

RESOLUTION 2009-14

TO BE ENTITLED: "A RESOLUTION TO AUTHORIZE THE CONSTRUCTION OF SANITARY SEWER IMPROVEMENTS IN AND TO ESTABLISH A SPECIAL ASSESSMENT DISTRICT FOR THE MONTICELLO SUBDIVISION AREA."

WHEREAS, the City of Franklin, by Ordinance 2007-17, has annexed into the City some 73.19 acres Located east of Hillsboro Road (SR 106, US 431) and south of Fieldstone Farms Subdivision, generally known as the Monticello Subdivision; and

WHEREAS, pursuant to T.C.A. §§ 7-33-101 to 314, the Board of Mayor and Aldermen of the City has determined that it would be in the best interest of the property owners residing in the annexed area and of the public generally to construct sanitary sewer improvements in the area hereinafter described and to assess a portion of the cost of the said improvements against the properties to be benefited;

NOW THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, as follows:

1. The following sanitary sewer improvements shall be constructed:

A public sanitary sewer system for the Monticello Subdivision Area located in public rights-of-way and sanitary sewer easements consisting of gravity sewer lines with all required appurtenances (such as manholes, service connections to each property, etc.) for a fully operational system. Individual service lines within the properties and all costs associated with the conversion from individual septic disposal system to the gravity system through the service lines shall be the responsibility of the individual property owners.

2. The geographic limits of the properties to be benefited are as follows:

Map-Parcel	STREET ADDRESS	Acres
052J A 00100	221 SPENCER CREEK RD	0.52
052J A 00200	406 REVERE LN	0.61
052J A 00300	404 REVERE LN	1.04
052J A 00400	402 REVERE LN	0.51
052J A 00500	124 POTEAT PL	0.55
052J A 00600	122 POTEAT PL	0.83
052J A 00700	120 POTEAT PL	0.54
052J A 00800	118 POTEAT PL	0.49
052J A 00900	116 POTEAT PL	0.54
052J A 01000	114 POTEAT PL	0.52
052J A 01100	112 POTEAT PL	0.50
052J A 01200	110 POTEAT PL	0.50
052J A 01300	108 POTEAT PL	0.50

Map-Parcel	STREET ADDRESS	Acres
052J A 01400	106 POTEAT PL	0.50
052J A 01500	104 POTEAT PL	0.50
052J A 01600	102 POTEAT PL	0.55
052J A 01700	100 POTEAT PL	0.67
052J B 00100	203 JEFFERSON DR	0.67
052J B 00200	105 POTEAT PL	0.60
052J B 00300	107 POTEAT PL	0.56
052J B 00400	109 POTEAT PL	0.55
052J B 00500	111 POTEAT PL	0.55
052J B 00600	113 POTEAT PLACE	0.52
052J B 00700	115 POTEAT PL	0.47
052J B 00800	117 POTEAT PL	0.65
052J B 00900	302 REVERE LN	0.70
052J B 01000	300 REVERE LN	0.52
052J B 01100	206 REVERE LN	0.54
052J B 01200	204 REVERE LN	0.59
052J B 01300	202 REVERE LN	0.61
052J B 01400	200 REVERE LN	0.90
052J B 01500	102 REVERE LN	1.08
052J B 01600	100 REVERE LN	0.62
052J B 01700	201 JEFFERSON DR	0.69
052O A 00100	101 REVERE LN	0.51
052O A 00200	103 REVERE LN	0.49
052O A 00300	124 WILLIAMSBURG PL	0.53
052O A 00400	122 WILLIAMSBURG PL	0.68
052O A 00500	120 WILLIAMSBURG PL	0.60
052O A 00600	118 WILLIAMSBURG PL	0.55
052O A 00700	116 WILLIAMSBURG PL	0.49
052O A 00800	114 WILLIAMSBURG PL	0.50
052O A 00900	112 WILLIAMSBURG PL	0.50
052O A 01000	110 WILLIAMSBURG PL	0.50
052O A 01100	108 WILLIAMSBURG PL	0.50
052O A 01200	106 WILLIAMSBURG PL	0.50
052O A 01300	104 WILLIAMSBURG PL	0.50
052O A 01400	102 WILLIAMSBURG PL	0.50
052O A 01500	100 WILLIAMSBURG PL	0.95
052O A 01600	103 MONTICELLO RD	0.77
052O A 01700	105 MONTICELLO RD	0.50
052O A 01800	107 JEFFERSON DR	0.50
052O A 01900	109 JEFFERSON DR	0.50
052O A 02000	111 JEFFERSON DR	0.50
052O A 02100	113 JEFFERSON DR	0.50

