

RESOLUTION 19-141

A RESOLUTION AUTHORIZING ACCEPTANCE OF OFFER OF DEDICATION OF ROAD RIGHTS-OF-WAY AND PUBLIC IMPROVEMENTS SHOWN ON THE EXISTING PLAT FOR BRIXWORTH PHASE 2

WHEREAS, Developer Smart Living, LLC has a recorded Final Plat for Brixworth Phase 2 in Williamson County Plat Book P61, Page 53 and Plat Book P62, Page 6; and

WHEREAS, said Plat shows public rights-of-way proposed for dedication to the City of Spring Hill; and

WHEREAS, an Offer of Dedication, Deeds of Conveyance and a Maintenance Surety have been submitted pursuant to the Subdivision Regulations; and

WHEREAS, a Certificate of Satisfactory Completion has been furnished by the City of Spring Hill indicating that through inspections of the road rights-of-way, the design intent has been achieved; and

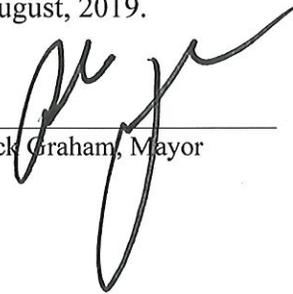
WHEREAS, the developer is required under Section VI, Paragraph 6.3 of the Subdivision Regulations to submit an "as-built" survey of the public improvements including water, sewer and drainage; and

WHEREAS, on April 8, 2019, the City of Spring Hill Planning Commission recommended the Road Rights-of-Way and Public Improvements for Brixworth Phase 2 be accepted; and

WHEREAS, the Board of Mayor and Aldermen deems it in the best interest of the City of Spring Hill that the Offer of Dedication of the Road Rights-of-Way be accepted and the same become a part of the public street system of the City of Spring Hill.

NOW, THEREFORE BE IT RESOLVED, by the City of Spring Hill Board of Mayor and Aldermen that dedication and acceptance of Road Rights-of Way within Brixworth Phase 2 as shown on the recorded plat is hereby approved.

Passed and adopted this 19th day of August, 2019.



Rick Graham, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Patrick Carter, City Attorney

SUBJECT: Acceptance of Road ROW & Public Improvements for Brixworth Phase 2

DATE: July 22, 2019

ATTENTION: Board of Mayor and Aldermen

STAFF: Missy Stahl, Senior Project Manager



STAFF MEMORANDUM

The purpose of this memo is to provide information regarding a resolution to accept and the dedication of road rights-of-way and public improvements for Brixworth Phase 2, as recommended by the Planning Commission.

Background:

The Planning Commission recommends accepting the road rights-of-way and public improvements for Brixworth Phase 2, per PC Resolution 19-25 passed by the Planning Commission on April 8, 2019. Recommendation was contingent upon developer finishing two items on the punch list. Items were completed in July 2019. The one year for the maintenance bond has been fulfilled and City staff has issued certificates of satisfaction for this phase.

Staff Recommendation:

Staff recommends approval of the request.

**RESOLUTION 19-26 OF THE
PLANNING COMMISSION
OF THE CITY OF SPRING HILL, TENNESSEE**

**A RESOLUTION TO RELEASE THE MAINTENANCE BOND FOR
BRIXWORTH PHASE 2**

WHEREAS, a Maintenance Bond is currently in place for said development; and

WHEREAS, the existing Letter of Credit, considered a "maintenance surety" based on current subdivision regulations, guaranteed that the following improvements, which may include but not be limited to, sewer lines, water lines, storm water drainage and detention pond, curbs and streets with asphalt base course and final topping, would be constructed as per the approved design and function properly; and

WHEREAS, to date, the improvements noted heretofore have been constructed and have been functioning properly for a minimum period of twelve (12) months; and

WHEREAS, release of said maintenance bond shall be contingent upon the Board of Mayor and Alderman approving a resolution for acceptance and dedication of road rights-of-way and public improvements for said development; and

WHEREAS, it is the recommendation of the City Engineer that the Performance Bond for Brixworth Phase 2 in the amount of \$160,325.00 be released.

