



## Legislation Text

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**File #:** 20-0091, **Version:** 1

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**DATE:** February 5, 2020

**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 2020-03, A Resolution To Amend COF Contract No. 2019-0007 Parkland Agreement Impact Fee And Greenway Trail System Construction As Amended, Agreement Between The City Of Franklin And Clayton Properties Group, Inc. (WS 2/11/20; BOMA 2/25/20, deferred to the 3/10/20 meeting)

**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 at the request of Clayton Properties Group, Inc.

**Background**

On October 8, 2019 the Board of Mayor and Aldermen approved Resolution 2019-94 amending COF Contract No. 2019-0007. The amended agreement was shared with Clayton Properties Group, Inc. Upon their review, Clayton requested certain language be added for clarity to the contract to make the agreement more specific in certain paragraphs. The original agreement did not mention "**prior to the release of the maintenance bonds**" and to whom, "**to the City**" Clayton Properties Group, Inc. would dedicate the land once the construction of the greenway improvements was completed. The changes are presented below, with the added language bolded:

"WHEREAS, Clayton has agreed to plat and dedicate land **to the City** and to construct the Greenway Trail System improvements as illustrated on Exhibits B and C and described in detail below for the future enjoyment of the public, subject to the terms and conditions set forth herein; and"

to paragraph five (5), page one (1), under the title WITNESSETH; and

"14. Barring force majeure or weather delays, **and prior to the release of the maintenance bond**, Clayton agrees, upon thirty (30) days written notice from the City, to remove, repair, or replace trees, landscaping, and trail damage as described herein that may require reasonable removal, repair or replacement. The City

reserves its right to determine the health of the trees, landscaping, and condition of the Greenway Trail System and, whether trees, landscaping and Greenway Trail System are to be replaced and maintained. If no remedy is made within the specified time, the City reserves the right to remove all affected trees and landscaping and repair the trail with notice to Clayton and at the sole cost and expense of Clayton. Clayton shall submit payment for full cost and expense incurred by the City within forty-five (45) days of the date of the invoice.”

to page four (4), paragraph fourteen (14), under section I. Agreement of Landscaping in the City Right-of-Way.

The City’s Law Department has reviewed the requested language change and approved both changes.

**Financial Impact**

There is no financial impact associated with this Resolution.

**Recommendation**

Staff recommends approval of Resolution No. 2020-03.