

**RESOLUTION 17-122**

**A RESOLUTION AUTHORIZING ACCEPTANCE OF OFFER OF DEDICATION OF ROAD RIGHTS-OF-WAY AND PUBLIC IMPROVEMENTS SHOWN ON THE EXISTING PLAT FOR BENEVENTO EAST PHASE 2 SECTION 3**

**WHEREAS**, Developer Daryl McCubbin has a recorded Final Plat for Benevento East Phase 2 Section 3 in Williamson County Plat Book P59, Page 123; and

**WHEREAS**, said Plat shows public rights-of-way proposed for dedication to the City of Spring Hill; and

**WHEREAS**, an Offer of Dedication, Deeds of Conveyance and a Maintenance Surety have been submitted pursuant to the Subdivision Regulations; and

**WHEREAS**, a Certificate of Satisfactory Completion has been furnished by the City of Spring Hill indicating that through inspections of the road rights-of-way, the design intent has been achieved; and

**WHEREAS**, the developer is required under Section VI, Paragraph 6.3 of the Subdivision Regulations to submit an "as-built" survey of the public improvements including water, sewer and drainage; and

**WHEREAS**, on November 13, 2017, the City of Spring Hill Planning Commission recommended the Road Rights-of-Way and Public Improvements for Benevento East Phase 2 Section 3 be accepted; and

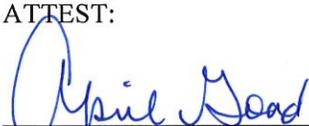
**WHEREAS**, the Board of Mayor and Aldermen deems it in the best interest of the City of Spring Hill that the Offer of Dedication of the Road Rights-of-Way be accepted and the same become a part of the public street system of the City of Spring Hill.

**NOW, THEREFORE BE IT RESOLVED**, by the City of Spring Hill Board of Mayor and Aldermen that dedication and acceptance of Road Rights-of Way within Benevento East Phase 2 Section 3 as shown on the recorded plat is hereby approved.

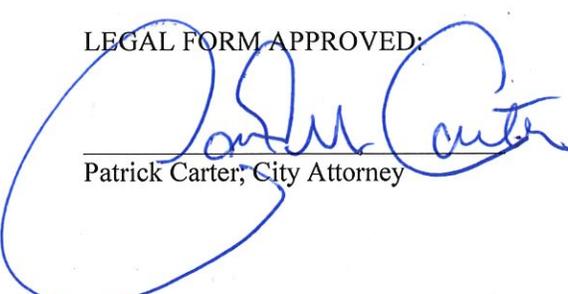
Passed and adopted this 18<sup>th</sup> day of December, 2017.

  
\_\_\_\_\_  
Rick Graham, Mayor

ATTEST:

  
\_\_\_\_\_  
April Goad, City Recorder

LEGAL FORM APPROVED:

  
\_\_\_\_\_  
Patrick Carter, City Attorney

**SUBJECT:** Acceptance of Road ROW & Public Improvements for Benevento East Phase 2 Section 3

**DATE:** November 27, 2017

**ATTENTION:** Board of Mayor and Aldermen

**STAFF:** Missy Stahl, Senior Project Manager



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### **STAFF MEMORANDUM**

The purpose of this memo is to provide information regarding a resolution to accept and the dedication of road rights-of-way and public improvements for Benevento East Phase 2 Section 3, as recommended by the Planning Commission.

#### **Background:**

The Planning Commission recommends accepting the road rights-of-way and public improvements for Benevento East Phase 2 Section 3, per PC Resolution 17-97 passed by the Planning Commission on November 13, 2017. The one year for the maintenance bond has been fulfilled and City staff has issued certificates of satisfaction for this phase.

#### **Staff Recommendation:**

Staff recommends approval of the request.

**RESOLUTION 17-97 OF THE  
PLANNING COMMISSION  
OF THE CITY OF SPRING HILL, TENNESSEE**

**A RESOLUTION RECOMMENDING ACCEPTANCE AND DEDICATION OF ROAD  
RIGHTS-OF-WAY AND PUBLIC IMPROVEMENTS SHOWN ON THE EXISTING  
PLAT FOR  
BENEVENTO EAST PHASE 2 SECTION 3**

**WHEREAS**, Developer Daryl McCubbin has a recorded Final Plat for Benevento East Phase 2 Section 3 in Williamson County Plat Book P59, Page 123; and

**WHEREAS**, said Plat show Public Rights-of-Way proposed for dedication to the City of Spring Hill; and

**WHEREAS**, an Offer of Dedication, Deeds of Conveyance and a Maintenance Surety have been submitted pursuant to the Subdivision Regulations; and

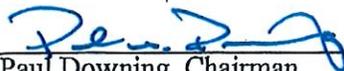
**WHEREAS**, a Certificate of Satisfactory Completion has been furnished by the City of Spring Hill indicating that through inspections of the Road Rights-of-Way, the design intent has been achieved; and

**WHEREAS**, the developer is required under Article III, Section 6.3 of the Subdivision Regulations to submit an "as-built" survey of the public improvements including water, sewer and drainage; and

**WHEREAS**, the Planning Commission deems it in the best interest of the City of Spring Hill that the Offer of Dedication of the Road Rights-of-Way and Public Improvement's be accepted and the same become a part of the Public Street system of the City of Spring Hill.

