



**CLARKSVILLE CITY COUNCIL
EXECUTIVE SESSION
AUGUST 29, 2013, 4:30 P.M.**

**COUNCIL CHAMBERS
106 PUBLIC SQUARE
CLARKSVILLE, TENNESSEE**

AGENDA

- 1) BOARD OF EDUCATION UPDATE: Dr. B. J. Worthington
- 2) PLANNING COMMISSION

PUBLIC HEARING

1. **ORDINANCE 15-2013-14** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Eddie Burchett for zone change on property at Trenton Road & Lowes Drive from R-4 Multiple Family Residential District to C-5 Highway & Arterial Commercial District (*RPC: Approval/Approval*)
2. **ORDINANCE 16-2013-14** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Seay Wilson Properties (Ron Seay), Wade Hadley-Agent, for zone change on property at Trenton Road & Lowes Drive from C-3 Regional Shopping Center District to C-5 Highway & Arterial Commercial District (*RPC: Approval/Approval*)
3. **ORDINANCE 17-2013-14** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Mary Clark, Eddie Burchett-Agent, for zone change on property at Tiny Town Road & Peachers Mill Road from AG Agricultural District to C-5 Highway & Arterial Commercial District (*RPC: Approval/Approval*)
4. **ORDINANCE 18-2013-14** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Joseph Trovato for zone change on property at Madison Street & Carney Road from R-1 Single Family Residential District to C-5 Highway & Arterial Commercial District (*RPC: Approval/Approval*)

5. **ORDINANCE 11-2013-13** (First Reading) Annexing territory east of Red River, south of Passenger Creek, and north and east of Deertrail Subdivision; request of D. W. Howard
6. **RESOLUTION 11-2013-14** Adopting a Plan of Service for annexed territory east of Red River, south of Passenger Creek, and north and east of Deertrail Subdivision (request of D. W. Howard)
7. **RESOLUTION 10-2013-14** Approving abandonment of a public alley south of College Street, north of Main Street, east of N. First Street, and west of N. Second Street; request of City of Clarksville (*RPC: Approval/Approval*)

3) CONSENT AGENDA

All items in this portion of the agenda are considered to be routine and non-controversial by the Council and may be approved by one motion; however, a member of the Council may request that an item be removed for separate consideration under the appropriate committee report:

1. **ORDINANCE 3-2013-14** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Hettie Hutchinson for zone change on property at the terminus of Vine Street and Cedar Street from R-3 Three Family Residential District to C-1 Neighborhood Commercial District
2. **ORDINANCE 5-2013-14** (Second Reading) Amending the Capital Projects Fund for street light upgrades
3. **ORDINANCE 6-2013-14** (Second Reading) Amending the FY14 Operating Budget to transfer funds from Two Rivers Company to the Legislative Budget
4. **ORDINANCE 8-2013-14** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Brenda Barr and John Gibbs, Wade Hadley-Agent, for zone change on property at the terminus of Gibbs Lane from AG Agricultural District to R-2 Single Family Residential District
5. **ORDINANCE 9-2013-14** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Kevin Finley, Chris Sutton-Agent, for zone change on property at Rossvie Road and Powell Road from AG Agricultural District to R-1 Single Family Residential District
6. Approval of Minutes: Regular Session August 1st
7. Approval of board appointments:

Tree Board: Charlie Rogers (replace Larry Carpenter-term expired) – September 2013 through June 2016; Jimmy Weyant (replace Tracy Jackson-term expired) and Michael Thompson (fill unexpired term of Dwayne Estes-resigned) – September 2013 through June 2015

4) COMMUNITY DEVELOPMENT COMMITTEE

David Allen, Chair

5) DESIGNATIONS COMMITTEE

1. **RESOLUTION 14-2013-14** Designating Pat Head Summitt Legacy Park
(*Designations Committee: Approval*)

6) FINANCE COMMITTEE

Joel Wallace, Chair

1. **ORDINANCE 10-2013-14** (First Reading) Accepting real property from McClardy Road Partnership for Rossview Place Sewer Lift Station (*Finance Committee: Approval*)
2. **ORDINANCE 12-2013-14** (First Reading) Amending the Official Code relative to designation of automated traffic signal revenues (*Finance Committee: Approval*)
3. **ORDINANCE 14-2013-14** (First Reading) Amending the Official Code relative to beer permits for caterers (*Finance Committee: Approval*)
4. **RESOLUTION 12-2013-14** Authorizing expenses incidental to acquisition of In-Rel Development property for Clarksville Greenway (*Finance Committee: Approval*)
5. **RESOLUTION 13-2013-14** Requesting the Tennessee General Assembly enact legislation to allow CDE to provide broadband services in the Industrial Park (*Finance Committee: Approval*)

7) GAS & WATER COMMITTEE

Jeff Burkhart, Chair

1. **ORDINANCE 19-2013-14** (First Reading) Authorizing extension of utilities to property on Garrettsburg Road; request of Sun C. Reed

8) PARKS, RECREATION, GENERAL SERVICES

Wallace Redd, Chair

1. **RESOLUTION 15-2013-14** Endorsing and authorizing efforts of the Pat Head Summitt Project Committee

9) PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire, Police)

Geno Grubbs, Chair

1. **ORDINANCE 13-2013-14** (First Reading) Amending the Official Code of the City of Clarksville relative to adoption by reference of amended codes of the International Code Council (*Public Safety Committee: Approval*)

10) STREET COMMITTEE

James Lewis, Chair

11) TRANSPORTATION COMMITTEE

Marc Harris, Chair

12) NEW BUSINESS

1. **RESOLUTION 16-2013-14** Repealing Horace and Amber Heggie and CRM Liquors, LLC (Cal McKay) Certificates of Compliance and approving a new Certificate of Compliance for CRM Liquors, LLC (Cal McKay) at separate location (*Councilwoman McLaughlin*)
2. Presentation and discussion relative to RiverWalk development (*Councilman Summers*)

13) MAYOR AND STAFF REPORTS

14) ADJOURNMENT

15) PUBLIC COMMENTS

ORDINANCE 15-2013-14

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF EDDIE BURCHETT FOR ZONE CHANGE ON PROPERTY AT TRENTON ROAD & LOWES DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-4 Multiple Family Residential District, as C-5 Highway & Arterial Commercial District.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a the southwest corner of Lot 1 of the Eddie Burchett property as recorded in Plat Book F, Page 952 ROMCT, lying in the east right of way of Trenton Road, thence South 84 degrees 33 minutes 43 seconds East for 629.17 feet to the “True Point of Beginning”; Thence on a new zone line, South 84 degrees 33 minutes 43 seconds East for 630.09 feet to the west property line of Moniqueka Gold property as recorded in ORV 711, page 1202 ROMCT, also being the northeast corner of herein described parcel; Thence along Gold’s west property line, South 06 degrees 28 minutes 49 seconds West for 361.75 feet to the southeast corner of the herein described parcel; Thence leaving Gold property on an existing zone line, North 81 degrees 43 minutes 54 seconds West for 639.50 feet; Thence continuing on existing zone line, North 08 degrees 04 minutes 29 seconds East for 330.46 feet to the “True Point of Beginning”. This parcel contains 5.05 +/- acres (Tax Map 41 Parcel 13.00 p/o)

ORDINANCE 16-2013-14

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF SEAY WILSON PROPERTIES (RON SEAY), WADE HADLEY-AGENT, FOR ZONE CHANGE ON PROPERTY AT TRENTON ROAD & LOWES DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned C-3 Regional Shopping Center District, as C-5 Highway & Arterial Commercial District.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a the southwest corner of Wilson property, lying in the north right of way of Lowes Drive, lying North 81 degrees 06 minutes 07 seconds East for 101.06 feet from the centerline intersection of Lowes Drive and Trenton Road; Thence along the east right of way of Trenton Road, North 08 degrees 14 minutes 14 seconds East for 133.38 feet; Thence continuing along the east right of way, North 06 degrees 45 minutes 18 seconds East for 257.92 feet to the southwest corner of Eddie Burchett property as recorded in ORV 1179, Page 1510 ROMCT, also being the northwest corner of herein described parcel; Thence leaving Trenton Road along Burchett south property line, South 81 degrees 43 minutes 54 seconds East for 1278.79 feet to the southeast corner of Burchett property, also being the northwest corner of lot 143 of Forest Hills Section 8 as recorded in Plat Book 12, Page 30 ROMCT; Thence leaving Burchett south property line along Section 8 west boundary line for the next 6 calls: South 06 degrees 45 minutes 35 seconds West for 352.22 feet; South 07 degrees 18 minutes 55 seconds West for 210.67 feet; South 06 degrees 54 minutes 43 seconds West for 192.37 feet; South 06 degrees 37 minutes 42 seconds West for 185.58 feet, lying in the north right of way of Forest Hills Drive; South 05 degrees 43 minutes 20 seconds West for 50.06 feet, lying in the south right of way of Forest Hills Drive;

South 08 degrees 41 minutes 07 seconds West for 202.14 feet, to the southwest corner of lot 124 of Forest Hills Section 7 as recorded in Plat Book 11, Page 58 ROMCT, also lying in the north property line Fort Campbell Federal Credit Union as recorded in ORV 677, Page 1151 ROMCT, also being the southeast corner of herein described parcel; Thence along the Credit Union north property line, South 45 degrees 25 minutes 07 seconds West for 1.58 feet; Thence continuing along Credit Union north property line, North 80 degrees 20 minutes 39 seconds West for 21.60 feet to the east right of way of Lowes Drive; Thence along the east/north right of way of Lowes Drive for the next 9 calls: On a curve to the left having a radius of 342.00 feet, an arc length of 325.53 feet, a chord bearing of North 25 degrees 20 minutes 23 seconds West for 313.38 feet; North 52 degrees 36 minutes 08 seconds West for 178.58 feet; On a curve to the left having a radius of 410.00 feet, an arc length of 30.44 feet, a chord bearing of North 54 degrees 43 minutes 46 seconds West for 30.44 feet; North 56 degrees 51 minutes 24 seconds West for 113.92 feet; On a curve to the left having a radius of 442.00 feet, an arc length of 149.30 feet, a chord bearing of North 66 degrees 32 minutes 09 seconds West for 148.59 feet; North 76 degrees 12 minutes 52 seconds West for 191.71 feet; On a curve to the right having a radius of 288.00 feet, an arc length of 244.37 feet, a chord bearing of North 51 degrees 54 minutes 24 seconds West for 25.53 feet; North 27 degrees 35 minutes 55 seconds West for 151.83 feet; On a curve to the left having a radius of 227.50 feet, an arc length of 214.54 feet, a chord bearing of North 54 degrees 36 minutes 53 seconds West for 206.68 feet to the point of beginning. This parcel contains 21.91 +/- acres (Tax map 41 Parcel 39.01)

ORDINANCE 17-2013-14

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF MARY CLARK, EDDIE BURCHETT-AGENT, FOR ZONE CHANGE ON PROPERTY AT TINY TOWN ROAD & PEACHERS MILL ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned AG Agricultural District, as C-5 Highway & Arterial Commercial District.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a the southeast corner of the Clark property, also being the southwest corner of the Blackwell & Blackwell property as recorded in ORV 1174, Page 471 ROMCT, lying in the north right of way of Tiny Town Road, lying North 48 degrees 29 minutes 23 seconds West for 279.27 feet from the centerline intersection of Tiny Town Road and Peachers Mill Road; Thence along the north right of way of Tiny Town Road, North 58 degrees 31 minutes 45 seconds West for 499.93 feet;

Thence continuing along the north right of way, on a curve to the right having a radius of 1,918.74 feet, an arc length of 555.72 feet, a chord bearing of North 50 degrees 13 minutes 58 seconds West for 553.78 feet to the south corner of Plantation Estates Section 1 as recorded in Plat Book 12, Page 199 ROMCT, also being the west corner of herein described parcel; Thence leaving Tiny Town Road along Section 1 south boundary line, North 67 degrees 36 minutes 57 seconds East for 1,039.76 feet; Thence continuing along south boundary line, North 67 degrees 36 minutes 58 seconds East for 283.29 feet to the east corner of Section 1, also lying in the west boundary line of Marymont Section C as recorded in Plat Book 13, Page 138 ROMCT, lying in the center of Big West Fork Creek; Thence along the centerline of Big West Fork Creek, South 20 degrees 27 minutes 33 seconds East for 237.77 feet; Thence continuing along creek centerline, South 36

degrees 27 minutes 50 seconds East for 346.42 feet to the north corner of the City of Clarksville property as recorded in ORV 1366, Page 955 ROMCT, also being the east corner of herein described parcel; Thence leaving creek centerline along the City west property line for the next 6 calls: South 54 degrees 20 minutes 27 seconds West for 162.23 feet; South 51 degrees 24 minutes 37 seconds East for 74.27 feet; South 08 degrees 15 minutes 35 seconds West for 151.41 feet; South 36 degrees 22 minutes 21 seconds West for 85.89 feet; South 51 degrees 58 minutes 18 seconds West for 119.34 feet; South 25 degrees 42 minutes 24 seconds West for 152.88 feet, to the southwest corner of the City property, also lying in the north property line of Hollingsworth Oil property as recorded in ORV 1340, Page 1172 ROMCT, also being the southeast corner of herein described parcel; Thence along the Hollingsworth north property line, North 67 degrees 04 minutes 05 seconds West for 116.03 feet to the northwest corner of Hollingsworth property also being the northeast corner of the Blackwell & Blackwell property as recorded in ORV 1174, Page 471 ROMCT; Thence along Blackwell north property line, North 67 degrees 08 minutes 34 seconds West for 166.05 feet to the northwest corner of Blackwell property; Thence along Blackwell west property line, South 30 degrees 56 minutes 23 seconds West for 182.16 feet to the point of beginning. This parcel contains 21.44 +/- acres (Tax Map 07 Parcel 14,00)

ORDINANCE 18-2013-14

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF JOSEPH TRAVATO FOR ZONE CHANGE ON PROPERTY AT MADISON STREET & CARNEY ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-1 Single Family Residential District, as C-5 Highway & Arterial Commercial District.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point in the southern ROW of Madison Street, said point being 210 +/- feet southeast of the Centerline of the Carney Rd. & Madison Street intersection, said point also being the northwest corner of the Glenn Cornett property. thence in a southerly direction 296 +/- feet with the Cornett property to a point, said point being the northeast corner of the Clarence Gudgeon property, thence in a westerly direction, 202 +/- feet to a point said point being in the east ROW of Carney Rd., thence in a northerly direction 288 +/- feet with the east ROW of Carney Rd. to a point said point being in the southern ROW of Madison St. further identified as the northwest corner of the subject tract, thence in an easterly direction 158 +/- feet with the southern ROW of Madison St. to the point of beginning. Containing 1.23 +/- acres (Tax Map 81-K-A Parcels 5.00 & 6.00)

AN ORDINANCE ANNEXING TERRITORY EAST OF RED RIVER, SOUTH OF PASSENGER CREEK AND NORTH AND EAST OF DEERTRAIL SUBDIVISION; REQUEST OF D. W. HOWARD

WHEREAS, the City of Clarksville is considering the request of D. W. Howard for annexation of certain territory east of Red River, south of Passenger Creek and north and east of Deertrail Subdivision; and

WHEREAS, the annexation of such territory is deemed necessary for the welfare of the residents and property owners thereof and of the City as a whole.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That pursuant to authority conferred by § 6-51-102, *Tennessee Code Annotated*, there is hereby annexed to the City of Clarksville, Tennessee, and incorporated within the same corporate boundaries thereof, the territory described by Exhibit "A" attached, adjoining the present corporate boundaries.

BE IT FURTHER ORDAINED that the territory incorporated herein shall be assigned the zoning classification of R-2, Single Family Residential District.

BE IT FURTHER ORDAINED that this ordinance shall be effective from and after its final passage and publication in accordance with *Article III, Section 6* of the Official Charter of the City of Clarksville, Tennessee.

PUBLIC HEARING:

FIRST READING:

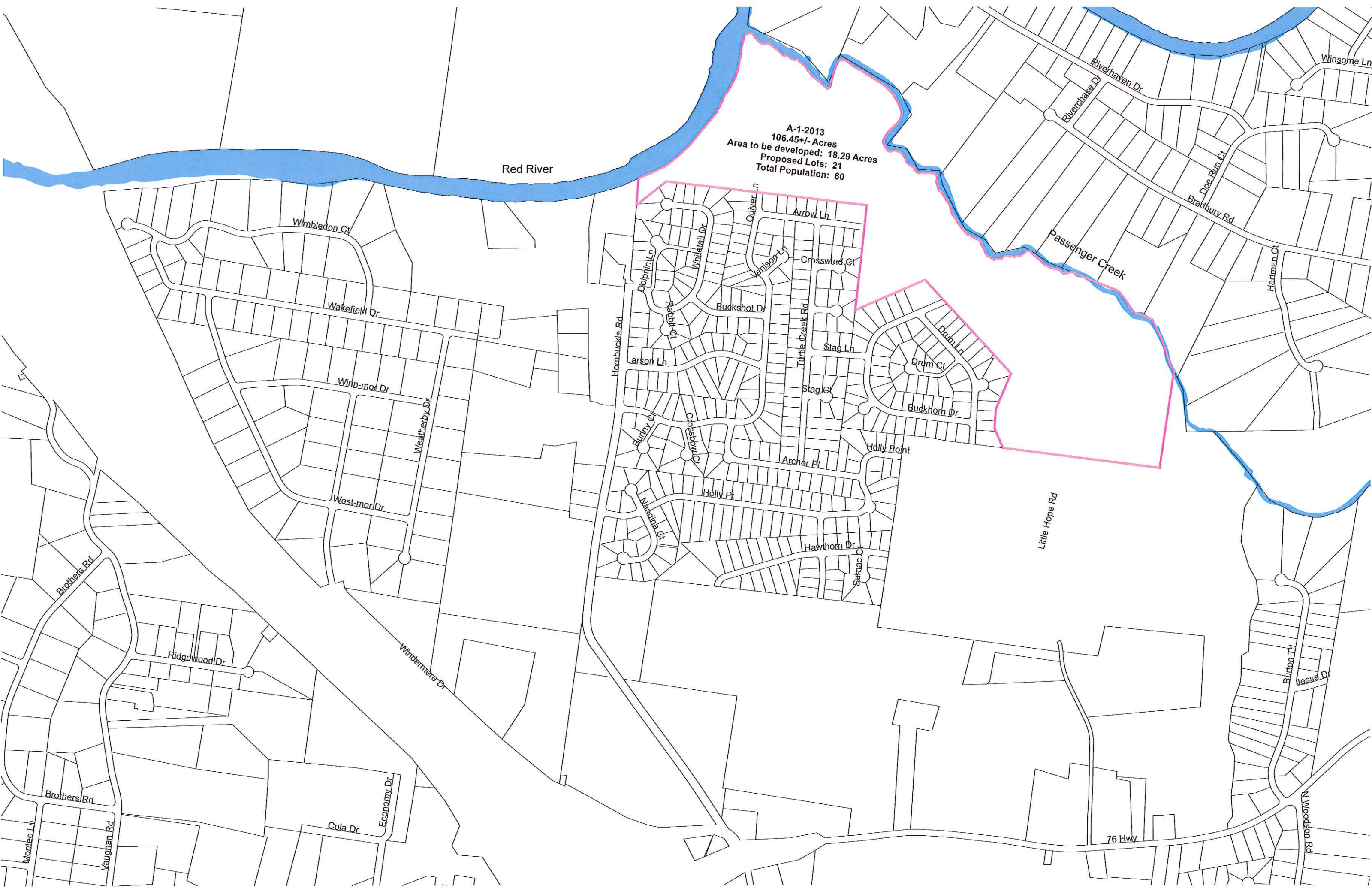
SECOND READING:

PUBLICATION DATE:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point being the southeast corner of lot 273 of Deertrail subdivision, said point being 252+/- feet east of the centerline of Drum Lane, said point also being in the north line of the James Slate property, said point also being the current city limits of Clarksville; thence with the current city limits of Clarksville and the boundary of Deertrail Subdivision, in a generally northerly, northwesterly, southwesterly, northerly, and westerly direction, 5,100+/- feet to a point, said point being in the north line of lot 70 of Deertrail subdivision, said point also being in the east line of the Michael Bradbury property; thence leaving the current city limits of Clarksville and with Bradbury's east line in a northerly direction, 300+/- feet to a point in center of Red River; thence with the centerline of and the meanders of Red River in a generally northeasterly direction, 1481+/- feet to a point in the confluence of Passenger Creek and the Red River; thence with the center of and the meanders of Passenger Creek in a generally southeasterly direction, 5,570+/- feet to a point, said point being in the south line of the Trisha Talbot property, said point also being in the north line of the James Slate property; thence leaving the meanders of Passenger Creek with the north line of Slate in a southerly and westerly direction, 2,075+/- feet to the point of beginning; containing 106.45+/- acres (Tax Map 063, parcel 012.00)



A-1-2013
106.45+/- Acres
Area to be developed: 18.29 Acres
Proposed Lots: 21
Total Population: 60

RESOLUTION 11-2013-14

A RESOLUTION ADOPTING A PLAN OF SERVICE FOR ANNEXED TERRITORY EAST OF RED RIVER, SOUTH OF PASSENGER CREEK AND NORTH AND EAST OF DEERTRAIL SUBDIVISION (REQUEST OF D. W. HOWARD)

WHEREAS, T. C. A. Section 6-51-102 (amended) now requires that a plan of services be adopted by the governing body of a city; and

WHEREAS, the City of Clarksville is contemplating annexation of an area described in attached legal description (See Exhibit A) as requested by D. W. Howard.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

Section 1. Pursuant to the provisions of Section 6-51-102, Tennessee Code Annotated, there is hereby adopted, for the area bounded as described above, the following plan of service.

Police

Patrolling, radio responses to calls, and all other routine police services, will be provided beginning on the effective date of annexation. No additional personnel or equipment is needed, at this time.

Fire

The Clarksville Fire Department will provide fire protection to the proposed annexation area without any additional cost, on the effective date of annexation.

