

RESOLUTION 2008-21

TO BE ENTITLED: "A RESOLUTION TO AUTHORIZE THE CONSTRUCTION OF SEWER IMPROVEMENTS IN THE HIGHGATE SUBDIVISION AREA."

WHEREAS, the City of Franklin, by Ordinance 2005-93, has annexed into the City some 70.24 acres located west of Franklin Road and south of Country Road, generally known as the Highgate Subdivision; and

WHEREAS, pursuant to T.C.A. §§ 7-33-101 to 314, the Board of Mayor and Aldermen of the City has determined that it would be in the best interest of the property owners residing in the annexed area and of the public generally to construct sanitary sewer improvements in the area hereinafter described and to assess a portion of the cost of the said improvements against the properties to be benefited;

NOW THEREFORE, THE BOARD OF MAYOR AND ALDERMEN OF THE CITY RESOLVES AS FOLLOWS:

1. The following sanitary sewer improvements shall be constructed:

A public sanitary sewer system for the Highgate Subdivision Area located in public rights-of-way and consisting of gravity and low pressure lines with all required appurtenances (such as manholes, air release valves, service connections to each property, etc.) for a fully operational system. Individual service lines within the properties, electrical & plumbing work, and the grinder pump assemblies shall be the responsibility of the individual property owners. The gravity sanitary sewer along with its appurtenances along Franklin Road shall be the responsibility of the City of Franklin.

2. The geographic limits of the properties to be benefited are as follows:

Map-Parcel	Acres
53H-A-01.00	1.20
53H-A-02.00	1.81
53H-A-03.00	1.92
53H-A-04.00	1.93
53H-A-05.00	1.30
53H-A-06.00	1.26
53H-A-07.00	1.20
53H-A-08.00	1.40
53H-A-09.00	1.30
53H-A-10.00	1.27
53H-A-11.00	1.20
53H-A-12.00	1.20
53H-A-13.00	1.79
53H-A-14.00	1.51
53H-A-15.00	1.80
53H-A-16.00	1.69
53H-A-17.00	1.67

53H-A-18.00	2.22
53H-A-19.00	2.58
53H-A-20.00	3.18
53H-A-21.00	2.41
53H-A-22.00	1.84
53A-A-01.00	2.09
53A-A-03.00	1.07
53A-A-04.00	1.30
53A-A-05.00	1.39
53A-A-06.00	0.97
53A-A-07.00	1.19
53A-A-08.00	1.84
53-07.00	2.90
53-09.00	14.58

Commencing at the west right-of-way line of Franklin Road and the south right-of-way line of Country Road, if extended; thence south 280 feet along the west right-of-way line of Franklin Road to a northeast corner of parcel 9.00, Map 53H-A, all parcels being referenced to Tennessee State Board of Equalization Maps, as may be revised, which is also the point of beginning.

Thence south 180 feet along the east line of parcel 9.00 to the southeast corner of parcel 9.00, which is also a point along the north right-of-way line of Century Oak Drive; thence south 60 feet along the east line of parcel 9.00, if extended, to a point along the south right-of-way line of Century Oak Drive, which is also the northeast corner of parcel 8.00, Map 53HG-A; thence south 205 feet along the east line of parcel 8.00 to the southeast corner of parcel 8.00; thence west 340 feet along the south line of parcel 8.00 to the southwest corner of parcel 8.00, which is also a point along the east line of parcel 7.00, Map 53H-A; thence south 580 feet along the east lines of parcels 7.00, 4.00, Map 53H-A, and 3.00, Map 53H-A, to the southeast corner of parcel 3.00; thence west 800 feet along the south lines of parcels 3.00, 2.00, Map 53H-A, and 22.00 Map 53H-A, to the southwest corner of parcel 22.00; thence south 685 feet along the east lines of parcels 21.00, Map 53H-A, and 20.00, Map 53H-A, to the southeast corner of parcel 20.00; thence west 390 feet along the south lines of parcels 20.00 and 19.00, Map 53H-A, to the southwest corner of parcel 19.00; thence northwest 530 feet along the west line of parcel 19.00 to the northwest corner of parcel 19.00, which is also a point along the south right-of-way line of Century Oak Drive; thence northwest 60 feet along the west line of parcel 19.00, if extended, to the southwest corner of parcel 18.00, Map 53H-A, which is also a point along the north right-of-way line of Century Oak Drive; thence northwest 450 feet along the west line of parcel 18.00 to the northwest corner of parcel 18.00; thence northeast 876 feet along the north lines of parcels 18.00, 17.00, Map 53H-A, 16.00, Map 53H-A, 15.00, Map 53H-A, 14.00, Map 53H-A, and 13.00, Map 53H-A, to the southwest corner of parcel 7.00, Map 53A-A; thence north 265 feet along the west line of parcel 7.00 to the northwest corner of parcel 7.00; thence east 195 feet along the north

