

**RESOLUTION 17-29**

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

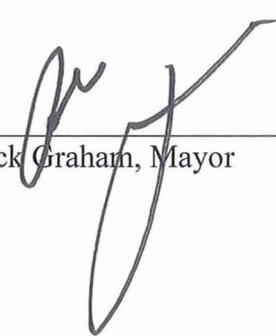
**WHEREAS**, The City of Spring Hill desires to permit the Dakota Points Homeowner's Association to furnish, install, and maintain landscaping inside the City-owned Right-of-Way at the end of Sakari Circle; and

**WHEREAS**, the Dakota Pointe HOA has provided a landscaping exhibit to show where the landscaping and what type of landscaping will be placed; and

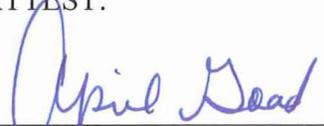
**WHEREAS**, both parties will sign a Memorandum of Understanding with conditions applicable to the installation.

**NOW, THEREFORE BE IT RESOLVED**, that the City of Spring Hill Board of Mayor and Alderman hereby approves the Memorandum of Understanding between the City of Spring Hill and Dakota Pointe Homeowners Association and that the attached Memorandum of Understanding and Exhibit A are to be considered a part of this Resolution.

Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee, on this 20<sup>th</sup> day of March, 2017.

  
\_\_\_\_\_  
Rick Graham, Mayor

ATTEST:

  
\_\_\_\_\_  
April Goad, City Recorder

LEGAL FORM APPROVED:

  
\_\_\_\_\_  
Patrick Carter, City Attorney

**SUBJECT:** Landscaping request for the end of Sakari Circle

**DATE:** February 24, 2017

**ATTENTION:** Board of Mayor and Aldermen

**STAFF:** Missy Stahl, Project Manager



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## **STAFF MEMORANDUM**

The purpose of this memo is to provide information regarding a request from the Dakota Pointe HOA to be allowed to place landscaping in City-owned right-of-way at the end of Sakari Circle that currently ends at the vacant lot on the corner of Duplex Road and Buckner Lane. Exhibits are attached.

### **Background:**

Dakota Pointe HOA has entered into a memorandum of understanding with the City in January 2016 for installation of landscaping in the City-owned right-of-way on Buckner Lane. The HOA is again asking for the City to enter into a similar MOU for landscaping to be installed where Sakari Circle ends and abuts the vacant lot on the corner of Duplex Road and Buckner Lane. The HOA has provided an exhibit that shows the landscaping plan and are asking to install (4) Green Giant Arbovitae trees and (4) Crapemyrtle trees to match existing landscaping.

### **Staff Recommendation:**

Staff recommends approval of the request with the following conditions:

1. Establishing a formal, written MOU agreement between the City and the HOA and signed by both parties
2. Prior to engaging in this agreement, staff recommends the HOA be responsible for notifying all residents in the neighborhood that the landscaping investment will be a non-compensable item if the landscaping is subject to removal for reasons to include but not be limited to, utility repairs or the extension of Sakari Circle dependent on the development of current vacant lot to the west.
3. The HOA will agree to other terms and limitations as outlined in the MOU agreement.

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE CITY OF SPRING HILL, TENNESSEE  
AND  
DAKOTA POINTE HOMEOWNERS ASSOCIATION**

This Memorandum of Understanding ("MOU") is dated \_\_\_\_\_, 2017, memorializing the agreement of even date.

Dakota Pointe Homeowners Association (the "HOA") has approached the City of Spring Hill ("City") seeking permission to furnish, install and maintain landscaping inside the City-owned right-of-way for Sakari Circle as depicted in 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:

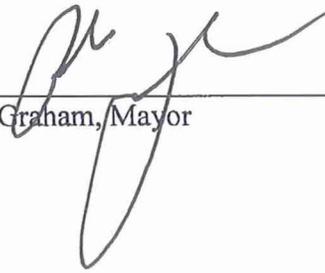
1. This is not a binding contract and shall not be interpreted, treated and/or referred to as such.
2. The HOA shall be responsible for furnishing, installing and maintaining any such landscaping with no cost to the City whatsoever.
3. The HOA shall not install or otherwise place structures, signage, monuments and/or fencing in the right-of-way in question unless otherwise properly permitted to all applicable City ordinances and state laws.
4. Any and all activities in the easement in question are at the HOA's and participants' own risk.
5. All HOA landscaping must stay in the right-of-way.
6. The HOA must provide protection to prevent landscaping debris from entering the stormwater drains and basins.
7. 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 (to include but limited to, any utility repairs or the extension of Sakari Circle dependent on development of current vacant lot to the west).

