

Unused City Right-of-Way

City of Franklin
BOMA Work Session
June 8, 2010

Cross-Departmental Collaboration

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Goals

1. Inventory the unused right-of-way (ROW)
2. Provide criteria for determining whether or not to dispose of unused City right-of-way; and
3. Once the unused right-of-way has been declared surplus, to provide options for the disposal of the unused right-of-way in a fair and consistent manner.

WHAT GOVERNS BOMA DECISIONS ABOUT DISPOSAL OF PROPERTY?

Tennessee Code Annotated

- Is relatively quiet on the disposal of surplus property
 - Addresses conveyance between public agencies
 - Generally, cities have broad discretion over sale or lease of property if the Charter or Municipal Code which govern them give them the authority

City of Franklin Charter

Article II. Section 1.

- The city shall have power to:
 - (5) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge, or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the city or state for any municipal purpose.

City of Franklin Municipal Code

Sec. 5-802. - Disposal of surplus real property

(1)

The mayor and city administrator, with the prior approval of the board of mayor and aldermen, by resolution, may sell, lease, or abandon any real property owned by the city, or any interests or rights therein, when such property is determined to be of no further feasible use to the city.

(2)

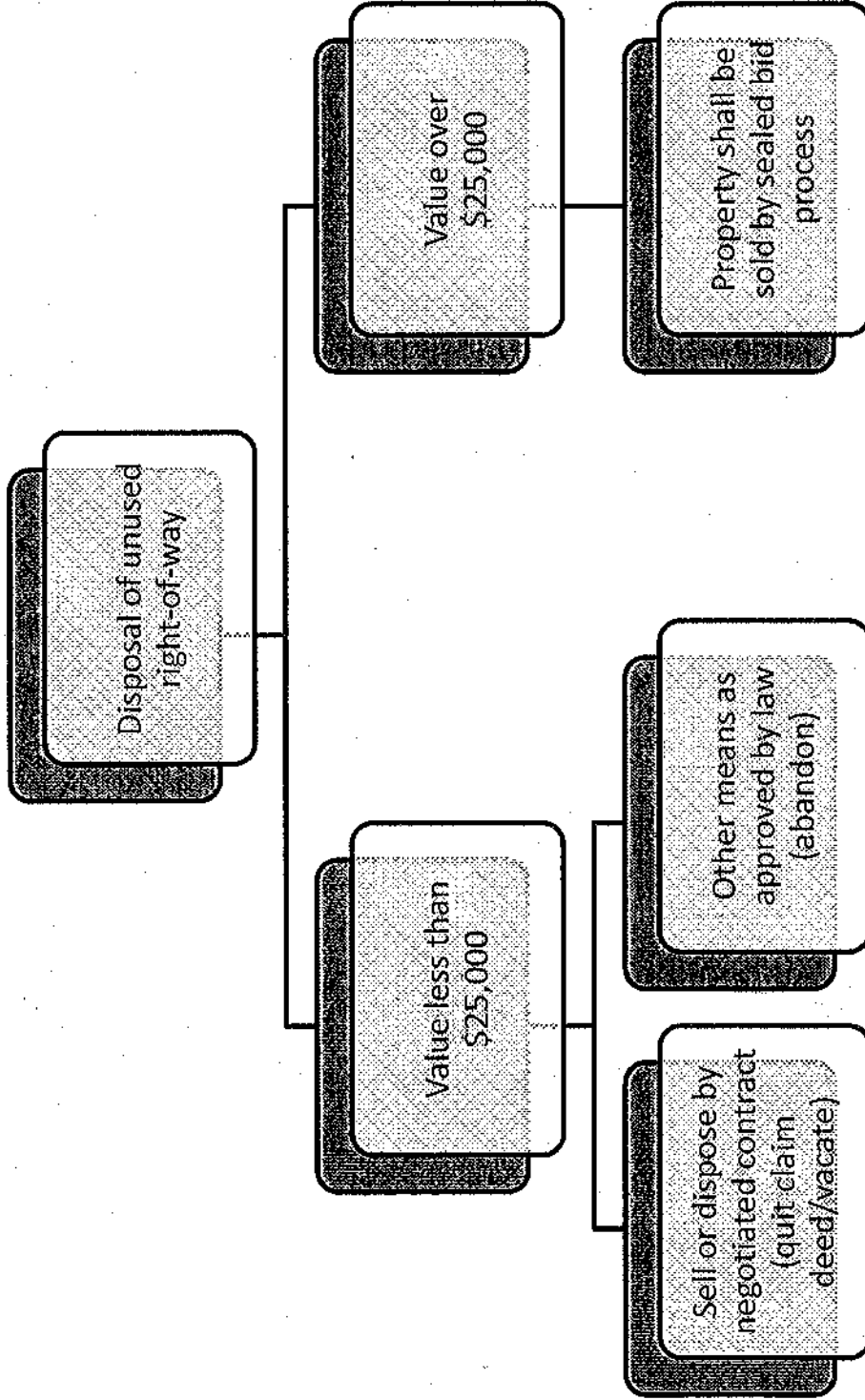
When the board has determined that the value of the property is reasonably likely to be greater than \$25,000.00, then the property shall be sold by sealed bid, after 45 days public notice in a newspaper of general circulation, provided that the city shall have the right to reject and refuse any and all bids. Such notice shall be advertised at least twice during the forty-five-day notice period. The board's determination shall be based upon tax records, comparable sales, advice from real estate professionals, or other suitable criteria. The board may, in its sole discretion, also employ an independent certified appraiser in connection with any sale or real property.

(3)

Upon a reasonable determination that the property does not exceed \$25,000.00 in value, or that there are other unique circumstances making a public advertisement and bid procedure impossible or impracticable, then the board, by resolution, may waive the requirements of public notice, and sealed bidding, and may sell or dispose of the property in question by negotiated contract, or by other means that will adequately protect the public interest.