line of parcel 7.00 to the northeast corner of parcel 7.00, which is also the west right-of-way line of Windsor Way; thence generally north 800 feet along the west right-of-way line of Windsor Way to the southeast corner of parcel 8.00, Map 53A-A; thence northwest 275 feet along the south line of parcel 8.00 to the southwest corner of parcel 8.00; thence north 240 feet along the west line of parcel 8.00 to the northwest corner of parcel 8.00; thence east 313 feet along the north line of parcel 8.00 to the northeast corner of parcel 8.00; thence southwest 260 feet along the east line of parcel 8.00 to a southeast corner of parcel 8.00; thence east 15 feet along a line of parcel 8.00 to the northwest corner of the west right-of-way line of Windsor Way; thence east 55 feet along the north line of parcel 9.00, Map 53, if extended, to the northwest corner of parcel 9.00, Map 53; thence generally east and south 1,320 feet along the north lines of parcels 9.00 and 7.00, Map 53, to a northeast corner of parcel 7.00, which is also a point along the west right-of-way line of Franklin Road; thence south 780 feet along the west right-of-way line of Franklin Road to the northeast corner of parcel 9.00, Map 53H-A, which is also the point of beginning, and containing 65.01 acres in parceled land.

Pursuant to T.C.A. §7-33-311, the Board may authorize additional properties to be benefitted by the improvements and make equitable provisions so that any later-added properties bear their proportional share of the costs of the improvements.

3. Based upon a preliminary estimate prepared by David Parker, City Engineer, a engineer licensed by the State of Tennessee, the total costs of the above improvements is \$ _221,000.00, which includes the construction costs for those improvements directly associated with providing a sanitary sewer collection system for the Highgate Subdivision. All improvements will be designed by, and construction supervised by, an engineer licensed by the State of Tennessee.

4. It is the intention of the Board that One Hundred (100%) of the cost of the improvements shall be assessed against the benefitted properties listed in paragraph 2 and that improvement assessments shall be assessed annually against the benefitted property in the proportion that the assessed value of each lot or parcel bears to the whole assessed value of the benefitted properties, pursuant to T.C.A. §§7-33-310 to 314. The Board hereby pledges the full faith and credit of the city to satisfy any deficiency in collections of assessments for the improvements.

5. The benefitted property owners shall pay off the total assessments authorized herein over a term of ten (10) years. Improvement assessments shall be made annually by the Board when the levy of municipal property taxes is made and such assessments shall be due at the same time or times as the

municipal property taxes are due, and shall be subject to the same penalties and interest, in the event of nonpayment, as are municipal property taxes. The Board may also permit benefitted property owners to pay in monthly installments. In the event any monthly payment shall be delinquent thirty (30) days after it is due and payable, and the whole balance of the improvement assessment shall then become delinquent and be subject to all penalties and interest as provided in this resolution.

6. An unpaid annual assessment, with penalty and interest, shall constitute a lien against the property, lot, or parcel against which it is assessed, shall attach as of the date the improvement assessment is made, and shall take precedence over all other liens, save those for state, county, and municipal property taxes, and any prior special assessments. Such liens shall otherwise have such priority and shall be enforceable as is provided in T.C.A. §7-33-314.

7. It is understood that the City is bound by the terms of this resolution as to the estimated cost of the project, however, the total cost assessed may exceed the estimate by up to 10%.

8. Once the proposed improvements are complete, each benefitted property shall have one hundred eighty (180) days from receipt of notice from the Public Works Department of the City of Franklin, to connect to such facilities, as provided in Section 18-204 (4), or as amended, of the Franklin Municipal Code and all tap, access, and system development fees shall be due at the time the connection is made, and thereafter the benefitted owner shall be billed monthly for sewer services as are all other customers of the sanitary sewer system of the City.

