

RESOLUTION 2018-30

**A RESOLUTION AUTHORIZING CONDEMNATION FOR THE ACQUISITION OF PROPERTY
FOR THE LEWISBURG PIKE TURN LANE IMPROVEMENTS PROJECT**

WHEREAS, the Board of Mayor and Aldermen has determined that the construction of certain roadway improvements within the City's urban growth boundary are necessary, suitable, and desirable for the public welfare; and

WHEREAS, these improvements are generally described as the construction of a turn lane to provide a safe access to the Bushnell and Bates properties and a secondary access to the Stream Valley Subdivision; 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 as listed on Exhibit A; 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 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 _____, 20____.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

By: _____
ERIC S. STUCKEY
City Administrator

By: _____
DR. KEN MOORE
Mayor

Approved As To Form:

Shauna R. Billingsley
City Attorney

EXHIBIT A



| Tract # | Map | Parcel |
|---------|-----|--------|
| 1 | 117 | 17.04 |
| 2 | 117 | 17.07 |
| 3 | 117 | 14.00 |