

Resolution No. 242

**A RESOLUTION AUTHORIZING THE ACQUISITION  
AND/OR CONDEMNATION OF CERTAIN PROPERTIES  
FOR THE PURPOSE OF IMPROVING THE WASTEWATER  
TREATMENT SYSTEM TO ALLOW FOR FURTHER  
DEVELOPMENT IN THE CARTERS VALLEY SECTION OF  
MOUNT CARMEL, TENNESSEE**

WHEREAS, The number of residential lots in the Carters Valley section of Mount Carmel, Tennessee, that will not percolate is large; and

WHEREAS, The construction of new residential and new commercial properties is expected to continue such as to require upgrades and improvements in the city's wastewater treatment system; and

WHEREAS, The private properties bordering the Carters Valley Ruritan Club Community Center will be affected by the improvements and upgrades to the wastewater treatment system must be imposed upon for slope, construction, and permanent easements and in being so used contribute to the public good; and

WHEREAS, Such use and the acquisition of said properties either by purchase of easement or by taking of same through condemnation is in the public interest; and

WHEREAS, The acquisition of the particular properties identified hereinafter is necessary for such purposes; and

WHEREAS, The Public Utilities Board has authorized and recommended the hereinafter described Public Utilities Board Project; and

WHEREAS, The Public Utilities Board is attempting to negotiate easements from the affected property owners; and

WHEREAS, The Town prefers to acquire negotiated easements rather than easements through eminent domain;

**Now therefore be it resolved by the Board of Mayor and Aldermen of the Town of Mount Carmel, Tennessee as follows:**

**SECTION 1.** The following persons own property to be affected by the construction of improvements to the wastewater treatment system. Each person's property and the interest sought therein is also described below:

**HEIRS, BOTH KNOWN AND UNKNOWN, OF VIOLA K. JOHNSON**

Situated in the Seventh (7<sup>th</sup>) District of Hawkins County, Tennessee, and being more particularly described as follows:

Beginning at an iron rod old in the western right-of-way of a private drive that is N. 24° 50' E. from the intersection with West Carter's Valley Road, thence with the Richard Middleton line S. 65° 56' 35" W. 207.11 feet; thence leaving Middleton's line S. 24° 50' W. 15 feet; thence N. 65° 56' 35" E. 207.11 feet to a point in the westerly sideline of the above-noted right-of-way; thence with said right-of-way N. 24° 50' E. 15 feet to the point of beginning, containing 3106.65 square feet, more or less as shown on the Map entitled "Proposed Sanitary Sewer Easement across the property of the Heirs of Viola K. Johnson, dated September 15, 2001, by Richard A. Ragle, Surveyor No. 1656, which is attached hereto and incorporated herein by reference, and being a portion of the property of Viola K. Johnson the deed to which is of record in the Office of the Register of Deeds for Hawkins County, at Rogersville, Tennessee, in Deed Book 121, at page 416, to all of which reference is hereby expressly made.

