

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director  
Metropolitan Council Office

DATE: **April 17, 2012**

RE: **Analysis Report**

Balances As Of:	<u><b>4/11/12</b></u>	<u><b>4/13/11</b></u>
<u>GSD 4% RESERVE FUND</u>	*\$12,359,151	\$24,440,100
 <u>GENERAL FUND UNDESIGNATED FUND BALANCE</u>		
GSD	\$44,378,057	\$34,451,634
USD	\$8,556,677	\$24,263,010
 <u>GENERAL PURPOSE SCHOOL FUND UNRESERVED FUND BALANCE</u>		
	\$34,449,193	\$27,099,790

**\* Assumes estimated revenues in fiscal year 2012 in the amount of \$24,098,500**

**– RESOLUTIONS –**

**RESOLUTION NO. RS2012-210** (STEINE) – This resolution sets the date for the 2012 State of Metro Address. The Charter requires the mayor to personally address the council regarding the state of the Metropolitan Government not later than May 25<sup>th</sup> of each year. This resolution sets the address for May 1, 2012, at 10:00 a.m. at The Cumberland Park.

**RESOLUTION NO. RS2012-211** (MCGUIRE & OTHERS) – This resolution authorizes the continued employment of Jonathan B. Cooper as special counsel and director of the council office for a four-year term commencing July 1, 2012 and ending June 30, 2016. The Metro Charter authorizes the vice mayor to employ special counsel for the council, upon approval of the council by resolution. The council executive committee approved the retention of Mr. Cooper as director of the council office and special counsel on April 9, 2012.

Mr. Cooper joined the council office in 2001 as assistant director and was appointed by the council as special counsel and director in 2008. Mr. Cooper's duties include acting as director and office manager for the council office, providing research and advisory services for the council, preparing legislation requested by council members, reviewing legislation submitted to the council for approval, and attending council meetings to provide legal and procedural advice.

**RESOLUTION NO. RS2012-212** (MOORE) – This resolution authorizes the mayor to submit an amendment to the 2011 and 2012 annual updates to the consolidated plan for housing and community development programs for the Metropolitan Government to the U.S. department of housing and urban development (HUD). The Metropolitan development and housing agency (MDHA) prepares and submits the five year plan and the annual updates, and is responsible for administering the plan. The plan includes the allocation of funds received from HUD for community development block grants (CDBG), the HOME investment partnerships program, the emergency shelter grant program (ESG), and the housing opportunities for persons with AIDS (HOPWA). HUD requires an annual action plan describing how the federal funds will be spent.

HUD is requiring amendments to the 2011 and 2012 plans to incorporate new ESG regulations regarding citizen participation in order to receive the second allocation of funding. The second allocation of funding includes \$122,910 for FY2011 for the rapid re-housing program, the homeless management information systems initiative (HMIS), and administrative costs. The FY2012 allocation includes an additional \$204,230 for homeless shelter operating costs, \$30,000 for street outreach services, \$10,000 for HMIS data collection, \$116,875 for the re-housing of homeless persons, and \$29,278 for costs related to the administration of the ESG program. The local matches required for the ESG funds are provided by the local nonprofit organizations selected as sub-grantees.

A required public hearing was held by MDHA on March 29, 2012 regarding these amendments, and the public comment period will conclude on April 16, 2012.

**RESOLUTION NO. RS2012-213** (MCGUIRE) – This resolution authorizes the office of the trustee to accept partial payment of property taxes prior to the date the annual tax rate is established. State law provides that county trustees are allowed to accept partial payments upon the adoption of a resolution by a 2/3 vote of the county legislative body. This resolution will allow the trustee to accept partial payments of property taxes for the 2012 tax year prior to the date the tax rate is established in June 2012. The balance of the taxes would be due in October 2012, with penalties and interest applying if not paid by February 28, 2013.

State law also requires the trustee to submit the processes and internal controls for the collection of partial payments to the state comptroller of the treasury before accepting such partial payments.

This resolution will need 27 affirmative votes to become effective.

**RESOLUTION NO. RS2012-214** (LANGSTER & MCGUIRE) – This resolution approves an annual grant in the amount of \$116,000 from the state department of health to the Metropolitan health department for health promotion programs. These federal pass-through funds will be used to pay the salaries of the two health department employees that provide various health promotion programs with the goals of reducing health disparities and increasing the quality of life for the citizens of Nashville. The term of the grant is from July 1, 2012, through June 30, 2013.

