

ORDINANCE 2011-12

**TO BE ENTITLED: “AN ORDINANCE TO ESTABLISH
TITLE 24 OF THE CITY OF FRANKLIN MUNICIPAL
CODE, SPECIAL ASSESSMENT DISTRICTS.”**

WHEREAS, for the purpose of promoting the public health, safety, comfort, convenience, and general welfare of the people of Franklin, Tennessee the Board of Mayor and Aldermen is authorized to prescribe regulations and standards that encourage and advance the quality of life within the City; and

WHEREAS, in the legislative judgment of the Board of Mayor and Aldermen the Board has found that ordinances and policies that regulate land use, guide the installation and maintenance of the City’s infrastructure, and deliver essential services must be dynamic and modified from time to time to reflect changes in best practices, model codes, land and labor costs, and safety standards necessary to preserve and promote the private and public interest; and

WHEREAS, the Board of Mayor and Aldermen has decided to create a separate Title 24 of the Franklin Municipal Code for the purpose of the establishment and management of Special Assessment Districts for Public Facilities including, but not limited to roads, streets, utilities such as water, sanitary sewer, reclaimed water, stormwater, electrical, and gas along with their related improvements, parking facilities, parks, greenways and any other improvements desired within the City that are to be used by or to benefit the general public, entitled **Title 24 – Special Assessment Districts**.

NOW, THEREFORE:

SECTION I: BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, Tennessee, that Title 24 of the City of Franklin Municipal Code is hereby created to read as follows:

TITLE 24

SPECIAL ASSESSMENT DISTRICTS

CHAPTER

- 1. TITLE, AUTHORITY & DEFINITIONS**
- 2. DEVELOPED AREAS WITH IMPROVEMENT BONDS**
- 3. STREETS, PUBLIC PLACES & UTILITIES**
- 4. CENTRAL BUSINESS IMPROVEMENT DISTRICTS**

CHAPTER 1

TITLE, AUTHORITY & DEFINITIONS

SECTION

24-101. Title and Purpose.

24-102. Authority.

24-103. Definitions.

24-101. Title and Purpose. This Ordinance shall be known as the “Special Assessment Districts Ordinance” for the City of Franklin, Tennessee.

This Ordinance is intended to manage the manner in which Special Assessment Districts are addressed in the City of Franklin. When the Board shall have ordered the design and construction of any Improvement in accordance with the standard practices of the affected City Department, the Board shall have the power, for the purpose of providing means to pay that portion of the cost of the Improvements not chargeable to the City proper, to issue negotiable bonds of the City or finance by any other means authorized by charter or state law for the cost of the Improvements. This Ordinance sets general policy, minimum requirements and standards, and is supported and enforced through other more detailed regulations, design criteria, and other accepted materials to maintain or benefit the quality of life and character of the City.

24-102. Authority. This Ordinance is enacted pursuant to the authority granted by the Tennessee Code Annotated, Title 7, Chapter 32; Title 7, Chapter 3, and Title 7, Chapter 84.

24-103. Definitions. For the purpose of this Title, unless specifically defined below or by other chapters of this Title, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this Title it’s most effective application. Words in the singular shall include the plural, and words in the plural shall include the singular. Words used in the present tense shall include the future tense. The word “shall” connotes mandatory and not discretionary; the word “may” is permissive. The following definitions shall apply in the interpretation of this Title and in any regulations promulgated hereunder, unless specifically stated otherwise:

- (1) “Assessed Value” means the value as assessed for municipal property tax purposes.
- (2) “Assessed Value Basis” means the apportionment of the applicable cost according to the ratio that the Assessed Value of the individual parcels of property bears to the total Assessed Value of all such properties at such time as is determined by the Board. Such assessed values shall be the measure of benefits to Benefited Property or Property to be Benefited.
- (3) “Benefited Property” or “Property to be Benefited” means, as determined by the City, land, excluding improvement, that is within a reasonable distance from a Public Facility which is made available Benefited Property, or that abuts on a street or other public way to be improved .
- (4) “Benefits Received Basis” means the apportionment of the applicable costs according to a equitable determination by the Board of the Special Benefit received by the individual parcel

of property from the Public Facility, taking into account Assessed Value Basis, square foot basis, or any combination of Assessed Value Basis and square foot basis, and may include consideration of Assessed Value of land only, graduation for different classes of property based on the nature of the property, including amount of frontage on public streets, and the extent of any special benefits received.

(5) “Board” means the Board of Mayor and Aldermen of the City of Franklin, Tennessee.

(6) “City” means the City of Franklin, Tennessee.

(7) “City Engineer” means the City of Franklin, City Engineer who has the authority to delegate to designated staff, which includes, but is not limited to, the Director of Engineering, Staff Engineers, and the Director of the Water Management Department.

(8) “Costs” means cost of labor, materials, equipment necessary to complete an Improvement, land, easements, and other necessary expenses connected with an Improvement, including preliminary and other surveys, inspections of the work, Engineers' fees and costs, attorneys' fees, fiscal agents' fees, preparation of plans and specifications, publication expenses, interest that may become due on bonds before collection of the first Improvement Assessments, a reasonable allowance for unforeseen contingencies, and other costs of financing.

(9) “Director” means the Director of the Water Management Department of the City of Franklin, Tennessee.

(10) “District” means the special assessment district created by ordinance as adopted by the Board.

(11) “Engineer” or “Professional Engineer” means an Engineer duly registered, licensed or otherwise authorized by the State of Tennessee to practice in the field of civil engineering.

(12) “Establishing Ordinance” means the ordinance adopted by the Board that establishes the particular special assessment district.

(13) “Fair Basis” means Assessed Value Basis, Square Foot Basis, or Benefits Received Basis.

(14) “Improvement” means the construction, installation or substantial reconstruction of a Public Facility including streetscape improvements.

(15) “Improvement Assessment” means an assessment made each year against benefited property to pay the costs of an improvement, in the proportion that the assessed value of each parcel or lot of benefited property bears to the total assessed value of all benefited property according to the latest assessments of such property for purposes of municipal property taxation or as provided by this Title.

(16) “Owner” means record owner of parcel or property in fee.

- (17) “Plan” or Plan of Improvement” means the detailed design plan of all proposed Improvements in the District, including all such engineering studies, blueprints, architects’ renderings, photographs, diagrams, maps, schematics, specifications, and drawings as ay be required or desired to fully effectuate the construction of Improvements.
- (18) “Public Facility” means roads, streets, sidewalks and other public ways, including any storm drainage facilities; utilities, including electrical and the undergrounding of electrical and other similar overhead utility cables, gas, water, wastewater, including any related improvements; parking facilities; parks and greenways; and all other improvements necessary or desirable in connection with the facility.
- (19) “Public Sanitary Sewer” means a Sanitary Sewer controlled by the City to which owners of abutting properties may have access. In general, the Public Sanitary Sewer shall include the main gravity or low pressure Sanitary Sewer in the street or public easement and the service branch to the property or easement line.
- (20) “Sanitary Sewer” means an underground conduit for the passage of sewage, and pumping stations, pressure lines, and outlets where deemed necessary and to which storm, surface and ground water are not intentionally admitted.
- (21) “Service Line” means the pipe line extending from any Public Sanitary Sewer main of the City to the facility which generates Wastewater.
- (22) “Sewage or Wastewater” means the water carried wastes from residences, business buildings, institutions and industrial establishments.
- (23) “Square Foot Basis” means the apportionment of the applicable costs according to the ratio that the square footage of the individual parcels of property or the buildings expected to be constructed on the property bears to the square footage of all the property or the buildings expected to be constructed on the property.
- (24) “User” means any person, firm, corporation or government entity that discharges, causes, or permits the discharge of Wastewater into a Public Sanitary Sewer.
- (25) “Wastewater” – see Sewage or Wastewater above.

CHAPTER 2

DEVELOPED AREAS WITH IMPROVEMENT BONDS

SECTION

24-201. Authority

24-202. Ordinance to Make Improvements and Establish Special Assessment District.

- 24-203. Appearance by Affected Persons; Final Action; Certiorari Review.**
- 24-204. Competitive Bidding; Principal Bond Amount; Performance Bonds; Bindingness; Unacceptability.**
- 24-205. Improvement Assessments.**
- 24-206. Properties Benefited Later by Improvements.**
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- 24-208. Time of Assessments; Due Date, Penalties and Interest; Installment Option; Delinquency.**
- 24-209. Liens.**
- 24-210. Costs Used for Calculation of Property Assessments.**

24-201. Authority. This Chapter is enacted pursuant to the authority granted by the Tennessee Code Annotated, Title 7, and Chapter 33.

24-202. Ordinance to Make Improvements and Establish Special Assessment District.

(1) When the Board shall determine to construct an Improvement as authorized by this Chapter, or when it is petitioned by the Owners of Property to be Benefited having an Assessed Value of at least fifty-one percent (51%) of the total Assessed Value of all the Property to be Benefited from the proposed Improvement, it shall adopt an Establishing Ordinance that such Improvement shall be made. The Establishing Ordinance shall describe the geographical limits of the Properties to be Benefited, and the location, nature, scope and extent of the Improvement. The Establishing Ordinance shall also include a preliminary estimate of the Costs prepared by the City Engineer, a declaration that the Improvement will be designed and construction will be supervised by an Engineer, and a statement of the proportion of total Costs to be assessed against Benefited Properties, which shall not exceed seventy-five percent (75%) of the total Costs of the Improvement; provided, that the total Costs may be assessed against Benefited Properties if the Board additionally pledges full faith and credit of the City to satisfy any deficiency in collections of Improvement Assessments. In all succeeding proceedings, the City shall be bound and limited by the Establishing Ordinance as it may be amended, except that the total Costs assessed against Benefited Properties may exceed the preliminary estimate of Costs by not more than ten percent (10%). The Establishing Ordinance shall provide for a public hearing before the Board to be held at the time and place as specified in the Establishing Ordinance and in conjunction with the second (2nd) and final reading of the Establishing Ordinance. In addition, the City shall hold a public meeting to answer questions and receive comments concerning the Establishing Ordinance either in conjunction with or prior to the first (1st) reading of the Establishing Ordinance.

