

ORDINANCE NO. 099-1762

An ordinance approving Amendment No. 1 to the Phillips-Jackson Street Redevelopment Plan.

WHEREAS, by Ordinance No. 093-773, the Metropolitan Council of the Metropolitan Government of Nashville and Davidson County, Tennessee approved the "Phillips-Jackson Street Redevelopment Plan;" and

WHEREAS, this amendment to the "Phillips-Jackson Street Redevelopment Plan" (herein referred to as the "Plan") consisting of certain changes to the text, boundaries, and maps of the Plan prepared for and adopted by the Board of Commissioners of the Metropolitan Development and Housing Agency has been filed with and referred to the Metropolitan Council of Nashville and Davidson County, Tennessee (herein referred to as the "Governing Body,") for review and approval; and

WHEREAS, the Metropolitan Development and Housing Agency has examined the area proposed for inclusion in the redevelopment project and determined that it is a blighted area with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use, or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community and that such conditions should be eliminated in the public interest and the members of this Governing Body have been duly apprised and are aware of these conditions; and

WHEREAS, the members of the Governing Body have held a public hearing and carefully considered and reviewed the proposed amendment to the Plan, including the relocation of businesses that may be displaced;

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

SECTION 1. That the findings and determinations relative to the "Phillips-Jackson Street Redevelopment Plan" approved by Ordinance No. 093-773, are hereby reaffirmed and redetermined. That it is hereby found and determined that the redevelopment area defined by the Plan entitled "Phillips-Jackson Street Redevelopment Plan," dated August 10, 1993, is a blighted area as defined in and in accordance with Sections 13-20-201 through 13-20-216, Tennessee Code Annotated; that conditions existing therein are detrimental to the safety, health, morals or welfare of the people of Nashville and Davidson County, that said area or such portions thereof as deemed necessary for acquisition by the Metropolitan Development and Housing Agency by negotiation, condemnation or otherwise, as provided by Tennessee Code Annotated 13-20-104 and 13-20-202 and so designated pursuant to the Plan, or any amendment or amendments thereto, should be so acquired by the Metropolitan Development and Housing Agency; and such blighting conditions eliminated.

SECTION 2. That the "Plan" is amended by adding a third paragraph to "Section B, Description of Project Area" which is attached hereto as Exhibit 1 and made a part of this Ordinance.

SECTION 3. That the " Plan" is amended by deleting "Section C.2.b. (7), Signs" thereof and substituting in lieu thereof a new "Section C.2.b. (7), Signs," dated June 8, 1999, which is attached hereto as Exhibit 2 and made a part of this Ordinance.

SECTION 4. That the "Plan" is amended by adding "Section C.2.b. (12), Process for Appeal From Action Taken by MDHA Design Review Committee" which is attached hereto as Exhibit 3 and made a part of this Ordinance.

SECTION 5. That the "Plan" is amended by replacing "Section G, Tax Increment," with a new "Section G, Tax Increment," dated June 8, 1999 which is attached hereto as Exhibit 4 and made a part of this Ordinance.

SECTION 6. That the "Plan" is amended by replacing "Exhibit A" with a new "Exhibit A," dated June 8, 1999, depicting a revised boundary description, and attached hereto as Exhibit 5 and made a part of this Ordinance.

SECTION 7. That the "Plan" is amended by replacing R.P. Maps No. 1, 2 and 3 with three new maps "R.P. Maps Nos. 1, 2 and 3" all dated June 8, 1999 which are attached hereto as Exhibit 6 and made a part of this

Ordinance. Any reference in the Plan text to R.P. Maps 1,2 and 3 shall be construed to refer to the three new maps all dated June 8, 1999.

SECTION 8. That it is hereby found and determined that the additional area to be incorporated into the "Plan," dated June 8, 1999 by this amendment is a blighted area as defined in and in accordance with Tennessee Code Annotated Sections 13-20-201 through 13-20-216; that conditions existing therein are detrimental to the safety, health, morals or welfare of the people of Nashville and Davidson County; that said area or such portions thereof as deemed necessary for acquisition by the Metropolitan Development and Housing Agency by negotiation, condemnation or otherwise, as provided by Tennessee Code Annotated 13-20-104 and 13-20-202 and so designated pursuant to the Plan, or any amendment or amendments thereto, should be so acquired by the Metropolitan Development and Housing Agency, and such blight and slum conditions should be eliminated.

