

METROPOLITAN DEVELOPMENT AND HOUSING AGENCY

Nashville and Davidson County, Tennessee

RUTLEDGE HILL REDEVELOPMENT PLAN

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RUTLEDGE HILL REDEVELOPMENT PLAN

PREFACE

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.

FIVE POINTS REDEVELOPMENT PLAN
NASHVILLE AND DAVIDSON COUNTY, TENNESSEE

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B. DESCRIPTION OF PROJECT AREA

The general physical condition of Rutledge Hill is deteriorated and blighted, with commercial uses intermingled with residential. The area has been recognized as one of the more distinctive historic districts in Nashville. Approximately one-third of the structures in the area are architecturally or historically significant. This stock of notable structures coupled with a generous supply of vacant or underutilized land creates the possibility for a distinctive urban infill and redevelopment area.

A redevelopment plan was initially adopted for Rutledge Hill in 1980. The intent of the plan was to promote the redevelopment and conservation of the area as mixed residential and commercial community close to the center city. By 1984, the first major new residential development was completed and sold, demonstrating the market for moderate income housing close to downtown. Additional residential and office developments are planned by private investors.

The Nashville Center City Plan, completed in 1985, made recommendations for a large area of the inner city, including both Rutledge Hill and the Central Business District. Strengthening the connection between Rutledge Hill and downtown was identified as a high priority. In order to accomplish this, the existing Rutledge Hill Plan Area is being enlarged to extend north to Broadway. At the same time, the text of the Plan is being substituted to recognize the expanded purpose of the area and to accommodate changes since the first plan was adopted in 1980.

1. BOUNDARIES OF THE PROJECT AREA

The boundaries of the Project Area are shown on Redevelopment Plan (R.P.) Map No. 1, "Project Boundary Map," and are as described in Exhibit "A", which is attached.

2. REDEVELOPMENT PLAN OBJECTIVES

The specific provisions and actions incorporated in the Plan have been developed and are necessary to achieve the following objectives:

- a. To establish harmonious land use patterns and provide sites adequate for the planned development of attractive mixed commercial and residential areas.
- b. To provide for redevelopment of the Project Area, wherein deleterious land uses and the present subdivision and ownership of land precludes the orderly assemblage and desired changes in the use of land.
- c. To create a mixed living and working environment close to and connected with the central business district.
- d. To promote development of an “Arts District” envisioned as a combination of new and rehabilitated space providing a living/working environment for the arts community, an attractive element for tourism, and a source of vitality for the downtown area.
- e. To provide safe, convenient, and visually attractive pedestrian walkways for residents of the area in passing between their homes and commercial areas, downtown, and places of regular assembly. An interconnected system of pedestrian ways will incorporate sidewalks, alleyways, and through-building linkages.
- f. To encourage a continuing program for the rehabilitation and reuse of older structures where compatible with the Land Use Plan.
- g. To clear and provide for redevelopment of portions of the Project Area in which a change in type or intensity of land use is necessary. Within these areas, it may be required, and is within the objectives of this Plan, that certain buildings which are not structurally substandard may be acquired and demolished.
- h. To encourage and implement the construction of housing for all income levels.
- i. To establish standards and goals for the redevelopment and continued use of the area which will provide flexibility to the individual developer, yet assure adequate light, air, open-space, off-street parking, and the future stability of the entire area.

- j. To develop the area under the Shelby Bridge into a pedestrian linkage and activity area connecting Riverfront Park and the Arts District.
- k. To provide sites for services and retail facilities serving residents. To provide for adequate parking to serve the needs of the area.
- l. To eliminate and prevent the recurrence of blight.
- m. To eliminate vacant lots by monitoring development and effective utilization of land.

