

ORDINANCE NO. BL 2005-875

An ordinance approving Amendment No. 5 to the Rutledge Hill Redevelopment Plan.

WHEREAS, by Ordinance No. 80-133, as amended, the Metropolitan Council approved and authorized the undertaking of a redevelopment plan entitled "Rutledge Hill;" and

WHEREAS, by Ordinance No. 86-1131, as amended, the Metropolitan Council approved the "Rutledge Hill Redevelopment Plan," which revised the boundaries and superseded the text, maps, and exhibits of the original plan as previously adopted by Ordinance No. 80-133, as amended; and

WHEREAS, by Ordinance No. 87-1695, as amended, the Metropolitan Council approved Amendment No. 1 to the "Rutledge Hill Redevelopment Plan;" and

WHEREAS, by Ordinance No. 91-1520, the Metropolitan Council approved Amendment No. 2 to the "Rutledge Hill Redevelopment Plan;" and

WHEREAS, by Ordinance No. 97-755, the Metropolitan Council approved Amendment No. 3 to the "Rutledge Hill Redevelopment Plan;" and

WHEREAS, by Ordinance No. 97-754, the Metropolitan Council approved Amendment No. 4 to the "Rutledge Hill Redevelopment Plan;" and

WHEREAS, in 2003 the Metropolitan Development and Housing Agency directed a public process to develop a new Master Plan for the Development of Rolling Mill Hill, including development guidelines, and the Agency is currently engaged in the implementation of said Plan; and

WHEREAS, there has been prepared and referred to the Metropolitan Council for review and approval Amendment No. 5 to the "Rutledge Hill Redevelopment Plan" consisting of certain changes in the text, boundaries and maps of the redevelopment plan; and

WHEREAS, said Amendment to the aforesaid redevelopment plan has been approved by the Board of Commissioners of the Metropolitan Development and Housing Agency; and

WHEREAS, the Metropolitan Council has held a public hearing and has carefully considered and reviewed the proposed amendment to the redevelopment plan.

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 "Rutledge Hill Redevelopment Plan" are hereby reaffirmed and redetermined. That it is hereby found

and determined that the redevelopment area defined by the Plan entitled "Rutledge Hill Redevelopment Plan," dated November 3, 2005, is a blighted area as defined in and in accordance with Sections 13-20-201 through 13-20-209, of the Housing Authorities Law; 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 any applicable provision of the Housing Authorities Law, 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 replacing the "Preface" of the Plan with the following:

The Rutledge Hill Redevelopment Project is located in Metropolitan Nashville and Davidson County, Tennessee and is undertaken by the Metropolitan Development and Housing Agency, hereinafter referred to as "MDHA", in accordance with and in furtherance of the objectives of The Housing Authorities Law, Tennessee Code Annotated, Sections 13-20-101, et. seq. (the "Housing Authorities Law"). The Metropolitan Council of Nashville and Davidson County has declared the area to be a blighted area within the scope of Section 13-20-201 through 13-20-209, of the Housing Authorities Law.

SECTION 3. That Rutledge Hill Redevelopment Plan Section C.2.a., "Land Use Provisions and Building Requirements: Permitted Uses," is hereby replaced by a new Section C.2.a., dated November 3, 2005, attached hereto and made a part of this Ordinance.

SECTION 4. That the "Rutledge Hill Redevelopment Plan" is amended by removing "General Design Guidelines for Rolling Mill Hill," dated 1997, from Section C.2.b., "General Regulations and Controls."

SECTION 5. That Rutledge Hill Redevelopment Plan Section C.2.c., "Duration of Land Use Controls," is amended by changing the date until which the provisions of the Plan shall be applicable and enforceable to December 31, 2040.

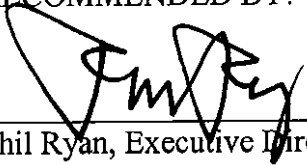
SECTION 6. That Rutledge Hill Redevelopment Plan Section H., "Tax Increment," is hereby replaced by a new Section H., dated November 3, 2005, adjusting the tax increment authority, attached hereto and made a part of this Ordinance.