**RESOLUTION NO. RS2012-215** (LANGSTER & MCGUIRE) – This resolution approves a contract between the Metro health department and the state department of health to allow the health department to issue copies of birth certificates. The Metro health department has had a similar agreement in effect for the past several years. Pursuant to this contract, the health department will charge \$3.50 fee for the search and first copy of the birth certificate and \$2.00 for each additional copy. The health department will then pay the state department of health the balance of the fees collected. The term of this contract is from July 1, 2012, through June 30, 2017.

State law allows intergovernmental agreements to be approved by resolution.

**RESOLUTION NO. RS2012-216** (LANGSTER & MCGUIRE) – This resolution approves amendment number three to a contract between the Metropolitan board of health and Vanderbilt University for the health department's participation in the Tuberculosis Trials Consortium. Vanderbilt received a grant from the U.S. Centers for Disease Control and Prevention, through the U.S. Veteran Affairs Medical Centers, for this tuberculosis project. The health department's responsibilities under this contract are to provide space and equipment for the project, as well as consultation and support services.

This amendment replaces the previous budget with a budget for October 1, 2011 to September 30, 2012. The resolution provides that it is approving amendment three to the contract. However, the council apparently approved another amendment three in August 2011. A housekeeping amendment may be necessary to clarify the issue.

**RESOLUTION NO. RS2012-217** (PREIDEMORE, MCGUIRE & JERNIGAN) - This resolution authorizes the director of public property administration to exercise an option to purchase a 1.13-acre parcel of property located at 2351 Neelys Bend Road for use as part of Peeler Park. Metro will be paying \$198,000 to purchase the property from Daniel and Jamie Griego. The funds for the purchase price will be paid from capital funds allocated for Metro parks. The option to purchase this property is set to expire on May 2, 2012.

Pursuant to the Metropolitan Code, the director of public property administration is authorized to negotiate for the purchase of property for government purposes and to seek to obtain an option to sell from the owner. The council approved an option in 2009 to acquire 258 acres of property to add to Peeler Park at a purchase price of \$2.7 million.

This acquisition has been approved by the board of parks and recreation and by the planning commission.

**RESOLUTION NO. RS2012-218** (WEINER, MITCHELL & OTHERS) – This resolution accepts the 2011 plan update for the Bellevue community, which was adopted by the planning commission on January 22, 2012. The Bellevue community plan, formerly known as the subarea 6 plan, is one of fourteen subarea plans making up the general plan, which is used by the planning commission in its decision making process regarding zoning. This plan update is the result of eight community meetings held between May and December 2011. This resolution is simply a memorializing of the plan by the council, as the plan has no binding effect on the council's zoning decision making authority.

**RESOLUTION NO. RS2012-219** (MCGUIRE & HUNT) - This resolution approves an application for a grant in the amount of \$123,712 from the Tennessee Department of Environment and Conservation to Metro water services to replace HVAC units and ductwork at the Omohundro water plant campus. The grant would require a local match of \$123,712. The funds from the grant would be used to replace 14 HVAC units that are between 16 and 20 years old with newer, more energy efficient models.

**RESOLUTION NO. RS2012-220** – (MCGUIRE) This resolution approves an application for a COPS hiring recovery grant from the federal government in the amount of \$3,125,000. The COPS program is a federal initiative through the U.S. department of justice to provide additional police officers for local governments to increase community policing efforts. The COPS program typically pays a portion of the salary of a designated number of new police officers for a two or three year period with a requirement that the local government retain the officers and pay their full salaries and benefits for at least one year following the end of the grant term. If awarded, this grant will have a required local match of \$2,028,500: \$405,700 in year one; \$608,500 in year two, and \$1,014,250 in year three. The \$405,700 local match for fiscal year 2013 was not included in the police department's fiscal year 2013 operating budget proposal submitted to the mayor. Thus, if the grant is awarded, the match would have to either be funded through departmental savings or a supplemental appropriation.