Water

- (1) The extension of the water within this area will be at the developer's expense at the time of the development. Gas main extensions will be made in accordance with the City's current gas main extension policy.
- (2) Any proposed development of the annexation area necessitating water infrastructure will require engineering plans to be submitted to the Gas and Water Department for review and approval.

Sewer

- (1) The extension of sewer within this area will be at the developer's expense at the time of the development. The site may require off-site sewer improvements in order for this area of land to be developed at owner's expense.

- (2) Any proposed development of the annexation area necessitating sewer infrastructure will require engineering plans to be submitted to the Gas and Water Department for review and approval.

Solid Waste Disposal

Current policies of the Bi-County Solid Waste Management System for areas within the city limits of Clarksville will extend into the newly annexed area upon the effective date of annexation.

Streets

1. Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other such major improvements, as the need therefore is determined by the governing body, will be accomplished under current city policies.
2. Routine maintenance, on a daily basis, will begin once streets are dedicated to the public.
3. Any future improvements of this property will be the responsibility of the Developer and/or property owner.
4. Mosquito control services will be established upon the effective date of annexation.
5. Regulatory signs will be brought into compliance with Manual on Uniform Traffic control devices within one year of the effective date of annexation. Street name signs will be replaced as funds permit.

Electrical Services

This annexation will have no financial impact to Clarksville Department of Electricity. All future construction and cost shall be in accordance with CDE policies.

Inspection Services

Any inspection service now provided by the city (building, electrical, plumbing, gas, and housing) will be available in the annexed area on the effective date of annexation.

Planning and Zoning

The zoning of this property is proposed to be R-2, Single Family Residential District and such designation being reflected within the Annexation Ordinance.

Street Lighting

Streetlights will be installed under current city standards and based upon the availability of electrical power along the established right-of-way.

Recreation

Planning for this future park will take place after acquisition of the property; we will request development dollars in the FY 14-15 budget. Development is to commence in the late summer/fall of 2014 and be ready for public use in the spring of 2015. This park, due to terrain and access, will be primarily a passive park which at the outset will primarily assist with a put in/take out access point for the Clarksville Blueway.

Transit

The same standards and policies now used in the present city will be followed in expanding the transit program and facilities in the enlarged city.

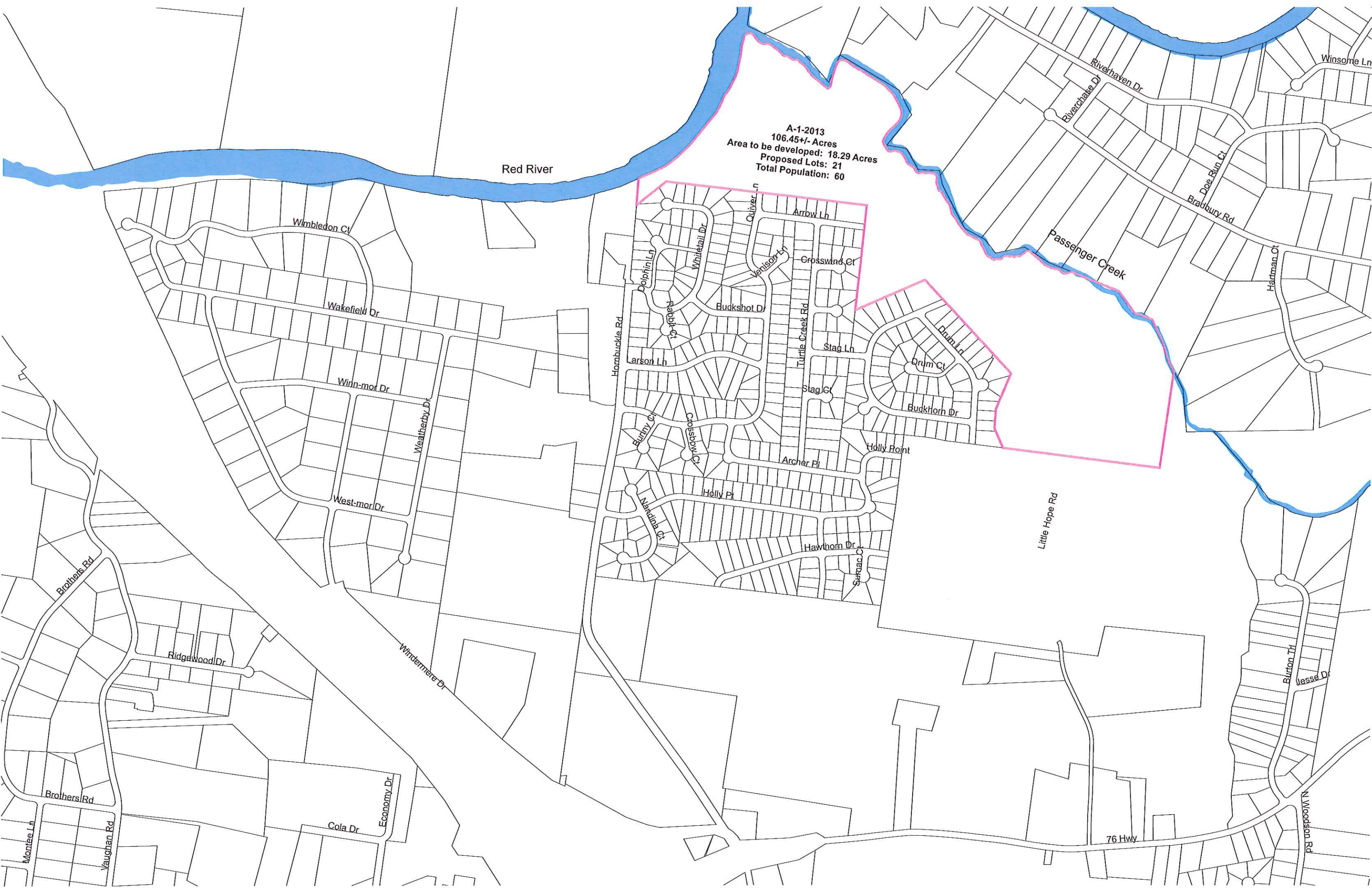
Section 2. This resolution shall be effective from and after its adoption.

PUBLIC HEARING:

ADOPTED:

EXHIBIT A

Beginning at a point being the southeast corner of lot 273 of Deertrail subdivision, said point being 252+/- feet east of the centerline of Drum Lane, said point also being in the north line of the James Slate property, said point also being the current city limits of Clarksville; thence with the current city limits of Clarksville and the boundary of Deertrail Subdivision, in a generally northerly, northwesterly, southwesterly, northerly, and westerly direction, 5,100+/- feet to a point, said point being in the north line of lot 70 of Deertrail subdivision, said point also being in the east line of the Michael Bradbury property; thence leaving the current city limits of Clarksville and with Bradbury's east line in a northerly direction, 300+/- feet to a point in center of Red River; thence with the centerline of and the meanders of Red River in a generally northeasterly direction, 1481+/- feet to a point in the confluence of Passenger Creek and the Red River; thence with the center of and the meanders of Passenger Creek in a generally southeasterly direction, 5,570+/- feet to a point, said point being in the south line of the Trisha Talbot property, said point also being in the north line of the James Slate property; thence leaving the meanders of Passenger Creek with the north line of Slate in a southerly and westerly direction, 2,075+/- feet to the point of beginning; containing 106.45+/- acres (Tax Map 063, parcel 012.00)



A-1-2013
106.45+/- Acres
Area to be developed: 18.29 Acres
Proposed Lots: 21
Total Population: 60

RESOLUTION 10-2013-14

A RESOLUTION APPROVING THE ABANDONMENT OF A PUBLIC ALLEYWAY, LOCATED SOUTH OF COLLEGE STREET, NORTH OF MAIN STREET, EAST OF N. 1ST STREET, AND WEST OF N. 2ND STREET; REQUEST OF CITY OF CLARKSVILLE

WHEREAS, application was made by the City of Clarksville (Jack Frazier, agent) for abandonment of a public alleyway; located south of College Street, north of Main Street, east of N. 1st street, and west of N. 2nd Street; being approximately 20 +/- feet wide and 425 +/- feet long, containing approximately 8,500 +/- sq. ft., shown on Montgomery County tax map 66-G, group E, south of parcels 1.00, 2.00 and 4.00, and north of parcels 13.00 and 14.00 and north of parcels 19.00, 23.00 and 24.00 and on Montgomery County tax map 066-G, group G, north of parcel 4.00; also shown on the attachment; and

WHEREAS, the application was reviewed according to established procedures by the Regional Planning Commission on August 28th, 2013, and was recommended for approval to the Clarksville City Council, with retention of an easement for storm water and surface drainage, and for public utilities;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the above-described portion of a public alleyway is hereby abandoned, with retention of an easement for storm water and surface drainage, and for public utilities.

PUBLIC HEARING:
ADOPTED:



CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on September 5, 2013. The public hearing will be held on: September 5, 2013.

CITY ORD. #: 15-2013-14 RPC CASE NUMBER: Z-13-2013

Applicant: EDDIE BURCHETT
Location: east of Trenton Road and north of Lowes Drive
Ward #: 11/12
Request: R-4 Multiple-Family Residential District
 to
 C-5 Highway & Arterial Commercial District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 16-2013-14 RPC CASE NUMBER: Z-14-2013

Applicant: SEAY / WILSON PROPERTIES (RON SEAY)
Agent: Wade Hadley
Location: at the northeast corner of the Trenton Road & Lowes Drive intersection.
Ward #: 12/11
Request: C-3 Regional Shopping Center District
 to
 C-5 Highway & Arterial Commercial District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 17-2013-14 RPC CASE NUMBER: Z-15-2013

Applicant: MARY CLARK
Agent: Eddie Burchett
Location: fronting on the north ROW of Tiny Town Rd. 550+/- west of the Tiny Town Road & Peachers Mill Road intersection.
Ward #: 8
Request: AG Agricultural District
 to
 C-5 Highway & Arterial Commercial District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 18-2013-14 RPC CASE NUMBER: Z-16-2013

Applicant: JOSEPH TROVATO

Location: 2 parcels located at the southeast corner of the Madison Street and Carney Road intersection.

Ward #: 10

Request: R-1 Single-Family Residential District
 to
 C-5 Highway & Arterial Commercial District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

RPC MEETING DATE: 8/28/2013

CASE NUMBER: Z - 13 - 2013

NAME OF APPLICANT: Eddie

Burchett

AGENT:

GENERAL INFORMATION

PRESENT ZONING: R-4

PROPOSED ZONING: C-5

**EXTENSION OF ZONE
CLASSIFICATION:** YES

**APPLICANT'S STATEMENT
FOR PROPOSED USE:**

PROPERTY LOCATION: Property located east of Trenton Road and north of Lowes Drive

ACREAGE TO BE REZONED: 4.67 +/-

DESCRIPTION OF PROPERTY Farmland with rolling hills
AND SURROUNDING USES: North/South-Vacant C-5; West-C-5 Daymar; East-R-1

GROWTH PLAN AREA:

CITY **TAX PLAT:** 041

PARCEL(S): 013.00

CIVIL DISTRICT: 6th

CITY COUNCIL WARD: 11/12

COUNTY COMMISSION DISTRICT: 1

PREVIOUS ZONING HISTORY: Z-19-2007 (R-1 to C-5) 35.56 +/- acres Staff Rec.-Approval RPC Rec.-Approval
(to include zoning, acreage and City Council-Approval
action by legislative body) Z-16-2012 (C-5 to R-4) 12.00 +/- acres Staff Rec.-Approval RPC Rec.-Approval
City Council-Approval

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

DEPARTMENT COMMENTS

- ☒ CITY ENGINEER
- ☐ UTILITY DISTRICT
- ☒ JACK FRAZIER
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)
- ☒ CHARTER COMM.

- ☒ BELL SOUTH
- ☒ FIRE DEPARMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- 1. ☐ COUNTY BUILDING DEPT.
- ☐ SCHOOL SYSTEM OPERATIONS
- ☐ FT. CAMPBELL

- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSCTIRAL DEV BOARD
- ☐ Other...

1. CITY ENGINEER/UTILITY DISTRICT:

Water Main Extension Required At Time Of Development.

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

No Traffic Assessment Required.

3.

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

2a. COST TO STREET/HIGHWAY DEPT.:

Comments Received From Department And They Had No Concerns.

4.

3. DRAINAGE COMMENTS:

3a. DRAINAGE COST:

5. No Comment(s) Received

4. CDE/CEMC:

4a. COST TO CDE/CEMC:

6.

5. CHARTER COMM./BELL SOUTH:

5a. COST TO CHARTER AND/OR BELLSOUTH:

7. Comments Received From Department And They Had No Concerns.

6. FIRE DEPT/EMERGENCY MGT.:

6a. COST FIRE DEPT/EMERGENCY MGT.:

8. Comments Received From Department And They Had No Concerns.

7. POLICE DEPT/SHERIFF'S OFFICE:

7a. COST TO POLICE DEPT./SHERIFF'S DEPT:

No Comment(s) Received

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

9.

8a. COST TO CITY/COUNTY BLDG. & CODES:

9. SCHOOL SYSTEM:

ELEMENTARY:

MIDDLE SCHOOL:

HIGH SCHOOL:

10.

9a. COST TO SCHOOL SYSTEM:

10. FT. CAMPBELL:

10a. COST TO FT. CAMPBELL:

11. OTHER COMMENTS:

11.

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT: Increased traffic light & noise

INFRASTRUCTURE:

WATER SOURCE: CITY

PIPE SIZE:

SEWER SOURCE: CITY

ACCESSIBILITY: TRENTON RD. & NEEDMORE RD.

DRAINAGE:
NORTH TO SOUTH

DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

LOTS/UNITS:

ROAD MILES:

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

HIGH SCHOOL STUDENTS:

APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

Trenton Road Planning Area: The dominant transportation corridor in the area is I-24, strongly supported by Wilma Rudolph Blvd. & 101st Airborne Parkway. Exit 4 I-24 interchange with Trenton Road has seen tremendous growth since 2000.

STAFF RECOMMENDATION: **APPROVAL**

1. The proposed zoning request is consistent with Growth Plan (as in the City) and adopted Land Use Plan.
2. Adequate infrastructure serves the site.
3. No adverse environmental issues were identified relative to this request.
4. C-5 request is an extension of the C-5 zoning to the west and south.
- 5.

MAP 041 PARCEL 013.00 ACREAGE 5.05 +/-



CASE NUMBER: Z 13 2013 MEETING DATE 8/28/2013

APPLICANT: Eddie Burchett

PRESENT ZONING R-4 PROPOSED ZONING C-5

TAX PLAT # 041 PARCEL 013.00

GEN. LOCATION Property located east of Trenton Road and north of Lowes Drive

PUBLIC COMMENTS

None received as of 10:45 a.m. on 8/28/2013 (jhb).

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

RPC MEETING DATE: 8/28/2013

CASE NUMBER: Z - 14 - 2013

NAME OF APPLICANT: Seay

Wilson Properties (Ron Seay)

AGENT: Wade

Hadley

GENERAL INFORMATION

PRESENT ZONING: C-3

PROPOSED ZONING: C-5

**EXTENSION OF ZONE
CLASSIFICATION:** YES

**APPLICANT'S STATEMENT
FOR PROPOSED USE:**

PROPERTY LOCATION: Property located at the northeast corner of the Trenton Road & Lowes Drive intersection.

ACREAGE TO BE REZONED: 21.91

DESCRIPTION OF PROPERTY Farmland with rolling hills.
AND SURROUNDING USES: North/West- Vacant C-5; South-C-5; East- R-1

GROWTH PLAN AREA:

CITY TAX PLAT: 041

PARCEL(S): 039.01

CIVIL DISTRICT: 6th

CITY COUNCIL WARD: 12/11

COUNTY COMMISSION DISTRICT: 1

PREVIOUS ZONING HISTORY: Z-42-1997 (AG to C-3) 40 +/-acres Staff Rec.-Defer RPC Rec.-Approval
(to include zoning, acreage and City Council-Approval
action by legislative body)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

DEPARTMENT COMMENTS

- ☒ CITY ENGINEER
- ☐ UTILITY DISTRICT
- ☒ JACK FRAZIER
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)
- ☒ CHARTER COMM.

- ☒ BELL SOUTH
- ☒ FIRE DEPARTMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- 1. ☐ COUNTY BUILDING DEPT.
- ☐ SCHOOL SYSTEM OPERATIONS
- ☐ FT. CAMPBELL

- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSTRIAL DEV BOARD
- ☐ Other...

1. CITY ENGINEER/UTILITY DISTRICT:

Comments Received From Department And They Had No Concerns.

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

No Traffic Assessment Required.

3.

2a. COST TO STREET/HIGHWAY DEPT.:

3. DRAINAGE COMMENTS:

Comments Received From Department And They Had No Concerns.

4.

3a. DRAINAGE COST:

4. CDE/CEMC:

5.

4a. COST TO CDE/CEMC:

5. CHARTER COMM./BELL SOUTH:

6.

5a. COST TO CHARTER AND/OR BELLSOUTH:

6. FIRE DEPT/EMERGENCY MGT.:

7.

Comments Received From Department And They Had No Concerns.

6a. COST FIRE DEPT/EMERGENCY MGT.:

7. POLICE DEPT/SHERIFF'S OFFICE:

8.

Comments Received From Department And They Had No Concerns.

7a. COST TO POLICE DEPT./SHERIFF'S DEPT:

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

9.

No Comment(s) Received

8a. COST TO CITY/COUNTY BLDG. & CODES:

9. SCHOOL SYSTEM:

ELEMENTARY:

MIDDLE SCHOOL:

HIGH SCHOOL:

10.

9a. COST TO SCHOOL SYSTEM:

10. FT. CAMPBELL:

10a. COST TO FT. CAMPBELL:

11. OTHER COMMENTS:

11.

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

**IMPACT OF PROPOSED USE ON
SURROUNDING DEVELOPMENT:** Minimal

INFRASTRUCTURE:

WATER SOURCE: CITY

PIPE SIZE:

SEWER SOURCE: CITY

ACCESSIBILITY: TRENTON RD. & LOWES DR.

DRAINAGE:
SOUTHEAST TO NORTHWEST

DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

LOTS/UNITS:

ROAD MILES:

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

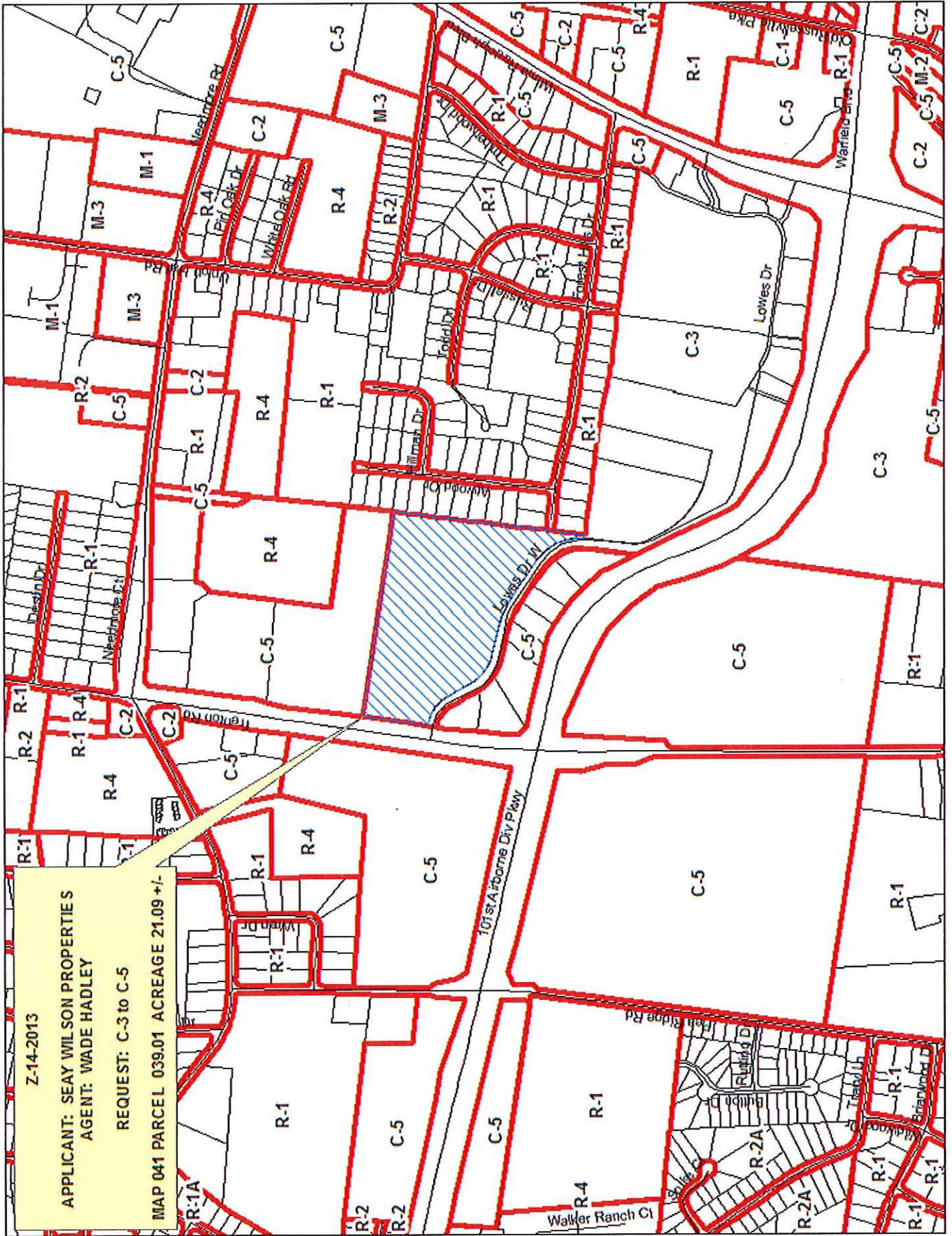
HIGH SCHOOL STUDENTS:

APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

Trenton Road Planning Area: The dominant transportation corridor in the area is I-24, strongly supported by Wilma Rudolph Blvd. & 101st Airborne Parkway. Exit 4 I-24 interchange with Trenton Road has seen tremendous growth since 2000.