(2)(A) The City shall publish the Establishing Ordinance and a notice of the public hearing and public meeting at least seven (7) days in advance of the hearing or meeting in a newspaper of general circulation in the City and by posting at City Hall in a prominent location generally accessible to the general public.

(B) The public hearing notice shall state that any Owner of Property to be Benefited may appear to be heard as to:

- (i) Whether the proposed Improvement should be undertaken as planned, or abandoned;
- (ii) Whether the nature and scope of the Improvement should be altered; and
- (iii) Whether the Improvement should be financed through the issuance of bonds on the Assessed Value Basis as authorized by this Chapter and Tennessee Code Annotated, Title 7, Chapter 33.

(3) The public hearing notice shall also be sent by first class mail to the Owners of Properties to be Benefited or their agents of record, at the time of adoption of the Establishing Ordinance, at the addresses currently entered on the property assessment records.

24-203. Appearance by Affected Persons; Final Action; Certiorari Review.

(1) At the public hearing as required above, or at the time and place to which the hearing may be adjourned from time to time, all persons whose property may be affected by such Improvement may appear in person or by attorney or by petition.

(2) After the public hearing and after considering any objections, the Board may confirm, amend or rescind the Establishing Ordinance as its final action.

(3) Such final action shall be the final determination of the issues presented, unless the Owner of Property to be Benefited files, within ten (10) days thereafter, a petition for certiorari in the circuit court having jurisdiction to review the action of the Board. Failure to take such steps within the ten (10) days constitutes a waiver of all objections.

24-204. Competitive Bidding; Principle Bond Amount; Performance Bonds; Bindingness; Unacceptability.

(1) Proposals for the construction of an Improvement shall be solicited as sealed competitive bids after public advertisement at least once in a newspaper having general circulation in the City not less than three (3) weeks prior to the date set for receipt of bids.

(2) Upon or after the acceptance by the City of a bid, or combination of bids, the Board may determine the principal amount of bonds to be issued for the proposed Improvement, taking into account the amount of the accepted bid or bids, and all other Costs of the Improvement. These bonds shall be issued pursuant to Tennessee Code Annotated Title 9, Chapter 2.

(3) Each contract shall be supported by a performance bond for the full amount of the contract, with good surety to be approved by the City.

(4) A bid shall not be binding on a contractor unless the Board awards the construction contract within ninety (90) days after the date of opening bids.

(5) If the Board determines that no bids are acceptable, it may direct that the Improvement be accomplished by the City's own forces, in which event the Costs of construction included in the

total Costs for purposes of determining the Improvement Assessments shall not exceed the lowest construction bid or bids that conform to all bid requirements.

24-205. Improvement Assessments.

(1) Improvement Assessments shall be assessed annually against the Benefited Property as per the Assessed Value Basis. Properties not assessed for taxation, such as public property or property exempt from taxation, shall be specially assessed by the county assessor, or by a special assessor appointed by the Board for this purpose, for which compensation may be paid from the “(name of improvement) special fund” or from the general fund of the City. Any such special assessment shall be subject to the procedure for equalization and judicial review provided by the law for assessments made for purposes of property taxation.

(2) Improvement Assessments authorized by this Chapter shall not be levied against undeveloped or largely undeveloped areas, but shall be limited to areas in which a majority of the lots or parcels of land contain buildings or other structures.

24-206. Properties Benefited Later by Improvements. The City by ordinance may authorize properties other than the properties originally benefited by an Improvement to receive the benefits of the Improvement, and may make equitable provisions, which may be adjusted from year to year as bonds are retired, whereby the Owners of such later Benefited Properties will assume a fair proportionate share of the Improvement Assessments, or otherwise be placed as nearly as practicable on a basis of financial equity with the Owners of properties initially subject to the Improvement Assessments.

25-207. Benefited Government Properties. Benefited property owned by the City, Williamson County, the state of Tennessee, or the United States government or its agencies, if federal law makes such property subject to assessment, shall be subject to Improvement Assessments the same as private property, and the amount of each annual Improvement Assessment shall be paid by the City, Williamson County, state of Tennessee, or United States government, as the case may be. In the case of the state of Tennessee, the amount of Improvement Assessment shall be certified by the City to the commissioner of finance and administration, who shall direct the state treasurer to pay the Improvement Assessment to the City out of an appropriate appropriation or from any money in the state treasury not otherwise appropriated. No Benefited Property shall be exempt from Improvement Assessments. Improvement Assessments against such public property shall be enforceable by writ of mandamus or other appropriate remedy.

24-208. Time of Assessments; Due Date, Penalties and Interest; Installment Option; Delinquency. Annual Improvement Assessments for each Improvement shall be made by the Board when the levy of City property taxes is made; and such Improvement Assessments shall be due at the same time, or times, the City property taxes are due, and shall be subject to the same penalties and accrual of interest in the event of nonpayment as in the case of City property taxes. The Board may permit Owners of Benefited Property to pay Improvement Assessments in equal monthly installments, the first installment to be due and payable when the Improvement Assessment is due; in this event any monthly payment shall be delinquent thirty (30) days after it

is due and payable, and the whole balance of the annual Improvement Assessment shall then become delinquent and be subject to all penalties and interest as provided in this part.

24-209. Liens. Each Improvement Assessment, with any penalty or interest incident to the nonpayment of the Improvement Assessment, shall constitute a lien upon the lot or parcel of Benefited Property against which it is assessed. The lien shall attach to each lot or parcel of Benefited Property at the time the annual Improvement Assessment is made, and then shall take precedence over all other liens, whether created prior to or subsequent to the making of such Improvement Assessment, except state, county and municipal property taxes, and prior special assessments. The lien shall not be defeated or postponed by any private or judicial sale, by any mortgage, or by any error or mistake in the description of the property or in the names of the Owners, if the description is sufficient to identify the property subject to the Improvement Assessment. No irregularity in the proceedings of the Board shall exempt any Benefited Property from the lien for the Improvement Assessment, or from the payment of the Improvement Assessment, or from the penalties or interest on the Improvement Assessment.

24-210. Costs Used for Calculation of Property Assessments. The Costs of the Improvement to be used by the Board for the calculation of the Improvement Assessments shall be the project Costs after final acceptance of the Improvement by the City as long as the final project Costs do not exceed the estimated Costs as approved in the Establishing Ordinance for the District by more than ten percent (10%). Should the final project Costs exceed the estimated Costs by more than one hundred ten percent (110%); then the Improvement Assessments shall be calculated using the estimated Costs plus ten percent (10%). The final project Costs shall include those costs as identified in the Definitions, Section 24-103 (8), with a further breakdown of the "labor, materials, equipment necessary to compete an underground Improvements" Costs to include trench excavation, piping, manholes and any other required appurtenance for a completed Public Facility system, trench pavement repair, stormwater prevention and erosion control materials, installation and maintenance, final clean-up and grading, and property stabilization.

CHAPTER 3

STREETS, PUBLIC PLACES & UTILITIES

SECTION

24-301. Authority.

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- 24-328. Payments for Improvements; Borrowing in Anticipation of Fund Realization.
- 24-329. Effect on Other Laws or Ordinances.
- 24-330. Construction of Chapter.

24-301. **Authority.** This Chapter is enacted pursuant to the authority granted by the Tennessee Code Annotated, Title 7, and Chapter 32.

24-302. Ordinance to Make Improvements and Establish District.

(1) When the Board shall determine to construct or reconstruct an Improvement as authorized by this Chapter it shall adopt an Establishing Ordinance that such Improvement shall be made. The Establishing Ordinance shall describe the nature and extent of the Improvement, the character of materials to be used, the location and the terminal points of the proposed Improvements, and the flood plain, streets, avenues, alleys, highways, or other public places, or part or parts thereof, on which such Improvements are to be made and to cause not less than two-thirds (2/3) of the Cost or expense of the Improvements to be assessed against the property abutting or adjacent to the street, avenue, alley, highway, or any other public place so improved. The Establishing Ordinance shall also direct that full details, drawings, Plans, specifications, and surveys for the proposed Improvement and estimates of Costs for the Improvement be prepared by the City Engineer, or other Engineer or Engineering firm contracted for such work by the City; or the Board may adopt Plans for such Improvements already prepared.

(2) The Board shall also have the power to design, or cause to be designed, contract for, execute, or cause to be executed, Improvements or alterations for flood control, water management, soil erosion, and disaster relief and to cause not less than two-thirds (2/3) of the Cost or expense of the Improvements mentioned in this subsection (2) not paid by federal funds to be assessed against property within the flood plain in which the Improvements or alterations are made.

(3) Notwithstanding any local charter provision or other law to the contrary, the Board may approve the transfer to the City of a Public Facility that is acquired, improved or constructed by a third party, including a private entity, if the City reasonably anticipates that private investment of not less than twenty-five million dollars (\$25,000,000) will be made on property adjacent to the Public Facility.

(A) (i) The transfer of any Public Facility shall be documented by written agreement between the City and the transferor or transferors of the Public Facility and the agreement shall be approved in substantially final form by the Board. As a condition to entering into an agreement, the Board shall determine that the City and the citizens of the City will receive a public benefit from entering into such agreement. Before approving any agreement setting forth the terms of the transfer of a Public Facility pursuant to this Chapter and the Improvement Assessment of any portion of consideration thereof pursuant to Section 24-304, the Board shall hold a public hearing relating to the proposed agreement and Improvement Assessment.

