



HISTORIC  
FRANKLIN  
TENNESSEE

ITEM #7  
WRKS 01/11/2011

MEMORANDUM

January 6, 2011

To: Board of Mayor and Alderman

From: Eric Stuckey, City Administrator *Eric*  
Vernon Gerth, ACA-Community & Economic Development  
David Parker, City Engineer/CIP Executive  
Eric Gardner, Engineering Department Director  
Mark Hilty, Water Department Director

Subject: Margaret Ford's Request – Maintenance of an existing septic system

During the previous Board and Mayor and Alderman Worksession and the discussion pertaining to the establishment of an sanitary sewer assessment district in the Boyd Mill Avenue area, Ms. Margaret Ford, 3242 Boyd Mill Avenue, requested the City provide her with a written commitment that assured her she or any future owners of her property would not be required to connect to the City public sanitary sewer system after it becomes available. Following the worksession staff contacted the Williamson County Sewerage Disposal Department (WCSDD) to confirm their policy relating to this issue. The WCSDD, who is authorized though state law to oversee and regulate alternative sewerage systems (which includes septic systems) throughout Williamson County reiterated that as a part of the county's process in permitting new, alternative sewerage systems or, repairs to existing alternative sewerage systems, the county contacts the local municipality or public sewer provider to determine the availability of a public sanitary sewer system. The in case of our community, this query is made to the Engineering Department. In determining availability, Municipal Code Section 18-204(4) states in part... *"The connection to the public sanitary sewer system shall be required at the property owner's expense including all applicable connection and tap fees provided said public sewer is within 200 feet of the property line or easement on which the principal structure is located"*.

However, the BOMA may provide a waiver from connecting to the public sanitary sewer system if unique circumstances exist and the WCSDD determines that the property has met the criteria for a new system or a repair to an existing septic is permissible.

Furthermore, the BOMA recently amended Section 18-205 of the Municipal Code that specifically allows existing septic systems to be maintained indefinitely, provided the septic system is inspected every five (5) years and determined to be in compliance with WCSDD requirements.

**Conclusion**

Staff concludes the City's Municipal Code and the Williamson County Sewerage Disposal Department binding enforcement responsibilities and policies are sufficient to allow property owners whose property is served by an properly functioning septic system to be maintained whether or not is has access to our public sanitary sewer system provided the septic system is inspected every five (5) years and determined to be in compliance with WCSDD requirements. Additionally, City Ordinances and WCSDD requirements allow for the installation of new septic systems if the property meets WCSDD requirements and the BOMA so chooses to grant an exception to Municipal Code Section 18-204(4) based on unique circumstances. Staff will forward a copy of this memorandum to Ms. Ford after the January 11, 2011 BOMA Board Meeting.

**ORDINANCE 2010-76**

**TO BE ENTITLED: "AN ORDINANCE TO ESTABLISH THE SPECIAL ASSESSMENTS FOR THE SANITARY SEWER IMPROVEMENTS IN THE BOYD MILL AVENUE AREA."**

**WHEREAS**, the City of Franklin, by Ordinance 98-13, has annexed into the City some 120 acres, more or less, located south of State Route 96 West and west of Downs Boulevard, generally known as the Boyd Mill Avenue Area; 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; and

**WHEREAS**, the Board of Mayor and Aldermen of the City of Franklin passed on second and final reading on November 10, 2009, Ordinance 2009-71; An Ordinance to Authorize the Establishment of a Special Assessment District for and the Construction of Sanitary Sewer Improvements in the Boyd Mill Avenue Area;

**NOW THEREFORE:**

**SECTION I: BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN**

**OF THE CITY AS FOLLOWS:**

1. The following sanitary sewer improvements have been constructed and upon final approval of this Ordinance shall be ready for use:

**A public sanitary sewer system for the Boyd Mill Avenue Area located in public rights-of-way and easements consisting of gravity and low pressure sewer lines with all required appurtenances (such as manholes, air release valves, service connections to each property, etc.) for a fully operational system. Individual service lines within the properties, electrical & plumbing work, and the grinder pump assemblies shall**

**be the responsibility of the individual property owners.**

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

(See **Exhibit A – Map of Boyd Mill Sewer Assessment District** attached)

