City of MURFREESBORO TENNESSEE

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RECEIVED
SEP 23 2013

September 19, 2013

Mayor Ernest Burgess
Mayor of Rutherford County
101 Courthouse
Murfreesboro, TN 37130

RE: Tract 14-1, Acquisition of Utility Easement in connection with Reconstruction of Broad / Old Fort – Memorial Intersection

Dear Mayor Burgess:

As you are aware, the State of Tennessee through its Department of Transportation ("TDOT") has for some time been planning an intersection improvement project for the referenced intersection (the "Project"). The Project will include placing all utilities underground. TDOT acquired the necessary road right-of-way ("ROW") for the project some time ago; TDOT did not, however, acquire sufficient ROW for or any easements for the relocation of the utilities.

The City of Murfreesboro is leading a cooperative arrangement with the various utility providers with facilities impacted by the Project (City fiber optic cable, City Water & Sewer Department, Murfreesboro Electric Department, COMCAST Cable, Atmos Energy Corporation, and AT&T) so that one utility easement will be acquired and shared by the utilities which will occupy it. As a part of that arrangement, Wiser Company has been engaged to determine the amount of easement required and to allocate the available space among the users. Wiser has also obtained surveys of the easements required from the various parcels and appraisals of the value of the parcels and a calculation of the value of the required easements.

The City is offering to purchase the necessary Utility Easement (and Temporary Construction Easement, if applicable) for the appraised value of $40,098.00, plus a 10% bonus for a total of $44,108.00, if we are able to complete the purchase without the necessity of resorting to condemnation.

A proposed Utility Easement reflecting this offer, with a copy of the surveyor's drawing of the easement to be acquired, is enclosed. Also enclosed are 1) a copy of the Appraiser's Report on this property, and 2) a copy of a Notice Regarding Your Rights as a Landowner and Summary of Eminent Domain Procedures.

Legal Department
111 West Vine Street * P.O. Box 1044 * Murfreesboro, Tennessee 37133-1044 * Phone 615 849 2616 * Fax 615 849 2662 * TDD 615 849 2689
www.murfreesborotn.gov

dwj 9/18/2013 11:25 AM H:\Admin\Real Estate\Memorial Bridge Project 13-G074\.14-01.Offer Letter.doc1

To accept the City's offer, please sign the enclosed Utility Easement, have your signature notarized, and return the document to the City Legal Department. If it is more convenient, you may bring the document to the Legal Department to sign and one of our staff will notarize it for you. We will also need the completed Taxpayer Identification Number Request. You will receive a check for the amount stated within one to two weeks after the City receives the executed document.

If you believe that there is an error with any of the calculations contained in the document or the Appraisal Report, we will review the matter and, if an error has occurred, we will correct it.

Due to the expected construction timing of this matter, we must have received the fully executed easement document by close of business on Monday, October 14, 2013. If we have not received the document from you by that time the City will proceed with condemnation of the Utility Easement. In that event, the 10% bonus offer will be withdrawn and only the appraised value will be tendered into Court.

Compensation with respect to signs or other property within the permanent or temporary easement areas, if any, will be addressed in a separate letter.

I look forward to hearing from you.

Very truly yours,

David A. Ives
Assistant City Attorney

Enclosures

xc: Dana Richardson, City Transportation Director
Tim Jackson, City Public Works Coordinator

City of MURFREESBORO TENNESSEE

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Easement Acquisition
Taxpayer Identification Number Request

This information is being requested by the City of Murfreesboro for reporting purposes to the Internal Revenue Service and having this information accompany the executed document will expedite payment of monetary compensation. This information will be kept in strict confidentiality and will not be shared or displayed as public information.

PROJECT: Old Fort – Memorial Intersection

TRACT #: 14-1

OWNER(S) – Please provide your Taxpayer Identification Number
(Social Security Number or Employer Identification Number)
Printed Name and Signature on the spaces below, as per names on the title.

TIN	Printed Name	Signature
TIN	Printed Name	Signature

Planning & Engineering Department
111 West Vine Street * P O Box 1139 * Murfreesboro, Tennessee 37133-1139 * Phone 615 893 6441 * Fax 615 849 2606 * TDD 615 849 2689
www.murfreesborotn.gov

Name and Address of New Owner:
City of Murfreesboro
P.O. Box 1139
Murfreesboro. TN 37133-1139

SEND TAX BILL TO:
- Exempt -

This Instrument Prepared By:
David A. Ives, Assistant City Attorney
City of Murfreesboro
P.O. Box 1044
Murfreesboro, TN 37133-1044