9. To the extent that individual grinder pumps are installed as part of the improvements, the cost of the individual pump station, service line to the collection system in the public right-of-way, and the electrical service installation thereof shall be borne by the benefitted property owner and the cost of future maintenance, including electrical service, by the benefitted property owner . The municipality shall have the right to provide emergency repair and/or replacement to mitigate or prevent sanitary sewer overflows or by-passes for the individual property owner improvements and shall be reimbursed all costs associated with such repair and/or replacement.

10. A public hearing was held on July 8, 2008 at 7:00 P.M. before the Board of Mayor and Aldermen, at which time the benefitted property owners appeared and were heard on the issue of whether

the proposed improvements shall be undertaken as planned, or abandoned; whether the nature and scope of the improvements should be altered; and whether the improvements should be financed through the issuance of bonds on the "assessed value basis" as authorized by T.C.A. §§7-33-301 to 314.

11. Following the said public hearing, the Board (confirmed, amended or rescinded) this original resolution, as its final action pursuant to TCA §7-33-304. Such final action shall be the final determination of all issues presented, unless the owner of any property to be benefited files, within ten (10) days of such final action, a petition for certiorari in the Williamson County Circuit Court, to review such action.

IT IS SO RESOLVED AND DONE THIS 8th DAY OF JULY 2008.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____


RUSSELL TRUELL
City Administrator/Recorder

By: _____


JOHN SCHROER
Mayor

John C. Schroer
Mayor



CITY OF FRANKLIN
TENNESSEE

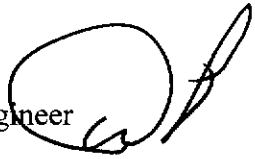
"Providing Innovation for the Future While Maintaining A Connection to the Past."

David Parker, PE
Assistant City Administrator
Public Works & Utilities / City Engineer

Eric J. Gardner, PE
Director
Engineering Department

MEMORANDUM

TO: Board of Mayor and Aldermen
Russ Truell, Interim City Administrator

FROM: David Parker, ACA for Public Works & Utilities/City Engineer 

DATE: June 26, 2008

RE: **Highgate Subdivision Assessment District
Resolution 2008-21**

Attached are copies of Resolution 2008-21, Notice of Public Hearing, Highgate Sewer Cost spread sheet, and a Sanitary Sewer Project Schedule for your information and use. We have mailed a letter to all the residents of the Highgate Assessment Area notifying them of the public hearing and providing them with copies of the Notice of Public Hearing, Resolution 2008-21, and the estimated assessment for their individual property.

You will note that we have not completed paragraph 1 of the Proposed Resolution as it still states "Here Insert Project Description." We have intentionally left this description out waiting the final out come of the public hearing. The cost used for the assessment calculations is that cost as estimated based on the elements of the project that we (staff) believe are intended to be included as eligible costs and does not include the cost of the grinder pump assemblies. With these assumptions paragraph 1 would read;

"A public sanitary sewer system for the Highgate Subdivision Area located in public rights-of-way and consisting of gravity and low pressure lines with all required appurtenances (such as manholes, air release valves, service connections to each property, etc.) for a fully operational system. Individual service lines within the properties, electrical & plumbing work, and the grinder pump assemblies shall be the responsibility of the individual property owners. The gravity sanitary sewer along with its appurtenances along Franklin Road shall be the responsibility of the City of Franklin."

Should the above assumptions be altered as to what is paid for by whom, we will need to alter the Project Description as well as the assessment calculations.

NOTICE OF PUBLIC HEARING

The Board of Mayor and Aldermen ("Board") hereby gives notice, pursuant to T.C.A. §7-33-303 that on Tuesday, July 8, 2008, at 7:00 P.M. the Board will conduct a public hearing with respect to the construction of sewer improvements in the Highgate Subdivision Area, as described in Resolution 2008-21, which is published herewith. At this hearing, owners of property to be benefited by such improvements may appear and be heard on the following issues:

1. Whether the proposed improvements should be undertaken as planned, or abandoned;
2. Whether the nature and scope of the improvements should be altered;
3. Whether the improvements should be financed through the issuance of bonds on an "assessed value basis" as authorized in this part.