STAFF RECOMMENDATION: APPROVAL

1. The proposed zoning request is consistent with Growth Plan (as in the City) and adopted Land Use Plan.
2. Adequate infrastructure serves the site.
3. No adverse environmental issues were identified relative to this request.
4. C-5 request is an extension of the C-5 zoning to the north, south & west.
- 5.



CASE NUMBER: Z 14 2013 MEETING DATE 8/28/2013
APPLICANT: Seay Wilson Properties (Ron Seay)
PRESENT ZONING C-3 PROPOSED ZONING C-5
TAX PLAT # 041 PARCEL 039.01
GEN. LOCATION Property located at the northeast corner of the Trenton Road & Lowes Drive intersection.

PUBLIC COMMENTS

None received as of 10:45 a.m. on 8/28/2013 (jhb).

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

RPC MEETING DATE: 8/28/2013

CASE NUMBER: Z - 15 - 2013

NAME OF APPLICANT: Mary

Clark

AGENT: Eddie

Burchett

GENERAL INFORMATION

PRESENT ZONING: AG

PROPOSED ZONING: C-5

EXTENSION OF ZONE

CLASSIFICATION: YES

**APPLICANT'S STATEMENT
FOR PROPOSED USE:**

PROPERTY LOCATION: Property fronting on the north ROW of Tiny Town Rd. 550+/- west of the Tiny Town Road & Peachers Mill Road intersection.

ACREAGE TO BE REZONED: 21.44 +/-

DESCRIPTION OF PROPERTY Wooded tract with varying topography and a single family residence. The
AND SURROUNDING USES: northeast boundary of the property borders West Fork Creek.
North-R-1 Single Family; East-West Fork Creek; South/West-C-5

GROWTH PLAN AREA:

CITY **TAX PLAT:** 007

PARCEL(S): 014.00

CIVIL DISTRICT: 3

CITY COUNCIL WARD: 8

COUNTY COMMISSION DISTRICT: 18

PREVIOUS ZONING HISTORY: NA
(to include zoning, acreage and
action by legislative body)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

DEPARTMENT COMMENTS

- ☒ CITY ENGINEER
- ☐ UTILITY DISTRICT
- ☒ JACK FRAZIER
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)
- ☒ CHARTER COMM.

- ☒ BELL SOUTH
- ☒ FIRE DEPARTMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- 1. ☐ COUNTY BUILDING DEPT.
- ☐ SCHOOL SYSTEM OPERATIONS
- ☐ FT. CAMPBELL

- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSTRIAL DEV BOARD
- ☐ Other...

1. CITY ENGINEER/UTILITY DISTRICT:

No Gravity Sewer Available Onsite.

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

Traffic Assessment Submitted And Reviewed By The Clarksville Street Dept.
Access Will Be Reviewed And Approved By The Clarksville Street Dept . At

3. Development Stage.

3. DRAINAGE COMMENTS:

2a. COST TO STREET/HIGHWAY DEPT.:

On/off Site Drainage Improvements Likely. Sinkhole Onsite.

4.

3a. DRAINAGE COST:

4. CDE/CEMC:

5.

4a. COST TO CDE/CEMC:

6.

5. CHARTER COMM./BELL SOUTH:

5a. COST TO CHARTER AND/OR BELLSOUTH:

6. FIRE DEPT/EMERGENCY MGT.:

7.

Comments Received From Department And They Had No Concerns.

6a. COST FIRE DEPT/EMERGENCY MGT.:

8.

Comments Received From Department And They Had No Concerns.

7. POLICE DEPT/SHERIFF'S OFFICE:

7a. COST TO POLICE DEPT./SHERIFF'S DEPT:

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

No Comment(s) Received

9.

8a. COST TO CITY/COUNTY BLDG. & CODES:

9. SCHOOL SYSTEM:

ELEMENTARY:

MIDDLE SCHOOL:

HIGH SCHOOL:

10.

9a. COST TO SCHOOL SYSTEM:

10. FT. CAMPBELL:

10a. COST TO FT. CAMPBELL:

11. OTHER COMMENTS:

11.

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT:

Increased traffic, light & noise.

INFRASTRUCTURE:

WATER SOURCE: CITY

PIPE SIZE:

SEWER SOURCE: CITY

ACCESSIBILITY: TINY TOWN RD.

DRAINAGE:

SOUTHWEST TO NORTHEAST

DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

LOTS/UNITS:

ROAD MILES:

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

HIGH SCHOOL STUDENTS:

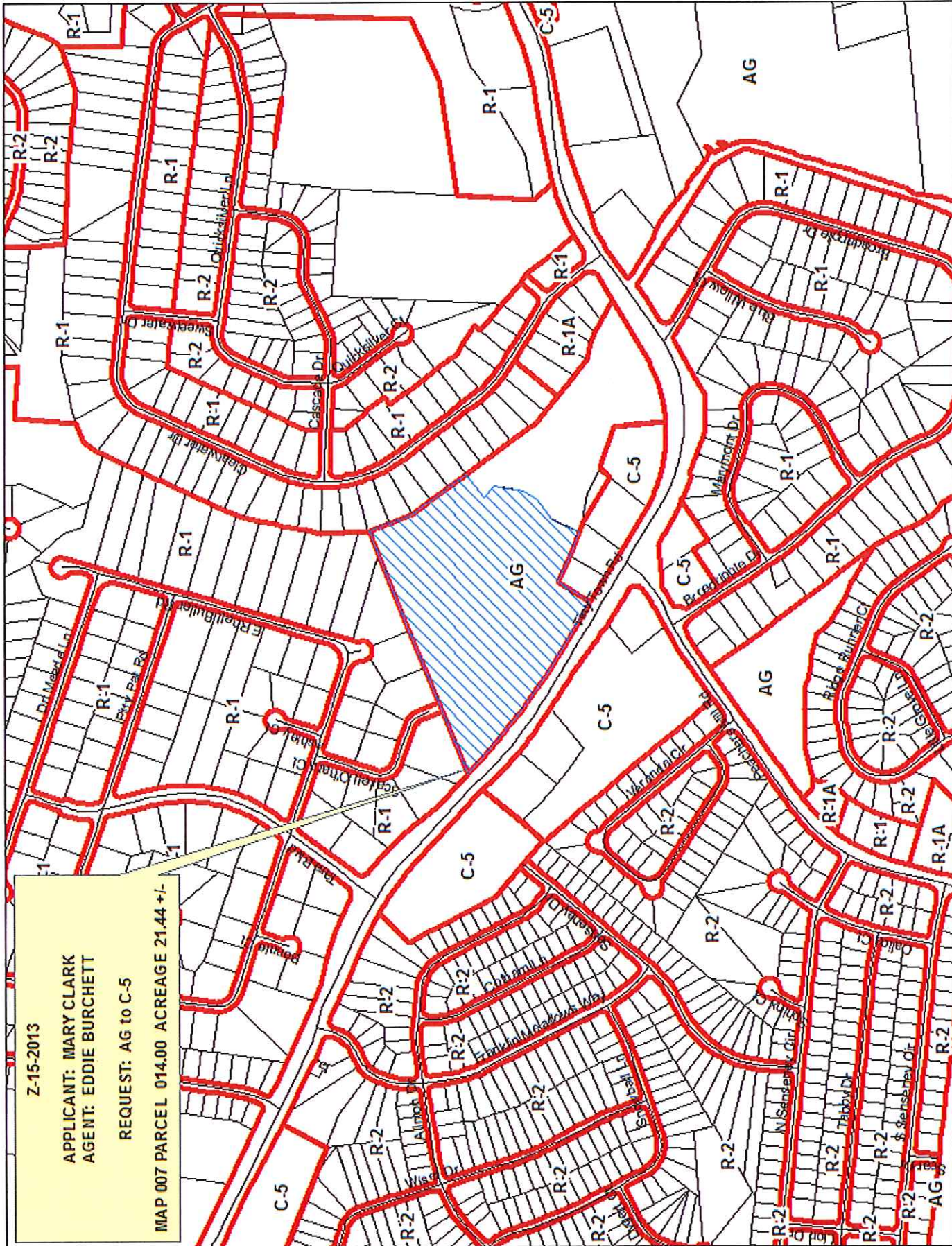
APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

Airport Planning Area: This Planning area is centered around John H. Outlaw Field. The major north-south axis roads are Ft. Campbell Blvd., Tobacco Rd. and Peachers Mill Rd.. Tiny Town Rd. serves as the major east-west connector here. The planning area has vast amounts of open space that has a long history of agricultural and woodland uses. Pembroke Place, one of the largest and most comprehensively planned subdivisions

STAFF RECOMMENDATION: APPROVAL

1. The proposed zoning request is consistent with Growth Plan (as in the City) and adopted Land Use Plan.
2. Adequate infrastructure serves the site.
3. No adverse environmental issues were identified relative to this request.
4. C-5 request is an extension of the C-5 zoning to the south & east.

5.



Z-15-2013
APPLICANT: MARY CLARK
AGENT: EDDIE BURCHETT
REQUEST: AG to C-5
MAP 007 PARCEL 014.00 ACREAGE 21.44 +/-

CASE NUMBER: Z 15 2013 MEETING DATE 8/28/2013

APPLICANT: Mary Clark

PRESENT ZONING AG

PROPOSED ZONING C-5

TAX PLAT # 007

PARCEL 014.00

GEN. LOCATION Property fronting on the north ROW of Tiny Town Rd. 550+/- west of the Tiny
Town Road & Peachers Mill Road intersection.

PUBLIC COMMENTS

None received as of 10:45 a.m. on 8/28/2013 (jhb).

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

RPC MEETING DATE: 8/28/2013

CASE NUMBER: Z - 16 - 2013

NAME OF APPLICANT: Joseph

Trovato

AGENT:

GENERAL INFORMATION

PRESENT ZONING: R-1

PROPOSED ZONING: C-5

EXTENSION OF ZONE

CLASSIFICATION: YES

APPLICANT'S STATEMENT Increased demand for commercial development.
FOR PROPOSED USE:

PROPERTY LOCATION: 2 parcels located at the southeast corner of the Madison Street and Carney Road intersection.

ACREAGE TO BE REZONED: 1.23

DESCRIPTION OF PROPERTY Single family residential lots with trees.

AND SURROUNDING USES: North/East-C-5; West/South-R-1

GROWTH PLAN AREA:

CITY TAX PLAT: 081 K-A

PARCEL(S): 005.00 & 006.00

CIVIL DISTRICT: 11

CITY COUNCIL WARD: 10

COUNTY COMMISSION DISTRICT: 20

PREVIOUS ZONING HISTORY: NA

(to include zoning, acreage and
action by legislative body)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

DEPARTMENT COMMENTS

- ☒ CITY ENGINEER
- ☐ UTILITY DISTRICT
- ☒ JACK FRAZIER
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)
- ☒ CHARTER COMM.

- ☒ BELL SOUTH
- ☒ FIRE DEPARTMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- 1. ☐ COUNTY BUILDING DEPT.
- ☐ SCHOOL SYSTEM OPERATIONS
- ☐ FT. CAMPBELL

- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSTRIAL DEV BOARD
- ☐ Other...

1. CITY ENGINEER/UTILITY DISTRICT:

Comments Received From Department And They Had No Concerns.

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

Traffic Assessment Submitted And Reviewed By The Clarksville Street Dept.

3.

2a. COST TO STREET/HIGHWAY DEPT.:

3. DRAINAGE COMMENTS:

Comments Received From Department And They Had No Concerns.

4.

3a. DRAINAGE COST:

4. CDE/CEMC:

5.

4a. COST TO CDE/CEMC:

5. CHARTER COMM./BELL SOUTH:

6.

5a. COST TO CHARTER AND/OR BELL SOUTH:

6. FIRE DEPT/EMERGENCY MGT.:

7.

Comments Received From Department And They Had No Concerns.

6a. COST FIRE DEPT/EMERGENCY MGT.:

7. POLICE DEPT/SHERIFF'S OFFICE:

8.

Comments Received From Department And They Had No Concerns.

7a. COST TO POLICE DEPT./SHERIFF'S DEPT:

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

9.

No Comment(s) Received

8a. COST TO CITY/COUNTY BLDG. & CODES:

9. SCHOOL SYSTEM:

ELEMENTARY:

MIDDLE SCHOOL:

HIGH SCHOOL:

10.

9a. COST TO SCHOOL SYSTEM:

10. FT. CAMPBELL:

10a. COST TO FT. CAMPBELL:

11. OTHER COMMENTS:

11.

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

**IMPACT OF PROPOSED USE ON
SURROUNDING DEVELOPMENT:** Minimal

INFRASTRUCTURE:

WATER SOURCE: CITY

PIPE SIZE:

SEWER SOURCE: CITY

ACCESSIBILITY: MADISON STREET AND CARNEY ROAD

DRAINAGE:
NORTH TO SOUTH

DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

LOTS/UNITS:

ROAD MILES:

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

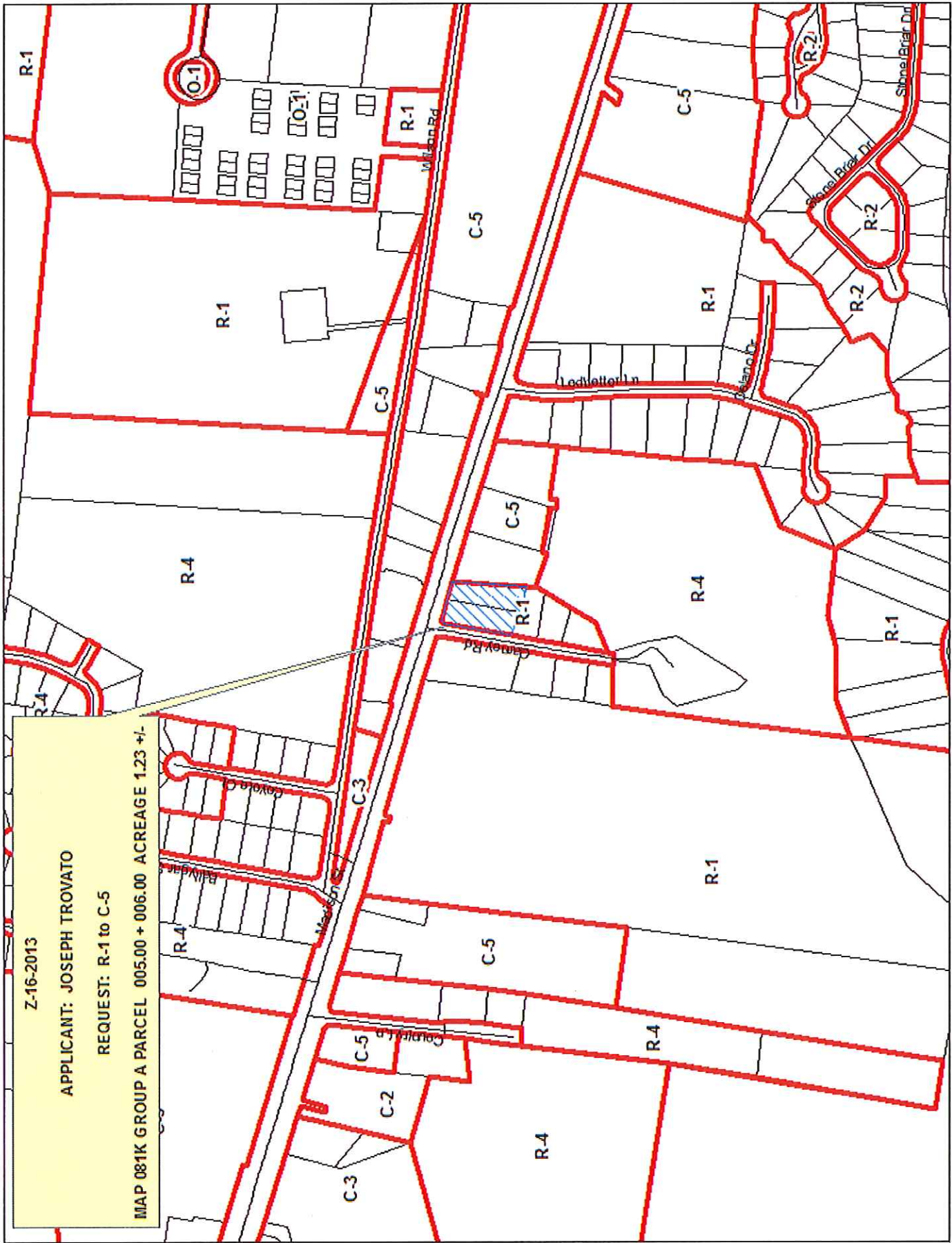
HIGH SCHOOL STUDENTS:

APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

Sango Planning Area- Growth rate for this area is well above the overall county average

STAFF RECOMMENDATION: APPROVAL

1. The proposed zoning request is consistent with Growth Plan (as in the City) and adopted Land Use Plan.
2. Adequate infrastructure serves the site.
3. No adverse environmental issues were identified relative to this request.
4. C-5 request is an extension of the C-5 zoning to the south & east.
- 5.



CASE NUMBER: Z 16 2013 MEETING DATE 8/28/2013

APPLICANT: Joseph Trovato

PRESENT ZONING R-1

PROPOSED ZONING C-5

TAX PLAT # 081 K-A

PARCEL 005.00 & 006.00

GEN. LOCATION 2 parcels located at the southeast corner of the Madison Street and Carney Road intersection.

PUBLIC COMMENTS

None received as of 10:45 a.m. on 8/28/2013 (jhb).

ORDINANCE 3-2013-14

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF HETTIE HUTCHINSON FOR ZONE CHANGE ON PROPERTY AT THE TERMINUS OF VINE STREET AND CEDAR STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-3 Three Family Residential District, as C-1 Neighborhood Commercial District.

PUBLIC HEARING: July 2, 2013
POSTPONED: July 2, 2013
FIRST READING: August 1, 2013
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being the southeast corner at the terminus of Vine Street, said point also being the northeast corner of the subject tract, thence leaving the southern ROW of Vine Street 322 +/- feet in a southerly southerly direction with the western boundary of the City of Clarksville property to a point said point being in the northern ROW of Cedar Street, thence in a westerly direction 60 +/- feet with the northern ROW of Cedar Street to a point said point being the southeast corner of the Marion Watkins property, thence in a northerly direction 165' feet with the Watkins boundary to a point, said point being the northeast corner of the Watkins property, thence in a westerly direction 50 +/- feet with the northern boundary of the Watkins property to a point, said point being the southeast corner of the Linda Darnell Williams property, thence in a northerly direction 155 +/- feet with the Williams property boundary to a point, said point being in the southern ROW of Vine Street, thence in a easterly direction 100 +/- feet with the southern ROW of Vine Street to the point of beginning. said tract containing 0.59 +/- acres (Tax Map 066-E-E Parcels 035.00 & 016.01)

ORDINANCE 5-2013-14

AN ORDINANCE AMENDING THE 2013-14 CAPITAL PROJECT FUND BUDGET (ORDINANCE 91-2012-13) AUTHORIZING THE CITY OF CLARKSVILLE TO CREATE A CAPITAL PROJECT OF \$1,241,344 TO UPGRADE STREET LIGHTS TO ENERGY EFFICIENT LED LIGHTING

WHEREAS, the City of Clarksville qualifies for \$1,241,344 in bonds issued by the State of Tennessee under a Qualified Energy Conservation Bond Fund Program, and;

WHEREAS, the State of Tennessee may allocate an additional QECB allotment to the City of Clarksville in the future, and;

WHEREAS, these Qualified Energy Conservation Bonds (QECB's) are low interest bonds for qualified energy projects and the United States Treasury subsidizes up to 70% of the interest cost, and;

WHEREAS, the City of Clarksville wishes to create a new Capital Project to upgrade street lights within the City to energy efficient street lights that will generate energy savings of more than 20% therefore allowing us to secure funding for this project using Qualified Energy Conservation Bonds, and;

WHEREAS, the energy savings realized by this project can be used to fund projects to provide other energy savings in the future.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the following capital project be created within the Capital Projects Fund:

4031003	4450	14305	Street Lighting Upgrade Project	Increase: \$ 1,241,344
---------	------	-------	---------------------------------	------------------------

BE IT FURTHER ORDAINED:

That the following Capital Project Revenue be budgeted:

4041000	39340	Qualified Energy Conservation Bonds	Increase: \$ 1,241,344
---------	-------	-------------------------------------	------------------------

FIRST READING: August 1, 2013

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 6-2013-14

AN ORDINANCE AMENDING THE 2013-14 GENERAL FUND OPERATING BUDGET (ORDINANCE 91-2012-13) AUTHORIZING THE CITY OF CLARKSVILLE TO INCREASE THE LEGISLATIVE BUDGET BY \$98,944 AND DELETING THE TWO RIVERS COMPANY LINE ITEM OF \$98,944 TO ALLOW FOR THE TWO RIVERS COMPANY DIRECTOR TO BE A CITY EMPLOYEE.

WHEREAS, the City of Clarksville has appropriated \$98,944 for the Two Rivers Company to hire a full-time Director, and;

WHEREAS, it is the wish of the Two Rivers Company Board and the Clarksville City Council for that Director to be a City employee.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the following Budget Amendments be made:

Legislative Expenditures:

Salary/Benefit line items	10411001-xxxx	Increase:	\$98,944
---------------------------	---------------	-----------	----------

Two Rivers Company	10462003 4874	Decrease:	\$98,944
--------------------	---------------	-----------	----------

BE IT FURTHER ORDAINED that the Two Rivers Director will be a City employee.

FIRST READING: August 1, 2013

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 8-2012-13

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF BRENDA BARR AND JOHN GIBBS, WADE HADLEY-AGENT, FOR ZONE CHANGE ON PROPERTY AT THE TERMINUS OF GIBBS LANE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned AG Agricultural District, as R-2 Single Family Residential District.