(ii) Notice of the public hearing shall be published by the City in a newspaper of general circulation in the City at least two (2) weeks prior to the date of such public hearing. The notice shall include the time, place and purpose of the public hearing, and notice of how the proposed form of the agreement and map of the area that is proposed to be subject to the Improvement Assessment pursuant to Section 24-303 can be viewed by the public. Additionally, the notice shall be mailed via certified mail to each Owner of property proposed to be subject to the Improvement Assessment at the address of the Owner on the records of the Williamson County Tax Assessor.

(B) The City may pay consideration for any transfer of a Public Facility pursuant to this Subsection 24-302(3); however, the consideration may not exceed the Cost documented by the selling party of acquiring, improving and/or constructing the Public Facility, including any Costs incurred in the acquisition of the land on which the Public Facility is located. The consideration shall be payable in the manner as may be agreed upon between the City and the transferor or transferors of the Public Facilities and may be payable in the installments and at the times agreed upon by the City and the transferor or transferors. Additionally, the City may agree as additional consideration for the transfer of a Public Facility to reimburse the transferor or transferors of a Public Facility for expenditures made by the transferor or transferors to improve existing Public Facilities in order to facilitate the construction of the Public Facility being sold or to connect the Public Facility being sold to existing Public Facilities; however, the amount of the reimbursement may not exceed the actual documented Cost of the expenditures.

(C) Notwithstanding any other provision to the contrary, Sections 24-303 – 24-306 shall not apply to the acquisition of any Public Facilities pursuant to this Subsection 24-302(3) or Improvement Assessments relating to the acquisition.

(D) The authority granted to the City by this Subsection 24-302(3) shall not be construed to limit in any manner the authority of the City to acquire a Public Facility or any other property in accordance with other law or any local charter.

(E) Any action taken by the Board relating to the transfer of a Public Facility and the appointment and assessment of the consideration therefor shall be by an ordinance and shall take effect upon adoption on second and final reading. Except as specifically provided in this Subsection 24-302(3), the ordinance need not be published or posted, or be subject to veto by the City's mayor, nor shall the ordinance require for its passage more than a majority vote of all members of the Board then in office. Any property that is subject to the Improvement Assessment pursuant to Section 24-307 shall be specifically identified in the ordinance that is adopted approving the transfer of the Public Facility to the City. In identifying the property that is to be subject to the Improvement Assessment, the Board may remove, but not add, any properties to those identified in the map of the properties that are subject to the public view prior to the public hearing on the proposed agreement to acquire the Public Facility.

24-303 Documents; Filing. Details, drawings, Plans, specifications, and estimates shall, when completed, be placed on file in the office of the City Engineer, City Recorder, or other official designated in the Establishing Ordinance, where the Owners of property who may be affected by such Improvement may see and examine the details, drawings, Plans, specifications, and estimates.

24-304 Public Hearing; Objections; Waiver. The Establishing Ordinance shall appoint a time and place when the Board shall meet to hear any objections or remonstrations that may be made to the Improvement, the manner of making objections, or the character of material to be used and said meeting shall not be less than two (2) weeks after the date of the first publication of notice of the Establishing Ordinance. The public hearing notice of the Establishing Ordinance shall be given by publishing a notice once a week for two (2) consecutive weeks in a newspaper of general circulation in the City. It shall not be necessary to set out in full in the public hearing notice the Establishing Ordinance, but the public hearing notice shall state the character of the Improvements, the location and terminal points of the Improvements, and also the time and place, not less than two (2) weeks from the date of first publication, of the public hearing notice. At the time and place appointed, the Board shall meet, and at the meeting, or at the time and place to which the meeting may be adjourned from time to time, all Owners whose property may be affected by the Improvement may appear in person or by attorney or by petition and protest against the making of such Improvement, the material to be used, and the manner of making the Improvement; and the Board shall consider such objections and protests, if any, and may confirm, amend, modify, or rescind the Establishing Ordinance. Failure to object or protest at the time of confirmation of the Establishing Ordinance shall constitute a waiver of any and all irregularities, omissions, and defects in the proceeding taken prior to such a time.

24-305. Construction; Bids; Bonds. Upon confirmation of the Establishing Ordinance, the Board shall proceed to construct the Improvements thus authorized, which may be done by contract with the lowest and best responsible bidder, in accordance with the provisions of the City's Charter or procurement policy, or may be done the City's forces, as it may elect. In case the Improvement is to be let to the lowest and best responsible bidder, all bids submitted for the

construction of the Improvement shall be accompanied by a certified check or a suitable bond, with at least two (2) good and solvent sureties, who are citizens or residents of the City; or in lieu of personal sureties, the bond of some surety company authorized to do business in Tennessee may be given in a penal sum of at least ten percent (10%) of the entire Cost of the work to be done or Improvements to be made, computed on the basis of the bid submitted, and conditioned that the contractors named in the bid shall, in case the work is awarded to them, enter into a contract with the City within the time required and for the price named in their respective bids, and in accordance with the Plans and specifications of the City and the provisions of the Establishing Ordinance providing for the Improvement. The City has the power to reject any and all bids and to order new bids.

Simultaneous with the execution and delivery to the City of the contract to construct the Improvements, the successful bidder shall execute and deliver a Contract Surety (Performance Bond) in an amount equal to one hundred percent (100%) of the entire contract price of the Improvement, conditioned that the party shall well and truly perform all of the terms and conditions of the contract, in a good and workmanlike manner, and in accordance with the Plans and specifications, which shall form part of the contract, and shall indemnify and hold the City harmless from all losses, costs, and expenses that it may sustain by reason of any negligence or default of such contractor.

24-306. Railroad Tracks; Costs.

(1) Should there be electric, interurban or steam railroad track or tracks on any street, alley, avenue, or highway improved under this Chapter, the Cost of such Improvement between the rails and the spaces between such tracks and eighteen inches (18") beyond the outer rail, including switches and turnouts, shall be paid by the Owners of such railroad, and shall be assessed and collected from such Owner and shall be a lien upon the railroad and the property used in connection with the railroad and the property; provided, that where any such railroad shall occupy any street, alley, avenue, or highway under ordinance or contract with the City, it shall pay or improve according to the provisions of such ordinance or contract, as provided in Subsection 24-306(3).

(2) When any of the Improvements authorized by this Chapter have been directed to be done by an Establishing Ordinance, as provided in this Chapter, the Board has the power to require any street or other railroad company to replace the rails that such company may have in such streets with other rails of a kind to be specified by the Board, when, in the judgment of the Board, their rails ordered to be removed are not suitable to be used with paving that is about to be put down by the City. Should the company refuse to comply with the requirements of the notice, the Board has the right, and it shall be its duty, to institute suitable legal proceedings against the company to compel and require the company to lay and replace the rails as are thus specified; and if successful in such legal proceedings, the City shall be entitled to recover from such company any and all Costs, expenses, and losses incurred by it because of such refusal and failure of such company to comply with such order.

(3) When any street, alley, avenue, or alley to be improved has located in the street, alley, avenue, or highway the track or tracks of any street railway, interurban railway, or commercial

railway company that has agreed to pave any portion of the street, alley, avenue, or highway, and by the terms of its agreement has the option of either doing the work of paving in accordance with the plans and specification prepared by the City, or of permitting the City to do the work at a price to be paid to the City by the company, it is the duty of the Board, before enacting the Establishing Ordinance or ordinances providing for the Improvement, to ascertain whether the company desires to do its portion of the paving itself or that the same be done by the City.

(4) If the company elects to have its portion of the paving done by the City, then, and before proceeding to apportion the Cost of the Improvement upon any lots or parcels of property abutting on or adjacent to the street, alley, avenue, or highway, the Board shall first deduct from the total of the Improvement the amount that should be paid by such company; and after deducting the amount that is to be paid by such street or other railway company, the Board shall proceed to apportion two-thirds (2/3) of the balance of the Cost of such Improvement upon the property abutting on or adjacent to such street, alley, avenue, or highway, as provided in this Chapter.

24-307. Apportionment of Costs; Abutting Property Owners; Public Facilities.

(1) After the completion of the Improvement, it shall be the duty of the Board, in conformity with the requirements of the Establishing Ordinance, to apportion at least two-thirds (2/3) of the Cost of such Improvement not paid by federal funds upon the property within the flood plain or property abutting on or adjacent to the street, alley, avenue, highway, or other public place, which apportionment shall be made against the property, and the several lots or parcels of the property, according to the frontage of the lots or parcels on the street, alley, avenue, highway, or public place.

(2)(A) In connection with the approval of the transfer of any public facility pursuant to Subsection 24-302(3), the Board shall apportion the Costs incurred by the City under the agreement to transfer the Public Facility and any related Costs, including reimbursed expenditures related to the Public Facility pursuant to Subsection 24-302(3) and including all expenses and Costs relating to public improvements incurred by the City pursuant to the agreement, among each parcel of property that is determined by the Board to directly benefit from the Public Facility on a fair basis, as defined in Section 24-302 and shall assess each parcel of property the amount so apportioned.

(B) The aggregate amount of the Improvement Assessment levied for the purpose of financing a Public Facility may equal the total consideration paid for the Public Facility and any related reimbursed expenditures pursuant to Subsection 24-302(3) and any other related expenditures incurred by the City, including fiscal and legal expenses.

(3)(A) Each property Owner affected by the levy of an Improvement Assessment authorized by this Chapter shall receive written notice of:

- (i) The method of apportionment of the Improvement Assessment; and

(ii) The amount of the Improvement Assessment allocated to the Owner's parcel.

(C) The notice shall be delivered by certified mail to the address listed on the records of the tax assessor of Williamson County.

(4) For purposes of apportioning and assessing the Costs incurred by the City pursuant to Subsection 24-302(3), Section 24-308 through Section 24-310 and Subsection 24-313(c) shall not be applicable.

