

RESOLUTION NO. _____

A RESOLUTION TO AMEND RESOLUTION NO. 26616 ENCAPTIONED AS SET FORTH HEREIN, SO AS TO AUTHORIZE TENDER INTO THE CIRCUIT COURT IN THE AMOUNT OF FIFTY-EIGHT THOUSAND SEVEN HUNDRED NINETY-FIVE DOLLARS (\$58,795.00) FOR TRACT NO. 4, TAX MAP NO. 140-A-A-010; TRACT NO. 12, TAX MAP NO. 131O-B-014; TRACT NO. 13, TAX MAP NO. 131O-B-015; AND TRACT NO. 17, TAX MAP NO. 131O-B-017.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That it is hereby amending Resolution No. 26616 encaptioned as set forth herein:

“A resolution is hereby authorized to institute eminent domain proceedings against Woodard Development Company relative to Old Lee Highway at Apison Pike Sanitary Sewer Relocation and Force Main Project, Contract No. W-10-010, for Tract No. 4, Tax Map and Parcel No. 140A-A-010; Tract No. 12, Tax Map and Parcel No. 131O-B-014; Tract No. 13, Tax Map and Parcel No. 131O-B-015; and Tract No. 17, Tax Map and Parcel No. 131O-B-017.”

so as to tender into the Circuit Court in the amount of \$58,795.00 for Tract No. 4, Tax Map No. 140-A-A-010; Tract No. 12, Tax Map No. 131O-B-014; Tract No. 13, Tax Map No. 131O-B-015; and Tract No. 17, Tax Map No. 131O-B-017.

ADOPTED: _____, 2012

/mms

City of Chattanooga



Resolution Request Form

(This form is only required for resolutions requiring expenditure of City funds)

Date Prepared: August 20, 2012

Preparer: William C. Payne

Department: Public Works - Engineering

Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council): District 4

A City Council resolution is requested to amend Resolution No. 26616 for the City Attorney to initiate Eminent Domain proceedings against Woodard Development Co., relative to Old Lee Hwy at Apison Pike Sanitary Sewer Relocation and Force Main Project, Contract No. W-10-010, in the amount of \$58,795.00, for Tract No. 4, Tax Map & Parcel No. 140A-A-010, Tract No. 12, Tax Map & Parcel No. 131O-B-014, Tract No. 13, Tax Map & Parcel No. 131O-B-015, and Tract No. 17, Tax Map & Parcel No. 131O-B-017.

Name of Vendor/Contractor/Grant, etc.	<u>Woodard Development Co.</u>	New Contract/Project? (Yes or No)	<u>No</u>
Total project cost	<u>\$ 58,795.00</u>	Funds Budgeted? (YES or NO)	<u>Yes</u>
Total City of Chattanooga Portion	<u>\$ 58,795.00</u>	Provide Fund	<u>6010</u>
City Amount Funded	<u>\$ 58,795.00</u>	Provide Cost Center	<u>K30103 -761106</u>
New City Funding Required	_____	Proposed Funding Source if not budgeted	_____
City's Match Percentage %	_____	Grant Period (if applicable)	_____

List all other funding sources and amount for each contributor.

Amount(s)	Grantor(s)
\$ _____	_____
\$ _____	_____
\$ _____	_____

Agency Grant Number _____

CFDA Number if known _____

Other comments: (Include contingency amount, contractor, and other information useful in preparing resolution)

- Tract No. 4 (140A-A-010) 6,780 SF = \$30,510.00
- Tract No. 12 (131O-B-014) \$,175 SF = \$18,785.50
- Tract No. 13 (131O-B-015) 2,075 SF = \$9,337.50
- Tract No. 17 (131O-B-017) 160 SF = \$160.00

Approved by:

Reviewed by: FINANCE OFFICE

DESIGNATED OFFICIAL/ADMINISTRATOR

Please submit completed form to @budget, City Attorney and City Finance Officer

RESOLUTION NO. 26616

A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS AGAINST WOODARD DEVELOPMENT COMPANY RELATIVE TO OLD LEE HIGHWAY AT APISON PIKE SANITARY SEWER RELOCATION AND FORCE MAIN PROJECT, CONTRACT NO. W-10-010, FOR TRACT NO. 4, TAX MAP AND PARCEL NO. 140A-A-010; TRACT NO. 12, TAX MAP AND PARCEL NO. 131O-B-014; TRACT NO. 13, TAX MAP AND PARCEL NO. 131O-B-015; AND TRACT NO. 17, TAX MAP AND PARCEL NO. 131O-B-017.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That the Office of the City Attorney be and is hereby authorized to institute eminent domain proceedings against Woodard Development Company relative to Old Lee Highway at Apison Pike Sanitary Sewer Relocation and Force Main Project, Contract No. W-10-010, for Tract No. 4, Tax Map and Parcel No. 140A-A-010; Tract No. 12, Tax Map and Parcel No. 131O-B-014; Tract No. 13, Tax Map and Parcel No. 131O-B-015; and Tract No. 17, Tax Map and Parcel No. 131O-B-017.

ADOPTED: March 8, 2011

/mms

Malone Dennis

From: Malone Dennis
Sent: Monday, August 20, 2012 4:33 PM
To: Volz Joachim; Fritz Ken
Cc: McGee Bob
Subject: RE: Apison Pike

It appears that an amended resolution needs to be done based on Joachim's email. I've prepared it to go to council for Sept. 4

From: Volz Joachim
Sent: Monday, August 20, 2012 3:45 PM
To: Malone Dennis
Cc: McGee Bob
Subject: RE: Apison Pike

Dennis,

Based on the resolution a check could not be cut as it doesn't list an amount. I don't recall receiving anything.

From: McGee Bob
Sent: Monday, August 20, 2012 3:35 PM
To: Malone Dennis
Cc: Simmons Ronald; Volz Joachim
Subject: RE: Apison Pike

I could not find where a check was issued to either the Court or Woodard Development.
Do you know the amount of the check that was to be issued?

The resolution should have been sent to Moccasin Bend since this is a ISS funded project for them to handle.

From: Malone Dennis
Sent: Monday, August 20, 2012 9:48 AM
To: McGee Bob
Cc: Simmons Ronald
Subject: FW: Apison Pike

Bob

Can you go back and check on the Resolution back in March of 2011 for eminent domain and see if a check was ever cut for the court action.

From: Fritz Ken
Sent: Monday, August 20, 2012 9:32 AM
To: Malone Dennis
Cc: Harris Jacqueline
Subject: Apison Pike

Four parcels were referred to this office for a possible eminent domain action:

Woodard Development Co.
8201 Apison Pike – Tax Map No. 131O-B-014
8202 Apison Pike – 140A-A-010
8207 Apison Pike – 131O-B-015
8207 Apison Pike – 131O-B-017

Tender checks were never sent to this office. It appears no action is required from this office. The subject files will be closed unless further directions are received.