Map-Parcel	STREET ADDRESS	Acres
0520 A 02200	115 JEFFERSON DR	0.50
0520 A 02300	117 JEFFERSON DR	0.50
0520 A 02400	119 JEFFERSON DR	0.50
0520 A 02500	121 JEFFERSON DR	0.50
0520 A 02600	123 JEFFERSON DR	0.50
0520 A 02900	101 MONTICELLO RD	0.62
0520 A 03000	199 MONTICELLO RD	0.55
0520 A 03100	201 MONTICELLO RD	0.55
0520 A 03200	203 MONTICELLO RD	0.55
0520 A 03300	205 MONTICELLO RD	0.55
0520 A 03400	301 MONTICELLO RD	0.55
0520 A 03500	303 MONTICELLO RD	0.56
0520 B 00100	125 WILLIAMSBURG PL	1.65
0520 B 00400	120 ARLINGTON PL	0.54
0520 B 00500	118 ARLINGTON PL	0.55
0520 B 00600	116 ARLINGTON PL	0.54
0520 B 00700	114 ARLINGTON PL	0.49
0520 B 00800	112 ARLINGTON PL	0.49
0520 B 00900	110 ARLINGTON PL	0.49
0520 B 01000	108 ARLINGTON PL	0.50
0520 B 01100	106 ARLINGTON PL	0.50
0520 B 01200	104 ARLINGTON PL	0.53
0520 B 01300	102 ARLINGTON PL	0.63
0520 B 01400	100 ARLINGTON PL	0.51
0520 B 01500	204 MONTICELLO RD	0.50
0520 B 01600	101 WILLIAMSBURG PL	0.58
0520 B 01700	103 WILLIAMSBURG PL	0.52
0520 B 01800	105 WILLIAMSBURG PL	0.52
0520 B 01900	107 WILLIAMSBURG PL	0.52
0520 B 02000	109 WILLIAMSBURG PL	0.53
0520 B 02100	111 WILLIAMSBURG PL	0.52
0520 B 02200	113 WILLIAMSBURG PL	0.52
0520 B 02300	115 WILLIAMSBURG PLACE	0.53
0520 B 02400	117 WILLIAMSBURG PL	0.54
0520 B 02500	121 WILLIAMSBURG PL	0.51
0520 B 02600	123 WILLIAMSBURG PL	0.59
0520 C 00100	101 ARLINGTON PL	0.55
0520 C 00200	103 ARLINGTON PL	0.53
0520 C 00300	105 ARLINGTON PL	0.47
0520 C 00400	107 ARLINGTON PL	0.49
0520 C 00500	109 ARLINGTON PL	0.50
0520 C 00600	111 ARLINGTON PL	0.50

Map-Parcel	STREET ADDRESS	Acres
052O C 00700	113 ARLINGTON PL	0.50
052O C 00800	115 ARLINGTON PL	0.50
052O C 00900	117 ARLINGTON PL	0.50
052O C 01000	119 ARLINGTON PL	0.52
052O C 01100	123 ARLINGTON PL	0.63
052O C 01200	125 ARLINGTON PL	0.52
052O C 01300	303 REVERE LN	0.52
052O C 01400	225 POTEAT PL	0.53
052O C 01500	401 REVERE LN	0.65
052O C 01600	405 REVERE LN	0.69
052O C 01700	233 SPENCER CREEK RD	0.64

Commencing at a point along the west right-of-way line of Spencer Creek Road, which is the northeast corner of parcel 00100, map 052J A, all parcels being referenced to Tennessee State Board of Equalization Maps, as may be revised, which is also the point of beginning.

Thence south 275 feet along the east lines of parcels 00100 and 00200 to the southeast corner of parcel 00200; thence south 105 feet along the east line of parcel 00200, if extended, to the northeast corner of parcel 01600, map 052O C; thence south 260 feet along the east line of parcels 01600 and 01700 to the southeast corner of parcel 01700; thence west 196 feet along the south line of parcel 01700 to the southwest corner of parcel 01700; thence north 123 feet along the west line of parcel 01700 to the southeast corner of parcel 01500; thence southwest 194 feet along the south line of parcel 01500 to the southwest corner of parcel 01500; thence southwest 89 feet along the south line of parcel 01500, if extended, to the southeast corner of parcel 01400; thence southwest 210 feet along the south line of parcel 01400 and 01300 to the northeast corner of parcel 01100; thence south 1369 feet along the east line of parcel 01100, 01000, 00900, 00800, 00700, 00600, 00500, 00400, 00300 and 00200 to the southeast corner of parcel 00200; thence southwest 54 feet along the south line of parcel 00200 to the northeast corner of parcel 00100; thence southeast 184 feet along the east property line of parcel 00100 to the southeast corner of parcel 00100; thence south 70 feet along the east line of parcel 00100, if extended, to the northeast corner of parcel 03500, Map 052O A; thence southeast 195 feet along the east property line of parcel 03500 to the southeast corner of parcel 03500; thence west 915 feet along the south line of parcels 03500, 03400, 03300, 03200, 03100, 03000 and 02900 to the southwest corner of parcel 02900; thence north 190 feet along the west line of parcel 02900 to the northwest corner of parcel 02900; thence north 109 feet along the west line of parcel 02900, if extended, to the southwest corner of parcel 01500; thence northwest 1717 feet along the west line of parcels 01600, 01700, 01800, 01900, 02000, 02100, 02200, 02300, 02400, 02500, 02600 and 00100 to the northwest corner of parcel 00100; thence 105 feet along the west line of parcel 00100, if extended, to the southwest corner of parcel 01600, map 052J B; thence northwest 446 feet along the west property line of parcel 01600, 01700 and 00100 to the northwest corner of parcel 00100; thence northwest 107 feet along the west line of parcel 00100, if extended, to the