24-308. Levy or Improvement Assessment; Limitation on Aggregate Amount.

(1) The aggregate amount of the levy or Improvement Assessment made against any lot or parcel of land shall not exceed one half (1/2) of the cash value of the lot and improvements on the lot.

(2) By cash value, it is the intent of this Section to mean the fair market sale price of the lot and improvements on the lot if sold at a voluntary sale.

(3) The City shall pay any part of the levy or Improvement Assessment against any such lot or parcel of land as may be in excess of one half (1/2) of the cash value of the lot or parcel of land.

24-309. Intersection Improvements; Apportionment of Costs. Where intersections of any street, avenue, or other highway are improved, the City shall pay one third (1/3) of the Cost of the Improvement, and the balance shall be assessed against the property of the street improved and the intersecting street or streets for one half (1/2) a block in all directions according to the frontage of the properties; provided, that the Cost to be assessed against railways having tracks within such intersections shall be deducted from the Cost of such intersections to be paid by the City and property Owners.

24-310. Costs; Prorated Payment by Abutting Property Owners; Petition. In the event a petition is presented to the Board asserting the willingness of each of the signers of said petition to pay their pro rata share of the entire Cost of any Improvement such as is authorized by this Chapter, and relieve the City from the payment of any part of the Improvement as to any street, highway, or alley, or part or parts thereof, which petition is signed by the Owners of at least seventy-five percent (75%) of the frontage of the lots or parcels of land abutting on such street, highway, or alley or part or parts thereof, proposed to be thus improved. Such petition may be granted by the City and then proceedings may be had under this Chapter and Chapter 2 of this Title 24, the same in all respects as if the Improvement had been begun by the Board on its own initiative. Bonds may be issued and Improvement Assessments shall be made, except that the Improvement Assessments shall, in such event, be made for the entire Cost of the Improvement, and bonds may be issued for the entire Cost instead of Improvement Assessments being made and bonds being issued for only two thirds (2/3) of the Cost of the Improvements; provided, that no Improvement Assessment under this Section shall in any event exceed on any lot one half (1/2) of the Assessed Value of the lot for City taxes for the current year, and all other provisions

of this Chapter and Chapter 2 of this Title 24 shall be applicable in respect of any Improvement made under this Section, except as in this Section otherwise expressly provided.

24-311. Costs; Included Items. The Cost of any Improvement contemplated under this Chapter shall include the expense of the preliminary and other surveys, the inspection and superintendence of the work, the preparation of Plans and specifications, the printing and publishing of notices, resolutions and ordinances required, including notice of the Improvement Assessment, preparing bonds, interest on bonds, and any other expense necessary for the completion of the Improvement; provided, that the Cost of any guaranty or maintenance of any work constructed under the terms of this Chapter shall not be assessed against the property abutting on or adjacent to the street or streets or other ways improved.

24-312. Water and/or Wastewater Connection Orders; Contracts Upon Default.

(1) Before making any of the Improvements contemplated in this Chapter, the Board shall have the power to order the Owners of all abutting properties to connect their several premises with water and/or Wastewater mains located in or along the opposite side of the streets, highways, or alleys adjacent to their several premises. Should the abutting property Owners default for thirty (30) days after such order to make connection, the City may contract for and make the connection(s) aforementioned, at such distances, under such regulations, and in accordance with such specifications as may be prescribed by the Board; and the whole cost of each connection along with any access, connection, or similar required fee shall be assessed against the premises with which the connection is made.

(2) Any number of such connections may be included in one (1) contract, and the Cost thereof shall be added to the final levy or Improvement Assessment made against the property of each lot or parcel Owner, as hereinbefore provided.

24-313. Apportionment; Notice of Completion and Public Hearing. When the Board has completed apportionment, the City Engineer shall have published a notice that the Improvement Assessment list has been completed, and that, on a day named, which shall not be less than ten (10) days after the date of publication of the notice for a public hearing, the Board will consider any and all objections to the apportionment that have been filed in the office of the City Engineer.

(1) On the date named in the notice of a public hearing, or at any date to which the public hearing meeting may be adjourned or to which consideration of the Improvement Assessments and the objections to the Improvement Assessment may be postponed, the Board shall hear and consider the Improvement Assessment and objections to the Improvement Assessment, and, after so doing, shall confirm, modify, or set aside the Improvement Assessments as shall be deemed right and proper. If any objections to an Improvement Assessment to pay the Costs pursuant to Subsection 24-302(3) are made, the confirmation of the Improvement Assessment shall require the unanimous approval of the Board members present at the meeting at which the objections is considered.

(2) The notice shall further recite that the lists are in the office of the City Engineer and may be inspected within normal business hours and during the time specified by anyone interested.

(3) The notice shall also state the general character of the Improvement and the terminal points of the Improvement.

24-314. Objections to Improvement Assessments; Failure to Object.

(1) All Owners of property subject to Improvement Assessment for the Cost of the Improvement or any Costs incurred pursuant to Subsection 24-302(3) may, at any time on or before the date and time named in the notice for the public hearing before the Board, file in writing with the City Engineer any objections or defense to the proposed Improvement Assessment or to the amount of the Improvement Assessment.

(2) If no objection to the Improvement Assessment of the amount of the Improvement Assessment is filed, or if the property Owners fail to appear in person or by attorney to present an objection, the Improvement Assessment shall be confirmed and made final.

(3) Property Owners who do not file an objection in writing or protest against the Improvement Assessment shall be held to have consented to the Improvement Assessment and are forever barred to attack the regularity, validity, or legality of the Improvement Assessment.

24-315. Confirmation and Final Action.

(1) The confirmation and final action by the Board specified in Section 24-314 shall be done at a single meeting of the body.

(2) The enabling legislation as found in Tennessee Code Annotated Title 7 § 7-32-125(b) has declared that the provisions of the City's Charter in reference to the passage of an ordinance for the creation of a special assessment as authorized by this Chapter shall not be applicable to the Board's action in levying such Improvement Assessments, except that such levy or Improvement Assessment shall be approved by the Mayor. In the event the Mayor refuses to approve or vetoes the levies or Improvement Assessments, which the Mayor shall do as a whole, such levies or Improvement Assessments shall be passed over the Mayor's veto in like manner as ordinances or resolutions are passed over such vetoes.

24-316. Appeals.

(1) When any Owner or part Owner of any of the lots or parcels of land in the flood plain or abutting on or adjacent to any street, highway, avenue, or alley that is improved or about to be improved as provided in this Chapter, and upon or against which lots or parcels of land, levies or Improvement Assessments have been made for the purpose of paying for such Improvement, as has been provided in this Chapter, shall be aggrieved by the action of the Board, such Owner or person shall have the right to appeal from the action of the Board to the Circuit Court of Williamson County; provided, that the Owner made objection or protest to the levies or Improvement Assessments at the time provided for and appointed for objecting to the levies or

Improvement Assessments. Such appeal shall be perfected by filing with the clerk of such Circuit Court a petition setting forth the facts in regard to such levies and Improvement Assessments and the irregularities or illegal acts in the making of the levies or Improvement Assessments. Such clerk shall then notify the City to deliver a copy of such levies or Improvement Assessments, and all proceedings in reference to the levies or Improvement Assessments, to the clerk of the Circuit Court, and such case is to then be docketed for trial as other civil causes at law. The appeal of any individual shall not affect the legality of such levy or Improvement Assessment as to other property involved in the levies or Improvement Assessments. Such appeal shall be perfected within thirty (30) days after the final action of the Board making such levies or Improvement Assessments, and if not perfected within this time, the levies or Improvement Assessments shall be regarded as final, and shall not be reviewed by certiorari, injunctions, bills to quiet title or otherwise by any of the courts.

(2) Notwithstanding Subsection (1), an Owner of property subject to an Improvement Assessment may irrevocable waive the Owner's right to appeal in the contract for installment payments described in Section 24-322 or by otherwise evidencing waiver in writing.

24-317. Setting Aside; New Assessments. If in any court any final Improvement Assessment made in pursuance of this Chapter is set aside for irregularities, omissions, or defects in the proceeding, then the Board may, upon recommendation and notice as required in the making of an original Improvement Assessment, make a new Improvement Assessment in accordance with the provisions of this Chapter.

24-318. Errors; Correction. Any error, mistake of name, number of lot, or other irregularity may at any time be corrected; and no such levy or Improvement Assessment shall ever be declared void or invalid by reason of any error, mistake, or irregularity, but the person aggrieved may have the error, mistake, or irregularity corrected by application to the Board.

24-319. Delivery to Tax Collector; Special Assessment Book; Subdivision.

(1) After the Board has levied the Improvement Assessments against certain lots or parcels of property, the City Administrator/City Recorder shall deliver the Improvement Assessments to the tax collector of the City, who shall enter the Improvement Assessments into the tax collector's records (Special Assessment Book), which shall include the following information:

- (A) Name of the Owner of the lots or parcels property;
- (B) The amount that has been assessed against the lot or parcel of property; and
- (C) Any other information deemed appropriate.

(2) The information in Subsection (1) above shall be indexed according to the names of the Owners of the lot or parcel property.

(3) If a lot or parcel subject to an Improvement Assessment is subdivided, as a condition of recording any subdivision plat, the Owner of the lot or parcel shall consent in writing to an

equitable allocation of the Improvement Assessment among the subdivided lots or parcels, and the allocation shall be noted in the records, or Special Assessment Book, of the appropriate tax collector. The Special Assessment Book shall be a book of original entries for any and all purposes, and certified copies of the entries shall be competent evidence in all cases in all the courts.

24-320. Assessment Liens; Tax Lien Enforcement; Tax Sale Purchase.

(1) All Improvement Assessments made in pursuance of this Chapter shall constitute a lien on the respective lots or parcels of land upon which they are levied, superior to all other liens except those of the state, county and City for taxes.