RUSSELL B. TRUPELL
INTERIM CITY ADMINISTRATOR / RECORDER

Highgate Subdivision Sanitary Sewer Project & Assessment District Schedule

June 2, 2008
David Parker

Assessment Resolution; Public Hearing BOMA Adoption	July 8, 2008 July 22, 2008
Easement Acquisition Completion	August 1, 2008
Construction; Advertisement for Bid Receive Construction Bids BOMA Award Construction Contract Notice to Proceed With Construction Construction Completion (150 days)	July 20, 2008 August 14, 2008 August 26, 2008 September 1, 2008 January 30, 2009

CITY OF FRANKLIN
Highgate Sewer Cost - Combined (061908 Estimate)

Construction Cost \$221,000
 Bond Issuance Cost (0.18%) \$398
 Assessment District Cost \$221,398

TAP FEES (One time for any scenario chosen)
 Usual and customary fees \$25
 Proposed for Highgate homeowner (Pay in advance and waive Access & Installation) \$25

Applic Fee \$25
 SDF \$1,444
 ACCESS \$2,100
 INSTALL \$263
 EDF \$450
 TOTAL \$4,257

100 PERCENT COST ALLOCATED TO HOMEOWNER LESS ENGINEERING

Str #	STREET NAME	OWNER	PARCEL ID	2007 APPRAISED LAND VALUE	2007 IMPROV VALUE	2007 APPRAISED VALUE	2007 ASSESSED VALUE	% of TOTAL ASSESSMENT	COST TO HOMEOWNER (before interest)	10 Year Payback (Monthly)	10 Year Payback (Annual)
110	Century Oak Dr	Mikel, Brian J & Julia A	053H-A-001.00	\$90,000	\$263,500	\$353,500	\$88,375	3.81%	\$8,441	4.50%	\$1,067
107	Engle Ct	Wilson, Gene & Anita	053H-A-002.00	\$90,000	\$225,400	\$315,400	\$78,850	3.40%	\$7,532	\$78	\$952
106	Engle Ct	Powell, Thomas w Jr & Deborah	053H-A-003.00	\$90,000	\$319,200	\$409,200	\$102,300	4.41%	\$9,772	\$101	\$1,235
104	Engle Ct	McCalla Kerry A & Lynne	053H-A-004.00	\$90,000	\$239,000	\$329,000	\$82,250	3.55%	\$7,856	\$81	\$993
108	Century Oak Dr	Rudd, John R. & Margaret A. Schuyler	053H-A-005.00	\$90,000	\$255,000	\$345,000	\$86,250	3.72%	\$8,238	\$85	\$1,041
106	Century Oak Dr	Baker, Gregory A & Suzanne	053H-A-006.00	\$90,000	\$252,600	\$342,600	\$85,650	3.70%	\$8,181	\$85	\$1,034
104	Century Oak Dr	Breeden, Phillip A & Jeanette	053H-A-007.00	\$90,000	\$216,200	\$306,200	\$76,550	3.30%	\$7,312	\$76	\$924
102	Century Oak Dr	Hope, Ronald W	053H-A-008.00	\$81,000	\$258,900	\$339,900	\$84,975	3.67%	\$8,117	\$84	\$1,026
101	Century Oak Dr	Horton, Chase A. Jr	053H-A-009.00	\$90,000	\$162,300	\$252,300	\$63,075	2.72%	\$6,025	\$62	\$761
103	Century Oak Dr	Kiser, Dwight E & Sarajane M	053H-A-010.00	\$90,000	\$219,500	\$309,500	\$77,375	3.34%	\$7,391	\$77	\$934
105	Century Oak Dr	Harbers, Michael & Margaret	053H-A-011.00	\$90,000	\$223,000	\$313,000	\$78,250	3.38%	\$7,474	\$77	\$945
107	Century Oak Dr	Bartels, Marvin W & Mary Lou	053H-A-012.00	\$90,000	\$251,200	\$341,200	\$85,300	3.68%	\$8,148	\$84	\$1,030
109	Century Oak Dr	Coughlin, John & Jacqueline	053H-A-013.00	\$90,000	\$239,900	\$329,900	\$82,475	3.56%	\$7,878	\$82	\$996
111	Century Oak Dr	Jennings, Harold W & Cynthia	053H-A-014.00	\$90,000	\$207,300	\$297,300	\$74,325	3.21%	\$7,099	\$74	\$897
113	Century Oak Dr	Wade, Gregory & Mary Jane	053H-A-015.00	\$90,000	\$222,800	\$312,800	\$78,200	3.37%	\$7,470	\$77	\$944
115	Century Oak Dr	Caprio, Francis J & Mary G.	053H-A-016.00	\$90,000	\$235,600	\$325,600	\$81,400	3.51%	\$7,775	\$81	\$983
	Century Oak Dr	Freeman, Harold Page	053H-A-017.00	\$18,000	\$0	\$18,000	\$4,500	0.19%	\$430	\$4	\$54
125	Century Oak Dr	Teague, Daryl & Jeanette F.	053H-A-018.00	\$90,000	\$200,900	\$290,900	\$72,725	3.14%	\$6,947	\$72	\$878
118	Century Oak Dr	Kline, Gavin D. & Toni	053H-A-019.00	\$90,000	\$230,100	\$320,100	\$80,025	3.45%	\$7,644	\$79	\$966
116	Century Oak Dr	Carey, James H. & Laurie A	053H-A-020.00	\$72,000	\$251,100	\$323,100	\$80,775	3.48%	\$7,716	\$80	\$975
114	Century Oak Dr	Robbins, Bryan D. & Jamie O	053H-A-021.00	\$90,000	\$223,700	\$313,700	\$78,425	3.38%	\$7,491	\$78	\$947