3. PROPOSED REDEVELOPMENT ACTIONS

The ultimate objective of the Land Use Plan is to create an environment conducive to development of a mixed residential and commercial neighborhood adjacent to and supportive of the Central Business District. The various proposals of the Plan have been adopted to remove the conditions which have created or contributed to the substandard character of improvements in the Project Area and restore the vitality of the area through redevelopment and rehabilitations. The types of actions necessary to achieve this objective are:

- a) The acquisition of land through negotiation, condemnation, or otherwise for public purposes; for private infill development where the condition of title, the diverse ownership of real property to be assembled, street or lot layouts, or other conditions prevent a proper development of the property in accordance with the Land Use Plan and neighborhood needs; and for the purpose of removing, preventing, or reducing blight.
- b) Demolition, clearance and relocation as necessary within the Project Area to achieve the objectives of the Plan.
- c) Closing various alleys and streets and relocation of utilities within the Project Area.
- d) Execution of agreements with developers to undertake redevelopment of property in accordance with the Land Use Plan.
- e) To provide for and construct improved streets, alleys public facilities, open spaces, and pedestrian ways.

C. LAND USE PLAN

1. LAND USE MAP

The permitted uses of land within the Project Area are as shown on R.P. Map No. 2, “Land Use Map Plan”, and as further described in the following sections.

2. LAND USE PROVISIONS AND BUILDING REQUIREMENTS

In order to achieve the objectives of this Redevelopment Plan, the redevelopment and use of land as sold or leased by MDHA and all land designated on R.P. Map No. 3, “Proposed Land Acquisition,” whether so acquired or not, will be made subject to all requirements and restrictions specified in this section. All provisions of this section shall likewise apply to parcels not being acquired under provisions of this Plan when the owner of such parcel shall acquire land designated on the “Proposed Land Acquisition Map,” R.P. Map No. 3, as an addition to the tract. No improvements on such property may be made, extended, or enlarged unless the land assembled together and including property not to be acquired shall be in accordance with all controls of this section. All redevelopment on parcels as sold, leased or under redevelopment agreements through MDHA must be approved by a design review committee designated by the Executive Director of MDHA. The design review committee will be involved in the determination of appropriate uses, design, color, setbacks, landscaping, parking, ingress and egress and other restrictions in accordance with this section. The committee should include representatives of State or local government historic agencies, as appropriate, where historic conservation issues are involved. Other development reviews provided for on properties not designated for acquisition may be routinely handled by the MDHA with consultation of the Metropolitan Historical Commission staff in the implementation of part b. (9) of this section.

a. Permitted Uses

Within the areas shown on R. P. Map No. 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 number 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 so 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 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 Use: 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 Servicing 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 a General Business District if it is determined that they are 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 numbers 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 Area
- 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 adversely affected:

- Group Care or Nursing Home
- Clinics or Health Care facilities
- Automotive parking

- Transport and Warehousing
- Wholesale Sales
- Limited Manufacturing

b. General Regulations and Controls

In order to achieve the objectives of the Rutledge Hill Redevelopment Plan, the following general regulations and controls shall apply to all land within the Project Area developed, redeveloped, or improved subsequent to the approval of this Plan:

1. Site Plan

In the development, redevelopment, or improvement of all lots and parcels of land, the buildings and improvements shall be planned and designed as an entity. A site plan shall be prepared which shows buildings, structures, appurtenances, walls, fences, signs, driveways, parking and service areas, walks, utilities, plantings, grades and elevations and any other facilities which are proposed. The site plan shall be submitted for review and approved by MDHA, and where the development is to be accomplished in stages, a breakdown and staging of the proposed construction shall accompany the site plan. Development shall conform to the approved site plan.

2. Landscape Treatment

Those portions of lots or parcels of land which are not built upon with buildings and structures, or are not paved for parking or pedestrian ways shall be planted in accordance with a landscape planting plan and shall be maintained in accordance with this plan. The detailed planting plan shall be developed based on the approved site plan and shall be submitted for review and approval by MDHA prior to its execution.

3. Exterior Design

All of the exposed sides of a building, (i.e. any building wall not abutting another) shall be treated architecturally with finish materials in character with finish materials in character with the main façade of the building. Similarly, the exterior design and treatment of other facilities (e.g. courts,

plazas, terraces, walls, walks, steps, etc.) shall be in character with the building. Design plans shall be submitted to MDHA which will review and approve them with respect to general design and materials affecting exterior appearances. Façade guidelines of the Market and Design Study for Broadway will be the basis for design review on parcels in the Broadway Historic District.