(2) The enforcement by the state, county, and City of their liens for taxes on any lot or parcel of land upon which has been levied an Improvement Assessment for any Improvement authorized by this Chapter shall not operate to discharge or in any manner affect the City's lien for such Improvement Assessment; however, a purchaser at a tax sale by the state, county, or City of any lot or parcel of land upon which the Improvement Assessment has been levied shall take the same subject to the lien of such Improvement Assessment, and if bought by the state, any conveyance of the title thus acquired or redemption shall be subject to the lien of such Improvement Assessment.

24-321. Tax Collector's Receivable Warrant. The tax collector shall issue the tax collector's receivable warrant to the individual or Owner desiring to pay any of the Improvement Assessments, which amount shall be paid to the treasurer of the City as taxes and other revenues of the City are now paid.

24-322. Due Date; Installment Payments.

(1) All Improvement Assessments levied by virtue of this Chapter shall be due and payable within thirty (30) days after the Improvement Assessment is made final pursuant to Section 24-315; but at the election of the property Owner, to be expressed by notice as provided in Section 24-323, the Improvement Assessment may be paid in five (5) annual installments, and shall bear interest at the rate of six percent (6%) per annum, interest payable semiannually. In all cases where an agreement pursuant to Section 24-323 has not been signed and filed within the time limit, the entire Improvement Assessment shall be payable in cash, without interest, before the expiration of thirty (30) days.

(2) For an Improvement Assessment levied in connection with a Public Facility acquired pursuant to Subsection 24-302(3), the City may permit payment of the Improvement Assessment in installments, made not more frequently than monthly and amortized for a period not to exceed thirty (30) years from the date of acquisition and accruing interest at a rate to be determined by the City; however, the interest rate shall not exceed the maximum rate of interest permitted by law. Property Owners shall enter into a written agreement detailing the terms of the installment payments pursuant to Section 24-323.

24-323. Installment Contracts; Consideration. A property Owner desiring to exercise the privilege of payment by installments shall, before the expiration of the thirty (30) days as provided in Section 24-322, enter into an agreement in writing with the City that, in consideration of such privilege, the property Owner will make no objection to any illegality or irregularity with regard to the Improvement Assessment against such Owner's property, and will pay the Improvement Assessment, as required by law, with the specified interest. The agreement shall be filed in the office of the City Administrator/Recorder or other person as designated by the City Administrator/Recorder.

24-324. Installment Early Payment.

(1) Any property Owner who elects to pay the Improvement Assessment in five (5) annual installments pursuant to Section 24-323 shall have the right and privilege of paying the Improvement Assessment in full at any installment period by paying the full amount of the installments, together with all accrued interest, and an additional sum equal to one half (1/2) the annual interest on the installments.

(2) Notwithstanding Subsection (1) above, an Owner of property subject to an Improvement Assessment may irrevocably waive the Owner's right to prepay the Improvement Assessment in the agreement for installment payments described in Section 24-323 or by otherwise evidencing the waiver in writing.

24-325. Installment Payments Default. If any property Owner defaults in the payment of any installment and interest on the installments, all of the installments, with interest, and an additional sum equal to one half (1/2) the annual interest, shall become immediately due and payable.

24-326. Delinquent Installments; Attachment of Land.

(1) Whenever any installments of any Improvement Assessment become past due for a period of sixty (60) days, it is the duty of the tax collector of the City to certify the installment and all other installments of the same Improvement Assessment to the city attorney, whose duty it shall be to immediately enforce the collection of the installment or installments, by attachment levied upon the lot or parcel of land upon which such Improvement Assessment was levied. In case of any such delinquency, attachment shall be sued out and the lien under the attachment enforced in Williamson County Chancery Court.

(2) Any property so attached may be sold in the attachment proceedings in bar of the equity of redemption and all other rights, legal or equitable, belonging to the Owners of the property.

24-327. Attachment Sales; Bidding by Mayor; Quitclaim Deed. Whenever such proceedings taken by the City result in the sale of any lot or parcel of land to pay any installment or installments of such levies or Improvement Assessments, the Mayor shall have the right to bid at such sale up to the amount of all of the Improvement Assessments that are outstanding against the property. If the property is struck off to the Mayor, the title of the property shall be taken in

the name of the City. The Mayor shall thereafter have the power to execute a quitclaim deed of the City to any individual who tenders in consideration of the quitclaim deed the amount of such Improvement Assessments that may have been levied against such property, together with all Costs, interest, or charges that may have been incurred in the effort to collect such Improvement Assessments.

24-328. Payments for Improvements; Borrowing in Anticipation of Fund Realization. The City shall have the authority and power to borrow money for the purpose of making payments for the Improvements contemplated in this Chapter in anticipation of realization of funds, either by the sale of bonds or special assessments. The City is further authorized to make payments out of any funds on hand or such funds as may be available for either that portion of the work to be assessed against the abutting property Owners or Owners of property in a flood plain or to be paid by the City itself. Nothing in this Chapter or Chapter 2 of this Title shall be construed to prohibit the City from making payment of the entire Cost of such Improvements out of any funds that may be provided or available for such purposes.

24-329. Effect on Other Laws or Ordinances. The provisions of this Chapter and Chapter 2 of this Title shall not repeal, modify, or interfere with the operation of any special of local Improvement Assessment or abutting property law or ordinance enacted for the benefit of the City; provided, that the provisions of such chapters shall be additional and supplemental to the powers conferred by such local or special law or ordinance, and the City may take advantage of any of the rights, powers, and authority conferred by such chapters, in addition to those which the City now possesses.

24-330. Construction of Chapter. This Chapter, being necessary to secure and preserve public health, safety, convenience and welfare, shall be liberally construed to effect its purposes.

CHAPTER 4

CENTRAL BUSINESS IMPROVEMENT DISTRICTS

SECTION

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24-401. Authority. This Chapter is enacted pursuant to the authority granted by the Tennessee Code Annotated, Title 7, and Chapter 84, Parts 1-5.

24-402. Declaration of Necessity. The Tennessee General Assembly has determined and declared that the deterioration of the central business districts of some cities of the state by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, deleterious land use, obsolete layout, or any combination of these or other factors, is a threat to the property tax and other revenue sources of such cities and is detrimental to the safety, health, morals, and general and economic welfare of the cities in which they are located; that the elimination of urban blight and decay and the modernization and general improvement of such central business districts by governmental action is considered necessary to promote the public health, safety and welfare of such cities; and that restoration of such central business districts is an appropriate subject for remedial legislation. Further, cities should be encouraged to create self-financing central business improvement districts and designate district management corporations to execute self-help programs to enhance their local business climates; and should be given the broadest possible discretion in establishing self-help programs most consistent with their local needs, goals and objectives.

24-403. Effect on Housing Authority Proceedings; Urban Renewal Areas. The provisions of this Chapter shall not affect any proceedings under Tennessee Code Annotated Title 13, Chapter 20, Parts 1-3, and all or any part of the area within the boundaries of a central business improvement district created pursuant to this Chapter may be part of any urban renewal area created pursuant to such provisions or other laws.

24-404. Effect on City Improvement Powers; Authority Granted. This Chapter is intended to afford an alternative method for the making of Improvements by the City, the creation of special Improvement Districts for central business districts of the City, the levy of assessments and the

issuance of bonds by the City, and shall not be so construed as to deprive the City of the right to make Improvements, create Special Improvement Districts, levy assessments or other special taxes or issue bonds under authority of any other law of the State of Tennessee now in effect or hereafter enacted; nevertheless, this Chapter shall constitute full authority for the making of Improvements, creation of central business improvement districts, levy of assessments and issuance of bonds under Tennessee Code Annotated Title 9, Chapter 21, to the extent applicable, by the City.

24-405. Effect on Control and Jurisdiction Over Municipal Property. Nothing in this Chapter shall effect or impair the control and jurisdiction that the City has over all property within its boundaries. The powers and authority granted by this Chapter shall be in addition to any and all other powers and authority now residing with, or hereafter granted to the City and all powers granted in this Chapter shall be subject to the general control and jurisdiction of the City.

24-406. Construction. This Chapter, being necessary to secure and preserve the public health, safety, convenience and welfare, shall be liberally construed to effect its purposes.

24-407. Priority Over Conflicting Laws. In the event of conflict between the provisions of this Chapter and any other laws or parts of laws governing the statutes of the City and state of Tennessee, the provisions of this Chapter shall govern.

24-408. Authorization to Create. The City is hereby authorized to create, by ordinance, one (1) or more central business improvement districts in the manner provided in this Chapter.

24-409. Establishment; Petition or Ordinance. The establishment of a central business district shall be initiated in either of two (2) ways, as follows:

(1) By a petition filed in the office of the City Administrator, signed by not less than a majority in number of the Owners of real property in the district having an Assessed Value of not less than two thirds (2/3) of the Assessed Value of all the real property proposed to be included in the district. After the filing of the petition, no petitioner shall be permitted to withdraw the petitioner's name from the petition. No petition with the requisite signatures shall be declared void on account of formal or insubstantial defects. The City, at any time, may permit the petition to be amended to conform to the facts by correcting any errors in the description of the territory, or in any other particular. Similar petitions for the organization of the same district may be filed, and together shall be regarded as one (1) petition with the original. All such petitions filed prior to the hearing on the first petition filed shall be considered by the City in the same manner as if filed with the first petition placed on file. The initiating petition shall set forth:

(A) The name of the proposed district, which shall include the name of the City together with the words, "Central Business Improvement District"; and

(B) A general description of the boundaries of the district or the territory to be included in the district, identified with sufficient certainty to enable any and all Owners to determine whether their property lies within the district; and

(C) A general description of the Improvements, services, projects proposed for the district, and other uses of special assessment revenues within the district; and

(D) The total estimated Costs of the proposed Improvements, services, projects and other proposed uses and the estimated rate of levy of the special assessment, with a proposed breakdown by property classification if such classification is to be used; and

(E) A statement that the petition is filed pursuant to the terms of this Chapter; and

(F) A Request that a district be established pursuant to this Chapter and that the administration of the district be governed by;

(i) A board of assessment commissioners as provided for in Section 24-XXX of this Chapter; or

(ii) A district management corporation as provided for in Section 24-XXX of this Chapter.

