

RESOLUTION 2016-94

**A RESOLUTION TO APPROVE THE FINAL DESIGN AND TO
AUTHORIZE PROPERTY ACQUISITION AND CONSTRUCTION OF
THE 100-BLOCK BATTLE AVENUE DRAINAGE IMPROVEMENTS
PROJECT**

WHEREAS, on December 9, 2014, the Board of Mayor and Aldermen (BOMA) approved Resolution 2014-50, which approved the preliminary design and authorized staff to complete right-of-way acquisition, final design and of the 100-Block Battle Avenue Drainage Improvements Project; and

WHEREAS, the improvements to the 100-block of Battle Avenue include creating a City-owned and maintained regional detention pond located between 107 Battle Avenue and 101 Fairground Street, a stormwater sewer system extending from across Battle Avenue at 114 Battle Avenue to the rears of 113 and 115 Battle Avenue, re-grading the City owned alley located between Battle Avenue and Fairground Street, and re-grading the rearmost properties located at 109, 111, 113, and 115 Battle Avenue; and

WHEREAS, the City owned regional detention pond will include a design for a 100-year storm event, a new pump system, an expanded pond depth of 15 to 17 feet deep, decorative protection fencing and landscaping to reduce the visual impact to the area, and the re-routing of the detention pond discharge directly to an existing stormwater sewer system in Fairground Street and Columbia Avenue; and

WHEREAS, the creation of a City owned regional detention pond will require the purchase and expansion of the existing privately owned detention pond located at 110 Fairground Street and require the purchase of the rearmost vacant parcel located behind 107 Battle Avenue; and

WHEREAS, it will be necessary for the City to obtain drainage easements prohibiting the build out or re-grading upon the rear most areas on the properties located at 109, 111, 113, and 115 Battle Avenue, to protect the integrity of the 100-year drainage improvements design; and

WHEREAS, the Franklin Board of Mayor and Aldermen expressly finds that the City has the power of eminent domain to public drainage projects, see T.C.A. §29-17-301 *et seq.*, and to acquire Rights-of-Way and Easements necessary for proper completion of the said Project, and that the acquisition of such Rights-of-Way and/or Easements 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, AS FOLLOWS:

Section 1. The BOMA hereby approves the final design concept of the 100-Block Battle Avenue Drainage Improvements Project, as shown on the preliminary construction plans dated October 2016.

Section 2. 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 shown in Exhibit

A 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.

Section 3. 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, or his/her designee, 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.

Section 4. Upon complete of all property acquisition, the BOMA hereby authorizes staff to proceed with the construction of the 100-Block Battle Avenue Drainage Improvements Project.

IT IS SO RESOLVED AND DONE on this the ____ day of _____, 2017.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

By: _____
ERIC S. STUCKEY
City Administrator/Recorder

By: _____
DR. KEN MOORE
Mayor

Approved As To Form By:

Shauna R. Billingsley
City Attorney