

**AGREEMENT FOR THE CONSTRUCTION OF TRIBUTE LANE ON CITY OF
FRANKLIN PROPERTY
COF CONTRACT NO 2014-0105**

This Agreement is entered into between the **City of Franklin, Tennessee (City)** and **Highwoods Realty LP, (Developer)**, on this the 10th day of June, 2014.

WHEREAS, the Developer has previously submitted to the Franklin Municipal Planning Commission the Ovation Subdivision Preliminary Plat, 9 lots on 145.48 Acres, COF Project #2893 for approval (the Development Project); and

WHEREAS, the City has required the Developer to design and construct certain roadway improvements; and

WHEREAS, said roadway improvements involve the construction of approximately three hundred lineal feet (300 LF) of roadway and pedestrian facilities on property owned by the City known as Map 061, Parcel 2.04 (City Property), as shown on Exhibit A.

NOW THEREFORE, the City and the Developer, their successors and assigns, do hereby agree as follows:

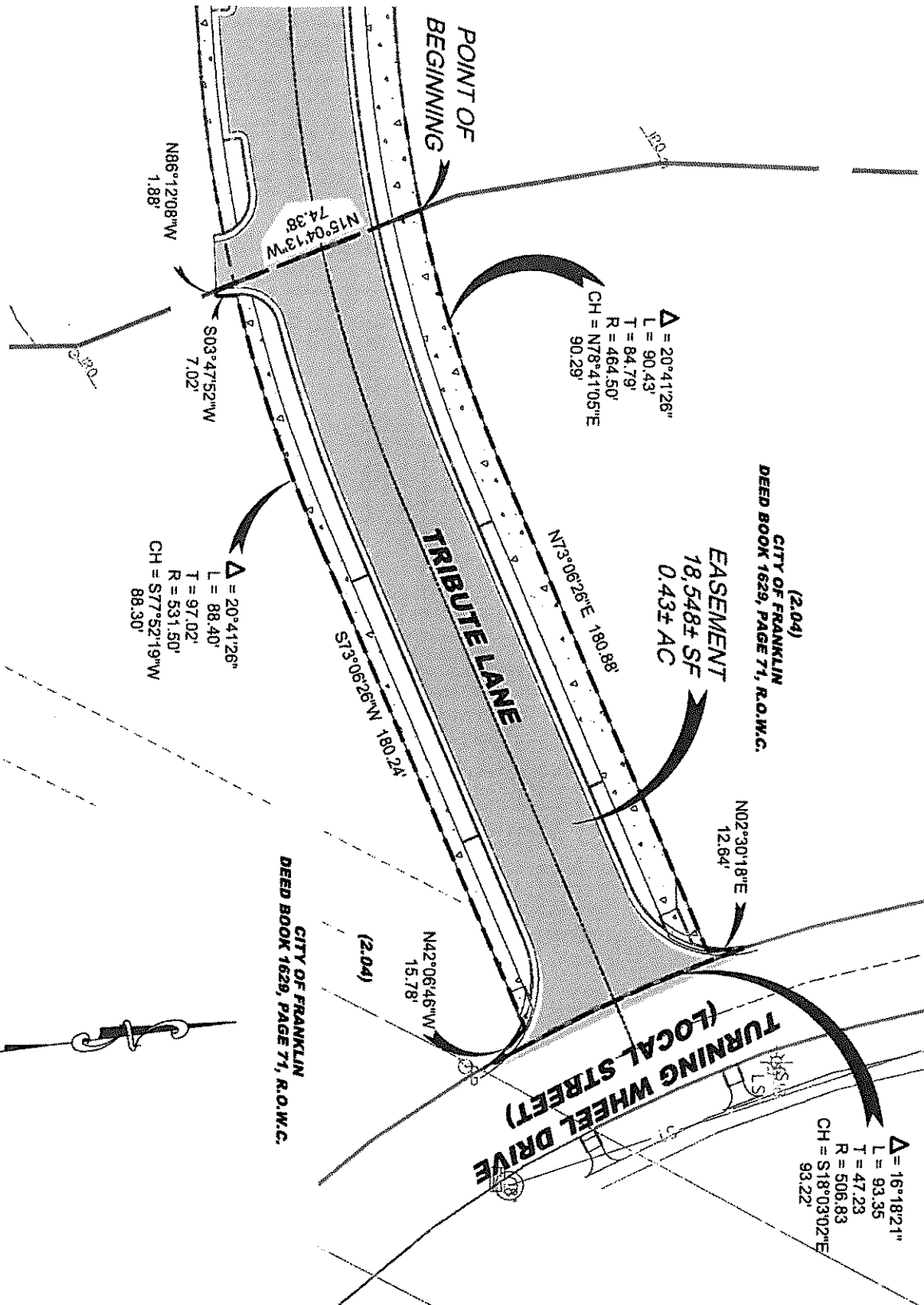
1. The foregoing recitals are incorporated into this Agreement and made a part thereof.
2. The Developer shall be required to design and construct Tribute Lane as shown on the approved Ovation Subdivision Site Plan (Infrastructure) Plans, COF Project #4545 from Turning Wheel Lane to Ovation Parkway in accordance with City standards.
3. The design and any modifications to the design of Tribute Lane shall be approved by the City's Engineering Department prior to construction.
4. The Developer shall be responsible for obtaining and complying with all Local, State and Federal Permits associated with the Construction of Tribute Lane.
5. The Developer agrees to indemnify and hold harmless the City as well as its officials, employees, officers and agents from and against any and all claims, liabilities, losses, and causes of action, including death, which may arise, accrue, or result to any person, firm, corporation, or other entity which may be injured or damaged as a result of acts, omissions, or negligence on the part of the Developer, its employees, its contractors, or any person acting for or on its or their behalf in the performance of the work relating to this Agreement. The Developer further agrees it shall be liable for the reasonable cost of attorneys for the City in the event such services are necessitated to enforce the terms of this Agreement.
6. As part of the City development process, the Developer shall be required to post performance and maintenance bonds. Following the release of the maintenance bond the City shall formally accept all maintenance, operation and liability associated with that portion of the Infrastructure improvements located on City Property.
7. Time of the Essence. The parties agree that TIME IS OF THE ESSENCE with respect to the parties' performance of all provisions of the Agreement.

