



MEMORANDUM

March 28, 2013

TO: Board of Mayor and Aldermen

FROM: Eric S. Stuckey, City Administrator
David Parker, City Engineer/CIP Executive
Paul Holzen, P.E., Director of Engineering
Carl Baughman, Traffic/Transportation Engineer

SUBJECT: Consideration of Crosswalk Maintenance Agreement (COF Contract 2013-0038) for a proposed paver crosswalk to be installed on Franklin Green Parkway.

Purpose

The purpose of this memorandum is to provide information to the Board of Mayor and Aldermen regarding the installation and maintenance of paver crosswalks to be installed by the Franklin Green Homeowners Association, Inc.

Background

The Franklin Green subdivision was built with a trail system that connects the residential area to the park and amenity area. These trails cross Franklin Green Parkway at three locations which have handicapped ramps on both sides of the street. Crosswalk signing has been installed back-to-back on one side of the street but no crosswalks have been marked on the pavement. The Homeowners Association is requesting crosswalks be installed to incorporate decorative pavers with concrete headers. This treatment is non-standard for local subdivision streets and may require additional maintenance vs. our standard pavement markings. For this reason the Engineering and Streets Department have requested the HOA to enter into an agreement to install and maintain the crosswalks within the public right-of-way.

Data

Based on meetings with Tom Ingram, Joe York, and Carl Baughman, the Homeowner Association representatives have submitted a construction plan prepared and stamped by a registered professional engineer. The plan approval was granted on March 27, 2013 per the attached Exhibit.

Options

The available options are as follows:

Option 1 - Approve the Maintenance Agreement.

Option 2 - The City of Franklin take on maintenance of the crosswalks.

Financial Impact

The estimated financial impacts are as follows:

Option 1 - None

Option 2 - Annual maintenance costs would be estimated at an average of about \$900 per year (performed by Streets Department).

Recommendation

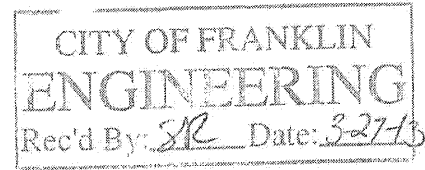
Staff recommends Option; approval of the Crosswalk Maintenance Agreement (COF Contract 2013-0038) subject to City Engineer and City Attorney approval.

Prepared by Franklin Green Homeowners Association, Inc.

c/o Ghertner & Company, Property Managers

50 Vantage Way, Suite 100

Nashville, TN 37228



MAINTENANCE AGREEMENT

FRANKLIN GREEN HOMEOWNERS ASSOCIATION, INC.

CROSSWALKS ON FRANKLIN GREEN PARKWAY

This Maintenance Agreement (the "Agreement") is made this 14 day of March, 2013, by and between the Franklin Green Homeowners Association, Inc. (the "Association") and the City of Franklin, Tennessee (the "City") regarding three (3) crosswalks which will intersect Franklin Green Parkway (the "Crosswalks").

Whereas, the Franklin Green Homeowners Association, Inc. (the "Association") is the duly formed governing body of the residential real estate subdivision located in Franklin, Tennessee known as Franklin Green.

The streets within Franklin Green are public streets, dedicated to the City and the City is legally responsible for maintaining and repairing the existing streets.

The Association and The City wish to shift the City's maintenance responsibility of The Crosswalks described in this Agreement to the Association.

The Crosswalks to be installed are built according to the submitted, stamped, engineered drawings of segmental interlocking concrete pavers on sand and concrete substrate, in the three (3) areas along Franklin Green Parkway where there are existing, designated crosswalks. The Crosswalks will replace the existing asphalt.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The Association covenant and agree with the CITY that they shall provide for adequate long-term maintenance of the surface crosswalk paving and integrity of the subgrade material to ensure that the structure is and remains in proper working condition in accordance with approved design standards, rules, regulations, and applicable laws. The Association shall provide preventative maintenance as needed and if necessary, repairs.
2. The Association shall indemnify and hold the CITY harmless for any and all claims for damages to persons or property for the construction and maintenance of the Crosswalks specifically installed at the intersections of Franklin Green Parkway and Brimstead, Langley, and Winberry Drives, respectively, as indicated on the submitted civil site drawing.
3. The Agreement and covenants contained herein shall apply to and bind the Association and the Associations' successors, and permitted assigns.
4. The Association shall not be able to transfer, assign, or modify its responsibilities with respect to this AGREEMENT without the CITY's written prior consent.