SECTION 9. That this Ordinance take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

EXHIBIT 1
PHILLIPS-JACKSON STREET REDEVELOPMENT PLAN

B. DESCRIPTION OF PROJECT AREA

"The Project Area was extended in 1999 to include industrial properties in the vicinity of 8th Avenue North, Taylor Street and Hume Street. This additional area exhibits characteristics of and is a blighted area based on surveys conducted in 1999 by the Metropolitan Development and Housing Agency. Inclusion of the additional area will encourage the continued revitalization of the project area in a manner consistent with and benefiting from recent investments including, but not limited to the Jubilee Restaurant, the Bicentennial Mall, the Kroger SuperStore and Eckerd Drug Store."

June 8, 1999

EXHIBIT 2
PHILLIPS-JACKSON STREET REDEVELOPMENT PROJECT PLAN

C. LAND USE PLAN

C. 2.b (7) Signs

"Signs shall be limited to on-premise signs, related to the use or business conducted on the same site, and to incidental signs of a clearly general nature such as to portray time, temperature, or announcements of activities taking place at the location. An on-premise sign is further defined as a sign that advertises or attracts attention to a specific event, activity, establishment, commodity, product, service, or entertainment which is conducted, sold, distributed or offered on the same premises as the sign. No billboards or general advertising signs will be permitted.

Signs shall be further limited as follows:

Freestanding identification for all properties shall be limited to one sign for each principal use on each street on which the use has frontage. Such signs shall not exceed twenty-five (25) square feet each in size.

All signs will be subject to review and approval by MDHA, and will be permitted only when designed and placed in harmony with the improvements upon the building site and surrounding development. MDHA approval of any and all sign permits shall be conditioned upon Permittee's continued compliance with the restrictions contained in the Redevelopment Plan."

June 8, 1999

EXHIBIT 3
PHILLIPS-JACKSON STREET REDEVELOPMENT PLAN

C. LAND USE PLAN

C. 2.b. (12) Process For Appeal from Action Taken by MDHA Design Review Committee

"In order to ensure due process for an applicant whose plans for development, redevelopment, or signage, are disapproved by the MDHA Design Review Committee, the Executive Director of MDHA shall appoint an Administrative Appeals Board, consisting of three members of MDHA management. This Board will hear appeals associated with any/all action taken by MDHA's Design Review Committee in the enforcement of provisions of this Redevelopment Plan. Permittee may appeal a decision of the Design Review committee to the Administrative Appeals Board within three (3) days after notification of Design Review Committee action. If Permittee requests a hearing, MDHA shall convene a meeting of the Administrative Appeals Board which shall hear evidence and make a determination (by majority vote of those voting) as to whether the appropriate decision had been reached by the Design Review Committee.

In the case of violations of the Redevelopment Plan restrictions, MDHA shall notify the Permittee and or the owner of record of the alleged violation ("Violation Notice"). If the Permittee/Owner disputes the alleged violation, such party may within three (3) days after receipt of the Violation Notice, request a hearing by the Administrative Appeals Board. MDHA shall convene a meeting of the Administrative Appeals Board, which shall hear evidence and make a determination (by majority vote of those voting) as to whether Redevelopment Plan restrictions have been violated by Permittee/Owner. If the violation has not been remedied within three (3) days after the later of (i) Permittee/Owner's receipt of the Violation Notice, or, (ii) the date of the Administrative Appeals Board issues its written determination that a violation has occurred (the "Appeals Board Determination"), MDHA may send the Violation Notice or the Appeals Board Determination (as the case may be) to the Zoning Administrator who shall be authorized to revoke the Permit. In addition, MDHA and/or the Zoning Administrator and/or the Metropolitan Legal Department shall be entitled to immediate injunctive and other equitable or legal relief to enforce restrictions of the Redevelopment Plan, including pursuing all remedies available at law or in equity, including without limitation those that are provided by the Metropolitan Code of Laws."

June 8, 1999

EXHIBIT 4 PHILLIPS-JACKSON STREET REDEVELOPMENT PLAN

G. TAX INCREMENT

"When first adopted in 1993, property taxes receivable from land in the Phillips-Jackson Street Project Area were estimated at \$880,000 based on a total appraised value of \$50,000,000. The projected increase in the assessed value of property developed in conjunction with the Plan on land leased or sold by MDHA was estimated to exceed \$4 million resulting in an annual increase of about \$180,000 in property taxes that would not have occurred without the redevelopment activities of MDHA. As of 1998, incremental property taxes totaled \$66,750, or over one-third of the amount ultimately projected.

