

RESOLUTION 2019-94

RESOLUTION TO AMEND COF CONTRACT NO. 2019-0007 PARKLAND AGREEMENT IMPACT FEE AND GREENWAY TRAIL SYSTEM CONSTRUCTION AGREEMENT BETWEEN THE CITY OF FRANKLIN AND CLAYTON PROPERTIES GROUP, INC.

WHEREAS, on February 26, 2019, the Board of Mayor and Aldermen approved COF Contract No. 2019-0007 with recommended changes; and

WHEREAS, after the Law department made the recommended changes, the agreement was sent to the other party for signature; and

WHEREAS, the attorney for Clayton Homes has requested to amend the contract to include the following language:

“Notwithstanding the foregoing, Clayton's liability to the City under this Agreement, including, but not limited to, its indemnification of the City, and any maintenance obligations for the Greenway Trail, shall terminate upon the City's acceptance of Clayton's dedication of the Greenway Trail located on the Property, as evidenced by the City's release of the Letter of Credit or cash surety required in paragraph #6 under Part I of this Agreement.”

to paragraph three (3), page six (6) under General Terms and Conditions; and

WHEREAS, the agreement has not been signed by either party, and the Law department has approved the additional language.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE AS FOLLOWS: Contract No. 2019-0007 shall be amended to include the aforementioned language.

IT IS SO RESOLVED AND DONE on this ____ day of September 2019.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

BY: _____
ERIC S. STUCKEY
City Administrator

BY: _____
DR. KEN MOORE
Mayor

Approved as to form:

Shauna Billingsley, City Attorney