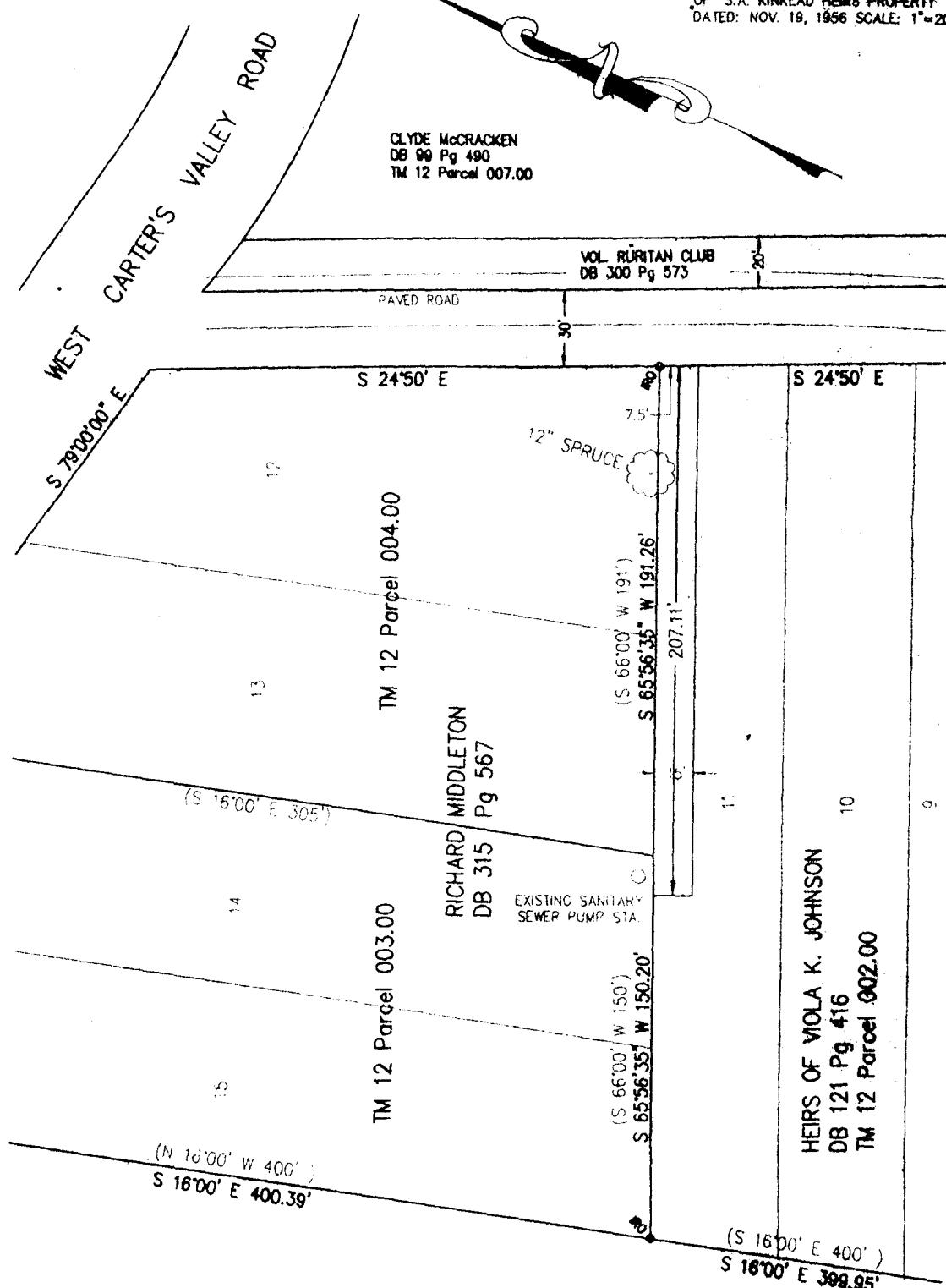
**SECTION 2.** The Public Utilities Board Chairman is authorized to negotiate with the above-described property owners to acquire the necessary easements by deed to complete the afore-described project. The Chairman is authorized to contract a professional real estate appraiser to arrive at a fair market value for the interest to be acquired. The Chairman is given the discretion and authorized to exceed the appraised value to acquire the afore-described properties and the applicable interest therein by the approximate amount that the Town will save if it can avoid the costs of taking the interest in properties by eminent domain.

**SECTION 3.** The Mayor, Chairman, and City Attorney are specifically authorized to file condemnation proceedings to acquire the afore-described interests in the above-noted property identified and to do all things necessary to take that portion of the above-described properties to complete the improvements to the wastewater treatment system if said interest may not be obtained by deed of easement.

**SECTION 4.** This resolution shall take effect upon its passage the public welfare requiring it.

NOTE:  
(S 66'00" W 191') TYPICAL OF  
RECORD CALL FROM DEED OR PLAT

NORTH BASED ON S 16'00" E  
FROM DB 315 Pg 567, DB 121 Pg 416,  
& SURVEY BY THOMAS M. GALLOWAY  
OF "S.A. KINKEAD HEIRS PROPERTY"  
DATED: NOV. 19, 1956 SCALE: 1"=200'



PROPOSED SANITARY SEWER EASEMENT  
ACROSS THE PROPERTY OF THE  
HEIRS OF VIOLA K. JOHNSON  
DB 121 Pg 416 TM 12 Parcel 002.00

LOCATED IN THE 7th CIVIL DISTRICT  
OF HAWKINS COUNTY, TENNESSEE

SCALE: 1"=50' DATE: SEPT. 15, 2001

by: RICHARD A. RAGLE, R.L.S. #1056  
1133 LOYD'S CHAPEL ROAD  
MT. CARMEL, TN 37645  
PHONE: (423) 357-1531

FIRST READING	AYES	NAYS	OTHER
PAUL HALE	✓		
HENRY BAILEY	✓		
EUGENE CHRISTIAN	✓		
JAMES DEAN, MAYOR	✓		
GARY LAWSON	✓		
THOMAS WHEELER	✓		
WANDA WORLEY	✓		
TOTALS	7		

PASSED FIRST READING:

10-25-01

Gary Lawson  
MAYOR GARY LAWSON

ATTEST:

Nancy Carter  
NANCY F. CARTER  
CITY RECORDER

APPROVED AS TO FORM:

Michael A. Faulk  
Michael A. Faulk, City Attorney