

ITEM #10
BOMA
08/24/10

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE WILLIAMSON COUNTY BOARD OF EDUCATION

And

THE CITY OF FRANKLIN

Regarding

BREEZEWAY AREA ELEMENTARY PROJECT

This Memorandum of Understanding is entered into on the 23rd day of August, 2010, by and between the Williamson County Board of Education ("WCBOE") and the City of Franklin ("COF").

WITNESSETH:

WHEREAS, the Williamson County Board of Education is a county board of education and governmental entity formed under the laws of Tennessee, and is the local governmental entity granted authority for and the duty to discharge the obligation in Article XI, Section 12 of the Tennessee Constitution to provide public education in Williamson County, Tennessee; and

WHEREAS, the City of Franklin is a municipality and governmental entity formed under the laws of Tennessee, and is granted authority to enact zoning and other ordinances, and to establish a Planning Commission and other land use reviewing bodies under Tennessee law; and

WHEREAS, the WCBOE and the COF disagree about the legal application of the COF Zoning Ordinance to property owned by the WCBOE, and in particular to the building project known as the Breezeway Area Elementary project; to-wit:

1. The WCBOE takes the position that it is not required by law to adhere to the requirements or procedures of the COF Zoning Ordinance, including any use designation or other requirements, for property that WCBOE owns and uses for educational or governmental purposes, and further recognizes that under Tennessee law WCBOE may override decisions regarding these matters made by COF for its property; and
2. The COF takes the position that the WCBOE is subject to the requirements and procedures found in its Zoning Ordinance as with other owners of property located within the city limits; however, the COF understands that the WCBOE may, under

certain circumstances, override a denial by the COF by a majority vote of the WCBOE; and

WHEREAS, both the WCBOE and the COF recognize and agree that engaging in a legal dispute regarding this disagreement is not in the best interests of the parents and students of Williamson County and the citizens of Franklin, Tennessee; and

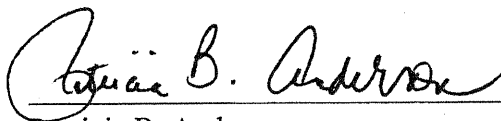
WHEREAS, administrative officials for WCBOE and COF met on June 30, 2010, to attempt to reach a solution acceptable to both parties; and

WHEREAS, the WCBOE and the COF believe the interests of the parents and students of Williamson County and the citizens of Franklin, Tennessee, will be best served if the two governmental bodies a) cooperate and act in good faith with each other while recognizing each other's authority and the need to preserve their legal positions, b) apply principles of good governance in reaching solutions, and c) set aside their disagreement as to the application of law and work together.

NOW, THEREFORE, the WCBOE and the COF agree as follows:

1. The WCBOE will, for this project, reserve asserting its legal position relative to the application of the Franklin Zoning Ordinance and, accordingly, submit a rezoning request and site plan for review by the COF. The WCBOE agrees to make a good faith attempt to comply with the procedures established by COF for these procedures, while also recognizing and reserving its rights under Tennessee law to override decisions reached by COF regarding the use of WCBOE property.
2. The COF will expedite its review procedures as discussed at the administrative meeting between WCBOE and COF officials held on June 30, 2010. The COF agrees to review all submittals by WCBOE in good faith and in compliance with the terms and spirit of this Memorandum. The COF agrees to begin its building codes review on or about July 13, 2010, pending review of the other submittals, to make a good faith effort to have the rezoning request fully reviewed and either approved or disapproved by August 24, 2010, and to make a good faith effort to have the site plan fully reviewed and either approved or disapproved by August 26, 2010.

IN WITNESS WHEREFORE, the parties have caused this Memorandum of Understanding to be signed by their duly authorized signatories.



Patricia B. Anderson
Chairman,
Williamson County Board of Education

John Schroer
Mayor, City of Franklin

Attest:

Eric Stuckey
City Administrator, City of Franklin