Notary Public
My Commission Expires: _____

Approved as to form by:

Shauna R. Billingsley, City Attorney

DRAFT



Civil Engineers | Architects | Planners

Barge Cauthen & ASSOCIATES

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 615.352.6737 F A X
 BCA #2064-67-01

OVATION

TRIBUTE LANE ACCESS EASEMENT
 MAP 62, PARCEL 18.04 & 18.05
 2338 E. MCEWEN DRIVE
 FRANKLIN, TENNESSEE

EX-1



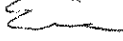
HISTORIC
FRANKLIN
TENNESSEE

ITEM #6
CIC
5/28/14

MEMORANDUM

April 30, 2014

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator 
David Parker, City Engineer/CIP Executive
Lisa Clayton, Parks Director
Paul Holzen, Director of Engineering

SUBJECT: Consideration of Agreement (COF Contract 2014-0105) with Highwoods Realty LP to allow for the construction of Tribute Lane on City of Franklin Property.

Purpose

The purpose of this memorandum is to bring forward to the Board of Mayor and Aldermen (BOMA) an agreement to allow for the Construction of Tribute Lane on City of Franklin Property.

Background

On February 27, 2014, the Franklin Municipal Planning Commission approved the Ovation Subdivision, preliminary plat, 9 lots on 145.48 Acres, located at the southeast corner of Carothers Parkway and East McEwen Drive. As part of the Development, the developer is required to construct and provide connectivity from Turning Wheel Drive to Ovation Parkway. Prior to construction of this roadway and infrastructure, the City of Franklin needs to enter into an agreement with the property owner to allow for the construction of Tribute Lane on City of Franklin property.

Financial Impact

No direct financial impact on the City of Franklin is expected.

Recommendation

Approval of COF Contract 2014-0105 is recommended.