

RESOLUTION 20-153

A RESOLUTION TO APPROVE A DEVELOPMENT AGREEMENT WITH NEY BEL SANCTUARY BLUFF LLC TO CREDIT ADEQUATE FACILITIES TAX IN CONSIDERATION OF CONSTRUCTION OF NEW PORT ROYAL ROAD EXTENSION

WHEREAS, NEY BEL Sanctuary Bluff LLC (“Developer”) desires to undertake the development of certain real property located on the south side of Thompsons Station Road in the City of Spring Hill, Williamson County, Tennessee, known as Sanctuary Bluff (“Sanctuary Bluff”); and

WHEREAS, the Developer has attained certain development entitlements from the City to develop Sanctuary Bluff as a multifamily residential development on a 34.84-acre site comprising 240 dwelling units along with associated amenity and maintenance facilities; and

WHEREAS, the Developer proposed in accordance with recommendations of the traffic impact study and approved engineering plans to provide for the construction of the extension of New Port Royal Road from its current terminus north to Thompson’s Station Road as illustrated in Exhibit A to Development Agreement; and

WHEREAS, the extension of New Port Royal Road from its current northerly terminus to Thompson’s Station Road has an estimated construction valuation as determined by the Developer of \$1,250,000; and

WHEREAS, the City adopted Major Thoroughfare Plan identifies the extension of New Port Royal Road from its current northern terminus to Thompson’s Station Road as a “medium” priority “collector” road improvement project for the City of Spring Hill; and

WHEREAS, the Developer has submitted a written request to the City of Spring Hill attached as Exhibit B to Development Agreement seeking in consideration of the construction of the extension of New Port Royal Road from its northerly terminus to Thompson’s Station Road a credit upon the payment of required Adequate Facilities Tax; and

WHEREAS, the required Adequate Facilities Tax based upon the approved development program for Sanctuary Bluff is calculated to be \$136,961.00 as referenced in Exhibit C attached to Development Agreement.

WHEREAS, in consideration of the construction of the Public Improvement, same being the construction of the New Port Royal Road from its current northern terminus to Thompson’s Station Road, the Developer and/or the Developers successor and assigns shall be due and receive a credit in the amount of \$136,961.00 upon application for each and every building permit relative to said residential units located within Sanctuary Bluff multifamily project.

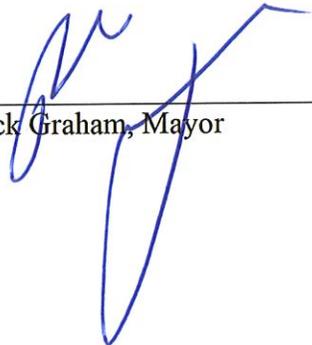
NOW, THEREFORE, BE IT RESOLVED, that the City of Spring Hill Board of Mayor and Aldermen:

1. Approve the Development Agreement and exhibits contained therein as attached hereto to this Resolution.

2. Authorize the Mayor to sign said Development Agreement with the Developer of Sanctuary Bluff for construction of the Public Improvement said being the satisfactory construction and dedication of New Port Royal Road from its current northern terminus to Thompson's Station Road.

3. The Developer and/or the Developers successor and assigns shall be provided a credit in the total amount of \$136,931.00 as provided in the attached Development Agreement upon the satisfactory completion of said Public Improvement as determined by the City Engineer and formally accepted by the City of Spring Hill Board of Mayor and Aldermen.

Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on this 19th day of October, 2020.



Rick Graham, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Patrick Carter, City Attorney

SANCTUARY BLUFF DEVELOPMENT AGREEMENT

THIS AGREEMENT, entered into this the ____ day of _____, 2020, by and between NEY BEL Sanctuary Bluff LLC, a Delaware limited liability company, (“Developer”), and the CITY OF SPRING HILL, TENNESSEE, a municipal corporation organized and existing under the laws of the State of Tennessee, hereinafter referred to as “City”.