southwest corner of parcel 01700, map 052J A; thence northwest 245 feet along the west parcel line of parcel 01700 to the northwest corner of parcel 01700; thence east 2107 feet along the north parcel line of parcel 01700, 01600, 01500, 01400, 01300, 01200, 01100, 01000, 00900, 00800, 00700, 00600, 00300 and 00100 to the northeast corner of parcel 00100 which is also the point of beginning and containing 61.73 acres in parceled land.

Pursuant to T.C.A. §7-33-311, the Board may authorize additional properties to be benefitted by the improvements and make equitable provisions so that any later-added properties bear their proportional share of the costs of the improvements.

3. Based upon a preliminary estimate prepared by David Parker, City Engineer, an engineer licensed by the State of Tennessee, the total costs of the above improvements is \$1,770,000.00, which includes the construction cost for those improvements directly associated with providing a sanitary sewer collection system for the Monticello Subdivision. All improvements will be designed by, and construction supervised by, an engineer licensed by the State of Tennessee.

4. It is the intention of the Board that One Hundred (100%) of the cost of the improvements shall be assessed against the benefitted properties listed in paragraph 2 and that improvement assessments shall be assessed annually against the benefitted property in the proportion that the assessed value of each lot or parcel bears to the whole assessed value of the benefitted properties, pursuant to T.C.A. §§7-33-310 to 314. The Board hereby pledges the full faith and credit of the city to satisfy any deficiency in collections of assessments for the improvements.

5. The benefitted property owners shall pay off the total assessments authorized herein over a term of thirty (30) years. Improvement assessments shall be made annually by the Board when the levy of municipal property taxes is made and such assessments shall be due at the same time or times as the municipal property taxes are due, and shall be subject to the same penalties and interest, in the event of nonpayment, as are municipal property taxes. The Board may also permit benefitted property owners to pay in monthly installments. In the event any monthly payment shall be delinquent thirty (30) days after it is due and payable, and the whole balance of the improvement assessment shall then become delinquent and be subject to all penalties and interest as provided in this resolution.

6. An unpaid annual assessment, with penalty and interest, shall constitute a lien against the property, lot, or parcel against which it is assessed, shall attach as of the date the improvement assessment

is made, and shall take precedence over all other liens, save those for state, county, and municipal property taxes, and any prior special assessments. Such liens shall otherwise have such priority and shall be enforceable as is provided in T.C.A. §7-33-314.

7. It is understood that the City is bound by the terms of this resolution as to the estimated cost of the project, however, the total cost assessed may exceed the estimate by up to 10%.

8. Once the proposed improvements are complete, each benefitted property shall have one hundred eighty (180) days from receipt of notice from the Public Works Department of the City of Franklin, to connect to such facilities, as provided in Section 18-204 (4), or as amended, of the Franklin Municipal Code and the system development fee (SDF) and effluent disposal fee (EDF) shall be due at the time the connection is made (the Board of Mayor and Aldermen has waived the payment of the City's sewer access fee and the installation charge), and thereafter the benefitted owner shall be billed monthly for sewer services as are all other customers of the sanitary sewer system of the City.

9. A public hearing was held on May 26, 2009 at 7:00 P.M. before the Board of Mayor and Aldermen, at which time the benefitted property owners appeared and were heard on the issue of whether the proposed improvements shall be undertaken as planned, or abandoned; whether the nature and scope of the improvements should be altered; and whether the improvements should be financed through the issuance of bonds on the "assessed value basis" as authorized by T.C.A. §§7-33-301 to 314.

10. Following the said public hearing, the Board (confirmed, amended or rescinded) this original resolution, as its final action pursuant to TCA §7-33-304. Such final action shall be the final determination of all issues presented, unless the owner of any property to be benefitted files, within ten (10) days of such final action, a petition for certiorari in the Williamson County Circuit Court, to review such action.

IT IS SO RESOLVED AND DONE THIS 26th DAY OF May, 2009.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____
ERIC S. STUCKEY
City Administrator/Recorder

By: _____
JOHN SCHROER
Mayor