



HISTORIC
FRANKLIN
TENNESSEE

ITEM #5
CIP
10-14-10

MEMORANDUM

October 8, 2010

TO: Board of Mayor and Aldermen

FROM: Eric S. Stuckey, City Administrator
Ben Worley Right of Way Agent/Project Manager
Eric J. Gardner, P.E., Director of Engineering
David Parker, P.E., City Engineer

SUBJECT: Consideration of Agreement with Christ United Methodist Church for the Jackson Lake Dredging project, COF contract number 2010-0166.

Purpose

The purpose of this memorandum is to recommend approval of an agreement with Christ United Methodist Church for the Jackson Lake Dredging project.

Background

During the design of the Jackson Lake project our consultant, CDM has identified possible areas to store and decant water from the material that is taken from the lake. Having adequate working room for the contractor not only reduces construction cost but also reduces construction time. The most feasible area, with the most working room is property that is owned by Christ United Methodist Church. City staff has met with representatives of the church and discussed the possibility of using the church property for this project.

Church representatives have asked that we consider accessing the property along a proposed drive isle that would remain after construction as part of future parking for the church. We would also be required to build a box culvert across Dry Branch to access the property. The church has also asked that this be a permanent structure that they could take over maintenance of after construction is complete.

Financial Impact

There is no financial impact at this time, but there will be an additional cost during construction of approximately \$50,000.00 to \$75,000.00. This cost can be managed within the Jackson Lake project budget, which is funded as a part of the Stormwater Capital Improvement Plan.

Recommendation

Approval of the proposed agreement is recommended.

**AGREEMENT
BETWEEN THE CITY OF FRANKLIN AND CHRIST UNITED METHODIST
CHURCH
COF CONTRACT NO 2010-0166**

THIS CONTRACT, ("CONTRACT"), made and entered into this the ___ day of _____, 2010 by and between the **City of Franklin, Tennessee** ("City") and **Christ United Methodist Church** ("CUMC.")

WITNESSETH

WHEREAS, the City plans to dredge Jackson Lake named the Jackson Lake Dredging Improvements Project ("Project"); and

WHEREAS, CUMC has agreed to dedicate a Temporary Construction Easement to the City in exchange for certain improvements; and

WHEREAS, the City will utilize a Contractor to complete the Project; and

WHEREAS, CUMC owns property on both sides of Dry Branch in the vicinity of the Project that can be used by the Contractor for storage of equipment and materials during the project.

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

1. The foregoing recitals are incorporated into this Agreement and made a part thereof.
2. All notices required to be given by any party shall be in writing, addressed to all other parties, and delivered by certified mail or in person to:

In the case of the City:

City of Franklin
Attn: Eric Gardner
109 Third Ave. South
P.O. Box 305
Franklin, TN 37065-0305

In the case of CUMC:

Christ United Methodist Church

Franklin, TN 37064

3. The City agrees to have constructed a crossing over Dry Branch for access to the church property by the Contractor that will be used for storage of equipment and materials during the project.

4. All improvement made on the CUMC property will remain at the end of construction, all areas disturbed by construction activity will be repaired as near to original condition as possible.
5. The City agrees to install a geotextile fabric and stone in the drive isle that coordinates with CUMC plans to install pervious parking in the future.
6. Any future maintenance of the Dry Branch crossing or box culvert shall become the responsibility of CUMC.
7. Upon the completion of the Project, the City agrees to ensure the Dry Branch crossing or box culvert is in like new condition.

As approved by the Franklin Board of Mayor and Aldermen on October 26, 2010.

WITNESS our hands on the dates as indicated.

CITY OF FRANKLIN, TENNESSEE **Attest:**

JOHN C. SCHROER
 Mayor

ERIC S. STUCKEY
 City Administrator/Recorder

Date: _____

Date: _____

CHRIST UNITED METHODIST CHURCH

By: _____

Print Name: _____

Title: _____

Date: _____

Approved as to form:

By: _____
 Shauna R. Billingsley, City Attorney