

**ORDINANCE 09-28**

**AN ORDINANCE TO AMEND  
THE MASTER DEVELOPMENT PLAN  
OF STONECREEK AND COBBLESTONE  
PLANNED UNIT DEVELOPMENTS**

**WHEREAS**, the Master Development Plan of the COBBLESTONE and STONECREEK Planned Unit Developments (PUDs) called for the owner to lease certain real property to the YMCA for construction of a swimming pool, a building for the YMCA and several outdoor recreational fields; and

**WHEREAS**, it became apparent that the property could not be leased to the YMCA and therefore an amendment to the Master Development Plans is being requested by the respective developers, Taylor Golden (COBBLESTONE) and Rock Creek Development, LLC (STONECREEK) to revise the plan accordingly; and

**WHEREAS**, the current owners of such property shall convey by Special Warranty Deed the property to the YMCA of Middle Tennessee with the stipulation that the improvements above described, and being described in the deeds shall be constructed in a five (5) year period; and

**WHEREAS**, if construction is not completed by such time as the property ever ceases to be a YMCA the property shall revert back to the owners herein described for the purpose of open space or amenities for the respective subdivision development.

**BE IT THEREFORE ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF SPRING HILL, TENNESSEE:**

That the COBBLESTONE and STONECREEK Master Development Plans pursuant to Article X, Section 2.10 of the Spring Hill Zoning Ordinance be hereby approved as described herein.

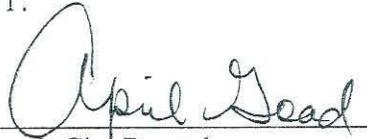
**BE IT FURTHER ENACTED**, that any ordinances or parts of ordinances in conflict herewith are hereby repealed.

**BE IT FURTHER ENACTED**, that this ordinance shall take effect from and after its passage and adoption, the public welfare requiring it.

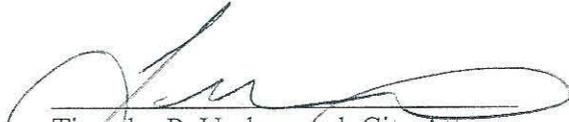
Passed and adopted by the Board of Mayor and Aldermen for the City of Spring Hill, Tennessee on the 20<sup>th</sup> day of July, 2009.

  
Michael Dinwiddie, Mayor

ATTEST:

  
April Goad, City Recorder

LEGAL FORM APPROVED:

  
Timothy P. Underwood, City Attorney

Passed First Reading: June 25, 2009

Passed Second Reading: July 20, 2009

THE LAW OFFICE OF  
STEPHANIE G. GARRISON

A PROFESSIONAL LIMITED LIABILITY COMPANY

5331 MAIN STREET  
POST OFFICE BOX 1800  
SPRING HILL, TN 37174

(931) 486-1551 TELEPHONE  
(615) 320-4030 TELEPHONE  
(931) 486-2525 FACSIMILE

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June 3<sup>rd</sup>, 2009

Mr. Ferrell White  
Director of Codes  
199 Town Center Parkway  
Spring Hill, TN 37174

*Re: YMCA Planned Unit Development Amendment Proposal*

Dear Mr. White:

The undersigned represents Taylor R. Golden in the matter regarded above. This letter serves as a Planned Unit Development Amendment Proposal as requested by the Planning Commission on Monday, June 1<sup>st</sup>, 2009. Attached please find a proposed Special Warranty Deed for your review.

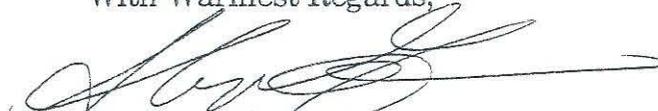
Previously, a meeting was held among land owners, city officials, and representatives of the YMCA, in which my client agreed to donate, transfer, and convey to the YMCA a parcel of land containing 9.95 acres, lying South East of Jim Warren Road, Maury County, Tennessee, shown on Map 44, a portion of Parcel 9, instead of leasing property to the YMCA as previously agreed upon. Said conveyance shall be subject to a proposed reversionary clause which states as follows:

Grantee shall have five (5) years from the date of signing this Special Warranty Deed to construct a building on said property for the purpose of erecting, operating, and maintaining a YMCA. Said building constructed shall be at minimum five thousand (5,000) square feet, and shall include at minimum a thirty (30) by sixty (60) foot outdoor swimming pool. In the event Grantee fails to construct said YMCA building and outdoor swimming pool as set forth herein and within the time period set forth herein, said property shall revert back to Grantor, his heirs and assigns for the purpose of open space and amenities for Cobblestone Development.