(Ord. No. 98-08, § 1, 3- -1998)

Municipal Code Sec. 5-802: Disposal of Surplus Real Property

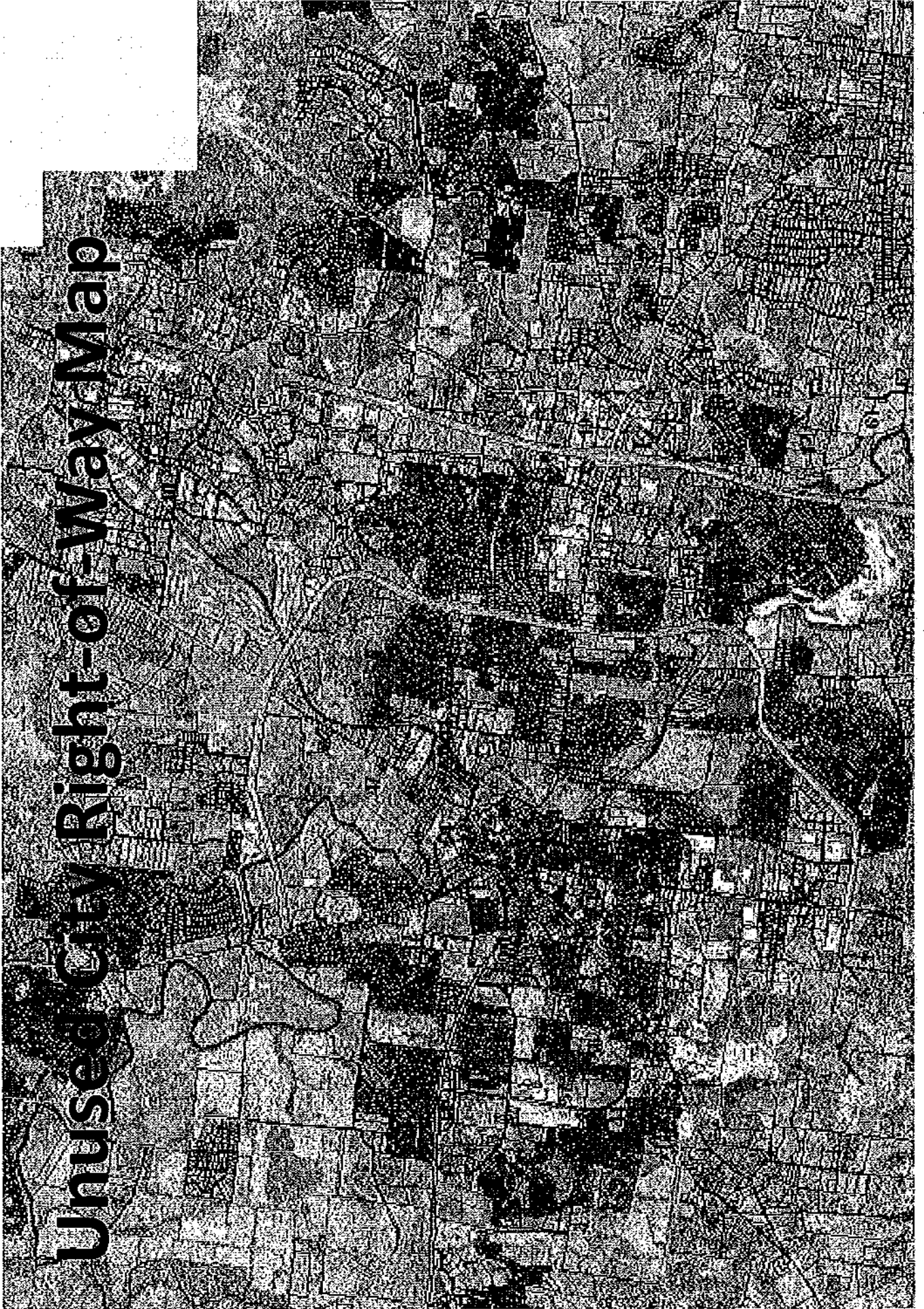


Franklin's Past Practice

- Not a consistent department where disposal was initiated
- Not a clear, consistent process
 - Note on plat or a vote at BOMA or...?
 - Resolutions since 1998
- Did Williamson County receive notice of disposal?
 - Means maps may not reflect City decisions

1. CITY RIGHT-OF-WAY INVENTORY

Unused City Right-of-Way Map



Inventory Findings

- 65 ROW segments
 - Roughly half need no action
 - Other half need further study
 - Technical or mapping errors
 - Consider for disposal
- Each one is unique
 - Shape and conditions
 - Lot configuration of adjacent properties
 - Surrounding ownership
- Each should be reviewed/researched individually for disposal
- Err on the conservative side
 - Emphasis on reasons to retain right-of-way

2. CRITERIA: SHOULD THE CITY DISPOSE OF THE UNUSED ROW?

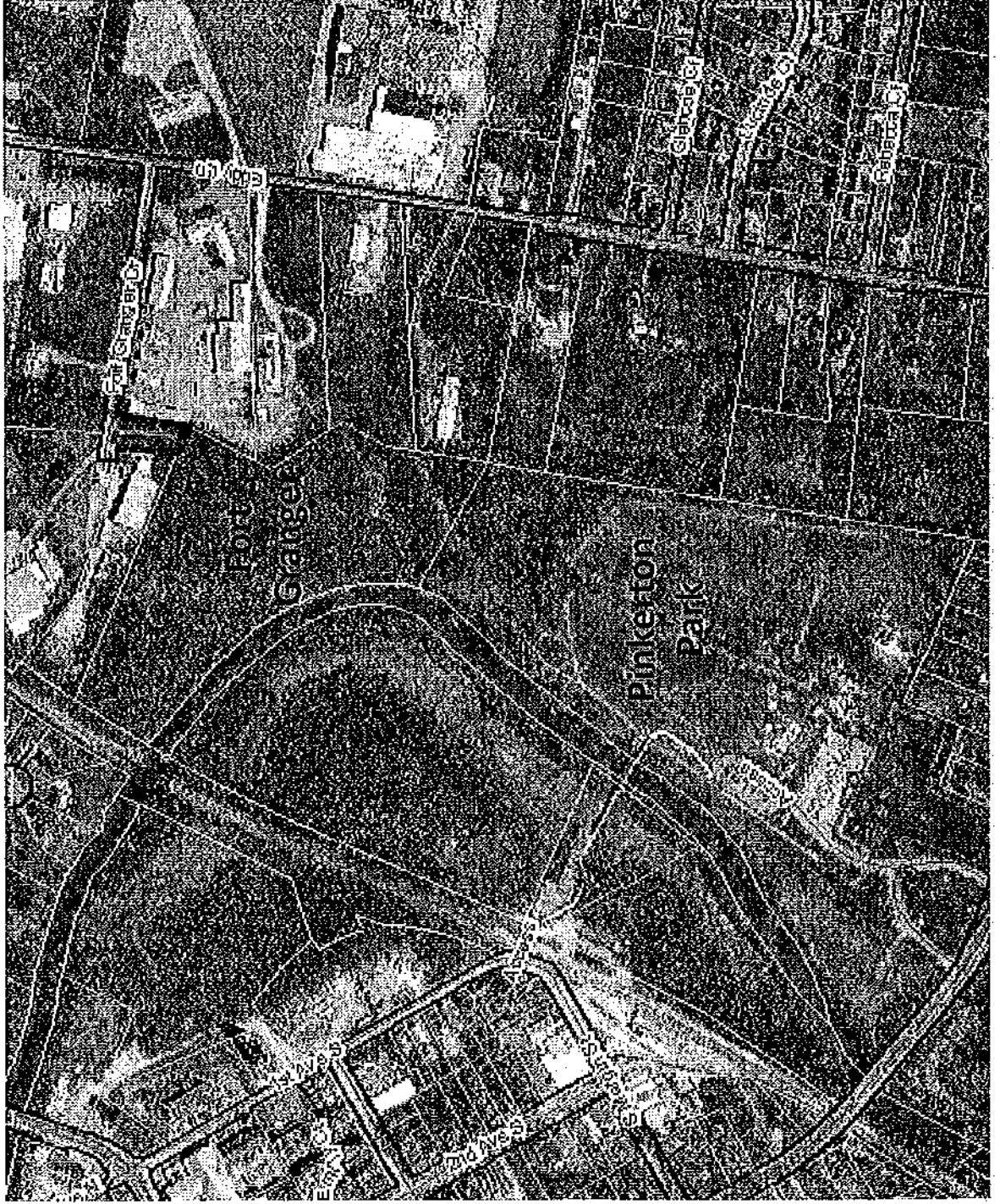
Declare Surplus When:

