



HISTORIC  
FRANKLIN  
TENNESSEE

ITEM #12  
CIC  
5/28/14

# MEMORANDUM

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May 13, 2014

**TO:** Board of Mayor and Aldermen

**FROM:** Eric Stuckey, City Administrator *Eric*  
David Parker, City Engineer/CIP Executive

**SUBJECT:** **Consideration of Resolution 2014-44 - A Resolution Authorizing Condemnation for the Acquisition of Property for Carothers Parkway**

**Purpose**

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information to consider Resolution 2014-44 - A Resolution Authorizing Condemnation for the Acquisition of Property for Carothers Parkway.

**Background**

This Resolution authorizes condemnation for the acquisition of necessary rights-of-way and easements for the Carothers Parkway “gap section” from Truman Road West to Parkworth Drive. The property owner has requested that the City obtain the required rights-of-way and easements by condemnation.

**Financial Impact**

The cost for the acquisition of the necessary Rights-of-Way and Easements for this project will be based on the appraised value determined by the certified professional appraiser.

**Recommendation**

Approval of Resolution 2014-44 - A Resolution Authorizing Condemnation for the Acquisition of Property for Carothers Parkway is recommended.

**RESOLUTION 2014-44**

**A RESOLUTION AUTHORIZING CONDEMNATION FOR THE ACQUISITION OF PROPERTY FOR THE CAROTHERS PARKWAY SOUTH PROJECT**

**WHEREAS**, the City of Franklin (City) has determined that certain improvements to Carothers Parkway are suitable and desirable for the public welfare; and

**WHEREAS**, these improvements are generally described as the construction of Carothers Parkway South, from Truman Road West to Parkworth Drive (Project); and

**WHEREAS**, the property owner has requested that the City obtain the required Rights-of-Way and Easements by condemnation; and

**WHEREAS**, the Franklin Board of Mayor and Aldermen expressly find 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:**

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**Shauna R. Billingsley**  
City Attorney