Should said property revert back to Taylor R. Golden, he hereby agrees to fulfill the previously agreed upon plans as approved on the original Cobblestone Planned Unit Development.

Should you have questions or concerns, please contact me as directed above.

With Warmest Regards,



Stephanie G. Garrison

STATE OF TENNESSEE

COUNTY OF MAURY

THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSACTION IS \$-0-

\_\_\_\_\_  
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME, THIS \_\_\_\_\_ DAY OF JUNE, 2009.

\_\_\_\_\_  
NOTARY PUBLIC

COMMISSION EXPIRES: \_\_\_\_\_

### Special Warranty Deed

THIS INSTRUMENT PREPARED BY AND RETURN TO:

**Southern Legacy Title and Escrow, LLC**  
P.O. Box 1800  
5331 Main Street  
SPRING HILL, TN 37174

Address of New Owner: YMCA of Middle Tennessee	Send Tax Bills To: Same	Map-Parcel Number part of 09-44.00
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For and in consideration of the sum of ten dollars & no/100 (\$10.00), cash in hand paid by the hereinafter named Grantee(s), and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged Taylor R. Golden, a married man, hereinafter referred to as Grantor(s), has bargained and sold, and by these presents does transfer and convey unto YMCA of Middle Tennessee, hereinafter called the Grantee(s), its heirs and assigns, a certain tract or parcel of land in Maury County, State of Tennessee, described as follows:

A tract of land located in the 3<sup>rd</sup> Civil District of Maury County, Tennessee. A portion of Parcel 9 shown on Tax Map 44, Tax Assessor's Office of Maury County, Tennessee. Bounded on the north, west, by the remaining lands of Alma Harris property, as recorded in Deed Book 187, page 614 in the Register's Office of Maury County, Tennessee, on the south by Rock Ivy Holdings, LLC as recorded in Deed Book R1867, page 893 and Deed Book R1870, page 22 in the Register's Office of Maury County, Tennessee and on the east by Lot 19 and Lot 20 of Rutherford Creek Acres as recorded in Plat Book 15, page 175-178 in the Register's Office of Maury County, Tennessee, and being more particularly described as follows.

Beginning at an iron pin set in the center of the intersection of two old lanes, said point being the south east corner of the Alma Harris property, as recorded in Deed Book 187, page 614 in the Register's Office of Maury County, Tennessee, said point also lying on the west boundary of Lot 20 of Rutherford Creek Subdivision (Plat Book 15/175-178) and being the north east corner of Rock Ivy Holdings, LLC (R1870/22);

Thence with the north line of Rock Ivy Holdings, LLC (R1870/22) and generally following the center of an old lane, North 82°34'09" West a distance of 172.64' to an iron pin set; Thence with Rock Ivy Holdings, LLC (R1867/893), North 82°34'11" West a distance of 818.51' to an iron pin set;

Thence severing the parent tract, North 07°25'49" East a distance of 435.51' to an iron pin set;

This parcel is subject to any and all easements, restrictions, and/or right of ways either by record and/or prescription that a complete and accurate title search may reveal. Access to this parcel is proposed to come from the extension of Derryberry Lane.

Said property is expressly conveyed subject to the following covenants and agreements:

1. Grantee shall have five (5) years from the date of signing this Special Warranty Deed to construct a building on said property for the purpose of erecting, operating, and maintaining a YMCA. Said building constructed shall be at minimum five thousand (5,000) square feet, and shall include at minimum a thirty (30) by sixty (60) foot outdoor swimming pool. In the event Grantee fails to construct said YMCA building and outdoor swimming pool as set forth herein and within the time period set forth herein, said property shall revert back to Grantor, his heirs and assigns for the purpose of open space and amenities for Cobblestone Development.

Note: The above property description is based on information gathered during the course of an actual field survey conducted by O'Leary and Associates, LLC, under the direction of Allen B. O'Leary, Tennessee Registered Land Surveyor Number 1987. All iron pins set are ½" Rebar, with a plastic cap stamped "O'Leary, RLS 1987". All deeds referenced above are of record in the Register's Office of Maury County, Tennessee. The above property description was prepared under my direction on this the 30<sup>th</sup> day of January 2008.

