

RESOLUTION 22-249

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

WHEREAS, developer Ole South Properties has a recorded Final Plat for Derryberry Estates Section 2 in Maury County Plat Book P77, Page 87; 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 14, 2022, the City of Spring Hill Planning Commission recommended the Road Rights-of-Way and Public Improvements for Derryberry Estates Section 2 and 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 Derryberry Estates Section 2 as shown on the recorded plat is hereby approved.

Passed and adopted this 21th day of November, 2022.


Jim Hagaman, Mayor

ATTEST:


April Goad, City Recorder

LEGAL FORM APPROVED:


Patrick Carter, City Attorney



REQUEST: *Approval of Resolution 22-249*

SUBMITTED BY: Missy Stahl, CIP Manager

DATE: November 21, 2022

RE: To accept the dedication of road rights-of-way and public improvements for Derryberry Estates Section 2

ATTACHMENTS: Certificate of satisfaction, final plat

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 Derryberry Estates Section 2.

BACKGROUND:

Planning Commission has recommended the acceptance of the roads and public improvements within Derryberry Estates Section 3 by PC Resolution 22-97, approved on November 14, 2022. A certificate of satisfaction has been signed by City staff.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution 22-249 to accept the dedication of road rights-of-way and public improvements for Derryberry Estates Section 2.



CERTIFICATE OF SATISFACTORY COMPLETION

Date: 10/18/2022

Ole South Properties, Inc.

Derryberry Estates

Section 2

Development Name: Derryberry Estates

Phase or Section of Construction: Section 2

Public Improvements: Sidewalks, street lights, street signs, final asphalt, water, sewer, storm water drainage and infrastructure

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.

Tyler Scroggins
Development Inspector

Tyler Scroggins
Printed name:

Approved By:
Tyler Scroggins
Public Works Director

Tyler Scroggins
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 De South Properties, Inc., a Corporation, having its office and place of business at 262 Robert Rose Dr., Ste 300 hereinafter designated as the "developer". Murfreesboro, TN 37129

WHEREAS, the Spring Hill Planning Commission is in the process of approving a subdivision plat entitled Derryberry Estates Sec 2 dated 8/12/2019 and prepared by SEC, Inc. and

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 21st day of November, 2022, 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:

Ole South Properties, LLC

10/20 2022
Date

[Signature]
Developer Signature

STATE OF TENNESSEE

(COUNTY OF Rutherford)

On this 21 day of October, 2022, before me personally appeared John D. Floyd, to me known, who, being by me first duly sworn, did depose and say that he resides in Murfreesboro; that he is the President of Ole South Properties; that he signed his name thereto by like order and authority of the Board of Directors of said corporation, and that.

Kim B. Lockhart
INDIVIDUAL OF STATE OF TENNESSEE
my commission expires 6/1/23
NOTARY PUBLIC
RUTHERFORD COUNTY
FOR THE CITY OF SPRING HILL

ATTEST: April Bead

BY: [Signature]
Signature
Jim Hagaman, Mayor
Printed Name

November 21 2022



(CORPORATE SEAL)