PUBLIC HEARING: August 1, 2013
FIRST READING: August 1, 2013
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at a point being the northwest corner of Chalet Hills, Section 1B, lot 88, said point being in the east line of the WBW Developers property, said point also being 127+/- feet south of the south right-of-way of Gibbs Lane; thence with the east line of the WBW Developers property in a northwesterly direction, 127+/- feet to a point in the south right-of-way of Gibbs Lane; thence crossing Gibbs Lane in a northwesterly direction, 55+/- feet to a point in the north right-of-way of Gibbs Lane; thence leaving Gibbs Lane along a new line, North 30 degrees 40 minutes 05 seconds West, 257.27 feet to a point in Spring Creek; thence with the meanders of Spring Creek in a northeasterly and easterly direction, 1,800+/- feet to a point in the west line of the Batson East-Land Company Inc., property; thence with the west line of Batson in a southerly direction, 1,300+/- feet to a point, said point being the northeast corner of lot 102 of Chalet Hills Subdivision, Section 1B; thence with the north line of Chalet Hills Subdivision, Section 1B, in a southwesterly and northwesterly direction, 1,425+/- feet to the point of beginning; containing 33.01+/- acres. (Tax Map 032, Parcel 009.00 portion thereof, tax map 032, parcel 009.01 and tax map 032, parcel 009.02)

ORDINANCE 9-2012-13

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF KEVIN FINLEY, CHRIS SUTTON-AGENT, FOR ZONE CHANGE ON PROPERTY ROSSVIEW ROAD AND POWELL ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned AG Agricultural District, as R-1 Single Family Residential District.

PUBLIC HEARING: August 1, 2013
FIRST READING: August 1, 2013
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Commencing at the iron pin found in the easterly right of way of Powell Road (R.O.W. 50 feet) and being the southwesterly corner to the Shelia and John Norris Jr. lands known as Book 1308, Page 344, and being located north 20 degrees 15 minutes 51 seconds east a distance of 363.03 feet from the northeasterly corner to the Edward Johnson lands known as Book 361, Page 98 and being located north 72 degrees 54 minutes 22 seconds west, a distance of 2,195.71 feet from a highway monument in the westerly boundary of Interstate 24, and being located north 76 degrees 39 minutes 58 seconds west, a distance of 2,069.20 feet from another highway monument found in the westerly boundary of Interstate 24, said point being the POINT OF BEGINNING; thence with the southerly line of said Norris lands by two calls as follows; south 78 degrees 06 minutes 26 seconds east, a distance of 326.01 feet to an iron pin found; thence south 73 degrees 23 minutes 49 seconds east a distance of 523.33 feet to an iron pin set; thence through the Willie Kilgore lands known as Book 1307, Page 1241, south 08 degrees 54 minutes 03 seconds west, a distance of 28.93 feet to a point in the Willie Kilgore lands known as Book 1270, Page 1292; thence through said Kilgore by two calls as follows; south 08 degrees 54 minutes 03 seconds west a distance of 175.24 feet to an iron pin set; thence north 80 degrees 59 minutes 01 seconds west, a distance of 861.48 feet to an iron pin set in the easterly right of way of Powell Road; thence with the easterly right of way of Powell Road by two calls as follows; north 12 degrees 02 minutes 37 seconds east, a distance of 190.25 feet to an iron pin found in the southwesterly corner of the Willie Kilgore lands known as Book 1307, Page 1241; thence north 12 degrees 50 minutes 57 seconds east a distance of 99.87 feet to the POINT OF BEGINNING, said described tract containing within said bounds 5.0 acres of land more or less.



CLARKSVILLE CITY COUNCIL REGULAR SESSION AUGUST 1, 2013

MINUTES

PUBLIC COMMENTS

Prior to the meeting, Alice Purnell urged the City Council to be cautious when approving large corporate development. David Shelton shared information about a “Fat to Fit” fitness program.

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, August 1, 2013, at 7:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilman Jeff Burkhardt; the Pledge of Allegiance was led by Mayor Pro Tem James Lewis.

ATTENDANCE

PRESENT: Nick Steward (1), Deanna McLaughlin (2), James Lewis, Mayor Pro Tem (3), Wallace Redd (4), Valerie Guzman (5), Marc Harris (6), Geno Grubbs (7), David Allen (8), Joel Wallace (9), Bill Summers (10), Kaye Jones (11), Jeff Burkhardt (12)

PUBLIC HEARING

Councilman Grubbs made a motion to conduct a public hearing to received comments regarding requests for zoning. The motion was seconded by Councilman Lewis. A voice vote was taken; the motion passed without objection.

ORDINANCE 3-2013-14 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Hettie Hutchinson for zone change on property at the terminus of Vine Street and Cedar Street from R-3 Three Family Residential District to C-1 Neighborhood Commercial District

Ramona Rudolph, daughter of the applicant, said the intended use of the property would be for a commercial day care. There was no voiced opposition.

ORDINANCE 8-2013-14 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Brenda Barr and John Gibbs, Wade Hadley-Agent, for zone change on property at the terminus of Gibbs Lane from AG Agricultural District to R-2 Single Family Residential District

Wade Hadley offered to answer questions. Brenda Barr said she intended to sell the property. There was no voiced opposition to this request.

ORDINANCE 9-2013-14 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Kevin Finley, Chris Sutton-Agent, for zone change on property at Rossvie Road and Powell Road from AG Agricultural District to R-1 Single Family Residential District

There was no voiced support for this change. Linda Allen objected because of potential increased traffic problem.

Councilman Grubbs made a motion to revert to regular session. The motion was seconded by Councilman Redd. A voice vote was taken; the motion passed without objection.

ZONING

The recommendations of the Regional Planning Staff and Commission were for disapproval of **ORDINANCE 2-2013-14**. Councilman Grubbs made a motion to approve this ordinance on first reading. The motion was seconded by Councilman Redd. Councilman Harris felt the requested C-1 zoning was appropriate for the intended use. The following vote was recorded:

AYE: Allen, Burkhart, Guzman, Harris, Redd, Steward, Summers, Wallace

NAY: Grubbs, Jones, Lewis, McLaughlin

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 8-2013-14**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. Councilwoman McLaughlin and Councilwoman Jones expressed concern for traffic problems since there were no current plans for improvements to Trenton Road in the immediate area. Councilman Burkhart said he would abstain from voting on this case because he was a potential buyer of the property. The following vote was recorded:

AYE: Grubbs, Guzman, Harris, Lewis, McMillan, Redd, Wallace

NAY: Allen, Jones, McLaughlin, Steward, Summers

ABSTAIN: Burkhart

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 9-2013-14**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. Councilman Summers said some improvements were being planned for Rossview Road, but not for the near future. Councilwoman McLaughlin expressed concern regarding traffic congestion. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Lewis, Redd, Summers, Wallace

NAY: Jones, McLaughlin, Steward

The motion to adopt this ordinance on first reading passed.

CONSENT AGENDA

All items in this portion of the agenda are considered to be routine and non-controversial by the Council and may be approved by one motion; however, a member of the Council may request that an item be removed for separate consideration under the appropriate committee report:

1. **ORDINANCE 98-2012-13** (Second Reading) Amending the Official Code relative to special event beer permits
2. **ORDINANCE 1-2013-14** (Second Reading) Amending the Official Code relative to adoption of the International Fire Code
3. **ORDINANCE 4-2013-14** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of George M. Milton, Gaines Shearon-Agent, for zone change on property at Tracy Lane and Black Jack Way from R-1 Single Family Residential District to R-4 Multiple Family District
4. Approval of Minutes: June 27, July 1, July 2

Councilman Redd made a motion to adopt the Consent Agenda as presented. The motion was seconded by Councilman Lewis. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

The motion to adopt the Consent Agenda as presented passed.

COMMUNITY DEVELOPMENT COMMITTEE

David Allen, Chair

Councilman Allen announced the award of a Shelter-Care grant in the amount of \$104,068 to the Community Development department for handicapped homeless persons.

FINANCE COMMITTEE

Joel Wallace, Chair

ORDINANCE 5-2013-14 (First Reading) Amending the Capital Projects Fund for street light upgrades

The Finance Committee had recommended approval of this ordinance. Councilman Wallace made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Harris. Director of Finance Laurie Matta said this project was not included in the recently approved FY14 capital projects budget. Debbie Frazier said details of this project would be presented to the City Council once the project moved forward.

Councilwoman McLaughlin made a motion to postpone action indefinitely on this ordinance and also on **RESOLUTION 4-2013-14** until all project information was available. The motion was seconded by Councilman Summers. Councilman Allen stated his objection to the entire project and felt the City had other priorities. The following vote was recorded:

AYE: Jones, McLaughlin, Steward, Summers

NAY: Allen, Burkhardt, Grubbs, Guzman, Harris, Lewis, Redd, Wallace

The motion to postpone failed. Following discussion, Councilman Redd called for the question. The question was seconded by Councilman Harris. The following vote was recorded:

AYE: Burkhardt, Grubbs, Guzman, Harris, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

NAY: Allen, Jones

The motion to cease discussion passed. The following vote on the original motion was recorded:

AYE: Burkhardt, Grubbs, Guzman, Harris, Lewis, McMillan, Wallace

NAY: Allen, Jones, McLaughlin, Redd, Summers

The motion to adopt this ordinance on first reading passed.

RESOLUTION 4-2013-14 Declaring intent to reimburse the City for public works projects from bond proceeds not to exceed \$1,241,344

The recommendation of the Finance Committee was for approval of this resolution. Councilman Wallace made a motion to adopt this resolution. The motion was seconded by Councilman Lewis. The following vote was recorded:

AYE: Burkhardt, Grubbs, Guzman, Harris, Lewis, Wallace

NAY: Allen, Jones, McLaughlin, Redd, Summers

The motion to adopt this resolution passed.

ORDINANCE 6-2013-14 (First Reading) Amending the FY14 Operating Budget to transfer funds from Two Rivers Company to the Legislative Budget

The recommendation of the Finance Committee was for approval of this ordinance. Councilman Wallace made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Lewis.

Councilwoman McLaughlin offered an amendment to have an agreement with the TRC that the director position would be funded for five years as a TRC employee. The motion was seconded by Councilman Steward. Councilman Redd felt if the director position were funded by the City, the director should be a city employee and called for the question. The question was seconded Councilman Lewis. The following vote was recorded:

AYE: Burkhart, Grubbs, Guzman, Harris, Lewis, McLaughlin, Redd, Steward, Wallace

NAY: Allen, Jones, Summers

The motion to cease discussion on the amendment passed. The following vote on the amendment was recorded:

AYE: Allen, Jones, McLaughlin, Steward, Summers

NAY: Burkhart, Grubbs, Guzman, Harris, Lewis, Redd, Wallace

Councilwoman McLaughlin's first amendment failed.

Councilwoman McLaughlin offered an amendment to designate the TRC director as an employee of the TRC. The motion was seconded by Councilman Steward.

The following vote on the amendment was recorded:

AYE: Allen, Jones, McLaughlin, Steward, Summers

NAY: Burkhart, Grubbs, Guzman, Harris, Lewis, Redd, Wallace

Councilwoman McLaughlin's second amendment failed. Councilman Wallace called for the question. The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Burkhart, Grubbs, Guzman, Harris, Lewis, McMillan, Redd, Wallace

NAY: Allen, Jones, McLaughlin, Steward, Summers

The motion to cease discussion on the ordinance failed due to lack of 2/3 majority. Councilwoman McLaughlin said a second vote on the ordinance and the positing process for the position would delay hiring of the director. In response to Councilman Summers' question, City Attorney Lance Baker said the

Mayor's vote on this ordinance would not conflict with her voting eligibility as a member of the TRC Board of Directors. The following vote on the original motion was recorded:

AYE: Burkhart, Grubbs, Guzman, Harris, Lewis, Redd, Steward, Wallace

NAY: Allen, Jones, McLaughlin, Summers

The motion to adopt this ordinance on first reading passed.

RESOLUTION 5-2013-14 Authorizing issuance and reimbursement of general obligation public improvement bonds for various capital projects, not to exceed \$8,050,000

The recommendation of the Finance Committee was for approval of this resolution. Councilman Wallace made a motion to adopt this resolution. The motion was seconded by Councilman Lewis.

Councilman Allen offered an amendment to delete \$325,000 included for the excursion boat dock. The motion was seconded by Councilwoman McLaughlin. Following discussion, Councilman Harris called for the question. The question was seconded by Councilman Redd. The following vote was recorded:

AYE: Burkhart, Grubbs, Guzman, Harris, Lewis, Redd, Wallace

NAY: Allen, Jones, McLaughlin, Steward, Summers

The motion to cease discussion on the amendment failed due to lack of 2/3 majority. Councilman Allen felt the excursion boat dock project should be a private investment. Councilman Burkhart called for the question. The question was seconded by Councilman Redd. The following vote was recorded:

AYE: Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

NAY: Allen

The motion to cease discussion on the amendment passed. The following vote on the amendment was recorded:

AYE: Allen, Jones, McLaughlin, Redd, Steward

NAY: Burkhart, Grubbs, Guzman, Harris, Lewis, Summers, Wallace

Councilman Allen's motion to delete \$325,000 from the bond issue for the excursion boat dock failed. The following vote on the original motion was recorded:

AYE: Burkhart, Grubbs, Guzman, Harris, Lewis, McLaughlin, Redd, Wallace

NAY: Allen, Jones, Summers

The motion to adopt this resolution passed.

RESOLUTION 3-2013-14 Authorizing Addendum #2 to the marina restaurant lease

The recommendation of the Finance Committee was for approval of this resolution. Councilman Wallace made a motion to adopt this resolution. The motion was seconded by Councilman Lewis. There was no objection go out of regular session to hear comments from Darby Campbell, marina operator. Mr. Campbell said he would like more time to fully enhance the marina with the establishment of a restaurant in Liberty Park and said he would not accept any amendments to the second addendum. There was no objection to reverting to regular session.

Councilman Allen said the restaurant and residential developments would eliminate public parking for city-wide events held in the park. Councilman Allen offered an amendment to terminate the current lease with Mr. Campbell and retain the designated property for parking. The motion was seconded by Councilman Summers. City Attorney Lance Baker asked the Council to consider a non-public session regarding this motion. Councilwoman Jones made a motion to table the vote on Councilman Allen's amendment to the end of the agenda. The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Allen, Jones, McLaughlin, Redd, Summers

NAY: Burkhart, Grubbs, Guzman, Harris, Lewis, Steward, Wallace

The motion to table failed. Councilman Allen made a motion to conduct a non-public session to hear comments from the city attorney. The motion was seconded by Councilwoman Guzman. The following vote was recorded:

AYE: Allen, Summers

NAY: Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Wallace

The motion to conduct a non-public session failed. Mr. Baker advised against terminating the restaurant lease. The following vote on the amendment was recorded:

AYE: Allen

NAY: Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLughlin, Redd, Steward, Summers, Wallace

Councilman Allen's motion to terminate the restaurant lease failed. At Mr. Baker's request, the name of the restaurant was changed to "Liberty Park Grill, LLC" in the caption of the resolution without objection.

Councilman Summers made a motion to add the requirement of a minimum guaranteed rent to the lease. The motion was seconded by Councilwoman Jones. Following discussion, Councilman Redd called for the question. The motion was seconded by Councilman Harris. The following vote was recorded:

AYE: Burkhart, Guzman, Harris, Lewis, Redd, Wallace

NAY: Allen, Grubbs, Jones, McLaughlin, Steward, Summers

The motion to cease discussion failed due to lack of 2/3 majority.

The following vote on the amendment was recorded:

AYE: Allen, Jones, McLaughlin, Summers

NAY: Burkhart, Grubbs, Guzman, Harris, Lewis, Redd, Steward, Wallace

Councilman Summers's amendment failed. Councilman Wallace called for the question on the original motion. The question was seconded by Councilman Redd. A voice vote was taken; the motion passed without objection. The following vote on the original motion was recorded:

AYE: Burkhart, Grubbs, Guzman, Harris, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

NAY: Allen, Jones

The motion to adopt this resolution as presented passed.

RESOLUTION 6-2013-14 Terminating the lease with Daughters of the American Revolution for the Post House

The recommendation of the Finance Committee was for approval of this resolution. Councilman Wallace made a motion to adopt this resolution. The motion was seconded by Councilman Lewis. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Lewis, McLaughlin, Redd, Steward, Summers

NOTE: Councilwoman Jones was not present for this vote.

The motion to adopt this resolution passed.

GAS & WATER COMMITTEE

Jeff Burkhart, Chair

No report.

PARKS, RECREATION, GENERAL SERVICES

Wallace Redd, Chair

No report.

PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire, Police)

Geno Grubbs, Chair

Councilman Grubbs shared the following department statistics for the month of July: Clarksville Fire & Rescue – 818 emergency responses; Clarksville Police Department – 13,607 calls; Building & Codes Enforcement Division – 383 cases; Building & Codes Administration – 70 single family permits.

STREET COMMITTEE

James Lewis, Chair

Councilman Lewis said the Street Department processed 214 work orders during the month of July.

TRANSPORTATION COMMITTEE

Marc Harris, Chair

No report.

ETHICS COMMISSION

ORDINANCE 7-2013-14 (First Reading) Amending the Official Code to delete the requirement for nominated citizen volunteers to complete a written questionnaire prior to the vote on their nomination

Councilman Redd made a motion to adopt this ordinance. The motion was seconded by Councilman Steward. Councilman Summers and Councilwoman McLaughlin felt the questionnaire should be required. Councilman Redd felt the questionnaire was too intrusive. The following vote was recorded:

AYE: Burkhardt, Grubbs, Guzman, Harris, Redd

NAY: Allen, Jones, Lewis, McLaughlin, Steward, Summers, Wallace

The motion to adopt this ordinance failed.

ORDINANCE VOTE REQUIREMENT

RESOLUTION 7-2013-14 Requesting the Tennessee General Assembly to enact legislation to amend the Official Charter relative to voting on ordinances (2/3 majority required)

Councilman Redd made a motion to adopt this resolution. The motion was seconded by Councilman Harris. Following discussion, Councilman Allen called for the question. The question was seconded by Councilman Lewis. A voice vote was taken; the motion to cease discussion passed. The following vote on the original motion was recorded:

AYE: Burkhardt, Grubbs, Harris, Lewis, Redd

NAY: Allen, Guzman, Jones, McLaughlin, Steward, Summers, Wallace

The motion to adopt this resolution failed.

QUEEN CITY LIQUORS

Councilman Allen made a motion to consider **RESOLUTION 8-2013-14**. The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

The motion to consider this resolution passed.

RESOLUTION 8-2013-14 Renewing the Certificate of Compliance for Raj Daswani for operation of Queen City Liquors

Councilman Allen made a motion to adopt this resolution. The motion was seconded by Councilman Steward. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

The motion to adopt this resolution passed.

COMMUNITY HEALTH FOUNDATION

Councilman Steward made a motion to consider **RESOLUTION 9-2013-14**. The motion was seconded by Councilman Harris. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

The motion to consider this resolution passed.

RESOLUTION 9-2013-14 Approving an amendment to the Charter and Bylaws of the Clarksville-Montgomery County Community Health Foundation, Inc.

Councilman Allen made a motion to adopt this resolution. The motion was seconded by Councilman Steward. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

The motion to consider this resolution passed.

BOARD APPOINTMENTS

Councilman Redd made a motion to consider board appointments. The motion was seconded by Councilwoman McLaughlin. A voice vote was taken; the motion passed without objection.

Councilman Grubbs made a motion to approve the following board appointments.

Beer Board: Stephen Page (reappointment) – August 2013 – March 2015

Human Relations Commission: Feleesha Johnson (fill vacant seat) – August 2013 through June 2015

Public Art Commission: Karen Par Moody (replace Kel Black-term expired) – August 2013 through May 2017; Paul Collins (replace Howard Brown-resigned) and Steve Wilson (replace Dan Hanley-resigned) – August 2013 through May 2016

Zoning Appeals: Bobby Powers (replace Lorilee Rager-resigned) – August 2013 through May 2015

The motion was seconded by Councilman Harris. The following vote was recorded:

AYE: Allen, Burkhardt, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, Redd, Steward, Summers, Wallace

The motion to approve board appointments passed.

MAYOR AND STAFF REPORTS

Mayor McMillan said her recent visit to the United States Army War College in Carlisle, Pennsylvania was very rewarding.

ADJOURNMENT

The meeting was adjourned at 10:00 p.m.

RESOLUTION 14-2013-14

A RESOLUTION DESIGNATING PAT HEAD SUMMITT LEGACY PARK

- WHEREAS,* Pat Head Summitt was born in Clarksville, Tennessee and was raised in Montgomery County; and
- WHEREAS,* Pat Head Summitt is the all-time winningest coach in NCAA basketball history of either a men's or women's team in any division, with 1,098 victories; and
- WHEREAS,* Pat Head Summitt coached the Tennessee Lady Vols Basketball Team to eight NCAA National Championships; and
- WHEREAS,* Pat Head Summitt co-captained the first U.S. Women's National Basketball Team winning an Olympic Silver Medal in 1976, and in 1984 was the Head Coach of Team USA Women's Basketball, leading the team to an Olympic Gold Medal, and was the first U.S. Olympian to win a basketball medal and coach a medal-winning team; and
- WHEREAS,* A group of citizens and volunteers has organized the "Pat Head Summitt Project Committee," to oversee the design, funding, and building of an interpretive display to be known as "The Pat Head Summitt Legacy Park" to pay tribute to Pat Head Summitt and her long list of significant achievements, and to honor her place as a native citizen who has brought great fame and notoriety to our community and state.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Clarksville City Council hereby designates the interpretive display to be located on the north extension of the McGregor Park RiverWalk as "Pat Head Summitt Legacy Park.'

ADOPTED:



APPLICATION FOR PUBLIC PROPERTY DESIGNATION

CITY BUILDING, CITY PARK, OR CITY FACILITY

PROPOSED NAME OF CITY BUILDING, CITY PARK, OR CITY FACILITY
TO BE CONSIDERED FOR DESIGNATION

PAT HEAD SUMMITT LEGACY PARK

CITY ADDRESS OF PERSON TO BE CONSIDERED FOR DESIGNATION

KNOXVILLE, TN 30 YEARS

DESCRIPTION OF PERSON TO BE CONSIDERED FOR DESIGNATION

Reason(s) for Designation:

Pat Head Summitt was born in Clarksville, Tennessee and was raised in Montgomery County

Contribution by Person:

Pat Head Summitt co-captained the first U.S. Women's National Basketball Team winning an Olympic Silver Medal in 1976, and in 1984 was the Head Coach of Team USA Women's Basketball, leading the team to an Olympic Gold Medal, and was the first U.S. Olympian to win a basketball medal and coach a medal-winning team

Significance of Designation:

To pay tribute to Pat Head Summitt and her long list of significant achievements, and to honor her place as a native citizen who has brought great fame and notoriety to our community and state.