WITNESSETH:

WHEREAS, the Developer desires to undertake the development of certain real property located on Thompsons Station Road in the City of Spring Hill, Williamson County, Tennessee, known as Sanctuary Bluff (“Sanctuary Bluff”); and

WHEREAS, the Developer has attained certain development entitlements from the City to develop Sanctuary Bluff as a multifamily residential development on a 34.84-acre site comprising 240 dwelling units along with associated amenity and maintenance facilities; and

WHEREAS, the Developer proposed in accordance with recommendations of the traffic impact study and approved engineering plans to provide for the construction of the extension of New Port Royal Road from its current terminus north to Thompson’s Station Road as illustrated in Exhibit A attached hereto and collectively referenced as “Public Improvements” serving Sanctuary Bluff; and

WHEREAS, the extension of New Port Royal Road from its current northerly terminus to Thompson’s Station Road has an estimated construction valuation as determined by the Developer of \$1,250,000; and

WHEREAS, the City adopted Major Thoroughfare Plan identifies the extension of New Port Royal Road from its current northern terminus to Thompson’s Station Road as a “medium” priority “collector” road improvement project for the City of Spring Hill; and

WHEREAS, the Developer has submitted a written request to the City of Spring Hill attached hereto as Exhibit B seeking in consideration of the construction of the extension of New Port Royal Road from its northerly terminus to Thompson’s Station Road a credit upon the payment of required Adequate Facilities Tax; and

WHEREAS, the required Adequate Facilities Tax based upon the approved development program for Sanctuary Bluff is calculated to be \$136,961.00 as referenced in Exhibit C attached hereto.

NOW, THEREFORE, in consideration of the mutual covenants and assurances set forth herein, the Developer and City do hereby agree as follows:

1. Recitals

The foregoing Recitals are incorporated into this Agreement and are made a part hereof.

2. Developer Responsibilities – Public Improvements and Surety

The Developer in accordance with the traffic impact study and engineering plans for Sanctuary Bluff planned for the construction of the extension of New Port Royal Road from its current northern terminus to Thompson's Station Road including all associated improvements ("Public Improvements") as illustrated in Exhibit A attached hereto and incorporated herein, the development plans for Sanctuary Bluff having received approval from the Spring Hill Planning Commission on September 14, 2020 as referenced in Planning Commission agenda item SPM 871-2020 that includes full development plans for Sanctuary Bluff including construction plans for Public Improvements. Said Public Improvements shall be satisfactorily completed in a timely manner by the Developer with an anticipated completion date of March 2022. A Performance Bond or other form of acceptable financial surety shall be provided and maintained by the Developer to the City as surety until such time as the Public Improvements have been satisfactorily completed as determined by the City Engineer and formally accepted by the City of Spring Hill Board of Mayor and Aldermen.

3. Reimbursement Due Developer

In consideration of Developer's satisfactory completion of Public Improvements, Developer shall be due and receive a credit of \$136,961 from the required Adequate Facilities Tax applied to the application for each and every building permit relative to Adequate Facilities Tax assessed against said residential multifamily building or amenity building comprising the Development. The credit to Adequate Facilities Tax shall be as calculated in Exhibit C attached hereto. The credit shall not be provided by the City to the Developer until such time as the Public Improvements have been satisfactorily completed as determined by the City Engineer and said Public Improvements have been formally accepted by the City of Spring Hill Board of Mayor and Aldermen.

4. Agents for City and Developer

The agent of the City for the purposes of this Agreement is the City Administrator of Spring Hill, Tennessee, or his/her designee. The agent for the Developer is Joseph A. Fielden, Jr.

5. Further Assurances

The Parties each hereby agree to execute and deliver all of the agreements and documents required to be executed and delivered by them in this Agreement and the instruments attached hereto, and to execute and deliver such additional instruments and documents and to take such additional actions as may be reasonably required from time to time in order to effectuate the transactions contemplated by this Agreement and the instruments attached hereto.

6. Notices and Communication

All notices or other communications hereunder shall be deemed sufficiently given and shall be deemed given when delivered by hand delivery or mailed by first class, postage prepaid, registered or certified mail or overnight couriers service such as Federal Express or UPS and addressed as follows:

Office of City Administrator of Spring Hill, TN.
ATTN: Victor Lay
199 Town Center Parkway
Spring Hill, TN 37174

With copy to:

Patrick Carter
City Attorney
809 South Main Street
Columbia, TN 38401

The mailing address of the Developer for the purposes of notification requirements of this Agreement shall be:

NEY BEL Sanctuary Bluff LLC
Attn: Joseph A. Fielden, Jr.
814 E Woodland Avenue
Knoxville, TN 37917

Either party may change it address for notification by delivering notice thereof in accordance with this Paragraph 6.

7. Non-Waiver

None of the terms, covenants or conditions of this Agreement shall be deemed waived by any act of either Party unless same is specified in writing executed by all Parties hereto.

