

RESOLUTION 2016-80

A RESOLUTION GRANTING ADDITIONAL FUNDING/SUPPORT TO THE HARPETH SQUARE PROJECT AND AUTHORIZING THE CITY ADMINISTRATOR TO MODIFY THE AGREEMENT FOR REIMBURSEMENT OF COST FOR SANITARY SEWER AND WATER DISTRIBUTION IMPROVEMENTS BETWEEN THE CITY OF FRANKLIN AND HARPETH ASSOCIATES LLC. (COF CONTRACT NO. 2014-0345) AS NECESSARY TO EFFECTUATE SUCH CHANGES

WHEREAS, Harpeth Associates LLC., (“Developer”) has previously submitted to the Franklin Municipal Planning Commission the Harpeth Square PUD Subdivision, Development Plan Project No. 4713, for approval (the “Development Project”); and

WHEREAS, the Developer has been required, as a condition of approval, to construct certain off-site sanitary sewer improvements (“Sewer Improvements”) and water distribution improvements (“Water Improvements”) that will become a part of the Franklin sanitary sewer and water distribution systems and will be available for the use and benefit, not only of businesses and residents within the Development, but also for other present and future customers of the Franklin sanitary sewer and water distribution systems that are located outside the Development; and

WHEREAS, the Developer is therefore entitled, pursuant to Sections 18-108 and 18-208 of the Franklin Municipal Code, to be reimbursed for a portion of the costs of construction of the said Improvements as described herein; and

WHEREAS, the Developer has incurred or, based upon reasonable estimates of the City Engineer, will incur, costs of THREE HUNDRED FIFTEEN THOUSAND NINE HUNDRED EIGHT AND NO/100 DOLLARS (\$315,908.00) in the construction of the Water Improvements, including labor, equipment, supplies, materials, engineering design, supervision, inspection, legal and acquisition costs for easements and right-of-way, including without limitation the costs, including attorney fees, of eminent domain proceedings associated therewith. Of these costs, the City Engineer has determined that the additional cost of upsizing the Water Improvements, as requested by the City, is THREE HUNDRED FIFTEEN THOUSAND NINE HUNDRED EIGHT AND NO/100 DOLLARS (\$315,908.00); and

WHEREAS, the Developer is in the process of finalizing the design and is requesting additional City funding / participation in the project.

NOW THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that approval is granted for Request(s) _____ as shown on Exhibit A.

BE IT FURTHER RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE that the City Administrator is hereby authorized to update, finalize and execute Amendment No. 1 (COF Contract 2014-0345) to the Agreement for Reimbursement of Cost for Sanitary Sewer and Water Distribution Improvements consistent with Request(s) _____.

IT IS SO RESOLVED AND DONE on this ____ day of _____, 201__.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____
ERIC S. STUCKEY
City Administrator

By: _____
DR. KEN MOORE
Mayor

Approved as to Form

By: _____
Kristen L. Corn, Assistant City Attorney

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Exhibit A
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Request 1: The Developer shall no longer be required to complete the offsite sanitary sewer improvements required as part of the Development Project.

Request 2: The City shall contribute an additional \$112,158.00 to the offsite public water distribution improvements required as part of the Development Project.