

RESOLUTION NO. 308 - B

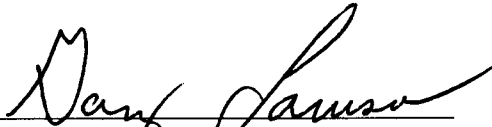
A RESOLUTION TO AUTHORIZE AND DIRECT THE TOWN ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS TO ACQUIRE PROPERTY, REAL OR PERSONAL, OR ANY EASEMENT, INTEREST, ESTATE OR USE THEREIN, FROM AFFECTED PROPERTY OWNERS ALONG THE ROUTE OF THE DE-COMMISSIONING OF PUMP STATION NO. 3 PROJECT; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE.

- WHEREAS, the de-commissioning of Pump Station No. 3 Project is deemed a matter of highest priority for the public health, welfare, safety and convenience of the citizens and the public at large; and
- WHEREAS, pursuant to the provisions of *Tenn. Code Ann. Section 7-35-101 et seq.*, the Town has embarked upon the accomplishment of the herein named Public Works Project in accordance with the terms and provisions of said Act; and
- WHEREAS, the Town is empowered, in accordance with the provisions of *Tenn. Code Ann. Section 6-2-201*, the Charter of the Town of Mount Carmel, Tennessee, to condemn property, real or personal, or any easement, interest, estate or use therein, either within or without the Town, for present or future public use, and in accordance with the terms and provisions of the general law of the State regarding eminent domain; and
- WHEREAS, it may become necessary in the accomplishment of the herein named Public Works Projects, to initiate litigation to acquire property, real or personal, or any easement, interest, estate or use therein, in connection with the herein named Public Works Project; and
- WHEREAS, the Town of Mount Carmel, Tennessee, has tendered to, Jerry Lee Anderson, the owner of record, its offer to purchase property in the 7th Civil District of Hawkins County, Tennessee.
- WHEREAS, since said owner has rejected the offer to purchase, the Chairman of the Public Utilities Board, in his capacity as Manager of Public Utilities, pursuant to his authority set forth in Section 18-110 of the Code of Ordinances of the Town of Mount Carmel, has requested that the Town Attorney institute condemnation proceedings to acquire said property for the de-commissioning of Pump Station No. 3 Project. Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN, AS FOLLOWS:

SECTION I.

In accordance with the provision of *Tenn. Code Ann. Section 6-2-201*, the Charter of the Town of Mount Carmel, Tennessee, the Town Attorney is hereby authorized and directed to initiate eminent domain proceedings to condemn the property, real or personal, or any easement, interest, estate or use therein, of Jerry Lee Anderson, for the accomplishment of the de-commissioning of Pump Station No. 3 Project.



Gary Lawson, Mayor

ATTEST:



Nancy Carter, Recorder

APPROVED AS TO FORM:



LAW OFFICES OF MAY & COUP

FIRST READING	AYES	NAYS	OTHER
Aldermen Henry Bailey	✓		
Vice-Mayor Eugene Christian	✓		
Alderman Paul Hale	✓		
Mayor Gary Lawson	✓		
Alderman Tresa Mawk	absent		
Alderman Thomas Wheeler	✓		
Alderman Wanda Worley	✓		
TOTALS	06		

PASSED FIRST READING: Oct. 26, 2004

**IN THE THIRD JUDICIAL DISTRICT
CIRCUIT COURT FOR HAWKINS COUNTY
AT ROGERSVILLE, TENNESSEE**

TOWN OF MOUNT CARMEL,
TENNESSEE, a Municipal
Corporation of The State of Tennessee

Plaintiff

vs.

CIVIL ACTION NO. 2411

JERRY LEE ANDERSON, ANGELA JONES,
BRIAN WILLIAMS, and
ERIC WILLIAMS
Defendant

ORDER OF POSSESSION

Comes now the Plaintiff, TOWN OF MOUNT CARMEL, TENNESSEE, a Municipal Corporation of The State of Tennessee, through it's counsel, and it appearing satisfactory to the Court, that the public welfare requires condemnation of the real property described in the Petition heretofore filed in this cause; and, some time may elapse before this condemnation proceeding can be brought to a final determination; and, the public interest will be prejudiced by any delay in granting Plaintiff the possession of said property; and, in order that the work should proceed with as little delay as possible, Plaintiff must enter on the said property upon entry of this Order, and devote the same to the public use specified in the said Petition;

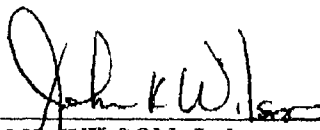
IT IS, THEREFORE, ORDERED that Plaintiff be and it hereby is granted, upon entry of the Order, title to the real property sought to be condemned and described in the Petition heretofore filed in this cause; and, during the pendency of this litigation, the right of possession of said real property for the uses and purposes for which the premises are sought to be condemned on

Order

LAW OFFICE OF MAY & COUP

condition that Plaintiff pay all awards that may be made, with interest from the date of entry of this Order, on the property of Defendant, together with the costs of this proceeding.

This the 9TH day of November, 2004.



JOHN K. WILSON, Judge

APPROVED FOR ENTRY:



Joseph E. May #7087
AmSouth Bank Building
LAW OFFICES OF MAY & COUP
130 West Main Street
Post Office Box 1804
Mount Carmel, Tennessee 37645
Telephone (423) 357-2244
Telecopier (423) 357-2246

CERTIFICATE OF SERVICE

The undersigned certifies that he has this date served a copy of the foregoing pleading upon Defendant

JERRY ANDERSON,
ANGELA JONES,
BRIAN WILLIAMS,
ERIC WILLIAMS

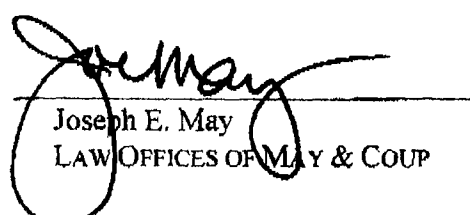
by delivering a copy thereof in the United States Mail with sufficient postage thereon to carry the same to its destination and properly addressed as follows:

JERRY ANDERSON
744 Hammond Avenue
Mount Carmel, Tennessee 37645

ANGELA JONES , BRIAN WILLIAMS and
ERIC WILLIAMS
21615 Trumpeter Drive
Land O Lakes, Florida 34639

This the 9TH day of November, 2004.

by:



Joseph E. May
LAW OFFICES OF MAY & COUP