PETITION

A petition must be signed by 100 (one hundred) adult city residents and attached to this application. Petition must include name and physical address of each petitioner.

REQUEST IS PETITIONED BY CITY OF CLARKSVILLE AND THE PAT HEAD SUMMITT PROJECT COMMITTEE

ENDORSEMENT



Signature of Mayor, City Council Member, or Regional Planning Commissioner

FILING OF APPLICATION

SUMMITT PROJECT COMMITTEE

August 27, 2013

Applicant Name RICHARD V. STEVENS

Date

Applicant Signature



Applicant Address

362 Sango Road
Clarksville, TN 37043

Applicant Phone

931-980-8300

Applicant Email

richard.stevens@thehatchchronicle.com

RECEIPT OF APPLICATION, PETITION, AND FEE: N/A



Sylvia Skinner, City Clerk

8-27-13

Date

CONSIDERED BY DESIGNATIONS COMMITTEE:

August 27, 2013

Date

APPROVED: 

DENIED: _____



Signature of Designations Committee Chair

8/27/2013

ORDINANCE 10-2013-14

AN ORDINANCE ACCEPTING REAL PROPERTY FROM McCLARDY ROAD PARTNERSHIP, A TENNESSEE GENERAL PARTNERSHIP, FOR ROSSVIEW PLACE SEWER LIFT STATION

WHEREAS, the City of Clarksville seeks to acquire title to certain real property owned by McClardy Road Partnership, a Tennessee general partnership (being composed of partners Calvin R. McKay and John Hadley) and identified in Exhibit A attached hereto (hereinafter, the “Property”) for the purpose of maintaining and operating the Rossview Place sewer lift station.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Clarksville City Council hereby authorizes the acquisition of the Property, more fully described in Exhibit A attached hereto, from McClardy Road Partnership, a Tennessee general partnership, being composed of partners Calvin R. McKay and John Hadley.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Being a parcel of land located in the 6th Civil District of the County of Montgomery, TN, said parcel being more fully described as a portion of the McClardy Road Partnership, a Tennessee General Partnership property as recorded in ORV 1468, Page 1845, ROMCT, being located south of Rossvie Road and west of Interstate 24, being more fully described as being located east of Dunbar Cave Road, west of Powell Road, said parcel being more particularly described as follows:

Beginning at an iron pin lying in the west right of way of Amberley Drive at the north corner of lot 8 of Rossvie Place section 1A (not yet recorded), lying South 86 degrees 19 minutes 26 seconds West for 206.93 feet from centerline intersection of Amberley Drive and Cornish Way; Thence leaving right of way along the west property line of lot 8, South 59 degrees 28 minutes 37 seconds West for 176.36 feet to an iron pin, being the south corner of herein described parcel; Thence North 30 degrees 31 minutes 23 seconds West for 35.00 feet to an iron pin, being the west corner of herein described parcel; Thence North 59 degrees 28 minutes 37 seconds East for 30.00 feet to an iron pin; Thence South 30 degrees 31 minutes 23 seconds East for 15.00 feet to an iron pin, also being the south corner of lot 9 of Rossvie Place section 1A; Thence along the south property line of lot 9, North 59 degrees 28 minutes 37 seconds East for 150.53 feet to an iron pin, lying in the west right of way of Amberley Drive, also being the north corner of herein described parcel; Thence along Amberley Drive on a curve to the left having a radius of 50.00 feet, an arc length of 20.58 feet, a chord bearing of South 18 degrees 44 minutes 03 seconds East for 20.43 feet to the point of the beginning, containing 0.09 acres (4004 sqft) more or less, according to a graphic depiction of Rossvie Place, Section 1A, Lift Station, prepared by DBS & Associates Engineering, dated June 25, 2013.

This being a portion of the same property conveyed unto Grantor by deed of record in ORBV 12468, Page 1845, in the Register's Office for Montgomery County, Tennessee.

This property is identified as Tax Parcel # 57-109 (portion of) in the Montgomery County Tax Assessor's Office.

ORDINANCE 12-2013-14

AN ORDINANCE AMENDING THE OFFICIAL CODE RELATIVE TO DESIGNATION OF SPECIAL REVENUE FUND PROCEEDS FOR GREENWAYS AND BLUEWAYS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Official Code of the City of Clarksville, Tennessee, Title 9 (Motor Vehicles and Traffic), Chapter 2 (Administration and Enforcement), Section 9-232 (Automated Traffic Signal Enforcement) is hereby amended by deleting the current language of subsection (f) (Special Revenue Accounts) thereof and substituting therefore the following:

(f) Special revenue accounts

(1) Civil penalties collected by the city will be deposited into two (2) special revenue accounts:

a. One special revenue account will be identified and utilized for the city police department. Seventy (70) percent of collected penalties will be deposited into the city police department account. Disbursement shall be approved by the mayor and city council.

b. One special revenue account will be identified and utilized for the city parks and recreation department. Thirty (30) percent of collected penalties will be deposited into the city parks and recreation department account and shall be designated for City of Clarksville Greenways and Blueways. Disbursement shall be approved by the mayor and city council.

(2) Interest payments earned by funds in the special revenue accounts will be deposited within each respective account.

(3) Any fees or administrative costs related to the accounts may be paid from the respective special revenue accounts.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 12-2013-14

AN ORDINANCE AMENDING THE OFFICIAL CODE RELATIVE TO DESIGNATION OF SPECIAL REVENUE FUND PROCEEDS FOR GREENWAYS AND BLUEWAYS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Official Code of the City of Clarksville, Tennessee, Title 9 (Motor Vehicles and Traffic), Chapter 2 (Administration and Enforcement), Section 9-232 (Automated Traffic Signal Enforcement) is hereby amended by deleting the current language of subsection (f) (Special Revenue Accounts) thereof and substituting therefore the following:

(f) Special revenue accounts

(1) Civil penalties collected by the city will be deposited into two (2) special revenue accounts:

a. One special revenue account will be identified and utilized for the city police department. Seventy (70) percent of collected penalties will be deposited into the city police department account. Disbursement shall be approved by the mayor and city council.

b. One special revenue account will be identified and utilized for the city parks and recreation department. Thirty (30) percent of collected penalties will be deposited into the city parks and recreation department account and shall be designated for ~~Rails-to~~ **Trails City of Clarksville Greenways and Blueways**. Disbursement shall be approved by the mayor and city council.

(2) Interest payments earned by funds in the special revenue accounts will be deposited within each respective account.

(3) Any fees or administrative costs related to the accounts may be paid from the respective special revenue accounts.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 14-2013-14

AN ORDINANCE AMENDING THE OFFICIAL CODE TO ISSUANCE OF BEER PERMITS FOR CATERERS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Official Code of the City of Clarksville, Tennessee, Title 2 (Alcoholic Beverages), Chapter 1 (Beer), Section 2-105 (Classes of Permits) is hereby amended by deleting the current language and substituting therefore the following:

Section 2-1-5. Classes of Permits.

There shall be five (5) classes or kinds of permits issued by the beer permit board as follows:

(1) *Manufacturers.* A manufacturer's permit to a manufacturer of beer, for the manufacture, possession, storage, sale, distribution, and transportation of the product of the manufacturer, not to be consumed by the purchaser upon or near the premises of the manufacturer.

(2) *Off-sale.* An "off-sale" permit to any person or legal organization engaged in the sale of beer where it is not to be consumed by the purchaser upon or near the premises of the seller.

(3) *On-sale.* An "on-sale" permit to any person or legal organization engaged in the sale of beer where it is to be consumed by the purchaser or his guests upon the premises of the seller, and provided beer may also be sold in hotel rooms of regularly conducted hotels and in regularly incorporated clubs and lodges upon their obtaining the required permit.

a. Anyone applying for or obtaining an on-sale permit may also sell beer to go so a patron may take beer with him purchased at such place after consuming beer. This will be known as a "joint" permit and shall cost an additional two hundred fifty dollars (\$250.00) at the time the application is made, or at any subsequent time when it is sought to change the type permit.

b. No alcoholic beverage shall be consumed in the parking lot of any establishment possessing an on-sale permit.

(4) *Special events permit.* A "special events" permit is required to be issued to any nonprofit organization engaged in the sale of such beverages where they are

to be consumed by the purchaser or his guests upon the premises of the seller. The special events permit will be issued for the fee of fifty dollars (\$50.00), after approval by the Clarksville police department and the Clarksville beer board. Prior notification must be made in writing ten (10) days prior to the event with the organization holding the event and location where the event is to be held. Each permit will be issued for a specific date and a specific period of time. The specific period of time will not contradict any existing state or city ordinances. Nonprofit organizations may receive no more than four (4) special events permits during a calendar year.

(5) Caterer Permit. A “caterer” permit to any person or legal organization conducting a food and beverage catering business who or which has been previously issued a Liquor by the Drink Certificate from the Tennessee Alcoholic Beverage Commission. The Liquor by the Drink Certificate must be current and not expired or revoked at the time of application for the caterer permit. The caterer permit will be issued for the fee of two hundred and fifty dollars (\$250.00), after approval by the Clarksville Police Department and the Clarksville Beer Board.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

ORDINANCE 14-2013-14

AN ORDINANCE AMENDING THE OFFICIAL CODE TO ISSUANCE OF BEER PERMITS FOR CATERERS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Official Code of the City of Clarksville, Tennessee, Title 2 (Alcoholic Beverages), Chapter 1 (Beer), Section 2-105 (Classes of Permits) is hereby amended by deleting the current language and substituting therefore the following:

Section 2-1-5. Classes of Permits.

There shall be ~~three (3)~~ five (5) classes or kinds of permits issued by the beer permit board as follows:

(1) *Manufacturers.* A manufacturer's permit to a manufacturer of beer, for the manufacture, possession, storage, sale, distribution, and transportation of the product of the manufacturer, not to be consumed by the purchaser upon or near the premises of the manufacturer.

(2) *Off-sale.* An "off-sale" permit to any person or legal organization engaged in the sale of beer where it is not to be consumed by the purchaser upon or near the premises of the seller.

(3) *On-sale.* An "on-sale" permit to any person or legal organization engaged in the sale of beer where it is to be consumed by the purchaser or his guests upon the premises of the seller, and provided beer may also be sold in hotel rooms of regularly conducted hotels and in regularly incorporated clubs and lodges upon their obtaining the required permit.

a. Anyone applying for or obtaining an on-sale permit may also sell beer to go so a patron may take beer with him purchased at such place after consuming beer. This will be known as a "joint" permit and shall cost an additional two hundred fifty dollars (\$250.00) at the time the application is made, or at any subsequent time when it is sought to change the type permit.

b. No alcoholic beverage shall be consumed in the parking lot of any establishment possessing an on-sale permit.

(4) *Special events permit.* A "special events" permit is required to be issued to any nonprofit organization engaged in the sale of such beverages where they are

to be consumed by the purchaser or his guests upon the premises of the seller. The special events permit will be issued for the fee of fifty dollars (\$50.00), after approval by the Clarksville police department and the Clarksville beer board. Prior notification must be made in writing ten (10) days prior to the event with the organization holding the event and location where the event is to be held. Each permit will be issued for a specific date and a specific period of time. The specific period of time will not contradict any existing state or city ordinances. Nonprofit organizations may receive no more than ~~two (2)~~ four (4) special events permits during a calendar year.

(5) Caterer Permit. A “caterer” permit to any person or legal organization conducting a food and beverage catering business who or which has been previously issued a Liquor by the Drink Certificate from the Tennessee Alcoholic Beverage Commission. The Liquor by the Drink Certificate must be current and not expired or revoked at the time of application for the caterer permit. The caterer permit will be issued for the fee of two hundred and fifty dollars (\$250.00), after approval by the Clarksville Police Department and the Clarksville Beer Board.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

RESOLUTION 12-2013-14

A RESOLUTION AUTHORIZING CITY OF CLARKSVILLE TO INCUR EXPENSES NOT TO EXCEED THIRTY THOUSAND DOLLARS (\$30,000.00) INCIDENTAL TO ACQUISITION OF PROPERTY DONATED BY IN-REL DEVELOPMENT FOR THE CLARKSVILLE GREENWAY

WHEREAS, the City Council for the City of Clarksville, Tennessee, via Ordinance 69-2012-13, authorized the City's acceptance of certain real property donated by In-Rel Development to be used as part of the Clarksville Greenway (See Exhibit A to said Ordinance; hereinafter, the "Property"); and

WHEREAS, in the ordinary course of acquiring the Property, it is necessary to incur certain incidental expenses.

BE IT, THEREFORE, RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Clarksville City Council hereby authorizes the City of Clarksville to incur expenses not to exceed thirty thousand dollars (\$30,000.00) incidental to the City's acquisition of the real property donated by In-Rel Development to be used as part of the Clarksville Greenway.

ADOPTED:

ORDINANCE 69-2012-13

AN ORDINANCE ACCEPTING DONATION OF PROPERTY FROM IN-REL
DEVELOPMENT FOR THE CLARKSVILLE GREENWAY

WHEREAS, the Clarksville City Council has previously authorized the acquisition of real property for and the construction of a nature and fitness trail for public use, and said trail has been substantially completed and is known as the Clarksville Greenway;

WHEREAS, the Clarksville City Council finds that the recent dedication and opening of the Clarksville Greenway has been a great success, and makes a significant contribution to an enhanced quality of life for City residents; and

WHEREAS, the Clarksville City Council finds further that the acquisition by the City of additional real property appurtenant to or nearby the Clarksville Greenway trail for use as public facilities for patrons of the Clarksville Greenway is in the public interest, and said real property is more particularly described in Exhibit A attached hereto and incorporated herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the City may accept donation of the real property described in Exhibit A attached hereto and incorporated herein for use by patrons of the Clarksville Greenways.

<i>FIRST READING:</i>	February 7, 2013
<i>SECOND READING:</i>	March 7, 2013
<i>EFFECTIVE DATE:</i>	March 13, 2013

EXHIBIT A

Being a tract of land situated in the 12TH Civil District in Clarksville, Montgomery County, Tennessee, said tract being a portion of the Two Rivers Center LLC property, (ORV.975, page 1558), said tract also being south of and adjacent to U.S. Highway 41-A, said tract also being east of and adjacent to Red River, said tract also being more fully described as follows;

Beginning at a ½" rebar found in the south right of way of U.S. Highway 41-A), said rebar being the northwest corner of the WH Capitol LLC property, (Waffle House), (ORV. 1023, Page 815), said ½" rebar also being the northeast corner of said herein tract described;

Thence leaving said U.S. Highway 41-A and with the west line of said WH Capitol LLC property, (Waffle House), property, **South 33°41'24" West, a distance of 175.00 feet** to a point, said point being the southwest corner of said WH Capitol LLC property, (Waffle House), property;

Thence leaving said WH Capitol LLC property, (Waffle House), property, and along a new severance line for the next (6) six calls;

Thence **South 33°30'03" West, a distance of 181.45 feet** to a point;

Thence **South 33°07'45" West, a distance of 230.22 feet** to a point;

Thence **South 38°45'39" West, a distance of 64.91 feet** to a point;

Thence **South 41°10'38" West, a distance of 230.04 feet** to a point;

Thence **South 41°58'26" West, a distance of 109.21 feet** to a point;

Thence **South 43°15'56" West, a distance of 136.12 feet** to a point, said point being in the north line of the City of Clarksville property, (ORV.1305, Page 2846), said point being the southeast corner of said herein tract described;

Thence with said north line of City of Clarksville property, **North 58°44'24" West, a distance of 110.69 feet** to a point, said point being at the low water mark of said Red River, said point also being the southwest corner of the Two Rivers Center LLC property, (ORV.975, page 1558), said point also being the northwest corner of said City of Clarksville property, said point also being the southwest corner of said herein tract described;

Thence with said low water mark of Red River for the next (7) seven calls;

Thence **North 52°38'36" East, a distance of 36.36 feet** to a point;

Thence **North 43°26'36" East, a distance of 196.06 feet** to a point;

Thence **North 43°49'36" East, a distance of 200.06 feet** to a point;

Thence **North 39°34'36" East, a distance of 27.82 feet** to a point;

Thence North **36°23'23"** East, a distance of **166.78 feet** to a point;

Thence North **31°21'36"** East, a distance of **305.22 feet** to a point;

Thence North **29°34'36"** East, a distance of **198.10 feet** to a point in said south right of way of U.S. Highway 41-A, said point also being the northwest corner of said herein tract described;

Thence leaving said low water mark and with said south right of way of U. S. Highway 41-A, South **58°44'24"** East, a distance of **117.61 feet** to the point of beginning;

Said tract containing **2.59 acres** more or less.

Said tract being subject to all easements, right of ways, restrictions and conveyances of record and not of record.

Being a portion of the same property conveyed to Two Rivers Center, LLC from the Estate of Emma B. Pressler, Deceased, and Pressler Trust by Quitclaim Deed dated June 14, 2004 and recorded on June 18, 2004 in Volume Book 975, Page 1558, Register's Office for Montgomery County, Tennessee.

***Part Affected Summary Appraisal Report
of Property Located at
668-670 Riverside Drive, Clarksville, TN 37042***

For

**Daniel Binkley
City of Clarksville
One Public Square
Montgomery County, Tennessee**

By

**Joseph Mark Young, CG-1117
Tennessee State Certified General Appraiser
Mark Young Real Estate Appraisals
298 Clear Sky Court-Suite H
Clarksville, TN 37043**

Effective Date of Appraisal:

February 19th 2013

Date of Report:

February 21st 2013

***Mark Young Real Estate Appraisals
298 Clear Sky Court-Suite H
Clarksville, TN 37043
Joseph Mark Young, CG-1117***

APPRAISAL REPORT
668-70 Riverside Drive North, Clarksville Montgomery County Tennessee

INTENDED USER OF APPRAISAL: City of Clarksville
Attn: Daniel Binkley, One Public Square Clarksville Tennessee 37040

INTENDED USE OF APPRAISAL: The intended use of this appraisal is for the acquisition of a whole or part of the property for Fee Simple Acquisition to expand for Red River Trail

1. Name, Address and Telephone Numbers:
- (A) Owner: Two Rivers Center LLC
% In-Rel Management Inc
2328 10th Avenue N Ste 401
Lake Worth FL, 33461-6612
- (B) Tenant: Multiple commercial retailers
- (C) Address and/or Location of subject: 668-70 Riverside Drive North, Clarksville Tennessee
2. Detail Description of Entire Tract: The subject is a irregular shaped tract located along the banks of the Red River along Riverside Drive. The property was once home to Two Rivers Mall and now is the Two Rivers Center. The property contains 18.5 acres of C-2 commercial zoned property with over 40,000 square foot of retail space which was constructed in 1965 with extensive remodeling haven taken place over the past few years. The property is level with access points along Providence Blvd to the east and Riverside Drive to the south along this northern right of way.
3. (A) Tax Map and Parcel No. Map 55-O Group B Parcel 1.00
- (B) Subject is in FEMA Flood Zone Yes
FEMA Map/Zone No. 47125C 0236 D Dated March 18, 2008
4. Interest Acquired: Fee ☒ Access Eas. Utility Eas. Constr. Eas.
5. Acquisition: Total: _____ Partial ☒
6. Type of Appraisal: Formal _____ Formal Part Affected ☒
- Detail Description of Land Acquired: The land acquired consists of 2.59 acres or 112,820 square feet of commercial land that abuts or joins the southern banks of the Red River. All of the site is located in the flood plain area. This area adjoins the parking to the rear of the subject.
7. Sales History of Subject:

Date of Sale	Grantor	Grantee	Book Page	Verified Consid.	How Sale Verified
06/14/2004	Pressler A J % First Union Real Estate	Two Rivers Center LLC	975/1552	\$7,000,000	Public Records
Existing Use	Zoning	Utilities Available	Off-Site Improvements		Area Lot or Acreage
Comm	C-2 Commer	Water, Electric, Sewer, Gas	Paved Asphalt		18.5 sf

8. Highest and Best Use: (Before Acquisition) (If different from existing make explanation supporting same)
- The subject’s highest and best use would be for the continued use as commercial retail property

SALES COMPARISON APPROACH – LAND VALUE ANALYSIS				
Analysis of Vacant Land Sales				
Analysis of Sales		Comparable #1	Comparable #2	Comparable #3
Address of Sale		Old Russellville Pike Clarksville TN 37043	2590 Peachers Mill Rd Clarksville TN 37042	Big Station Camp Blvd Gallatin Tennessee 37066
Sales Price		\$1,102,950	\$2,000,000	\$1,800,000
Unit Price/acre		\$95,082	\$136,986	\$91,463
Date of Sale Time Adj.		December 20 th 2012	November 17 th 2011	April 9 th 2011
Proximity to Subject		4.73 miles NE	6.09 miles N	48.51 miles E
Elements/Comparison	Subject	(+)(-) Dollar Adjustment	(+)(-) Dollar Adjustment	(+)(-) Dollar Adjustment
Location	Suburban/Average	Suburban/average	Suburban/superior -\$41,000 (30%)	Suburban/average
Size	18.5+/- acres	11.60 +/- acres	14.60+/- acres	19.68+/- acres
Shape	Irregular	Irregular	Irregular	Irregular
Site View	Commercial	Commercial	Commercial	Commercial
Topography	Fairly Level	Fairly Level	Fairly Level	Fairly Level
Access	Good/2 arteries	Good/2 arteries	Good/ 2 arteries	Good/2 arteries
Zoning	Commercial	Commercial	Commercial	Commercial
Utilities	Water/Elect/Sewer/Gas	Water/Elec/Sewer/gas	Water/Elec/Sewer/Gas	Water/Elec/Sewer/Gas
Easements/Encumb.	Typical	Typical	Typical	Typical
Off Site Improvements	Paved Asphalt	Paved Asphalt	Paved Asphalt	Paved Asphalt
On Site Improvements	Vacant	Vacant time of sale	Vacant time of sale	Vacant time of sale
Other – Utility	Average	Average	Average	Average
Flood Plain	100 year	None	None	None
Tax Mp/Parcel Vol/Page	Mp 55-O/B/1.00 V 975 pg 1558	Map 41 Parcel 23.02 V 1485 Page 1347	Map 18 Parcel 2.00 V 1413 Page 2847	Map 124 Parcel 46.03 V pg 1056
NET ADJUSTMENT			-\$41,000	
INDICATED UNIT VALUE RANGE		\$95,082/acre	\$95,986/acre	\$91,463/acre
INDICATED TOTAL VALUE OF SUBJECT: (Part Effected)				
No. Units: 18.50+/- acres X \$92,000/acre = \$1,702,000				
COMMENTS: <u>Part Affected Only</u>				
<p>The appraiser felt the above three sales were the best available in estimating the subject’s current market value. The subject being appraiser is the land portion of the Old Two Rivers Mall location. There are a limited number of sales of larger vacant sites in Clarksville Tennessee. Due to lack of sales I expanded my search parameters to nearby Gallatin Tennessee which I feel is fairly comparable for development properties similar to the subject. Sale #2 is located in a market area that is seeing rapid growth in the residential sector with roof tops accelerating at numbers never seen in Clarksville in the past. I feel that this property due to the anticipated growth achieved a higher price than sales #1 and #3. Sale #1 is located in the St. Bethlehem sub-market off the main traffic corridor. This sale is within a highly developing area of Clarksville and with being just off the main traffic corridor I do not feel a location adjustment is warranted. Sale #3 is located in southern area of Sumner County in an area that is in its earliest stages of development and no adjustment warranted for this location as well. Based on the above three sales I have estimated a market value for the subject property at \$92,000 per acre. The concluded value of the part affected below is shown as follows:</p>				
<p style="text-align: center;">Mark Young Real Estate Appraisals 298 Clear Sky Court-Suite H Clarksville, TN 37043 Joseph Mark Young, CG-1117</p>				

ITEM 9. Explanation and/or Breakdown of Land Values

(A) VALUATION OF LAND

Land Type: Commercial	Area: 18.50	S.F./Acre X \$92,000	=	\$1,702,000
Land Type: _____	Area: _____	S.F./Acre X \$ _____	=	\$ _____
Land Type: _____	Area: _____	S.F./Acre X \$ _____	=	\$ _____
Land Type: _____	Area: _____	S.F./Acre X \$ _____	=	\$ _____
Land Type: _____	Area: _____	S.F./Acre X \$ _____	=	\$ _____

REMARKS: The appraiser has reconciled the value of the property on a price per acre. As stated this is a formal part affected and the value of the property is concluded to be \$1,702,000 of the total part affected which is 18.5 acres of commercial land.