(2) The City may initiate the establishment of a central business improvement district by adoption of a resolution setting forth the same matters as are required to be set forth in the initiating petition.

24-410. Included Properties; Size and Form. Any central business improvement district created by the City may embrace two (2) or more separate property areas. Each District shall be of such size and form as to include all properties that, in the judgment of the Board, shall be benefited by the Improvements and services that are proposed to be made and provided in or for such District. The jurisdiction of the City to make and provide, finance and levy assessment for the Cost of any Improvements and services within a District shall not be impaired by a lack of commonness, unity, or singleness of the location, purpose or character of the Improvements of services, of by the fact that nay one (1) or more of the properties included in the District are subsequently determined not to be benefited by such Improvement or Improvements, or by a particular portion of the Improvement or Improvements, and is not assessed for such Improvement, or Improvements.

24-411. Establishment; Public Hearing.

(1) Upon the filing of an initiating petition purporting to contain the requisite number of signatures, or upon the adoption of an initiating resolution by the City, the City shall order a public hearing to determine whether such central business improvement district shall be established. Such hearing shall be held not less than thirty (30) nor more than forty-five (45) days following the filing of the initiating petition with the clerk of the City or the adoption of the initiating resolution by the City.

(2) Notice of the public hearing shall be provided by publishing a notice once a week for three (3) consecutive weeks in a newspaper of general circulation in the City. It shall not be necessary to set out in full in such notice the proposed establishment ordinance, but such notice

shall state in summary detail those facts required to be included in the initiating petition or initiating resolution. The notice shall state the time and place of such public hearing, which shall be at least seven (7) days following the date of publication of the third and final notice. Such notice shall also be given by mail to each owner of real property within the proposed District.

24-412. Appearance by Affected Persons; Action on Ordinance; Effect of Failure to Protest; Ordinance Amendment.

(1) At the time and place appointed for the public hearing, the Board shall meet, and at such meeting, or at the time and place to which the meeting may be adjourned from time to time, all persons whose property may be affected by such Improvement or Improvements may appear in person, by attorney or by petition and protest against the creation of such central business improvements district; and the Board shall consider such objections and protests, if any, and may change the District boundaries or modify the proposal in such manner as may be deemed advisable by the Board. At the conclusion of such public hearing, the Board shall adopt, adopt as amended, or reject the organization of such central business improvement district by the adoption or rejection of the ordinance setting out the District. Such public hearing shall be held at the same time as the second reading of the establishing ordinance so that the adoption shall take place at the conclusion of such public hearing.

(2) Any person who fails to file a protest, or who fails to appear at the public hearing or protest, or, having filed, withdraws such protest, shall be deemed to have waived any objection to the creation of the District, the making of the Improvements, and the inclusion of such person's property in the District.

(3) The Board may amend from time to time the ordinance organizing a central business improvement district to include additional Improvements; provided, that the amendment shall not become effective until after a public hearing relating to the amendment is held in the manner required by Section 24-411, and any amendment shall be subject to protest as provided in Section 24-413.

(4) A District may only be established by ordinance passed by a majority vote of the members of the Board present and voting upon conclusion of the public hearing procedure as set forth in this Section.

24-413. City Initiated by Resolution; Failure of Ordinance; Amendment of District Boundaries to Permit Adoption.

(1) In the event that the establishment of a District shall have been initiated by resolution of the City, the establishment ordinance shall not be adopted if Owners representing more than one half (1/2) of the Assessed Value of all property to be included in the District file written protests with the City prior to the public hearing.

(2) The filing of protests by Owners representing more than one half (1/2) of the Assessed Value of the property to be included in the District shall not bar the Board from amending the District boundaries in such manner as to reduce the number of objectors to one half (1/2) or less

of the Assessed Value of the District; provided, that a new public hearing shall be held on the amended District pursuant to the same provisions and procedures established in this Chapter for the initial public hearing.

(3) The Board shall be permitted to amend the District boundaries only once in order to permit the adoption of such ordinance, and no initiating petition shall be accepted nor initiating resolution adopted by the Board with respect to the same properties included in the original or amended proposed District for a period of twelve (12) months following the failure of passage of such ordinance.

24-414. Items Included in Establishment Ordinance. The ordinance adopted by the Board to establish (Establishing Ordinance) a District shall include:

(1) The name of the District as set forth in the original or amended initiating petition or initiating resolution;

(2) A description of the boundaries of the District by metes and bounds as set out in the original or amended initiating petition or initiating resolution;

(3) A statement that the properties in the area established by ordinance shall be subject to the provisions of the special Improvement Assessment;

(4) A statement of the Improvements, services, and projects authorized to be provided within and for the District with estimated total Costs including any that are to be furnished by the City and other proposed uses of the special Improvement Assessment revenues within the District;

(5) Authorization of and the initial or additional rate of levy of the special Improvement Assessment to be imposed against the properties benefited by the Improvements with a breakdown by property classification if classifications are used. The ordinance shall provide for the assessment of City-owned properties, if such determination is made by the Board in accordance with Section 24-XXX;

(6) Whether there shall be an allocation of the total Costs of the Improvement or Improvements between the general revenues of the City and special Improvement Assessments levied against the property Owners, and what such allocation shall be;

(7) The time and manner in which special Improvement Assessments authorized by the ordinance shall be paid;

(8) The manner in which the District is to be managed;

(i) Create a board of assessment commissioners (Commission) as provided for in Section 24-417 of this Chapter and Tennessee Code Annotated Title 7 Chapter 84, Parts 1 through 4 (Central Business Improvement District Act of 19710, and appoint the members to the Board; provided that the appointment of members to such Commission

may be by separate resolution of the Board adopted at a later date not less than six (6) months following the adoption of the ordinance establishing the District; or

(ii) Create or appoint a district management corporation (Corporation) as provided for in Section 24-417 of this Chapter and Tennessee Code Annotated Title 7, Chapter 84, Part 5.

(9) A statement that the District is established pursuant to this Chapter and Tennessee Code Annotated Title 7, Chapter 84, Parts 1 through 5.

24-415. Powers and Authority. The City has all the powers and authority necessary or convenient to undertake and carry out any or all Improvements adopted in the District's establishing ordinance including, but not limited to:

- (1) Closing existing streets or alleys or opening new streets and alleys or widening or narrowing existing streets and alleys in whole or in part;
- (2) The power to condemn and take rights-of-way and easements necessarily incidental to the Plan of Improvement adopted for such District. Except as otherwise provided in this Chapter, the rules and procedures set forth in Tennessee Code Annotated Title 29, Chapter 17, shall govern all condemnation proceedings;
- (3) Acquire all property, rights, or interest incidental or appurtenant to the Public Facility and dispose of real and personal property and any interest in real and personal property, including leases and easements in connection with real and personal property;
- (4) Construct or install pedestrian or shopping malls, plazas, sidewalks or moving sidewalks, parks, bus stop shelters, decorative lighting, benches or other seating furniture, sculptures, telephone booths, traffic signs and signals, fire hydrants, kiosks, trash receptacles, marquees, awnings, canopies, walls and barriers, paintings, murals, shelters, display cases, fountains, rest rooms, information booths, aquariums, aviaries, tunnels and ramps, pedestrian and vehicular overpasses and underpasses, and each and every other useful or necessary or desired Improvement;
- (5) Landscape and plant trees, bushes and shrubbery, flowers and each and every other kind of decorative planting;
- (6) Install and operate, or lease, public music and news facilities;
- (7) Purchase and operate buses, mini-buses, mobile benches, and other modes of transportation;
- (8) Construct and operate child care facilities;
- (9) Adopt such zoning regulations and building codes for such Districts as will best promote the overall District Plan;

- (10) Lease space within the District for sidewalk café tables and chairs;
- (11) Construct lakes, dams, and waterways of whatever size;
- (12) Provide special police facilities and personnel for the protection and enjoyment of the property Owners and the general public using the Public Facilities of such District;
- (13) Maintain, as provided in this Chapter, all government-owned facility, structure or object of any nature whatsoever constructed or operated by the City;
- (14) Grant permits for newsstands, sidewalk cafes, and each and every other useful or necessary or desired private usage of public or private property;
- (15) Prohibit or restrict vehicular traffic on such streets within the District as the Board may deem necessary and to provide the means for access by emergency vehicles to or in such areas;
- (16) Acquire, construct, reconstruct, extend, maintain, or repair parking lots or parking garages, both above and below ground, or other facilities for the parking of vehicles, including the power to install such facilities in public areas, whether such areas are owned in fee or by easement;
- (17) Removal of any existing structures or signs of any description in the District not conforming to the Plan of Improvements;
- (18) Require any or all utilities servicing the District to lay such pipe, extend such wires, provide such facilities, or conform or modify existing facilities to effectuate the Plan of Improvement for the District; the Board shall determine what portion of the Cost is to be borne out of general revenues of the City, what portion is to be paid from the special assessments provided in this Chapter, and what portion is to be paid individually by the property Owners within the District; and
- (19) Do whatever is necessary or desirable to effectuate the Plan of Improvement for the District of the City.
- (20) To borrow money and issue bonds, notes or other obligations for the purpose of paying the Costs of Public Facilities made pursuant to the establishment ordinance, or refunding or refinancing of any such bonds, notes or obligations, under and pursuant to all the procedures and requirements set forth in Tennessee Code Annotated Title 9, Chapter 21.
- (21) The City is further authorized to pledge to the payment or principal of and premium and interest on such bonds, notes or other obligations, and use for the payment thereof, the special assessment revenues authorized to be collected by the City pursuant to this Chapter in the same manner as revenues may be used in Tennessee Code Annotated Title 9, Chapter 21.