Map 091K Group C Parcel 053.00

PERMANENT UTILITY EASEMENT

FOR AND IN CONSIDERATION of the sum of

($_____), receipt of which is hereby acknowledged, the undersigned, **RUTHERFORD COUNTY, TENNESSEE, a political entity of the State of Tennessee**, (hereinafter referred to as "Grantor") has this day bargained and sold and does hereby transfer and convey unto the **CITY OF MURFREESBORO**, a municipal corporation existing in the State of Tennessee, its successors and assigns forever, the following utility easement, for the benefit of the utilities listed below, in, upon, along, under, through and across the hereinafter described parcel of land for the purpose of reconstructing the intersection of NW Broad Street and Memorial Boulevard/Old Fort Parkway in accordance with the plans and specifications for the project prepared by the Tennessee Department of Transportation ("TDOT"), as the same may be revised from time to time, together with all necessary rights of ingress and egress to and from said parcel of land, for the purpose of locating, laying, constructing, installing, servicing, repairing, replacing, enlarging, maintaining, and operating utilities, together with all necessary or appropriate fittings, appliances and appurtenances thereto, in, upon, along, under, through and across said parcel of land for the purpose of accomplishing the aforementioned project. Said parcel of land is more particularly described as follows:

UTILITY EASEMENT NO. 1:

> **Being a Utility Easement for the benefit of the following utilities: Murfreesboro Water and Sewer Department and Atmos Energy Corporation and being a portion of a certain parcel of land in Rutherford County, Tennessee, as recorded in Record Book 433, Page 2723, located on Tax Map 091K, Group "C" as Parcel 53.00 and is more particularly described as follows:**
>
> **Commencing from the northeasterly corner of the above mentioned tract and the easterly right-of-way of Memorial Blvd.; thence, along said right-of-way and northern property line of said tract, S 26°50'27" W, a distance of 12.07' to the Point of Beginning; thence, leaving**

said northerly property line and right-of-way, S 60°20'23" E, a distance of 383.14' to the southerly property line of the above mentioned tract and the northerly right-of-way of Rice St.; thence, along said property line, S 10°03'43" W, a distance of 21.21'; thence, leaving said right-of-way and southerly property line, N 60°20'23" W, a distance of 389.27' to the northerly property line of the above mentioned tract and the easterly right-of-way of Memorial Blvd.; thence, along said right-of-way and property line N 26°50'27" E, a distance of 20.00' to the Point of Beginning, containing 7,717 sf.

The above described easement voids, vacates and supersedes an existing 20' Water Line Easement recorded in Record Book 665, Page 3000, R.O.R.C., Tn., and is subject to a 25' Utility Easement parallel to Memorial Blvd..

Grantor's source of title being instrument of record at Record Book 433, Page 2723, Register's Office of Rutherford County, Tennessee.

TO HAVE AND HOLD said real estate, together with all appurtenances, estate and title thereunto belonging, unto the said Grantee, its successors and assigns forever.

The Grantor covenants with the said **CITY OF MURFREESBORO and the other beneficiaries of this Utility Easement** that Grant is lawfully seized and possessed of said real estate, has a good right to convey the same, and that it is unencumbered, except as may be hereinafter set forth.

The Grantor further covenants and binds itself, its heirs, successors, and assigns, forever, to warrant and defend the title to said **CITY OF MURFREESBORO and the other beneficiaries of this Utility Easement**, their successors and assigns, against the lawful claims of all persons, whomsoever.

The Grantor acknowledges that the compensation received for this conveyance includes compensation in full for any incidental damages to the remainder of the property under the law of eminent domain.

By its acceptance of delivery of this instrument, said **CITY OF MURFREESBORO and the other beneficiaries of this Utility Easement** covenant and bind, themselves, their successors and assigns to clean up and remove all surplus dirt, rock and other debris, and to restore the surface of the Grantor's property to its original condition insofar as reasonably practicable.

Wherever used in this instrument, the singular number shall include the plural, the plural shall include the singular, and the use of any gender shall be applicable to all genders.

WITNESS OUR HANDS this the _____ day of _____, 20___.

RUTHERFORD COUNTY, a political entity of the State of Tennessee

BY:_____
Ernest Burgess, County Mayor

Attest:

_____
Lisa Duke Crowell, County Clerk

STATE OF TENNESSEE)
: ss
COUNTY OF RUTHERFORD)

Before me, the undersigned notary public, personally appeared Ernest Burgess, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged herself to be the County Mayor of Rutherford County, a political subdivision of the State of Tennessee, the within named bargainor, and that he as such County Mayor executed the foregoing instrument for the purposes therein contained by personally signing the name of the County in his capacity as such officer.

Witness my hand and seal this ____ day of _____ , 20___.

_____
Notary Public

My Commission Expires:_____ (seal)

STATE OF TENNESSEE)
: ss
COUNTY OF RUTHERFORD)

Before me, the undersigned notary public, personally appeared Lisa Duke Crowell, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged herself to be the County Clerk of Rutherford County, a political subdivision of the State of Tennessee, the within named bargainor, and that she as such County Clerk executed the foregoing instrument for the purposes therein contained by personally signing the name of the County in her capacity as such officer.