10.APPROACHES TO VALUE CONSIDERED:

(A)	Indicated Value of Part Affected Tract from Sales Comparison Approach	\$1,702,000
(B)	Indicated Value of Part Affected Tract from Cost Approach	\$ N/A
(C)	Indicated Value of Part Affected Tract from Income Approach	\$ N/A

RECONCILIATION: (Which approaches were given most consideration?) The Sales Comparison Approach was the only method of valuation completed to arrive at the subjects estimated market value.

The only approach completed that the appraiser felt were reasonable was the Sales Comparison Approach. This would be the typical method of valuation for commercial vacant acreage located on heavily traveled traffic corridors and sub-markets similar to the subject. There are no improvements within the take or upon the site.

11. FAIR MARKET VALUE of () Entire Tract	(x) Part Affected from Sales Comparison Approach	\$1,702,000
(A) TOTAL AMOUNT DUE OWNER if () Entire Tract	(x) Part Affected Acquired	\$1,702,000
(B) AMOUNT ATTRIBUTABLE TO:	Land \$1,702,000	Improvements \$ -0-

REMARKS: There will be no site improvements affected that are to be valued within the scope of work obtained from Daniel Binkley with the City of Clarksville. The Cost Approach and the Income Approach method of valuation were not applicable for estimating the subject’s current market value. There are no improvements affected by or within the take.

PARTIAL ACQUISITION
CITY OF CLARKSVILLE, MONTGOMERY COUNTY, TENNESSEE

ITEM 12.

VALUE OF ENTIRE TRACT (Amount in Item 19 carried forward) \$1,702,000

AMOUNT DUE OWENR IF ONLY PART ACQUIRED (Detail breakdown)

- A. Land Acquired (Fee) 2.59 acres @ \$92,000/acre = \$238,200
- Land Acquired (Fee) _____ Sq. Ft. or _____ Ac. @ \$ _____ = \$ N/A
- Utility Easement _____ Sq. Ft or @ _____ = \$ N/A
- Slopes Acquired _____ = \$ N/A
- Const. Easement _____ = \$ N/A
- Access Easement _____ = \$ N/A
- B. Improvements Acquired: (Identify) None
- C. Value of Part Acquired Land & Improvements (Sub-Total).....\$238,200
- D. Total Damages (See Explanation, Breakdown & Support: 2A-9).....\$ N/A
- E. Sum of A, B, and D.....\$238,200
- F. Benefits: (Amount must not exceed incidental damages).....\$ -0-
- G. TOTAL AMOUNT DUE OWNER; If only part is Acquired.....\$238,200

ITEM 13. VALUE OF REMAINDER (See 2A-9) for Documentation of Remainder Value)

A. LAND REMAINDER			Before Value	After Value	Damages	Remainder Value
Left Remainder	15.91	s.f./ac. @	\$92,000/acre	\$92,000/acre	\$ 0	\$1,463,720
		s.f./ac. @				
Right Remainder		s.f./ac. @				
		s.f./ac. @				
		s.f./ac. @				

REMAINDER VALUE OF LAND.....\$1,463,720

LESS AMOUNT PAID FOR EASEMENTS IN ITEM 20A.....\$

LESS COST-TO-CURE (LINE 20-D).....\$ N/A

TOTAL REMAINDER VALUE OF LAND.....\$1,463,720

B. IMPROVEMENTS REMAINING	BEFORE VALUE	DAMAGES	REMAINING VALUE
IMPROVEMENT NO.			
IMPROVEMENT NO.			
IMPROVEMENT NO.			
IMPROVEMENT NO.			
IMPROVEMENT NO.			

REMAINDER VALUE OF IMPROVEMENTS.....\$ N/A

LESS: Cost to Cure \$ N/A

TOTAL REMAINDER VAULE OF LAND AND IMPROVEMENTS... \$1,463,720

SUMMARY OF REMAINDER

APPRAISERS DESCRIPTION OF REMAINDER AND EXPLANATION OF DAMAGES AND BENEFITS:

(Supplement to Items 20 and 21, Pages 2A-8)

14. HIGHEST AND BEST USE AFTER TAKING: Continued use as retail commercial property

15. DESCRIBE REMAINDER (S): A full narrative description of the remainder(s) must be given on all partial takings.

The remainder will consist of 15.91 acres that will not be affected by the take. The subject will continue to have the same access and parking with no damages nor improvements after the take.

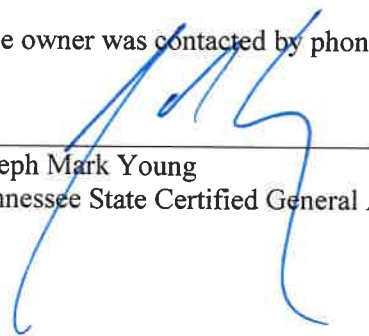
17. Amount of DAMAGE This Page to – 2A-8, Item 20-D.....\$ N/A

18. Amount of BENEFITS This Page to – 2A-8, Item 20-F.....\$ N/A

CERTIFICATION OF APPRAISAL

I hereby certify that to the best of my knowledge and belief:

- (1) That I have personally inspected the property herein appraised and that I have also made a personal field inspection of the comparable sales relied upon in making said appraisal. The subject and the comparable sales relied upon in making said appraisal were represented by the photographs contained in said appraisal and/or market data brochure.
- (2) The statements of fact contained in this appraisal are true and correct.
- (3) The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and is my personal, unbiased professional analyses, opinions, and conclusions.
- (4) That I understand that said appraisal is to be used in connection with the acquisition of right-of-way for a highway to be constructed by the State of Tennessee with ☐ without ☒ the assistance of Federal-aid highway funds, or other Federal funds.
- (5) That such appraisal has been made in conformity with the appropriate State laws, regulations and policies and procedures applicable to appraisal of right-of-way for such purposes; and that to the best of my knowledge no portion of the value assigned to such property consists of items which are non compensable under the established law of said State.
- (6) That any increase or decrease in the fair market value of real property prior to the date of valuation caused by the public improvement for which said property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property.
- (7) That neither my employment nor my compensation is contingent upon the reporting of a predetermined value or direction in value that favors that cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
- (8) I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.
- (9) That I have not revealed the findings and results of such appraisal to anyone other than the proper officials of the City of Clarksville and/or that Administration and I will not do so until so authorized by City officials, or until I am released from this obligation by having publicly testified to such findings.
- (10) That no one provided significant professional assistance to the person signing this report. (If there are exceptions, the name of each individual providing significant professional assistance must be stated.)
- (11) That my analyses, opinions and conclusions were developed, and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice.
- (12) I have performed no services, as an appraiser, or in any other capacity, regarding the property that is the subject of this report, within the three-year period immediately preceding acceptance of this reporting assignment.
- (13) The owner was contacted by phone and declined to accompany me on the appraisal visit.



Joseph Mark Young
Tennessee State Certified General Appraiser, CG-1117

Date

SCOPE OF THE APPRAISAL

The City of Clarksville Tennessee has requested an appraisal to estimate fair market value for aide in obtaining the subject tract as described within this report. In accordance with the client's request, I have conducted the required inspections and investigations to familiarize myself with the subject of this report and the market in which it would compete if offered for sale. Applicable and customary approaches to value have been considered in the valuation of the subject property. The appraiser assumes that the legal descriptions, surveys, plans and specifications, etc. which have been provided are current and accurate unless otherwise stated in the report. The owner replied to a phone call and the appraiser inspected the property in February of 2013 without one of the owners which was agreed upon by the owners representative being Jonathan Davison (561-383-2404) In addition I met with Daniel Binkley who works for the City of Clarksville in Montgomery County to gain further in site into the difference in the project before and after the take and to obtain data such as site plans and legal descriptions where the report could be completed. I have relied on public records, personal files, Co-Star reporting and Courthouse Retrieval Services to aide in the completion of this report. The comparable properties were inspected on different dates, see attached photos.

GENERAL LIMITING CONDITIONS & ASSUMPTIONS

This appraisal report has been made with the following general limiting conditions and assumptions:

- (1) The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
- (2) Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purposes by any person other than the party to whom it is addressed without the written consent of the appraiser and in any event, only with proper written qualification and only in its entirety.
- (3) The appraiser herein by reason of this appraisal is not required to give further consultation, testimony, or be in attendance in court with reference to the property in question unless arrangements have been previously made.
- (4) Neither all nor any part of the contents of this report (*especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected*) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the appraiser.
- (5) The value estimate is based on building sizes calculated by the appraiser from exterior dimensions taken during the inspection of the subject property. Land areas are based on the legal descriptions provided unless otherwise noted in this report.
- (6) No responsibility is assumed for the legal description or for matters including legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.
- (7) The property is appraised free and clear of any or all liens or encumbrances unless otherwise stated.
- (8) Responsible ownership and competent property managements are assumed.
- (9) The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
- (10) All engineering is assumed to be correct. The plot plans and illustrative material in this report are included only to assist the reader in visualizing the property.
- (11) It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.
- (12) It is assumed that there is full compliance with all-applicable federal, state and local environmental regulations and laws unless noncompliance is stated, defined, and considered in the appraisal report.
- (13) It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless nonconformity has been stated, defined, and considered in the appraisal report.
- (14) It is assumed that all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.

Mark Young Real Estate Appraisals
298 Clear Sky Court-Suite H
Clarksville, TN 37043
Joseph Mark Young, CG-1117

- (15) It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in the report.
- (16) Unless otherwise stated in this report, the appraiser did not observe the existence of hazardous material, which may or may not be present on the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, area-formaldehyde foam insulation or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there are no additional materials on the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them or the costs involved to remove them. The appraiser reserves the right to revise the final value estimate if such substances are found on or in the property.
- (17) The Americans with Disabilities Act ("ADA") became effective January 26, 1992. We have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property together with a detailed analysis of the requirements of the ADA could reveal that the property is not in compliance with one or more of the requirements of the ADA. If so, this fact could affect the value of the property. Since we have no direct evidence relating to this issue, we did not consider possible non-compliance with the requirements of the ADA in estimating the value of the subject property.

Subject Photographs
Photos taken February 19, 2013



Improvement



Improvement



Improvement

Mark Young Real Estate Appraisals
298 Clear Sky Court-Suite H
Clarksville, TN 37043
Joseph Mark Young, CG-1117

Subject Photographs
Photos taken February 19, 2013



Improvement



Improvement



Improvement

Mark Young Real Estate Appraisals
298 Clear Sky Court-Suite H
Clarksville, TN 37043
Joseph Mark Young, CG-1117

Subject Photographs

Photos taken February 19, 2013



Improvement



From improvement parking looking onto New Providence Boulevard



From improvement parking looking onto New Providence Boulevard

***Mark Young Real Estate Appraisals
298 Clear Sky Court-Suite H
Clarksville, TN 37043
Joseph Mark Young, CG-1117***

Subject Photographs
Photos taken February 19, 2013



From improvement parking looking onto Riverside Drive



From improvement parking looking onto Riverside Drive



View of Take

***Mark Young Real Estate Appraisals
298 Clear Sky Court-Suite H
Clarksville, TN 37043
Joseph Mark Young, CG-1117***

Subject Photographs

Photos taken February 19, 2013



View of Take



View of Take



View of Take

***Mark Young Real Estate Appraisals
298 Clear Sky Court-Suite H
Clarksville, TN 37043
Joseph Mark Young, CG-1117***

Boundary Description - Page 1

BOUNDARY DESCRIPTION OF A PORTION OF THE TWO RIVERS CENTER LLC PROPERTY

Being a tract of land situated in the 12TH Civil District in Clarksville, Montgomery County, Tennessee, said tract being a portion of the Two Rivers Center LLC property, (ORV.975, page 1558), said tract also being south of and adjacent to U.S. Highway 41-A, said tract also being east of and adjacent to Red River, said tract also being more fully described as follows;

Beginning at a ½" rebar found in the south right of way of U.S. Highway 41-A), said rebar being the northwest corner of the WH Capitol LLC property, (Waffle House), (ORV. 1023, Page 815), said ½" rebar also being the northeast corner of said herein tract described;

Thence leaving said U.S. Highway 41-A and with the west line of said WH Capitol LLC property, (Waffle House), property, **South 33°41'24" West, a distance of 175.00 feet** to a point, said point being the southwest corner of said WH Capitol LLC property, (Waffle House), property;

Thence leaving said WH Capitol LLC property, (Waffle House), property, and along a new severance line for the next (6) six calls;

Thence **South 33°30'03" West, a distance of 181.45 feet** to a point;

Thence **South 33°07'45" West, a distance of 230.22 feet** to a point;

Thence **South 38°45'39" West, a distance of 64.91 feet** to a point;

Thence **South 41°10'38" West, a distance of 230.04 feet** to a point;

Thence **South 41°58'26" West, a distance of 109.21 feet** to a point;

Thence **South 43°15'56" West, a distance of 136.12 feet** to a point, said point being in the north line of the City of Clarksville property, (ORV.1305, Page 2846), said point being the southeast corner of said herein tract described;

Thence with said north line of City of Clarksville property, **North 58°44'24" West, a distance of 110.69 feet** to a point, said point being at the low water mark of said Red River, said point also being the southwest corner of the Two Rivers Center LLC property, (ORV.975, page 1558), said point also being the northwest corner of said City of Clarksville property, said point also being the southwest corner of said herein tract described;

Thence with said low water mark of Red River for the next (7) seven calls;

Thence **North 52°38'36" East, a distance of 36.36 feet** to a point;

Thence **North 43°26'36" East, a distance of 196.06 feet** to a point;

Thence **North 43°49'36" East, a distance of 200.06 feet** to a point;

Thence **North 39°34'36" East, a distance of 27.82 feet** to a point;

S:\45320 RC (RIVERWALK)\Survey Info\Documents\Boundary Description of a portion of the Two Rivers Center LLC Property_2.59 Acres.docx

Page 1 of 2

Boundary Description - Page 2

Thence North 36°23'23" East, a distance of 166.78 feet to a point;

Thence North 31°21'36" East, a distance of 305.22 feet to a point;

Thence North 29°34'36" East, a distance of 198.10 feet to a point in said south right of way of U.S. Highway 41-A, said point also being the northwest corner of said herein tract described;

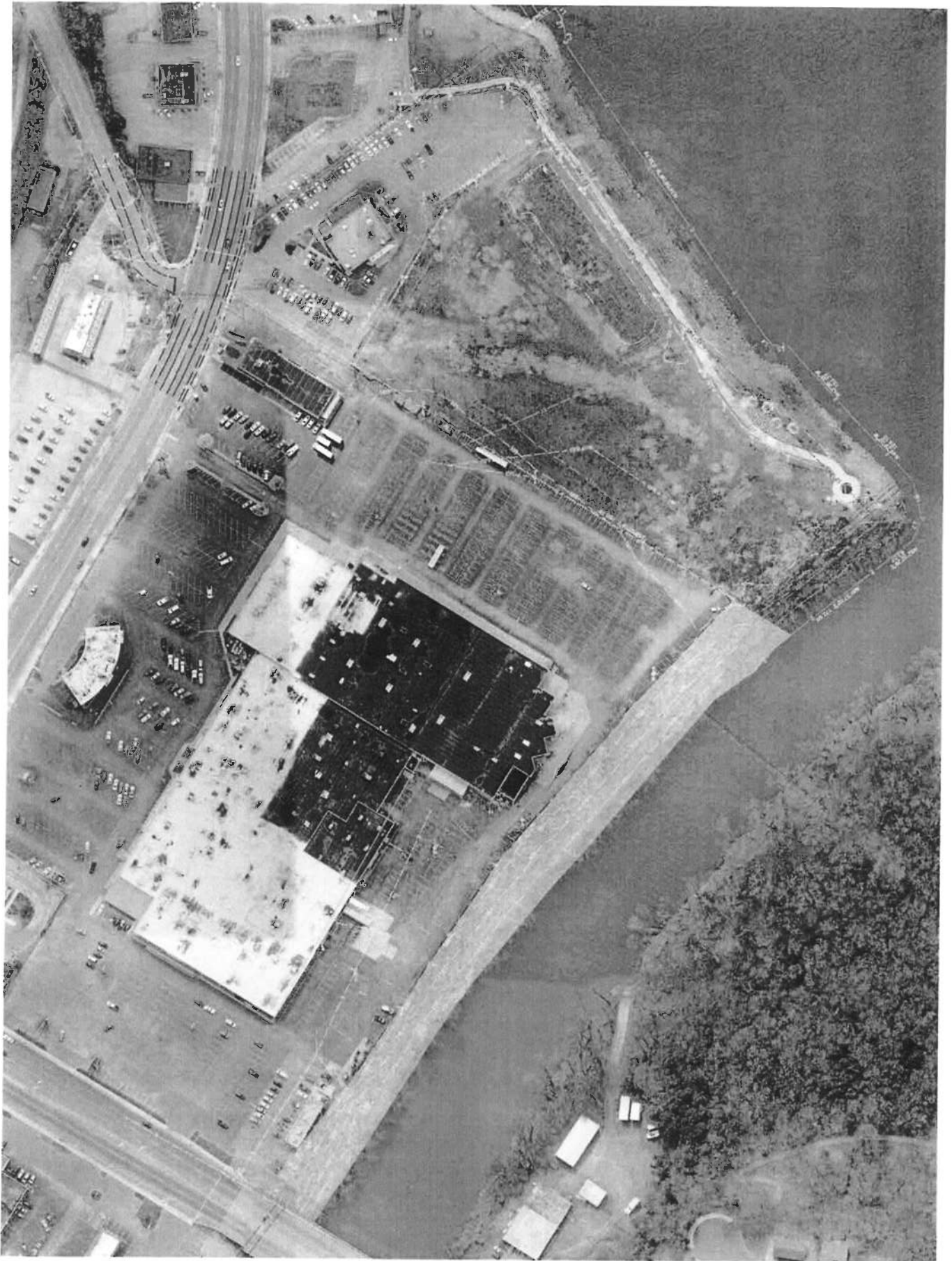
Thence leaving said low water mark and with said south right of way of U. S. Highway 41-A, South 58°44'24" East, a distance of 117.61 feet to the point of beginning;

Said tract containing 2.59 acres more or less.

Said tract being subject to all easements, right of ways, restrictions and conveyances of record and not of record.