**Right-of-Way**

05.01.2014

**Tract No. 0**

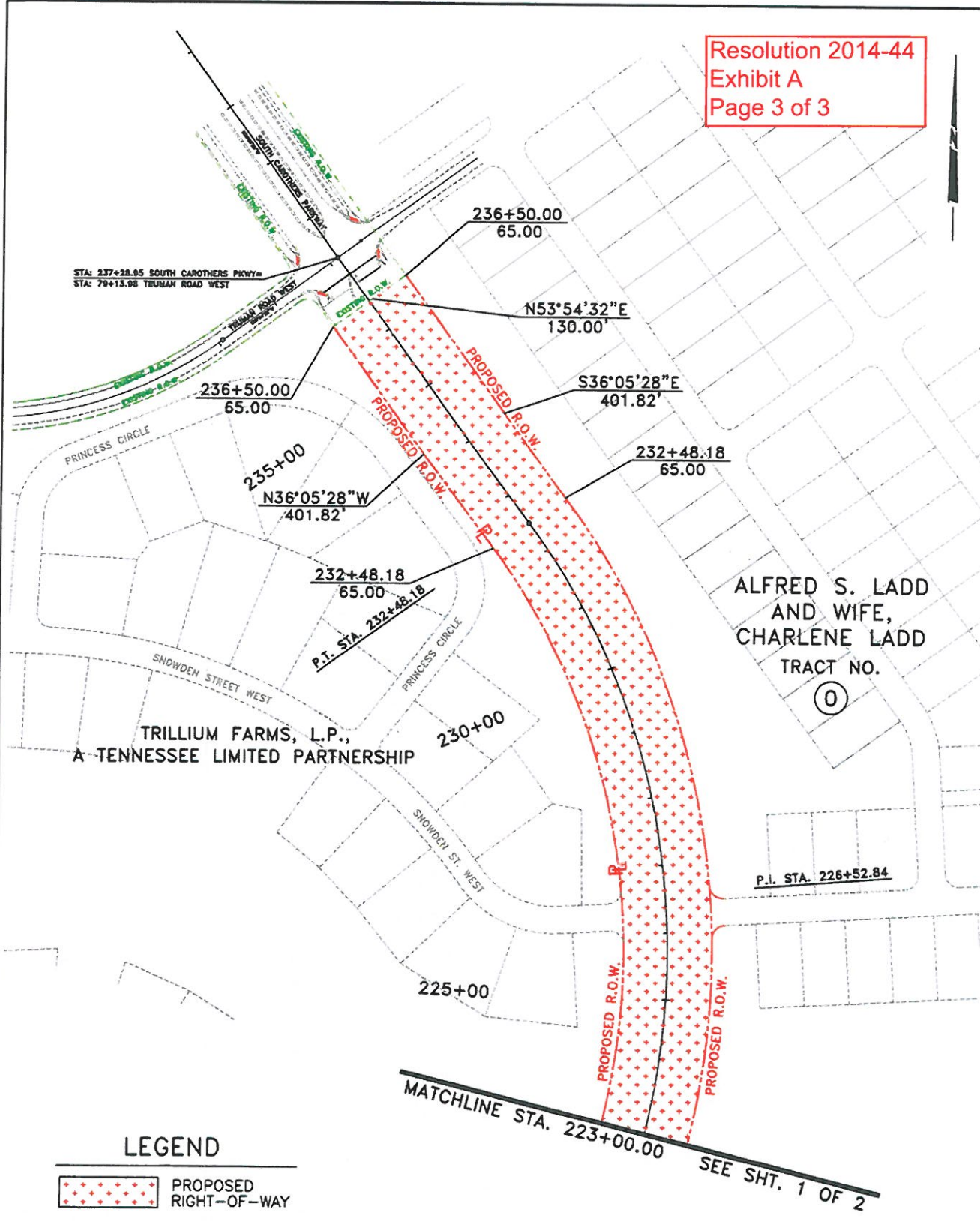
Alfred S. Ladd and Wife, Charlene Ladd

Beginning at a point, said point being located on Carothers Parkway proposed western right-of-way, further described as being located at Sta. 209+50.00, 65.00 feet lt. of the centerline of Carothers Parkway as shown on engineering design documents prepared for the City of Franklin, by Sullivan Engineering, Inc. (Project no. 14-002), said point being the POINT OF BEGINNING and proceeding as follows;

Thence, continuing from the beginning of a curve to the right, of which the radius point lies S34°30'58"E, a radial distance of 1,150.00 feet; thence, continuing along the proposed right-of-way northeasterly along the arc, through a central angle of 09°39'35", a distance of 193.88 feet to a point; thence, continuing along the proposed right-of-way N65°08'38"E, a distance of 198.19 feet to a point to a point of curve to the left having a radius of 1,020.00 feet and a central angle of 101°14'06"; thence, continuing along the proposed right-of-way northerly along the arc a distance of 1,802.22 feet to a point; thence, continuing along the proposed right-of-way N36°05'28"W, a distance of 401.82 feet to a point located on the existing right-of-way just south of the intersection of Truman Road West and South Carothers Parkway; thence, continuing along the existing right-of-way N53°54'32"E, a distance of 130.00 feet to a point located on the proposed right-of-way; thence, continuing along the proposed right-of-way S36°05'28"E, a distance of 401.82 feet to a point of curve to the right having a radius of 1,150.00 feet and a central angle of 101°14'06"; thence, continuing along the proposed right-of-way southerly along the arc a distance of 2,031.92 feet to a point; thence, continuing along the proposed right-of-way S65°08'38"W, a distance of 198.19 feet to a point of curve to the left having a radius of 1,020.00 feet and a central angle of 09°39'35"; thence, continuing along the proposed right-of-way southwesterly along the arc a distance of 171.97 feet to a point located on the existing right-of-way just north of the intersection of Parkworth Drive and South Carothers Parkway; thence, continuing along the existing right-of-way N34°30'58"W, a distance of 130.00 feet to the POINT OF BEGINNING. Containing 351,016.27 square feet or 8.0582 acres, more or less.

The aforementioned property is on a parcel of land owned by Alfred S. Ladd and Wife, Charlene Ladd as shown on Tax Map No. 106, Parcel No. 181 and recorded in Deed Book 1479, Page 62 with the Williamson County Register of Deeds.





**LEGEND**

 PROPOSED RIGHT-OF-WAY



**SULLIVAN ENGINEERING, INC.**  
 317 MAIN STREET, SUITE 201  
 FRANKLIN, TN. 37064

PROPERTY ACQUISITION THIS TRACT  
 RIGHT-OF-WAY (ROW)

**ALFRED S. LADD AND WIFE  
 CHARLENE LADD**  
 Tract No. 0 SHT. 2 OF 2  
 Scale: 1"=200' 05.01.2014