24-416. Procedure Upon Adoption of Establishing Ordinance. Upon the adoption of the establishing ordinance, the City shall proceed to advertise for bids, let the contracts, and construct the Improvements under the laws and regulations governing the construction of other Improvements within the City; provided, that where no detailed Plan of Improvement has yet been prepared, the City shall employ architects and/or engineers for the purpose of designing and preparing such Plan of Improvement, and, upon approval of such Plan, shall thereafter, and within four (4) months, advertise for bids.

24-417. District Management. The City, in the District's establishing ordinance or any other ordinance of the City, may create a board of assessment commissioners (Commission) or an advisory board, or appoint an existing organization to act as an advisory board, for the purpose of administering the activities of the District.

(1) The Board of Assessment Commissioners (Commission) authorized in this Chapter shall consist of no fewer than three (3) nor more than seven (7) citizens of the City, none of whom shall have interest in any property contained within the District. Such members shall be not less than thirty (30) years of age and shall serve until completion of their duties. A majority of such Commission members shall constitute a quorum and be competent to perform any duty required of the Commission. The members of the Commission shall be notified of their appointment, and vacancies in their number shall be filled, by the Board, and they shall be sworn to the faithful discharge of their duties.

(A) Should the City decide to adopt an ordinance separate from the establishing ordinance to appoint the members of the Commission, said ordinance shall be adopted not less than six (6) months following the adoption of the establishing ordinance.

(B) The Commission shall view each property located within the District and shall:

(i) Determine the amount of the assessment to be levied upon each property within the District, according to the benefit conferred by the Improvements; and

(ii) Ascertain and award the amount of damages and compensation to be paid to the Owners for the property that is to be taken or injured by such Improvement.

(C) The members of the Commission shall be reimbursed for the performance of their duties at a rate to be determined by the City, and such reimbursement shall be considered a cost of the Improvements and reimbursed from the special assessments as provided in this Chapter.

(2) A created advisory board, or an existing organization appointed to act as an advisory board, for the District shall be known and referred to as the District Management Corporation (Corporation).

(A) The City may contract with the Corporation for the services to be provided by such corporation. Such Corporation must comply with all applicable provisions of state law, with all City resolutions and ordinances, and with all regulations lawfully imposed by the state auditor or other state agencies.

(B) The speaker of the state senate shall appoint the senator whose senate district includes the majority of the area contained within the District to serve as an ex officio member on the board of directors of the Corporation created pursuant to manage the District. Likewise, the speaker of the house of representatives shall appoint the representative whose house district includes the majority of the area contained within the District to serve as an ex officio member on the Corporation's board of directors.

(C) The Corporation shall submit an annual budget for review and approval by the City's Board of Mayor and Aldermen. This budget shall include a statement of the Improvement to be made, the services to be provided and the projects and activities to be conducted during the ensuing fiscal year, the proposed program budget, and a statement of the assessment rates for financing the proposed budget.

(D) The City may delegate to the Corporation by the establishing ordinance, or other ordinance of the Board, the following powers in addition to all other powers of the City enumerated in this Chapter or elsewhere:

(i) Manage, control and supervise all the business and affairs of the District;

(ii) Provide services for the improvement and operation of the District, including, but not limited to: promotion and marketing; advertising; health and sanitation; public safety and security; recreation; cultural enhancements; maintenance of Improvements; consulting with respect to planning, management, and development activities; activities in support of business or residential recruitment, retention, or management development; aesthetic improvements, including the decoration, restoration or renovation of any public place or of building facades and exteriors in public view that confer a public benefit;

(C) Enter into contracts and agreements;

(D) Hire employees or retain agents, engineers, architects, planners, consultants, attorneys and accountants.

24-418. Service or Maintenance Fees. The City may levy, according to the benefits received, and collect in such manner as the Board may determine to be proper, annual service or maintenance fees against the properties located within the District for the maintenance, upkeep, and repairs of all Public Facilities located within such District, including, but not limited to, capital improvements, movable furniture or fixtures, and all tree, plants, and decorative plantings. Additionally, such fees may cover the cost of additional fire and police protection required for, or desired by, such District and all operating expenses of such special facilities provided in the District as are not charged by the Board against the general revenues of the City.

24-419. Special Improvement Assessment. The Improvement Assessment levied against all properties, except those exempt from taxation, located within the District shall be based on all Costs and expenses required for the Improvements constructed, erected, or purchased and placed

within such District, including all necessary incidental expenses, and for providing the services, projects and activities of the District. Such Costs and expenses may include:

- (1) All Costs of acquisition, construction and maintenance of the Public Facilities within the District;
- (2) Costs of planning and feasibility studies, engineering, accounting, legal, surveying, consultant, and other professional fees;
- (3) Administration expenses required in order to comply with the terms of this Chapter, including Costs incurred to establish the District, abstracts and other title costs, payment of principal of and premium and interest on any bonds, notes or other obligations issued as provided in this Chapter and in Tennessee Code Annotated Title 9, Chapter 21;
- (4) Funding of necessary reserves for debt service, maintenance, depreciation or other items, payment of all Costs and expenses of the Commission or Corporation that may be authorized to manage the District as approved by the Board;
- (5) Provision for additional Costs or losses of assessment revenue for the development and construction of such Improvements and provision of such services and activities as are authorized by the Board;
- (6) The Improvement Assessment authorized in this Chapter includes all such Costs, even though some of the construction, engineering, inspection, and administrative or other services necessary are performed by the City.

24-420. Special Improvement Assessment Apportionment.

- (1) The Board, or the managing Commission or Corporation authorized by the Board, shall determine annually the total Costs and expenses to be paid by the Improvement Assessment, and annually apportion such Costs and expenses upon the various properties located within the District in accordance with the benefits conferred upon the various properties.
- (2) In determining the benefits to each lot or parcel of property within the District, the Board may consider any of the following factors: square footage, front footage, assessed value, type of use, business classification, property location, zones of benefit, or a combination of such factors.
- (3) The aggregate amount of the levy or Improvement Assessment made against any lot or parcel of property shall not exceed fifteen percent (15%) of the assessed value of the lot and improvement on the lot. The City shall pay any part of the levy or Improvement Assessment against any lot or parcel of property as may be in excess of fifteen percent (15%) of the assessed value.
- (4) The fact that an Improvement Assessment may be spread uniformly over a large area within the District shall not be conclusive that such Improvement Assessment was arbitrarily made.

(5) Improvement Assessments shall be imposed and collected annually, or on another basis specified in the Establishing Ordinance for the District.

(6) Changes may be made in the rate or additional rate for the Improvement Assessment as specified in the Establishing Ordinance for the District. The Board shall hold a public hearing prior to changing the rate or imposing an additional rate for the Improvement Assessment.

(7) No Improvement Assessment shall be levied on any government-owned property, including, but not limited to, any property owned by Williamson County or by a public building authority, without the approval of the governing body of such governmental entity or of the public building authority that contains representatives of each participating governmental entity.

(8) Government-owned properties that are not assessed for taxation by Williamson County and that are to be assessed for the purposes of this Chapter, shall be specially assessed by the Williamson County Assessor upon the request of the City or the District's managing authority as approved by the Board, and the cost for making such assessments shall be borne by the District.

24-421. Assessment Roll. After all Improvement Assessments have been determined, an assessment roll shall be prepared by the Board, or the District's managing authority as approved by the Board, which shall indicate the location of the properties, the Owner of the properties as provided in the records of the Williamson County Assessor, and the amount of the Improvement Assessment. If prepared by an approved managing authority, the assessment roll shall be filed with the Board, which shall open such roll to the public for a period of not less than ten (10) days.

24-422. Schedule of Property Condemned or Injured. The Board, or the District's managing authority as approved by the Board, shall also prepare a schedule of all property proposed to be taken by condemnation and all property that will in some manner be injured by the Improvements to be constructed within the District, together with the valuations set on each such property or the damages to the property by the injuries to be inflicted. If prepared by an approved managing authority, such schedule of property shall be filed with the Board and made public simultaneously with the assessment roll and for a like period of time.

24-423. Assessment Roll and Schedule of Property Public Hearing. The Board shall set a date for a public hearing on the Improvement Assessments and damages and shall publish a notice of such public hearing in a newspaper of general circulation within the City, and shall also mail a copy of the notice to each property Owner in the District. The notice shall set out:

(1) A summary of the Establishing Ordinance for the District;

(2) The fact that the Improvement Assessments to pay for the Improvements within such District have been prepared and are on public display, setting forth the dates and times when they may be examined;

(3) The fact that damages have been set on all properties to be taken by the City and on all property injured in some manner by the proposed Improvements;

(4) Notice that an ordinance adopting such Improvement Assessments and such damages will be passed on final reading no earlier than seven (7) days following the conclusion of the public hearing; and

(5) Notice of the date, time, and place of the public hearing and that all objections to the amount of the Improvement Assessments levied or the damages awarded will be heard at such public hearing.

24-424. Improvement Assessment Public Hearing. The Board of Mayor and Aldermen for the City of Franklin shall sit as a board of review at the public hearing with respect to all Improvements Assessments levied. Should the Board have approved a management authority for the District, the Board shall appoint an attorney to represent such management authority for the public hearing, and the compensation of such attorney shall be a cost of the District.