**NOW, THEREFORE BE IT RESOLVED**, by the Spring Hill Planning Commission that dedication and acceptance of Road Rights-of-Way and Public Improvements within Benevento East Phase 2 Section 3 as shown on the recorded plats is hereby recommended to the Board of Mayor and Aldermen.

Passed and adopted this 13<sup>th</sup> day of November, 2017.

  
\_\_\_\_\_  
Paul Downing, Chairman

  
\_\_\_\_\_  
Steve Foote, Secretary

**FORM FOR OFFER OF  
IRREVOCABLE DEDICATION**

**AGREEMENT** made this 21 day of January 2014, by and between the City of Spring Hill a municipal corporation, having its office and place of business at 199 Town Center Parkway, Spring Hill, Tennessee, hereinafter designated as the "City" and Daryl McCUBBEN, an individual, having its office and place of business at \_\_\_\_\_ hereinafter designated as the "developer".

**WHEREAS**, the Spring Hill Planning Commission is in the process of approving a subdivision plat entitled Benevento East dated 1/21/14 and prepared by O'Leary + Assoc. and Phase 2, Sec 3

**WHEREAS**, said plat designates certain public improvements consisting of Roads, R.O.W., water, storm drain & sidewalks to be dedicated to the City of Spring Hill free and clear of all encumbrances and liens, pursuant to the requirements of the Spring Hill Planning Commission and the City; and

**WHEREAS**, the Developer, simultaneously herewith, shall post a performance surety with the City for the construction, maintenance, and dedication of said improvements, if required;

**WHEREAS**, the Developer is desirous of offering for dedication the said improvements and land to the City more particularly described in Schedule A attached hereto;

**WHEREAS**, the Developer has delivered Documents of conveyance to the city for the said land and improvements as described herein;

**NOW, THEREFORE**, in consideration of the sum of one dollar (\$1.00) lawful money of the United States paid by the City to the Developer and other good and valuable consideration, it is mutually **AGREED** as follows:

- A. The Developer herewith delivers to the City Documents of conveyance for the premises described in Schedule \_\_\_ attached hereto, said delivery being a formal offer of dedication to the City until the acceptance or rejection of such offer of dedication by the City.
- B. The Developer agrees that said formal offer of Dedication is irrevocable and can be accepted by the City at any time.
- C. The Developer agrees to complete the construction and maintenance of the land and improvements pursuant to the performance surety and the requirements of the Spring Hill Planning Commission and any ordinances, regulations, requirements, covenants, and agreements that may be imposed by the City with respect thereto and, upon acceptance by the City of the offer of dedication, furnish to the City a sworn statement certifying that the premises are free and clear of all liens and encumbrances and shall furnish to the City a check for all necessary fees and taxes to record the Documents heretofore delivered.
- D. That this irrevocable offer of dedication shall run with land and shall be binding on all assigns, guarantees, successors, or heirs of the Developer.

E. The City by action of the Board of Mayor and Aldermen on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, accepted the infrastructure as presented in the offer of dedication and directed the governmental representative to sign the offer of dedication on behalf of the City

Developer Company Name:

\_\_\_\_\_

\_\_\_\_\_ 20\_\_\_\_  
Date

\_\_\_\_\_   
Developer Signature



(CORPORATE SEAL)

ATTEST:

April Bead

FOR THE CITY OF SPRING HILL:

BY:

Signature

Rick Graham, Mayor

Printed Name

12-18 2017

**ACKNOWLEDGEMENT:  
COPARTNERSHIP**

**STATE OF TENNESSEE**

(COUNTY OF \_\_\_\_\_) SS: \_\_\_\_\_

On this \_\_\_day \_\_\_\_\_ of 20\_\_\_, before me personally appeared \_\_\_\_\_, to me known to be one of the firm \_\_\_\_\_, described in and who executed the foregoing instrument, and he thereupon acknowledged to me that he executed such instrument as and for the act and deed of said firm.

\_\_\_\_\_  
CORPORATE

**STATE OF TENNESSEE**

(COUNTY OF \_\_\_\_\_) SS: \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_, before me personally appeared \_\_\_\_\_, to me known, who, being by me first duly sworn, did depose and say that he resides in \_\_\_\_\_; that he is the \_\_\_\_\_ of \_\_\_\_\_ the corporate seal affixed to said instrument is such corporate seal; that it was so affixed by order and authority of the Board of Directors of said corporation, and that he signed his name thereto by like order and authority.

\_\_\_\_\_  
INDIVIDUAL