Map-Parcel	Acres
64-28.02	7.33
64-28.03	5.06
64-29.00	5.50
64-30.00	1.67
64-33.00	0.73
64-33.01	0.65
64-34.00	0.36
77-2.01	15.30
77-2.02	12.77
77-3.00	0.61
77-4.00	0.52
77-5.00	1.06
77-6.00	1.00
77-7.00	6.47
77-7.01	2.54
77-8.00	1.71
77-9.00	4.44
77-10.00	1.03
77-11.00	3.76
77-12.00	19.56
77-13.00	39.59
77-13.02	1.32
77-13.03	1.01
77-14.00	1.40
77-14.01	1.38
77-15.00	0.44
77-16.00	0.40
77-17.00	0.87

Commencing at a point along the south right-of-way line of New Highway 96 West, which is the northwest corner of parcel 28.02, Map 64, all parcels being referenced to Tennessee State Board of Equalization Maps, as may be revised, which is also the point of beginning.

Thence east 390 feet along the north line of parcel 28.02 to the northwest corner of parcel 28.02, which is also a point along the south right-of-way line of New Highway 96 West and the west right-

of-way line of Boyd Mill Avenue; thence east 175 feet along the north line of parcel 28.02, if extended to a point along the south right-of-way line of New Highway 96 West and the east right-of-way line of Boyd Mill Avenue; thence southwest 390 feet along the east right-of-way line of Boyd Mill Avenue to the northeast corner of parcel 29.00; thence south 195 feet along the east line of parcel 29.00; thence east 1,675 feet along the north line of parcels 29.00, 7.00, and 12.00 to the northeast corner of parcel 12.00; thence south 50 feet along the east line of parcel 12.00 to the northwest corner of parcel 13.00; thence east 1,090 feet along the north line of parcel 13.00 to the northeast corner of parcel 13.00, which is also a point along the west right-of-way line of Downs Boulevard; thence south 1,705 feet along the east line of parcel 13.00 to the southeast corner of parcel 13.00, which is also a point along the west right-of-way line of Downs Boulevard and the north right-of-way line of Boyd Mill Avenue; thence west 110 feet along the south line of parcel 13.00; thence south 20 feet along the north right-of-way line of Boyd Mill Avenue; thence west 180 feet along the south line of parcel 13.00; thence south 50 feet along the east line of parcel 14.00, if extended to a point along the south right-of-way line of Boyd Mill Avenue; thence south 385 feet along the east line of parcel 14.00 to the southeast corner of parcel 14.00; thence west 505 feet along the south line of parcels 14.00, 14.01, and 17.00 to the southwest corner of parcel 17.00, which is also a point along the east right-of-way line of Horton Lane; thence west 70 feet along the south line of parcel 17.00, if extended to a point along the west right-of-way line of Horton Lane; thence south 715 feet along the east line of parcel 2.01; thence east 20 feet along the west right-of-way line of Horton Lane; thence south 175 feet along the east line of parcel 2.01 to the southeast corner of parcel 2.01, which is also a point along the west right-of-way line of Horton Lane; thence west 465 feet along the south line of parcel 2.01 to the southwest corner of parcel 2.01; thence northwest 230 feet along the south line of parcels 2.01 and 2.02; thence west 165 feet along the south line of parcel 2.02; thence southwest 260 feet along the south line of parcel 2.02 to the southeast corner of parcel 2.02; thence northwest 245 feet along the west line of parcel 2.02; thence northeast 110 feet along the west line of parcel 2.02; thence north 1,160 feet along the west line of parcel 2.02 to the northwest corner of parcel 2.02, which is also a point along the south right-of-way line of Boyd Mill Avenue; thence northwest 950 feet along the south right-of-way line of Boyd Mill Avenue to the southeast corner of parcel 33.01; thence southwest 25 feet along the east line of parcel 33.01; thence northwest 300 feet along the south line of parcel 33.01 to the southeast corner of parcel 28.03; thence west 610 feet along the south line of parcel 28.03; thence north 1,290 feet along the west line of parcels 28.03 and 28.02 to the northwest corner of parcel 28.02 which is also the point of beginning, and containing 138.48 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 the Final Quantities and Change Orders for the construction of the sanitary sewer improvements for the Boyd Mill Avenue Area, David Parker, City Engineer/CIP

Executive, an engineer licensed by the State of Tennessee, has verified that the project costs to be

used to calculate the property assessments for those improvements directly associated with providing a sanitary sewer collection system for the Boyd Mill Avenue Area is EIGHTY-FIVE THOUSAND NINE HUNDRED FIFTY-FOUR AND 44/100 DOLLARS (\$85,954.44). Said sanitary sewer improvements were designed by, and construction was supervised by Smith Seckman Reid, Inc., an engineering firm licensed by the State of Tennessee.

