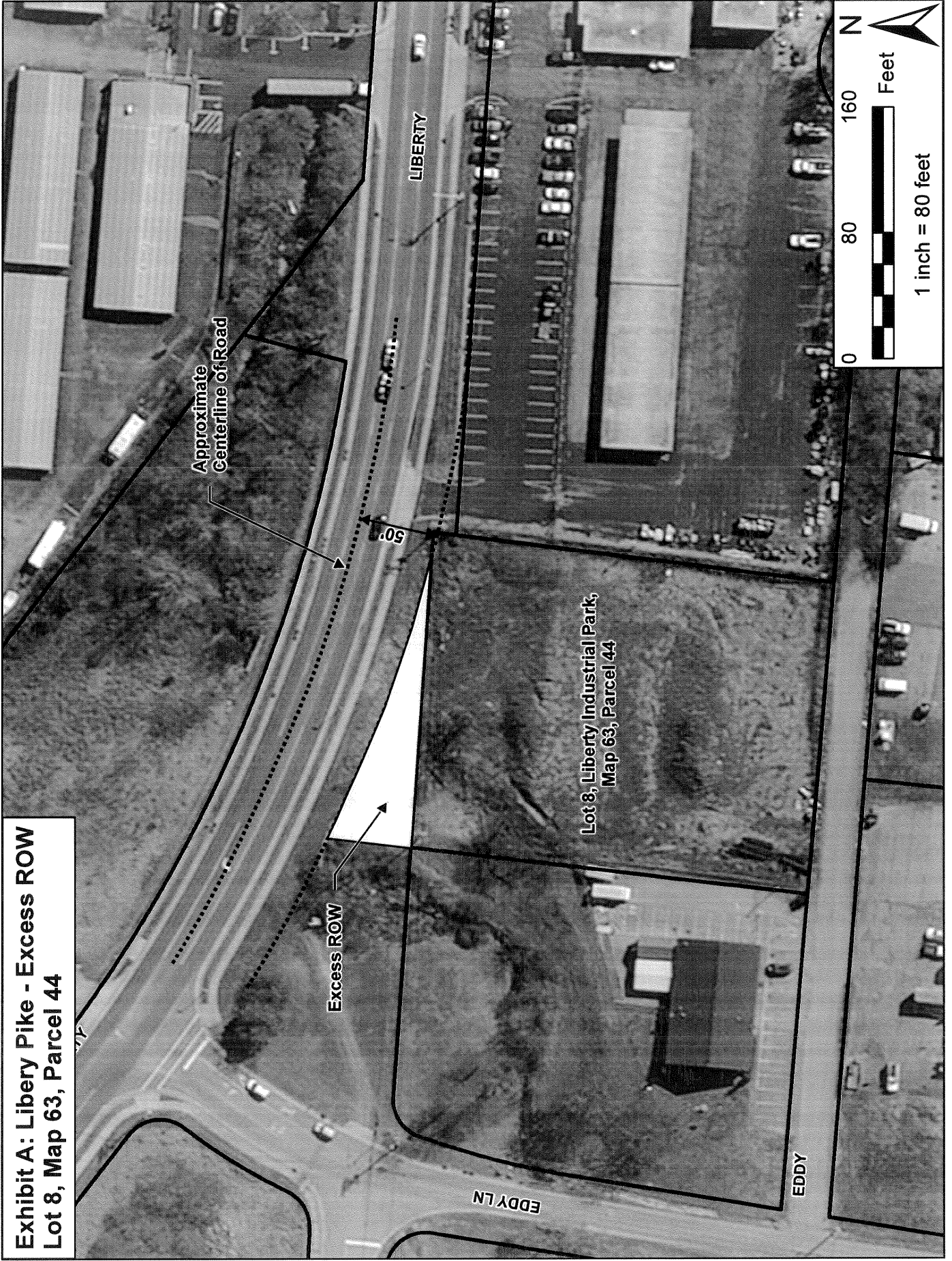
This letter is not an appraisal. I can have the appraisal compiled and ready to email next week, but wanted to get this information to you in time for your meeting. I will forward the appraisal report when complete.

Sincerely,



F. Marc Headden  
TN State Certified General Appraiser  
CG-1249, exp. 05/31/2014

**Exhibit A: Liberty Pike - Excess ROW  
Lot 8, Map 63, Parcel 44**



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0 80 160 Feet

1 inch = 80 feet