



## MEMORANDUM

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November 29, 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  
Ben Worley, Right-of-Way Agent/Project Manager

SUBJECT: Resolutions 2012-64 (Water) and 2012-65 (Sanitary Sewer); A Resolution Authorizing Condemnation for the Acquisition of Property for water and sewer main relocations for the I-65 widening project (Goose Creek Interchange; TDOT Contract Numbers 7914 and 7912)

### **Purpose**

The purpose of this memorandum is to recommend approval of Resolutions 2012-64 and 2012-65, authorizing condemnation for the acquisition of the necessary easements for the relocation of water and sanitary sewer mains as required for the construction of I-65 Improvements.

### **Background**

The Tennessee Department of Transportation (TDOT) is planning improvements to be made to I-65 at the Goose Creek Interchange. The planned improvements impact various water and sanitary sewer mains in the area. The City has entered into contracts with TDOT for water (Contract Number 7914) and sewer (Contract Number 7912) to relocate the infrastructure. TDOT is reimbursing the city for the costs incurred during this relocation. At this time TDOT has this project scheduled to bid in February.

In an effort to prevent the acquisition process from creating a potential delay, staff has written Resolutions 2012-64 (Water) and 2012-65 (Sanitary Sewer) to authorize condemnation proceedings. Staff will work diligently with all property owners and use condemnation only as a last resort.

### **Financial Impact**

No additional financial impact at this time.

### **Recommendation**

Staff recommends approval of:

- Resolution 2012-64 – A Resolution Authorizing Condemnation for the Acquisition of Property For Water Main Relocation For The I-65 Widening Project (Goose Creek Interchange; TDOT Contract No. 7914)
- Resolution 2012-65 – A Resolution Authorizing Condemnation for the Acquisition of Property For Sanitary Sewer Main Relocation For The I-65 Widening Project (Goose Creek Interchange; TDOT Contract No. 7912)

**RESOLUTION 2012-64**

**A RESOLUTION AUTHORIZING CONDEMNATION FOR THE ACQUISITION OF PROPERTY FOR WATER MAIN RELOCATION FOR THE I-65 WIDENING PROJECT (GOOSE CREEK INTERCHANGE; TDOT CONTRACT NO. 7914)**

**WHEREAS**, the Tennessee Department of Transportation (TDOT) has determined that certain road improvements are necessary to Interstate 65 at the Goose Creek Interchange (TDOT PIN 106269.00); and

**WHEREAS**, the improvements being made by TDOT will result in water main relocations; and

**WHEREAS**, TDOT will reimburse the city for relocation costs incurred including the costs associated with the acquisition of new easements; and

**WHEREAS**, it will be necessary in connection with the relocation of the improvements for the City to obtain easements from landowners; and

**WHEREAS**, the Board expressly finds that the City has the power of eminent domain to extend public infrastructure, *see* T.C.A. §29-17-301 *et seq.* 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 8<sup>th</sup> day of January, 2013.

**ATTEST:**

**CITY OF FRANKLIN, TENNESSEE**

By: \_\_\_\_\_  
**ERIC S. STUCKEY**  
City Administrator

By: \_\_\_\_\_  
**DR. KEN MOORE**  
Mayor

**Approved As To Form By:** \_\_\_\_\_  
Kristen L. Corn, Staff Attorney

Exhibit A  
Resolution 2012-64

| Address                   | Map | Parcel |
|---------------------------|-----|--------|
| 4215 Long Lane            | 117 | 27.00  |
| 4229 Long Lane            | 106 | 178.00 |
| 4242 Long Lane            | 106 | 176.01 |
| 420 Old Peytonsville Road | 106 | 175.02 |
| 424 Old Peytonsville Road | 106 | 175.01 |
| 4425 Peytonsville Road    | 117 | 30.00  |