Witness my hand and seal this ____ day of _____ , 20___.

_____
Notary Public

My Commission Expires:_____ (seal)

City of MURFREESBORO
TENNESSEE

. . . creating a better quality of life

September 19, 2013

Mayor Ernest Burgess
Mayor of Rutherford County
101 Courthouse
Murfreesboro, TN 37130

RE: Tract 14-2, Acquisition of Utility Easement in connection with Reconstruction of Broad / Old Fort – Memorial Intersection

Dear Mayor Burgess:

As you are aware, the State of Tennessee through its Department of Transportation ("TDOT") has for some time been planning an intersection improvement project for the referenced intersection (the "Project"). The Project will include placing all utilities underground. TDOT acquired the necessary road right-of-way ("ROW") for the project some time ago; TDOT did not, however, acquire sufficient ROW for or any easements for the relocation of the utilities.

The City of Murfreesboro is leading a cooperative arrangement with the various utility providers with facilities impacted by the Project (City fiber optic cable, City Water & Sewer Department, Murfreesboro Electric Department, COMCAST Cable, Atmos Energy Corporation, and AT&T) so that one utility easement will be acquired and shared by the utilities which will occupy it. As a part of that arrangement, Wiser Company has been engaged to determine the amount of easement required and to allocate the available space among the users. Wiser has also obtained surveys of the easements required from the various parcels and appraisals of the value of the parcels and a calculation of the value of the required easements.

The City is offering to purchase the necessary Utility Easement (and Temporary Construction Easement, if applicable) for the appraised value of $14,648.00, plus a 10% bonus for a total of $16,113.00, if we are able to complete the purchase without the necessity of resorting to condemnation.

A proposed Utility Easement reflecting this offer, with a copy of the surveyor's drawing of the easement to be acquired, is enclosed. Also enclosed are 1) a copy of the Appraiser's Report on this property, and 2) a copy of a Notice Regarding Your Rights as a Landowner and Summary of Eminent Domain Procedures.

Legal Department
111 West Vine Street * P.O. Box 1044 * Murfreesboro, Tennessee 37133-1044 * Phone 615 849 2616 * Fax 615 849 2662 * TDD 615 849 2689
www.murfreesborotn.gov

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To accept the City's offer, please sign the enclosed Utility Easement, have your signature notarized, and return the document to the City Legal Department. If it is more convenient, you may bring the document to the Legal Department to sign and one of our staff will notarize it for you. We will also need the completed Taxpayer Identification Number Request. You will receive a check for the amount stated within one to two weeks after the City receives the executed document.

If you believe that there is an error with any of the calculations contained in the document or the Appraisal Report, we will review the matter and, if an error has occurred, we will correct it.

Due to the expected construction timing of this matter, we must have received the fully executed easement document by close of business on Monday, October 14, 2013. If we have not received the document from you by that time the City will proceed with condemnation of the Utility Easement. In that event, the 10% bonus offer will be withdrawn and only the appraised value will be tendered into Court.

Compensation with respect to signs or other property within the permanent or temporary easement areas, if any, will be addressed in a separate letter.

I look forward to hearing from you.

Very truly yours,

David A. Ives
Assistant City Attorney

Enclosures

xc: Dana Richardson, City Transportation Director
Tim Jackson, City Public Works Coordinator

City of MURFREESBORO TENNESSEE

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Easement Acquisition
Taxpayer Identification Number Request

This information is being requested by the City of Murfreesboro for reporting purposes to the Internal Revenue Service and having this information accompany the executed document will expedite payment of monetary compensation. This information will be kept in strict confidentiality and will not be shared or displayed as public information.

PROJECT: Old Fort – Memorial Intersection

TRACT #: 14-2

OWNER(S) – Please provide your Taxpayer Identification Number
(Social Security Number or Employer Identification Number)
Printed Name and Signature on the spaces below, as per names on the title.

_____	_____	_____
TIN	Printed Name	Signature
_____	_____	_____
TIN	Printed Name	Signature

Planning & Engineering Department
111 West Vine Street * P O Box 1139 * Murfreesboro, Tennessee 37133-1139 * Phone 615 893 6441 * Fax 615 849 2606 * TDD 615 849 2689
www.murfreesborotn.gov

Name and Address of New Owner:
City of Murfreesboro
P.O. Box 1139
Murfreesboro. TN 37133-1139

SEND TAX BILL TO:
- Exempt -

This Instrument Prepared By:
David A. Ives, Assistant City Attorney
City of Murfreesboro
P.O. Box 1044
Murfreesboro, TN 37133-1044