NOW, THEREFORE BE IT RESOLVED, by the Spring Hill Planning Commission that release of the Maintenance Bond for Brixworth Phase 2 in the amount of **\$160,325.00** is hereby approved.

Passed and adopted this 8th day of April, 2019



Paul Downing, Chairman



Steve Foote, Secretary



CERTIFICATE OF SATISFACTORY COMPLETION

Date: 1/22/19

Smart Living, LLC

Brixworth

Phase 2

Development Name: Smart Living, LLC

Phase or Section of Construction: Phase 2

Public Improvements: Water, sewer, storm water drainage and basins, streets, curbs, sidewalks, street signs, street lights, final topping

I hereby certify that I have supervised and inspected the improvements to ensure that the design intent has been achieved.

Record Drawings have been submitted by Applicant's engineer to the City pursuant to ordinance requirements.

Further, Developer must establish a Maintenance Surety with the City to guarantee defects in workmanship or materials for a one year period.

Darrell Bryson

City of Spring Hill Utility Inspector (signature)

Darrell Bryson

Printed name

Approved By:

Thomas S. Wolf, P.E.

City of Spring Hill Engineering Dept. (signature)

THOMAS S. WOLF, P.E.

Printed name

199 TOWN CENTER PARKWAY

P.O. BOX 789

SPRING HILL, TN 37174

PHONE (931)486-2252

NASHVILLE LINE (615)248-6307

WILLIAMSON CO. (615)599-2614

FAX (931)486-0516

BRIXWORTH SUBDIVISION

PHASE 2, SECTION 2 FINAL PLAT

CITY OF SPRING HILL
WILLIAMSON COUNTY, TENNESSEE

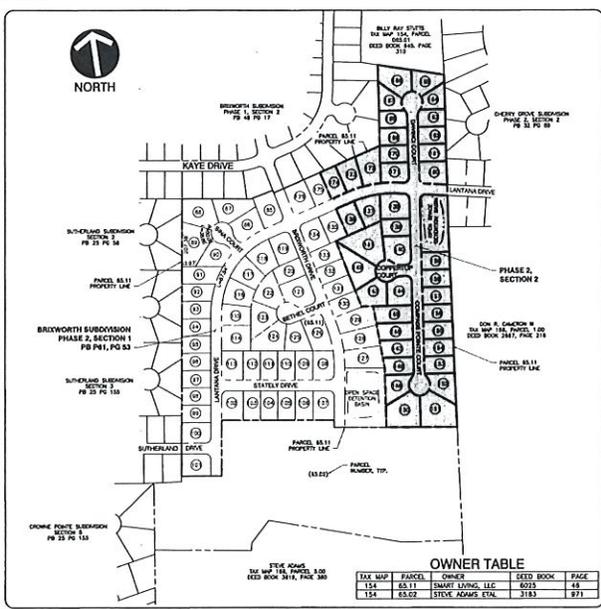
TAX MAP 154, PARCEL 65.11



LOT NO.	LOT ADDRESS
127	1913 LANTANA DRIVE
128	1914 LANTANA DRIVE
129	1915 LANTANA DRIVE
130	1916 LANTANA DRIVE
131	1917 LANTANA DRIVE
132	1918 LANTANA DRIVE
133	1919 LANTANA DRIVE
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214	2000 LANTANA DRIVE

06/15/2015 - 10:12 AM
19228811
PLAT BOOK # P2
PAGE # 6

P62/16a



OWNER
SMART LIVING, LLC
2111 OAKRIDGE AVENUE WEST, SUITE 201
SPRING HILL, TN 37074
PHONE: 615-712-2500
FAX: 615-712-2507

DEVELOPER
SMART LIVING, LLC
2111 OAKRIDGE AVENUE WEST, SUITE 201
SPRING HILL, TN 37074
PHONE: 615-712-2500
FAX: 615-712-2507

ENGINEER
S&S ENGINEERING CONSULTANTS, INC.
100 S. BENTLEY BLVD., SUITE 200
SPRING HILL, TN 37074
PHONE: 615-712-2707
FAX: 615-712-2707
P.L.L.C. REG. NO. 2007-1018

FLOOD NOTE
THIS SITE IS NOT WITHIN A FLOOD HAZARD AREA AS SHOWN BY THE MAP WHICH ATTACHES HERETO.