Given the conditions of blight as well as condition of title and the diversity of ownership of individual tracts evident in the Phillips-Jackson Street Project Area, private investment and redevelopment is unlikely to occur or could be substantially delayed without the intervention of MDHA. The activities of MDHA will make the area conducive to new private development and result in increased tax revenues to the Metropolitan Government. The area represents a very small portion, approximately one-third of one percent of the property tax base of the Metropolitan Government in 1993 which, as the taxing agency within the Project Area, will not be substantially impacted by a tax increment financing provision. The project has and will continue to generate new sales tax revenues to the benefit of the Metropolitan Government.

With the amendment of the Plan to include additional area in 1999, the estimated cost of public improvements associated with the redevelopment project is approximately \$4.5 million. This amount is not inclusive of the substantial amount of Community Development Block Grant funds expended for improvements prior to the approval of the Plan in 1993, expenditures of bond or other funds by the Metropolitan Government and State of Tennessee in relocating and reconstructing a Farmers Market facility within the boundaries of the Project Area, and the expenditures by the State of Tennessee in the development of the Bicentennial Mall and Hope Gardens neighborhood. Anticipated sources of revenue to finance the undertaking, including the estimated amount from tax increment backed bonds or other indebtedness are:

Community Development funds \$500,000

Tax Increment \$4,000,000

With the amendment of the Plan in 1999, the estimated amount of total bonded or other indebtedness from the beginning to end of the project is \$4,000,000. The amount of bonds or other indebtedness backed by the tax increment shall not exceed \$4,000,000. It is estimated that the tax increment from \$8,000,000 in new MDHA induced assessments will be sufficient to retire this amount of indebtedness over the life of the project. One half of this amount results from the amendment of the Plan in 1999 to include additional land area and potential projects. The final maturity date on any bonded or other indebtedness backed by the tax increment from eligible properties shall be on or before December 31, 2024. Upon retirement of all bonds, loans, or other indebtedness incurred and payable from tax increment funds or at such time as moneys on deposit in the tax increment fund or funds are sufficient for such purpose, all property taxes resulting from the incremental development of the Project shall be retained by the Metropolitan Government. Activities or improvements eligible for tax increment funding shall be in compliance with State law.

June 8, 1999

EXHIBIT 5 PHILLIPS-JACKSON STREET REDEVELOPMENT PLAN

PROJECT BOUNDARY DESCRIPTION

Legal Description

Being a tract of land in Metropolitan Nashville and Davidson County, Tennessee as shown on Project Boundary Map No. I and generally described as follows:

Beginning at the point of intersection of the southeasterly line of Jackson Street and the southwesterly line of Eighth Avenue, North; thence, with the southeasterly line of Jackson Street southwestwardly approximately 216 feet to the point of intersection with the northeasterly line of Ninth Avenue, North; thence, with the northeasterly line of Ninth Avenue, North southeastwardly approximately 225 feet to a point, said point being an extension of the southeasterly line of Ireland Street; thence, crossing Ninth Avenue, North southwestwardly along the southeasterly line of Ireland Street approximately 765 feet to a point at the southwesterly side of Tenth Avenue, North, said point being an extension of the southeasterly side of Ireland Street, thence, following the southwesterly side of Tenth Avenue, North in a northwestwardly direction to the point of intersection with the southeasterly line of Alley No. 566; thence, turning in a southwestwardly direction and following the southeasterly line of Alley No. 566 to the point of intersection with the northeasterly side of Warren Street; thence, following the northeasterly line of Warren Street in a southeastwardly direction to a point, said point being an extension of Alley No. 567; thence, turning in a southwestwardly direction and following said extension of Alley No. 567 across Warren Street to a point, said point being the intersection of the southwesterly line of Warren Street and the southeasterly line of Alley No. 567; thence, following the southeasterly line of Alley No. 567 in a southwestwardly direction to a point, said point being the intersection with the property line of Parcel No. 92-4-283 and Parcel No. 92-4-2051 thence, turning in a southeastwardly direction and following the property line of Parcel No. 92-4-283 and Parcel No. 92-4-285 to a point, said point being the extension of the property line of Parcel No. 92-4-263 and Parcel No. 92-4-285 to the southeasterly side of Herman Street; thence, following the southeasterly aide of Herman Street in a southwestwardly direction to a point, said point being an extension of the southwesterly line of Morrison Street; thence, crossing Herman Street northwestwardly to the southwesterly line of Morrison Street; thence, with the southwesterly line of Morrison Street and the right-of-way line of Interstate 40 northwestwardly approximately 1,380 feet to the point of intersection with the northwesterly line of Meharry Boulevard; thence, with the northeasterly right-of-way line of Interstate 40 northwestwardly approximately 1,370 feet to the point of intersection with the southwesterly line of Eleventh Avenue, North; thence, with the southwesterly line of Eleventh Avenue, North southeastwardly approximately 200 feet to a point, said point being an extension of the northwesterly line of Monroe Street; thence, crossing Eleventh Avenue, North northeastwardly to the northwesterly line of Monroe Street; thence, with the northwesterly line of Monroe Street northeastwardly approximately 1,450 feet to the intersection with the southwesterly line of Alley No. 503; thence, with the southwesterly line of Alley No. 503 northwestwardly approximately 450 feet to a point, said point being an extension of property line of Parcel No. 81-12-404 and Parcel No. 81-12-405 thence, crossing said Alley No. 503 and along property line of Parcel No. 81-12-404 and Parcel No. 81-12-405 and its extension northeastwardly approximately 230 feet to a point in the

