

**RESOLUTION 2024-59**

**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 "MALLORY LANE, NORTH ROYAL OAKS AND LIBERTY PIKE INTERSECTION PROJECT"**

**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 roadway and intersection improvements on Mallory Lane, North Royal Oaks and Liberty Pike (the "Project"); and

**WHEREAS**, on October 25<sup>th</sup>, 2016, the BOMA approved Resolution 2016-69, A Resolution To Adopt The Project List For Phase I Of The FY 2017-2026 CIP (Capital Investment Program); and

**WHEREAS**, on August 13, 2019, the BOMA approved Resolution 2019-68, A Resolution To Adopt The Project List For The FY 2019-2028 CIP (Capital Investment Program); and

**WHEREAS**, Mallory Lane, North Royal Oaks and Liberty pike Intersection Project was included in the list of project for Resolution 2016-69 and 2019-68; and

**WHEREAS**, it will be necessary, in order to construct said improvements, for the City to obtain additional rights-of-way ("real property") and easements ("real property interest") from the owners of the 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 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.

**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 acquisitions 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 Dollars (\$10,000), whichever is greater.

**SECTION 3.** If an in 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.

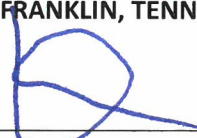
**SECTION 4.** All land acquisitions completed under the authority granted by this resolution shall be reported to the Board of Mayor and Aldermen.

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

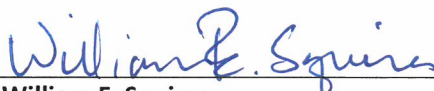
**ATTEST:**

**CITY OF FRANKLIN, TENNESSEE:**

By:   
**Angie Skarp**  
City Recorder

By:   
**Dr. Ken Moore**  
Mayor

**Approved as to Form:**

By:   
**William E. Squires**  
Assistant City Attorney

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**EXHIBIT A**

<b>TRACT NUMBER</b>	<b>TAX MAP NUMBER</b>	<b>PARCEL NUMBER</b>
1	079C	2
2	079C	1
3	79	36.1
4	79	36.06
5	62	32.05
6	62	32.04
7	62	32.03
8	079	71
9	079B	35
10	079B	34
11	079B	33
12	079C	32
13	079C	19
14	079C	18
15	079C	17
16	079C	16
17	062O	47
18	062O	7
19	079B	1
20	079B	6
21	079B	4
22	079B	5
23	079B	26
24	079B	27
25	079B	28
26	079C	29
27	079C	30
28	079C	31
29	062N	1