8. Liability

The City shall have no liability except as specifically provided in this Agreement.

9. Governing Law

This Agreement shall be construed under and enforced pursuant to the laws of the State of Tennessee.

10. Venue and Jurisdiction

Exclusive venue and jurisdiction for any litigation brought pursuant to or with regard to this Agreement shall be in the Circuit Court for Maury County, Tennessee.

11. Severance

Should any provision of this Agreement be declared invalid, illegal or unenforceable by a court of competent jurisdiction, the invalidity, illegality or unenforceability shall not affect other provisions of this Agreement, which shall remain in full force and effect.

12. Captions

Captions of the sections of this Agreement are for convenience and reference only and shall in no way be held to explain, modify, amplify or aid in the interpretations, construction, or meaning of the provisions of this Agreement

13. Amendment

This Agreement shall be amended only in writing executed by all Parties hereto.

14. Assignment

This Agreement shall not be assigned by the Developer to a third party without prior written consent of the City, which shall not be unreasonably withheld.

15. Time is of the Essence

All Parties hereto acknowledge that time is of the essence, and each will commit to the completion of the project herein on an expedited basis.

16. Binding Effect

This Agreement shall be binding upon each of the parties hereto, their successors, heirs and assigns and that there are no understandings or agreements between them except as contained in this Agreement.

17. Entire Agreement

This writing constitutes the entire agreement between the Parties and supersedes all previous agreements, if any. No Party to this Agreement makes any representation to the other Party, except as expressly set forth in this Agreement.

18. Execution

This Agreement may be executed in one or more identical counterparts, each of which shall be deemed to be an original for all purposes, and all of which taken together shall constitute a single instrument.

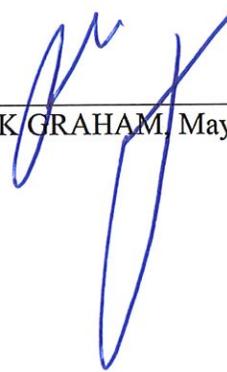
Approved by the City of Spring Hill Board of Mayor and Alderman on October 19
2020.

SO AGREED by the undersigned Parties as of the date first given.

NEY BEL SANCTUARY BLUFF LLC

By: 
Print: Joseph A. Fielden Jr.