S:\45320 RC (RIVERWALK)\Survey Info\Documents\Boundary Description of a portion of the Two Rivers
Center LLC Property_2.59 Acres.docx
Page 2 of 2


Boundary Depiction



*Mark Young Real Estate Appraisals
298 Clear Sky Court-Suite H
Clarksville, TN 37043
Joseph Mark Young, CG-1117*

Deed - Page 1

Joyce B. Sawyer, Registrar
Montgomery County Tennessee
Rec #: 81890 Instrument #: 620641
Rec'd: 25.00 Recorded
State: 0.00 6/18/2004 at 8:37 am
Clark: 0.00 in Volume
SDP: 2.00 975
Total: 27.00 Pgs 1558-1562

THIS INSTRUMENT WAS PREPARED BY: RICHARD H. BATSON, ESQ. BATSON, NOLAN, BRICE, WILLIAMSON & GISKY 121 SOUTH THIRD STREET CLARKSVILLE, TN 37040 (931) 647-1501 TELEPHONE (931) 553-0153 FACSIMILE	STATE OF TENNESSEE COUNTY OF MONTGOMERY THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS \$ <u>-0-</u> <u>McNley Martin</u> AFFIANT SUBSCRIBED AND SIGNED BEFORE ME, THIS <u>16th</u> DAY OF <u>June</u>  MY COMMISSION EXPIRES: <u>8-3-05</u>
---	--

ADDRESS NEW OWNER(S) AS FOLLOWS:	SEND TAX BILL TO:	MAP-PARCEL NUMBER
Two Rivers Center, LLC (Name) Concept 2 Towers 2328 Tenth Ave. North, Suite 401 (Street Address or Route Number) Lake Worth FL 33461 Attn: Charles Stein (City) (State) (Zip Code)	Two Rivers Center, LLC (Name) Concept 2 Towers 2328 Tenth Ave. North, Suite 401 (Street Address) Lake Worth FL 33461 Attn: Charles Stein (City) (State) (Zip Code)	550-B-1; 550-B-1.01; 550-B-13; 550-B-13.01; 550-B-14

Property Address: 668 North Riverside Drive, Clarksville, TN

QUITCLAIM DEED

FOR A GOOD AND VALUABLE CONSIDERATION, the undersigned, THE ESTATE OF EMMA B. PRESSLER, Deceased and PRESSLER TRUST, hereinafter called the GRANTOR, hereby quitclaims and conveys to TWO RIVERS CENTER, LLC a Delaware limited liability company, hereinafter called the GRANTEE, its successors, heirs and assigns, a certain tract or parcel of land in Montgomery County, State of Tennessee, described as follows, to wit:

See Exhibit A attached hereto and made a part hereof.

Volume 975 Page 1558

Deed - Page 2

Being part of the same property conveyed to A. J. Pressler and wife, Emma B. S. Pressler by Deeds of record in Deed Book 87, page 635, Deed Book 137, page 6, Deed Book 141, page 133, Deed Book 145, pages 345 and 365 respectively, and Deed Book 87, page 635, Register's Office of Montgomery, Tennessee. The said A. J. Pressler is deceased and by virtue of he and Emma B. S. Pressler owning said property as tenants by the entirety, the said Emma B. S. Pressler became the absolute owner as the surviving tenant by the entirety upon his death. The said Emma B. Pressler (one and the same person as Emma B. S. Pressler) died on January 5, 2000, and the property is currently vested in Thomas N. Sargent, Sr. Executor of the Estate of Emma B. Pressler and Trustee of the Pressler Trust.

This conveyance is expressly subject to that certain easement reserved by and for Grantor described in that certain Lease Modification Agreement dated 26 December 1973, which is Schedule B to Assignment Ground Lease dated 26 September 1975, of record in ORVB 192, page 328, R.O.M.C.T. (and as specifically set out in ORVB 192, page 336), which is a perpetual ingress egress easement more particularly described in said Lease Modification Agreement.

It is the express intent of the Grantor and Grantee that Grantee's leasehold interests and fee simple interest in the property conveyed hereunder or any other interest now or hereafter acquired by Grantee not merge (by operation of law or otherwise) notwithstanding that Grantee, in addition to the conveyance made hereunder, acquired (i) the leasehold estate of the lessor under that certain Lease Agreement by and between A.J. Pressler and wife, Emma B. Pressler and Erie Investments, Inc. of record in Volume 22, Page 438 as assigned by Assignment of Ground Lease of record in Volume 22, Page 442, as further assigned to First Union Real Estate Equity and Mortgage Investments by Assignment of record in Volume 192, Page 328 and by Ground Lease of record in Volume 192, Page 344 as further assigned to Two Rivers Venture, LLC by Assignment and Assumption of Ground Lease of record in Volume 773, Page 1969, all in the Register's Office of Montgomery County, Tennessee (the "Ground Lease") by that certain Assignment of Ground Lease executed by Grantor and Grantee, (ii) the leasehold estate of the lessee under the Ground Lease by that certain Assignment of Ground Lease executed by Grantee and Two Rivers Venture, LLC, and (iii) fee simple title to the property under that certain Special Warranty Deed executed by Grantor in favor of Grantee. No such merger will occur unless and until Grantee executes a written instrument specifically effecting such merger and records the same in said Register's Office.

WITNESS my hand this 14th day of June, 2004.

~~THE ESTATE OF EMMA B. PRESSLER and
PRESSLER TRUST~~

~~By: _____
Thomas N. Sargent, Sr.
Executor and Trustee~~

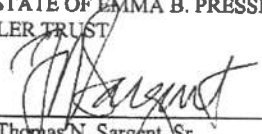
169991_1

2

Deed - Page 3

WITNESS my hand this 14th day of June, 2004.

THE ESTATE OF EMMA B. PRESSLER and
PRESSLER TRUST

By: 
Thomas N. Sargent, Sr.
Executor and Trustee

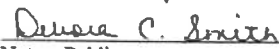
STATE OF GEORGIA

SS

COUNTY OF GWINNETT

Before me, the undersigned, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Thomas N. Sargent, Sr. with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who, upon oath, acknowledged himself to be the Executor of The Estate of Emma B. Pressler and Trustee of Pressler Trust, the within-named bargainor, and that he as such Executor and Trustee, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Estate and Trust by himself and as such Executor and Trustee.

Witness my hand and seal at office this 14th day of June, 2004.


Notary Public

My Commission Expires: Notary Public, Gwinnett County, Georgia
My Commission Expires September 25, 2008



Deed - Page 4

EXHIBIT A

LEGAL DESCRIPTION

TRACT 1: TWO RIVERS MALL

BEGINNING, at an iron pin (found) in the southerly right-of-way line of said U.S. Highway 41A said pin being the northwesterly corner of property conveyed to Taco Bell of America, Inc., by deed of record in Volume 685, Page 1481, R.O.M.C.;

THENCE, with the westerly line of said Taco Bell of America, Inc., and with the westerly line of property conveyed to Christine Chen Ho by deed of record in Volume 708, Page 1240, R.O.M.C., S 26° 10' 00" W, 210.00 feet to a punch mark and "X" (found) in top of pipe in the southwesterly corner of said Ho property;

THENCE, with the southerly line of said Ho property S 63° 45' 00" E, 210.00 feet to a P.K. nail (set) in the westerly right-of-way line of Riverside Drive;

THENCE, with said westerly right-of-way line the following calls:

S 26° 15' 00" W, 113.00 feet to a P.K. nail (set);
S 63° 45' 00" E, 10.00 feet to a P.K. nail (set);
S 26° 15' 00" W, 87.00 feet to an "x" in concrete (set) in the northeasterly corner of property conveyed to John Gilreath by deed of record in Volume 500, Page 2420, R.O.M.C.;

THENCE, with said Gilreath property the following calls:

N 63° 45' 00" W, 117.72 feet to a P.K. nail (set);
S 26° 15' 00" W, 133.72 feet to a P.K. nail (set);
S 11° 15' 00" E, 96.15 feet to a P.K. nail (set);
S 63° 45' 00" E, 59.18 feet to a P.K. nail (set) in the westerly right-of-way line of Riverside Drive;

THENCE, with said right-of-way line the following calls:

S 26° 15' 00" W, 103.00 feet to a P.K. nail (set);
N 18° 45' 00" W, 7.07 feet to a P.K. nail (set);
S 26° 15' 00" W, 34.50 feet to a P.K. nail (set);
With a curve to the left 135.64 feet to a P.K. nail (set) in the southerly corner of the herein described property said curve having a central angle of 14° 27' 32", a radius of 537.50 feet, a tangent of 68.18 feet and a chord of S 19° 01' 14" W, 135.28 feet;
S 78° 12' 32" E, 4.32 feet;
With a curve to the left 234.67 feet to an "X" in concrete (set) in the southerly corner of the herein described property said curve having a central angle of 11° 20' 13" a radius of 1186.00 feet, a tangent of 117.72 feet and a chord of S 17° 33' 01" W,

4

Deed - Page 5

234.29 feet;
THENCE, leaving said right-of-way line and with the southerly line of this property, N 63° 50' 00" W, 1007.33 feet to the easterly side of the Red River;

THENCE, with the easterly side of said Red River, the following calls:
N47° 33' 00" E, 36.36 feet.
N 38° 21' 00" E, 196.06 feet;
N 38° 44' 00" E, 200.06 feet;
N 34° 29' 00" E, 27.82 feet;
N 31° 17' 47" E, 166.78 feet;
N 26° 16' 00" E, 305.22 feet;
N 24° 29' 00" E, 198.10 feet to the southerly right-of-way line of U.S. Highway 41 A;

THENCE, with a said right-of-way line, S 63° 50' 00" E, 625.20 feet to the point of beginning.

TOGETHER WITH all rights and easements set forth in the Agreement dated September 18, 1968, of record in Official Record Book Volume 85, page 776, of said Register's office.

TRACT 2: O'CHARLEY'S

Land in Clarksville, Montgomery County, Tennessee, located south of U.S. Highway 41A and west of Riverside Drive and being more particularly described as follows:

BEGINNING, at an "X" in concrete (set) in the westerly right-of-way line of Riverside Drive at its intersection with a southeasterly line of property conveyed to O'Charley's by deed of record in Volume 368, Page 910, R.O.M.C.;

THENCE, with the said southeasterly line of said O'Charley's property, S 48° 49' 59" W, 200.38 feet to an iron pin (set);

THENCE, N 63° 50' 00" W, 163.77 feet to an iron pin (set);

THENCE, N 26° 10' 00" E, 280.30 feet to a P.K. nail (set) in the southerly line of Two Rivers Mall, property conveyed to A.J. Pressler and wife, Emma B.S. Pressler;

THENCE, with said southerly line, S 63° 50' 00" E, 212.38 feet to an "X" in concrete (set) in the westerly right-of-way line of Riverside Drive;

THENCE, with said westerly right-of-way line with a curve to the left, 99.62 feet to the point of beginning, said curve having a central angle of 04° 48' 46", a radius of 1186.00 feet, a tangent of 49.84 feet and a chord of S 09° 28' 31" W, 99.59 feet to the point of beginning.

5059371.1
G:\BATSON\Pressler\TWO RIVERS BUSINESS CENTER\Two Rivers - Survey Description.wpd

5

Comparable Sale #1 - Old Russellville Pike, Clarksville, TN

Comparable Sale #1

Old Russellville Park

SOLD

Clarksville, TN 37040

Sale on 12/21/2012 for \$1,102,950 (\$95,081.90/AC) - Research Complete
Commercial Land of 11.60 AC (505,296 SF)

Buyer & Seller Contact Info

Recorded Buyer: **Johnson Properties Lp**
True Buyer: **Wyatt-Johnson Bulck, Pontiac, Gmc Truck, Inc.**
Sidney Johnson
2600 Wilma Rudolph Blvd
Clarksville, TN
(866) 370-9341

Buyer Type: **Corporate**
Buyer Broker: **NAI Clarksville**
John Hadley
(931) 648-4700

Recorded Seller: **Trane U.S. Inc**
True Seller: **Trane U.S. Inc**
Mary Gustafsson
1 Centennial Ave
Piscataway, NJ 08855
(732) 980-3000

Seller Type: **Corporate**

Transaction Details

ID: 2641648

Sale Date: **12/21/2012**
Escrow Length: **-**
Sale Price: **\$1,102,950-Confirmed**
Price/AC Land Gross: **\$95,081.90 (\$2.18/SF)**

Sale Type: **Owner/User**
Land Area: **11.60 AC (505,296 SF)**
Proposed Use: **Commercial**

Zoning: **C-5**

Percent Improved: **-**
Total Value Assessed: **\$184,720**
Improved Value Assessed: **-**
Land Value Assessed: **-**
Land Assessed/AC: **-**

Legal Desc: **4-69**
Parcel No: **041-023.02**
Document No: **000000955791**

This copyrighted report contains research licensed to Mark Young Real Estate Appraisers - 527850.

Comparable Sale #1 - Old Russellville Pike, Clarksville, TN

Comparable Sale #1

Old Russellville Park		SOLD
Commercial Land of 11.60 AC (505,296 SF) (con't)		
Transaction Notes		
On December 21, 2012, the lot on Old Russellville Park in Clarksville, TN, sold for \$1,102,950 or approximately \$95,082 per acre.		
This was an owner/user sale. The buyer purchased the 11.6 acre lot and as for now, just uses it as a storage lot for his current business.		
According to public record the transaction was not financed.		
The information for this transaction was confirmed by the buyer and public record.		
Current Land Information		ID: 8989851
Zoning:	C-5	Proposed Use: Commercial
Density Allowed:	-	Land Area: 11.60 AC (505,296 SF)
Number of Lots:	-	On-Site Improv: -
Max # of Units:	-	Lot Dimensions: -
Units per Acre:	-	Owner Type: -
Improvements:	-	
Location Information		
Metro Market:	Nashville	
Submarket:	Montgomery County/Montgomery County	
County:	Montgomery	
CBSA:	Clarksville, TN-KY	
DMA:	Nashville, TN-KY	

This copyrighted report contains research licensed to Mark Young Real Estate Appraisers - 527850.

Comparable Sale #1 - Old Russellville Pike, Clarksville, TN



***Mark Young Real Estate Appraisals
298 Clear Sky Court-Suite H
Clarksville, TN 37043
Joseph Mark Young, CG-1117***

Comparable Sale #2 - 2590 Peachers Mill Road, Clarksville, TN

Comparable Sale #2

2590 Peachers Mill Rd

SOLD

Clarksville, TN 37042

Sale on 11/17/2011 for \$2,000,000 (\$136,986.30/AC) - Research Complete

Commercial Land of 14.60 AC (635,976 SF)

Buyer & Seller Contact Info

Recorded Buyer: **SF of Barclay Clarksville LP**
True Buyer: **North American Development Group**
Jeff Preston
4650 Donald Ross Rd
Palm Beach Gardens, FL 33418
(561) 578-8700
Buyer Type: **Developer/Owner-NTL**

Recorded Seller: **Jack T & Reta A Irwin**
True Seller: **Jack T & Reta A Irwin**
Jack Irwin
2485 Settlers Ter
Clarksville, TN 37043
(931) 648-3505
Seller Type: **Individual**

Transaction Details

ID: 2485240

Sale Date: **11/17/2011**
Escrow Length: **-**
Sale Price: **\$2,000,000-Confirmed**
Price/AC Land Gross: **\$136,986.30 (\$3.14/SF)**

Sale Type: **Investment**
Land Area: **14.60 AC (635,976 SF)**
Proposed Use: **Retail**

Zoning: **C-5**

Document No: **1413-2847**

Transaction Notes

This report was confirmed by the buyer and seller, the seller did not want to reveal any details. The buyer's contact did not know if any brokers were involved.

It was confirmed that 14.6 Acres sold in Clarksville, TN for \$2,000,000 on November 17, 2011. The buyer, a developer, bought the land to build a shopping center. The seller did note that the anchor would be a Publix. The center is planned to begin construction this summer -- they are already pre-leasing space.

It was an arms length transaction, and as more information comes in it will get implemented into the report.

This copyrighted report contains research licensed to Mark Young Real Estate Appraisers - 527850.

Comparable Sale #2 - 2590 Peachers Mill Road, Clarksville, TN

Comparable Sale #2

2590 Peachers Mill Rd		SOLD
Commercial Land of 14.60 AC (635,976 SF) (con't)		
Current Land Information		ID: 8763674
Zoning:	C-5	Proposed Use: Retail
Density Allowed:	-	Land Area: 14.60 AC (635,976 SF)
Number of Lots:	-	On-Site Improv: -
Max # of Units:	-	Lot Dimensions: -
Units per Acre:	-	Owner Type: Developer/Owner-NTL
Improvements:	-	
Location Information		
Metro Market:	Nashville	
Submarket:	Montgomery County/Montgomery County	
County:	Montgomery	
CBSA:	Clarksville, TN-KY	
DMA:	Nashville, TN-KY	

This copyrighted report contains research licensed to Mark Young Real Estate Appraisers - 627850.

Comparable Sale #2 - 2590 Peachers Mill Road, Clarksville, TN



***Mark Young Real Estate Appraisals
298 Clear Sky Court-Suite H
Clarksville, TN 37043
Joseph Mark Young, CG-1117***

Comparable Sale #3 - Big Station Camp Road, Gallatin, TN

Comparable Sale #3

1


Big Station Camp Blvd @ Bison Trail

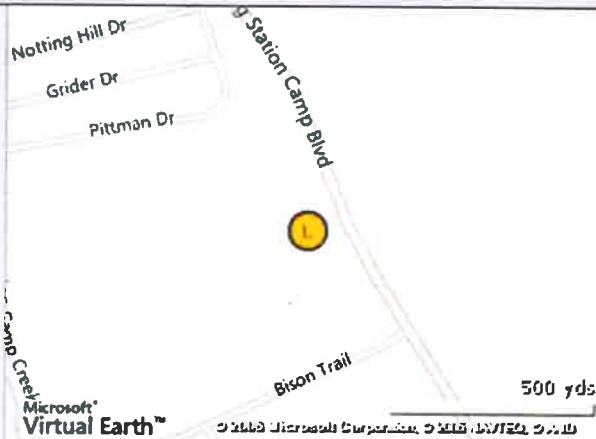
Gallatin, TN 37086

Sale on 4/29/2011 for \$1,800,000 (\$91,463.41/AC) - Research Complete

Commercial Land of 19.68 AC (857,261 SF)

SOLD





Buyer & Seller Contact Info

Recorded Buyer: Publix Tennessee LLC

True Buyer: Publix Supermarkets, Inc.

Ed Crenshaw

3300 Publix Corporate Pky

Lakeland, FL 33811

(863) 688-1188

Buyer Type: Corporate

Buyer Broker: Crossman & Company

John Crossman

(407) 423-5400

Recorded Seller: Barclay Bison Partners Llc

True Seller: Barclay's Real Estate Group

Mathieu Rochette

555 NE 15th St

Miami, FL 33132

(305) 377-3000

Seller Type: Individual

Transaction Details

ID: 2109340

Sale Date: 04/29/2011

Escrow Length: -

Sale Price: \$1,800,000-Full Value

Price/AC Land Gross: \$91,463.41 (\$2.10/SF)

Sale Type: Owner/User

Land Area: 19.68 AC (857,261 SF)

Proposed Use: -

Percent Improved: -

Total Value Assessed: \$1,107,000 in 2010

Improved Value Assessed: -

Land Value Assessed: -

Land Assessed/AC: -

Parcel No: 124-046.03

Document No: 000000979985

This copyrighted report contains research licensed to Mark Young Real Estate Appraisers - 527850

2/25/2013
Page 1

Comparable Sale #3 - Big Station Camp Road, Gallatin, TN

Comparable Sale #3

Big Station Camp Blvd @ Bison Trail		SOLD
Commercial Land of 19.68 AC (857,261 SF) (con't)		
Transaction Notes		
This transaction represents the sale of a 19.68-acre lot on Big Station Camp Blvd located in Gallatin, Tennessee for \$1,800,000, or \$91,463 per acre.		
The plat map was not available at the time of the publication of this report.		
Reportedly, at the time of the sale, there were no credits, conditions, 1031 exchanges, or deferred maintenance that affected the sale price.		
Attempts were made to contact the parties involved, but calls were not returned for questioning. Transaction information based on recorded county documents and county assessor records.		
Current Land Information		ID: 7119939
Zoning: -	Proposed Use: -	
Density Allowed: -	Land Area: 19.68 AC (857,261 SF)	
Number of Lots: -	On-Site Improv: -	
Max # of Units: -	Lot Dimensions: -	
Units per Acre: -	Owner Type: Corporate	
Improvements: -		
Location Information		
Cross Street:	Bison Trail	
Located:	NW cnr Big Station Camp Blvd & Bison Trail	
Metro Market:	Nashville	
Submarket:	Rivergate/Hendersonville/Rivergate/Hendersonville	
County:	Sumner	
CBSA:	Nashville-Davidson--Murfreesboro--Franklin, TN	
CSA:	Nashville-Davidson--Murfreesboro--Columbia, TN	
DMA:	Nashville, TN-KY	

This copyrighted report contains research licensed to Mark Young Real Estate Appraisers - 527850.

