




HISTORIC
FRANKLIN
TENNESSEE

ITEM #12
WRKS
08/12/14

MEMORANDUM

July 31, 2014

TO: Board of Mayor and Aldermen

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

SUBJECT: **Consideration of Resolution 2014-60 - A Resolution Authorizing Condemnation for the Acquisition of Property at 719 Murfreesboro Road**

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information to consider Resolution 2014-60 - A Resolution Authorizing Condemnation for the Acquisition of Property at 719 Murfreesboro Road.

Background

BOMA approved the construction contract (COF 2014-0065) for the Charlton Green Sanitary Sewer Improvements project on May 13, 2014. The project consists of abandonment of the existing Charlton Green sanitary sewer pump station and force main, gravity sanitary sewer main replacement, pavement patching and curb repair; and to establish permanent vegetative cover to all disturbed areas within the Project site.

This project was designed with the proposed gravity sanitary sewer to tie into the existing 20-inch Ralston Creek Interceptor sanitary sewer line through an easement on 719 Murfreesboro Road. Staff is ready to move forward with the property acquisition on the project. As always staff will work to settle all property acquisition but in the event that an agreement cannot be reached condemnation may be required.

Financial Impact

The cost for the acquisition of the necessary easement for this project will be based on the average of recent appraised values of permanent sanitary sewer easements as determined by an appraiser.

Recommendation

Staff recommends approval of Resolution 2014-60 - A Resolution Authorizing Condemnation for the Acquisition of Property at 719 Murfreesboro Road. Approval of this Resolution will help ensure that the construction of this project will proceed in the event negotiations falter.

RESOLUTION 2014-60

A RESOLUTION AUTHORIZING CONDEMNATION FOR THE ACQUISITION OF PROPERTY AT 719 MURFREESBORO ROAD

WHEREAS, the City of Franklin (City) has determined that certain improvements to Charlton Green Subdivision are suitable and desirable for the public welfare; and

WHEREAS, these improvements are generally described as the abandonment of the existing Charlton Green sanitary sewer pump station and force main and construction of new 8-inch diameter gravity sewer in Watercross Drive that ties into the Ralston Creek Interceptor sanitary sewer and repaving of the streets; and

WHEREAS, the City has an agreement dated May 13, 2014 with Underground Pipe & Construction to construct the project; and

WHEREAS, the easement is necessary for the construction of the Project; and

WHEREAS, the Franklin Board of Mayor and Aldermen expressly finds that the City has the power of eminent domain to extend public roads, see T.C.A. §29-17-301 *et seq.*, and to acquire Rights-of-Way and Easements necessary for proper completion of the said Project, and that the acquisition of such Rights-of-Way and/or Easements 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 owner and condemnation is the only alternative, then the City Attorney, or his/her designee, 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 _____, 2014.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

By: _____
ERIC S. STUCKEY
City Administrator/Recorder

By: _____
DR. KEN MOORE
Mayor

Approved As To Form By:

Shauna R. Billingsley
City Attorney

EXHIBIT A RESOLUTION 2014-60

ADDRESS: 719 MURFREESBORO ROAD

MAP 78, PARCEL 81.01