northeasterly line of Ninth Avenue, North; thence, with the northeasterly line of Ninth Avenue, North southeastwardly approximately 100 feet to the intersection with the northwesterly line of Taylor Street; thence, with the northwesterly line of Taylor Street northeastwardly approximately 455 feet to the point of intersection with the southwesterly line of Eighth Avenue, North; thence, with the southwesterly line of Eighth Avenue, North northwestwardly approximately 482 feet to the point of intersection with the southeasterly line of Cheatham Place; thence, with the southeasterly line of Cheatham Place, southwestwardly approximately 175 feet to a point, said point being an extension of Alley No. 516 to its intersection with the southeasterly line of Cheatham Place; thence, following the southwesterly line of Alley No. 516 in a northwesterly direction for approximately 299 feet to a point, said point being the northwesterly property line of Parcel 81-12-320; thence, following said property line in a northeastwardly direction to its point of intersection with Eighth Avenue, North and extending in a northeasterly line across Eighth Avenue, North to the northeasterly side of Eighth Avenue, North; thence, extending in a northwesterly direction across Hume Street and along the southwesterly property line of Parcel No. 81-12-329 to a point, said point being the southeasterly property line of Parcel No. 81-12-328; thence, following said property line in a northeasterly direction approximately 166 feet to a point, said point being the northeasterly property line of Parcel No. 81-12-328; thence, turning and following said property line in a northwesterly direction to its intersection the southeasterly line of Alley No. 515; thence, with the northwesterly line of Parcel No. 81-12-329 extending northeasterly approximately 161 feet to the point of intersection with the southeasterly line of Seventh Avenue, North; thence, following said line and its extension in a southeasterly direction approximately 246 feet across Hume Street to a point of intersection with the northwesterly property line of Parcel No. 81-12-415; thence, following the property line of said parcel and Parcel No. 81-12-462 approximately 858 feet to a point of intersection with the southwesterly line of Fifth Avenue, North; thence with the southeasterly line of Hume Street northeastwardly approximately 925 feet to the point of intersection with the northeasterly line of Third Avenue, North; thence, with the northeasterly line of Third Avenue, North southeastwardly approximately 600 feet to the point of intersection with the southeasterly line of Van Buren Street; thence, with the southeasterly line of Van Buren street southwestwardly approximately 235 feet to the point of intersection with the northeasterly line of Alley No. 201; thence, with the northeasterly line of Alley No. 201, southeastwardly approximately 470 feet to the point of intersection with the northwesterly line of Taylor Street; thence, with the northwesterly line of Taylor Street northeastwardly approximately 560 feet to the point of intersection with the northeasterly line of Second Avenue, North; thence, with the northeasterly line of Second Avenue, North southeastwardly approximately 430 feet to a point, said point being the extension of the property line of Parcel No. 82-9-224, if extended; thence, crossing Second Avenue, North southwestwardly and along the southeasterly property line of Parcel No. 82-9-224 to the point of intersection with the northeasterly line of Alley No. 505 approximately 180 feet; thence, with the northeasterly line of Alley No. 505 southeastwardly approximately 110 feet to a point, said point being the extension of the property line of parcel No. 82-9-216, if extended; thence, crossing Alley No. 505 southwestwardly and along the southeasterly property line of parcel No. 02-9-216 and its extension to a point in the southwesterly line of Third Avenue, North approximately 205 feet; thence, with the southwesterly line of Third Avenue, North northwestwardly approximately 290 feet to the point of intersection with the southeasterly property line of Parcel No. 82-9-201; thence, with the southeasterly property line of Parcel No. 82-9-201 southwestwardly approximately 178 feet to the point of intersection with the northeasterly line of Alley No. 201; thence, with the northeasterly line of Alley No. 201 southeastwardly approximately 100 feet to a point, said point being the extension of the property line of Parcel No. 82-9-190, if extended; thence, crossing Alley No. 201 southwestwardly and along the southeasterly property line of parcel 82-9-190 approximately 195 feet to the point of intersection with the northeasterly line of Fourth Avenue, North thence, with the northeasterly of Fourth Avenue, North southeastwardly approximately 365 feet to the point of intersection with the northwesterly property line of Parcel 82-9-322; thence, with the northwesterly property line of Parcel No. 82-9-322 and its extension, if extended, northeastwardly approximately 195 feet to the point of intersection with the northeasterly line of Alley No. 201; thence, with the northeasterly line of Alley No. 201 southeastwardly approximately 520 feet to the point of intersection with the northwesterly line of Madison Street; thence, with the northwesterly line of Madison Street northeastwardly approximately 180 feet to the point of intersection with the southwesterly line of Third Avenue, North; thence, with the southwesterly line of Third Avenue, North northwestwardly approximately 140 feet to a point which is an extension of the southeasterly line of property line of Parcel No. 82-9-357 and Parcel No. 82-9-361; thence, crossing Third Avenue, North northeastwardly approximately 380 feet along the southeasterly property line of Parcel No. 82-9-357 and Parcel No. 82-9-361 and its extension to the point of intersection with the northeasterly line of Second Avenue, North; thence, with the northeasterly line of Second Avenue, North southeastwardly approximately 810 feet to the point of intersection with the southeasterly line of Jefferson Street, thence, with the southeasterly line of Jefferson Street northeastwardly approximately 410 feet to the point of intersection with the northeasterly line of First Avenue, North; thence, with the northwesterly property line of Parcel No. 02-14-25 and its extension northeastwardly approximately