ZONING
R-3 RESIDENTIAL DISTRICT (SINGLE-DWELLING)

TYPICAL MINIMUM BUILDING SETBACKS
(TYPICAL UNLESS OTHERWISE NOTED)

TYPICAL EASEMENT LAYOUT
(TYPICAL UNLESS OTHERWISE NOTED)

OWNER TABLE

TAX MAP	PARCEL	OWNER	DEED BOOK	PAGE
154	65.11	SMART LIVING, LLC	6025	48
154	65.02	STEVE ADAMS ETAL	3183	871

CERTIFICATE OF APPROVAL FOR SUBDIVISION MAPS AND STREET NAMES
I HEREBY CERTIFY THAT THE SUBDIVISION MAP AND STREET NAMES ARE APPROVED BY THE COUNTY ENGINEER'S OFFICE.

VICINITY MAP
N.T.S.

FINAL SUBDIVISION PLAT
WILLIAMSON COUNTY, TENNESSEE

TOTAL ACRES: 13.23 TOTAL LOTS: 33
ACRES NEW STREETS: 1.42 FEET NEW STREETS: 1,558
CIVIL DISTRICT: 1110 CLOSURE EMPH.: 110.0000
MILES OF NEW ROADS: 0.38 DATE: JUNE 18, 2015

LOT AREA TABLE

LOT NO.	AREA (S.F.)	AREA (AC.)
127	12,710	0.29
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214	12,710	0.29

- PROJECT NOTES**
- ALL STREETS LOCATED WITHIN THIS DEVELOPMENT SHALL BE PUBLIC AND OWNED AND MAINTAINED BY THE CITY OF SPRING HILL.
 - WATER FOR THIS DEVELOPMENT IS TO BE PROVIDED BY CITY OF SPRING HILL PUBLIC WORKS.
 - SANITARY SEWER PROVIDED FOR THIS DEVELOPMENT IS TO BE CITY OF SPRING HILL PUBLIC WORKS.
 - TOPOGRAPHIC AND BOUNDARY SURVEY PREPARED BY SOUTHERN STATES SURVEY, INC. DATED JULY 5, 2013.
 - ELECTRIC SERVICE TO BE PROVIDED BY MIDDLE TENNESSEE ELECTRIC MEMBERSHIP CORPORATION.
 - GAS SERVICE TO BE PROVIDED BY AMCOX ENERGY.
 - PHONE AND CABLE SERVICE TO BE PROVIDED BY AT&T AND/OR COMCAST.
 - THE HOMEOWNERS ASSOCIATION IS HEREBY ADVISED THAT THE HOMEOWNERS ASSOCIATION HAS A DRAINAGE BASIN AS PART OF THE OVERALL STORM DRAINAGE SYSTEM SERVING THE SUBDIVISION AND THAT SUCH PORTION IS PROTECTED BY A DRAINAGE EASEMENT. IN ADDITION, THE HOMEOWNERS ASSOCIATION IS HEREBY ADVISED THAT THE AREA NOTED AS OPEN SPACE ARE TO BE DEDICATED TO, OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
 - MIDDLE TENNESSEE ELECTRIC MEMBERSHIP CORPORATION (MTEC) WILL PROVIDE ELECTRIC SERVICE TO THE SUBJECT PROPERTY ACCORDING TO THE MTEC'S STANDARD SPECIFICATIONS AND OPERATIONAL BULLETINS OF MTEC, AND IN ACCORDANCE WITH THE MTEC'S REGULATIONS. THE MTEC'S REGULATIONS AND OTHER REGULATIONS CONTAINED ON THE MTEC WEBSITE AT WWW.MTEC.COM (COLLECTIVELY THE "REQUIREMENTS"). NO ELECTRIC SERVICE WILL BE PROVIDED UNLESS MTEC'S REQUIREMENTS HAVE BEEN MET AND APPROVED IN WRITING BY AN AUTHORIZED REPRESENTATIVE OF MTEC. ANY APPROVAL IS, AT ALL TIMES, CONTINGENT UPON CONTINUING COMPLIANCE WITH MTEC'S REQUIREMENTS.