4. It is the intention of the Board that One Hundred Percent (100%) of the verified cost for construction of the improvements shall be assessed against the benefited properties listed in paragraph 2 and that improvement assessments shall be assessed annually against the benefited property in the proportion that the assessed value of each lot or parcel bears to the whole assessed value of the benefited 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 benefited property owners shall be allowed to pay off the total assessments authorized herein over a term of twenty (20) 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, the whole balance of the improvement assessment shall then become delinquent and be subject to all penalties and interest as provided in this Ordinance.

6. The 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. Upon final approval of this Ordinance and the completion and acceptance by the City of the sanitary sewer improvements, each benefitted property shall be notified of sanitary sewer availability by the City and shall be allowed to connect to such facilities, as provided in Section 18-204 (4), or as amended, of the Franklin Municipal Code, and thereafter the benefitted owner shall be billed monthly for sewer services at the City's prevailing Minimum Bill. Upon connection to the sanitary sewer system the benefitted owner shall be billed a monthly sewer service charge as are all other customers of the sanitary sewer system of the City. Should the benefitted property not receive service from a public water system, the monthly sewer service charge shall be the City's Minimum Bill. 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).

8. A public hearing shall be held on **January 11, 2011 at 7:00 P.M. before the Board of Mayor and Aldermen**, at which time the benefitted property owners may appear and be heard on the issue of whether the nature and scope of the assessments 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.

9. Following the said public hearing, the Board shall confirm, amend or rescind this original Ordinance, 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.

**SECTION II: BE IT FINALLY ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE,** that this Ordinance shall take effect from and after its passage on second reading, the health, safety, and welfare of the citizens requiring it.

**ATTEST:**

**CITY OF FRANKLIN, TENNESSEE:**

By: \_\_\_\_\_  
**ERIC S STUCKEY**  
City Administrator/Recorder

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

**Approved As To Form By Shauna Billingsley, City Attorney**

PASSED FIRST READING: \_\_\_\_\_

PUBLIC HEARING: \_\_\_\_\_

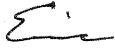
PASSED SECOND READING: \_\_\_\_\_



HISTORIC  
FRANKLIN  
TENNESSEE

November 8, 2010

**TO:** Board of Mayor and Aldermen

**FROM:** Eric Stuckey, City Administrator   
David Parker, City Engineer/CIP Executive

**SUBJECT:** **Items 4 & 5 of November 11<sup>th</sup> CIC Agenda**  
**Ordinance 2010-76 – Boyd Mill Ave Assessments**  
**Ordinance 2010-77 – Country Road Assessments**

**Purpose**

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information to consider: 1) Ordinance 2010-76 for the Sanitary Sewer Assessments for Boyd Mill Avenue Area Assessment District; and 2) Ordinance 2010-77 for the Sanitary Sewer Assessments for the Country Road Estates Area Assessment District.

**Background**

On November 10, 2009 the Franklin Board of Mayor and Aldermen (BOMA) approved the ordinances creating the two assessment districts – Boyd Mill Avenue Area and Country Road Estates Area. Since that time, the City has been progressing with the construction of the improvements necessary to provide the sanitary sewer services as needed in the two assessment district. Even though the two projects are not ready to be closed out due to them being a part of a larger project funded under the American Recovery and Reinvestment Act (ARRA), the two project's; Boyd Mill and Country Road; final construction costs are known and the City can proceed with the establishment of the individual property assessments.

The two ordinances are presented with the term payment of twenty (20) years and the waiving of the sewer access fee and the installation charge. Also, there is no requirement for connection, but upon notification of sanitary sewer availability, each property will be billed a minimum sanitary sewer charge. These conditions are as staff understands BOMA's intent and Title 18 of the Municipal Code dictates how connection requirements are to be handled for assessment districts and/or any other connection to the City's sanitary sewer system.

**Financial Impact**

There are no additional costs to the City other than maintenance of the two low-pressure sanitary sewer systems.

**Recommendation**

Approval of Ordinance 2010-76 and Ordinance 2010-77 as presented is recommended.