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

DAKOTA POINTE HOA

CITY OF SPRING HILL, TN

\_\_\_\_\_  
Printed name:  
  
\_\_\_\_\_

  
\_\_\_\_\_  
Rick Graham, Mayor

VACANT LOT (CORNER OF BUCKNER LANE AND DUPLEX ROAD)

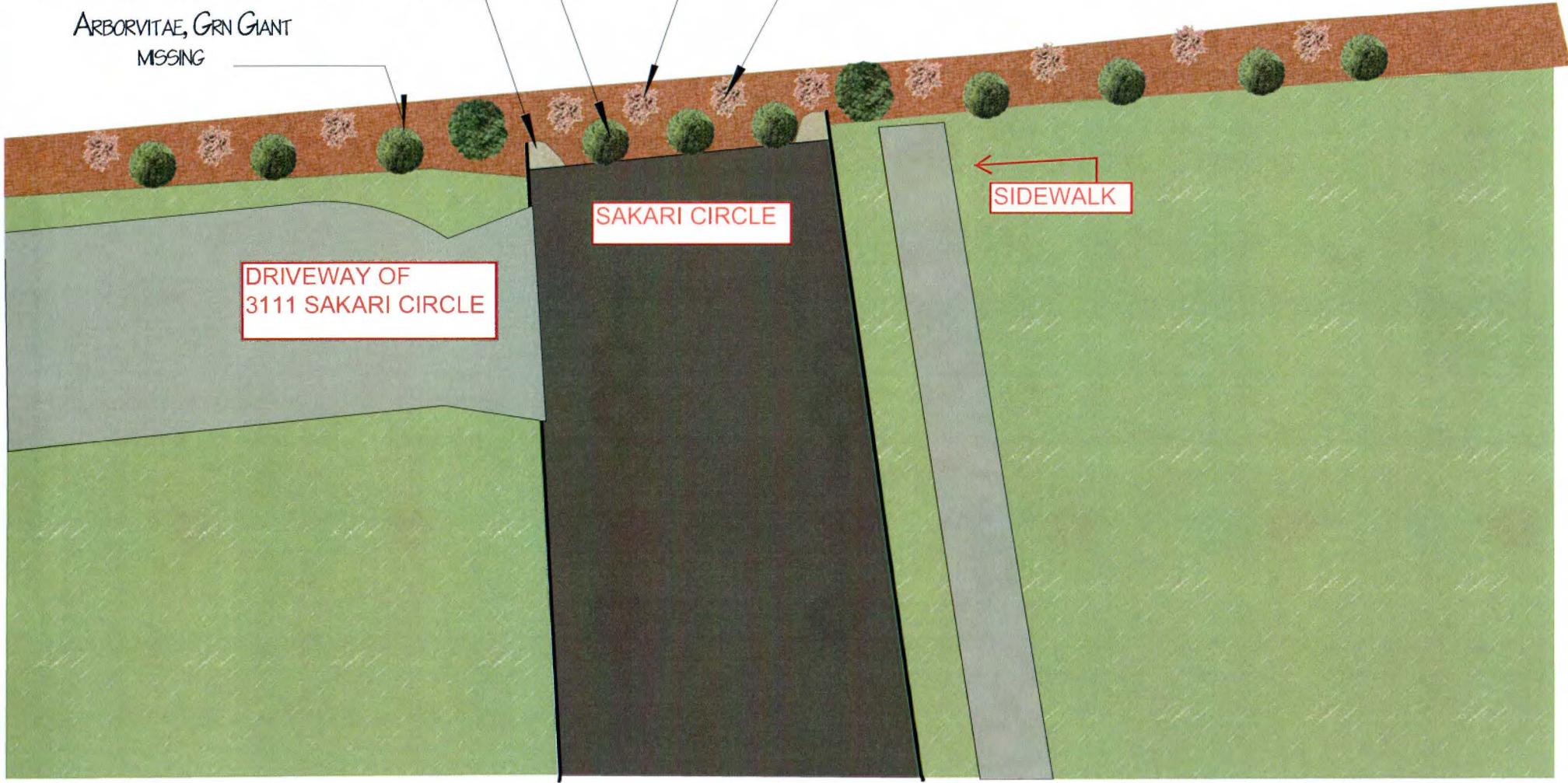
AREA GRADED TO MATCH EXISTING PLANT BED AND MULCHED

3- GREEN GIANT ARBOVITAE 8'

4 - CRAPEMYRTLE MYRTLE (7') TO MATCH EXISTING

GRAVE CATCH AREA TO ALLOW RUN OFF TO DRAINS

ARBOVITAE, GRN GIANT MISSING



Revision #: 1

Scale:

Landscape Plan: 1-2-2017

Landscape Design by: C.J. Stewart

Date: 2/20/2017

1' 0" = 370' 11-1/2"

Sakari Cir. Enhancement

The Grounds Guys of Franklin