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**RESOLUTION NO. RS2012-220** (continued)

The police department currently has 1,373 full-time police officers, which was considered fully staffed at the beginning of this fiscal year. The 2012 COPS program requires that officers hired using the federal funds must fall under one of the following categories: (1) military veterans; (2) rehiring officers that were laid off as a result of budget cuts; or (3) rehiring officers who at the time of the application are scheduled to be laid off due to budget cuts. The application submitted by the police department checked the first and third category, meaning the officers would either be military veterans or officers that would be laid off in the event the department's budget was reduced for fiscal year 2013. The grant application provides that the 25 officers would be used to help staff a new police precinct.

Acceptance of the grant will be submitted to the council for approval by resolution if and when it is awarded.

**RESOLUTION NOS. RS2012-221** (MCGUIRE) – This resolution approves the renewal of an intergovernmental agreement between the U.S. Army Corps of Engineers and the Metropolitan police department for the use of off-duty police officers to patrol the Corps' recreation areas at Percy Priest and Old Hickory Lakes. All officers will be assigned exclusively through the Metro police secondary employment unit. The Corps agrees to pay a fixed hourly rate depending on the rank of the officer. The total compensation for Metro is not to exceed \$130,641. This contract will expire on September 30, 2012, but Metro reserves the right to terminate the agreement with 30 days written notice to the Corps.

State law allows the Metropolitan Government to enter into intergovernmental agreements with federal agencies with approval of the council by resolution.

**RESOLUTION NO. RS2012-222** (BAKER) – This resolution approves an intergovernmental agreement between the Davidson County sheriff's department, the Tennessee bureau of investigation (TBI), and the Tennessee department of safety regarding the sheriff department's participation in the Tennessee fusion center. This is an initiative of the state office of homeland security and the TBI to establish an intelligence unit to assist in the detection, prevention, and apprehension of persons involved in criminal or terrorist activities. The center shares law enforcement crime information components from all participating state and local public safety agencies. The sheriff's department agrees to adopt a privacy policy and appoint a person to serve as the project liaison, and will ensure that the appropriate personnel are available for the training regarding the use of the software. The sheriff's department will be allowed to access the computer network to search for particular information about a subject. The department will also be able to enter vehicle and property queries.

State law allows intergovernmental agreements to be approved by resolution of the council. A similar resolution regarding the police department's participation in the fusion center was approved by the council in January 2011.

**RESOLUTION NO. RS2012-223** (BAKER) – This resolution approves an intergovernmental agreement between the Metropolitan fire department and the Tennessee office of homeland security regarding the exchange of information. The fire department agrees to appoint a person to serve as a liaison to coordinate with and facilitate office of homeland security support to the fire services in the exchange of information and training opportunities. The office of homeland security will provide the liaison with access to their databases, training, reports, and investigations. There is no cost to the fire department for the implementation of this agreement.

This agreement is similar to an agreement between the sheriff's department and the Tennessee bureau of investigation fusion center for the sharing of law enforcement crime information, which is the subject matter of Resolution No. RS2012-222.

State law allows intergovernmental agreements to be approved by resolution of the council.

**RESOLUTION NO. RS2012-224** (BAKER) – This resolution approves an intergovernmental agreement between the Tennessee department of transportation (TDOT) and the emergency communications center (ECC) for access to live video of traffic conditions. TDOT operates a series of closed circuit television cameras on the freeways in order to gather real-time traffic information. The cameras show live images of crashes, stalled vehicles, road hazards, weather conditions, traffic conditions, and road repair locations. TDOT makes this video feed available to the other governmental agencies by agreement.

Pursuant to this agreement, TDOT will provide ECC access to the closed circuit television system. ECC may be allowed to control the pan, tilt, and zoom capabilities of selected cameras. There is no cost to Metro for access to the TDOT camera system.

**– BILLS ON SECOND READING –**

**ORDINANCE NO. BL2012-127** (HUNT) – The ordinance amends the Metro Code to change the composition of the Metropolitan stormwater management committee to remove the distinction between regular members and alternate members. The committee currently consists of seven persons: five regular members and two alternates. The code provides that only the regular members may be elected to the offices of chair and vice-chair, and that alternate members can only vote on committee matters when he/she is replacing a regular member who has a conflict of interest on a matter or is unable to attend the meeting.

This ordinance provides that the committee will consist of seven members: four engineers plus three lay persons. All seven members will have equal voting rights, and four members will constitute a quorum as opposed to the current three member quorum requirement. All current regular members will remain in office and the alternate members will be converted to full members.

