



MEMORANDUM

January 21, 2010

TO: Board of Mayor and Aldermen

FROM: Eric S. Stuckey, City Administrator
Ben Worley, Right of Way Agent/Project Manager
Eric J. Gardner, P.E., Director of Engineering
David Parker, City Engineer

SUBJECT: Resolution 2010-08; A Resolution Authorizing Condemnation for the Acquisition of Property for the South Carothers Parkway Improvements Project.

Purpose

The purpose of this memorandum is to recommend approval of Resolution 2010-08 providing for Right of Way and easement acquisition for the South Carothers Project can be completed.

Background

On May 26, 2009, BOMA approved funding for property acquisition on the South Carothers Parkway Project. Since then, staff has sent out formal offer letters, met with many of the property owners and purchased Right of Way and easements from a portion of the properties necessary for this project. Offer letters were sent out on September 9, 2009 to all of the affected property owners. At this time four of the nine property owners have not committed to settle for the offered amount.

In order to prevent the acquisition process from dragging out longer, staff has written Resolution 2010-08 to begin condemnation proceedings. Staff will continue to work with the remaining property owners and only use condemnation as a last resort.

Financial Impact

Spent to Date:

Title Searches	\$ 2,700.00
Appraisals	\$ 12,000.00
Property Acquisition	\$183,000.00
Misc. (i.e. Recording Fees)	\$ 175.00
TOTAL	\$197,875.00

Value of Properties Still to be Acquired

TOTAL	\$217,480.00
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Approved Budget for Property Acquisition

TOTAL	\$500,000.00
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Recommendation

Approval of Resolution 2010-08 authorizing condemnation, if necessary, to finalize right of way and easement acquisition for the South Carothers Parkway Improvement Project is recommended.

RESOLUTION 2010-08

A RESOLUTION AUTHORIZING CONDEMNATION FOR THE ACQUISITION OF PROPERTY FOR THE CONSTRUCTION OF CAROTHERS PARKWAY FROM FALCON CREEK TO THE HARPETH RIVER.

WHEREAS, the Board of Mayor and Aldermen 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 South Carothers from Falcon Creek to the Harpeth River as shown on Proposed Layout Plans prepared by Sullivan Engineering, Inc. dated July 15, 2008; 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 has previously approved a budget for the above-described road projects, which includes amounts allocated for right-of-way (property) acquisition; and

WHEREAS, the South Carothers Parkway improvement project is ranked number five on the Board of Mayor and Alderman's most recent (9-22-09) priority ranking; and

WHEREAS, the Board expressly finds that the City has the power of eminent domain to extend public roads, see T.C.A. §29-17-201 *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 24th day of November, 2009.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

By: _____
ERIC F. STUCKEY
City Administrator/Recorder

By: _____
JOHN C. SCHROER
Mayor

Approved As To Form By Shauna Billingsley, Interim City Attorney

Exhibit A for Resolution 2010-08

Tract	Property Owner	Address	Map	Parcel
3	Carothers Land Company	4413 S. Carothers Road	89	49.00
4A	Lockwood Family L.P.	4389 S. Carothers Road	89	48.00
8	Dennis Carothers, ET UX	3465 Carothers Parkway	89	26.05
11	Catherine and Bob Theibold	3485 Carothers Parkway	89	26.04

Map 89
Parcel 26.04

Map 89
Parcel 26.05

Map 89
Parcel 48.00

Map 89
Parcel 49.00

South Carothers



HISTORIC
FRANKLIN
TENNESSEE

CITY OF FRANKLIN
CITY HALL
109 THIRD AVENUE SOUTH
FRANKLIN, TN 37064

CITY OF FRANKLIN DISCLAIMER

This map was created by the City of Franklin's Engineering Department and was compiled from the most authentic information available. The City is not responsible for any errors or omissions contained hereon. All data and materials copyright © 2010. All rights reserved.



HISTORIC
FRANKLIN
TENNESSEE

MEMORANDUM

January 6, 2010

TO: Board of Mayor and Aldermen

FROM: Eric S. Stuckey, City Administrator *ES*
Ben Worley, Right of Way Agent/Project Manager
Eric J. Gardner, P.E., Director of Engineering
David Parker, City Engineer

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Financial Impact

No additional financial impact at this time.

Recommendation

Approval of Resolution 2010-08 authorizing condemnation, if necessary, to finalize right of way and easement acquisition for the South Carothers Parkway Improvement Project is recommended.