

RESOLUTION 2017-89

A RESOLUTION RECOGNIZING THE VOLUNTARY FINANCIAL CONTRIBUTION AND TIMING OF SAID CONTRIBUTION FROM SOUTHERN LAND COMPANY THAT HELPED FUND AND FACILITATE THE DESIGN OF THE NORTHWEST QUADRANT OF MACK HATCHER PARKWAY AND CONSTRUCTION OF THE MULTI-USE PATH.

WHEREAS, January 2007, Southern Land Company initiated conversations with City staff to review development entitlement thresholds placed on the Westhaven Mixed-Use Planned Unit Development in 2001; and

WHEREAS, in 2001, during the review and approval of the Westhaven Mixed-Use Planned Unit Development, the City of Franklin Board of Mayor and Aldermen and Franklin Municipal Planning Commission linked the Westhaven development thresholds to the construction of the northwest quadrant of Mack Hatcher Parkway for which design and construction was anticipated to have been proceeding during the late 2000s; and

WHEREAS, on April 2007, Southern Land Company and its Chief Executive Officer Tim Downey, with limited progress being made by the Tennessee Department of Transportation (TDOT) on the design and construction of the northwest quadrant of Mack Hatcher Parkway, appeared before the City of Franklin Transportation Advisory Committee and Board of Mayor and Aldermen to present an amended development threshold plan for the Westhaven Mixed-Use Planned Unit Development based on an updated traffic analysis which the amended development threshold plan was subsequently approved; and

WHEREAS, on May 8, 2007, Southern Land Company Chief Executive Officer Tim Downey appeared before the City of Franklin Board of Mayor and Aldermen to discuss the cost of the engineering design work associated with the northwest quadrant of Mack Hatcher Parkway and offered to help fund this design work to expedite the Tennessee Department of Transportation's construction schedule for the northwest quadrant of Mack Hatcher Parkway; and

WHEREAS, it was determined the estimated cost to complete the engineering design for the northwest quadrant of Mack Hatcher Parkway was roughly \$1.25 million dollars, and Southern Land Company Chief Executive Officer Tim Downey offered to contribute this amount provided it expedited the Tennessee Department of Transportation construction schedule of the northwest quadrant of Mack Hatcher Parkway; and

WHEREAS, in 2016 as the Tennessee Department of Transportation were finalizing construction drawings for the northwest quadrant of Mack Hatcher Parkway which included a multi-use path and a commitment was made to designate the 1.25 million dollars contribution from Southern Land Company toward the construction of the multi-use path; and

WHEREAS, in the spring of 2017, the Tennessee Department of Transportation announced the construction of the northwest quadrant of Mack Hatcher Parkway was included in its three-year project plan with construction expected to commence in 2018.

NOW THEREFORE, BE IT RESOLVED by the City of Franklin Board of Mayor and Aldermen that:

1. With the recent announcement by the Tennessee Department of Transportation that it has officially included the construction of the northwest quadrant of Mack Hatcher Parkway in its three-year project plan with construction expected to commence in 2018, Southern Land

Company and President Brian Sewell have agreed to honor its \$1.25 million dollar contribution for Mack Hatcher Parkway by submitting 50% of the \$1.25 million dollars (\$625,000 dollars) to the City of Franklin within thirty (30) days following the Tennessee Department of Transportation releasing its Notice to Proceed to the construction firm awarded the contract to build the northwest quadrant of Mack Hatcher Parkway and the final 50% of the \$1.25 million dollars (\$625,000 dollars) to the City of Franklin within twelve (12) months following submittal of the initial installment, but in no case shall the final installment be submitted later than thirteen (13) months following the Tennessee Department of Transportation releasing its Notice to Proceed.

2. Upon the City of Franklin receiving the total \$1.25 million dollar contribution from Southern Land Company, these funds will be deposited with the Tennessee Department of Transportation for the construction of the multi-use path, and with construction commencing on the northwest quadrant of Mack Hatcher Parkway, the previously placed cap on development predicated on the construction of northwest quadrant of Mack Hatcher Parkway shall no longer exist.

IT IS SO RESOLVED AND DONE on this the _____ day of January 2018.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____
ERIC S. STUCKEY
City Administrator/Recorder

By: _____
DR. KEN MOORE
Mayor

ATTEST:

By: _____
BRIAN SEWELL
President, Southern Land Company

APPROVED AS TO FORM BY:

Shauna R. Billingsley, City Attorney