

## RESOLUTION 2012-49

### A RESOLUTION AUTHORIZING CONDEMNATION FOR THE ACQUISITION OF EASEMENTS FOR THE SANITARY SEWER IMPROVEMENTS FROM 7<sup>TH</sup> 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 7<sup>th</sup> 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, City Attorney**

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**Exhibit A**

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