4. Construction Approvals

No parking area or parking facilities and no building or other structure or improvement (including signs and loading docks and ramps) shall be erected, placed, enlarged, or altered until the construction plans and specifications and the plans showing the location of the facilities, improvements, and structures on the land (which said, plans, specifications, and location plans shall include all signs, loading docks, parking facilities, and landscaping to be placed on the property or proposed to be placed thereon), have been approved in writing by MDHA, its successors, or assigns, as to compliance with the restrictions set out herein and also as to the sufficiency and beauty of landscaping and the adequacy and location of parking facilities.

5. Outdoor Storage

The storage of equipment, materials or goods, in open areas of any lot or parcel of land shall be screened from view by fence, wall, hedge, plantings, or other appropriate means of screening, provided the storage of such equipment, materials or goods are normal or customarily incidental to the uses. The accumulation of trash, debris, or any noxious materials shall be prohibited. This section shall not be construed to exclude the outdoor display of goods or chattels for sale or rent in an establishment having activities that occur principally within a building. No storage of any other articles, goods, or materials shall be permitted outside any building on the property developed after the adoption of this Plan unless approved in writing by MDHA, its successors, or assigns, who shall have the right, as a condition to any such approval, to impose such limitations

and requirements as it may deem to be in the interests of the area; and any such approval may be revoked if at any time such limitations or requirements are not complied with.

6. Off-Street Parking

The entrances and exits of all required or permitted accessory off-street parking facilities with ten (10) or more spaces shall be located not less than fifty (50) feet from the intersection of any two (2) street lines.

However, access less than fifty (50) feet from the intersection of any two (2) street lines. However, access less than fifty (50) feet of such intersection may be permitted if such a location is not hazardous to traffic safety and not likely to create traffic safety and not likely to create traffic congestion. All off-street parking areas shall be surfaced asphalt, concrete or other hard-surfaced, dustless material and so constructed as to provide for adequate drainage.

7. Signs

The sign regulations found in Metropolitan Zoning Code, Section 17.37, as may be amended from time to time, shall govern the use of signs of all parcels subject to the Downtown Code and located in the Redevelopment District. For parcels not subject to the Downtown Code, the signage guidelines adopted by the Board of Commissioners of the Metropolitan Development and Housing Agency shall control all signage on the parcel. Provided however, the foregoing or any other provision of the redevelopment plan to the contrary notwithstanding, billboards shall not be permitted within the boundaries of the redevelopment district.

8. Temporary Structures and Interim or Alternative Uses

Temporary structures used in connection with construction on any lot or street within the Project Area shall be permitted, with the approval of MDHA, for successive periods up to six months each. On property which it has acquired and not yet sold for development, MDHA may establish such interim uses as it deems desirable in the public interest consistent with local zoning and codes requirements. In cases where MDHA makes a

finding that uses specified in the Plan are infeasible and not likely to be feasible based on market factors, the MDHA Board may designate an alternate use for any parcel or block designated for a particular use on R.P. Map No. 2, "Land Use Plan."

9. Historic Compatibility:

Additional guidelines for new developments or additions to the floor area of buildings shall apply to properties designated by the Metropolitan Historical Commission as eligible for listing on the National Register or in portions of the Project Area where the Metropolitan Historical Commission determines that such building activities may affect eligible properties. Any new structures should not imitate past architectural styles, but their design must be compatible with the earlier buildings in materials, size, scale, proportion, orientation, color, and texture. Contemporary design must be compatible with character and mood of the historic buildings or district.

a. Building Height: except as provided in this section, the maximum height of buildings shall be as prescribed by other applicable codes and ordinances of the Metropolitan Government of Nashville and Davidson County. For developments which adjoin side lot lines of properties with historically significant buildings, maximum building height shall be limited to the greater of the following:

- 35 feet
- The height of the tallest historically significant building on an adjoining lot, if greater than 35 feet.
- Equal to $d + 25$ feet where d equals the horizontal distance (in feet) between the proposed building and the historically significant structure on the adjoining parcel, with said distance being measured perpendicular to the side lot line common to the adjoining parcels.

b. Building placement and orientation: Except as provided in this section, the front and side yard setbacks of buildings shall be as

prescribed by other applicable codes and ordinances of Nashville and Davidson County. For new developments or building additions on block faces containing two or more properties with historically significant buildings, the minimum setback for any street shall be the greater of either the average setback of the historic buildings on the block face or any other minimum setback provided for in the applicable Metropolitan zoning regulations. The placement of each new building or building addition should also respect established side yard setbacks on blocks with historic properties. As part of its site plan review, the MDHA may require side yard setbacks in excess of those elsewhere prescribed and designate the orientation of buildings on lots if it finds such requirements necessary to maintain the visual rhythm of the streetscape adjacent to historic properties.

10. Off-Street Loading and Unloading

A service area with adequate off-street loading and unloading space to accommodate pick-up and/or delivery of goods by truck, removal of waste materials, delivery of fuel, and other servicing functions required for buildings and structures shall be provided for all uses excepting single or multiple-family residence of less than five dwelling units. A service area shall provide space for parking at least one medium-sized truck (i.e. a parking space of not less than twelve feet by thirty feet) plus space necessary for maneuvering. The service area shall not encroach upon any space provided for off-street automobile parking, but maneuvering space may be shared. MDHA shall determine if the service area is adequate for the off-street loading and unloading requirements of the particular use and building proposed. Wherever feasible and practicable, a service area may serve a group of buildings on the same lot or adjacent lots. These requirements are in addition to and do not supersede zoning or other regulations pertaining to loading areas.

c. Duration of Land Use Controls

The provisions of this Plan, specifying the land uses for the Project Area and the requirements and restrictions with respect thereto, shall commence upon approval of the Plan by the governing body of the Metropolitan Government of Nashville and Davidson County, and shall continue in effect until December 31, 2040.

D. LAND ACQUISITION

Property designated for acquisition is identified on the "Land Acquisition Map," R. P. Map No. 3. Acquisition is necessary to provide for the redevelopment of vacant and underutilized land, to eliminate structures which, because of poor initial construction, inadequate maintenance, obsolescence or other conditions, are not suitable for rehabilitation; to eliminate non-conforming land uses which are detrimental to the area or the redevelopment of Rutledge Hill; to provide for the replatting of land and the development or adjustment of streets, alleys and pedestrian ways; and to assemble suitable disposition tracts. It is not proposed to acquire all acquisition parcels at the time of approval of this Plan, but as funds are available or the private redevelopment proposals are received.

1. **CONDITIONS BY WHICH LAND MAY BE EXEMPTED FROM ACQUISITION**

Certain properties or portions thereof designated for acquisition may be exempted from acquisition as provided acquisition may exempted from acquisition as provided herein. Exemption may be made if it will not require a change in the Land Use Plan or plans for street or utility improvements; the exemption and/or permitted continuation of a non-conforming use by MDHA will not adversely affect the use and/or disposition of adjoining parcels acquired or to be acquired; and the owner of any such parcel agrees to eliminate any non-conforming use on the parcel as may be requested by MDHA, to rehabilitate all structures on the parcel use the land and structure in accordance with the provisions of this Plan for its duration, acquire such land as deemed necessary by MDHA to conform to current local zoning and codes requirements, and/or to sell any portions of the tract as deemed necessary by MDHA for street right-of-way or other purposed. Any such exemption shall be made conditional until the owner has complied with all of the requirements of a contractual agreement to be executed by and between the owner and

the MDHA. Existing owners of proposed acquisition parcels that wish to develop their assembled property in accordance with the Land Use Plan may request that MDHA designate them as developers for their tracts.