Comparable Sale #3 - Big Station Camp Road, Gallatin, TN

Comparable Sale #3

2	Old Russellville Park	SOLD																																																	
	Clarksville, TN 37040 Sale on 12/21/2012 for \$1,102,950 (\$95,081.90/AC) - Research Complete Commercial Land of 11.60 AC (505,296 SF)																																																		
Buyer & Seller Contact Info																																																			
<table><tr><td>Recorded Buyer:</td><td>Johnson Properties Lp</td><td>Recorded Seller:</td><td>Trane U.S. Inc</td></tr><tr><td>True Buyer:</td><td>Wyatt-Johnson Buick, Pontiac, Gmc Truck, Inc.</td><td>True Seller:</td><td>Trane U.S. Inc</td></tr><tr><td></td><td>Sidney Johnson</td><td></td><td>Mary Gustafsson</td></tr><tr><td></td><td>2600 Wilma Rudolph Blvd</td><td></td><td>1 Centennial Ave</td></tr><tr><td></td><td>Clarksville, TN</td><td></td><td>Piscataway, NJ 08855</td></tr><tr><td></td><td>(866) 370-9341</td><td></td><td>(732) 980-3000</td></tr><tr><td>Buyer Type:</td><td>Corporate</td><td>Seller Type:</td><td>Corporate</td></tr><tr><td>Buyer Broker:</td><td>NAI Clarksville</td><td></td><td></td></tr><tr><td></td><td>John Hadley</td><td></td><td></td></tr><tr><td></td><td>(931) 648-4700</td><td></td><td></td></tr></table>			Recorded Buyer:	Johnson Properties Lp	Recorded Seller:	Trane U.S. Inc	True Buyer:	Wyatt-Johnson Buick, Pontiac, Gmc Truck, Inc.	True Seller:	Trane U.S. Inc		Sidney Johnson		Mary Gustafsson		2600 Wilma Rudolph Blvd		1 Centennial Ave		Clarksville, TN		Piscataway, NJ 08855		(866) 370-9341		(732) 980-3000	Buyer Type:	Corporate	Seller Type:	Corporate	Buyer Broker:	NAI Clarksville				John Hadley				(931) 648-4700											
Recorded Buyer:	Johnson Properties Lp	Recorded Seller:	Trane U.S. Inc																																																
True Buyer:	Wyatt-Johnson Buick, Pontiac, Gmc Truck, Inc.	True Seller:	Trane U.S. Inc																																																
	Sidney Johnson		Mary Gustafsson																																																
	2600 Wilma Rudolph Blvd		1 Centennial Ave																																																
	Clarksville, TN		Piscataway, NJ 08855																																																
	(866) 370-9341		(732) 980-3000																																																
Buyer Type:	Corporate	Seller Type:	Corporate																																																
Buyer Broker:	NAI Clarksville																																																		
	John Hadley																																																		
	(931) 648-4700																																																		
Transaction Details ID: 2641648																																																			
<table><tr><td>Sale Date:</td><td>12/21/2012</td><td>Sale Type:</td><td>Owner/User</td></tr><tr><td>Escrow Length:</td><td>-</td><td>Land Area:</td><td>11.60 AC (505,296 SF)</td></tr><tr><td>Sale Price:</td><td>\$1,102,950-Confirmed</td><td>Proposed Use:</td><td>Commercial</td></tr><tr><td>Price/AC Land Gross:</td><td>\$95,081.90 (\$2.18/SF)</td><td></td><td></td></tr><tr><td>Zoning:</td><td>C-5</td><td>Percent Improved:</td><td>-</td></tr><tr><td></td><td></td><td>Total Value Assessed:</td><td>\$184,720</td></tr><tr><td></td><td></td><td>Improved Value Assessed:</td><td>-</td></tr><tr><td></td><td></td><td>Land Value Assessed:</td><td>-</td></tr><tr><td></td><td></td><td>Land Assessed/AC:</td><td>-</td></tr><tr><td>Legal Desc:</td><td>4-69</td><td></td><td></td></tr><tr><td>Parcel No:</td><td>041-023.02</td><td></td><td></td></tr><tr><td>Document No:</td><td>000000955791</td><td></td><td></td></tr></table>				Sale Date:	12/21/2012	Sale Type:	Owner/User	Escrow Length:	-	Land Area:	11.60 AC (505,296 SF)	Sale Price:	\$1,102,950-Confirmed	Proposed Use:	Commercial	Price/AC Land Gross:	\$95,081.90 (\$2.18/SF)			Zoning:	C-5	Percent Improved:	-			Total Value Assessed:	\$184,720			Improved Value Assessed:	-			Land Value Assessed:	-			Land Assessed/AC:	-	Legal Desc:	4-69			Parcel No:	041-023.02			Document No:	000000955791		
Sale Date:	12/21/2012	Sale Type:	Owner/User																																																
Escrow Length:	-	Land Area:	11.60 AC (505,296 SF)																																																
Sale Price:	\$1,102,950-Confirmed	Proposed Use:	Commercial																																																
Price/AC Land Gross:	\$95,081.90 (\$2.18/SF)																																																		
Zoning:	C-5	Percent Improved:	-																																																
		Total Value Assessed:	\$184,720																																																
		Improved Value Assessed:	-																																																
		Land Value Assessed:	-																																																
		Land Assessed/AC:	-																																																
Legal Desc:	4-69																																																		
Parcel No:	041-023.02																																																		
Document No:	000000955791																																																		

This copyrighted report contains research licensed to Mark Young Real Estate Appraisers - 527850.

Comparable Sale #3 - Big Station Camp Road, Gallatin, TN

Comparable Sale #3

Old Russellville Park		SOLD
Commercial Land of 11.60 AC (505,296 SF) (con't)		
Transaction Notes		
On December 21, 2012, the lot on Old Russellville Park in Clarksville, TN, sold for \$1,102,950 or approximately \$95,082 per acre.		
This was an owner/user sale. The buyer purchased the 11.6 acre lot and as for now, just uses it as a storage lot for his current business.		
According to public record the transaction was not financed.		
The information for this transaction was confirmed by the buyer and public record.		
Current Land Information		ID: 8989851
Zoning:	C-5	Proposed Use: Commercial
Density Allowed:	-	Land Area: 11.60 AC (505,296 SF)
Number of Lots:	-	On-Site Improv: -
Max # of Units:	-	Lot Dimensions: -
Units per Acre:	-	Owner Type: -
Improvements:	-	
Location Information		
Metro Market:	Nashville	
Submarket:	Montgomery County/Montgomery County	
County:	Montgomery	
CBSA:	Clarksville, TN-KY	
DMA:	Nashville, TN-KY	

This copyrighted report contains research licensed to Mark Young Real Estate Appraisers - 527850.

Appraisal Request

In-Rel Development Land Donation FPA Appraisal for Red River Trail

Page 1 of 2

From: Binkley, Daniel <Daniel.Binkley@cityofclarksville.com>
To: Mark Young (myoung3959@aol.com) <myoung3959@aol.com>
Cc: Tummons, Mark <Mark.Tummons@cityofclarksville.com>; Vaden, Tonya <tonya.vaden@cityofclarksville.com>; Davis, Diane <Diane.Davis@cityofclarksville.com>; Jonathan Davison (JDavison@in-rel.com) <JDavison@in-rel.com>; Bryant, Robert <Robert.Bryant@cityofclarksville.com>; Thomas, Camille <Camille.Thomas@cityofclarksville.com>
Subject: In-Rel Development Land Donation FPA Appraisal for Red River Trail
Date: Fri, Feb 1, 2013 1:41 pm
Attachments: Exhibit_A.In_Rel_Dev.greenway_Ord..pdf (130K), Red_River_Property-In_Rel.jpg (724K)

Mark,

I am requesting a Formal Part Affected(FPA) Appraisal for 2.59 acres± described in the highlighted Property description and highlighted in yellow in the attached .jpg.

Contact information for the land owner representative is (Jonathan is copied in on this email):

Jonathan Davison
In-Rel Properties | 2328 10th Avenue North | Suite 401
Lake Worth, FL 33461
561.383.2404 Direct | 561.718.7044 Cell | 561.533.0146 Fax

The agreed upon fee for this work is \$2,000.00

A requested date for completion is February 18, 2013 if possible. This will allow me to have the appraisal available at our Finance Committee Meeting on the 19th. Please let me know if this does not work for you.

Diane Davis, with Parks and Recreation will create the requisition for this work; she is copied in on this email.

Please let me know if you need anything else.

Best regards,

Daniel

Daniel Binkley, Assoc. AIA, LEED AP

Project Manager

City Hall | One Public Square

Clarksville, TN 37040

<http://mail.aol.com/37309-111/aol-6/en-us/mail/PrintMessage.aspx>

2/4/2013

*Mark Young Real Estate Appraisals
298 Clear Sky Court-Suite H
Clarksville, TN 37043
Joseph Mark Young, CG-1117*

RESOLUTION 13-2013-14

A RESOLUTION REQUESTING THE TENNESSEE GENERAL ASSEMBLY ENACT LEGISLATION REGARDING THE PROVISION OF BROADBAND SERVICES TO COMMERCIAL OR INDUSTRIAL CUSTOMERS WITHIN THE CLARKSVILLE-MONTGOMERY COUNTY INDUSTRIAL PARK, OR WITHIN A SIMILAR DEVELOPMENT CONTAINING AT LEAST 10 ACRES, AND COMMERCIAL OR INDUSTRIAL CUSTOMERS THAT PARTICIPATE IN OR RECEIVE BENEFITS OR HAVE PARTICIPATED IN OR RECEIVED BENEFITS UNDER ONE OR MORE PROGRAMS OF THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT OR ANY OTHER STATE OR FEDERAL SPONSORED OR SUPPORTED ECONOMIC DEVELOPMENT PROGRAM

WHEREAS, the City of Clarksville has created an electric utility operating as the Clarksville Department of Electricity; and

WHEREAS, the City has by ordinance further created a supervisory body, the Clarksville Electric Power Board, to manage and supervise the planning and operations of CDE; and

WHEREAS, the City of Clarksville and the Electric Power Board find it to be in the best interests of CDE to have the legal ability to provide broadband services to customers outside the corporate limits of the City, specifically within the boundaries of the Clarksville-Montgomery County Industrial Park or within a similar development containing at least 10 acres, and commercial or industrial customers that participate in or receive benefits or have participated in or received benefits under one or more programs of the department of economic and community development of any other state or federal sponsored or supported economic development program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Tennessee General Assembly adopt private act legislation permitting the Clarksville Department of Electricity to operate fiber optic facilities and use such facilities to provide broadband services as permitted by law to the Clarksville-Montgomery County Industrial Park, or within a similar development containing at least 10 acres, and commercial or industrial customers that participate in or receive benefits or have participated in or received benefits under one or more programs of the department of economic and community development of any other state or federal sponsored or supported economic development program.

ADOPTED:

POWER BOARD RESOLUTION ADOPTED AUGUST 16:

RESOLUTION No. ____

A RESOLUTION BY THE POWER BOARD FOR THE CLARKSVILLE DEPARTMENT OF ELECTRICITY REGARDING THE PROVISION OF BROADBAND SERVICES TO COMMERCIAL OR INDUSTRIAL CUSTOMERS WITHIN THE CLARKSVILLE / MONTGOMERY COUNTY INDUSTRIAL PARK OR WITHIN A SIMILAR DEVELOPMENT CONTAINING AT LEAST 10 ACRES, AND COMMERCIAL OR INDUSTRIAL CUSTOMERS THAT PARTICIPATE IN OR RECEIVE BENEFITS OR HAVE PARTICIPATED IN OR RECEIVED BENEFITS UNDER ONE OR MORE PROGRAMS OF THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT OR ANY OTHER STATE OR FEDERAL SPONSORED OR SUPPORTED ECONOMIC DEVELOPMENT PROGRAM

Whereas the City of Clarksville has created an electric utility operating as the Clarksville Department of Electricity; and

Whereas the City has by ordinance further created a supervisory body, the Clarksville Electric Power Board, to manage and supervise the planning and operations of CDE; and

Whereas the Power Board finds it to be in the best interests of CDE to have the legal ability to provide broadband services to customers outside the corporate limits of the City, specifically within the boundaries of the Clarksville / Montgomery County Industrial Park or within a similar development containing at least 10 acres, and commercial or industrial customers that participate in or receive benefits or have participated in or received benefits under one or more programs of the department of economic and community development of any other state or federal sponsored or supported economic development program.

NOW, THEREFORE, BE IT RESOLVED BY THE CLARKSVILLE ELECTRIC POWER BOARD:

That the Tennessee General Assembly adopt private act legislation permitting the Clarksville Department of Electricity to operate fiber optic facilities and use such facilities to provide broadband services as permitted by law to the Clarksville / Montgomery County Industrial Park or within a similar development containing at least 10 acres, and commercial or industrial customers that participate in or receive benefits or have participated in or received benefits under one or more programs of the department of economic and community development of any other state or federal sponsored or supported economic development program.

ADOPTED:

ORDINANCE 19-2013-14

AN ORDINANCE AUTHORIZING EXTENSION OF CITY OF CLARKSVILLE UTILITY SERVICES OUTSIDE THE CLARKSVILLE CITY LIMITS; REQUEST OF SUN C. REED FOR PROPERTY LOCATED ON GARRETTSBURG RD, CMAP 29 PARCEL 12.01.

WHEREAS, proper application has been made by Jimmy Bagwell, PE, Moore Design Services on behalf of Sun C. Reed for extensions of City utility service to property located at Cmap 29, Parcel 12.01 with the property address of Garrettsburg Road outside the corporate boundary of the City, said property and the extension of service thereto, which is more particularly described in Exhibit A attached hereto and incorporated herein; and

WHEREAS, the City of Clarksville Gas and Water Department has recommended approval of said application; and

WHEREAS, the Gas, Water and Sewer Committee of the Clarksville City Council has recommended approval of said application; and

WHEREAS, the Clarksville City Council finds that all of the requirements of City Code Section 13-405 have been or are satisfied and the extension of water and sewer service to property as described in Exhibit A will be in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the City of Clarksville Gas, Water and Sewer Department is hereby authorized to extend utility service to property located at Cmap 29, Parcel 12.01 with the property address of Garrettsburg Road outside the City corporate limits as described in Exhibit A attached hereto and incorporated herein and subject to and in accordance with the provisions of the City Code and Ordinance 37-2009-10.

Mayor

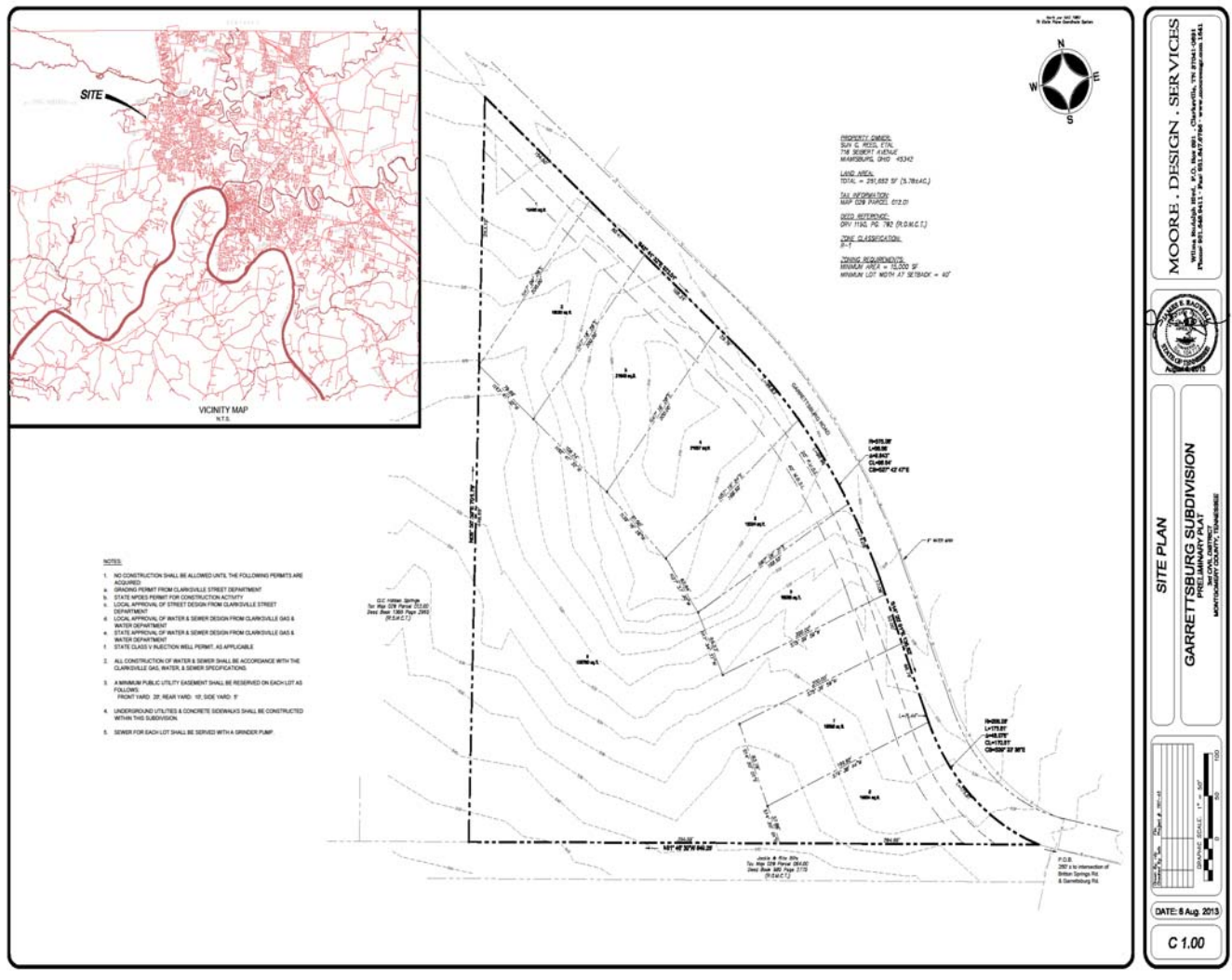
ATTEST:

City Clerk

FIRST READING:

SECOND READING:

EFFECTIVE DATE



RESOLUTION 15-2013-14

A RESOLUTION ENDORSING AND AUTHORIZING THE EFFORTS OF THE PAT HEAD SUMMITT PROJECT COMMITTEE

WHEREAS, Pat Head Summitt was born in Clarksville, Tennessee and was raised in Montgomery County; and

WHEREAS, Pat Head Summitt is the all-time winningest coach in NCAA basketball history of either a men's or women's team in any division, with 1,098 victories; and

WHEREAS, Pat Head Summitt coached the Tennessee Lady Vols Basketball Team to eight NCAA National Championships; and

WHEREAS, Pat Head Summitt co-captained the first U.S. Women's National Basketball Team winning an Olympic Silver Medal in 1976, and in 1984 was the Head Coach of Team USA Women's Basketball, leading the team to an Olympic Gold Medal, and was the first U.S. Olympian to win a basketball medal and coach a medal-winning team; and

WHEREAS, A group of citizens and volunteers has organized the "Pat Head Summitt Project Committee," to oversee the design, funding, and building of an interpretive display to be known as the "Pat Head Summitt Legacy Park" to pay tribute to Pat Head Summitt and her long list of significant achievements, and to honor her place as a native citizen who has brought great fame and notoriety to our community and state.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Clarksville City Council hereby endorses and authorizes the efforts of the "Pat Head Summitt Project Committee" to develop the Interpretive Display and to pay for same through private fundraising efforts of the Committee.

ADOPTED:

ORDINANCE 13-2013-14

AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE, TITLE 4 (BUILDING, UTILITY, AND HOUSING CODES) RELATIVE TO AMENDMENTS TO CODES OF THE INTERNATIONAL CODE COUNCIL

WHEREAS, the Clarksville City Council has determined that it is in the best interest of the City of Clarksville and its citizens to amend the Official Code of the City of Clarksville to adopt by reference amendments to the 2009 edition of the International Residential Code and the 2009 edition of the International Building Code; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 2 "Building Code", Section 4-201, "Building Code adopted," is hereby amended by adopting by reference the International Building Code Amended Tables 2308.9.5(1,2), 2308.9.6 (1,2) 2308.10.2 (1,2) 2308.10.3 (1,2,3,4,5,6) pertaining to Span Charts for SYP Lumber.

BE IT FURTHER ORDAINED That the Official Code of the City of Clarksville, Tennessee, Title 4, "Building, Utility, and Housing Codes," Chapter 8, "Residential Code," Section 4-801, "International Residential Code" is hereby amended by adopting by reference the International Residential Code (for one and two family dwellings) Amended Tables 502.3.1; (1,2), 502.3.3 (1,2) 502.5 (1,2) 802.4 (1,2) 802.5.1 (1,2,3,4,5,6,7,8) pertaining to Span Charts for SYP Lumber.

Mayor

ATTEST:

City Clerk

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

RESOLUTION 16-2013-14

A RESOLUTION REPEALING PRIOR RESOLUTIONS GRANTING APPROVAL FOR CERTIFICATE OF COMPLIANCE FOR LIQUOR STORE OPERATION TO JAMES HORACE HEGGIE AND AMBER HEGGIE, AND TO CRM LIQUORS, LLC (CALVIN R. MCKAY), AND APPROVING A NEW CERTIFICATE OF COMPLIANCE TO CRM LIQUORS, LLC (CALVIN R. MCKAY) FOR A SEPARATE LOCATION

WHEREAS, James Horace Heggie has previously been granted a Certificate of Compliance for the operation of a retail liquor store by the City of Clarksville, through Resolution 44-2012-13 of the City Council, in accordance with state statutory law and regulations of the Tennessee Alcoholic Beverage Commission, the City Charter and the City Code, said liquor store being located at 1820 Madison Street, Clarksville, Tennessee; and

WHEREAS, Amber Heggie has also previously been granted a Certificate of Compliance for the operation of a retail liquor store by the City of Clarksville, through Resolution 53-2012-13 of the City Council, in accordance with state statutory law and regulations of the Tennessee Alcoholic Beverage Commission, the City Charter and the City Code, said liquor store being located at 1820 Madison Street, Clarksville, Tennessee, and being the same liquor store referred to with regard to Mr. James Horace Heggie above; and

WHEREAS, both Mr. James Horace Heggie and Ms. Amber Heggie have ceased operation of their liquor store, and have surrendered their liquor license to the Tennessee ABC, and desire to surrender, terminate and have repealed and revoked their Certificate of Compliance to operate a liquor store as previously granted by the City; and

WHEREAS, CRM Liquors, LLC (Calvin R. McKay) has also previously been granted a Certificate of Compliance for the operation of a retail liquor store by the City of Clarksville, through Resolution 57-2012-13 of the City Council, in accordance with state statutory law and regulations of the Tennessee Alcoholic Beverage Commission, the City Charter and the City Code, which said liquor store was to be located at 1849 Madison Street, Clarksville, Tennessee; and

WHEREAS, CRM Liquors, LLC (Calvin R. McKay) now desires to surrender, terminate and have repealed and revoked its Certificate of Compliance to operate a liquor store at 1849 Madison Street, Clarksville, Tennessee, as previously granted by the City, and to have approved and granted a new Certificate of Compliance to operate a liquor store to be located at 1820 Madison Street, Clarksville, Tennessee; and

WHEREAS, CRM Liquors, LLC (Calvin R. McKay) has made proper application for a Certificate of Compliance for the operation of a retail liquor store from the City of Clarksville and appears to be in compliance with all requirements for same pursuant to state statutory law and regulations of the Tennessee Alcoholic Beverage Commission, the City Charter and the City Code; and

WHEREAS, the issuance of the Certificate will not exceed the numerical limit on such retail liquor stores established by City Code, Section 2-205.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That Resolution 44-2012-13 and Resolution 53-2012-13 are hereby repealed, and the approval of a Certificate of Compliance for operation of a retail liquor store by James Horace Heggie and / or Amber Heggie is revoked; and

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE

That Resolution 57-2012-13 is hereby repealed, and the approval of a Certificate of Compliance for operation of a retail liquor store by CRM Liquors, LLC (Calvin R. McKay), which was to be located at 1849 Madison Street, is revoked; and

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE

That CRM Liquors, LLC (Calvin R. McKay) is hereby approved for and granted a Certificate of Compliance for the operation of a retail liquor store to be located at 1820 Madison Street, Clarksville, Tennessee.

ADOPTED: