

ORDINANCE NO. BL2019-1519

An Ordinance amending SO93-740 to authorize complete closure of streets and alleys located on Vanderbilt University campus.

WHEREAS, SO93-740 closed various alleys and streets located on the Vanderbilt University Campus, provided, that upon the closure, Vanderbilt would continue to permit those alleys and streets to be used by members of the public as a right-of-way; and,

WHEREAS, Vanderbilt wishes to close some of the alleys and streets to all traffic but emergency vehicles, in order to create a walking district on the two streets and to increase pedestrian and biking safety in the area.

WHEREAS, the affected property owners, the Convention of the Protestant Episcopal Church in the Diocese of Tennessee, has consented to the closure as requested and understands that upon closure, the above mentioned alleys and streets will no longer be used by the affected property owners, their invitees, their licensees or members of the public, as public right-of-way, and agree to indemnify and hold harmless the Metropolitan Government, its officers, agents and employees, from any and all claims, damages, penalties, costs and attorney's fees arising out of or caused by the closure of the below listed alleys and streets, including by not limited to, a cause of action for inverse condemnation

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Ordinance No. SO93-740 is hereby amended by deleting Section 1 in its entirety and substituting in lieu thereof the following:

That the Geographic Information Systems (GIS) Street and Alley Centerline Layer for The Metropolitan Government of Nashville and Davidson County, as enacted by Ordinance No. No. 2018-1444, be and hereby is amended as follows:

That 24th Avenue South between Alley No. 636 and Vanderbilt Place; Vanderbilt Place between 25th Avenue, South and its eastern terminus; Kensington Place between 24th Avenue South and 25th Avenue South; and an unnamed alley extending easterly approximately 180 feet from the intersection of 24th Avenue South and Kensington Place; as shown on the attached sketch, be and the same are hereby closed.

Provided, however, that upon the closure of said streets, Vanderbilt University shall continue to permit said streets to be used by members of the public as a right-of-way except for the following streets and alleys, which shall be closed to the public right-of-way:

24th Avenue South between Alley No. 636 and Vanderbilt Place;
Kensington Place between 24th Avenue South and 25th Avenue South; and,
an unnamed alley extending easterly approximately 180 feet from the intersection of 24th Avenue South and Kensington Place.

Vanderbilt shall maintain said streets and alleys to at least the same standards of repairs as public

streets are maintained by the Metropolitan Government. In the event that said streets and alleys not excluded above are not permitted to be used by members of the public as a right-of-way or are not properly maintained, then in such event, said streets and alleys shall revert to the Metropolitan Government and become public streets. Vanderbilt University shall indemnify and hold harmless the Metropolitan Government, together with its officers, agents and employees from any and all claims, damages, penalties, costs and attorney's fees arising out of any accident or event occurring in or upon the closed portions of said streets, whether the cause thereof is related to maintenance and upkeep, or for some other reason, subsequent to the effect date of this ordinance.

Section 2. That the Director of the Department of Public Works be and hereby is authorized and directed, upon the enactment and approval of this ordinance, to cause said change to be made on said GIS Centerline Record as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. This Ordinance shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

RECOMMENDED BY:

INTRODUCED BY:

Mark Sturtevant, Director
Public Works

APPROVED AS TO FORM

AND LEGALITY:

Council Member(s)

Assistant Metropolitan Attorney