2. **CONDITIONS BY WHICH LAND NOT DESIGNATED FOR ACQUISITION MAY BE ACQUIRED**

In order to achieve the objectives of the Plan, it may be necessary and MDHA is authorized to acquire certain properties in the Project Area in addition to those designated on R. P. Map No. 2, "Land Acquisition Map." Additional parcels may be acquired at the request of the owner; to provide for necessary adjustments in utility easements or street, alley or pedestrian rights-of-way; to eliminate dilapidated or deteriorated structures which may be found to exist following subsequent surveys of interior conditions where the owner of the property shall have been notified and accorded a reasonable time, in no case less than ninety (90) days from the date of notice, to bring the structure into compliance with applicable building and housing codes ; to provide clear and marketable title for vacant or abandoned properties; or to acquire vacant lots where properties have been vacant and unused for a period of five or more years and these same parcels are not contiguous to and under the same ownership as a property in productive use.

E. **PUBLIC IMPROVEMENTS**

In the acquisition of land for redevelopment and in the general implementation of the plan for the Project Area, the MDHA will:

1. Facilitate the development of an interconnected system of pedestrian walkways, especially along Printer's Alley extended to Broadway and the Third Avenue corridor from Broadway south to Rutledge Hill;
2. Provide for the dedication and development of a network of amenity spaces and connectors, especially the use Sparkman Street under the Shelby Bridge as an open space connector;
3. Enhance access to the area by requiring setbacks on developments to permit future street widenings, realigning streets at intersections and improving turning radii, and encouraging expansion of transit authority RUSH zone service to the Project Area;

4. Upgrade the character of the streetscape, especially on Second and Third Avenues South; and
5. Study and recommend the closure or realignment of streets as indicated by the Center City Plan.

F. OBLIGATIONS OF THE REDEVELOPER

The MDHA, in disposing of the land in the Project Area to be redeveloped, will, in its contract and deed or other instruments of conveyance, include such terms and conditions as in the judgment of the MDHA will be necessary or advisable to ensure redevelopment of the Project Area and its use thereafter, in accordance with this Plan, and to prevent recurrence of the condition of blight or inappropriate land uses in this area. Such provisions will be contained in such contracts, deeds or other instruments of conveyance irrespective of whether they duplicate, in whole or in part, requirements of existing or proposed zoning ordinances or other local laws, ordinances, or regulations with respect to the Project Area, so that such obligations may operate independently of such zoning or other laws, ordinances or regulations. In all instances, the improvements in the Project Area will be made in accordance with the applicable Metropolitan Comprehensive Zoning Ordinance provisions and regulations; building, electrical, plumbing and other local codes and ordinances; the requirements of this Redevelopment Plan; and such other requirements as may be set forth in the contracts between MDHA and the redevelopers. Any contract or agreement for disposal of project land by sale, lease or retention shall contain, and the deed or deeds to the land shall contain, a covenant that the redeveloper and its successors and assigns shall not discriminate upon the basis of race, color, creed, sex, marital status, or national origin in the sale, lease, or rental, or in the use or occupancy of the property or any improvements erected or to be erected thereon. It is intended by this Plan that the MDHA is beneficiary of all such covenants and obligations and that it shall be entitled to represent the interests and to act on behalf of the community in enforcing any covenants and obligations as to the redevelopment and continued uses of the Project Area in accordance with the Plan. Such contracts, deeds, or other instruments of conveyance, in addition to including such other terms and conditions as the MDHA may find desirable in order to implement and effectuate the objectives of the Plan, will obligate the purchasers of land in the project Area and their successors in interest to:

1. Devote the parcels owned by them to, and only to, uses and controls specified in this Plan;
2. Diligently pursue the construction of the improvements as provided in the disposition contract, and to begin and complete such improvements within a reasonable time as provided by the Contract;
3. Make no changes, additions or alterations in such improvements after completion of their construction that are not approved by MDHA as being in conformity with this Plan, or as it may be changed or amended; and
4. Not reassign contract rights, or to not resell or otherwise transfer the land or any part thereof or interest therein purchased by them prior to the completion of the improvements thereon without the approval of MDHA and except in cases satisfactory with MDHA, and not to speculate in or with respect to such land.

