

RESOLUTION 2018-90

**A RESOLUTION AMENDING RESOLUTION 2018-33 THAT AUTHORIZED CONDEMNATION
FOR THE ACQUISITION OF PROPERTY FOR THE SR96 WEST TRAIL PROJECT (Vera Valley
Road to 5th Ave North)**

WHEREAS, the Board of Mayor and Aldermen approved Resolution 2018-33 on May 22, 2018; and

WHEREAS, the Board of Mayor and Aldermen has determined that the construction of certain pedestrian improvements within the city limits are necessary, suitable, and desirable for the public welfare; and

WHEREAS, these improvements are generally described as the construction of a multipurpose trail from Vera Valley Road to 5th Ave North; 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 of properties as listed on Revised 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 Revised 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 resorting 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 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

REVISED EXHIBIT A

Tract #	Map	Group	Parcel
1	63		54.00
2	63		1.02
3	063P	A	15.00
4	063P	C	20.00
5	063P	C	19.00
6	063P	C	18.00
7	063P	C	17.00
8	063P	C	16.00
9	063P	C	15.00
10	063O	B	1.00
11	63		51.00
12	078B	A	3.00
13	078B	A	2.00
14	078B	A	2.01
15	078B	D	18.00
16	078B	D	17.00
17	078B	D	19.00
18	078B	D	15.00
19	78B	D	16.00
20	078B	D	14.00
21	078C	E	18.00
22	078C	E	17.00