CITY OF FRANKLIN
Highgate Sewer Cost - Combined (061908 Estimate)

Construction Cost **\$221,000**
 Bond Issuance Cost **\$398**
 (0.18%)
 Assessment District Cost **\$221,398**

TAP FEES (One time for any scenario chosen)
 Usual and customary fees
 Proposed for Highgate homeowner (Pay in advance and waive Access & Installation)

Applic Fee **\$25** SDF **\$1,444** ACCESS **\$2,100** INSTALL **\$263** EDF **\$450** TOTAL **\$4,257**
\$25 **\$1,444** **\$0** **\$0** **\$450** **\$1,894**

100 PERCENT COST ALLOCATED TO HOMEOWNER LESS ENGINEERING

Str #	STREET NAME	OWNER	PARCEL ID	2007 APPRAISED LAND VALUE	2007 IMPROV VALUE	2007 APPRAISED VALUE	2007 ASSESSED VALUE	% of TOTAL ASSESSMENT	COST TO HOMEOWNER (before interest)	10 Year Payback (Monthly)	10 Year Payback (Annual)	
INTEREST RATE (Based on COF cost of capital)												
112	Century Oak Dr	Kaalaas, Kurt	053H-A-022.00	\$90,000	\$220,600	\$310,600	\$77,650	3.35%	\$7,417	4.50%	\$937	
101	Windsor Way	Brazzell, Dan	053A-A-001.00	\$99,000	\$253,800	\$352,800	\$88,200	3.81%	\$8,425	\$87	\$1,065	
105	Windsor Way	Haney, Ellis R. & N. Irene	053A-A-003.00	\$90,000	\$221,300	\$311,300	\$77,825	3.36%	\$7,434	\$77	\$939	
107	Windsor Way	Bradley, Mary L. & John W	053A-A-004.00	\$90,000	\$206,200	\$296,200	\$74,050	3.19%	\$7,073	\$73	\$894	
109	Windsor Way	Rodgers, Joe L & Susan A.	053A-A-005.00	\$76,500	\$301,200	\$377,700	\$94,425	4.07%	\$9,019	\$93	\$1,140	
111	Windsor Way	Fenton, Cyrus E. & Amy H.	053A-A-006.00	\$90,000	\$251,200	\$341,200	\$85,300	3.68%	\$8,148	\$84	\$1,030	
102	Windsor Way	Reeves, Donna P	053A-A-007.00	\$90,000	\$257,300	\$347,300	\$86,825	3.75%	\$8,293	\$86	\$1,048	
114	Windsor Way	Brisby, Martha Kay	053A-A-008.00	\$90,000	\$356,100	\$446,100	\$111,525	4.81%	\$10,653	\$110	\$1,346	
537	Franklin Road	Clearview Baptist Church	053-007.00	\$0	\$0	\$0	\$0	0.00%	\$0	\$0	\$0	
537	Franklin Road	Clearview Baptist Church	053-009.00	\$0	\$0	\$0	\$0	0.00%	\$0	\$0	\$0	
TOTAL				\$2,506,500	\$6,764,900	\$9,271,400	\$2,317,850	100.00%	\$221,398	\$2,294	\$27,980	
AVERAGE/PARCEL				\$80,855	\$218,223	\$299,077	\$74,769		\$7,142	\$74	\$903	