



Legislation Text

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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.