

RESOLUTION 2019-39

**A RESOLUTION AUTHORIZING CONDEMNATION FOR THE
ACQUISITION OF PROPERTY FOR THE SPENCER CREEK AT FRANKLIN
ROAD SANITARY SEWER PROJECT**

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

WHEREAS, these improvements are generally described as the construction of approximately 175 feet of 8-inch sanitary sewer line as well as all appurtenances needed for the construction as shown on Exhibit A; 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 Franklin Board of Mayor and Aldermen expressly finds that the City has the power of eminent domain to construct sanitary sewer and water lines, *see* T.C.A. §29-17-301 *et seq.*, and to acquire Temporary Easements necessary for proper completion of the said improvements, and that the acquisition of such easements and/or right-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 Water Department Director 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 Water Department Director 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 Water Department Director 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 _____, 2019.

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

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Exhibit A



Tract #	Map	Parcel
1	062	7.14
2	062	7.05
3	062	7.10