



HISTORIC
FRANKLIN
TENNESSEE

ITEM #6
WRKS
11/26/13

MEMORANDUM

November 19, 2013

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator *Eric*
Vernon Gerth, ACA Community & Economic Development
Lisa R. Clayton, Parks Director

SUBJECT: Amendment to the Park at Harlinsdale Farm Conservation Easement,
COF Contract No. 2013-0218

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information to consider an amendment to the Park at Harlinsdale Farm Conservation Easement that will clarify the current conservation easement conditions as it relates to permitted uses of the land.

Background

In 2006, the 50-year Master Plan for the Park at Harlinsdale Farm was completed and approved by the Board of Mayor and Aldermen. On August 6, 2007, the City entered into the existing Conservation Easement with the not-for-profit corporation, The Land Trust for Tennessee, Inc. for the purpose of permanently conserving the Park at Harlinsdale Farm property. Although the Master Plan was approved by the Board of Mayor and Aldermen prior to entering into the Conservation Easement, the Easement did not reference the Master Plan overall. Over the past several years, questions have arisen as to particular permissible uses in the Park, and the City and the Land Trust would like to clarify and confirm that the uses permitted under the Master Plan are also permitted uses under the Conservation Easement. Therefore, the attached proposed amendment to the Conservation Easement has been drafted that directly references the permitted-uses/activities articulated in the Harlinsdale Master Plan. This amendment is consistent with the manner in which the City working with the Land Trust for Tennessee has used the property over the past six years.

Financial Impact

There is no anticipated fiscal impact to the City with filing this clarifying amendment.

Recommendation

Staff recommends adopting the proposed amendment as presented in the attached document for further clarification of usage for the Park at Harlinsdale Farm.

This Instrument Was Prepared By:

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AMENDMENT TO CONSERVATION EASEMENT

ENTERED INTO as of this ____ day of _____, 2013 by THE CITY OF FRANKLIN, TNENESSEE, a Tennessee municipal corporation ("Grantor") to THE LAND TRUST FOR TENNESSEE, INC., a Tennessee not-for-profit corporation ("Grantee").

RECITALS:

1. The Grantor executed in favor of Grantee that certain Conservation Easement of record in Book 4407, page 453, Register's Office of Williamson County, Tennessee ("Conservation Easement").

2. The Conservation Easement provides that "the Grantor shall maintain the Property in large part as a passive public, all as described in the City's Master Plan adopted by the Board of Mayor and Aldermen on January 10, 2006 (the "Master Plan").

3. The Grantor and the Grantee desire to confirm that uses permitted under the Master Plan are also permitted uses under the Conservation Easement.

NOW, THEREFORE, in consideration of the premises and for the purposes of clarity, the Grantor and the Grantee agree as follows:

1. The definition of "Additional Permissible Uses" as set forth in the Conservation Easement shall be amended to include the following:

- uses permitted by the Master Plan

2. The Conservation Easement is not amended in any other respect.

ENTERED INTO as of the date first above written.

**[ADD SIGNATURE LINES AND
NOTARIES]**