



HISTORIC
FRANKLIN
TENNESSEE

ITEM #8
WRKS 03/23/2010

MEMORANDUM

March 11, 2010

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator *Eric Stuckey*
Vernon Gerth, ACA - Community and Economic Development

SUBJECT: Consideration of a request from Trillium Ventures, Inc. for the City of Franklin to share in the cost of re-designing the Highlands of Ladd Park Subdivision in the amount of \$14,612.50.

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information to consider a request from Trillium Ventures, Inc. for the City of Franklin to share in the expense associated with re-designing a portion of the Highlands of Ladd Park Subdivision that resulted from the South Carothers Parkway Project Extension Agreement and dedication of additional right-of-way.

Background

In June of 2009, the BOMA approved an Extension Agreement for the South Carothers Parkway Project that includes roadway and bridge construction and, public access. The agreement specified several actions for City and the developer including dedication of land for right-of-way needed for the future construction of South Carothers Parkway.

Financial Impact

On behalf of Trillium Ventures, Inc., Paul Arnold submitted the attached communication that estimates the savings to the City resulting from the Extension Agreement in excess of \$3,000,000. While staff has not confirmed the accuracy of these figures, the savings are substantial and far exceed the \$14,612.50 Mr. Arnold is requesting the City contribute toward the re-design and re-approval of plans.

Options

Option 1 – Approve the request and authorize the appropriate budgetary adjustment in the amount of \$14,612.50.

Option 2 – Approve the City covering the Plan Submittal Fee in the amount of \$6,950 and authorize a refund to the applicant.

Option 3 – Deny the request.

Recommendation

Given the substantial benefit received by the City through the dedication of right of way, option #2 providing a refund of the plan submittal fee is recommended.

**Except from Extension Agreement with Trillium Ventures, Inc. for South Carothers Parkway
Agreement Dated June 29, 2009**

Developer would otherwise be eligible as a result of contribution of the right of way, as allowed in Section 16-417 of the Franklin Municipal Code.

8. The Developer agrees to extend all utilities for the extension of Truman Road West to South Carothers Parkway's Eastern right of way.

9. The Developer agrees to modify the approved site and development plan on Highlands of Ladd Park to allow for widening the proposed right of way for South Carothers Parkway from 110 feet to 130 feet. This is to be accomplished by eliminating the frontage roads along South Carothers Parkway and modifying approved lots as necessary. A revised development plan for the areas affected will be coordinated and submitted to the City for review and approval.

10. In modifying the Land Plan for Highlands of Ladd Park, the Developer agrees to have Sullivan Engineering, Inc (SEI) perform ground surveys, set centerline, set vertical profile, edge of pavements and sidewalks, and preliminary cross-sections for South Carothers Parkway from Truman Road West to Long Lane.

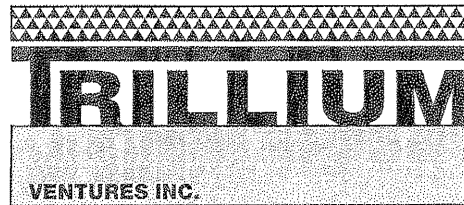
11. It is requested by the Developer that Sullivan Engineering, Inc (SEI) perform the engineering work for the Developer and the City on all roads within the Highlands of Ladd Park. This will provide full continuity in the design of South Carothers Parkway and Highlands of Ladd Park.

12. The Developer shall neither release nor make available any memoranda or other information concerning the estimated cost of the proposed Project to anyone other than the City. The Developer hereby agrees, warrants and assures that any estimated cost information is confidential, and that it will not directly or indirectly disclose said estimated cost information to potential bidders.

13. Neither the Developer nor any affiliate or subsidiary thereof shall participate directly or indirectly as a bidder for any part of the Project's construction work to be performed under a contract to be awarded by the City. The Developer further agrees that no employee, officer, or agent of the Developer shall participate in the selection or in the award or administration of a contract for the performance of any part of the Project's work if a real or apparent conflict of interest would be involved. Such a conflict of interest would arise when the employee, officer, or agent, or any member of his or her immediate family, or his or her partner, or an organization which employs or is about to employ any of the above, has a substantial financial interest, such as five-percent (5%) or greater ownership interest, or other interest in the firm selected for award of a contract to perform the construction work for this Project. Neither the Developer nor any affiliate, subsidiary, employee, officer, or agent of the developer shall solicit or accept gratuities, favors, or anything of monetary value, except an unsolicited gift having nominal monetary value, from contractors or bidders.

14. This Contract is subject to the appropriation and availability of City funds. In the event that the funds are not appropriated or are otherwise unavailable, the City reserves the right to terminate this Contract upon written notice to the Developer. Said termination shall not be deemed a breach of contract by the City. Upon such termination, the Developer shall have no right to recover from the City any actual, general, special, incidental, consequential, or any other damages whatsoever of any description or amount; provided, however, that the City shall transfer to the Developer all donated right of way as described in Section 7 of this Agreement.

15. 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



To: Vernon Gerth, Assistant City Administrator City
City of Franklin

From: Paul Arnold

Re: Request to share cost – Carothers Parkway Extention

Per the Extension Agreement for the South Carothers Parkway Project executed on June 23, 2009, Trillium Farms has redesigned a portion of the Highlands at Ladd Park Regulating Plan to accommodate the design of the Parkway. As you know, the agreement eliminated the need for the city to build a temporary “haul road” to facilitate the building of the bridge over the Harpeth River. The cost for this temporary road was unrecoverable. This agreement saved the City of Franklin a considerable amount of money to construct a haul road and acquire right of way. To facilitate the Parkway, Trillium had to redesign certain sections of the development which resulted in other savings for the city to construct the Parkway.

The savings to the City of Franklin are estimated as follows:

Construction of a temporary haul road with no recoverable use to the City after the bridge is completed was avoided by using the existing roads constructed by Trillium. \$970,000

Trillium agreed to dedicate additional right of way and easements to accommodate the design of the Parkway. \$1,650,000

Allow the City to use “borrow areas” for fill material to use for abutments and approaches to the bridge. \$291,500

Redesign eliminated the need for the City to build a retaining wall along Carothers. \$130,000

Total estimated savings - \$3,041,500

We undertook the redesign of the plan with the understanding that this would only entail a review by staff and would not be submitted to the planning commission for review and approval. Subsequently we have been required to present the redesign to the planning commission for review and approval. This has resulted in additional cost. To recover these cost we are requesting that the City pay for half of the total cost to prepare the plans

for the planning commission review and approval and that the City of Franklin become the co-applicant to the request. The estimate for these cost are as follows:

Submittal fee	\$6,950
Engineering cost	\$14,675
Landscape Architect cost	\$7,600
Total	\$29,225

I request that you get approval from the appropriate City entity to pay for half of the incurred cost for this redesign that was necessary to accommodate the Parkway.

Your assistance in this matter will be appreciated. If you have any questions please contact me.

Sincerely,



Paul Arnold, President
Trilliums Ventures, Inc.