CERTIFICATE OF APPROVAL AND DEDICATION
I HEREBY CERTIFY THAT THE ABOVE DESCRIBED MAP AND STREET NAMES ARE APPROVED BY THE COUNTY ENGINEER'S OFFICE AND THAT THE DEDICATION OF THE ABOVE DESCRIBED MAP AND STREET NAMES IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE COUNTY ENGINEER'S OFFICE.

CERTIFICATE OF SURVEY BOUNDARY
I HEREBY CERTIFY THAT THE ABOVE DESCRIBED MAP AND STREET NAMES ARE APPROVED BY THE COUNTY ENGINEER'S OFFICE AND THAT THE DEDICATION OF THE ABOVE DESCRIBED MAP AND STREET NAMES IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE COUNTY ENGINEER'S OFFICE.

VERIFICATION OF APPROVAL OF WATER SYSTEM
I HEREBY CERTIFY THAT THE ABOVE DESCRIBED MAP AND STREET NAMES ARE APPROVED BY THE COUNTY ENGINEER'S OFFICE AND THAT THE DEDICATION OF THE ABOVE DESCRIBED MAP AND STREET NAMES IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE COUNTY ENGINEER'S OFFICE.

VERIFICATION OF APPROVAL OF SEWER SYSTEM
I HEREBY CERTIFY THAT THE ABOVE DESCRIBED MAP AND STREET NAMES ARE APPROVED BY THE COUNTY ENGINEER'S OFFICE AND THAT THE DEDICATION OF THE ABOVE DESCRIBED MAP AND STREET NAMES IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE COUNTY ENGINEER'S OFFICE.

VERIFICATION OF APPROVAL OF PUBLIC UTILITY AND STREET NAMES
I HEREBY CERTIFY THAT THE ABOVE DESCRIBED MAP AND STREET NAMES ARE APPROVED BY THE COUNTY ENGINEER'S OFFICE AND THAT THE DEDICATION OF THE ABOVE DESCRIBED MAP AND STREET NAMES IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE COUNTY ENGINEER'S OFFICE.

CERTIFICATE OF APPROVAL FOR SUBDIVISION MAPS AND STREET NAMES
I HEREBY CERTIFY THAT THE SUBDIVISION MAP AND STREET NAMES ARE APPROVED BY THE COUNTY ENGINEER'S OFFICE.

REVISION RECORD

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SMART LIVING, LLC
BRIKSWORTH SUBDIVISION
PHASE 2, SECTION 2
CITY OF SPRING HILL
WILLIAMSON COUNTY, TENNESSEE

Civil & Environmental Consultants, Inc.
400 Dowd Drive, Suite 270 • Franklin, TN 37067
615-712-2500
www.civilandenvironmental.com

**PHASE 2, SECTION 2
FINAL PLAT**

DATE: 6/18/15
DRAWN BY: [Signature]
CHECKED BY: [Signature]
APPROVED BY: [Signature]

1

**FORM FOR OFFER OF
IRREVOCABLE DEDICATION**

AGREEMENT made this ___ day of _____ 20___, by and between the City of Spring Hill a municipal corporation, having its office and place of business at 199 Town Center Parkway, Spring Hill, Tennessee, hereinafter designated as the "City" and Smart Living, LLC, a limited liability company having its office and place of business at 2101 Clinton Ave., ste 501, Huntsville, AL 35805 hereinafter designated as the "developer".

