



HISTORIC
FRANKLIN
TENNESSEE

ITEM #7
WRKS
11/12/13

MEMORANDUM

October 14, 2013

TO: Board of Mayor and Aldermen

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

SUBJECT: **Consideration of Resolution 2013-67 - A Resolution Authorizing Condemnation for the Acquisition of Property for Sanitary Sewer Main For the West Basin**

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information to consider Resolution 2013-67 - A Resolution Authorizing Condemnation for the Acquisition of Property for Sanitary Sewer Main for the West Basin.

Background

The BOMA have determined that certain sanitary sewer improvements are necessary within the West Sanitary Sewer Basin to provide service within the City of Franklin. The Blossom Park Development will require the extension of offsite Sanitary Sewer Infrastructure to provide service. To date the Developer and City Staff have been unsuccessful in the acquisition of the necessary easements. This Resolution authorizes staff to proceed with condemnation. Staff will continue to negotiate with the property owner and utilize condemnation as a last resort.

Options

- Option 1: Authorize condemnation to provide gravity sanitary sewer to Blossom Park Development and the West Sanitary Sewer Basin. (See Exhibit A)
- Option 2: Require the Developer to install a Pump Station to provide sanitary sewer
- Option 3: Require the Developer to install a Low Pressure Sewer System as part of the Development.
- Option 4: Deny Sanitary Sewer Service to this area of the West Sanitary Sewer Basin until the developer is able to negotiate an easement.

Financial Impact

- Option 1: No financial impact other than the long term maintenance of the gravity sanitary sewer system
- Option 2 and 3: The temporary pump station and the low pressure sewer system will have an increase cost in maintenance for the City and/or future residents of the subdivision.
- Option 4: No financial impact other than the loss of revenues associated with new development and providing sanitary sewer service within our utility district.

Recommendation

Staff recommends Option 1 and approval of Resolution 2013-67 - A Resolution Authorizing Condemnation for the Acquisition of Property for Sanitary Sewer Main for the West Basin.

RESOLUTION 2013-67

**A RESOLUTION AUTHORIZING CONDEMNATION FOR THE ACQUISITION OF PROPERTY
FOR A SANITARY SEWER MAIN FOR THE WEST BASIN**

WHEREAS, the City of Franklin (City) has determined that certain sanitary sewer improvements are necessary within the West Sanitary Sewer Basin to provide sanitary sewer service within the City limits and the City's urban Growth Boundary; and

WHEREAS, the City has developed sanitary sewer system basin plans to help evaluate expected demands and provide a general framework to provide sanitary sewer service within the City of Franklin and Urban Growth Boundary; and

WHEREAS, it will be necessary for the City to obtain easements from landowners to provide sanitary sewer service to the property located at 3003 Del Rio Pike; 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 ____ day of _____, 20__.

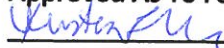
ATTEST:

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 – West Basin Sanitary Sewer Sub-basin

