RESOLUTION 2012-20

A RESOLUTION SETTING FORTH A PROCESS FOR THE DETERMINATION OF NON CONFORMING USE STATUS FOR COMMERCIAL PROPERTIES AFFECTED BY THE MAY 2010 FLOOD

WHEREAS, the City of Franklin experienced a major flood on May 1-2, 2010; and

WHEREAS, the City, by and through an Executive Order, declared the May 1-2, 2010 flood a disaster; and

WHEREAS, President Obama declared a major disaster for Williamson County on May 4, 2010; and

WHEREAS, several commercial properties within the City were affected by the May 1-2, 2010 flood; and

WHEREAS, the City has determined that the commercial property owners who were in business at the time of the May 1-2, 2010 flood did not overtly abandon the use of the commercial property; and

WHEREAS, the City has determined that after no fewer than twelve months of non use of the commercial properties affected by the May 1-2, 2010 flood, it will be deemed that the commercial property owners abandoned the use, unless the commercial property owners are able to show the City actions they have taken to continue the use;

WHEREAS, the commercial properties will be evaluated on a case-by-case basis; and

WHEREAS, once the use has been deemed abandoned, Tenn. Code Ann. § 13-7-208(g) shall apply; and

WHEREAS, the Board of Mayor and Aldermen wishes to make its desires known publicly.

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

The commercial properties affected by the May 1-2, 2010 flood will be deemed to have not overtly abandoned the use until no earlier than twelve months from the date of the May 1-2, 2010 flood. After twelve months from the May 1-2, 2010 flood, each commercial property will be deemed to have abandoned the use of the property unless the property owner can show that it has taken actions to continue the use. Each commercial property shall be evaluated on a case-by-case basis.

        Adopted this _____ day of _____, 2012.

ATTEST: **CITY OF FRANKLIN, TENNESSEE**

BY:_____   BY:_____
     ERIC S. STUCKEY   **DR. KEN MOORE**
     CITY ADMINISTRATOR/RECORDER   **MAYOR**

APPROVED AS TO FORM BY:
Shauna R. Billingsley
Shauna R. Billingsley
City Attorney