WHEREAS, the Spring Hill Planning Commission is in the process of approving a subdivision plat entitled Brixworth Subdivision dated 8-27-13 and prepared by Civil & Environmental and Phase 2 10-07-13 Consultants, Inc.

WHEREAS, said plat designates certain public improvements consisting of Roads, R.O.W, water, storm drain & sidewalks & sanitary to be dedicated to the City of Spring Hill free and clear of all encumbrances and liens, pursuant to the requirements of the Spring Hill Planning Commission and the City; and

WHEREAS, the Developer, simultaneously herewith, shall post a performance surety with the City for the construction, maintenance, and dedication of said improvements, if required;

WHEREAS, the Developer is desirous of offering for dedication the said improvements and land to the City more particularly described in Schedule A attached hereto;

WHEREAS, the Developer has delivered Documents of conveyance to the city for the said land and improvements as described herein;

NOW, THEREFORE, in consideration of the sum of one dollar (\$1.00) lawful money of the United States paid by the City to the Developer and other good and valuable consideration, it is mutually **AGREED** as follows:

- A. The Developer herewith delivers to the City Documents of conveyance for the premises described in Schedule A attached hereto, said delivery being a formal offer of dedication to the City until the acceptance or rejection of such offer of dedication by the City.
- B. The Developer agrees that said formal offer of Dedication is irrevocable and can be accepted by the City at any time.
- C. The Developer agrees to complete the construction and maintenance of the land and improvements pursuant to the performance surety and the requirements of the Spring Hill Planning Commission and any ordinances, regulations, requirements, covenants, and agreements that may be imposed by the City with respect thereto and, upon acceptance by the City of the offer of dedication, furnish to the City a sworn statement certifying that the premises are free and clear of all liens and encumbrances and shall furnish to the City a check for all necessary fees and taxes to record the Documents heretofore delivered.
- D. That this irrevocable offer of dedication shall run with land and shall be binding on all assigns, guarantees, successors, or heirs of the Developer.

E. The City by action of the Board of Mayor and Aldermen on the ____ day of _____, 20____, accepted the infrastructure as presented in the offer of dedication and directed the governmental representative to sign the offer of dedication on behalf of the City

Developer Company Name:

SMART LIVING, LLC

____ 20____
Date



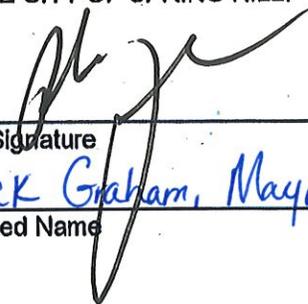
Developer Signature

(CORPORATE SEAL)

ATTEST: April Good

August 19, 2019

FOR THE CITY OF SPRING HILL:

BY: 

Signature
Rick Graham, Mayor

Printed Name



**ACKNOWLEDGEMENT:
COPARTNERSHIP**

STATE OF TENNESSEE

(COUNTY OF _____) SS: _____

On this ___ day _____ of 20___, before me personally appeared _____, to me known to be one of the firm _____, described in and who executed the foregoing instrument, and he thereupon acknowledged to me that he executed such instrument as and for the act and deed of said firm.

CORPORATE

STATE OF ~~TENNESSEE~~ AL

(COUNTY OF Madison) SS: _____

On this _____ day of _____ 20___, before me personally appeared Louis W. Breland, to me known, who, being by me first duly sworn, did depose and say that he resides in Florida; that he is the Manager of SmartLiving LLC the corporate seal affixed to said instrument is such corporate seal; that it was so affixed by order and authority of the Board of Directors of said corporation, and that he signed his name thereto by like order and authority.



Patricia Acker
INDIVIDUAL