

CHAPTER 3

SALE OR CONVEYANCE OF ALLEYS, STREETS, & PUBLIC WAYS

SECTION

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12-301. Sale or conveyance of alleys, streets or public ways.

No alley, street, public way, or any portion thereof, shall be sold or conveyed by the City of Paris, Tennessee, unless same shall be offered to abutting private owners according to the proportion of abutting property owned (Ord. #529, 09/07/78).

12-302. Exemptions. (1) If the Board of Commissioners shall determine it to be in the public interest to sell or convey any alley, street, public way, or any portion thereof, to any other government body, such sale or conveyance shall be exempt from the provisions of 12-301, 12-303, 12-304, and 12-306. (Ord. #529,09/07/78; Ord. #579, 01/06/83).

(2) The Board of Commissioners may sell or convey any alley, street, public way or any portion thereof, to abutting private owners under the terms of this chapter without the provisions, covenants and restrictions of 12-306 if the Board of Commissioners shall find that:

(a) There is no present or anticipated future need for the property to be conveyed for the purpose of installing, repairing, maintaining or otherwise using sewer, electric, gas, or other utility services, and

(b) There is no present or anticipated future need for the property to be conveyed for the purpose of access to other properties adjacent to the property to be conveyed for police, fire, or sanitation services of the City of Paris, Tennessee, and

(c) The conveyance of this property is in accord with the rules and regulations of the Paris Municipal Regional Planning Commission and has been approved by the Paris Municipal Regional Planning Commission, and

(d) The proposed use of the property to be conveyed is an approved use of the property under Table 1 of Title 11 of the Paris Municipal Code.

12-303. Terms of Sale of Conveyance. The city manager shall determine the abutting private owners, the proportion of abutting property owned, the portion of such alley, street, or public way which shall be offered to each abutting property owner, and the terms and conditions of such sale or conveyance. The Board of Commissioners shall approve, modify, or reject the provisions for sale or conveyance as presented by the city manager. (Ord. #529, 09/07/78).

12-304. Notice of Sale or Conveyance. The city manager shall notify all abutting private owners by letter, of the proposed sale or conveyance of any alley, street, public way, or any portion thereof. Such notice shall be made at least thirty (30) days prior to the proposed sale and shall state that each abutting property owner shall have the right to purchase a portion of the alley, street, or public way, in proportion to the abutting property owned. Such notice shall also state the terms and conditions of such sale or conveyance and the manner in which the party should respond if interest in participating in such sale or conveyance (Ord. #529, 09/07/78).

12-305. Form of Sale or Conveyance. After such notice as is required has been given, the sale or conveyance of any alley, street, or public way, or any portion thereof, shall be by deed pursuant to a resolution duly adopted by the Board of Commissioners and signed by the Mayor and City Recorder. Such deed shall include the provisions, covenants, and restrictions provided for in Section 12-306 (Ord. #529, 09/07/78).

12-306. Provisions, covenants, and restrictions. (1) The sale or conveyance of any alley, street, public way, or any portion thereof, shall include the following provision, covenants and restrictions:

(a) There is reserved by and unto the grantor, a perpetual easement or right-of-way over, under and across the above described property for the purposes of installing, repairing, maintaining or otherwise using sewer, electric, gas or other utilities.

(b) The purchaser covenants and agrees to and with the grantor that it will not construct or move thereon any buildings of any kind on the above described land.

(c) The parties mutually covenant and agree that the purchaser will not sell and convey any portion of said property to any other firm, corporation or individual without first informing the City and giving the City an opportunity to repurchase the above described land at the same price the purchaser paid the City under this conveyance. (Ord. #529, 09/07/78; Ord. #579, 01/06/83).

(2) Provided, however, that if the Board of Commissioners shall determine that it is in the best interest of the City for property covered by the exemptions listed in 12-302(2) to be sold without the provisions, covenants and restrictions as stated in Subsection 1 of this chapter, then said property may be sold without the aforementioned provisions, covenants, and restrictions if said property shall meet the qualifications of 12-302(b). (Ord. #579, 01/06/83).