- There is **currently no public transportation infrastructure** within the right-of-way, such as streets, alleys, bicycle paths or pedestrian walkways;
- The right-of-way is **not needed for future public transportation infrastructure**;
 - The Board may dispose of right-of-way with the creation of easements as needed when there are existing or foreseeable future public utilities, emergency access, drainage areas, private driveways, or other uses within the existing right-of-way;
- The right-of-way **disposal serves the public interest** through improved utilization of land made possible by this action;
- The disposal **reduces the City's maintenance liability** on unused right-of-way not needed for public purpose.

No Action (Keep It) When:

- It is reasonable that the right-of-way could be extended in the future for public use;
- It is **adjacent to undeveloped property**, since a determination of whether it will ultimately be needed for public use purposes can best be made only when the nature and intensity of development of the adjacent parcels are known;
- There is **potential for redevelopment** or further development of the area;
- It **serves as public access** to parkland or permanent open space;
- One or more adjacent properties **would become landlocked**, unless access easements can be secured;
- It is **shown in the Major Thoroughfare Plan's**, or any City approved Local Street Plan's, **Recommended Improvements**.

Example A: Fort Granger Drive

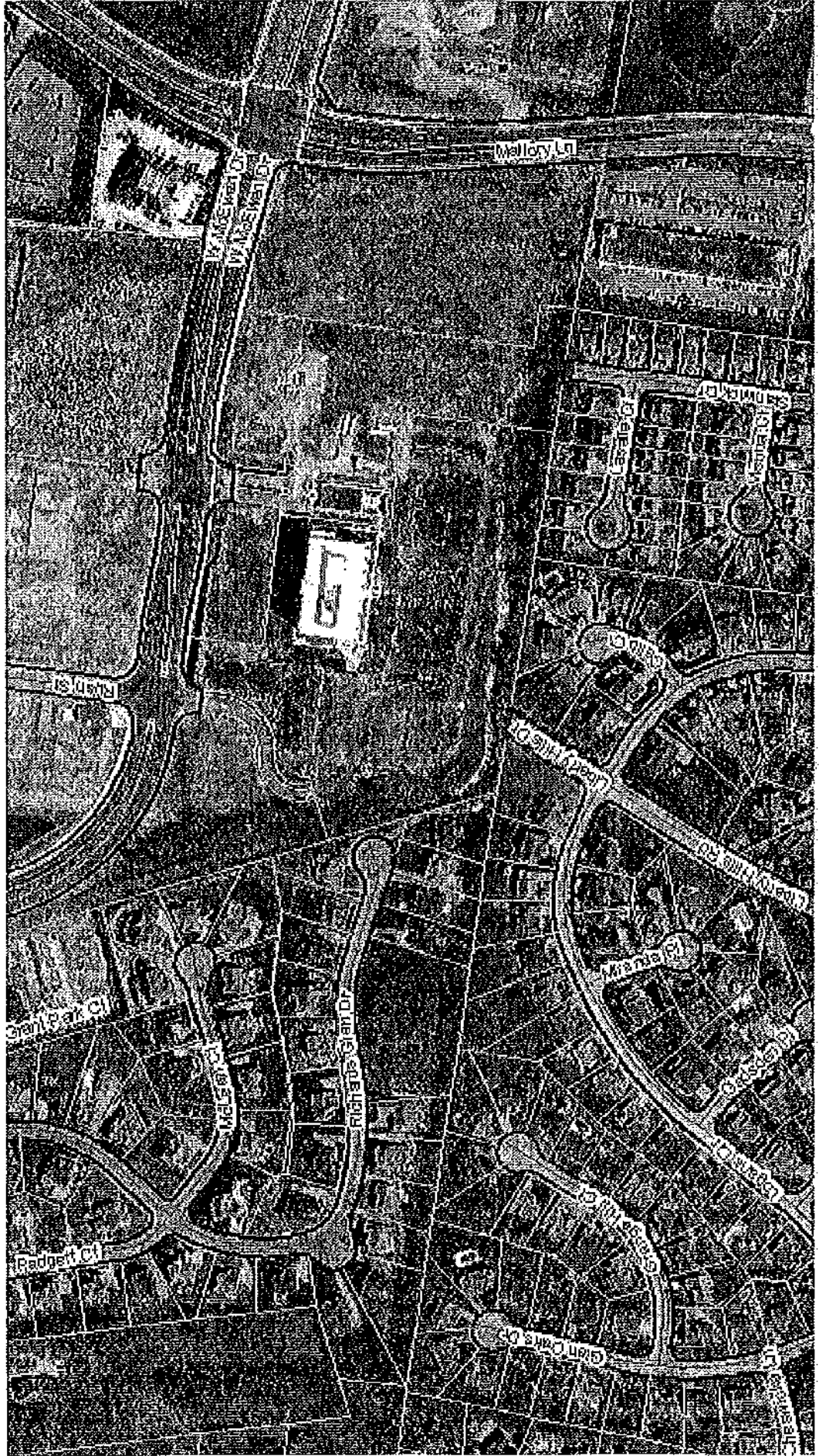


Recommendation: No action

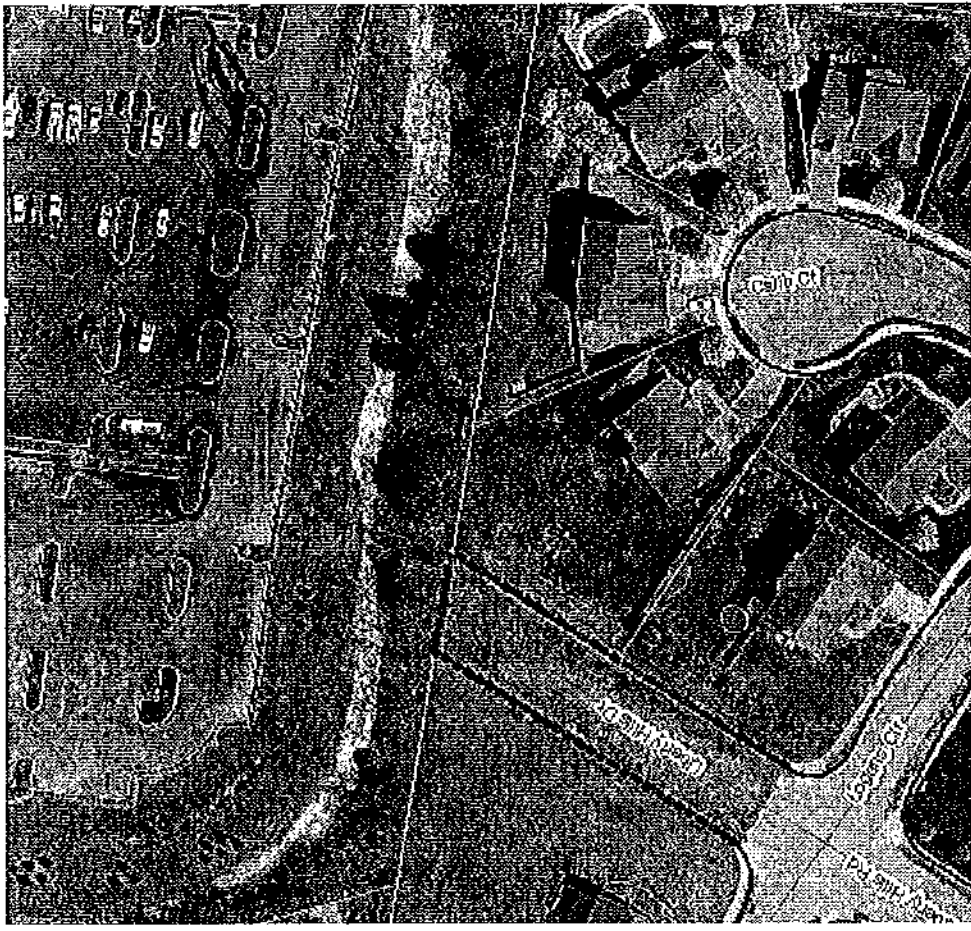
- Could be extended in future
- Provides access to public park
- Likely needed in the future
- Property would become landlocked without right-of-way
- **RECOMMENDATION: KEEP IT**



Example B: Liberty Hills Drive



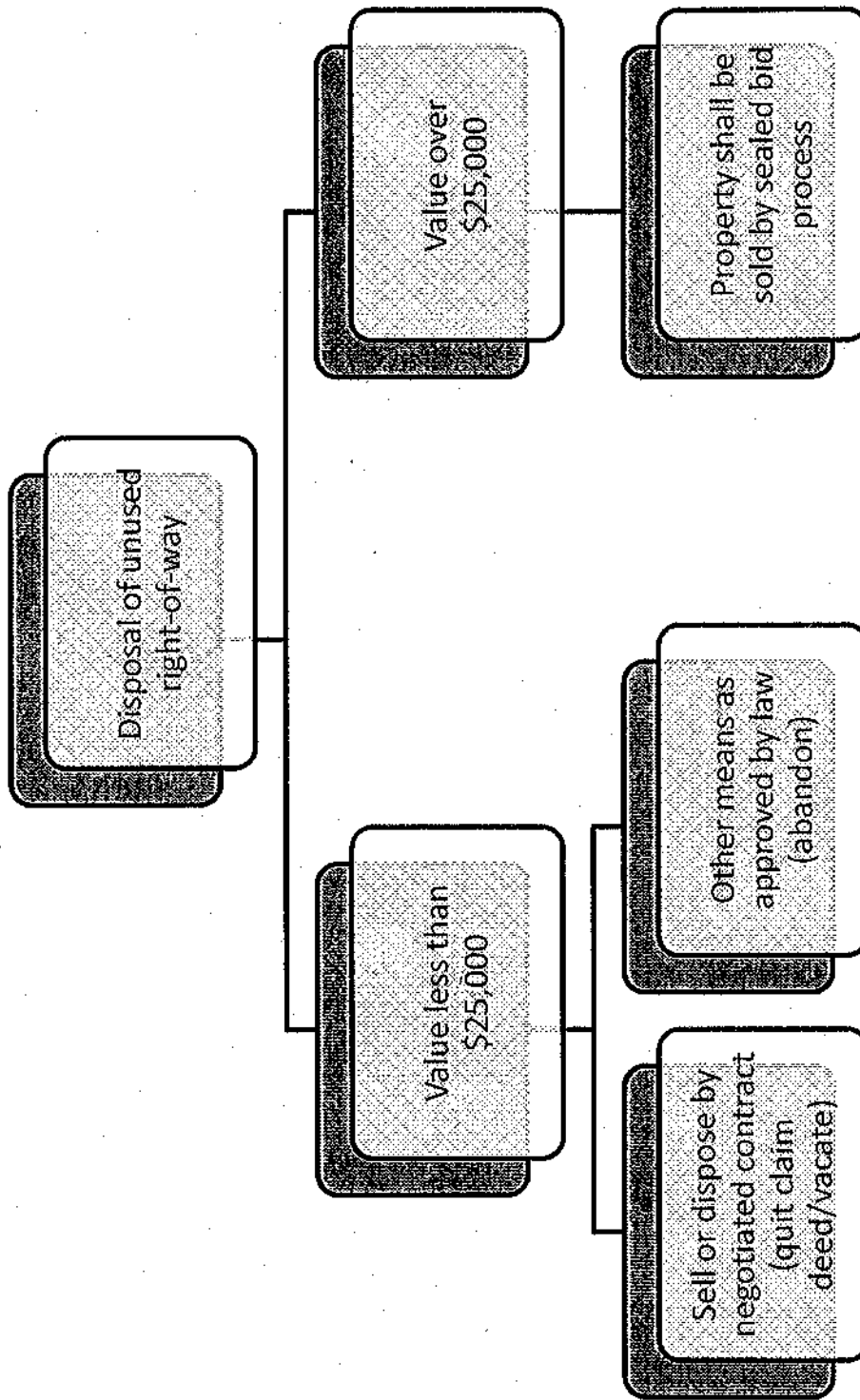
Staff Recommendation: Dispose



- No current public transportation infrastructure
- Street not likely to be extended
- Reduces City's maintenance liability

3. HOW DOES THE CITY DISPOSE OF THE ROW?

Municipal Code Sec. 5-802: Disposal of Surplus Real Property



Options if Over \$25,000

- Sell by sealed bid
- Subdivide into smaller pieces until value falls below \$25,000
 - Does the Board agree with this?

