




MEMORANDUM

October 26, 2011

TO: Board of Mayor and Aldermen

FROM: Eric S. Stuckey, City Administrator 
David Parker, P.E., City Engineer
Paul Holzen, P.E., Interim Director of Engineering

SUBJECT: Resolution 2010-15; A Resolution Authorizing Condemnation for the Acquisition of Property for the Intersection Improvements SR96 at Boyd Mill Ave and Carlisle Lane Project.

Purpose

The purpose of this memorandum is to recommend approval of Resolution 2010-15. This resolution will authorize condemnation for the acquisition of the remaining Right of Way and easements for the Intersection Improvements SR96 at Boyd Mill Ave and Carlisle Lane Project.

Background

On June 23, 2009 BOMA approved funding for property acquisition on the Intersection Improvements SR96 at Boyd Mill Ave and Carlisle Lane Project. Since then, staff has sent out formal offer letters, met with all of the property owners, held public meetings, revised the roadway alignment and purchased Right of Way and easements from all property owners except the Carlisle Homeowners Association. The Carlisle Homeowners Association requires all property owners to approve the sale of common space prior to settling with the City. At this time they have one property owner refusing to sign and condemnation will be required to move the project forward. Resolution 2010-15 will authorize condemnation for the acquisition of the remaining Right of Way and easements.

Financial Impact

No additional financial impact at this time.

Recommendation

Staff recommends approval of Resolution 2010-15 authorizing condemnation to finalize right of way and easement acquisition for the Intersection Improvements SR96 at Boyd Mill Ave and Carlisle Lane Project.

RESOLUTION 2010-15

A RESOLUTION AUTHORIZING CONDEMNATION FOR THE ACQUISITION OF PROPERTY FOR THE CONSTRUCTION OF INTERSECTION IMPROVEMENTS SR96 AT BOYD MILL AND CARLISLE LANE

WHEREAS, the Board of Mayor and Aldermen has determined that the construction of certain road improvements within the City limits of Franklin is necessary, suitable and desirable for the public welfare; and

WHEREAS, these improvements are generally described as the construction of Intersection Improvements SR96 at Boyd Mill Ave and Carlisle Lane as shown on Proposed Layout Plans prepared by Neel-Shaffer dated December 31, 2009; and

WHEREAS, it will be necessary in connection with the construction of the improvements for the City to obtain rights of way (property) from landowners; and

WHEREAS, the Board has previously approved a budget for the above-described road projects, which includes amounts allocated for right-of-way (property) acquisition; and

WHEREAS, the Intersection Improvements SR96 at Boyd Mill Ave and Carlisle Lane is ranked number Four on the Board of Mayor and Alderman's December 22, 2009 priority ranking; and

WHEREAS, the Board expressly finds that the City has the power of eminent domain to extend public roads, see T.C.A. §29-17-201 *et seq.* and to acquire easements and 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;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, that the City Engineer and /or City Attorney, are authorized to obtain the necessary rights-of-way, permanent easements and/or temporary easements 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 easements, so long as such amounts are reasonable, within the project budget and supported by a qualified appraisal.

The City Engineer and City Attorney are authorized to continue negotiating with any landowner for the acquisition of the rights-of-way and/or easements without resort to condemnation. However, if an impasse is reached with a property and condemnation is the only alternative, then the City Attorney is authorized to commence necessary condemnation proceedings. After condemnation proceedings have commenced, the City Engineer and /or City Attorney, 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, within the project budget and supported by a qualified appraisal.

IT IS SO RESOLVED AND DONE on this the ___ day of _____, 2011.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

By: _____
ERIC S. STUCKEY
City Administrator/Recorder

By: _____
Dr. Ken Moore
Mayor

Approved As To Form By Shauna Billingsley, City Attorney