



HISTORIC  
FRANKLIN  
TENNESSEE

ITEM #11  
CIC  
04-10-12

## MEMORANDUM

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April 2, 2012

TO: Board of Mayor and Aldermen

FROM: Eric S. Stuckey, City Administrator  
David Parker, City Engineer  
Paul P. Holzen, P.E., Interim Director of Engineering  
Ben Worley, Right of Way Agent/ Project Manager

SUBJECT: Resolution 2012-21; A Resolution Authorizing Condemnation for the Acquisition of Property for the Hillsboro Road Improvements.

### **Purpose**

The purpose of this memorandum is to present to the Board of the Mayor and Aldermen (BOMA) Resolution 2012-21, authorizing condemnation for the acquisition of the remaining Right-of-Way and easements for the Hillsboro Road Improvements Project.

### **Background**

Currently, the City has a notice to proceed from TDOT on the portion of Hillsboro Road from SR-96 West to Joel Cheek Blvd. Staff is currently making offers and negotiating the required right-of-way and easements for this portion of the project. Of the 43 properties in this section, 32 offers have been made, 20 of those have made agreements with the city.

The City is waiting for the notice to proceed from TDOT for the section between Joel Cheek Blvd and Claude Yates Drive in order to start Right-of-Way acquisition. This portion of the project has Federal/State funding applied to it.

In order to complete Right-of-Way acquisition in a timely manner, staff has written Resolution 2012-21 to begin condemnation proceedings. Staff will continue to work with the remaining property owners and only use condemnation as a last resort.

### **Financial Impact**

None at this time

### **Recommendation**

Staff recommends approval of Resolution 2012-21 authorizing condemnation, if necessary, to finalize right-of-way and easement acquisition for the Hillsboro Road Improvements Project.

## RESOLUTION 2012-21

### A RESOLUTION AUTHORIZING CONDEMNATION FOR THE ACQUISITION OF PROPERTY FOR THE HILLSBORO ROAD IMPROVEMENT PROJECT

**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 roadway improvements on Hillsboro Road from SR-96 West to Claude Yates Drive as shown on Right-of-Way Plans prepared by Sullivan Engineering Company (COF Contract No. 2010-0073); and

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

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

**WHEREAS**, the Board expressly finds that the City has the power of eminent domain to extend public roads, see T.C.A. §29-17-301 *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 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 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 24<sup>th</sup> day of April, 2012.

**ATTEST:**

**CITY OF FRANKLIN, TENNESSEE**

By: \_\_\_\_\_  
**ERIC S. STUCKEY**  
City Administrator/Recorder

By: \_\_\_\_\_  
**DR. KEN MOORE**  
Mayor

**Approved As To Form By Kristen L. Corn, Staff Attorney**

# Resolution 2012-21

## Exhibit A

Tract Number	Map	Group	Parcel	Tract Number	Map	Group	Parcel
3	78C	B	3	64	63G	G	1
5	78C	B	2	65	63G	E	33
10	78C	A	4	66	63G	E	32
11	78C	A	5	67	63G	E	31
12	78C	A	6	68	63G	E	30
13	78B	E	16	70	63G	E	29
14	78C	A	7	72	63G	E	28
15	78C	A	8	73	63G	E	27
16	78C	A	9				
19	63N	D	15				
23	63N	D	17				
24	63N	D	18				
30	63N	D	26				
31	63O	C	2				
32	63		8				
33	63		9				
34	63		7.02				
35	63		3				
36	63		7.01				
38	63J	A	2				
39	63J	D	1				
40	63J	A	3				
43	63G	G	14				
44	63J	A	5				
45	63G	G	13				
46	63J	A	6				
47	63G	G	12				
49	63G	G	11				
51	63G	G	10				
52	63J	A	9				
53	63G	G	9				
54	63J	A	10				
55	63		19				
56	63J	E	1				
57	63G	G	8				
58	63G	G	7				
59	63G	G	6				
60	63G	G	5				
61	63G	G	4				
62	63G	G	3				
63	63G	G	2				