

MEMORANDUM

August 3, 2010

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator *Eric*
Vernon Gerth, ACA Community Development
Eric Gardner, Engineering Director
Kelly Dannenfelser, Part-Time Planner, AICP

SUBJECT: London Lane and the Unused City Right-of-Way Recommendation Framework

Purpose

The purpose of this memorandum is to advise the Board of Mayor and Aldermen (BOMA) as to how the unused City right-of-way policy framework would work in current applications. This memo outlines how the staff would use the policy framework to make a recommendation to the Board as it relates to London Lane.

Background

A street stub is located off London Lane between Royal Oaks Subdivision and the Alexander Ford property. Residents have approached the City with a request to vacate this right-of-way. Because of this and other examples, the Board asked the staff to create a framework to assist the Board in formulating a policy to address unused city right-of-way. Below is an analysis as it relates to the London Lane property. *Italicized text throughout this memo is excerpted from the policy document previously reviewed by the Board.*

PART ONE: DECIDING WHETHER TO DECLARE SURPLUS

Declaring surplus is not recommended 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.*

It is possible that the London Lane unused right-of-way could be extended or be used for emergency access in the future. The right-of-way is adjacent to an undeveloped parcel. While the parcel may not be buildable by itself, when combined with other parcels the Land Use Plan calls for this Special Area to be redeveloped pursuant to a comprehensive land use and economic strategy to be a quality gateway from I-65. In addition, the adjacent internal parcel would become "landlocked" if the right-of-way were declared surplus without securing access easements. Case law points to the legal need to maintain public access to parcels.

PART TWO: CHOOSING HOW TO DISPOSE OF IT

If the Board should decide to declare this right-of-way surplus (contrary to staff recommendation), then the next step would be to determine how to dispose of it. Although the options for disposing of this right-of-way do not fully translate because the policy framework recommendation would be to keep it, here is an analysis:

1. *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)).*

This property (unused right-of-way after declaration of surplus) is likely to be worth less than \$25,000, allowing for several options for disposal. The three main options are as follows:

- i. *Vacate the surplus property equally (50/50) to property owners adjacent to both sides of the City right-of-way;*
- 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;*
- iii. *Vacate 100% to one adjacent property owner 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.*

Because there is a parcel internal to the adjoining street (London Lane) with no other adjoining right-of-way, public access to it must be preserved. Although the internal parcel in this instance is not developed, disposing of the right-of-way would effectively land-lock it. At a minimum, a portion (e.g. adequate width of a driveway) should be vacated to the internal property owner to maintain public access to a street. The Board could choose to vacate all of the property to the internal property owner or, as an alternative, divide it amongst all three adjacent property owners, making certain to preserve minimum driveway width for the internal property.

Evolution of ROW and Parcel Platting

The ROW in question was created by the Royal Oaks subdivision as part of Section One in the late 1960s. The Downy property was 10.22 Ac and was between the Royal Oaks Subdivision and the Alexander property. At some point, Alexander purchased the Downy property. The Northern portion of the Alexander property was subdivided and recorded in 2001, creating a non-buildable lot (Lot No. 2 on Alexander's subdivision plat). That plat combined the previously owned Downy property and the Alexander property that fronts Murfreesboro Road (see plat).

As far as staff can determine, between the 1960s to present, the property has never been landlocked as it has always had access through the questioned ROW. Prior to that, it appears that it was part of a larger piece of property owned by the same person that created the Royal Oaks subdivision. Therefore, the owner has never landlocked the property themselves.

The ROW in question (access road) was created during the platting of the Royal Oaks subdivision in the 1960s. The reason it was reserved was the same reason we reserve ROW now. It allows future connectivity to adjacent properties without the City having to go out and purchase at a later date.

Financial Impact

No direct costs are associated with continuing to hold the right-of-way. Some costs are associated with vacating the property, including a property boundary survey and legal description. Costs to vacate would probably not exceed \$5,000.