180 feet to the southwesterly bank of the Cumberland River; thence, with the southwesterly bank of the Cumberland River southeastwardly approximately 1,700 feet to the southeasterly property line of Parcel No. 82-14-31; thence, with the southeasterly property line of Parcel No. 82-14-31 and its extension southwestwardly approximately 150 feet to the point of intersection with the southwesterly line of First Avenue, North, thence, with the southwesterly line of First Avenue, North northwestwardly approximately 110 feet to the point of intersection with the southeasterly line of Alley No. 28 and the L&N Railroad right-of-way; thence, southwestwardly with the northwesterly line of the L&N Railroad right-of-way and the southeasterly property line of Parcel No. 82-14-76, 82-14-74, 82-14-77, 82-14-80, 82-14-91 and 82-13-344 approximately 1,200 feet to the point of intersection with the southwesterly line of Fourth Avenue, North; thence, with the southwesterly line of Fourth Avenue, North northwestwardly approximately 290 feet to the point of intersection with the southeasterly line of Harrison Street; thence, southwestwardly with the southeasterly line of Harrison Street and the northwesterly line of the L&N Railroad right-of-way approximately 430 feet to the point of intersection with the southwesterly line of Fifth Avenue, North; thence, southwestwardly with the Northwesterly line of the L&N Railroad right-of-way and the southeasterly property line of Parcel No(s). 82-13-250, 93-1-21, and 93-1-26 approximately 1,260 feet to the point of intersection with the southwesterly line of Eighth Avenue, North; thence, with the southwesterly line of Eighth Avenue, North northwestwardly approximately 1,340 feet to the point of intersection with the southeasterly line of Jackson Street, the point of BEGINNING.

June 8, 1999

AMENDMENT NO. 1
TO
ORDINANCE NO. 099-1762

Mr. President,

I move to amend Ordinance No. 099-1762, the *Phillips-Jackson Street redevelopment Plan*, dated June 8, 1999 by:

Substituting R.P. Map No. 2, Land Use Map.

Introduced by: Morris Haddox & Leo Waters

Amendment Adopted: July 6, 1999

LEGISLATIVE HISTORY	
Introduced:	June 15, 1999
Passed First Reading:	June 15, 1999
Referred to:	Planning Commission Federal Grants Review Committee Planning & Zoning Committee
Amended:	July 6, 1999
Passed Second Reading:	July 6, 1999
Passed Third Reading:	July 20, 1999
Approved:	July 21, 1999
By:	