



## Legislation Details (With Text)

**File #:** 19-0895      **Version:** 1      **Name:**

**Type:** Resolution      **Status:** Passed

**File created:** 8/28/2019      **In control:** Board of Mayor & Aldermen

**On agenda:** 10/8/2019      **Final action:** 10/8/2019

**Title:** Consideration of Resolution No. 2019-94, A 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. (9/24/19 WS)

**Sponsors:** Lisa Clayton

**Indexes:**

**Code sections:**

**Attachments:** 1. 2019-94 Res\_Amend 2019-0007\_Reese Farms.Law Approved.pdf, 2. 2019-0007 Parkland Agreement\_Fields at Reese Farm\_with Exhibits and letter.Law Approved 2\_1.pdf

Date	Ver.	Action By	Action	Result
10/8/2019	1	Board of Mayor & Aldermen	approved	Pass
9/24/2019	1	Work Session	referred as a Consent Item	

**DATE:** September 24, 2019

**TO:** Board of Mayor and Aldermen

**FROM:** Eric Stuckey, City Administrator  
Mark Hilty, Assistant City Administrator - Public Works  
Lisa Clayton, Parks Director  
Kevin Lindsey, Facilities Superintendent

**SUBJECT:**  
Consideration of Resolution No. 2019-94, A 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. (9/24/19 WS)

### Purpose

The purpose of this memorandum is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) concerning a resolution to amend COF Contract No. 2019-0007 to include language requested by Clayton Properties Group, Inc.

### Background

On February 26, 2019, the Board of Mayor and Aldermen approved COF Contract No. 2019-0007 with recommended changes. Since it was approved, it has not been signed by either party to the contract. Upon further review of the contract, Clayton Properties Group, Inc. has requested the following language to be added to the contract in paragraph three (3), page six (6) under the General Terms and Conditions:

“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.”

This additional language has been reviewed by the City’s Law Department, and it has been approved.

**Financial Impact**

This resolution carries no financial impact on the City.

**Recommendation**

Staff recommends approval of Resolution No. 2019-94 to Amend COF Contract No. 2019-0007.