SECTION 7. That the "Rutledge Hill Redevelopment Plan" is amended by replacing R.P. Maps 1, 1A; and 2, 2A; with new R.P. Maps 1 and 2, respectively, dated November 3, 2005, attached hereto and made a part of this Ordinance.

SECTION 8. That "Exhibit A" to the "Rutledge Hill Redevelopment Plan" is hereby replaced by a new "Exhibit A," dated November 3, 2005, and describing a revised boundary description, attached hereto and made a part of this Ordinance.

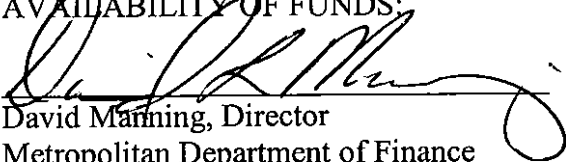
SECTION 9. That this Ordinance take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

RECOMMENDED BY:



Phil Ryan, Executive Director
M. D. H. A.

APPROVED AS TO
AVAILABILITY OF FUNDS:





David Manning, Director
Metropolitan Department of Finance

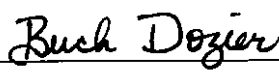
APPROVED AS TO FORM & LEGALITY:



INTRODUCED BY:







Member(s) of Council

Section C.2.a.

Permitted Uses

Within the areas shown on R.P. Map 2, "Land Use Plan," the following uses shall be permitted:

(1) General Residential

Intent: To provide sites for predominately residential development.

Uses: Dwellings for any numbers of families

Churches and places of worship

Public and private schools and day care centers

Public parks and plazas

Utility stations and facilities to serve the neighborhood

Police and fire stations and facilities serving other essential services

Colleges and universities and related facilities

Accessory uses customarily incident to any of the above

Conditional Uses: Any use otherwise permitted in a Mixed Use District, except conditional uses in such districts, may be permitted in a General Residential District if it is determined that it is designed, located, and proposed to be operated such that the public health, safety and welfare will be protected; it will not adversely affect other property in the area; and any such use or uses cover no more than one third of the floor area of a comprehensive development plan approved for a tract of .75 acre or more.

(2) Public

Intent: To provide sites for schools, parks, public recreation, open spaces, and facilities for the conduct of government.

Uses: Any facility or land to be owned and maintained by a governmental body for the benefit of the Project Area or the community at large.

Alternate Uses: In the event that any public property designated in a Public District shall be declared surplus or sold by the Metropolitan Government, the alternate uses permitted for such property shall be those permitted in the Mixed Use District.

(3) General Business

Intent: To provide sites for convenience shopping for goods and services in support of the immediate neighborhood and the central business district and to motorists traversing the area. To provide sites for limited types of manufacturing and wholesaling which have no objectionable characteristics.

Uses: Churches and places of worship

Public and private schools and day care centers

Banks and financial institutions

Clinics or health care facilities

Funeral Homes

Indoor private recreation facilities

Convenience retail and services

Lodges and clubs
Offices – business-related, governmental, professional, medical, etc.
Colleges and universities and related facilities
Restaurants and other eating or drinking establishments
Public utility stations and facilities
Hotels, motels, or other habitation for transient use
Limited manufacturing and processing not requiring outdoor storage,
nor generating exterior noises, dust, or offensive odors
Public, private or non-profit cultural, theater or assembly facilities
Sales and service of automobiles, farm implements and other
equipment
Wholesaling and warehousing
Automotive parking
Accessory uses customarily incident to any of the above

Conditional Uses: The following uses may be permitted in the General Business District if it is determined that they would be so designed, located, and proposed to be operated such that the public health, safety, and welfare would be protected and that other property in the area would not be adversely affected:

Trucking services and private or utility truck yards
Permanent dwellings for any number of families

(4) Mixed Use

Intent: To provide sites for a range of residential and compatible non-residential uses. Residential sites are integrated with employment and shopping areas to encourage the reduction of travel needs and parking requirements.

