

ORDINANCE 2004-1

AN ORDINANCE TO CLOSE, VACATE AND ABANDON A
RIGHT OF WAY AS SHOWN ON THE REVISED PLAN OF B. E. WOODARD'S
WARNER PARK SUBDIVISION AND ON A RE-SUBDIVISION OF LOT NOS. 1, 2, 3 AND
4 OF THE WARNER PARKSUBDIVISION AND TO RETAIN AN EASEMENT IN THE
SAME FOR PRESENT AND FUTURE USE BY WATER, ELECTRICITY, DRAINAGE,
TELEPHONE AND OTHER UTILITIES

WHEREAS:

1. There is shown on the Revised Plan of B. E. Woodard's Warner Park Subdivision as of record in Book 1130, Page 87, Register's Office for Davidson County, Tennessee, (the "Warner Park Subdivision") and on a Re-subdivision of Lot Nos. 1, 2, 3, and 4 of the Warner Park Subdivision as of record in Book 7900, Page 471, said Registers Office (the "Re-subdivision") a right of way, ten (10) feet in width and bounded on the north by the south boundary line of Lots Nos. 5 and 15 as shown on the Plan of Warner Park Subdivision and on the south by the north boundary line of Lot No. 3 as shown on the Plan of the Re-subdivision and by the north boundary line of Lot No. 16 as shown on the Plan of the Warner Park Subdivision, which right of way extends in an easterly direction from Page Road a distance of 698.7 feet along the south side of Lot Nos. 5 and 15 of the Warner Park Subdivision to East Brookfield Road, (the "Right of Way"); and
2. The dedication of the Right of Way has never been accepted by the City of Belle Meade and the Right of Way has never been improved or utilized by the public as a right of way or for any other purpose; and
3. The parties owning property abutting both sides of the Right of Way have requested that the City abandon the same as a public right of way, which request has been recommended to the Board of Commissioners by the Belle Meade Planning Commission;

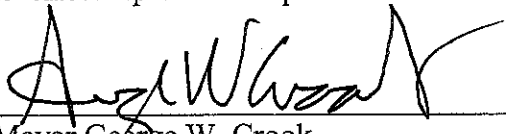
NOW, THEREFORE, BE IT ORDAINED by the City of Belle Meade as follows:

Section 1. The Right of Way, as described above, is hereby declared closed, vacated and abandoned.

Section 2. Any and all public utility or other easements now existing in the Right of Way are hereby retained by the City of Belle Meade, its agents, servants and/or contractors, and utility companies operating under franchises from the City of Belle Meade, or from the Metropolitan Government of Nashville and Davidson County, Tennessee, together with the right to enter, construct, operate, maintain, repair, rebuild, enlarge and patrol any now existing and/or future utilities, including telephone, electricity, water, drainage and other facilities, together with their appurtenances, and for the doing of any and all things necessary and incidental thereto.

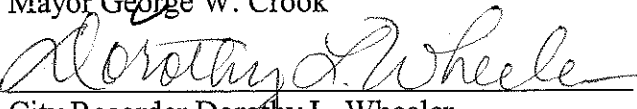
Section 3. This Ordinance shall take effect upon the expiration of fifteen (15) days following its adoption.

Passed on first reading
January 21, 2004



Mayor George W. Crook

Passed on second reading
February 25, 2004



City Recorder Dorothy L. Wheeler