(1) Any Owner whose property is proposed to be taken, interfered with, injured, or assessed for benefits under the provisions of this Chapter, who is dissatisfied with the amount of damages proposed to be awarded to such Owner for the taking of or interference with such Owner's property, with the valuation set on such Owner's property to be condemned, or with the amount of the Improvement Assessment or benefits to any property affected by the proceedings, shall appear at the hearing or file with the Board, at any time before the hearing, such Owner's objections to the damages awarded or benefits assessed.

(2) Any such Owner may appear at the hearing, in person or by attorney, and the Board shall then consider the Improvement Assessments and the schedule of damages and hear objectors, or their representatives, and shall adjourn the hearing from time to time as may be necessary.

(3) Upon hearing from all objectors, or their representatives, and the close of the public hearing, the Board shall then consider the Improvement Assessments and the damages awarded and may amend or affirm the Improvement Assessments and damages and shall adopt, no earlier than seven (7) days following the conclusion of the public hearing, an ordinance incorporating such Improvement Assessments as may be amended and shall by separate ordinance confirm the award of damages as may be amended, as the Board shall see fit.

(4) Upon final passage of the ordinance approving the Improvement Assessments, such Improvement Assessments shall be final and conclusive upon all parties interested, and may be reviewed only as provided by Tennessee Code Annotated Title 27, Chapter 9, except that the petition as required to be filed with the Williamson County Chancery Court shall be filed within thirty (30) days from the date of passage of such ordinance.

(5) Owners whose property is to be taken, or to whom damages are to be awarded for a partial taking or an injury to their property, in addition to the rights accorded by the provisions of Tennessee Code Annotated Title 29, Chapter 17, may, in the event proceedings are abandoned

by the City, sue for damages in the ordinary way, in which case proceedings may be had as provided in Tennessee Code Annotated Title 29, Chapter 17.

24-425. Improvement Assessments Levy; Payments. The Improvement Assessment on each property shall be levied at one (1) time in the ordinance as provided for in Section 24-424 (3) of this Chapter. The Board may provide in such ordinance levying the Improvement Assessment that all or such portion of the Improvement Assessment as is designated in the ordinance may be paid in equal installments over a period of time, not exceeding thirty (30) years from the effective date of the ordinance levying the Improvement Assessments.

(1) Installments shall be payable at least annually, but may be payable at more frequent intervals, as provided by the ordinance levying the Improvement Assessments, and the Board shall determine the method of collection.

(2) Where the Improvement Assessments are payable in installments, the ordinance may provide that the unpaid balance of each Improvement Assessment shall bear interest at a rate not in excess of ten percent (10%) per annum from the effective date of such ordinance, or from such other date as may be specified in the ordinance, until due. Interest may be paid in addition to the amount of each installment annually, or at more frequent intervals, as provided in the ordinance levying the Improvement Assessments.

(3) Improvement Assessments payable in installment may be paid prior to the due date of any such installment.

(4) The whole or any part of the Improvement Assessment may be paid without interest within sixty (60) days after the ordinance levying the Improvement Assessments becomes effective. If the Improvement Assessment is paid in part, the unpaid balance shall be payable in substantially equal installments over the period of time installments are payable as provided in the Improvement Assessments ordinance.

24-426. Payment Default.

(1) In case of default or failure to pay any Improvement Assessment, or installment, on or before the date prescribed by the Board for such payment, there shall be added to the Improvement Assessment a penalty of one half of one percent (0.5%) per month of the amount of such Improvement Assessment or installment.

(2) When an Improvement Assessment is payable in installments, default in the payment of any installment of principal or interest when due shall cause the whole of the unpaid principal and interest to become due and payable immediately, and the whole amount of the unpaid principal shall thereafter draw interest at the rate of ten percent (10%) per annum until paid; but, at any time prior to the date of sale in proceedings to enforce the lien of the delinquent Improvement Assessment, the Owner may pay the amount of all unpaid installments past due, with interest at the rate of ten percent (10%) per annum to date of payment on the delinquent installments, and all proper costs, and shall thereupon be restored to the right thereafter to apy in installments in the same manner as if default had not occurred.

24-427. Liens on Assessed Property. An Improvement Assessment, any interest accruing on the Improvement Assessment, and the costs of collection of the Improvement Assessment shall constitute a lien on and against the property upon which the Improvement Assessment is levied as of the effective date of the ordinance levying the Improvement Assessment. Said lien shall be superior to the lien of any trust deed, mortgage, mechanic's or material supplier's lien, or other encumbrance, except those of the state, Williamson County or City for taxes.

24-428. Redemption Following Sale to City. In case any Improvement Assessment shall become or has become delinquent and the property subject to the delinquency has been or shall be sold to the City for the delinquency, redemption of such property shall be permitted upon payment, not later than six (6) months after the date of sale, of the full amount due, plus interest, any taxes paid by the City, and accrued costs and redemption fees as may be prescribed by City ordinance, unless in the judgment of the Board, the interest of the City will be subserved by accepting a lesser sum in settlement for the delinquency.

24-429. Dissolution of District.

(1) The Board shall be authorized to dissolve the District upon written petition filed by the Owners of either seventy-five percent (75%) of the assessed value of the property within the District based on the most recent certified City property tax rolls, or fifty percent (50%) of the Owners of record within the District.

(2) The District may not be dissolved if the City has outstanding any bonds, notes or other obligations payable solely from the Improvement Assessments revenues levied on the property within the District, and such dissolution may occur only at such time as such bonded indebtedness has been repaid in full or the City pledges to the payment of such indebtedness its full faith and credit and unlimited taxing power.

SECTION IV. 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 and final reading, the health, safety, and welfare of the citizens requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

BY: _____

BY: _____

ERIC S. STUCKEY
City Administrator/Recorder

DR. KEN MOORE
Mayor

PASSED FIRST READING: _____

PUBLIC HEARING: _____


PASSED SECOND READING: _____



MEMORANDUM

March 30, 2012

TO: Board of Mayor and Aldermen

FROM: David Parker, City Engineer/CIP Executive
Eric Stuckey, City Administrator 

SUBJECT: **Ordinance 2011-12: Ordinance to Establish Title 24
Special Assessment Districts**

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information to consider Ordinance 2011-12, an ordinance establishing Title 24 in the Franklin Municipal Code, governing the establishment and implementation of special assessment districts.

Background

After the BOMA completed the process last year for several different special assessment districts around the City, it was decided that there needed to be an ordinance that provided for special assessment districts and what costs were to be allocated to the districts for assessment. The intent of this Ordinance is to provide a uniform and consistent method for the establishment of Special Assessment Districts based on the various State enabling acts and to make clear what Special Assessment District Improvement Costs are to be used for the establishment of the Improvement Assessment. Basically, the Ordinance as drafted provides for all Improvement Costs to be used to calculate the Improvement Assessment – assessment made against the benefited properties within the Special Assessment District.

Ordinance 2011-12 is divided into four (4) chapters with the first chapter to provide the purpose, authority of the City of Franklin to establish such Special Assessment Districts and definitions of terms used throughout the proposed Title 24. The other three (3) chapters are to provide for the three (3) different type assessment districts found in the Tennessee Code Annotated – the State enabling acts.

Financial Impact

None

Recommendation

Staff is not asking for approval of Ordinance 2011-12 at this time. We understand that it will take some time for the BOMA to review and comprehend this extensive ordinance. We welcome any comments, requests for revision, and guidance from the Board. Based on this feedback, the ordinance will be updated and presented to the Board for consideration.

ASSESSMENT DISTRICTS COMPARISON

3-May-12

David Parker, City Engineer/CIP Executive

The following is a comparison of the various items included or excluded in the various approved assessment districts in the City with proposed Ordinance 2011-12.

Terms in Resolution	Highgate Subdivision	Hooper Lane	Monticello Subdivision	Country Road	Boyd Mill Avenue	Ordinance 2011-12
District Approved	Resolution 2008-21	Resolution 2008-29	Resolution 2009-14	Ordinance 2009-70	Ordinance 2009-71	Will be by Ordinance
System Type	Low Pressure	Gravity	Gravity	Low Pressure	Low Pressure	
Final Construction Cost	\$ 239,212.00	\$ 60,710.00	\$ 1,047,011.91	\$ 110,250.00	\$ 193,227.00	Ordinance is proposing that all cost be included
Construction Cost Paid By Other Than Assessment District	\$ 34,625.00			\$ 44,100.00 ARRA/SRF Forgiven	\$ 77,290.80 ARRA/SRF Forgiven \$ 30,136.20 City Paid	Should other sources of funding be available, will be used.
Planning & Engineering Cost	\$ 61,200.00	\$ 15,600.00	\$ 143,132.32	\$ 6,468.60	\$ 42,400.00	Included in Project Cost
Rights-of-Way Cost	\$ 9,296	City's Cost	Waived	Waived	Waived	Included in Project Cost
Pavement Resurfacing		\$ 1,527.00	\$ 3,164.00	None	None	Included in Project Cost
Trench Repair Paving Cost	\$ 44,160.00	\$ 9,573.00	\$ 212,500.00	\$ 52,902.00	\$ 49,250.00	Included in Project Cost
Financing Cost	\$ 368.00	\$ 137.00	\$ 1,461.81	\$ 110.07	\$ 154.44	Included in Project Cost
Total Assessment District Cost	\$ 204,955.00	\$ 76,448.00	\$ 813,577.72	\$ 66,269.07	\$ 85,954.44	Varies per assessed Project
City Fees Waived	Sewer Access & Installation Charge	None	Sewer Access & Installation Charge	Sewer Access & Installation Charge	Sewer Access & Installation Charge	None
Property Assessment Approved	Resolution 2009-13	Resolution 2009-24	Ordinance 2010-80 Amended Twice	Ordinance 2010-77	Ordinance 2010-76	
Pay Back Term	Ten (10) Years	Ten (10) Years	Twenty (20) Years	Twenty (20) Years	Twenty (20) Years	
Interest Rate	4.50%	4.50%	4.00%	4.00%	4.00%	