Uses: Any use permitted in a General Residential District

Banks and financial institutions
Hotels, motels, or other habitation for transient use
Offices – business-related, governmental, professional, medical, etc.
Retail sales and services not including auto-oriented uses
Restaurants and other eating or drinking establishments not
including drive-in or drive-through facilities
Funeral Homes
Indoor private recreation facilities
Stadiums or other sports facilities
Lodges and clubs
Graphic or other art production facilities or studios
Public, private or non-profit cultural, theater or assembly facilities
Accessory uses customarily incident to any of the above

Conditional Uses: The following uses may be permitted in the Mixed Use District if it is determined that they would be so designed, located, and proposed to be operated such that the public health, safety, and welfare would be protected and that other property in the area would not be adversely affected:

Group care or nursing home
Clinics or health care facilities
Automotive parking
Transport and warehousing facilities
Wholesale sales
Limited manufacturing

November 3, 2005

H. TAX INCREMENT

The projected net increase in the value of property developed in conjunction with this Plan on land leased or sold by MDHA is \$400 million. A total annual increase in property taxes so generated is unlikely to occur within the Project Area without the redevelopment activities of MDHA. Therefore, the Metropolitan Government as the taxing agency within the Project Area has not been and will not be negatively impacted by this increase in tax increment funding authority. Total project costs are estimated at \$35.5 million for uses permitted pursuant to Tennessee Code Annotated § 13-20-201 through 13-20-209 which are to be financed from the tax increment. The total amount of bonded or other indebtedness to be incurred may not exceed \$35.5 million with a final maturity on or before December 31, 2040.

November 3, 2005

EXHIBIT A
RUTLEDGE HILL REDEVELOPMENT PLAN
PROJECT BOUNDARY DESCRIPTION

Being a tract of land in Nashville-Davidson County, Tennessee, as shown on R.P. Map No. 1 and generally described as follows:

Beginning at a point in the northern margin of Interstate Highway I-40/65 with its intersection with the eastern margin of Second Avenue South extending to the centerline of Second Avenue South;

Thence, northwardly with the centerline of Second Avenue South to the intersection of Elm Street;

Thence, leaving the centerline of Second Avenue South, westwardly with the centerline of Elm Street to the intersection of Fourth Avenue South;

Thence, leaving the centerline of Elm Street, northwardly with the centerline of Fourth Avenue South approximately 3,040 feet to the intersection of the southern property line of Parcel No. 93-6-4-15 extended;

Thence, eastwardly with the southern property lines of Parcels 93-6-4-15, 17, 18, 19, 20, 21, 22, 23, 24, and 29 approximately 350 feet to the intersection of Third Avenue South;

Thence, northwardly with Third Avenue South approximately twenty feet to the intersection of the southern property line of Parcel No. 93-6-4-41 extended;

Thence, eastwardly with the southern property lines of Parcel Nos. 93-6-4-41, 42, 43, 45, 46, and Parcel Nos. 93-6-2-97, 98, and 99 approximately 220 feet to the intersection of Second Avenue South;

Thence, southwardly with Second Avenue South approximately sixty feet to the intersection of Alley No. 13;

Thence, eastwardly with Alley No. 13 approximately 215 feet to the intersection of First Avenue South;

Thence, southwardly with First Avenue South to the northern margin of the right of way of Shelby Avenue;

Thence, eastwardly with the northern margin of the right of way of Shelby Avenue to the Cumberland River;

Thence, southeastwardly along the Cumberland River with the northeastern property line of Parcel No. 93-6-0-41 approximately 870 feet to a point at the southeastern corner of Parcel No. 93-6-0-41;

Thence, westwardly approximately 160 feet along the southern property line of Parcel No. 93-6-0-41 to the western margin of the Louisville & Nashville Railroad;