Staff

Recommended Options if under \$25,000

- Vacate the surplus property equally (50/50) to property owners adjacent to both sides of the right-of-way;
 - When the right-of-way is not being used for access; or
 - When a street was realigned elsewhere.

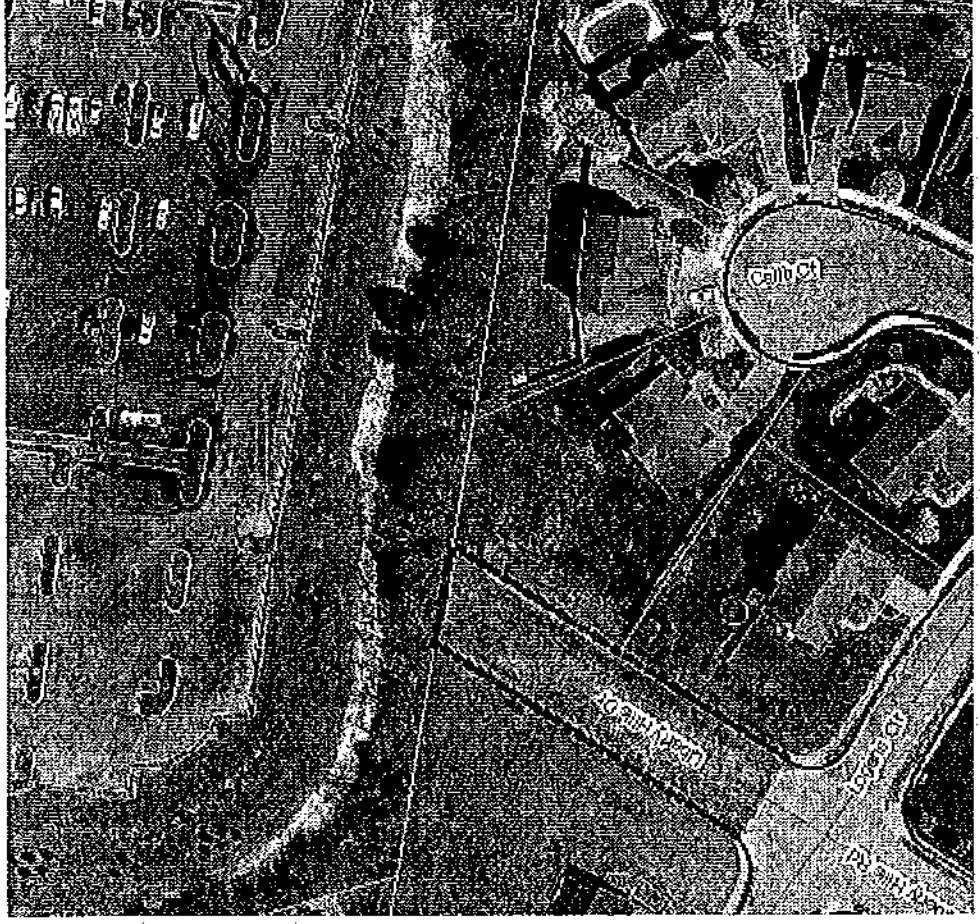
- Vacate the surplus property equally (50/50) to property owners adjacent to both sides of the right-of-way with easements;
 - When the City right-of-way contains private driveways or has properties using it for access; or
 - When the City right-of-way contains existing or foreseeable future public utilities, emergency access, drainage areas or other public uses.

- Vacate 100% to one adjacent property owner;
 - When there is the same ownership on both sides of the City right-of-way; or
 - When the City right-of-way serves as the existing driveway access to a single developed property that is located internally to the adjoining street; or
 - When it can be found that prior to the dedication of the City right-of-way, the property originally belonged to one of the adjacent properties.

Example B: Liberty Hills Drive

Based on disposal recommendation

- Err on the conservative side
- Recommend vacating the surplus property equally (50/50) to property owners adjacent to both sides of the right-of-way with an access easement;
 - Don't rule out future pedestrian path



Competing Directions for

BOMA Consideration

- Realize the maximum value of City-owned property?
- Is it the right thing for the neighborhood?
- Does it compete with other policy goals e.g. funding affordable/workforce housing with sold surplus property?
- Sense of moral obligation to homeowners for past maintenance?

Staff's Role

- Provide professional recommendations to BOMA focused on the long-term health of the City based on:
 - State statutes
 - City ordinances and policies
 - Best practices