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

- 1. If a property owner initiates the disposal request, the benefitting property owner should pay for, provide a current survey, and may be required to reimburse the City for an appraisal.*

Recommendation

The policy framework recommends taking the conservative approach. In this instance, four of the six criteria apply in favor of continuing to hold the right-of-way. If there is any chance of future use of the right-of-way, it should be kept. More importantly, eliminating the right-of-way would take away public access to a parcel, thus a parcel becoming "land-locked." Therefore, the staff recommendation in this instance would be to retain the London Lane right-of-way.

Attachments

- Rezoning Ordinance 99-45. The entire former Downey property was zoned MR (Medium Residential) until 1999 when the portion that was combined with the Alexander property was rezoned to GC (General Commercial). Lot 2 remained MR (which has since been reclassified as of the latest ZO as R-2).
- Alexander Property Plat
- London Lane Right-of-Way Map

London Lane Unused Right-of-Way
City of Franklin, TN
June 15, 2010

Unused Right-of-Way

Property
Internal
to the
Street

Legend

----- Unused ROW

Parcel Lines

----- Parcel Lines

----- ROW Lines

----- Street CenterLines

N

Murfreesboro Rd
Murfreesboro Rd

Alexander Plz

Williamson Sq

London Ln

Chad Ct

Liberty Hills Dr

Churchill Pl

PROPERTY OWNERSHIP MAP
London Lane Area
City of Franklin, TN
July 27, 2010



ORDINANCE 99-45

TO BE ENTITLED: "REZONE 6.00 ACRES FROM MEDIUM RESIDENTIAL (MR) TO GENERAL COMMERCIAL (GC), LOCATED SOUTH OF LONDON LANE AND 1,585 FEET WEST OF NORTH ROYAL OAKS BOULEVARD."

SECTION I: BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that the following described property shall be, and is hereby, rezoned from its present zoning classification of Medium Residential (MR) to General Commercial (GC):

Map-Parcel	Acres
79-24 Part	6.00

Zoning Reference Number 99-31:

Commencing at the west right-of-way line of North Royal Oaks Boulevard and the north right-of-way line of Murfreesboro Road; thence west 1,585 feet, along the north right-of-way line of Murfreesboro Road, to the southwest corner of Parcel 23.01, all parcels being referenced to Tennessee State Board of Equalization Map 79, as may be revised; thence north 1,020 feet, along the west line of Parcel 23.01, to the southwest corner of Parcel 24, which is also the point of beginning.

Thence with the following calls: North 1 degree East 445 feet, South 88 degrees East 587 feet, South 1 degree West 445 feet, and North 88 degrees West 587 feet, to the southwest corner of Parcel 24, which is also the point of beginning, and containing 6.00 acres, more or less.

SECTION II: BE IT FURTHER ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that the attached Location Map shall serve the purpose of delimiting the geographical boundaries as described by this Ordinance.

SECTION III: BE IT FINALLY ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Ordinance shall take effect from and after its passage on third and final reading, the health, safety, and welfare of the citizens requiring it.