CITY OF SPRING HILL, TENNESSEE

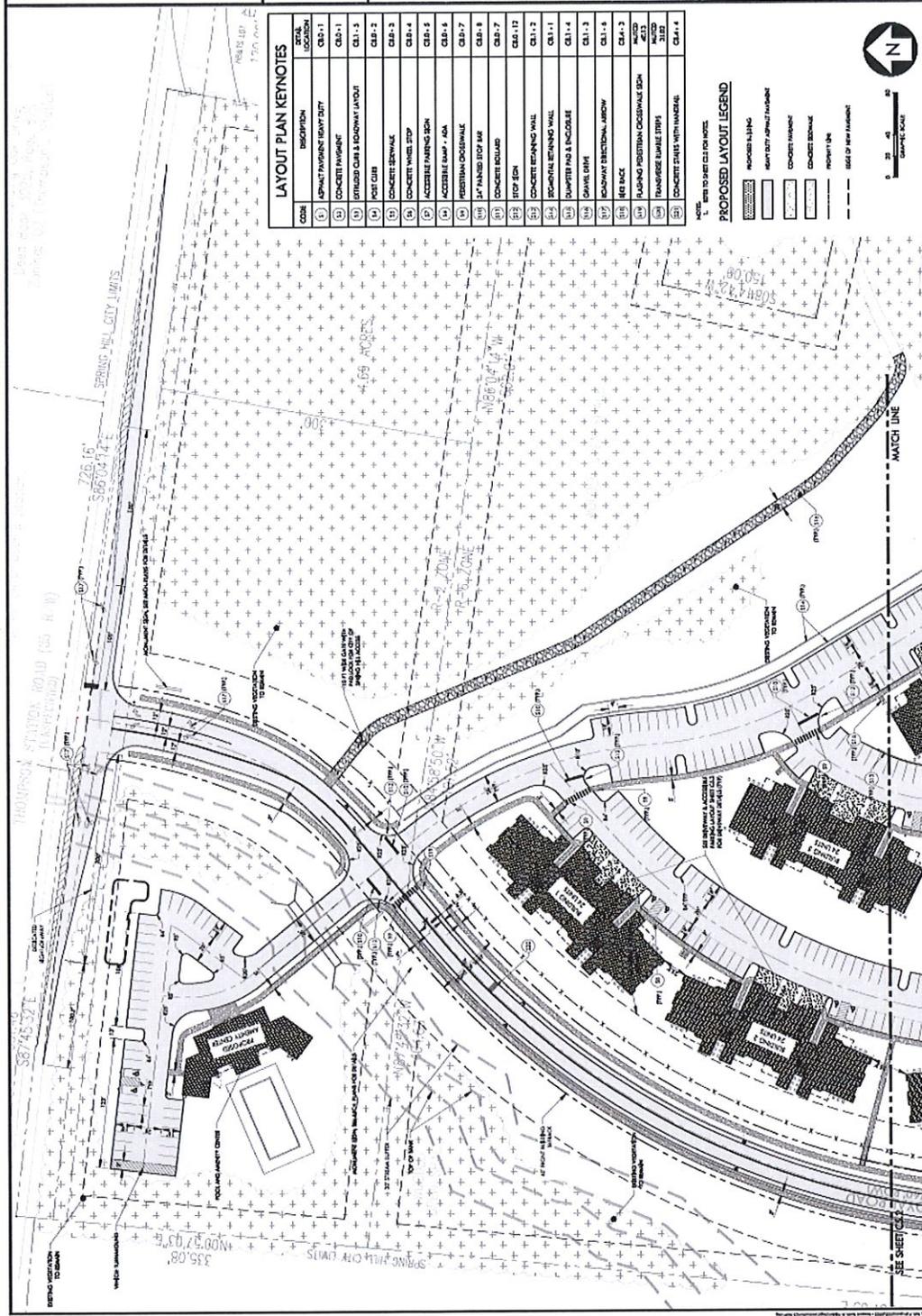
By: 
RICK GRAHAM, Mayor



SANCTUARY BLUFF
 THOMPSON STATION ROAD
 SPRING HILL, TENNESSEE

REV	DATE	DESCRIPTION

C5.1
 SITE LAYOUT PLAN



CODE	DESCRIPTION	KEYNOTE LOCATION
1	ASPHALT PAVEMENT HEAVY DUTY	CEB-1
2	CONCRETE FINISH	CEB-1
3	GRASS	CEB-1
4	POST CUR	CEB-2
5	CONCRETE SIDEWALK	CEB-2
6	CONCRETE WALK STOP	CEB-4
7	ACCESSIBLE PARKING SPOT	CEB-5
8	ACCESSIBLE RAMP - ADA	CEB-6
9	ASBESTOS CEMENT ROOFING	CEB-7
10	CONCRETE BOLLARD	CEB-8
11	STOP SIGN	CEB-9
12	CONCRETE RETAINING WALL	CEB-10
13	ASBESTOS CEMENT ROOFING WALL	CEB-11
14	CONCRETE PAD & ENCLOSURE	CEB-12
15	DRIVE DRIVE	CEB-13
16	ROADWAY DIRECTIONAL ARROW	CEB-14
17	RED TAPE	CEB-15
18	FLASHING POSITIVE CROSSWALK SIGN	CEB-16
19	TRANSVERSE CURB STRIPS	CEB-17
20	CONCRETE STAIRS WITH HANDRAIL	CEB-18

PROPOSED LAYOUT LEGEND

- ASPHALT PAVEMENT HEAVY DUTY
- CONCRETE FINISH
- GRASS
- POST CUR
- CONCRETE SIDEWALK
- CONCRETE WALK STOP
- ACCESSIBLE PARKING SPOT
- ACCESSIBLE RAMP - ADA
- ASBESTOS CEMENT ROOFING
- CONCRETE BOLLARD
- STOP SIGN
- CONCRETE RETAINING WALL
- ASBESTOS CEMENT ROOFING WALL
- CONCRETE PAD & ENCLOSURE
- DRIVE DRIVE
- ROADWAY DIRECTIONAL ARROW
- RED TAPE
- FLASHING POSITIVE CROSSWALK SIGN
- TRANSVERSE CURB STRIPS
- CONCRETE STAIRS WITH HANDRAIL

NOTE: SEE TO SHEET C5.1 FOR NOTES.