DISCUSSION

City of Franklin Unused Right-of-Way Inventory
June 8, 2010

ID	Subdivision	Length	Width	Land Use	Zoning	Buildable	Accession	Description	Conditions	Recommended	MTP	Utilities	Food plain
1	E.E. GREEN	700	15	Res	HCRes	No	No	Cross alley shape between Glass and Green Streets	Heavily treed, all adjacent lots have street access	Needed/No action, potential rezoning and redevelopment of adjacent properties. Further study, abandon if not already abandoned?	No	No	No
2	DUNWOODY COMMONS	185	30	Vacant	R-1	No	No	Old Spencer Creek Rd alignment at Ernest Rice Ln. Abandoned alley parallel to West End Cir off of N Parkway St, provides unused access to one internal lot	Vegetated Structures, vegetation, fences, one undev lot only has alley access	Not needed; one lot has no access but same ownership facing West End Circle that would provide access	No	Yes, storm	No
3	WEST END CIRCLE	900	10	Mixed	Mixed	No	No	Royal Oaks Street stub off of London Ln	Vegetated	Needed/No action, long term potential for connection with Good Neighbor Rd, eliminating existing intersection close to Downs Blvd	No	Yes, sewer	No
4	ROYAL OAKS	170	60	Res	R-2	No	Possible	Stub off W Main St into trailer park between two single family homes	Vegetated	Needed/No action, emergency access and entrance to trail system in subdivision.	No	No	No
5		150	25	Res	R-3	No	Possible	Abandoned alley bet O'More and Winstead Ct.	Vegetated, Fenced, Asphalt Parking Lot	Not needed	No	No	No
6		200	15	Mixed	Mixed	No	No	Fieldstone Farms Trail off Blackhorse Pkwy	Trail	Needed/No action; investigate surplus option, lot may be possible but not recommended until adjacent property develops	No	Yes, sewer	No
7	FIELDSTONE FARMS	130	20	Res	RV	No	No	T-alley between N Parkway, W Main, Forrest and Brookwood	Vegetated, accessory structures, one driveway with access off Forrest St in alley	Further study; contact County to check the ownership	No	No	No
8	LYNNHURST	1050	12	Mixed	Mixed	No	No	Unused ROW between Huffines Ridge and Liberty, between Carothers and I-65, perhaps old alignment?	Grass	Not needed	No	No	No
9		1000	30	Vacant	GC	No	No	Railroad ROW off of Malloy Station Rd	Railroad Track	Further study; contact County to check the ownership	No	No	No
10		230	40	Nonres	IJ	No	No	Trail under Railroad, Eddy Ct, Old Liberty Pk	Trail	Needed/No action; contains pedestrian trail under railroad tressle	No	Yes, water	No
11		200	50	Mixed	Mixed	No	Possible	L-shaped ROW at Carothers Rd south of Falcon Creek, Perhaps old alignment	Vegetated	Not needed	No	No	No
12		1000	40	Res	Mixed	No	No	Possibly old street alignment of Downs Blvd and splits one 3-acre parcel	Grass	Further study; investigate surplus option, lot may be possible but not recommended until adjacent property develops	No	No	No
13		210	50	Vacant	R-3	Possibly	No	Unused alley off Green St that terminates into commercial property fronting New Hwy 96 W	Grass	Not needed	No	No	No
14	TRUETT-TORNER	120	10	Mixed	Mixed	No	No	T-alley between Parkway St, Forrest St and Brookwood Ave	Trees and grass Mostly vegetated, asphalt parking lot, one home has driveway off Forrest St in alley	Not needed	No	Yes, compl etely within	No
15	LYNNHURST	1050	12	Mixed	Mixed	No	No	Right-Angle alley off Adams and Stewart	Vegetated	Not needed; provide access easement for 407 Forrest St	No	No	No
16		970	20	Res	R2 R3	No	Yes	Past end of cut-de-sac on Parkway Dr	Vegetated	Needed/No action, future access to undeveloped property; entire area within 100-year floodplain	No	Yes, storm	No
17	HILL ADDITION	80	80	Res	R-3	Possibly	No	Abandoned Alley off Stewart St	Vegetated	Further study; investigate housing opportunity	No	Yes, water	No
18	JOHN B MCEWEN	300	15	Res	R-3	No	No	Edward Curd Ln abandoned segment at Wfm Med Ctr	Vegetated, Driveway, Garage	Not needed	No	No	No
19		780	30	Inst	CI	No	No	Horseshoe behind homes on Evans at Blackbourn Street stub off Sonlag Dr, Provides only ROW access to Subdivision's open space	Vegetated	Not needed	Yes	Yes, water	No
20	CLOUSTON PARK ADDITION	460	15	Res	R-1	No	No	Primarily grass	Vegetated, Fences, Accessory Structures	Not needed; alley platted in 1919, with access easement for 817 Evans St	No	No	No
21	POLK PLACE	225	40	Res	R-3	No	No	Abandoned Alley bet Cannon and Academy Sts	Vegetated, Probable Fences	Needed/No action; possibility of future development	No	Yes, sewer	No
22	BATTLE GROUND PARK LAN	775	18	Res	R-3	No	No	Old Horton Ln alignment between Davidson and Horton Ct	Vegetated, contains power lines and sewer easement	Not needed, provide easements as area contains sewer easement and transmission lines	No	No	No
23		360	80	Res	R-3	No	No				No	Yes, sewer	No

City of Franklin Unused Right-of-Way Inventory
June 8, 2010

ID	Subdivision	Length	Width	Land Use	Zoning	Suitable	Extensions	Description	Conditions	Recommend	MTP	Utilities	Flood plain
24	HILL ESTATES	145	50	Res	R-3	No	Possible	Sycamore Street stub off Ash Dr, serves as sole access to water tank	Driveway to water tank, hilly topography	Needed/No action	No	Yes, water	No
25	WEST END CIRCLE	155	10	Res	R-3	No	No	ROW providing access to one home off West End Cir, no record of plat revision to add ROW	Has driveway to 700 West End Cir	Further study; vacate if possible only to 700 West End Cir. Otherwise no action	No	Yes, water	No
26	BATTLE GROUND PARK LANE	1830	18	Res	R-3	No	No	Abandoned alley between Cannon and Columbia	Vegetated, Possible Fences	Needed/No action, access to undevel lots	No	No	No
27	RIVERVIEW PARK	150	25	Res	Mixed	No	Possible	Street stub off Riverview Dr, serves as access driveway to Forrest Crossing golf course maintenance area	Asphalt driveway	Not needed; serves as driveway access to one developed lot (golf course maintenance facility)	No	Yes, sewer	small portion
28	RIVERVIEW PARK	185	50	Mixed	Mixed	Possibly	Check Eng	Street stub off Stonegate Dr	Grass	Needed/No action until adjacent undeveloped lots develop, investigate housing opportunity	No	No	No
29	LIBERTY INDUSTRIAL PARK	360	30	Ind	L1	No	No	End of out-of-date on Eddy Ct, CFAP possible Area of Change	Vegetated	Needed/No action; possibility of future redevelopment according to Land Use Plan	No	No	No
30	STURBRIDGE POINTE	185	30	Res	R-2	No	Potential	Street stub off Sturbridge Dr, One of two access points to Subdivision's open space.	Grass	Needed/No action; serves as access to open space	No	Stormwater	West end
31		180	90	Mixed	LI CI	No	Possible	Street Stub off Ft Granger Dr that leads to Pinkerton trail	Asphalt	Not needed; contains driveway for one use on developed lot (golf course maintenance facility)	No	No	No
32	TOWN OF FRANKLIN	400	12	Mixed	CI CC	No	No	Alley and pedestrian walkway bet Courthouse and Pk garage	Asphalt and Concrete	Needed/No action; contains public transportation infrastructure	No	Water pre	No
33	FIELDSTONE FARMS	1170	100	Res	RV	No	Yes	Fieldstone Pkwy Future Extension	Vegetated	Needed/No action, extend as adjacent property develops	No	Yes, storm	Yes, south
34		230	60	Res	Mixed	No	Possible	4th Ave S Street Stub to River Centerline	Vegetated, Railroad, River	Needed/No action; possibility of future extension	No	Stormwater	half
35	EVERBRIGHT	450	18	Res	R-3	No	No	Partly Abandoned Alley bet. Bostick and Cannon SAs	Vegetated, Driveway, Possible Fences, Buildings	Not needed; provide access easements to 1324 Cannon St and 312 Bettle Ave	No	No	No
36	ROLLING MEADOWS	300	50	Res	R-3	Possibly	No	Bradford Ave street ROW bet Hardison and Scruggs	Vegetated, driveway to home off Hardison Ave	Further study; investigate surplus, housing possibility	No	No	No
37	ROYAL OAKS	125	50	Res	R-2	No	Possible	Street stub off Sheffield Pl near Jordan Rd	Vegetated	Needed/No action, possibility of 8-acre adjacent tract to intensify or change use in future	No	No	No
38	HINCHEYVILLE	330	16	Res	R-3	No	No	Shared driveway with alley leading to lot with access to New Hwy 95 West	Driveway, grass, part of accessory structure	Not needed	No	No	No
39	REBEL MEADOWS	130	50	Res	R-2	No	Yes	Alan Ave street stub	Vegetated	Needed/No action, extend as adjacent property develops	No	Yes, ditch	Yes, compl
40	COUNTRY ROADS	180	50	Res	R-1	No	No	Driveway to Gracepoint Church off Country Rd	Driveway	Further study; abandon entirely to 522 Franklin Rd or no action	No	No	No
41	CARRINGTON SQUARE CONDO	350	20	Res	R-2	No	Possible	Carrington Square Condo driveway off Cannon Ln	Driveway and parking area	Further study; check with County, possible error as it appears to be driveway only on Subdivision plat	No	Yes, water	Yes
42	FRANKLIN INDUSTRIAL PARK	350	30	Ind	Mixed	No	No	Unimproved alley off Alpha Dr by Strouds, Note on plat says City abandoned ROW in 2004	Parking lot, vegetation	Further study; verify abandonment and change map/modify Williamson County accordingly	No	Yes, sewer	No