Map 091K Group C Parcel 053.00

PERMANENT UTILITY EASEMENT

FOR AND IN CONSIDERATION of the sum of

($_____), receipt of which is hereby acknowledged, the undersigned, **RUTHERFORD COUNTY, TENNESSEE, a political entity of the State of Tennessee**, (hereinafter referred to as "Grantor") has this day bargained and sold and does hereby transfer and convey unto the **CITY OF MURFREESBORO**, a municipal corporation existing in the State of Tennessee, its successors and assigns forever, the following utility easement, for the benefit of the utilities listed below, in, upon, along, under, through and across the hereinafter described parcel of land for the purpose of reconstructing the intersection of NW Broad Street and Memorial Boulevard/Old Fort Parkway in accordance with the plans and specifications for the project prepared by the Tennessee Department of Transportation ("TDOT"), as the same may be revised from time to time, together with all necessary rights of ingress and egress to and from said parcel of land, for the purpose of locating, laying, constructing, installing, servicing, repairing, replacing, enlarging, maintaining, and operating utilities, together with all necessary or appropriate fittings, appliances and appurtenances thereto, in, upon, along, under, through and across said parcel of land for the purpose of accomplishing the aforementioned project. Said parcel of land is more particularly described as follows:

UTILITY EASEMENT NO. 2:

Being a Utility Easement for the benefit of the following utilities: City of Murfreesboro Transportation Department, Murfreesboro Electric Department, Murfreesboro Water and Sewer Department, Comcast of Nashville II, LLC, Bellsouth Telecommunications, LLC d/b/a AT&T Tennessee and Atmos Energy Corporation, and being a portion of a certain parcel of land in Rutherford County, Tennessee, as recorded in Record Book 433, Page 2723, located on Tax Map 91K, Group "C" as Parcel 53.00 and is more particularly described as follows:

A strip 25' feet in width adjacent and parallel to the R.O.W. of Memorial Blvd. (SR 231) extending and terminating at the north and

south property line of the above reference tract, less and except the area occupied by the existing building, containing 2,819 sf.

Included in the above description remains a portion of an existing 20' Water Line Easement as recorded in Record Book 665, Page 3000, R.O.R.C., Tn., containing 500 sf.

Grantor's source of title being instrument of record at Record Book 433, Page 2723, Register's Office of Rutherford County, Tennessee.

TO HAVE AND HOLD said real estate, together with all appurtenances, estate and title thereunto belonging, unto the said Grantee, its successors and assigns forever.

The Grantor covenants with the said **CITY OF MURFREESBORO and the other beneficiaries of this Utility Easement** that Grantor is lawfully seized and possessed of said real estate, has a good right to convey the same, and that it is unencumbered, except as may be hereinafter set forth.

The Grantor further covenants and binds itself, its heirs, successors, and assigns, forever, to warrant and defend the title to said **CITY OF MURFREESBORO and the other beneficiaries of this Utility Easement**, their successors and assigns, against the lawful claims of all persons, whomsoever.

The Grantor acknowledges that the compensation received for this conveyance includes compensation in full for any incidental damages to the remainder of the property under the law of eminent domain.

By its acceptance of delivery of this instrument, said **CITY OF MURFREESBORO and the other beneficiaries of this Utility Easement** covenant and bind, themselves, their successors and assigns to clean up and remove all surplus dirt, rock and other debris, and to restore the surface of the Grantor's property to its original condition insofar as reasonably practicable.

Wherever used in this instrument, the singular number shall include the plural, the plural shall include the singular, and the use of any gender shall be applicable to all genders.

WITNESS OUR HANDS this the _____ day of _____, 20___.

RUTHERFORD COUNTY, a political entity of the State of Tennessee

BY:_____
Ernest Burgess, County Mayor

Attest:

_____
Lisa Duke Crowell, County Clerk

STATE OF TENNESSEE)
: ss
COUNTY OF RUTHERFORD)

Before me, the undersigned notary public, personally appeared Ernest Burgess, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged herself to be the County Mayor of Rutherford County, a political subdivision of the State of Tennessee, the within named bargainor, and that he as such County Mayor executed the foregoing instrument for the purposes therein contained by personally signing the name of the County in his capacity as such officer.

Witness my hand and seal this ____ day of _____ , 20___.

_____
Notary Public

My Commission Expires:_____ (seal)

STATE OF TENNESSEE)
: ss
COUNTY OF RUTHERFORD)

Before me, the undersigned notary public, personally appeared Lisa Duke Crowell, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged herself to be the County Clerk of Rutherford County, a political subdivision of the State of Tennessee, the within named bargainor, and that she as such County Clerk executed the foregoing instrument for the purposes therein contained by personally signing the name of the County in her capacity as such officer.

Witness my hand and seal this ____ day of _____ , 20___.

_____
Notary Public

My Commission Expires:_____ (seal)