

ORDINANCE NO. BL2019-1795

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing water pumping station, brick building, and associated easement and to retain the remaining 10 foot Public Utility Easement located at 1505 Dresden Circle (Proposal No. 2019M-053ES-001).

WHEREAS, the existing water pumping station, brick building and associated easement, for property located at 1505 Dresden Circle, are no longer needed; and,

WHEREAS, the remaining 10 foot Public Utility Easement, as shown in Plat Book 3106, Page 86, R.O.D.C., Tennessee, will be retained; and,

WHEREAS, the abandonment has been requested by Greg Pohl and Daniel Bray, owners; and,

WHEREAS, upon final approval of this Ordinance, the attached Release will be Recorded indicating ownership of the pumping station is transferred to 1505 Dresden Circle; and,

WHEREAS, the Metropolitan Planning Commission approved mandatory referral No. 2019M-053ES-001 on June 21, 2019, for the abandonment of said water pumping station, brick building and associated easement, and the retention of the remaining 10 foot Public Utility Easement.

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

Section 1. The Metropolitan Government of Nashville and Davidson County is authorized to abandon the existing water pumping station, brick building and associated easement, and to retain the remaining 10 foot Public Utility Easement, for property located at 1505 Dresden Circle, as shown below and on Exhibit 1, which is attached hereto and incorporated by reference.

Map & Parcel:

Address:

14503002000

1505 Dresden Circle

Section 2. The Directors of Water and Sewerage Services and Public Property Administration are authorized to execute such documents as may be necessary and appropriate to carry out the abandonment authorized by this ordinance.

Section 3. Amendments to this legislation shall be approved by resolution.

Section 4. This ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

END

RECOMMENDED BY:



Scott A. Potter, Director
Water and Sewerage Services

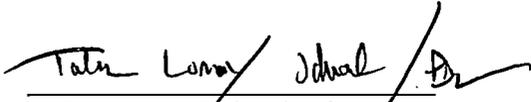
INTRODUCED BY:

Council Member(s)



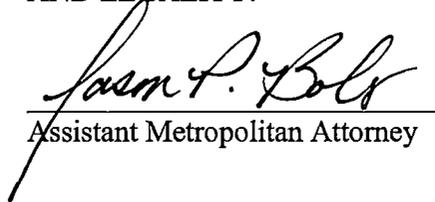
Kim McDoniel, Acting Director
Public Property Administration

APPROVED AS TO THE
AVAILABILITY OF FUNDS:



Talia Lomax-O'dneal, Director
Department of Finance

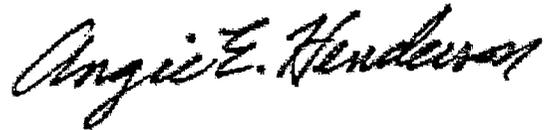
APPROVED AS TO FORM
AND LEGALITY:



Assistant Metropolitan Attorney

Electronic Signature Page

(Attach to Legislation Pursuant to Rule 8 of the Council Rules of Procedure)

A handwritten signature in black ink that reads "Angie E. Henderson". The signature is written in a cursive style with a large initial 'A' and 'H'.

Angie Henderson
Councilmember, District 34

Electronic Signature Page

(Attach to Legislation Pursuant to Rule 8 of the Council Rules of Procedure)

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Fabian Bedne
Councilmember, District 31