City of Franklin Unused Right-of-Way Inventory
June 8, 2010

ID	Subdiv/Prop	Length	Width	Land Use	Zoning	Suitable	Deception	Description	Conditions	Recommend	MTP	Utilities	Food
43	STRATFORD PLACE	50	50	Res	R-3	No	No	Segment of ROW past cul-de-sac on Scotsman Ln, serves as access to open space lots	Driveway, grass	Needed/No action; possibility of future development	No	No	No
44	ROLLING MEADOWS	150	50	Res	R-3	Yes	Possible	Cochran Dr street stub adjacent to undeveloped property	Driveway, gravel parking	Needed/No action until adjacent property develops, if no street extension then housing possibility	No	Yes, water	No
45	LYNNHURST	500	12	Mixed	NC	No	No	Abandoned alley between homes and salon at Perway, Natchez and W Main	Driveway access from streets located in alley, vegetation, asphalt parking, accessory structures	Not needed	No	No	No
46	TOWN OF FRANKLIN	400	12	Mixed	Mixed	No	No	Edging Alley between 5th and 4th Aves	Asphalt	Further study; add centerline to GIS layer?	No	Yes, water	No
47	HOOPER	200	10	Res	Mixed	No	No	Alley off of Hooper Ln, provides only access to at least two units	Used as drive to access at least two units	Further study; create centerline in GIS	No	Yes, sewer	No
48	FIELDSTONE FARMS	120	15	Res	RV	No	No	Fieldstone Farms walking trail off Penbrook	Trail	Needed/No action	No	Yes, storm	Yes, southern most storm
49		740	40	Inet	CI	No	No	Abandoned ROW thru library bet Granbury/Columbia	Developed Site	Needed/No action, extend if Franklin Estates trailer park redevelops	No	Yes, water	No
50	BOYD MILL ESTATES	100	25	Res	Mixed	No	Possible	Street stub off Quail Ct, trailer park is adjacent	Vegetated, possible driveway located in ROW	Not needed; vacate to County Library property	No	Yes, storm	No
51		135	18	Res	R-3	No	No	Alley off of Good Neighbor Rd	Alley used as driveway for one home, adjacent open space for Westview Estates appears to have once been alley, adjacent lots sole access to ROW	Needed/No action, provides access to lots	No	No	No
52		215	30	Res	Mixed	No	No	Old alignment of Carothers near Falcon Creek	Grass	Not needed	No	Yes, storm	Yes, along north ern north ern edge
53	HEATH PLACE	150	50	Res	R-2	No	Possible	Street stub off Kinard Dr, adjacent undeveloped property only ROW access is this stub	Vegetated, appears to be fencing on part	Needed/No action until adjacent undeveloped property develops	No	Yes, sewer	Yes, complete within
54		420	40	Mixed	Mixed	No	Yes	N Margin St ROW to River at Bicentennial/Worley Bradford Dr unused ROW between Scruggs and Davidson	Vegetated	Needed/No action, extend as Bicentennial Park develops	Yes	No	No
55	ROLLING MEADOWS	300	50	Res	R-3	Possible	No	Davidson	Vegetated, adjacent to Hardison Hills permanent preserve	Further study; investigate surplus, housing possibility	No	No	No
56	ROLLING MEADOWS	130	50	Res	R-3	Yes	No	Hardison Dr street stub off Dabney Dr, adjacent to Hardison Hills open space	Grass and part of driveway to adjacent lot with access from Dabney Dr	Further study; investigate surplus and potential for housing opportunity	No	No	No
57	BOYD MILL ESTATES	230	50	Res	Mixed	Possible	Possible	Street stub off Twin Oaks Dr, Adj to New Hope and Wylloesprings Blvd at Downs	Grass	Needed/No action until adjacent property develops	No	Yes, water	No
58	Cheswick Farms	215	50	Residential	R-3	?	No	Liberty Hills Drive terminating into McEwen Town Center	Grass	Not needed; create access easement because perhaps a possibility of pedestrian access in the future connecting to McEwen Town Center	No	Yes, catch	No
59	Ranco Farms	330	50	Commercial	GC	No	Yes	Street stub at Spring Creek Drive	Grass	No action; Will extend as area develops	No	No	No
60	McKays Mill	1300	80	Residential	RV	No	Yes	Liberty Pike at eastern end of McKays Mill	Vegetated	No action	Yes	No	No

City of Franklin Unused Right-of-Way Inventory
June 8, 2010

ID	Subdivision	Length	Width	Land Use	Zoning	Publicable	Easement	Description	Conditions	Recommend	MTP	Utilities	Flood plain
61		300		Residential	RV	No	No	Appears to be South Carothers Road old alignment. Appears to be old alignment of South Carothers Road	Grass	Not needed	No	Yes, storm	Yes, 100-year covers about 60%
62		230		Residential	R-2	No	No	Street stub off DeeJay Drive at western edge of subdivision	Grass	Not needed	No	Yes, storm	No
63	Henley	135		Residential	R-2	No	Yes	Stub off Lewisburg Pk near Abercain Dr, provides access to parcel	Vegetated	No action	No	No	Yes
64	Dallas Downs	110		Residential	R-3	No	Not likely	South of culdesac on Buckworth Ave	Vegetated, swale cuts through	No action; provides access to parcel	No	Yes	Yes
65	Farnsworth	100		Residential	R-3	No	No		Contains private driveway for one lot	Not needed	No	Yes, water	No

UNUSED CITY RIGHT-OF-WAY POLICY

City of Franklin

June 8, 2010

PURPOSE:

The purposes of this policy are to:

1. Provide criteria for determining whether or not to dispose of unused City of Franklin (City) right-of-way; and
2. Once the unused right-of-way has been declared surplus, to provide options for the disposal of the unused right-of-way in a fair and consistent manner.