**ORDINANCE NO. BL2012-128** (HARRISON, PRIDEMORE & OTHERS) – This ordinance names the Metropolitan Police gun range in honor of Major Tom Dozier. Thomas Alvine Dozier, Sr. served the citizens of Nashville as a police officer for 50 years. He began his law enforcement career in 1953 as a patrolman in the Nashville Police Department, and was ultimately promoted to the rank of Major in 1990. Major Dozier was instrumental in the construction of the outdoor gun range and served as the supervisor of the range for many years. Major Dozier passed away on August 2, 2011, at the age of 81.

The Metropolitan Code provides that no building or structure owned by the Metropolitan Government may be named except pursuant to an ordinance duly adopted by the Metropolitan Council.

**ORDINANCE NO. BL2012-129** (MCGUIRE) – The ordinance approves a license agreement between the Metropolitan Government and Electric Transportation Engineering Corporation, d/b/a Ecotality North America, for the installation and maintenance of electric vehicle charging stations on Metro property. Ecotality received a federal stimulus grant from the department of energy to install electric vehicle supply equipment (EVSE) stations in several U.S. cities and to collect data regarding the public use of the stations. Nashville has been chosen as one of these cities. The EVSE stations will be installed and maintained by Ecotality at no cost to the Metropolitan Government. The specific locations of the charging stations will be as follows:

- Centennial Park – 2565 Park Plaza
- Centennial Sportsplex – 222 25<sup>th</sup> Avenue North
- Coleman Community Center – 384 Thompson Lane
- Hadley Community Center – 2901 John A Merritt Boulevard
- Courthouse parking garage – One Public Square
- Metro Southeast – 1417 Murfreesboro Road
- East Community Center – 700 Woodland Street
- Shelby Nature Park – 1900 Davidson Street

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**ORDINANCE NO. BL2012-129** (continued)

Ecotality will be responsible for maintaining the stations in a safe and operable condition at all times. The company will be authorized to charge customers for use of the stations. Metro will be entitled to the lesser of fifty percent of the access fee revenue or fifty cents per hour of time spent charging at a specific charger. The ordinance authorizes the director of finance to adjust the charger access fee if a cost analysis performed after the program is implemented indicates that Metro's costs related to the charging stations exceed the revenue received from Ecotality. In no event can the adjusted fee exceed Metro's actual costs associated with hosting the charging stations. The revenues received through this agreement are to be used to reimburse Metro departments on a pro rata basis for their costs arising out the location of specific charging stations.

The term of this agreement is through December 31, 2013. Metro will have the option at the end of the agreement to retain any or all of the EVSE stations at no additional cost. If Metro elects not to retain a station, Ecotality will be responsible for removing the station at its own expense and restoring the Metro property to a safe condition. Ecotality is required to maintain commercial liability insurance in the amount of \$1 million per occurrence (\$2 million aggregate) naming the Metropolitan Government as additional insured. The company also agrees to indemnify the Metropolitan Government for any claims arising from the company's installation or operation of the EVSE stations.

There is a housekeeping amendment for this ordinance substituting one of the attachments.

Future amendments to this agreement may be approved by resolution.

**ORDINANCE NO. BL2012-130** (STEINE) – This is a routine ordinance that readopts the Metropolitan Code prepared by Municipal Code Corporation to include all ordinances enacted on or before January 17, 2012. Municipal Code Corporation has the contract with Metro to codify all ordinances enacted by the council, as well as to update and maintain the on-line version of the code. The council periodically readopts the code to make sure the printed and online versions are kept up to date.

**ORDINANCE NO. BL2012-131** (MATTHEWS & HUNT) – This ordinance authorizes the director of public property to accept an easement for a school bus turnaround off Riley Adcock Road. The property owner has agreed to donate this easement at no cost to Metro. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2012-132** (HUNT & BAKER) – This ordinance abandons the water and sewer easement that was retained by Metro when a portion of the right-of-way for Alley No. 1218 located on property at 4502 Indiana Avenue was abandoned in 1981. This easement is no longer being used by the department of water and sewerage services or any other public utility. This ordinance has been approved by the planning commission.



