

RESOLUTION 17-44

A RESOLUTION AUTHORIZING ACCEPTANCE OF OFFER OF DEDICATION OF ROAD RIGHTS-OF-WAY AND PUBLIC IMPROVEMENTS SHOWN ON THE EXISTING PLAT FOR BRIXWORTH PHASE 1 SECTION 2

WHEREAS, Ira R. Adams has a recorded Final Plat for Brixworth Phase 1 Section 2 in Williamson County Plat Book P48, Page 17; 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 April 10, 2017, the City of Spring Hill Planning Commission recommended the Road Rights-of-Way and Public Improvements for Brixworth Phase 1 Section 2 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 Brixworth Phase 1 Section 2 as shown on the recorded plat is hereby approved.

Passed and adopted this 15th day of May, 2017.



Rick Graham, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Patrick Carter, City Attorney

SUBJECT: Acceptance of Road ROW &
Public Improvements for Brixworth Phase 1
Section 2

DATE: April 25, 2017

ATTENTION: Board of Mayor and Aldermen

STAFF: Missy Stahl, Project Manager



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 Brixworth Phase 1 Section 2, as recommended by the Planning Commission.

Background:

The Planning Commission recommends accepting the road rights-of-way and public improvements for Brixworth Phase 1 Section 2, per PC Resolution 17-24 passed by the Planning Commission on April 10, 2017. All public improvements requirements have been met and City staff has issued certificates of satisfaction for both phases.

Staff Recommendation:

Staff recommends approval of the request.

**RESOLUTION 17-24 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
BRIXWORTH PHASE 1 SECTION 2**

WHEREAS, Ira T. Adams has a recorded Final Plat for Brixworth Phase 1 Section 2 in Williamson County Plat Book P48, Page 17; 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

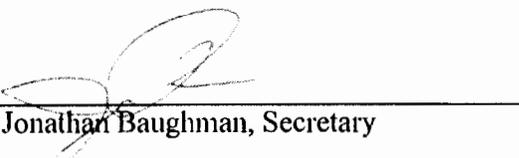
WHEREAS, the Planning Commission deems it in the best interest of the City of Spring Hill that the Offer of Dedication of the Road Rights-of-Way and Public Improvement's be accepted and the same become a part of the Public Street system of the City of Spring Hill.

NOW, THEREFORE BE IT RESOLVED, by the Spring Hill Planning Commission that dedication and acceptance of Road Rights-of-Way and Public Improvements within Brixworth Phase 1 Section 2 as shown on the recorded plats is hereby recommended to the Board of Mayor and Aldermen.

Passed and adopted this 10th day of April, 2017.



Paul Downing, Chairman



Jonathan Baughman, Secretary

**FORM FOR OFFER OF
IRREVOCABLE DEDICATION**

AGREEMENT made this 15th day of May, 2017, 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 SMART LIVING, LLC, a LIMITED LIABILITY COMPANY, having its office and place of business at HUNTSVILLE, AL hereinafter designated as the "developer".

WHEREAS, the Spring Hill Planning Commission is in the process of approving a subdivision plat entitled BRIXWORTH PHASE 1 dated 1/23/07 and prepared by Anderson, Deek, Eppert Assoc. and SECTION 2

WHEREAS, said plat designates certain public improvements consisting of Roads, Right of Way, water lines, sewer lines, storm drain and 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 plat attached hereto;

WHEREAS, the Developer has delivered Documents or Deeds 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 or Deeds of conveyance for the premises described in Schedule plat 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:

SMART LIVING LLC

5/8 2017
Date

[Signature]
Developer Signature



(CORPORATE SEAL)

ATTEST: April Bead

FOR THE CITY OF SPRING HILL:

May 15, 2017

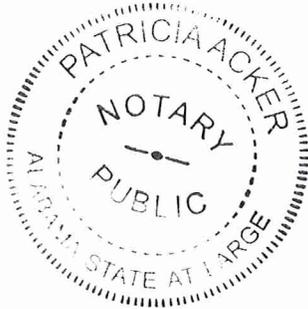
BY: [Signature]
Signature
Allen Graham
Printed Name

ACKNOWLEDGEMENT:
COPARTNERSHIP

~~STATE OF TENNESSEE~~
ALABAMA

(COUNTY OF MADISON) SS: _____

On this 8 day MAY of 2017, before me personally appeared LOUIS W. ORLANDO, to me known to be one of the firm MANAGER, 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.



Patricia Acker
CORPORATE exp. 4/23/18

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