



HISTORIC
FRANKLIN
TENNESSEE

ITEM #5
CIC
09-06-12

MEMORANDUM

August 24, 2012

TO: Board of Mayor and Aldermen

FROM: Eric S. Stuckey, City Administrator
David Parker, P.E., CIP Executive/City Engineer
Paul Holzen, P.E., Director of Engineering

SUBJECT: Resolution 2012-49; A Resolution Authorizing Condemnation for the Acquisition of Easements for the Sanitary Sewer Improvements from 7th Avenue to Hillsboro Road Project (COF Contract No. 2012-0052)

Purpose

The purpose of this memorandum is to recommend approval of Resolution 2012-49. This resolution will authorize condemnation for the acquisition of the necessary easements for the Sanitary Sewer Improvements from 7th Avenue to Hillsboro Road Project.

Background

The West Main Street Water and Sewer rehabilitation project is currently under construction where the majority of the sewer is being upsized to a 12". The sanitary sewer in Hillsboro Road will be upsized/replaced as part of the widening project that will be bid in the late fall of 2012. There is approximately 1,100 linear feet of 8" sanitary sewer between both of these projects. This length of pipe needs to be upgraded to a larger size (12") to accommodate the amount of sewage flow that will be coming through the newly constructed West Main Street water and sewer project.

In an effort to prevent the acquisition process from creating a potential delay, staff has written Resolution 2012-49 to authorize condemnation proceedings. Staff will work diligently with all property owners and use condemnation only as a last resort.

Financial Impact

If condemnation is necessary the financial impact would include necessary attorney fees. The Hillsboro Road Improvement project is an authorized project within the Board Capital Investment Funding Plan.

Recommendation

Staff recommends approval of Resolution 2012-49 authorizing condemnation, if necessary, to finalize property acquisition for the Sanitary Sewer Improvements from 7th Avenue to Hillsboro Road Project.

RESOLUTION 2012-49

A RESOLUTION AUTHORIZING CONDEMNATION FOR THE ACQUISITION OF EASEMENTS FOR THE SANITARY SEWER IMPROVEMENTS FROM 7TH AVENUE TO HILLSBORO ROAD PROJECT

WHEREAS, the Board of Mayor and Aldermen has determined that the construction of certain sanitary sewer 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 replacement/rehabilitation of approximately 1,100 linear feet of gravity sanitary sewer from the intersection of 7th Avenue and Fair Street to Hillsboro Road as shown on Plans prepared by Gresham Smith & Partners, Inc. (COF Contract No. 2012-0052); and

WHEREAS, it will be necessary in connection with the construction of the improvements for the City to obtain rights-of-way (property) from landowners; and

WHEREAS, the Board expressly finds that the City has the power of eminent domain to extend public utilities, see T.C.A. §29-17-201 *et seq.* and T.C.A. §7-35-101, and to acquire easements and rights-of-way necessary for proper completion of the said 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 Engineer and /or City Attorney, are authorized to obtain the necessary rights-of-way, permanent easements and/or temporary easements across the properties listed in Exhibit A hereto and may enter into agreements with property owners with respect to the compensation to be paid for the said rights of way and easements, so long as such amounts are reasonable, within the project budget and supported by a qualified appraisal.

The City Engineer and City Attorney are authorized to continue negotiating with any landowner for the acquisition of the rights-of-way and/or easements without resort to condemnation. However, if an impasse is reached with a property and condemnation is the only alternative, then the City Attorney is authorized to commence necessary condemnation proceedings. After condemnation proceedings have commenced, the City Engineer and /or City Attorney, are authorized to enter into settlement agreements with property owners with respect to the compensation to be paid for the said rights-of-way and easements, so long as such amounts are reasonable, within the project budget and supported by a qualified appraisal.

IT IS SO RESOLVED AND DONE on this the ____ day of _____, 2012.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

By: _____
ERIC S. STUCKEY
City Administrator/Recorder

By: _____
DR. KEN MOORE
Mayor

Approved As To Form By Shauna Billingsley, Interim City Attorney

Resolution 2012-49

Exhibit A

Tract	Owner	Map	Parcel
1	Alexander	078B	"E" 18.00
2	Bank of America	078B	"E" 17.00

