

RESOLUTION 2010-34

A RESOLUTION ADOPTING A PLAN OF ACTION REGARDING RESIDENTIAL DISPLACEMENTS FOR THE EXTENSION OF STATE ROUTE 397, MACK HATCHER PARKWAY, IMPACTED BY THE MAY 2010 FLOOD

WHEREAS, the City of Franklin has been working with the Tennessee Department of Transportation (TDOT) for extension of State Route 397, commonly known as Mack Hatcher Parkway; and

WHEREAS, the City of Franklin experienced flooding conditions during May 1 and 2, 2010, which caused damage to many residential and commercial structures, including the Rebel Meadows subdivision; and

WHEREAS, during these floods, eleven (11) single family residential dwellings located in Rebel Meadows subdivision that are to be acquired for the extension were damaged; and

WHEREAS, the Board of Mayor and Aldermen desire to protect the interest of the property owners whose properties were affected; and

WHEREAS, the City of Franklin has proposed a plan of action to ensure that these property owners and occupants be granted all benefits afforded them in compliance with the Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs Act; and

WHEREAS, the TDOT and the Federal Highway Administration (FHWA) have approved this plan of action.

NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE THAT:

The documents attached hereto as Exhibit A are adopted as a plan of action for the property acquisitions necessary for extension of State Route 397 (Mack Hatcher Parkway), Project Number 94092-2226-14; STP/HPP-397(10); PIN 101454.01.

BE IT FURTHER RESOLVED, BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE THAT:

In accordance with federal and state law and regulations, and to ensure no duplication of benefits, owners of property to be acquired shall execute a Notification of Insurance Status on a form to be provided by the City prior to receiving any compensation for relocation and/or the purchase of property.

Approved this ____ day of _____, 2010.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

BY: _____

BY: _____

ERIC S. STUCKEY

JOHN C. SCHROER

City Administrator/Recorder

Mayor



STATE OF TENNESSEE
 DEPARTMENT OF TRANSPORTATION
 SUITE 600, JAMES K. POLK BUILDING
 NASHVILLE, TENNESSEE 37243-0337

GERALD F. NICELY
 COMMISSIONER

PHIL BREDESEN
 GOVERNOR

May 10, 2010

Mr. Victor Otero
 Realty & Planning Specialist
 Federal Highway Administration
 404 BNA Drive, Suite 508
 Nashville, TN 37217

RE: State Route 397 (Mack Hatcher Parkway)
 Project No. 94092-2226-14; STP/HPP-397(10)
 PIN 101454.01
 Williamson County

Dear Mr. Otero:

Attached is an explanation of the circumstances of the residential displacements on the State Route 397 (Mack Hatcher Parkway) extension project being acquired by the City of Franklin. Also included is a plan of action prepared in conjunction with the Tennessee Department of Transportation (TDOT).

TDOT has reviewed the request and concurs that the steps outlined will allow the City of Franklin to move forward with the project addressing the needs of those on the project impacted by the flooding of May 2010. TDOT will continue to monitor the project to assure that Federal and State laws, rules, regulations, and procedures are followed and that property owners and occupants are granted all benefits afforded them by the Uniform Act.

Sincerely,



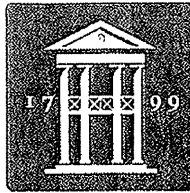
Jeff Hoge
 Director, Right-of-Way Office

Attachment

FHWA APPROVAL:	
SIGNED: 	DATE: 5/10/10

ENGINEERING DEPARTMENT

Eric J. Gardner, P.E.
Director



John C. Schroer
Mayor of Franklin

Eric S. Stuckey
City Administrator

May 10, 2010

HISTORIC
FRANKLIN
TENNESSEE

Mr. Jeff Hoge
Director, Right of Way Division
Suite 600, James K. Polk Building
505 Deaderick Street
Nashville, TN

RE: State Route 397 (Mack Hatcher Parkway)
Project No. 94092-2226-14; STP/HPP-397(10)
PIN 101454.01
Williamson County

Dear Mr. Hoge:

As previously discussed, the following is an "as is" assessment of the residential displaces on the above referenced project, a description of the impact of the May 1st-3rd flooding, current project status, and an outline of the steps that we will take to ensure that the provisions of the Uniform Act and its implementing regulations are fully adhered to.

The above project includes the acquisition of eleven (11) single family residential dwellings, nine of which are occupied (1-acquired through early acquisition and 1-not occupied). In the flooding that occurred over the weekend of May 1, 2010, these improvements suffered varying amounts of damage. The damages range from minor crawl space and finished garage damage to total loss of home and personal property. It is believed that the majority of the home owners do have flood insurance.

No offers have been made, with the exception of the early acquisition tract. Appraisals are in process with on-site inspections completed on six (6) of the ten (10) homes remaining. The relocation market study is in process but will need to be reevaluated in wake of the damage done by the flooding.

The City of Franklin proposes the following steps to ensure adherence to the Uniform Act and its implementing regulations and seeks the concurrence of the Tennessee Department of Transportation and the Federal Highway Administration.

- The occupancy requirement for replacement housing eligibility will be waived under the provisions of 49 CFR Part 24.403 (d)(1) for all who were in occupancy at the time of the flooding.
- All improved tracts will be appraised as of their pre-flood condition. Tracts that have been inspected will be valued as to the date of inspection. Tracts that have not yet been inspected will be inspected and valued to pre-date the flood damage.
- Acquisition will be coordinated with the home-owners insurer to guarantee that all insurance entitlements are received and that fair market value is paid. In all circumstances, insurance proceeds will either be directed to the acquiring agency or sufficiently documented to assure that duplication of benefits does not exist.



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- Effective May 1st, reimbursement for temporary housing, when not covered by insurance, will be paid until such time that comparable housing is made available and notice to vacate has been exhausted. Again, the situation will be closely monitored with the insured to avoid duplication of payment.
- Move cost benefits will be made available for both the move to temporary housing and to permanent replacement housing on a fixed move cost basis.
- Steps will be taken to accelerate the acquisition by rearranging appraisal and review appraisal assignments to assist in quicker completion.
- Every attempt will be made to gain legal right to occupy the property for the purpose of removing the damaged improvements as soon as possible.

The City of Franklin intends to move forward on this project following the above guidelines in order to minimize further hardship and allow the relocation of those displaced by the project within the Federal and State rules. We seek the concurrence of the Tennessee Department of Transportation and the Federal Highway Administration in the implementation of these steps.

Sincerely,

Eric Gardner
Director of Engineering
City of Franklin