PROCESS:

The public process to dispose of unused right-of-way involves two components. First, the Board of Mayor and Aldermen (Board) must pass a resolution to declare the property surplus. Second, the Board decides how to allow for the disposal of the property. If its value exceeds \$25,000, then the property must be sold by sealed bid in accordance with the Franklin Municipal Code. If the value is less than \$25,000, then the property may be sold or disposed of by negotiated contract, usually by vacating the property to adjacent property owners. Several options for disposal are available and discussed within the Policy section.

Requests for the disposal of unused right-of-way should be submitted to the Director of Engineering. The Director, or his/her designee, will coordinate the inter-departmental review and communicate with outside utility providers. The internal review should include a departmental sign-off form to accompany the staff recommendation to the Board. The process may include a neighborhood meeting prior to Board review. Applicants shall be required to contact adjacent property owners and provide proof of such contact.

Each unused right-of-way in the city is unique with regard to its conditions, including the lot configuration of adjacent properties, surrounding ownership, driveway placement and location of existing structures. Each situation should be reviewed individually with regard to the criteria below, with emphasis placed on reasons the City may desire to retain the right-of-way.

POLICY:

Criteria to determine whether or not to dispose of unused City right-of-way

The Board of Mayor and Aldermen may declare surplus, in whole or in part, a public right-of-way when:

1. There is currently no public transportation infrastructure within the right-of-way, such as streets, alleys, bicycle paths or pedestrian walkways;
2. The right-of-way is not needed for future public transportation infrastructure;
 - a. The Board may dispose of right-of-way with the creation of easements as needed when there are existing or foreseeable future public utilities,

- emergency access, drainage areas, private driveways, or other uses within the existing right-of-way;
3. The right-of-way disposal serves the public interest through improved utilization of land made possible by this action;
 4. The disposal reduces the City's maintenance liability on unused right-of-way not needed for public purpose.

Conversely, the Board will not declare surplus, an unused City right-of-way when:

- A. It is reasonable that the right-of-way could be extended in the future for public use;
- B. It is adjacent to undeveloped property, since a determination of whether it will ultimately be needed for public use purposes can best be made only when the nature and intensity of development of the adjacent parcels are known;
- C. There is potential for redevelopment or further development of the area;
- D. It serves as public access to parkland or permanent open space;
- E. One or more adjacent properties would become landlocked, unless access easements can be secured;
- F. It is shown in the Major Thoroughfare Plan's, or any City approved Local Street Plan's, Recommended Improvements.

Options for disposal of surplus City right-of-way

Once the Board of Mayor and Aldermen has declared a right-of-way surplus, the property may be sold, leased or abandoned with consideration of the following options:

1. If the value of the property is reasonably likely to be greater than \$25,000, then the property shall be sold by sealed bid (Franklin Municipal Code Sec. 5-802 (2)).
 - a. The Board's determination of value shall be based upon tax records, comparable sales, advice from real estate professionals, or other suitable criteria. The Board may, in its sole discretion, also employ an independent certified appraiser (Franklin Municipal Code Sec. 5-802 (2)).
 - b. In general, it is expected that a property will be worth more than \$25,000 if it is determined that the property has development potential supporting a primary structure or use according to current zoning and development standards.
 - c. The property should not be subdivided into smaller parcels that would alter the valuation and sealed bidding process.
2. If the property does not exceed \$25,000 in value, then the property may be sold or disposed of by negotiated contract, or by other means that will adequately protect the public interest (Franklin Municipal Code Sec. 5-802 (3)).
 - a. In order to fairly and consistently handle the disposal of surplus City right-of-way, several options should be considered based upon the situation:
 - i. Vacate the surplus property equally (50/50) to property owners adjacent to both sides of the City right-of-way;
 1. When the right-of-way is not being used for access; or
 2. When a street was realigned elsewhere.

- ii. Vacate the surplus property equally (50/50) to property owners adjacent to both sides of the City right-of-way with the creation of the easements;
 1. When the City right-of-way contains private driveways or has properties using it for access; or
 2. When the City right-of-way contains existing or foreseeable future public utilities, emergency access, drainage areas or other public uses.
 - iii. Vacate 100% to one adjacent property owner;
 1. When there is the same ownership on both sides of the City right-of-way; or
 2. When the City right-of-way serves as the existing driveway access to a single developed property that is located internally to the adjoining street; or
 3. When it can be found that prior to the dedication of the City right-of-way, the property originally belonged to one of the adjacent properties.
- b. The Board may choose to disperse the surplus City right-of-way in an alternate manner if there is a determination made that the alternative better achieves the City's goals e.g. property swaps, consideration of proposals from collective property owners.
3. Abandonment of the City right-of-way property is not a recommended approach to the disposal of the City right-of-way because the end result is that there is no clear ownership of the abandoned City right-of-way between the adjacent property owners.

COSTS

Certain costs will be associated with the disposal of City right-of-way property. These costs include, but may not be limited to, property boundary surveys, property appraisals, public notification, and staff time. The conveyance of public property to private hands will not generate significant property tax revenues e.g. \$3-8 per year for residential and \$10-15 per year for nonresidential. However, eliminating the property from the City's current and future maintenance liability may result in a cost savings over time e.g. \$5,000 to remove a tree in an unused, inaccessible alley.

In order to defray the initial costs, the following is recommended:

1. If a property owner(s) initiates the disposal request, the benefitting property owner(s) should pay for and provide a current survey and may be required to reimburse the City for an appraisal.
2. If the Board initiates the disposal, the City should provide the current survey and may provide an appraisal.

PRIVATE IMPROVEMENTS WITHIN THE CITY RIGHT-OF-WAY

Although adjacent property owners have possibly used, maintained or improved the City right-of-way over time, the right-of-way is public and owned by the City. It is not the City's responsibility to remove or relocate existing improvements or structures that have been constructed within the City right-of-way.