



## Legislation Details (With Text)

**File #:** 20-0196      **Version:** 1      **Name:**

**Type:** Contract/Agreement      **Status:** Agenda Ready

**File created:** 2/10/2020      **In control:** Capital Investment Committee

**On agenda:** 2/27/2020      **Final action:** 2/27/2020

**Title:** Consideration of DRAFT Amendment No. 1 to COF Contract No. 2016-0299 For Embrey Partners, LLC Ironhorse Development Road Impact Fee Offset Agreement.

**Sponsors:** Paul Holzen, Jimmy Wiseman

**Indexes:**

**Code sections:**

**Attachments:** 1. COF 2016-0299 Amendment 1\_Ironhorse Franklin Apartments LLC\_Road Impact Fee Offset Agmt.Law Approved

| Date      | Ver. | Action By                    | Action   | Result |
|-----------|------|------------------------------|----------|--------|
| 2/27/2020 | 1    | Capital Investment Committee | approved | Pass   |

**DATE:** February 27, 2020

**TO:** Board of Mayor and Aldermen

**FROM:** Eric Stuckey, City Administrator  
Vernon Gerth, Assistant City Administrator for Community and Economic Development  
David Diaz, Contracts Administrator  
Jimmy Wiseman, Engineering Department Assistant Director

**SUBJECT:**  
Consideration of Amendment No. 1 to COF Contract No. 2016-0299 For Embrey Partners, Ltd. Ironhorse Development Road Impact Fee Offset Agreement.

### Purpose

The purpose of this memorandum is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) regarding proposed amendments to COF Contract No. 2016-0299 a Development Road Impact Fee Agreement with Embrey Partners, Ltd. for roadway and intersection improvements made in conjunction with developing the Ironhorse multi-family residential development.

### Background

In November of 2016 the City of Franklin Board of Mayor and Aldermen approved a Development Plan and Development Road Impact Fee Agreement that required certain roadway improvements as a condition of approving the Ironhorse multi-family residential development located on the northeast corner of Franklin

Road and Mack Hatcher Parkway. The required improvements made to increase vehicular capacity to a portion of Franklin Road and the Mallory Station Road intersection have been completed, approved, and accepted by both TDOT and the City of Franklin. Embrey Partners, Ltd. and their affiliate, Ironhorse Franklin Apartments, LLC and the City staff has requested a few amendments to the original agreement as follows:

1. When the BOMA approved the Development Road Impact Fee Agreement in November of 2016, Embrey Partners, Ltd. was the developer. Since that time the name of the entity responsible for making the roadway improvements has changed to Ironhorse Franklin Apartments, LLC and while affiliated with Embrey Partners, Ltd. payment is required to be made to Ironhorse Franklin Apartments, LLC which requires an amendment to the original Development Road Impact Fee Agreement.
2. Ironhorse Franklin Apartments, LLC is requesting an increase to the original road impact fee off-set from \$517,910.00 to \$625,079.00, which is an increase of \$107,169.00 for the additional work performed to complete these required roadway improvements. The City Engineer has confirmed the additional work was required and is completed and, that the additional \$107,169.00 is eligible for an off-set in accordance with the City's Road Impact Fee Ordinance. The total amount of Road Impact Fees collected for this development was \$848,226.00 which does not exceed the amount of the amended requested off-set.
3. The remaining amendment pertains to the type of documentation submitted by the Developer that substantiates the cost of the improvements and off-sets. Examples of this documentation includes invoices, contracts, checks, and wire transfers as proof of payment. While the City Engineer is satisfied with the documentation presented by the Developer on behalf of their sub-contractors who performed the roadway improvements, affidavits are required to ensure the City's off-set payment can be issued and released to Ironhorse Franklin Apartments, LLC .

### **Financial Impact**

The additional \$107,169.00 being requested for unforeseen roadway improvement expenses is eligible for an off-set in accordance with the City's Road Impact Fee Ordinance. The total amount of Road Impact Fees collected for this development was \$848,226.00 which does not exceed the amount of the amendment off-set of \$625,079.00.

### **Recommendation**

Staff recommends recommendation of approval to the Board of Mayor and Aldermen.