



HISTORIC
FRANKLIN
TENNESSEE

ITEM #7
WRKS 07/26/2011

MEMORANDUM

July 26, 2011

TO: Board of Mayor and Aldermen

FROM: Eric S. Stuckey, City Administrator *E.S.*
David Parker, P.E., City Engineer
Vernon J. Gerth, Assistant City Administrator
Micky Dobson, Staff Engineer

SUBJECT: Resolution 2011-34; A Resolution Authorizing Condemnation for the Acquisition of Property for the Construction of Water Main Extension Improvements from the End of Harpeth Industrial Court to Liberty Pike.

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information to consider Resolution 2011-34, authorizing condemnation for the acquisition of the rights-of-way and/or easements for the construction of the looped water main extension improvements from the end of Harpeth Industrial Court to Liberty Pike and Franklin Road.

Background

The Board of Mayor and Aldermen have determined the importance of the construction of certain water main improvements within the City limits of Franklin. Improvements that amend and boost the system are necessary, suitable and desirable for the public welfare improving water quality and pressure associated with general service and fire protection.

It has been identified that a loop water system connection from the end of Harpeth Industrial Court to Liberty Pike and Franklin will increase fire flow demands and system reliability in the general area. Prior to construction, it will be necessary for the City to obtain rights-of-way and easements (property) from landowners for the installation and maintenance of such improvements.

City Staff has attempted to negotiate with certain landowners the acquisition of easements necessary for the proper completion of said improvements. At this time, the need to commence condemnation proceedings has become evident in order to prevent the acquisition process from dragging out longer.

Staff has composed Resolution 2011-34 to start the process. Staff will continue to work with the property owners and only use condemnation as a last resort.

Financial Impact

Expenses incurred from the acquisition of easements will be reimbursed from water access fees collected when area businesses expand existing facilities and vacant property in the area is developed.

Recommendation

Staff recommends approval of Resolution 2011-34 authorizing condemnation, if necessary, to finalize right of way and easement acquisition for the construction of the looped Water Main Extension Improvements from the end of Harpeth Industrial Court to Liberty Pike and Franklin Road.

RESOLUTION 2011-34

A RESOLUTION AUTHORIZING CONDEMNATION FOR THE ACQUISITION OF PROPERTY FOR THE CONSTRUCTION OF WATER MAIN EXTENSION IMPROVEMENTS FROM THE END OF HARPETH INDUSTRIAL COURT TO LIBERTY PIKE.

WHEREAS, the Board of Mayor and Aldermen has determined that the construction of certain water main improvements within the City limits of Franklin is necessary, suitable and desirable for the public welfare by providing adequate fire flows and system reliability in the general area of the improvements; and

WHEREAS, these improvements are generally described as the construction of the Water Main Extension Improvements from the end of Harpeth Industrial Court to Liberty Pike; and

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

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

WHEREAS, the Board expressly finds that the City has the power of eminent domain to extend public utilities, see T.C.A. Title 29, Section 17 *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 all the properties requiring such acquisition for the construction of the Water Main Extension Improvements from the end of Harpeth Industrial Court to Liberty Pike 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 **26th** day of **July, 2011**.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

By: _____
ERIC S. STUCKEY
City Administrator

By: _____
Dr. KEN MOORE
Mayor

Approved As To Form By Shauna R. Billingsley, City Attorney