

**AN ORDINANCE REQUIRING OWNERS OF PROPERTIES
BEING SUBDIVIDED OR OTHERWISE DEVELOPED
TO EXTEND WHATEVER WATER AND SEWER LINES REQUIRED
TO SERVE THE PROPERTY AT THE OWNERS' EXPENSE,
EXCEPT WHEN THIS REQUIREMENT IS WAIVED
FOR EXTRAORDINARY REASONS BY
THE BOARD OF MAYOR AND ALDERMEN;
TO PROHIBIT PLANNING COMMISSION APPROVAL
OF SUBDIVISION PLATS OF PROPERTIES IN OR NEAR
THE CITY LIMITS NOT COMPLYING WITH THIS ORDINANCE;
TO PROVIDE CERTAIN REIMBURSEMENTS
TO OWNERS OF PROPERTIES**

BE IT ORDAINED by the Board of Mayor and Aldermen of the
Town of Spring Hill:

SECTION 1: It is hereby declared to be the policy of the
Town of Spring Hill to require the owners of property being
subdivided or otherwise developed, when such property is not
already served by the water or sewer system, to extend such water
and sewer lines, pumps and accessories as are required to provide
sanitary sewer and water service to the proposed development at the
owners' expense.

SECTION 2: In furtherance of the policy set forth in
Section 1:

(a) No future subdivision or development of
property for residential, commercial or industrial use, when such
property is not served by a sanitary sewer system, will be approved
or allowed or building permits issued unless the owner of the
property, at its expense, extends the necessary water and sewer
lines and accessories to serve the property; provided, however,
that the sewer line requirement may be waived by the Board of Mayor

and Aldermen of the Town of Spring Hill when unusual circumstances, in its opinion, authorize such a waiver.

(b) The Spring Hill Planning Commission henceforth shall not approve any subdivision that does not comply with the requirements of this ordinance involving property in the city limits or in such proximity to the city limits as likely to be annexed within the foreseeable future as determined by the Planning Commission except where, for extraordinary reasons, the requirements of this ordinance are waived by the Board of Mayor and Aldermen.

(c) A determination by the Planning Commission involving property outside the city limits [Section 2(b)] may be modified or overruled by the Board of Mayor and Aldermen which may place conditions on any such action.

SECTION 3: Any utility line construction required by the provisions of this ordinance will be constructed in accordance with the following policy and procedure:

(a) Plans, specifications and contract documents for any construction will either be prepared or approved by consulting engineers designated by the Town of Spring Hill. Until some other designation is made, these consulting engineers shall be the firm of Bledsoe, Highers & Koonce, Inc. A representative of the Town of Spring Hill shall oversee the construction to insure that the construction and installation meets these plans and specifications and any requirements of any governmental agencies. The owners of the property will request bids for the construction

of whatever facilities are required and, in consultation with engineers designated by Spring Hill, will award the contract for construction to the lowest responsible bidder. The procurement of bids and the awarding of the contract shall be in a manner that complies with Part 3 of Chapter 56 of Title 6 of Tennessee Code Annotated (The Municipal Purchasing Law of 1983). No contract will be awarded to a contractor who is not duly licensed by the State of Tennessee and approved by Spring Hill and its consulting engineer. Any such contractor will be required to furnish satisfactory performance, labor and material bonds and liability insurance insuring both it and the Town of Spring Hill before commencement of construction.

(b) Any utility line connecting to facilities of the Town of Spring Hill shall be constructed at the locations specified by Spring Hill.

(c) The owner of the property involved will acquire whatever permanent and construction easements are required for the construction and installation of the line at owner's expense. Title to the property shall be by means of grants of easements prepared or approved by the attorney for the Town of Spring Hill. Title shall be taken in the name of the Town of Spring Hill, its successors and assigns.

(d) The size of any water or sewer line constructed hereunder shall be determined by the Town of Spring Hill. In the event Spring Hill requires an oversized line as defined in Section 13-242 of the Tennessee Municipal Code, owner, in addition to

whatever other credits it might be entitled under this ordinance, will be entitled to the credit provided in that section of the Municipal Code.

(e) The plans and specifications shall include whatever force mains and pumping stations are deemed appropriate by Spring Hill. Any force main will be constructed to accommodate additional pumping facilities as may be required for the development of other properties as determined by Spring Hill.

(f) All construction performed hereunder shall be covered under a warranty by the contractor constructing the improvement for a period of one (1) year from the date the improvement is placed in service.

(g) When any utility line and its accessories have been completed and the construction and easement acquisitions approved by Spring Hill and placed in satisfactory operation as determined by Spring Hill, they shall become the property of the Town of Spring Hill. All warranties of the contractor, sub-contractors and suppliers shall inure to the benefit of and may be enforced by the Town of Spring Hill.

