

## **RESOLUTION 2019-83**

### **A RESOLUTION VALIDATING THE AMOUNT TO CLOSE OUT THE RECOVERY AGREEMENT FOR OFF-SITE SEWER AND WATER IMPROVEMENTS FOR BATTLE GROUND ACADEMY**

**WHEREAS**, on December 14, 2004, the Board of Mayor and Aldermen approved a Recovery Agreement between the City of Franklin and Battle Ground Academy (BGA) granting BGA the right to recover and be reimbursed for certain costs for off-site sanitary sewer and water improvements related to the development of the new BGA campus on Mack Hatcher Parkway; and

**WHEREAS**, the City Engineer has confirmed the improvements referenced in the Agreement have been completed; and

**WHEREAS**, the Water Management Department has confirmed the recovery area, the immediate drainage area that is served by the improvements, designated in the Agreement; and

**WHEREAS**, BGA has provided documentation supporting the construction costs of \$333,690.00 incurred for off-site sanitary sewer and water improvements, and the City Engineer has validated that the actual costs of construction are appropriate; and

**WHEREAS**, the total recovery amount payable to BGA is equal to the funds the City collects as sanitary sewer access fees associated with the recovery area up to \$260,000.00; and

**WHEREAS**, all sanitary sewer access fees have been collected from the parcels located in the recovery area and total \$152,477.00; and

**WHEREAS**, the sanitary sewer access fees previously reimbursed to BGA from the recovery area total \$99,977.00.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, AS FOLLOWS:**

**Section 1.** Authority is granted to the City Administrator to reimburse BGA, based on the difference of the total sanitary sewer access fees collected from the recovery area of \$152,477.00 and the sanitary sewer access fees previously reimbursed to BGA of \$99,977.00, the amount of \$52,500.00.

**Section 2.** BGA shall have no further right of recovery based on the terms of the Recovery Agreement for Off-site Sewer and Water improvements.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2019.

**(Signatures on Page 2)**

**ATTEST:**

**CITY OF FRANKLIN, TENNESSEE:**

**BY:** \_\_\_\_\_  
Eric S. Stuckey, City Administrator/Recorder

**BY:** \_\_\_\_\_  
Dr. Ken Moore, Mayor

**APPROVED AS TO FORM BY:**

\_\_\_\_\_  
William E. Squires, Assistant City Attorney