**ORDINANCE NO. BL2012-133** (LANGSTER & MCGUIRE) – The ordinance approves an agreement between the Metropolitan department of social services and the Key Alliance for support for the Metropolitan homelessness commission. The homelessness commission was formerly housed at the Metropolitan development and housing agency (MDHA) before being transferred back to the department of social services last year. While at MDHA, the Key Alliance was created as a nonprofit entity in order to solicit private funds for the homelessness commission. Now that the commission is once again officially a part of the Metropolitan Government, it is in Metro’s best interest from a legal standpoint that a formal agreement be established with the Key Alliance setting forth the parties’ duties and responsibilities.

Pursuant to this agreement, the Key Alliance will support the homelessness commission through financial, in-kind, and volunteer donations. All work or activities performed by the Key Alliance on Metro property must be approved by the social services director or her designee. The homelessness commission will provide staffing support to implement the strategies developed by the Key Alliance, as well as office space and computer support, though the contract provides “there shall be no cost to Metro of the performance of the services under this contract.”

The term of this agreement is through May 19, 2015. The Key Alliance is required to maintain liability insurance in the amount of \$1 million per occurrence, and agrees to indemnify the Metropolitan Government for any claims arising from its performance of the contract.

Future amendments to this agreement may be approved by resolution.

**– BILLS ON THIRD READING –**

**ORDINANCE NO. BL2012-118** (CLAIBORNE, MCGUIRE & TYGARD) – This ordinance, as amended, authorizes the industrial development board of the Metropolitan Government (IDB) to negotiate and accept payments in lieu of ad valorem taxes for the benefit of the proposed Gaylord-Dollywood water and snow park. Gaylord Entertainment and Dollywood Co. plan to jointly develop a \$50 million water and snow theme park to be located on 114 acres owned by Gaylord at the intersection of Briley Parkway and McGavock Pike. Once constructed, the park will be operated by Dollywood. Construction on the park is expected to begin in 2013, with an opening date not later than June 2015.

The 114 acre site where the park is to be located is currently appraised at \$11,751,400 for property tax purposes, and generates approximately \$194,000 in taxes for Metro annually. Using the \$44.5 million construction cost estimate would result in a total new appraised value of approximately \$56,251,400. Gaylord currently pays approximately \$11 million in property taxes annually for all of the property the company owns in Davidson County.

State law permits local governments to delegate the authority to industrial development boards to enter into payment-in-lieu-of-tax (PILOT) agreements provided that the payments are in furtherance of the public purpose of the board. PILOT agreements essentially provide tax abatements for real and/or personal property taxes the company would otherwise be required to pay to the Metropolitan Government. PILOT programs have been used by Metro in the past to provide incentives to large employers to create more job opportunities, and are subject to approval by the council. The amount of tax abatements over the life of the existing PILOT agreements total approximately \$100,000,000, exclusive of economic incentive grants approved by the council.

Pursuant to this ordinance, the council is delegating the authority to the IDB to negotiate and accept payments in lieu of both real and personal property taxes over a period of 12 years beginning January 1, 2014, or the date the IDB enters into the lease agreement. The agreement will result in a 60% abatement of real and personal property taxes. Using a real property value of \$56.2 million after construction, the total amount of the property tax abatement over the 12 years would be approximately \$5.8 million. Metro would receive 40% of the property taxes, which would amount to approximately \$371,300 annually after construction is complete compared to the \$194,000 currently being generated on the property annually. The total amount of property taxes paid to Metro over twelve years after the abatement would be approximately \$3.87 million, compared to \$2.33 million if the park was not constructed.

According to an economic impact study prepared by William Fox of the University of Tennessee Center for Business and Economic Research, this park is expected to have an overall economic impact of \$106 million during the construction phase and \$66.9 million annually during the operational phase. The study estimates the creation of 762 jobs at the park (not including construction-related jobs) and total annual spending at the park in the third year of operation to be \$18.7 million, with an increase in total output of \$22.6 million annually resulting from the in-park spending, which would generate \$400,000 in local sales tax annually. This does not include the estimated \$300,000 in local sales tax generated as a result of the purchase of construction materials.

