

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:

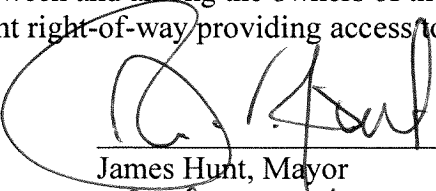
1. There is shown on the final plat for Howard Subdivision, Lot 1, of record in PL-20060517-005782 and Turner Subdivision, First Revision, of record in PL-20100824-0066954, a street known as Pendleton Avenue (“the street”).
2. This street serves only one property, being Tax Map and Parcel 116-11-060, 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 Lynwood 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.


James Hunt, Mayor


Charlotte Hunter, City Recorder

Passed on first reading - 5/21/2019

Approved by Municipal Planning Commission – 6/25/2019

Passed on second reading - 6/26/2019

MEMORANDUM OF AGREEMENT

The undersigned are the owners of all property adjacent to Pendleton Avenue, currently a city street in the City of Belle Meade, Tennessee. The City of Belle Meade is contemplating the abandonment of Pendleton Avenue. Pendleton Avenue provides access only to the Allens. This Memorandum of Agreement reflects the agreement of the Rankins, Hiatts and Allens relating to such proposed abandonment.

To permit the abandonment, the parties have agreed to convey certain interests in land within the Pendleton Avenue right-of-way amongst themselves to achieve an allocation of the land within the right-of-way in accordance with the drawing attached hereto as Exhibit A¹. Assuming that the City of Belle Meade effectively abandons the property, the parties will promptly execute such quitclaim deeds and other documents as may be necessary or appropriate to reflect such allocation and to convey the portions of the abandoned right-of-way land to the Allens, Hiatts and Rankins as required to achieve the allocation of land shown on Exhibit A.

The Allens plan to construct a driveway generally following the path of the pavement for Pendleton Avenue. The City has required that a storm water plan be submitted for approval relating to the driveway. The Hiatts have agreed to reimburse the Allens for one half of such plan and related City review or pass through review fees, up to \$1,000. Notwithstanding the depiction of the location of Pendleton Avenue as shown on Exhibit A, the driveway to be constructed for the Allens may be widened, but in any event will be at least ten feet from the Hiatt's post-abandonment property line as shown on Exhibit A. The Allens will not construct a fence along such property line. The Allens and the Hiatts have agreed not to remove any trees, the trunks of which "straddle" their post-abandonment property line, without the approval of one another.

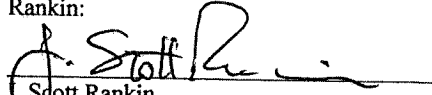
This Memorandum of Agreement may be presented to the City of Belle Meade to confirm the agreement of the parties to support the abandonment of Pendleton Avenue.

DATED May 15, 2019.

[signatures follow on succeeding page]

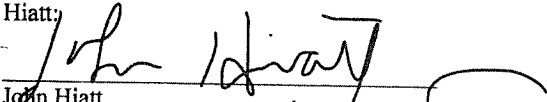
¹ Note: exact dimensions to be verified by parties' surveyors prior to June Belle Meade Planning Commission meeting

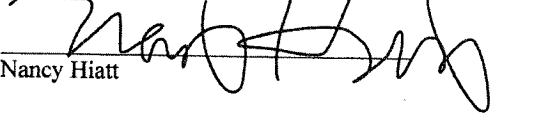
Rankin:


J. Scott Rankin


Sue B. Rankin

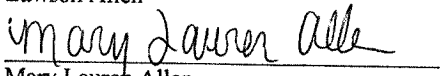
Hiatt:


John Hiatt


Nancy Hiatt

Allen:


Lawson Allen


Mary Lauren Allen