

**RESOLUTION 20-165**

**A RESOLUTION AUTHORIZING ACCEPTANCE OF OFFER OF DEDICATION OF ROAD RIGHTS-OF-WAY AND PUBLIC IMPROVEMENTS SHOWN ON THE EXISTING PLAT FOR BRIXWORTH PHASE 4, SECTION 1**

**WHEREAS**, developer Smart Living, LLC has a recorded Final Plat for Brixworth Phase 4, Section 1 in Williamson County Plat Book P65, Page 150; 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

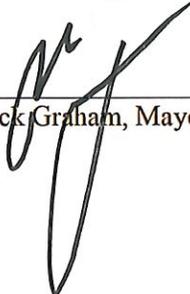
**WHEREAS**, the developer is required to submit an “as-built” survey of the public improvements including water, sewer and drainage; and

**WHEREAS**, on October 12, 2020, the City of Spring Hill Planning Commission recommended the Road Rights-of-Way and Public Improvements for Brixworth Phase 4, Section 1 be accepted; and

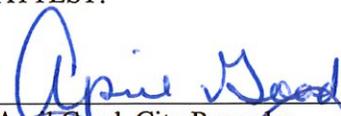
**WHEREAS**, the Board of Mayor and Aldermen deems it in the best interest of the City of Spring Hill that the Offer of Dedication of the Road Rights-of-Way and Public Improvements be accepted and the same become a part of the public systems of the City of Spring Hill.

**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 and Public Improvements within Brixworth Phase 4, Section 1 as shown on the recorded plat is hereby approved.

Passed and adopted this 16<sup>th</sup> day of November, 2020.

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

ATTEST:

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

LEGAL FORM APPROVED:

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



**REQUEST:** *Approval of Resolution 20-165*  
**SUBMITTED BY:** Tom Wolf, City Engineer  
**DATE:** November 2, 2020  
**RE:** Acceptance of Road ROW & Public Improvements for Brixworth Phase 4, Section 1  
**ATTACHMENTS:** Resolution 20-165, Certificate of Satisfactory Completion, Final Plat

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**PURPOSE:**

The purpose of this memo is to provide information regarding a resolution to accept the dedication of road rights-of-way and public improvements for Brixworth Phase 4, Section 1 as recommended by the Planning Commission.

**BACKGROUND:**

The Planning Commission recommends accepting the road rights-of-way and public improvements for Brixworth Phase 4, Section 1, per PC Resolution 20-78 passed by the Planning Commission on October 12, 2020. 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.



## CERTIFICATE OF SATISFACTORY COMPLETION

Date: 10/9/20

Smart Living, LLC

Brixworth

Phase 4 Section 1

Development Name: Smart Living, LLC

Phase or Section of Construction: Phase 4 Section 1

Public Improvements: Water, sewer, storm water drainage and basins, streets, curbs, sidewalks, street signs, street lights, final topping

I hereby certify that I have supervised and inspected the improvements to ensure that the design intent has been achieved.

Record Drawings have been submitted by Applicant's engineer to the City pursuant to ordinance requirements.

Darrell Bryson  
City of Spring Hill Utility Inspector (signature)

Darrell Bryson  
Printed name

Approved By:

SARAH KATHERINE TOTTY  
City of Spring Hill Engineering Dept.

SKT  
Printed name

199 TOWN CENTER PARKWAY P.O. BOX 789 SPRING HILL, TN 37174

PHONE (931)486-2252 NASHVILLE LINE (615)248-6307 WILLIAMSON CO. (615)599-2614 FAX (931)486-0516



**FORM FOR OFFER OF  
IRREVOCABLE DEDICATION**

**AGREEMENT** made this \_\_\_ day of \_\_\_\_\_ 20\_\_\_, 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 2101 W. CLINTON AVENUE, STE. 201 hereinafter designated as the "developer". HUNTSVILLE, AL

**WHEREAS**, the Spring Hill Planning Commission is in the process of approving a subdivision plat entitled BRIXWORTH PHASE 4, dated 9/12/16 and prepared by WES ENGINEERS & SURVEYORS and SECTION I

**WHEREAS**, said plat designates certain public improvements consisting of Roads, Right of Way, water lines, sewer lines, storm drain, curbs, 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 PLATS 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 PLATS 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 16<sup>TH</sup> day of NOVEMBER, 2020, 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

10/29 2020  
Date

Developer Signature



(CORPORATE SEAL)

ATTEST:

April Good

FOR THE CITY OF SPRING HILL:

BY:

Signature

Printed Name

Dick Graham

November 16, 20 20

STATE OF TENNESSEE ALABAMA

(COUNTY OF MADISON)

On this 29 day of OCTOBER 2020, before me personally appeared LOUIS W. BRADY, to me known, who, being by me first duly sworn, did depose and say that he resides in FLORIDA; that he is the MANAGER of SMART LIVING LLC 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.



Patricia Acker

INDIVIDUAL