

RESOLUTION 16-08

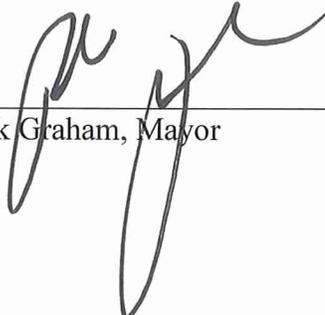
**A RESOLUTION TO APPROVE THE DAKOTA POINT
MEMORANDUM OF UNDERSTANDING**

WHEREAS, The City of Spring Hill desires to permit the Dakota Point Homeowner's Association to furnish, install, and maintain landscaping inside the City-Owned Right of Way for Buckner Lane; and

NOW, THEREFORE, BE IT BE RESOLVED, that the City of Spring Hill Board of Mayor and Alderman hereby approves the Memorandum of Understanding.

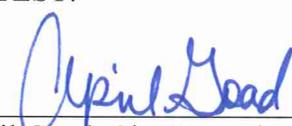
BE IT BE RESOLVED, that the attached Memorandum of Understanding and Exhibit A are to be attached and considered a part of this Resolution 16-08.

Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee, on this 19th day of January, 2016.



Rick Graham, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Patrick Carter, City Attorney

SUBJECT: Landscaping Request along Buckner Lane

DATE: December 4th, 2015

ATTENTION: Board of Mayor and Aldermen

STAFF: Dan Allen, Infrastructure Director



STAFF MEMORANDUM

The purpose of this memo is to provide information regarding a request from the Dakota Pointe HOA to be allowed to place approximately \$30,000 of landscaping mostly in the ROW for Buckner Lane (see attached exhibit and estimate).

Background:

Buckner Lane is currently projected to have a need to be widened to five lanes in order to keep pace with continued residential development and future non-residential development in north Spring Hill. Granting approval of this request would allow the Dakota Pointe HOA to install landscaping as a buffer along the road in the ROW. Given recent developments indicating the possibility of utilizing federal dollars for Buckner Lane, staff have reached out to TDOT to discuss this request and verify the appropriate way to handle the approval if the BOMA desires to approve the request.

Staff Recommendation:

Staff recommends approval of the request with the following conditions:

1. Establishing a formal, written agreement between the City and the HOA.
2. The HOA shall be responsible for all maintenance of the landscaping and the City shall not be held liable for any performance and/or maintenance issues associated with the landscaping.
3. No structures, signage, monuments, or new fence shall be constructed in the existing ROW.
4. Any new monuments, signage, monuments, or fence shall only be constructed in an easement dedicated to the HOA by affected property owners. The HOA shall be responsible for all negotiations and provide documentation that easements have been secured and recorded prior to receiving permits.
5. The City shall bear no responsibility for replacing the landscaping when Buckner Lane is widened in the future. Prior to engaging in this agreement, staff recommends the HOA be required to show documentation that all residents in the neighborhood have been notified that the landscaping investment will be a non-compensable item when Buckner Lane is widened.



Tommy Ward <tommy.ward@tnumc.com>

Signed Memorandum of Understanding

1 message

Tommy Ward <tommy.ward@tnumc.com>

Thu, Apr 14, 2016 at 9:57 AM

To: dallen@springhilltn.org, Elecia Lewis <elecia.lewis@ghertner.com>

Good morning Administrator Allen,

My name is Tommy Ward and I am privileged to serve as the HOA President for Dakota Point/Buckner Crossing in Spring Hill. Back in December, we approached the city about installing landscape as a buffer along Buckner Road in the Right of Way. Thank you for your leadership in drafting a Memorandum of Understanding and a resolution between the city of Spring Hill and our HOA.

Attached you will find the signed memorandum. The original will be mailed to your office. If you need anything else, please let me know.

Again, I express my sincere appreciation for your time and attention to our request.

Blessings,
Tommy

--

Rev. Tommy Ward

Director

Office of Ministerial Concerns

304 S. Perimeter Park Drive

Suite 6

Nashville, TN 37211

615-846-4430 (O)

615-846-4431 (F)



DakotaPointBucknewMemorandum.pdf

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MEMORANDUM OF UNDERSTANDING

BETWEEN

THE CITY OF SPRING HILL, TENNESSEE

AND

DAKOTA POINT HOMEOWNERS ASSOCIATION

This Memorandum of Understanding ("MOU") is dated January 19, 2016, memorializing the agreement of even date.

Dakota Point Homeowners Association (the "HOA") has approached the City of Spring Hill, Tennessee ("City") seeking permission to furnish, install and maintain landscaping inside the City-owned right-of-way for Buckner Lane as depicted on Exhibit A attached hereto. The City is agreeable to permitting the HOA to landscape the right-of-way in question pursuant to the following conditions, to-wit:

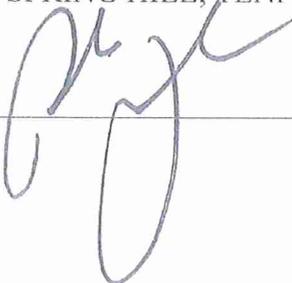
1. This is not a binding contract and shall not be interpreted, treated, and/or referred to as such.
2. The HOA shall be responsible for furnishing, installing and maintaining any such landscaping with no cost to the City whatsoever.
3. The HOA shall not install or otherwise place structures, signage, monuments and/or fencing in the right-of-way in question unless otherwise properly permitted pursuant to all applicable City ordinances and state law.
4. Any and all activities in the easement in question are at the HOA's and participants' own risk.
5. Any and all HOA landscaping in the right-of-way in question is subject to removal by the City without explanation, prior notice or compensation whatsoever.

IN ACKNOWLEDGMENT HEREOF, the parties hereto have executed this non-binding MOU on the day and year first above written.

DAKOTA POINT HOMEOWNERS
ASSOCIATION

By: Thomas T. Ward, President

CITY OF SPRING HILL, TENNESSEE

By:  _____