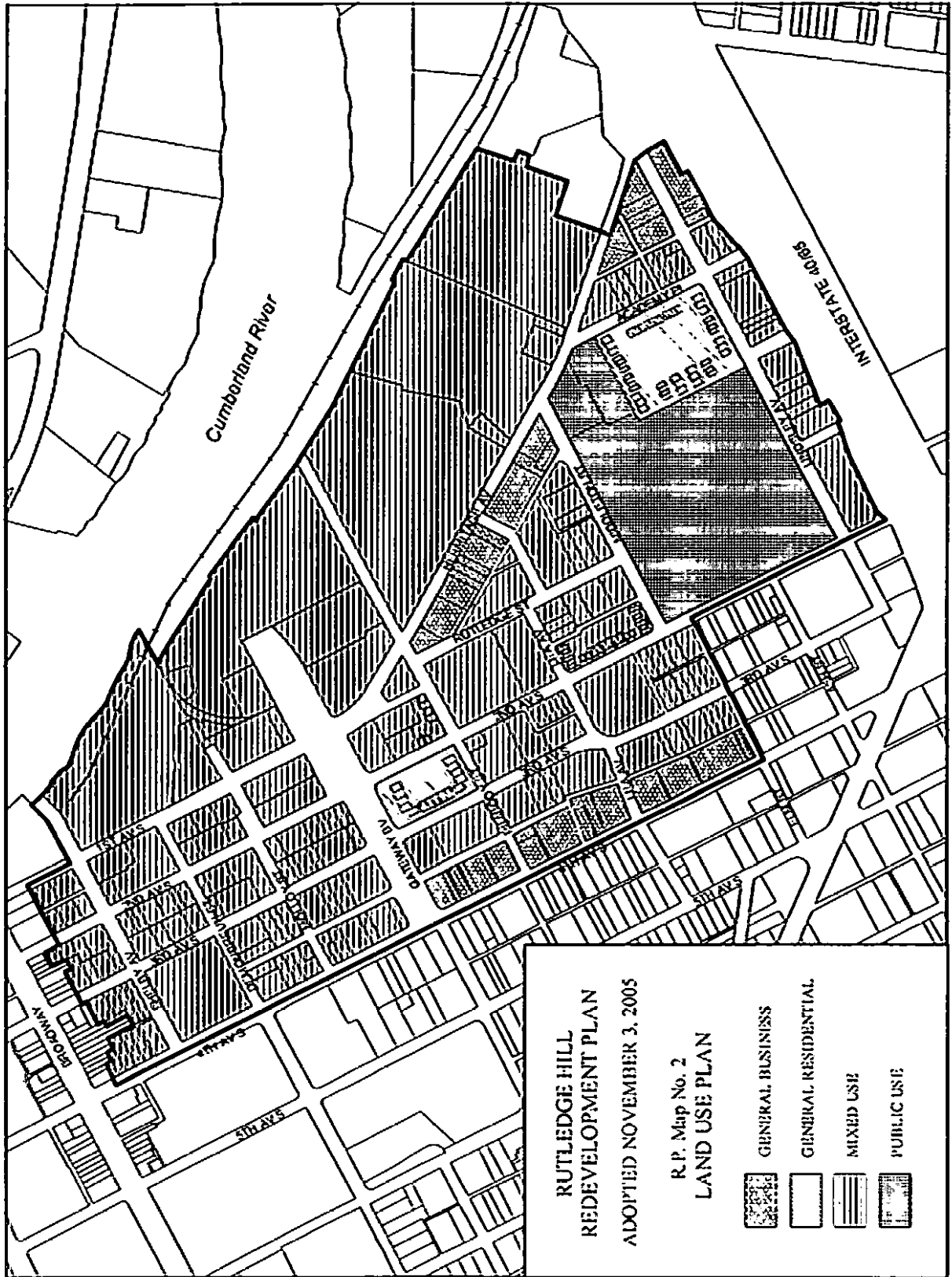
Thence, southeastwardly with the Louisville & Nashville Railroad approximately 2,550 feet to the intersection of the eastern property line of Parcel No. 93-11-0-242;