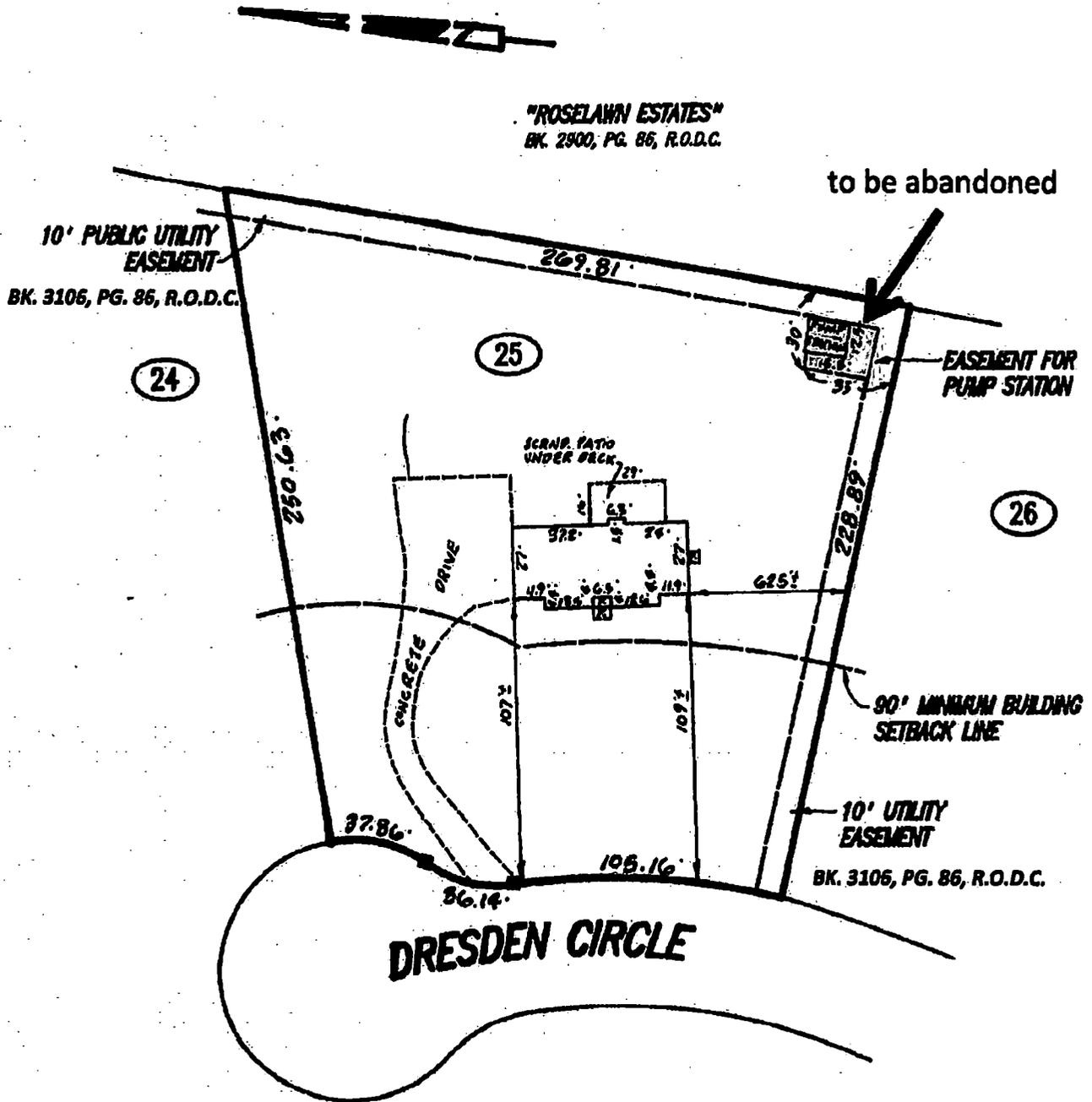
Electronic Signature Page

(Attach to Legislation Pursuant to Rule 8 of the Council Rules of Procedure)

A handwritten signature in black ink, appearing to read "Freddie O'Connell". The signature is written in a cursive style with a large initial 'F' and 'O'.

Freddie O'Connell
Councilmember, District 19

Abandon Water Pumping Station, Building, and Easement 1505 Dresden Circle



RELEASE

This Release ("Agreement") is entered into by and between the Metropolitan Government of Nashville and Davidson County ("Metropolitan Government") and Greg Pohl and Daniel Bray, owners of property located at 1505 Dresden Circle, Nashville, TN, 37215.

I. RECITALS

WHEREAS, Greg Pohl and Daniel Bray are the owners of real property encumbered by a water pumping station in a utility easement on this property; and,

WHEREAS, the water pumping station is no longer being used by the Department of Water and Sewerage Services; and,

WHEREAS, Mr. Pohl and Mr. Bray have requested that Metro's easement be abandoned and that they retain the pumping station for use as storage.

NOW, THEREFORE, in consideration of the foregoing and the mutual promises, undertakings, obligations, and commitments hereinafter set forth, and intending to be legally bound, the Parties do hereby covenant and agree as follows:

II. TERMS AND CONDITIONS

1. Metropolitan Government's Agreement. The Metropolitan Government agrees to abandon the utility easement.

2. Greg Pohl's and Daniel Bray's Agreement. Greg Pohl and Daniel Bray hereby agree to take ownership of the pumping station described herein, and hereby assume any and all risks of injury, death, or property damage arising out of or in any way connected with the pumping station. On behalf of ourselves, our heirs, next of kin, family, relatives, guardians, conservators, executors, administrators, trustees and assigns, to the fullest extent provided by law, we hereby waive, release, and forever discharge in advance, and agree not to bring suit against, indemnify, and hold harmless, the Metropolitan Government of Nashville and Davidson County ("Metropolitan Government"), its officers, employees, and volunteers from and against any and all liabilities, claims, demands, and causes of action of any kind on account of any loss, damage, illness or injury to ourselves or our property, in any way arising out of or relating to the pumping station whether due to negligence, mistake, or other action, inaction, or omission, or other legal fault of the Metropolitan Government, or its officers, employees, or volunteers, or the care, maintenance, or intended use of the pumping station.

3. Effective Date. This Agreement shall become effective upon the Metropolitan's Council adoption of the easement abandonment.

[signature page to follow]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date indicated above.

GREG POHL



Signature

Dated: 05/22/2019

Greg Pohl
Printed Name

DANIEL BRAY

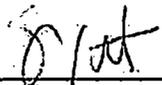


Signature

Dated: 05/22/2019

Daniel Bray
Printed Name

METROPOLITAN GOVERNMENT



Signature

Dated: 7 June 19

Scott Potter
Printed Name