(h) In constructing lines between the facilities of Spring Hill and the property being developed, the contractor may utilize public rights-of-way upon making satisfactory arrangements with and receiving approval by the appropriate governmental agency.

(i) Spring Hill shall determine the location of all easements between the property of owner and the facilities of the Town of Spring Hill to which the utility lines will be connected.

(j) Owner will furnish copies of all requests for payments from the contractor and evidence of payments therefor in connection with the design and construction of any project designated and constructed under this ordinance. At the conclusion of construction the owner will furnish proof of the actual costs incurred in the construction and design of the improvements. After review of such documentation, Spring Hill and owner will agree as to the actual costs involved. In the event the parties are unable to agree, this determination shall be settled by arbitration.

SECTION 4: Spring Hill at the present time imposes a fee of \$1,000.00 for each connection made to its sanitary sewer system, together with an additional waste water treatment plant capacity or impact fee. Spring Hill currently imposes a fee of \$1,000.00 for each connection made to its public water system.

SECTION 5. (a) \$1,000.00 from each connection fee imposed on connections to its water or sewer line that will utilize any utility line constructed hereunder lying outside of the property of such owner (hereinafter sometimes referred to as "off-site connections") will be kept in separate accounts. Any interest paid on these accounts shall be the property of Spring Hill. "Connection fees" as used herein shall not include waste water treatment plant capacity fees.

(b) Connection fees for water and sewer service will be treated separately. The meter installation fee (which is currently \$50.00), any increase in the current \$1,000.00 tap fees or any other or additional fees or charges will not be considered

as connection fees for the purposes of this ordinance. Reimbursements for sewer line construction will only be made from off-site sewer connection fees of \$1,000.00 each. Reimbursements for water line construction will only be made from off-site water connection fees.

(c) The \$1,000.00 fees received from such off-site connections and deposited in to these accounts will be paid to the owner on an annual basis, less any interest accruing thereon, such payments to commence one (1) year after the utility line is placed in service. These payments will continue for a period of ten (10) years (i.e., ten annual payments) or until such owner has been reimbursed for all costs incurred in connection with the construction and design of the improvement and rights-of-way acquisitions, whichever event first occurs. The costs for which the owner will be entitled to reimbursement will include the actual cost of the construction of the improvement, any engineering fees incurred, and easement acquisition costs. The connection or tap fees will be charged by Spring Hill for all off-site connections that will utilize any utility line constructed hereunder. After the tenth annual payment to the owner, or after the owner has been fully reimbursed, any off-site connection fees collected shall be and remain the property of Spring Hill. Connection fees received by Spring Hill for connections inside the owner's property ("on-site connections") and any fees in excess of \$1,000.00 will remain the property of Spring Hill. An owner will not be entitled to

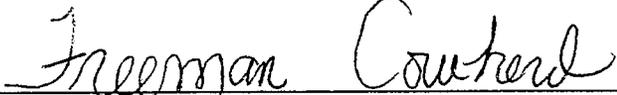
reimbursement from such on-site connections. No owner shall be entitled to interest on its investment under this ordinance.

(d) In the event off-site connection fees (as herein defined, i.e., \$1,000.00 per tap) collected are insufficient to reimburse owner for the utility line construction, there shall be no liability on the part of Spring Hill for the payment of any deficiency. No payments shall be made to any owner hereunder except from the fund generated by \$1,000.00 of the amount collected by the Town of Spring Hill for each off-site connection.

(e) Off-site connections are connections made to a sewer or water line constructed by owner under the provisions of this ordinance at points between the owner's property and the point of connection of such lines to the Spring Hill water or sewer line. Connections on owner's property are on-site connections.

SECTION 6. Owners of properties on which buildings are to be served by water or sewer service must install the lines and such other equipment as may be necessary from such buildings to the points of connection.

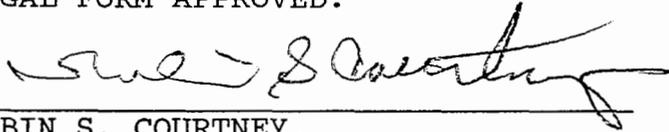
Passed and adopted by the Board of Mayor and Aldermen of the Town of Spring Hill on this the 20th day of September, 1993.


FREEMAN COWHERD, MAYOR

ATTEST:


JUNE QUIRK, RECORDER

LEGAL FORM APPROVED:



ROBIN S. COURTNEY,
TOWN ATTORNEY

Passed on 1st Reading: August 16, 1993

Passed on 2nd Reading: September 20, 1993