

RESOLUTION 2012-42

A RESOLUTION AUTHORIZING CITY ADMINISTRATOR TO ENTER INTO AGREEMENTS WITH MIDDLE TENNESSEE ELECTRIC MEMBERSHIP CORPORATIONS' DESIGNATED ATTORNEY FOR CONDEMNATION OF EASEMENTS FOR ELECTRIC LINE RELOCATIONS AS PART OF THE HILLSBORO ROAD IMPROVEMENT PROJECT

WHEREAS, the Board of Mayor and Aldermen (Board) has determined that the construction of certain road improvements within the City limits of Franklin is necessary, suitable and desirable for the public welfare; and

WHEREAS, these improvements are generally described as the construction of roadway improvements on Hillsboro Road from SR-96 West to Claude Yates Drive as shown on Right-of-Way Plans prepared by Sullivan Engineering Company (COF Contract No. 2010-0073); and

WHEREAS, it has become necessary in connection with the construction of the improvements for the City to obtain easements from landowners for the relocation of Middle Tennessee Electrical Membership Corporation's (MTEMC) electrical lines; and

WHEREAS, the Board has previously approved a budget that includes the above-described road project, which includes estimated amounts allocated for right-of-way (property) and easement acquisition; and

WHEREAS, staff has been unable to obtain all the easements required for the MTEMC electric line relocations through negotiations resulting in the need to proceed with these property acquisitions through the eminent domain process; and

WHEREAS, MTEMC insists that the eminent domain acquisition process be handled by an attorney hired by MTEMC; and

WHEREAS, on November 1, 2010, the Board entered into Amendment No 1 to COF Contract No 2009-0080 with MTEMC that states in part that the City shall be responsible for the costs necessary for the acquisition of the easement required for the relocation of the MTEMC facilities without

expense to MTEMC; and

WHEREAS, the Board expressly finds that MTEMC has the power of eminent domain to acquire easements and rights-of-way necessary for proper completion of the said relocated improvements, and that the acquisition of such easements and/or rights-of-way is for a public purpose and for a public use, and that the acquisition of the private property hereinafter described is necessary to accomplish said public use;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, that the City Administrator is hereby authorized to execute letters of agreement with MTEMC's designated attorney on behalf of the City of Franklin, Tennessee without first seeking approval from the Board. The City Administrator shall report to the Board the letters of agreement that he has executed on the City's behalf at the next scheduled meeting.

IT IS SO RESOLVED AND DONE on this the 24th day of July, 2012.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

By: _____
ERIC S. STUCKEY
City Administrator/Recorder

By: _____
DR. KEN MOORE
Mayor

Approved As To Form By:

Shauna R. Billingsley, City Attorney