



HISTORIC  
FRANKLIN  
TENNESSEE

ITEM #27  
BOMA  
08/24/2010

## MEMORANDUM

August 3, 2010

TO: Board of Mayor and Aldermen

FROM: Eric J. Gardner, P.E., Director of Engineering  
Eric S. Stuckey, City Administrator  
David Parker, P.E., CIP Project Executive

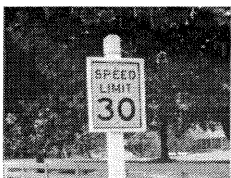
SUBJECT: Fieldstone Farms Decorative Sign Frames and Posts Ownership and Maintenance Agreement; COF Contract No. 2010-0111

### **Purpose**

The purpose of this memorandum is to present to the Board of Mayor and Aldermen (BOMA) a request made by the Fieldstone Farms Homeowners Association (HOA) to install, own and maintain decorative sign frames and posts for traffic control signs on Spencer Creek Road.

### **Background**

The Fieldstone Farms Development owns and maintains decorative sign frames and posts for most of the traffic control signs in the subdivision (see examples below). Recently, HOA representatives have requested that decorative sign frames and posts be added for twelve (12) existing traffic control signs on Spencer Creek Road located within the subdivision. The signs include four (4) stop signs, four (4) speed limit signs, and four (4) 'stop ahead' signs. The HOA would be responsible for the installation of the decorative sign frames and posts and would assume ownership and maintenance responsibilities after installation.



The City still provides the actual traffic control sign and will continue ownership and maintenance, similar to all other signs in the Fieldstone Farms subdivision. The City will also reserve the right to modify the type of traffic control signs, if the need occurs. The HOA has reviewed the proposed agreement and agrees with the language as written.

### **Financial Impact**

None.

### **Recommendation**

Staff recommends approval of COF Contract No. 2010-0111.

**OWNERSHIP AND MAINTENANCE AGREEMENT FOR THE  
DECORATIVE SIGN FRAMES AND POSTS FOR TRAFFIC CONTROL  
SIGNS ON SPENCER CREEK ROAD**

**COF Contract No. 2010-0111**

This contract between **Fieldstone Farms Homeowners Association** ("Development"), the **City of Franklin, Tennessee** ("City"), entered into on this the \_\_\_\_ day of \_\_\_\_\_ **2010**.

**WHEREAS**, the traffic control signs within the Fieldstone Farms Subdivision ("Subdivision") have been installed with decorative sign frames and posts; and

**WHEREAS**, the Development owns and maintains the existing decorative sign frames and posts within the Subdivision; and

**WHEREAS**, the traffic control signs on Spencer Creek Road within the Subdivision are not installed with decorative sign frames and posts; and

**WHEREAS**, the Development has requested that decorative sign frames and posts be installed for the four (4) STOP signs, four (4) SPEED LIMIT signs, and the four (4) STOP AHEAD signs on Spencer Creek Road; and

**WHEREAS**, the City reserves the right to identify, establish, and modify the type of traffic control along Spencer Creek Road.

**NOW, THEREFORE**, the City and the Development, their successors and assigns, do hereby agree as follows:

1. The foregoing recitals are incorporated into this Agreement and made a part thereof.
2. The City agrees to permit the Development to install said decorative sign frames and posts on Spencer Creek Road within the Fieldstone Farms neighborhood upon the execution of this agreement.
3. The Development will be responsible and incur all costs associated with the installation and maintenance of said decorative sign frames and posts. The Development will also be responsible for the cost to modify, repair, replace or relocate said decorative sign frames and posts should the City realize the need to do so for purposes of public improvements within its right-of-way or as a result of identifying that the type of traffic control sign be modified.
4. In all other respects, the said decorative sign frames and posts will be maintained and repaired by the Development.

As approved by the Franklin Board of Mayor and Aldermen on this the \_\_\_\_ day of \_\_\_\_\_, 2010.

**CITY OF FRANKLIN, TENNESSEE**

By: \_\_\_\_\_  
**JOHN C. SCHROER**  
Mayor

\_\_\_\_\_  
**ERIC S. STUCKEY**  
City Administrator/Recorder

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**FIELDSTONE FARMS HOA**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Kristen L. Corn, Staff Attorney

STATE OF TENNESSEE )  
 )ss:  
COUNTY OF WILLIAMSON )

Before me, the undersigned Notary Public of said County and State, personally appeared **John C. Schroer** and **Eric S. Stuckey**, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged themselves to be the Mayor and City Administrator/Recorder, respectively, of the City of Franklin, Tennessee, the within named bargainer, a corporation, and that as such Mayor and City Administrator/Recorder executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by themselves as Mayor and City Administrator/Recorder.

WITNESS, my hand and seal on this the \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
**Notary Public**  
**My Commission expires:**

STATE OF TENNESSEE )  
 )ss:  
COUNTY OF WILLIAMSON )

Before me, the undersigned Notary Public of said County and State, personally appeared \_\_\_\_\_ with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the \_\_\_\_\_ of Fieldstone Farms Homeowners Association and that as such \_\_\_\_\_ being authorized so to do, executed the foregoing instrument for the purposes therein contained.

WITNESS, my hand and seal on this the \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
**Notary Public**  
**My Commission expires**