ORDINANCE 2010-76

TO BE ENTITLED: "AN ORDINANCE TO ESTABLISH THE SPECIAL ASSESSMENTS FOR THE SANITARY SEWER IMPROVEMENTS IN THE BOYD MILL AVENUE AREA."

WHEREAS, the City of Franklin, by Ordinance 98-13, has annexed into the City some 120 acres, more or less, located south of State Route 96 West and west of Downs Boulevard, generally known as the Boyd Mill Avenue Area; and

WHEREAS, pursuant to T.C.A. §§ 7-33-101 to 314, the Board of Mayor and Aldermen of the City has determined that it would be in the best interest of the property owners residing in the annexed area and of the public generally to construct sanitary sewer improvements in the area hereinafter described and to assess a portion of the cost of the said improvements against the properties to be benefited; and

WHEREAS, the Board of Mayor and Aldermen of the City of Franklin passed on second and final reading on November 10, 2009, Ordinance 2009-71; An Ordinance to authorize the establishment of a Special Assessment District for and the construction of sanitary sewer improvements in the Boyd Mill Avenue Area;

NOW THEREFORE:

SECTION I: BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY AS FOLLOWS:

1. The following sanitary sewer improvements have been constructed and upon final approval of this Ordinance shall be ready for use:

A public sanitary sewer system for the Boyd Mill Avenue Area located in public rights-of-way and easements consisting of gravity and low pressure sewer lines with all required appurtenances (such as manholes, air release valves, service connections to each property, etc.) for a fully operational system. Individual service lines within the properties, electrical & plumbing work, and the grinder pump assemblies shall

be the responsibility of the individual property owners.

2. The geographic limits of the properties to be benefited are as follows:

(See **Exhibit A – Map of Boyd Mill Sewer Assessment District** attached)

Map-Parcel	Acres
64-28.02	7.33
64-28.03	5.06
64-29.00	5.50
64-30.00	1.67
64-33.00	0.73
64-33.01	0.65
64-34.00	0.36
77-2.01	15.30
77-2.02	12.77
77-3.00	0.61
77-4.00	0.52
77-5.00	1.06
77-6.00	1.00
77-7.00	6.47
77-7.01	2.54
77-8.00	1.71
77-9.00	4.44
77-10.00	1.03
77-11.00	3.76
77-12.00	19.56
77-13.00	39.59
77-13.02	1.32
77-13.03	1.01
77-14.00	1.40
77-14.01	1.38
77-15.00	0.44
77-16.00	0.40
77-17.00	0.87

Commencing at a point along the south right-of-way line of New Highway 96 West, which is the northwest corner of parcel 28.02, Map 64, all parcels being referenced to Tennessee State Board of Equalization Maps, as may be revised, which is also the point of beginning.

Thence east 390 feet along the north line of parcel 28.02 to the northwest corner of parcel 28.02, which is also a point along the south right-of-way line of New Highway 96 West and the west right-

of-way line of Boyd Mill Avenue; thence east 175 feet along the north line of parcel 28.02, if extended to a point along the south right-of-way line of New Highway 96 West and the east right-of-way line of Boyd Mill Avenue; thence southwest 390 feet along the east right-of-way line of Boyd Mill Avenue to the northeast corner of parcel 29.00; thence south 195 feet along the east line of parcel 29.00; thence east 1,675 along the north line of parcels 29.00, 7.00, and 12.00 to the northeast corner of parcel 12.00; thence south 50 feet along the east line of parcel 12.00 to the northwest corner of parcel 13.00; thence east 1,090 feet along the north line of parcel 13.00 to the northeast corner of parcel 13.00, which is also a point along the west right-of-way line of Downs Boulevard; thence south 1,705 feet along the east line of parcel 13.00 to the southeast corner of parcel 13.00, which is also a point along the west right-of-way line of Downs Boulevard and the north right-of-way line of Boyd Mill Avenue; thence west 110 feet along the south line of parcel 13.00; thence south 20 feet along the north right-of-way line of Boyd Mill Avenue; thence west 180 feet along the south line of parcel 13.00; thence south 50 feet along the east line of parcel 14.00, if extended to a point along the south right-of-way line of Boyd Mill Avenue; thence south 385 feet along the east line of parcel 14.00 to the southeast corner of parcel 14.00; thence west 505 feet along the south line of parcels 14.00, 14.01, and 17.00 to the southwest corner of parcel 17.00, which is also a point along the east right-of-way line of Horton Lane; thence west 70 feet along the south south line of parcel 17.00, if extended to a point along the west right-of-way line of Horton Lane; thence south 715 feet along the east line of parcel 2.01; thence east 20 feet along the west right-of-way line of Horton Lane; thence south 175 feet along the east line of parcel 2.01 to the southeast corner of parcel 2.01, which is also a point along the west right-of-way line of Horton Lane; thence west 465 feet along the south line of parcel 2.01 to the southwest corner of parcel 2.01; thence northwest230 feet along the south line of parcels 2.01and 2.02; thence west 165 feet along the south line of parcel 2.02; thence southwest 260 feet along the south line of parcel 2.02 to the southeast corner of parcel 2.02; thence northwest 245 feet along the west line of parcel 2.02; thence northeast 110 feet along the west line of parcel 2.02; thence north 1,160 feet along the west line of parcel 2.02 to the northwest corner of parcel 2.02, which is also a point along the south right-of-way line of Boyd Mill Avenue; thence northwest 950 feet along the south right-of-way line of Boyd Mill Avenue to the southeast corner of parcel 33.01; thence southwest 25 feet along the east line of parcel 33.01; thence northwest 300 feet along the south line of parcel 33.01 to the southeast corner of parcel 28.03; thence west 610 feet along the south line of parcel 28.03; thence north 1,290 feet along the west line of parcels 28.03 and 28.02 to the northwest corner of parcel 28.02 which is also the point of beginning, and containing 138.48 acres in parceled land.

