

**RESOLUTION 2024-58**

**A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPROVE AGREEMENTS AND THE USE OF CONDEMNATION, IF NECESSARY, TO ACQUIRE RIGHTS-OF-WAY AND/OR EASEMENTS FOR THE DEL RIO PIKE ROADWAY WIDENING AND CULVERT IMPROVEMENT PROJECT (COF PROJECT NO. 2023-013)**

**WHEREAS**, the Board of Mayor and Aldermen of the City of Franklin, Tennessee (the "BOMA") has determined that the construction of certain improvements within the City limits are necessary, suitable, and desirable for the public welfare; and

**WHEREAS**, these improvements are generally described as the rehabilitation of an existing culvert on Del Rio Pike with (2) 60" slip-lined pipe culvert extensions with headwalls, and the installation of (2) 12' travel lanes with a 12' center left turn lane, (2) 5' bike lanes, curb and gutter on each side of the road, and a 6' sidewalk with a 6' grass buffer on the north side of Del Rio Pike (the "Project").

**WHEREAS**, it will be necessary, in order to construct said improvements, for the City to obtain real property interests in the form of additional rights-of-way ("Real Property") and easements ("Real Property Interest") from the owners of the real properties listed on the attached Exhibit A; and

**WHEREAS**, the Board finds that it is in the best interests of the City of Franklin and for efficiency when acquiring rights-of-way and/or easements ("Property Acquisition") for the Project to authorize the City Administrator to approve said property acquisition agreements on behalf of the BOMA; and

**WHEREAS**, the price to be paid for Property Acquisition shall be established by a qualified appraiser; and

**WHEREAS**, it has been general practice by the City, and by the Tennessee Department of Transportation ("TDOT") on which this City practice is based, to allow the staff performing the acquisition negotiations the ability to increase the offer by up to an additional ten percent (10%) or Ten Thousand and No/100 Dollars (\$10,000.00), whichever amount is greater, in an effort to successfully close the acquisition negotiations; and

**WHEREAS**, the BOMA 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 easements and/or rights-of-way necessary for proper completion of the said improvements, and that the acquisition of such easements and/or rights-of-way 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; and

**WHEREAS**, the BOMA believes that the removal of certain contracts and purchases from the Board's agenda provides for more expedient conduct of City business; and

**WHEREAS**, all Property Acquisition shall be reported to the BOMA as items approved by the City Administrator on behalf of the Board.

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

**SECTION 1.** The City Administrator, the City Engineer, and the City Attorney are authorized to obtain the necessary rights-of-way, permanent easements, and/or temporary easements on and/or 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/or easements, so long as such amounts are reasonable and supported by a qualified appraisal.


**SECTION 2.** In an effort to avoid the condemnation process and to complete the Property Acquisition process as efficiently as possible, the City Administrator or his designee is authorized to increase the purchase price offer above appraised value by up to ten percent (10%) or Ten Thousand and No/100 Dollars (\$10,000.00), whichever is greater.

**SECTION 3.** If an impasse is reached during negotiations with a property owner and condemnation is the only alternative, then the City Attorney is authorized to commence necessary condemnation proceedings. After condemnation proceedings have commenced, the City Administrator, the City Attorney, and the City Engineer 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 and supported by a qualified appraisal.

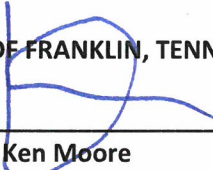
**SECTION 4.** All Property Acquisitions completed under the authority granted by this resolution shall be reported to the Board of Mayor and Aldermen.

IT IS SO RESOLVED AND DONE on this 13<sup>th</sup> day of AUGUST, 2024


ATTEST:

By:   
\_\_\_\_\_  
Angie Skarp  
City Recorder

CITY OF FRANKLIN, TENNESSEE:

By:   
\_\_\_\_\_  
Dr. Ken Moore  
Mayor

Approved as to Form:

By:   
\_\_\_\_\_  
J. Blake Harper  
Staff Attorney

RESOLUTION 2024-58

EXHIBIT A

<b>TRACT NUMBER</b>	<b>TAX MAP NUMBER</b>	<b>PARCEL NUMBER</b>
1	063	01200
5	063	00100
6	064	00100
7	063	00104