



HISTORIC
FRANKLIN
TENNESSEE

ITEM #29
BOMA 2/23/2010

MEMORANDUM

February 4, 2010

TO: Board of Mayor and Aldermen

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

SUBJECT: **TDOT Proposal for Mack Hatcher Pkwy Widening
From South of SR 96 to West of SR 6
Federal Project No. STP-397(7); State Project No. 94092-2223-14
COF Contract No. 2010-0009**

Purpose

The purpose of this memo is to provide the Franklin Board of Mayor and Aldermen (BOMA) with information to consider a Tennessee Department of Transportation (TDOT) proposal for the Mack Hatcher Pkwy Widening Project from south of SR 96 (Murfreesboro Road) to west of SR 6 (US31, Franklin Road).

Background

The segment of the Mack Hatcher Parkway that is the subject of the referenced proposal is a two-lane roadway that is being designed for widening to a four-lane cross section. The elements of the Mack Hatcher Pkwy Context Sensitive Design (CSD) process are to be included in this project. The project is being designed and will be constructed by TDOT, but as mentioned in the proposal the City of Franklin will have aspects of the work to inspect for future maintenance responsibility. Also, there are some aspects of the right-of-way (ROW) and utility adjustments that the City may be involved in.

The City Attorney and City Engineer/CIP Executive have reviewed this Proposal and have some revisions that are needed prior to the City agreeing to and executing the Proposal. These revisions are as indicated on the attached redline version of the Proposal. After discussion of this proposal at the Capital Investment Committee (CIC) meeting on February 11th, if there are other requested revisions from the BOMA, we will forward them to the appropriate TDOT officials for consideration.

Financial Impact

Other than the cost of City staff to do inspection of some of the elements during construction and future maintenance of these elements, the City does not have any financial responsibilities in regards to this project at this time.

Recommendation

Approval of the TDOT proposal as revised by staff is recommended.

PROPOSAL

OF THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF TENNESSEE TO THE CITY OF FRANKLIN, TENNESSEE:

The DEPARTMENT OF TRANSPORTATION of the State of Tennessee, hereinafter "DEPARTMENT", proposes to construct a project in the CITY of FRANKLIN, hereinafter "CITY", designated as State Project Number 94092222314, that is described as S.R. 397 (Mack Hatcher Pkwy) from South of S.R. 96 (Murfreesboro Rd.) to West of S.R. 6 (U.S. 31, Franklin Rd.), and the CITY agrees to cooperate with the DEPARTMENT as set forth In this proposal, so that the general highway program may be carried out in accordance with the intent of the General Assembly of the State.

Accordingly, the parties agree as follows:

1. That in the event any civil actions in inverse condemnation or for damages are instituted by reason of the DEPARTMENT, or its contractor, going upon the highway right-of-way and easements, and constructing said project in accordance with the plans and as necessary to make the completed project functional, the DEPARTMENT shall notify the CITY, and the CITY will notify in writing the Attorney General of the State,

whose address is 425 Fifth Avenue North, Nashville, Tennessee 37243, of the institution of each civil action, the complaint and all subsequent pleadings, within ten (10) days after the service of each of the same, under penalty of defending such actions and paying any judgments which result therefrom at its own expense.

2. The CITY will close or otherwise modify any of its roads or other public ways if indicated on the project plans, as provided by law.

5. The CITY will maintain any frontage road to be constructed as part of the project, so long as the frontage road is dedicated to the CITY along with the appropriate right-of-way.

~~6. After the project is completed and open to traffic, the CITY will accept for jurisdiction and maintenance such parts of any existing DEPARTMENT highway to be replaced by the project.~~

7. The CITY will make no changes or alter any segment of a road on its road system that lies within the limits of the right-of-way acquired for any interchange to be constructed as part of the project and will not permit the installation or relocation of any utility facilities within the right-of-way of any such a segment of one of its roads without first obtaining the approval of the DEPARTMENT.

8. No provision hereof shall be construed as changing the maintenance responsibility of the CITY for such part of the project as may presently be on its highway, street, road or bridge system.

9. It is understood and agreed between the DEPARTMENT and the CITY that all traffic control signs for the control of traffic on a street under the jurisdiction of the CITY and located within the DEPARTMENT's right-of-way shall be maintained and replaced by the CITY.

10. When traffic control devices for the direction or warning of traffic, lighting of roadways or signing, or any of them, which are operated or function by the use of electric current are constructed or installed as part of the project, they will be furnished with electricity and maintained by the CITY, so long as the City has the right to inspect the construction of such traffic control devices prior to the DEPARTMENT'S acceptance of the traffic control devices.

~~11. If, as a result of acquisition and use of right-of-way for the project, any building improvements become in violation of a CITY setback/building line requirement, the CITY agrees to waive enforcement of the CITY setback/building line requirement and take other proper governmental action as necessary to accomplish such, waiver.~~

DEPARTMENT.

19. The DEPARTMENT will acquire the right-of-way and easements, construct the project and defend any inverse condemnation or damage civil actions of which the Attorney General has received the notice and pleadings provided for herein.

20. The project plans hereinbefore identified by number and description are incorporated herein by reference and shall be considered a part of this proposal, including any revisions or amendments thereto, provided a copy of each is furnished the CITY.

21. The acceptance of this proposal shall be evidenced ~~by the passage of an ordinance, or~~ by ~~other~~ the proper governmental action, which shall incorporate this proposal verbatim, or by reference thereto.

THE CITY OF FRANKLIN

DATE

BY: _____
John E. Baker
Mayor

ATTEST

DATE

BY: _____
Eric Stuckey
City Administrator

APPROVED AS TO FORM AND LEGALITY

BY: _____
Steven F. Walker
County Attorney

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

BY: _____
Gerald F, Nicely
Commissioner

APPROVED AS TO FORM AND LEGALITY:

BY: _____
Attorney Department of Transportation