G. RELOCATION ASSISTANCE

The Metropolitan Development and Housing Agency has established plans and procedures and shall provide assistance to individuals and businesses permanently or temporarily displaced by its actions in acquiring land for implementation of this Plan. Assistance will be offered in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, or other applicable federal or State laws and regulations that may be in effect at the time even though no State or federal funds may be involved with this project.

H. TAX INCREMENT

Private and public investment continues to strengthen the downtown core. Since the opening of the Music City Center in 2013, the South of Broadway (“SoBro”) area of downtown has begun to experience significant transformation. Guided by the SoBro Master Plan that formed a vision for the neighborhoods south of Broadway, several new redevelopment projects are planned for the area. A significant recommendation that emerged from the plan is the Division Street extension project, located in the Rutledge Hill Redevelopment District. This complete street project runs from 8th Avenue South to 2nd Avenue South. It will correct a fragmented street network and allow for better traffic distribution. It will also provide new opportunities for infill development and connections between Music Row, Vanderbilt, Belmont, Midtown, The Gulth with the Lafayette neighborhood, Fulton Campus, Howard Office Building, and Rolling Mill Hill. This project was a high-priority recommendation in the South of Broadway Strategic

Master Plan completed in January 2013 as well as a proposed arterial boulevard recommended in the Metro Planning Department's Major Street and Collector Plan as well as a recommendation in the Metro Planning Department's Downtown Community Plan.

Although most of these projects today are developed without the need for financial assistance, aging infrastructure in the Rutledge Hill Redevelopment District needs to be addressed. With this new growth comes a greater demand to accommodate supportive infrastructure, such as public parking, to compliment new development both currently underway and anticipated. Wider sidewalks and streetscape improvement including trees and other landscape improvements are coming at a cost of the elimination of on-street parking. Preservation of historic structures can equal or exceed the cost of new construction. Unforeseen environmental issues inside structures and under the ground can leave blighted properties undeveloped for years. The availability of Tax Increment Financing can mitigate these costs associated with new redevelopment while encouraging sustainable development appropriate for our city's urban core.

The total amount of bonded or other indebtedness to be incurred may not exceed \$60 million with a final maturity on or before December 31, 2040, provided that the principal amount of any debt refunded or refinanced shall not be counted in computing such total. 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 financing shall include planning, engineering and legal expenses; administrative costs; land acquisition; relocation; site clearance; and streets, pedestrian-ways, utilities, public open spaces, parking garages, and other uses as allowed under State law, or other structures or public improvements necessary for carrying out the Rutledge Hill Redevelopment Plan.

Within 90 days after the end of each fiscal year, MDHA shall deliver to the Metropolitan Council, a written report about the fiscal year that just ended (the "Fiscal Year") that includes the following:

Projects providing tax increment funds to MDHA: For each project for which MDHA received any tax increment funds under the terms of the Rutledge Hill Redevelopment Plan during the Fiscal Year, the report shall state: (1) the name and address of the project; (2) the date(s) that MDHA provided tax increment financing for the project; (3) the amount of tax increment financing provided by MDHA for the project; (4) the maturity date of that financing; (5) the balance, if any, remaining due at the end of the fiscal Year; and (6) the amount of tax increment funds received by MDHA during the Fiscal Year for the project. The report shall also state the total amount of tax increment funds received by MDHA in connection with the Rutledge Hill Redevelopment Plan during the Fiscal Year.

MDHA Indebtedness: The report shall state the total amount of bonded or other indebtedness obligation(s) owed by MDHA related to the Rutledge Hill Redevelopment Plan. For each obligation comprising this total amount of bonded or other indebtedness, the report shall state: (1) the original principal amount of the obligation incurred by MDHA; (2) the terms of such obligation including without limitation, the maturity date, any interest rate, whether the interest rate is fixed or floating, whether there are any associated interest rate swap or other derivative or hedge obligations, and the required payment schedule; (3) the balance remaining due at the end of the Fiscal Year; (4) a summary of any changes to the terms of the obligation during the Fiscal Year; (5) whether any financial or other defaults by MDHA occurred in connection with the obligation during the Fiscal Year; and (6) the amount reserved by, or otherwise on deposit with, MDHA in connection with the obligation at the end of the Fiscal Year.