ATTEST:
BY: James R. Johnson
JAMES R. JOHNSON
CITY RECORDER/ADMINISTRATOR

CITY OF FRANKLIN, TENNESSEE
BY: Jerry W. Sharber
JERRY W. SHARBER
MAYOR

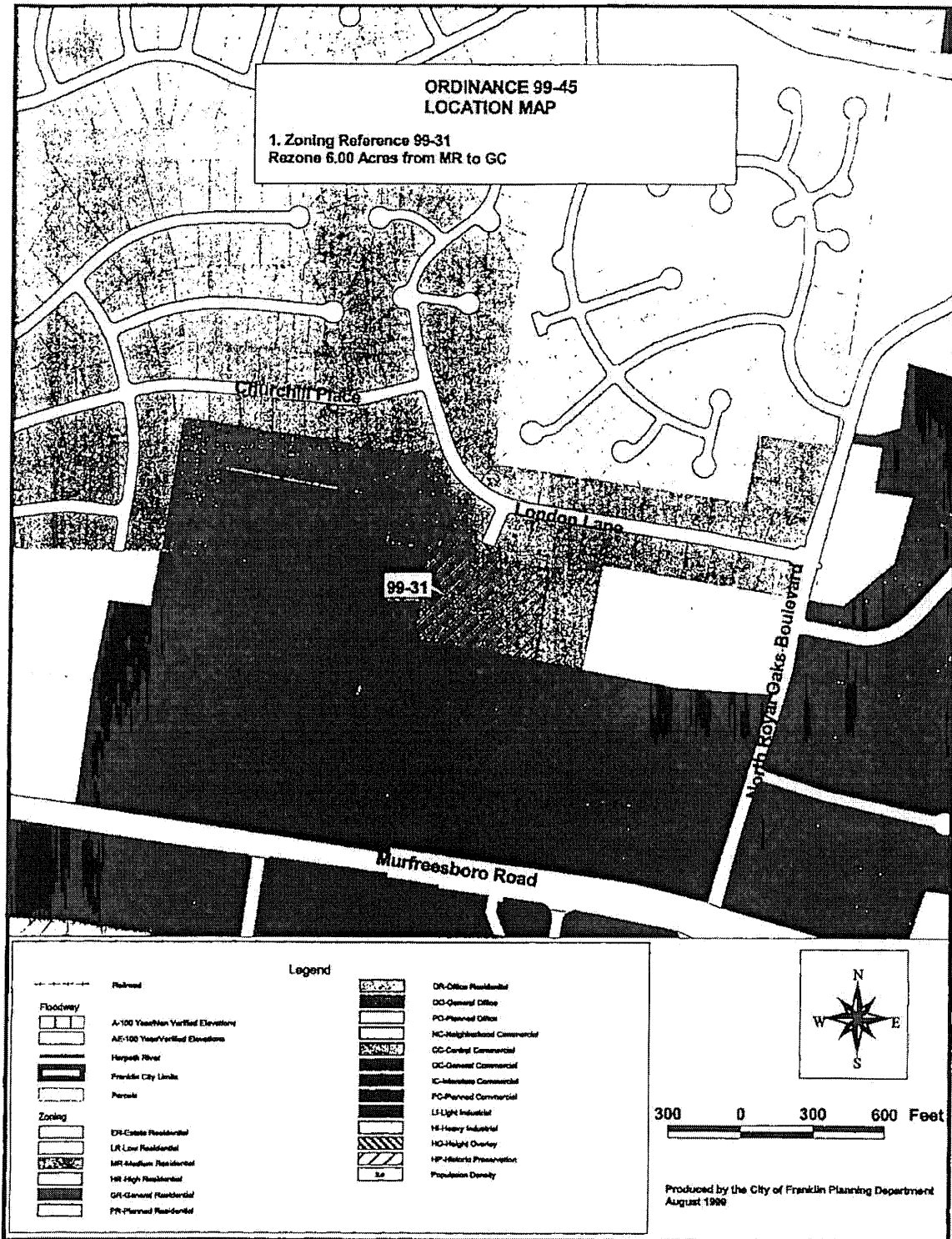
PLANNING COMMISSION RECOMMENDED APPROVAL: 09/21/99

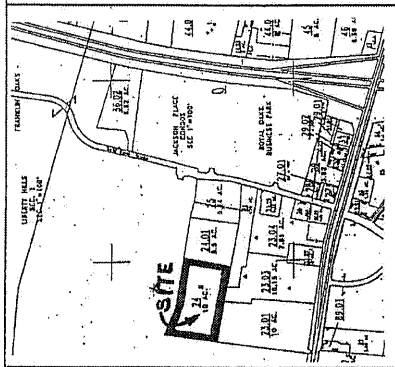
PASSED FIRST READING: 10/12/99

PUBLIC HEARING HELD: 11/9/99

PASSED SECOND READING: 11/9/99

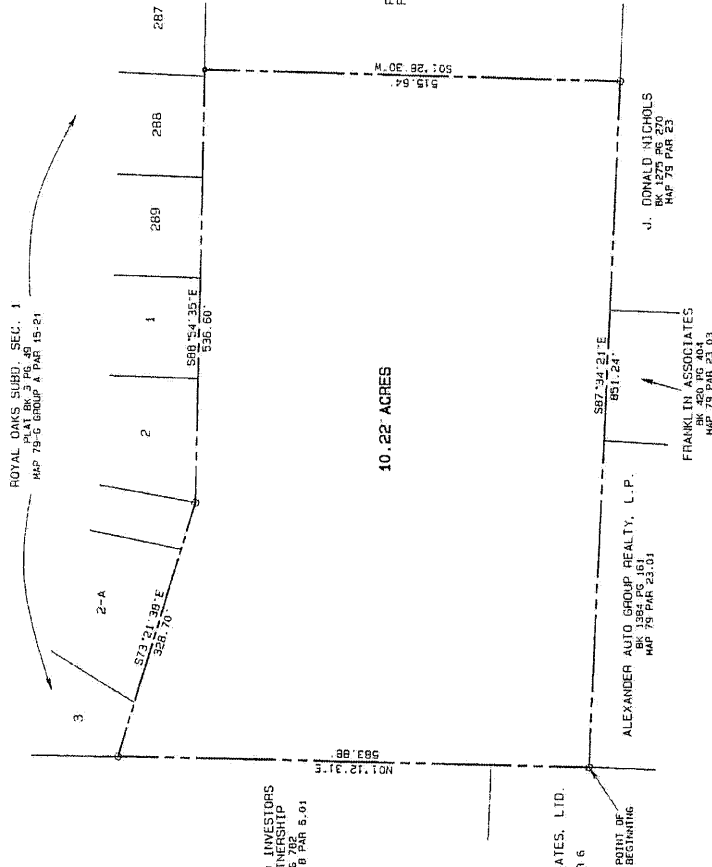
PASSED THIRD READING: 12/14/99





LOCATION MAP
NOT TO SCALE

TENNESSEE LAND INVESTORS
LIMITED PARTNERSHIP
BK 1156 PG 369
MAP 79-5 GROUP B PAR 5.01



10.22 ACRES

ROYAL OAKS APARTMENTS OF
FRANKLIN PHASE II, L.D.
PLAT BK 3 PG 49
MAP 79-5 GROUP A PAR 15-21

WILLIAMSON COUNTY/STATE OF TENNESSEE
Recorded 11/16/13 20:22:42
In BK 123 PG 388 PLAT BK 29 PG 125
Fee \$ 12.60 Receipt # 361626
#C 1935 SUPERVISOR REGISTER OF DEEDS
By [Signature]

CERTIFICATE OF ACCURACY OF SURVEY

I hereby certify that to the best of my knowledge and belief this is a true and accurate survey of the property shown hereon, that this is a Category I Survey as defined in the Code of Tennessee and that the precision is greater than or equal to 1:10,000.

7-29-1998 Date
RAY STANFILL SURVEYING



611 NORTH MAIN ST., SUITE D
COLUMBIA, TENNESSEE 38401
TENNESSEE R.L.S. NO. 1363
PHONE (931) 381-1861 FAX (931) 381-1741



LEGEND

IRON ROD NEW
IRON ROD OLD

DRAWN BY: J.E.
DATE: 7-29-99
PDS. NO.:
APPROVED BY: DRS
PROJ. NO.: 99-57
FILE NAME: C:\VIRCAL\FORD4

PLAT OF SURVEY
FOR
ALEXANDER AUTO GROUP
REALTY, L.P.

LOCATED: 9TH CIVIL
WILLIAMSON COUNTY,
REF BK 219 PG 307
MAP 79 PAR 24

OWNER:
DOWNEY CONSTRUCTION CO.

29/125