

## **RESOLUTION 2018-43**

### **A RESOLUTION AUTHORIZING CONDEMNATION FOR THE ACQUISITION OF PROPERTY FOR THE BOBBY DRIVE WATER LINE IMPROVEMENTS PROJECT**

**WHEREAS**, the City of Franklin (City) has determined that certain improvements are necessary for the Bobby Drive Water Line Improvements Project; and

**WHEREAS**, these improvements are generally described as the construction of approximately 5,650 feet of a 6-inch water line that ties into the 36-inch transmission water line on Hillsboro Road and the existing mains at Overlook Drive, Jefferson Davis Drive and Bradley Drive; the installation of approximately 12 fire hydrants and replacement of approximately 31 water meters as well as all appurtenances needed for the construction; and

**WHEREAS**, it will be necessary for the City to obtain easements from landowners for the construction of the Project; and

**WHEREAS**, the Franklin Board of Mayor and Aldermen 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 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**, 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, 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.

**IT IS SO RESOLVED AND DONE** on this the \_\_\_\_ day of \_\_\_\_\_, 2018.

**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