This property is unimproved property known as 9.95 Acres South East of Jim Warren Rd (part of Map/Parcel 09-44.00), Spring Hill, Tennessee 37174

The preparer of this instrument makes no representations or certifications as to the condition of title to the above-described property and has prepared this instrument without the benefit of a title search.

TO HAVE AND TO HOLD said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to said Grantee(s), their heirs and assigns, forever. Grantor(s) does hereby covenant with Grantee(s) that Grantor(s) has not made, done, executed, allowed or suffered any act, instrument or thing whatsoever whereby said land, or any part thereof, now or at any time hereafter shall be charged or encumbered in any manner whatsoever; and Grantor(s) does further covenant and bind itself, its successors and representatives, to warrant and forever defend the title to said land to said Grantee(s), their heirs and assigns, against the lawful claims of all persons claiming by, through or under said Grantor, but not otherwise. Wherever used, the plural shall included the singular, the singular the plural, and the use of any gender is applicable to all genders.

WITNESS my hand this \_\_\_\_\_ day of June, 2009.

\_\_\_\_\_  
Taylor R. Golden

STATE OF TENNESSEE  
COUNTY OF MAURY

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, Taylor R. Golden, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.



Office of Maury County, Tennessee. The above property description was prepared under my direction on this the 14<sup>TH</sup> day of March 2008.

SAID parcel is expressly conveyed subject to Grantee from the date of execution of this Special Warranty Deed shall have five (5) years to construct its outdoor recreational field complex on said property for the purpose of operating and maintaining a YMCA facility on said property. Said outdoor recreational field complex shall include but is not limited to terraced and irrigated soccer, football, baseball and softball fields; an outdoor water park; and any other condition more particularly codified by the Board of Mayor and Aldermen of the City of Spring Hill of record in its minutes relating to approval of said land donation or by other written instrument. In the event Grantee does not construct said improvements as set forth herein said property shall revert to Grantor or to the Homeowners' Association responsible for the management of the StoneCreek planned unit development.

TO HAVE AND TO HOLD the Property with all appurtenances, estate, title and interest thereto belonging to Grantee, its successors, heirs and assigns, forever. Grantor covenants with Grantee that the Property is free from all encumbrances made by Grantor, except as may be set forth herein. Grantor further covenants to warrant and forever defend the title to the Property to Grantee, their successors, heirs and assigns against the lawful claims of all persons claiming by, through, or under Grantor.

Executed this \_\_\_\_\_ day of June 2009.

\_\_\_\_\_  
SCOTT SOHR, Chief Manager  
ROCK CREEK DEVELOPMENT, LLC

Executed this \_\_\_\_\_ day of June 2009.

\_\_\_\_\_  
STEVE CHURCH, Secretary  
ROCK CREEK DEVELOPMENT, LLC

STATE OF TENNESSEE        )  
  )  
COUNTY OF \_\_\_\_\_  )

Before me, \_\_\_\_\_ of the state and county mentioned, personally appeared SCOTT SOHR, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged such person to be president (or other officer authorized to execute the instrument) of **ROCK CREEK DEVELOPMENT, LLC**, the within named bargainor, a corporation, and that such president or officer as such SCOTT SOHR, executed the foregoing instrument for the purpose therein contained, by personally signing the name of the corporation **ROCK CREEK DEVELOPMENT, LLC**.

Witness my hand and seal at office in the aforesaid state and county this \_\_\_\_\_ day of June, 2009.

\_\_\_\_\_  
NOTARY PUBLIC  
COMMISSION EXPIRES: \_\_\_\_\_

STATE OF TENNESSEE        )  
  )  
COUNTY OF \_\_\_\_\_  )

Before me, \_\_\_\_\_ of the state and county mentioned, personally appeared STEVE CHURCH, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged such person to be president (or other officer authorized to execute the instrument) of **ROCK CREEK DEVELOPMENT, LLC**, the within named bargainor, a corporation, and that such president or officer as

**Public Hearing at  
Spring Hill City Hall**  
Planning Commission  
5:30 p.m. **8 June 09**  
Board of Mayor & Alderman  
7:00 p.m. **20 July 09**  
Proposal to be Considered

**REVISION OF  
MASTER PLAN (PUD)**

(931) 486-2252 ext. 288

06/24/2009 10:05 AM