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**ORDINANCE NO. BL2012-118** (continued)

This ordinance includes certain performance milestones that must be met in order to continue the tax abatement. The performance milestones Gaylord/Dollywood must meet are as follows:

- Begin construction no later than the end of 2013
- Conduct a jobs fair prior to opening the park in an attempt to employ Davidson County residents
- Open the park not later than June 2015
- Invest at least \$50 million in Davidson County: \$20 million by 12/31/2014; \$40 million by 7/1/2015; and \$50 million by 7/1/2020

Failure to meet any of these performance milestones will not result in a “claw back” of the abatement, but the PILOT will terminate the year subsequent to the year the milestones are not met.

**ORDINANCE NOS. BL2012-119 & BL2012-120** – These two ordinances authorize the filing of notices of land use restrictions with the register of deeds for property owned by the Metropolitan Government. The property in question consists of a small portion of three parcels adjacent to 28<sup>th</sup> Avenue North acquired for the 28<sup>th</sup> Avenue Connector and property located within the Korean Veterans Boulevard right-of-way for the new Cumberland play park on the east bank of the river. Both of these properties contain contaminated soil, which has been remediated to the extent practicable. The Tennessee department of environment and conservation (TDEC) has determined that filing the land use restrictions is an appropriate additional remedial action. Prior to any invasive activity on the property and/or prior to the use of any part of the properties as a residence, daycare, school, or church, evidence must be submitted to TDEC showing that the proposed action will not pose a danger to the public or to the environment. These restrictions will run with the land in perpetuity unless cancelled by TDEC. Amendments to these restrictions may be approved by resolution.

**Ordinance No. BL2012-119** (Langster, Claiborne & Hunt) authorizes the execution and filing of a notice of land use restrictions for a small section of property owned by Metro adjacent to 28<sup>th</sup> Avenue North. This property is the location of contaminated soil and groundwater that has been capped in a manner designed to prevent human contact. The restrictions require TDEC approval before removing soil, disturbing the groundwater, or removing any concrete or asphalt.

**Substitute Ordinance No. BL2012-120** (Claiborne & Hunt) authorizes the execution and filing of a notice of land use restrictions for property next to the new Cumberland play park downtown. This soil is known to be contaminated with arsenic, lead, and Polyaromatic Hydrocarbons at concentrations that exceed the EPA’s regional screening levels. The soil management plan for the project approved by TDEC involved the reuse of the impacted soil in protective units and engineered covered areas. Metro will be required to notify TDEC prior to any grading or excavation activity on the property if such activity would involve any disturbance of the cap over the subsurface soil.

**SUBSTITUTE ORDINANCE NO. BL2012-122** (MCGUIRE) – This ordinance approves a third extension to the term of the cable television franchise held by Comcast. The original franchise was granted to Viacom in 1995, which was subsequently transferred to Intermedia and then Comcast. The term of the 1995 franchise agreement, which was originally set to expire on May 5, 2010, was extended for two additional one year periods in order to allow the CATV special committee to negotiate a new franchise agreement with Comcast. The parties continue to negotiate regarding this matter and the CATV special committee has recommended another extension of the cable franchise through May 5, 2013.

Comcast has agreed to make a \$100,000 contribution for public, educational and governmental (PEG) access support, which is the annual contribution amount the company has been making under the existing franchise agreement. The recitals to the ordinance state that the CATV committee is in the process of reviewing Comcast’s performance under the initial agreement and wishes to explore the possibility of informal franchise renewal that would require approval of the council by ordinance. The ordinance also authorizes the CATV special committee to consider whether changes or modernizations need to be made to the code “to remove any unnecessary administrative burdens, reports, and other obsolete requirements and redundancies”, and to recommend such changes to the council at the time the franchise renewal is presented for approval.

**ORDINANCE NO. BL2012-123** (TENPENNY, PRIDEMORE & OTHERS) – This ordinance abandons a portion of Alley No. 1863 from Elberta Street southward to Alley No. 1874. This closure has been requested by Ralph James Corrin, III, an adjacent property owner. This ordinance also abandons all easements in the right-of-way.

This ordinance was approved by the traffic and parking commission but disapproved by the planning commission.

**ORDINANCE NO. BL2012-124** (MCGUIRE & HUNT) – This ordinance abandons four stormwater easements for properties located at 3711 and 3715 Crestview Drive. These easements are no longer being used by the department of water and sewerage services. David Lipscomb University, the owner of the Crestview Drive properties, has requested the abandonment of these easements.

This ordinance has been approved by the planning commission.