SCALE: 1" = 40'

GRAPHIC SCALE: 0' 20' 40'

SEE SHEET C5.2

EXHIBIT B

Letter Request from Developer



September 28, 2020

Spring Hill Board of Mayor & Alderman
199 Town Center Parkway
Spring Hill, TN 37174

RE: New Port Royal Road Extension
Adequate Facilities Tax Credit Request

To Whom It May Concern:

This letter is a request for final consideration by the Board of Mayor and Alderman to provide a credit of the required Adequate Facilities Tax toward the construction of the New Port Royal Road extension. The aforementioned extension is to span from the present end of New Port Royal Road northerly to Thompson Station Road. This extension will be constructed as part of the Sanctuary Bluff development that was approved by the Planning Commission of September 14, 2020.

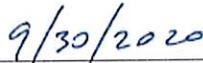
The New Port Royal Road extension will consist of approximately 55,471 sf (1,543 lf; 30 ft in width) of asphalt pavement, 14,122 sf of concrete sidewalk (5 ft in width), 3,318 lf of extruding curb, 48 sf of rumble strips, and two solar powered pedestrian crossing signs.

The adequate facilities for this development total 32 buildings and 261,922 sf of heated space.

NEY BEL Sanctuary Bluff LLC



Joseph A. Fielden, Jr.



Date

Neyland Associates, LLC 814 E Woodland Avenue Knoxville, TN 37917

EXHIBIT C

Calculation for Adequate Facilities Tax for Sanctuary Bluff

Building #	Total Heated SF	Base Tax	Tax per SF (\$0.50/sf)	Total Adequate Facilities Tax
A1	25,265	\$500.00	\$12,632.50	\$13,132.50
A2	25,265	\$500.00	\$12,632.50	\$13,132.50
B1	25,817	\$500.00	\$12,908.50	\$13,408.50
B2	25,817	\$500.00	\$12,908.50	\$13,408.50
B3	25,817	\$500.00	\$12,908.50	\$13,408.50
B4	25,817	\$500.00	\$12,908.50	\$13,408.50
C1	25,452	\$500.00	\$12,726.00	\$13,226.00
C2	25,452	\$500.00	\$12,726.00	\$13,226.00
C3	25,452	\$500.00	\$12,726.00	\$13,226.00
C4	25,452	\$500.00	\$12,726.00	\$13,226.00
Amenity Bldg.	5,116	\$500.00	\$2,558.00	\$3,058.00
Maintenance	1,200	\$500.00	\$600.00	\$1,100.00
TOTAL	261,922	\$6,000.00	\$130,961.00	\$136,961.00

The developer, NEY BEL Sanctuary Bluff LLC, submitted a written letter (attached) requesting approval from the City for the issuance of a credit for Adequate Facilities Tax required for the project in consideration of the construction of the extension of New Port Royal Road from its northern terminus to Thompson's Station Road. The developer indicated the valuation of the road construction project, excluding utilities, was approximately \$1.25M.

The extension of New Port Royal Road is identified on the City's adopted Major Thoroughfare Plan as a "medium" priority collector street project. City staff notes the extension of the road as designed will provide a much needed connection for residential areas to the south with Thompson's Station Road. Anticipated completion of the road extension is March 2022.

The Adequate Facilities Tax is calculated per building for all heated square footage. Based upon the approved development program, the following is a summary of the Adequate Facilities Tax that would be required:

Building #	Total Heated SF	Base Tax	Tax per SF (\$0.50/sf)	Total Adequate Facilities Tax
A1	25,265	\$500.00	\$12,632.50	\$13,132.50
A2	25,265	\$500.00	\$12,632.50	\$13,132.50
B1	25,817	\$500.00	\$12,908.50	\$13,408.50
B2	25,817	\$500.00	\$12,908.50	\$13,408.50
B3	25,817	\$500.00	\$12,908.50	\$13,408.50
B4	25,817	\$500.00	\$12,908.50	\$13,408.50
C1	25,452	\$500.00	\$12,726.00	\$13,226.00
C2	25,452	\$500.00	\$12,726.00	\$13,226.00
C3	25,452	\$500.00	\$12,726.00	\$13,226.00
C4	25,452	\$500.00	\$12,726.00	\$13,226.00
Amenity Bldg.	5,116	\$500.00	\$2,558.00	\$3,058.00
Maintenance	1,200	\$500.00	\$600.00	\$1,100.00
TOTAL	261,922	\$6,000.00	\$130,961.00	\$136,961.00

The total Adequate Facilities Tax eligible for consideration of a credit is \$136,961. Staff recommends that if favorable consideration is given to this request that the credit not be issued until such time as the public improvement work associated with the extension of New Port Royal Road has been satisfactorily completed as determined by the City Engineer and the road extension has subsequently been formally accepted by the Board of Mayor and Aldermen.

