



## MEMORANDUM

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January 4, 2010

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator  
Ben Worley, Right-of-Way Agent/Project Manager  
Eric J. Gardner, P.E., Director of Engineering  
David Parker, P.E., City Engineer

SUBJECT: Granting of right-of-way (ROW) and/or easement approval authority to the City Administrator for certain properties related to the Mack Hatcher Parkway, Northwest Extension Project.

### **Purpose**

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information to consider the granting of authority to the City Administrator to enter into land acquisition agreements for Mack Hatcher Parkway, Northwest Extension.

### **Background**

Currently staff is preparing to acquire right-of-way and/or easements for the Mack Hatcher Parkway, Northwest Extension project. There are 45 properties that will be affected by this project. Out of the 45, 10 properties will be complete takes and the property owners will be relocated. The city has contracted W.D. Schock to perform the relocations per the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (The Uniform Act). The guidelines set forth in this act must be followed to ensure that federal funding will be available for property acquisition reimbursement and construction. The City has been informed by the Tennessee Department of Transportation (TDOT) that if the Uniform Act is not followed correctly, all Federal funding (including construction) may be forfeited.

Previously the Board of Mayor and Alderman approved Resolution 2009-48, A Resolution to Authorize the City Administrator to Approve Right-of-Way and/or Easement Agreements for Capital Investment Projects without the prior approval by the Board of Mayor and Alderman, in an amount not to exceed \$50,000.00. Staff estimates that a good portion of the properties that will be acquired for the Mack Hatcher Project will likely be an amount of money greater than \$50,000. To help expedite the acquisitions, especially the relocations, staff is asking that the City Administrator be given the authority to approve the purchase of right-of-way and/or easements along with relocation amounts and all associated payments, as long as it meets the guidelines of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Acquisition documents will continue to be reviewed by the City Engineer, the Director of Engineering and will be approved by the City Attorney. This process will continue so that there is a check and balance among staff.



The proposed delegation of authority is recommended to improve the efficiency of City operations and of Board meetings. This delegation could also save money in the property acquisition process. As an example, if a property owner is being relocated, the relocation agent must find a comparable property available on the market at that time. It would take a minimum of two weeks (possibly up to four weeks) to get the relocation item on a BOMA agenda for approval. If the comparable property were taken off the market prior to approval by the Board of the relocation agreement, the relocation agent would then have to find a new comparable property. This would cost both time and money. The City Administrator will report to the Board on a monthly basis any agreements entered into on behalf of the Board.

### **Financial Impact**

Currently the City of Franklin has committed \$5,000,000 to the design, appraisal process and right-of-way and/or easement acquisition process. Once this committed amount is spent the State of Tennessee Department of Transportation will reimburse the remaining costs.

### **Options**

#### Option 1

Approve the resolution, as written, for the entire Mack Hatcher Parkway Northwest Extension Project. This will expedite the Right-of-Way and/or easement acquisition process.

#### Option 2

Approve the resolution so that the City Administrator was given this authority only on properties that have relocation and associated costs (10 properties). All other property acquisitions greater than \$50,000 would still be approved by BOMA.

#### Option 3

Disapprove the resolution; all property above \$50,000.00 would have to be approved by BOMA.

\*This authority can be revoked with a one-reading resolution.

### **Recommendation**

Staff recommends approving the resolution as written, and authority be given to the City Administrator to approve property agreements as long as they follow the guidelines set forth in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

**RESOLUTION NO. 2010-03**

**A RESOLUTION TO AUTHORIZE THE CITY ADMINISTRATOR TO APPROVE RIGHT-OF-WAY AND/OR EASEMENT AGREEMENTS FOR THE MACK HATCHER PARKWAY, NORTHWEST EXTENSION WITHOUT THE PRIOR APPROVAL BY THE BOARD OF MAYOR AND ALDERMEN**

**WHEREAS**, the Board of Mayor and Aldermen find that it is in the best interests of the City of Franklin and for efficiency when acquiring right-of-way and/or easements for Mack Hatcher Parkway, Northwest Extension, to authorize the City Administrator to approve land acquisition agreements; and

**WHEREAS**, the City has allocated \$5,000,000 to the design, appraisal process and right-of-way and/or easement acquisition for the Mack Hatcher Parkway, Northwest Extension project; and

**WHEREAS**, the State of Tennessee, Department of Transportation, will fund the remaining portion of the right-of-way acquisition; and

**WHEREAS**, all land acquisition agreements necessary for Mack Hatcher Parkway, Northwest Extension, will be reviewed by the City Engineer, the Director of Engineering and the City Attorney; and

**WHEREAS**, the City Engineer, the Director of Engineering and the City Attorney will make a recommendation to the City Administrator; and

**WHEREAS**, purchases for right-of-way and/or easements above the committed amount by the City of Franklin will first be acquired by the City and then be reimbursed by the State of Tennessee, Department of Transportation; and

**WHEREAS**, land acquisition for this project must follow federal guidelines set forth in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; and

**WHEREAS**, the City of Franklin has contracted Standifer and Associates and Monday and Company to perform appraisals in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; and

**WHEREAS**, the Tennessee Department of Transportation has prequalified Standifer and Associates and Monday and Company to perform appraisals in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; and

**WHEREAS**, the City of Franklin has contracted Norman Hall and Associates to perform review appraisals in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; and

**WHEREAS**, the Tennessee Department of Transportation has prequalified Norman Hall and Associates to perform review appraisals in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; and

**WHEREAS**, the City has contracted with W.D. Schock Company, Inc. to perform relocation services for the Mack Hatcher Parkway, Northwest Extension project; and

**WHEREAS**, W.D. Schock Company, Inc. is on the prequalified list of the Tennessee Department of Transportation for Relocation Agents; and

**WHEREAS**, W.D. Schock Company, Inc. is familiar with and will follow all federal and state guidelines set forth with property relocation on a state and federally funded project; and

**WHEREAS**, the Board of Mayor and Aldermen believe that removing approval of certain contracts and purchases from the Board of Mayor and Aldermen's agenda provides for more expedient conduct of City business; and

**WHEREAS**, if the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is not followed, state and federal funding could be forfeited for right-of-way acquisition and construction of the Mack Hatcher Parkway, Northwest Extension; and

**WHEREAS**, waiting for the availability of a Board of Mayor and Alderman meeting may allow a comparable relocation property to become a pending sale prior to a formal offer being made, thus causing the relocation agent to find other comparable property, if available, and recalculate the amount of relocation and associated costs, causing further delay and incurred costs to the project; and

**WHEREAS**, the Board of Mayor and Aldermen of the City of Franklin, Tennessee desires to move towards the most effective administration of City business.

**NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE THAT:**

The City Administrator or his designee is authorized to enter into agreements on behalf of the City of Franklin for the purchase of right-of-way and or easements for Mack Hatcher Parkway, Northwest Extension, provided the agreement follows federal guidelines as set forth in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The City Administrator will report to the Board on a monthly basis any agreements entered into on behalf of the Board.

**Adopted: January \_\_, 2010**

**Attest:**

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**John Schroer**  
Mayor

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**Eric Stuckey**  
City Administrator/Recorder