I. PROCEDURE FOR CHANGES IN THE APPROVED PLAN

Prior to the sale of any project land or the execution of a contract for such a sale, this Plan may be modified, changed or amended by MDHA, with the subsequent approval of the Metropolitan Council. After part or all of the project land has been disposed of by MDHA, the Plan, including the provisions specifying the land uses for the Project Area and the requirements and restrictions with respect thereto, may be modified, changed or amended by MDHA with the subsequent approval by the Metropolitan Council; provided, however that in no event will the provisions of this Plan be modified in any manner which will adversely affect any as yet not fully developed land in the Project Area that has been sold or leased by MDHA, or as to which a sales contract

has been entered into by MDHA, except with the written consent of the then owners of such land or of the parties to such contract, or their successors in interest.

J. 2019 PLAN AMENDMENTS

1. Portion of tax increment used: Notwithstanding anything to the contrary in the Plan, for all bonded or other indebtedness approved by MDHA under the Plan after the effective date of BL2019-1645 that is to be paid using tax increment funds, the portion of tax increment funds that may be used to pay the indebtedness shall not be greater than seventy-five percent (75%); provided however: (a) that MDHA shall be entitled to increase or decrease this percentage pursuant to criteria set forth in a written policy adopted by the Board of Commissioners of MDHA; and (b) nothing herein shall be interpreted as overriding or nullifying the requirements of Chapter 5.06 of the Metropolitan Code of Laws entitled "Tax Increment Financing."
2. Periodic assessment of activities and improvements eligible for tax increment financing:
 - i. Notwithstanding anything to the contrary in the Plan, there shall be a mandatory periodic assessment of the activities and improvements eligible for tax increment financing under the Plan. An assessment may be requested by MDHA or the Metropolitan Council. The first such assessment shall be completed no later than June 30, 2022. After the first assessment, subsequent assessments may be requested no earlier than seven (7) years after the previous assessment, provided however that each subsequent assessment must be completed within ten (10) years after the previous assessment.
 - ii. Each assessment shall include a review of the impact and goals of the Plan. For an assessment to be considered complete, MDHA and the Metropolitan Council must agree on the activities and improvements that are eligible for tax increment financing under the Plan. The Council's agreement shall be indicated by the passage of a resolution approved by a majority of the members to which the Council is entitled.
 - iii. It shall be a New Loan Termination Event if any of the following occur: (a) the first assessment is not complete by June 30, 2022; or (b) any subsequent assessment is not complete within ten (10) years after the previous assessment. If a New Loan Termination Event occurs, MDHA shall not approve any additional bonded or other indebtedness to

be paid by tax increment funds under the Plan. The occurrence of a New Loan Termination Event does not terminate the Plan or have any impact on any tax increment financing approved prior to the New Loan Termination Event.

3. Metropolitan Council or MDHA may initiate a Plan amendment: Subject to all other conditions and requirements set forth in Section H of the Plan, either the Metropolitan Council or MDHA may initiate a modification, change, or amendment to the Plan subject to the subsequent approval of the other. If the Metropolitan Council initiates a modification, change, or amendment, the approval of MDHA must be obtained before the third reading of the ordinance adopting such modification, change, or amendment.

RUTLEDGE HILL REDEVELOPMENT PLAN

Found in BL2005-875

Map 1
Project Boundaries

RUTLEDGE HILL REDEVELOPMENT PLAN

Found in BL2005-875

Map 2
Land use plan

RUTLEDGE HILL REDEVELOPMENT PLAN

Found in O97-754

Map 3

Proposed Land Acquisition

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. 93-11-0242;

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.