ORDINANCE 2019-1

AN ORDINANCE TO CLOSE, VACATE AND ABANDON THE RIGHT OF WAY OF PENDLETON AVENUE BETWEEN ITS INTERSECTION WITH THE RIGHT OF WAY OF LYNWOOD BOULEVARD AND ITS TERMINUS IN THE TURNER SUBDIVISION, FIRST REVISION.

WHEREAS:

1. There is shown on the final plat for Howard Subdivision, Lot 1, of record in PL-20060517-005782 and Turner Subdivision, First Revision, of record in PL-20100824-0066954, a street known as Pendleton Avenue (“the street”).

2. This street serves only one property, being Tax Map and Parcel 116-11-060, within Turner Subdivision, First Revision (hereinafter “the served property”). This property has been unimproved or vacant for many years, but is now under construction for a new residence.

3. The Commission hereby finds that the street is not being used a public thoroughfare, is no longer required for public use, and that the closure of the street as a public street and abandonment of the right-of-way of the street will not destroy or damage the access to the served property, so long as all affected property owners have reached an agreement providing access to the served property to Lynwood Boulevard.

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

Section 1. The fifty foot (50’) wide right-of-way of Pendleton Avenue, from the southwest boundary of Tax Map and Parcel 116-11-060 to the right-of-way line of Lynnwood Boulevard is hereby declared closed, vacated and abandoned.

Section 2. Any and all public utility or other easements in said 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, for the right to enter, construct, operate, maintain, repair, rebuild, enlarge and patrol its now existing and/or future utilities, including sewer, water and drainage 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 immediately, upon presentation of evidence of a recorded agreement between and among the owners of the served property and the owners of the other properties adjacent right-of-way providing access to the served property to Lynwood Boulevard.

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James Hunt, Mayor

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Charlotte Hunter, City Recorder

Passed on first reading \_\_\_\_\_\_\_\_\_\_\_\_

Approved by Municipal Planning Commission

Passed on second reading