FINANCIAL IMPACT:

The Adequate Facilities Tax calculated based upon the approved development program for Sanctuary Bluff is \$136,961 with no portion to be withheld from consideration. Adequate Facilities Tax funds may be used for a variety of public improvement projects including street improvement projects

RECOMMENDATION:

Resolution 20-153 has been prepared along with a corresponding Development Agreement to properly memorialize the responsibilities of the Developer and the City for consideration by the Board outlining the terms under which a credit could be issued in consideration of the satisfactory completion of the extension of New Port Royal Road as determined by the City Engineer and as further signified with the formal acceptance of the road improvements by the Board of Mayor Aldermen.

CRUNK ENGINEERING LLC
 712 CROSSROADS KOLEVARD
 SUITE 201
 BREWERS COOK, TN 37027
 (615) 873-1795
 WWW.CRUNKENG.COM



SANCTUARY BLUFF
 THOMPSON STATION ROAD
 SPRING HILL, TENNESSEE

NO.	DATE	REVISIONS
08/31/20	20022	

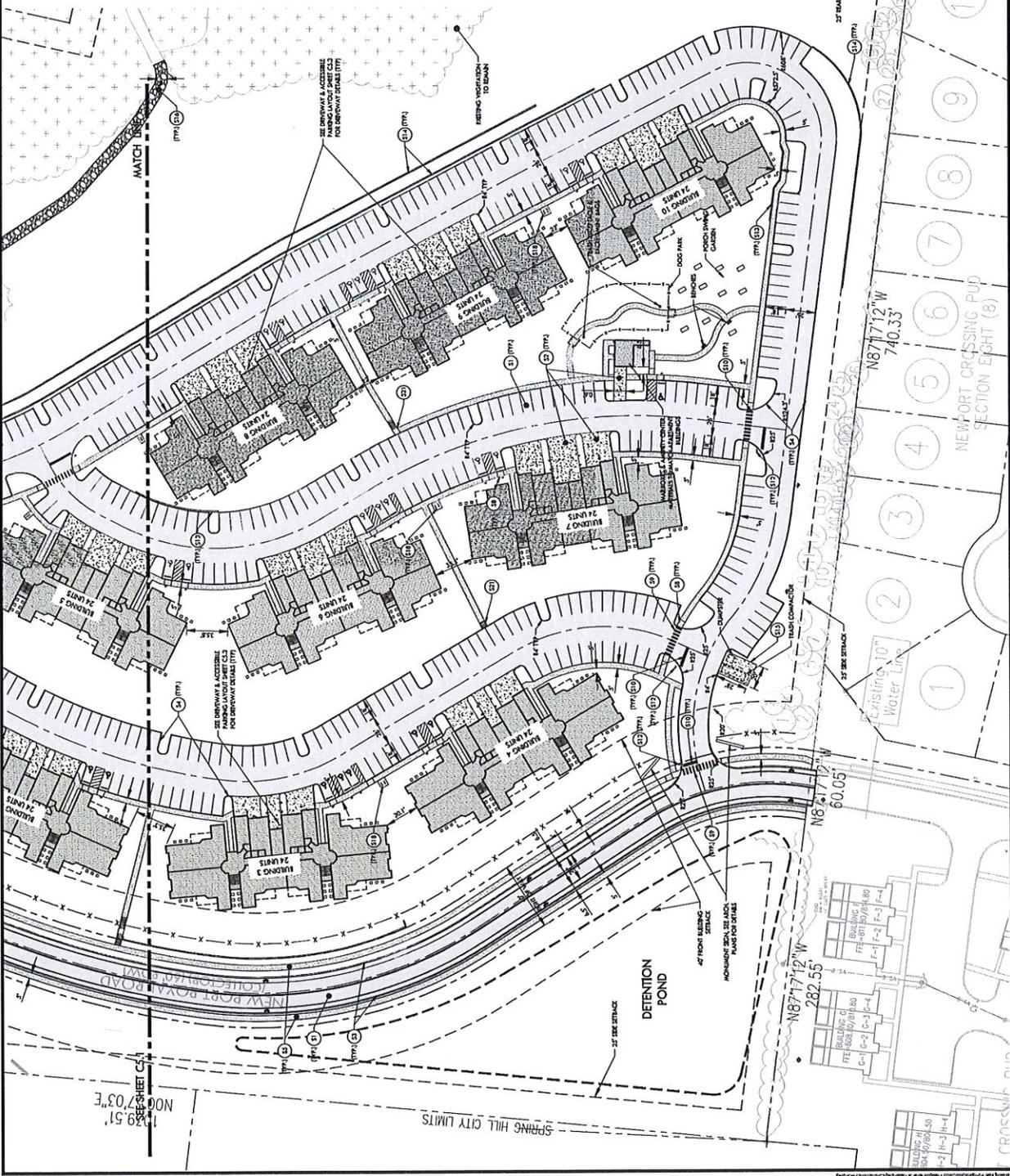
C5.2
 SITE LAYOUT PLAN

CODE	DESCRIPTION	DETAIL LOCATION
CLB-1	ASPHALT PAVEMENT HEAVY DUTY	CLB-1
CLB-2	CONCRETE PAVEMENT	CLB-2
CLB-3	INTERLOCKED CURB & ROADWAY LAYOUT	CLB-3
CLB-4	POST CURB	CLB-4
CLB-5	CONCRETE SIDEWALK	CLB-5
CLB-6	CONCRETE WHEEL STOP	CLB-6
CLB-7	ACCESSIBLE RAMP - ADA	CLB-7
CLB-8	RESISTANT CROSSWALK	CLB-8
CLB-9	24" PAINTED STOP BAR	CLB-9
CLB-10	CONCRETE ISOLAND	CLB-10
CLB-11	STOP SIGN	CLB-11
CLB-12	CONCRETE RETAINING WALL	CLB-12
CLB-13	SECURITIZED RETAINING WALL	CLB-13
CLB-14	DIAMETER PAD & ENCLOSURE	CLB-14
CLB-15	GRAVEL DRIVE	CLB-15
CLB-16	ROADWAY DIRECTIONAL ARROW	CLB-16
CLB-17	WALK BACK	CLB-17
CLB-18	FLASHING RESISTANT CROSSWALK SIGN	CLB-18