ATTEST:

FOR THE ASSOCIATION:

FRANKLIN GREEN HOMEOWNERS ASSOCIATION, INC:

BY: Mary Boer

ITS: PRESIDENT

REVIEWED BY:

CITY OF FRANKLIN, TENNESSEE

BY: _____

ATTEST:

[Insert Full Legal Name of Signatory]

ITS: _____

STATE OF: TENNESSEE

COUNTY OF: WILLIAMSON

Before me, Cheryl M Burgess of the state and county mentioned, personally appeared Mary Boer, with whom I am personally acquainted (or provided to me on the basis of satisfactory evidence), and who, upon oath, acknowledged such person to be president (or other officer authorized to execute the instrument) of FG HOA, Inc., the within named bargainer, a corporation, and that such president of officer as such _____, executed the foregoing instrument for the purposed therein contained, by personally signing the name of the corporation as _____.

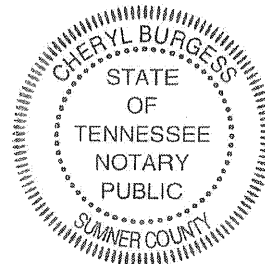
Witness my hand and official seal at office in _____, this 14th day of March, 2013

Cheryl M Burgess

Notary Public

My Commission Expires:
January 27, 2015

My Commission Expires: _____





PROJECT #: CDF 2697
11/20/12

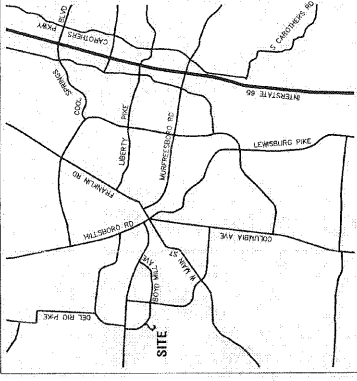
PAVER CROSSWALKS
FRANKLIN GREEN SUBDIVISION
FRANKLIN GREEN H.O.A.



ISSUANCE/REVISION NOTES
- REVISION NO. 01
- DATE: 11/16/12

SITE
PLAN
C100

NOT TO SCALE



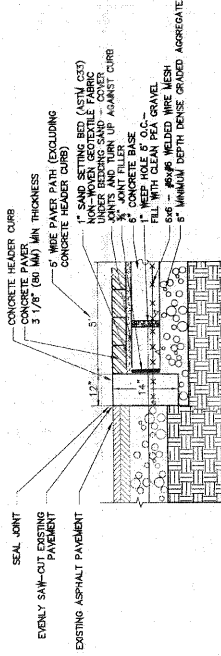
PROJECT DATA:

PURPOSE: TO IMPROVE THREE EXISTING CROSSWALKS BY REPLACING EXISTING ASPHALT WITH DECORATIVE CONCRETE PAVES.

ADDRESS: FRANKLIN GREEN PARKWAY
COUNTY: WILLIAMS
STATE: TENNESSEE
SUBDIVISION: FRANKLIN GREEN SUBDIVISION

OWNER: FRANKLIN GREEN HOA, LLC
3150 LANGLEY DRIVE
MEMPHIS, TN 38114
615-714-7792

APPLICANT (ENGINEER): LYNN ELEY, PE
ELEY ENGINEERING
4600 HENNINGTON DRIVE
KENDRICKVILLE, TN 37057
LYNNE@ELEYENGINEERING.COM



CONCRETE UNIT PAVER CROSSWALK
NOT TO SCALE



APPROVED

LYNN ELEY, PE
ELEY ENGINEERING

PROJECT GENERAL NOTES:

1. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES IN THE VICINITY OF THE CONSTRUCTION AREA AND REPORT ANY CONFLICTS TO THE ENGINEER PRIOR TO BEGINNING WORK.
2. THE CONTRACTOR SHALL CONFORM TO ALL LOCAL, STATE AND FEDERAL REGULATIONS AND REQUIREMENTS REGARDING EROSION CONTROL AND REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO BEGINNING WORK.
3. THE CONTRACTOR SHALL CHECK ALL FINISHED GRADES AND DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO BEGINNING WORK.
4. DIMENSIONS ARE TO THE FACE OF CURB EDGE OF CONCRETE AND FACE OF PAVEMENT.
5. ALL TRAFFIC MARKINGS SHALL CONFORM TO THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).
6. ALL TRAFFIC MARKINGS SHALL CONFORM TO THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).
7. CONFORM WITH THE CURRENT ADA REQUIREMENTS.

