



MEMORANDUM

March 4, 2010

TO: Board of Mayor and Aldermen

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

SUBJECT: Use of Septic System
4341 South Carothers Road
Mr. Dwight Marble

Purpose

The purpose of this memo is to provide the Franklin Board of Mayor and Aldermen (BOMA) with the information required to discuss and consider the request of allowance to use a septic system in lieu of a sanitary sewer system for 4341 south Carothers Road.

Background

Mr. Dwight Marable has submitted a request as required by the Franklin Municipal Code (FMC) for BOMA authorization for the use of an alternative sewage disposal system (septic system) in lieu of the generally required sanitary sewer system. Mr. Marable as the owner of the nine (9) acre property known as 4341 South Carothers Road is proposing a subdivision of the property to allow for the construction of one additional single family residence. There is already one residence on the property that has a septic system.

In accordance with the FMC, **Title 18, Section 18-204 Use of public sewers required**, properties within the corporate limits of Franklin are required to utilize an approved public sanitary sewer system unless approval by the BOMA is obtained for the use of an alternative sewage disposal system as directed in **Section 18-205 Private sewage disposal**. Staff recommends that if the BOMA does approve the use of an alternative sewage disposal system, the applicant be required to enter into the attached Public Sanitary Sewer Waiver Agreement. This agreement dictates the conditions under which allowance of the alternative system is granted.

Financial Impact

There are no financial impacts to the City of Franklin with the granting of this request as long as the Waiver Agreement is entered into by the applicant.

Options

If BOMA doesn't allow the use of an alternative sewage disposal system for this property, the owner, should he decide to construct any additional residences, will be required to extend the City's sanitary sewer system to serve his property. This extension is cost prohibitive due to the distance the system would have to be extended.



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Recommendation

Staff recommends approval of the use of an alternative sewage disposal system for this property in accordance with the regulations as established by the Tennessee Department of Environment and Conservation (TDEC) and the Williamson County Department of Sewage Disposal Management and pursuant to the execution of the attached Agreement.

CITY OF FRANKLIN, TENNESSEE
PUBLIC SANITARY SEWER WAIVER AGREEMENT
COF CONTRACT NO 2010-0026

WHEREAS, the City of Franklin, Tennessee hereinafter referred to as the “City”, currently requires properties within its corporate limits to connect to an approved public sanitary sewer system; and

WHEREAS, Dwight Marable representing the owner of Tax Map 89, Parcel 44, 4341 South Carothers Road, has requested a waiver from connecting to the public sewer system for the two (2) lots being sub-divided from said parcel; and

WHEREAS, the nearest public sanitary sewer manhole, to be located north of the Harpeth River as part of the Simmons Ridge Sanitary Sewer Project now under construction, is over 2,500 feet from the proposed lots and the construction and installation of a public sanitary sewer main to the proposed lots through the proposed Nichol’s Bend Subdivision is not planned, or pending in the near future; and

WHEREAS, the Property Owner proposes to install an alternative sewage disposal system which complies with applicable state and county regulations and that is designed by a master plumber licensed in Tennessee and approved for construction by the Williamson Country Department of Sewage Disposal Management; and

WHEREAS, to accommodate the needs of the Property Owner to divide said parcel and allow for the construction of a new single-family dwelling, on March 23, 2010 the City of Franklin Board of Mayor and Alderman have approved a waiver contingent on the conditions listed below; and

WHEREAS, the Property Owner(s) assures the City that in the event the alternative sewage disposal system fails, the Property Owner will accept full responsibility for the cost of extending the sanitary sewer to his property and connection thereto.

NOW, THEREFORE, we/I (Please print Name/Names in Full) _____
_____, the property owner acting as the authorized agent on all matters pertaining to the process of the development application for the property described above, agree to the following:

1. The Property Owner of each lot may build and/or maintain an alternative sewage disposal system pursuant to the terms of this Agreement and in accordance with state and county regulations provided all applicable permits are secured prior to commencing construction.
2. That the current and future owners be required to disband the use of the alternative sewage disposal system and connect to the approved municipal sanitary sewer, in accordance with local requirements, at such time the main line of the sewer is extended to, or within two hundred (200) feet of, the respective property line; and
3. The Property Owner agrees to indemnify, defend and hold harmless the City its officials, representatives, agents, servants and employees from and against any and all claims, actions, lawsuits, damages, judgments, liability and expense, including attorneys fees and litigation expenses, losses, liens, whatsoever arising out of this wavier.
4. This agreement shall be recorded at the Register's Office of Williamson County, Tennessee. A copy of this recorded agreement shall be returned to the City of Franklin Engineering Department.

Signature

Date

Subscribed and sworn to before me this

_____ day of _____, 20_____.

Notary Public

My Commission Expires: _____

