

ORDINANCE NO. _____

ORDINANCE TO TRANSFER OWNERSHIP OF THE EQUESTRIAN STATUE OF NATHAN BEDFORD FORREST AND TO REMOVE AND RELOCATE SAID STATUE FROM THE CITY OF MEMPHIS' HEALTH SCIENCES PARK PURSUANT TO SECTION 579.1 OF THE CHARTER AND SUBJECT TO THE PROVISIONS OF TENNESSEE CODE ANNOTATED SECTION 4-1-412 (C) AND TO RATIFY THE FEBRUARY 3, 2013 MEMPHIS CITY COUNCIL RESOLUTION NAMING HEALTH SCIENCES PARK, MEMPHIS PARK AND MISSISSIPPI RIVER PARK NUNC PRO TUNC TO THE EFFECTIVE DATE OF SAID RESOLUTION

WHEREAS, pursuant to Section 579.1 of the Charter of the City of Memphis, the City Council is authorized to adopt by ordinance or resolution provisions to govern the Division of Parks with respect to the control, maintenance, management, conduct or operation by the Division of Parks of any of the parks or any properties, projects or operations now or at any time devoted to or designated for use or used for park purposes or as part of the park system of the City of Memphis;

WHEREAS, the Memphis City Council is empowered to “condemn” any tangible personal property belonging to the city upon finding that such property is “unfit for service or use by the city” and to authorize the sale of such property that has become unfit for service or use to the city and has been condemned as provided for in Code of Ordinances § 301, *et seq.*;

WHEREAS, on May 18, 1905, an equestrian statue of Nathan Bedford Forrest, which had been recently erected in what was then known as “Bedford Forrest Park”, was officially dedicated to the City of Memphis by the Forrest Monument Association. The Forrest Monument Society’s donation of the equestrian statue to the City of Memphis was without restriction or condition;

WHEREAS, it appears that the decision to name the park and to permit the erection of the equestrian statue in honor of Bedford Forrest was a political decision by the Council made at the urging of Confederate and Monument Societies;

WHEREAS, the Council desires to exercise its discretion to cause the immediate removal of the equestrian statue from City of Memphis' Health Sciences Park;

WHEREAS, on February 5, 2013, the City of Memphis, acting through its City Council, passed a resolution renaming the then named Confederate park, Jefferson Davis park, and Bedford Forrest park. Pursuant to the February 5, 2013 Resolution the three parks are presently named Memphis Park, Mississippi River Park and Health Sciences Park;

WHEREAS, the Council desires to ratify the names bestowed by the February 5, 2013 Resolution.

NOW, THEREFORE BE IT ORDAINED BY THE MEMPHIS CITY COUNCIL AS FOLLOWS:

Section 1. Condemnation of the equestrian statue of Nathan Bedford Forrest. The City Council does hereby find that the equestrian statue of Nathan Bedford Forrest, tangible personal property belonging to the city located in Health Sciences Park, is unfit for service or use by the City, since it inconsistent with the purpose, intent and future land uses of the Medical Overlay District, which is to support the development and investment efforts of the State and other institutions in the medical district and surrounding neighborhoods. In accordance with Code of Ordinances § 301, *et seq.*, the City Council does hereby condemn said equestrian statue of Nathan Bedford Forrest.

Section 2. Assignment and Sale of equestrian statue of Nathan Bedford Forrest. The City does hereby authorize the administration of the City of Memphis to sell, transfer, assign and

convey all of the City's right, title and interest, in the equestrian statue of Nathan Bedford Forrest. The Mayor is authorized and directed to execute any and all documents of conveyance and to take any and all steps to obtain all authorizations necessary to effectuate the transfer.

Section 3. Relocation and Removal of equestrian statue of Nathan Bedford Forrest.

The City does hereby authorize the immediate removal of the equestrian statue from City of Memphis' Health Sciences Park, subject only to the requirements of state law, if any. The Mayor and his designees are authorized and directed to take the necessary steps to effect removal of the equestrian statue from City of Memphis' Health Sciences Park as soon as is practicable.

Section 4. Ratification of Resolution Naming Health Sciences Park, Memphis Park and Mississippi River Park.

The City does hereby ratify and confirm in all respects, the park names bestowed by its February 5, 2013 Resolution, *nunc pro tunc* to the effective date of that resolution

Section 5. Severability. The provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Section 6. Effective Date. This Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

Sponsor: Myron Lowery

MYRON LOWERY
CHAIRMAN