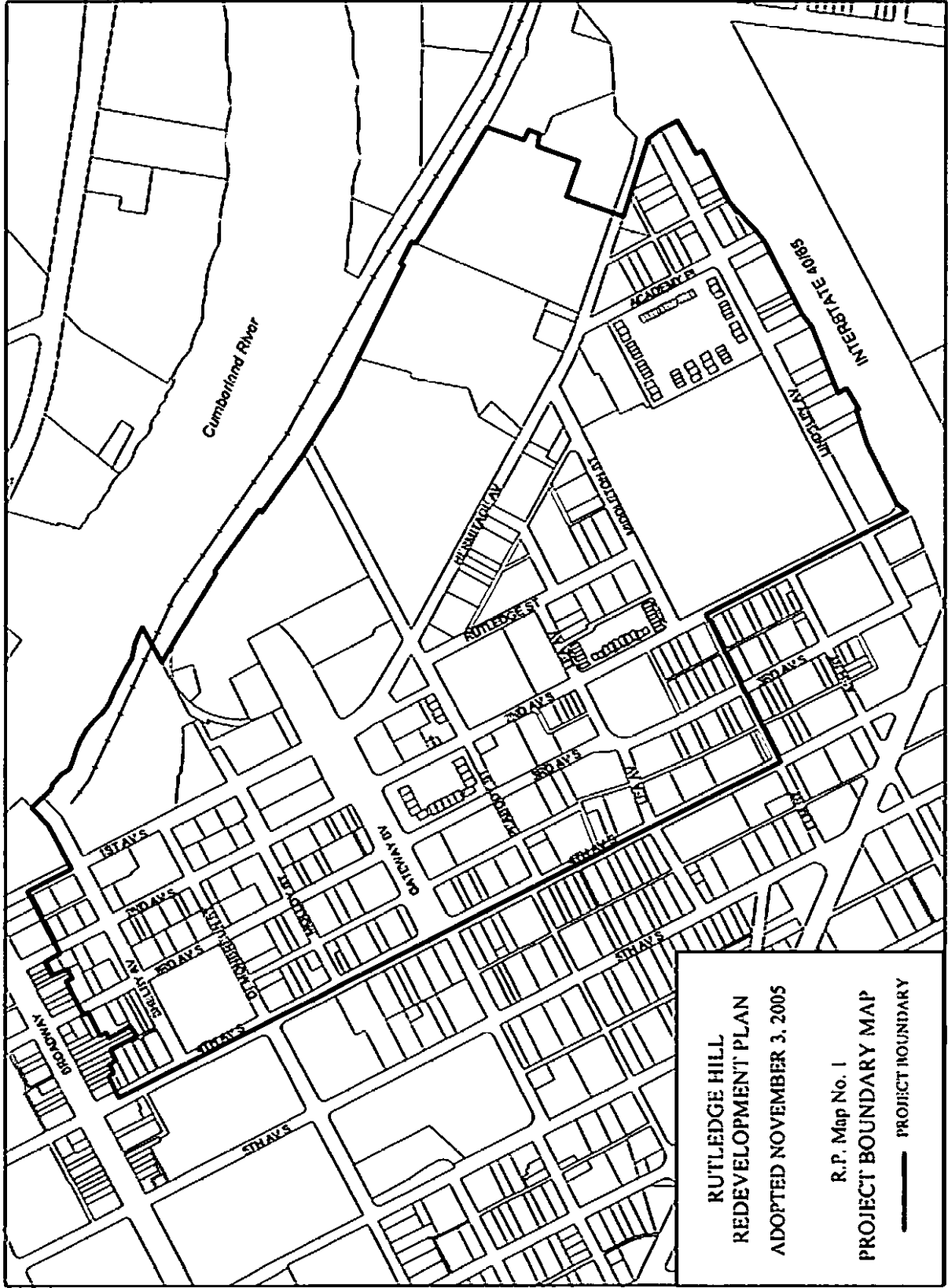
Thence, southwestwardly approximately 650 feet with the western property lines of Parcel Nos. 93-11-0-112 and 241 to the intersection of Hermitage Avenue;

Thence, southeastwardly with the centerline of Hermitage Avenue to its intersection with the northerly margin of Interstate Highway I-40/65;

Thence, westwardly with the northern margin of Interstate Highway I-40/65 to the eastern margin of Second Avenue South, also being the point of beginning.

November 3, 2005





ORIGINAL

METROPOLITAN COUNTY COUNCIL

Bill No. BL 2005-875

2005 NOV 22 AM 8:42

FILED
METROPOLITAN
CLERK

An ordinance approving
Amendment No. 5 to the Rutledge
Hill Redevelopment Plan.

Introduced DEC 6 2005

Passed First Reading DEC 6 2005

Amended _____

DEFERRED DEC 20 2005

Passed Second Reading JAN 17 2006

Passed Third Reading FEB 7 2006

Approved FEB 8 2006

By 
Metropolitan Mayor

Advertised _____

Effective Date _____