



HISTORIC
FRANKLIN
TENNESSEE

ITEM #25
BOMA
05/11/2010

MEMORANDUM

April 20, 2010

TO: Board of Mayor and Aldermen

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

SUBJECT: **Assignment of Easement Rights to
Mallory Valley Utility District
COF Contract No. 2010-0048**

Purpose

The purpose of this memorandum is to provide information needed by the Franklin Board of Mayor and Aldermen (BOMA) concerning the proposed assignment of easement rights of a water meter easement to Mallory Valley Utility District (MVUD).

Background

On July 20, 2009, the City of Franklin obtained an "Order of Possession and Taking" through condemnation procedures a right-of-way (ROW) and various easements from property owned National Properties Corporation (Deed Book, 2134, Page 2908, Registers Office of Williamson County, Tennessee) for the construction of the Nichol Mill Lane Project. This property is also known as the Academy Sports property. One of the easements obtain is a Water Meter Easement that is needed for the relocation of the water meter assembly for Academy Sports off the MVUD's system. The existing MVUD easement for the Academy Sports water meter has been incorporated in the ROW needed for the street improvement, thus the City was responsible for obtaining a new easement for the water meter assembly. Since this easement is for locating a MVUD water meter and appurtenances, the easement needs to be assigned to the MVUD. Attached COF Contract No. 2010-0048, Assignment of Easement Rights, has been drafted to provide such assignment.

Financial Impact

No additional financial impact to the City.

Recommendation

Approval of COF Contract No. 2010-0048, Assignment of Easement Rights to Mallory Valley Utility District for a Water Meter Easement, is recommended.

**THIS INSTRUMENT WAS
PREPARED BY:
Douglas Berry
Hubbard, Berry & Harris, PLLC
Suite 1420
201 4TH Avenue South
Nashville, Tennessee 37219
(615) 251-5444**

ASSIGNMENT OF EASEMENT RIGHTS

WHEREAS, the undersigned, **THE CITY OF FRANKLIN, TENNESSEE** (“**GRANTOR**”) by Order of Possession and Taking entered on July 20, 2009, and recorded at Book 4884, Pages 126-134, Register’s Office of Williamson County, Tennessee, acquired an easement for the location, construction, and maintenance of a water meter on property owned by NAPE Acquisition, Inc., the said easement being necessitated by a road construction project undertaken by Grantor. (A complete description of said easement is attached hereto as Exhibit A and incorporated herein by reference).

WHEREAS, MALLORY VALLEY UTILITY DISTRICT OF WILLIAMSON COUNTY, TENNESSEE (“GRANTEE”) is by law the exclusive provider of water service to the property across which the easement was condemned;

NOW THEREFORE:

GRANTOR, for good and valuable consideration, does hereby quit-claim, assign, and convey to **GRANTEE**, all of its right, title, and interest in the said easement, and **GRANTEE** does hereby accept such assignment.

IN WITNESS WHEREOF, the parties have set their hands this 27th day of April 2010.

GRANTOR:

THE CITY OF FRANKLIN, TENNESSEE

JOHN SCHROER, MAYOR

**ERIC STUCKEY, CITY ADMINISTRATOR
AND RECORDER**

STATE OF TENNESSEE)
COUNTY OF WILLIAMSON)

Personally appeared before me, **JOHN SCHROER AND ERIC STUCKEY** with whom I am personally acquainted, (or proved to me on the basic of satisfactory evidence), and who, after being first duly sworn, acknowledge themselves to be the City Administrator/Recorder and Mayor of the City of Franklin, Tennessee, respectively, and that as such City Administrator/Recorder and Mayor, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

Notary Public

My Commission expires:

GRANTEE:

**MALLORY VALLEY UTILITY DISTRICT OF
WILLIAMSON COUNTY**

**STATE OF TENNESSEE)
COUNTY OF WILLIAMSON)**

Personally appeared before me, _____, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence), and who, after being first duly sworn, acknowledge himself to be the _____ of Mallory Valley Utility District of Williamson County, Tennessee and that as such _____ being authorized so to do, executed the foregoing instrument for the purposes therein contained.

Notary Public

My Commission expires:

EXHIBIT A

WATER METER EASEMENT

Beginning at a point on the proposed southerly right-of-way line of Nichol Mill Lane, said point lying 25.00 feet right of proposed centerline Station 13+05.63 thence; South 07 degrees 28 minutes 14 seconds West, 14.04 feet to a point on the northerly line of the Temporary Construction Easement No. 1, said point lying 38.97 feet right of the proposed centerline Station 13+07.08 thence; With the northerly line of said Temporary Construction Easement No. 1, in part, North 82 degrees 47 minutes 50 seconds West, 31.00 feet to a point, said point lying 42.06 feet right of proposed centerline Station 12+75.57 thence, Leaving said northerly line, North 07 degrees 28 minutes 14 seconds East, 17.12 feet to a point on the proposed southerly right-of-way line of Nichol Mill Lane, said point lying 25.00 feet right of proposed centerline Station 12+74.05 thence, With a curve concave to the south having a radius of 1974.77 feet, for an arc length of 31.16 feet to the **Point Of Beginning** and containing 485 square feet, more or less.