

ORDINANCE NO. 70-4

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY IN THE CITY OF BELLE MEADE FOR FUTURE PUBLIC USE, AND APPROPRIATING FUNDS FOR THE PURCHASE THEREOF, AND PROVIDING FOR THE FUTURE RECOVERY OF SUCH FUNDS FROM DEVELOPERS OF PROPERTY IN THE VICINITY WHO MAY BENEFIT THEREBY: AND RECITING THE EXISTING CIRCUMSTANCES.

BE IT ORDAINED by the City of Belle Meade as follows:

SECTION 1. The Mayor of the City of Belle Meade is expressly authorized to negotiate and execute an agreement, to be attested by the City Recorder, with the Owners, George T. Hicks, Sallie Reed Hicks, and Jim Gillespie, for the purchase for future public use by the City of a certain parcel of real property located in the City, to be conveyed by valid warranty deed, said property being described more particularly as follows, to wit:

Land in the City of Belle Meade, Davidson County, Tennessee, and being a part of the property shown upon a plot of record in Book 2900, page 5, Register's Office of Davidson County, Tennessee, beginning at a point in the southerly terminus of a street designated as Chancery South, as shown upon the aforesaid plat, said point being the southeast corner of the said dedicated street, and the northeast corner of the parcel herein conveyed; extending thence southerly in a line representing an extension of the easterly margin of the right-of-way of Chancery South eighty (80) feet, more or less, to the northerly margin of the property of Mrs. D. Gray Simpson; thence westwardly, along the northerly margin of Mrs. Simpson's property, same being the southerly boundary of the property herein conveyed, fifty (50) feet, more or less, to a point; thence northwardly, in a line representing an extension of the westerly margin of Chancery South, eighty (80) feet, more or less, to the southerly margin of Chancery South, the northwest corner of the tract herein conveyed and the southwest corner of said right-of-way boundary; thence eastwardly, fifty (50) feet, more or less, to the point of beginning.

Being a part of the property conveyed to George T. Hicks, et al, by deed of the Third National Bank, Trustee, et als, of Record in Book 2805, page 223, said Register's Office;

together with all rights, covenants, agreements and improvements, appurtenances, and hereditaments thereunto appertaining.

SECTION 2. There is hereby appropriated from the general funds in the City Treasury the sum of TWO THOUSAND SEVEN FIFTY (\$2,750.00) DOLLARS with which the Mayor and City Treasurer are authorized to make payment for the property so to be acquired, the City Treasurer having certified that said funds are on hand in the Treasury, and not obligated for other purchases and available for the purpose herein specified. Upon delivery and recording of the deed conveying the property hereinabove described, the City Treasurer is directed to notify the Chairman of the Municipal Planning Commission, in order that such other proceedings, including recommendations for disposition of the said property by the Municipal Planning Commission, may be made.

SECTION 3. The City Treasurer is further directed to collect and recover, from such persons or firms as may hereafter be authorized to develop land lying to the south of the property herein authorized to be purchased, which development shall require attachment to the water main within, or the paved portion of, Chancery South, or any extension of either of them hereafter approved by the City of Belle, an appropriate portion of the cost of the purchase of the said land and appurtenant rights. Such costs shall include interest computed at the maximum legal rate upon the cost of said land to the City, commencing with the date of acquisition thereof by City and continuing until the date of payment therefor by such developer. The City Treasurer is authorized and directed to prepare a schedule of apportionment of cost to be recovered, which shall be considered for approval, and if so approved same shall be evidenced by resolution duly adopted by the Board of Commissioners of the City of Belle Meade.

SECTION 4. The Board of Commissioners, in adopting the foregoing Ordinance, recognizes the following facts and circumstances:

- (A) A certain street in the City of Belle Meade known and designated as Chancery South has its southerly terminus along the line approximately eighty (80) feet north of

the property of Mrs. D. Gray Simpson, between which terminus and the property of Mrs. Simpson a parcel of land eighty (80) feet in length and fifty (50) feet in width, owned by George T. Hicks and wife Sallie R. Hicks and Jim Gillespie is located;

- (B) The aforesaid owners of the parcel have caused to be installed, at their own expense, a water main of pipe eight (8") inches in diameter, rather than six (6") inches in diameter, upon the direction of the Nashville Suburban Utility District, which furnished water to the residents of the City of Belle Meade at the time of installation of said main, the larger size pipe being required in order that the owners of property lying to the south of the property being developed by Messrs. Hicks and Gillespie might be served at a later date by extending the said water main by making attachments thereto, and the difference in cost of installing the larger size pipe amounted to ONE THOUSAND THREE HUNDRED FIFTEEN (\$1,315.00) DOLLARS, which sum the developers paid on or about October 30, 1959, and interest thereon following that date;

- (C) The City of Belle Meade deems it in

the public interest to provide that any development of any other property in the City, lying to the south of the property herein provided be purchased, and in such location as to be susceptible of being served by the water main installed in Chancery South, and/or by an extension of the right of way of Chancery South, have available the right to connect with the said water main, and to extend said right of way, subject only to such legal requirements as may be properly established by the City of Belle Meade, acting by its Board of Commissioners or by its duly constituted authorized and appointed Municipal Planning Commission, and subject to the requirements as to the recovery of the cost thereof by the City.

S. J. Bell
Mayor

J. H. Teas
Vice Mayor

W. G. Smith
Commissioner

A. H. Hance
City Recorder

Passed First Reading November 2, 1970

Passed Second Reading November 5, 1970

Passed Third Reading and Adopted November 9, 1970