CLB-19	TRANSVERSE RUMBLE STRIPS	CLB-19
CLB-20	WALK STOP	CLB-20
CLB-21	CONCRETE SQUARE WITH HANDRAIL	CLB-21

NOTES:
 1. REFER TO SHEET C5.1 FOR NOTES.

PROPOSED LAYOUT LEGEND

- POPOVED PAVING
- HEAVY DUTY ASPHALT PAVEMENT
- CONCRETE PAVEMENT
- CONCRETE SIDEWALK
- PROPERTY LINE
- EDGE OF NEW PAVEMENT



Emory & Jar
 2715 Thompson S
 Deed Book 6347
 Zoning: D2 (Thom)



GRAPHIC SCALE
 0 20 40 60 80 100

1"=39.51'
 NO. 189.03"E

SPRING HILL CITY LIMITS

282.55'

60.05'

740.33'

740.33'

740.33'

740.33'

740.33'

740.33'

740.33'

740.33'

740.33'

740.33'



APARTMENT | LAND

September 28, 2020

Spring Hill Board of Mayor & Alderman
199 Town Center Parkway
Spring Hill, TN 37174

RE: New Port Royal Road Extension
Adequate Facilities Tax Credit Request

To Whom It May Concern:

This letter is a request for final consideration by the Board of Mayor and Alderman to provide a credit of the required Adequate Facilities Tax toward the construction of the New Port Royal Road extension. The aforementioned extension is to span from the present end of New Port Royal Road northerly to Thompson Station Road. This extension will be constructed as part of the Sanctuary Bluff development that was approved by the Planning Commission of September 14, 2020.

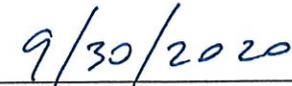
The New Port Royal Road extension will consist of approximately 55,471 sf (1,543 lf; 30 ft in width) of asphalt pavement, 14,122 sf of concrete sidewalk (5 ft in width), 3,318 lf of extruding curb, 48 sf of rumble strips, and two solar powered pedestrian crossing signs.

The adequate facilities for this development total 32 buildings and 261,922 sf of heated space.

NEY BEL Sanctuary Bluff LLC



Joseph A Fielden, Jr.



Date