Pursuant to T.C.A. §7-33-311, the Board may authorize additional properties to be benefitted by the improvements and make equitable provisions so that any later-added properties bear their proportional share of the costs of the improvements.

3. Based upon the Final Quantities and Change Order for the construction of the sanitary sewer improvements for the Boyd Mill Avenue Area, David Parker, City Engineer/CIP Executive, an engineer licensed by the State of Tennessee, has verified that the construction cost for

those improvements directly associated with providing a sanitary sewer collection system for the Boyd Mill Avenue Area is EIGHTY-FIVE THOUSAND EIGHT HUNDRED DOLLARS ($85,800.00). Said sanitary sewer improvements were designed by, and construction supervised by Smith Seckman Reid, Inc., an engineering firm licensed by the State of Tennessee.

4. It is the intention of the Board that One Hundred Percent (100%) of the verified cost for construction of the improvements shall be assessed against the benefited properties listed in paragraph 2 and that improvement assessments shall be assessed annually against the benefited property in the proportion that the assessed value of each lot or parcel bears to the whole assessed value of the benefited properties, pursuant to T.C.A. §§7-33-310 to 314. The Board hereby pledges the full faith and credit of the City to satisfy any deficiency in collections of assessments for the improvements.

5. The benefited property owners shall be allowed to pay off the total assessments authorized herein over a term of twenty (20) years. Improvement assessments shall be made annually by the Board when the levy of municipal property taxes is made and such assessments shall be due at the same time or times as the municipal property taxes are due, and shall be subject to the same penalties and interest, in the event of nonpayment, as are municipal property taxes. The Board may also permit benefitted property owners to pay in monthly installments. In the event any monthly payment shall be delinquent thirty (30) days after it is due and payable, the whole balance of the improvement assessment shall then become delinquent and be subject to all penalties and interest as provided in this Ordinance.

6. The assessment, with penalty and interest, shall constitute a lien against the property, lot, or parcel against which it is assessed, shall attach as of the date the improvement assessment is made, and shall take precedence over all other liens, save those for state, county, and municipal

property taxes, and any prior special assessments. Such liens shall otherwise have such priority and shall be enforceable as is provided in T.C.A. §7-33-314.

7. Upon final approval of this Ordinance and the completion and accepted by the City of the sanitary sewer improvements, each benefitted property shall be notified of sanitary sewer availability by the City and shall be allowed to connect to such facilities, as provided in Section 18-204 (4), or as amended, of the Franklin Municipal Code, and thereafter the benefitted owner shall be billed monthly for sewer services at the City's prevailing Minimum Bill. Upon connection to the sanitary sewer system the benefitted owner shall be billed a monthly sewer service charge as are all other customers of the sanitary sewer system of the City. Should the benefited property not receive service from a public water system, the monthly sewer service charge shall be the City's Minimum Bill. The system development fee (SDF) and effluent disposal fee (EDF) shall be due at the time the connection is made (the Board of Mayor and Aldermen has waived the payment of the City's sewer access fee and the installation charge).

8. A public hearing shall be held on December 14, 2010 at 7:00 P.M. before the Board of Mayor and Aldermen, at which time the benefited property owners may appear and be heard on the issue of whether the nature and scope of the assessments should be altered; and whether the improvements should be financed through the issuance of bonds on the "assessed value basis" as authorized by T.C.A. §§7-33-301 to 314.

9. Following the said public hearing, the Board shall confirm, amend or rescind this original Ordinance, as its final action pursuant to TCA §7-33-304. Such final action shall be the final determination of all issues presented, unless the owner of any property to be benefited files, within ten (10) days of such final action, a petition for certiorari in the Williamson County Circuit Court, to review such action.

SECTION II: BE IT FINALLY ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, that this Ordinance shall take effect from and after its passage on second reading, the health, safety, and welfare of the citizens requiring it.

ATTEST:

By:_____
ERIC S STUCKEY
City Administrator/Recorder

CITY OF FRANKLIN, TENNESSEE:

By: _____
JOHN C. SCHROER
Mayor

Approved As To Form By Shauna Billingsley, City Attorney

PASSED FIRST READING: _____

PUBLIC HEARING: _____

PASSED SECOND READING: _____