

CALL TO ORDER – Sheriff Norman Lewis

PLEDGE OF ALLEGIANCE

INVOCATION – Chaplain Joe Creek

ROLL CALL

PROCLAMATION – Major Roger Everson, Group III Commander, representing TN Wing; and Major Wilson Polidura, representing KY Wing

APPROVAL OF JUNE 12, 2010 MINUTES

VOTE ON ZONING RESOLUTIONS

CZ-9-2010: Application of Thomas S. Loving from R-1 to R-2D

VOTE ON OTHER RESOLUTIONS

- 10-7-1:** Resolution of the Montgomery County Board of Commissioners to Apply for a Grant from the Local Parks and Recreation Fund (LPRF) of the Tennessee Department of Environment and Conservation for Improvements at Rotary Park
- 10-7-2:** Resolution Authorizing Submission of an Application for a Grant to Continue the Litter and Trash Collection Program Previously Contracted with the Tennessee Department of Transportation
- 10-7-3:** Resolution to Approve Applicability of T.C.A. §67-5-603(d)
- 10-7-4:** Resolution to Amend the Procedures for Closing County Public Roads in Montgomery County, Tennessee
- 10-7-5:** Resolution Approving the Montgomery County Economic Impact Plan for the Madison Street Commons Project

UNFINISHED BUSINESS

REPORTS

1. County Clerk's Report – (requires approval by Commission)

REPORTS FILED

1. Humane Society 2009 Annual Report
2. TDOT Project Status Report
3. Projects and Facilities Report
4. June Adequate Facilities Tax Report and Permit Revenue Report
5. **Accounts & Budgets Monthly Report**
6. **County Clerk – Annual Financial Report**
7. **Trustee's Report**

NOMINATING COMMITTEE NOMINATIONS – Benny Skinner, Chairman

COUNTY MAYOR NOMINATIONS AND APPOINTMENTS – Mayor Carolyn Bowers

ANNOUNCEMENTS

ADJOURN

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF
COMMISSIONERS
AMENDING THE ZONE CLASSIFICATION OF THE PROPERTY OF
THOMAS S. LOVING**

WHEREAS, an application for a zone change from R-1 Single Family Residential District to R-2D One and Two Family Residential District has been submitted by Thomas S. Loving and

WHEREAS, said property is identified as County Tax Map 029, parcel 019.00, containing 3.64 acres, situated in Civil District 13, located on the west side of Britton Springs Road at the intersection of Britton Springs Rd. & Long Beech Drive.; and

WHEREAS, said property is described as follows:

Beginning at an iron pin in the western margin of Britton Springs Road, said point of beginning being 1,028.75 feet from the north line of Garrettsburg Road as measured along the western margin of said Britton Springs Rd. and runs thence north 74 degrees 45 minutes 40 seconds west 532.36 feet to an iron pin; thence north 5 degrees 36 minutes 57 seconds east 248.29 feet to an iron pin; thence south 81 degrees 14 minutes 17 seconds east 592.44 to an iron pin in the western margin of said Britton Springs Rd.; thence south along the western margin of said Road with a curve in the said Road, the interior angle of which is 13 degrees 18 minutes 08 seconds, radius 832.57 feet, tangent 97.09 feet, a distance of 193.30 feet to an iron pin in the western margin of said Britton Springs Road; thence with said Road south 22 degrees 3 minutes 51 seconds west 119.61 feet to the point of beginning, and being 3.64 acres more or less (Tax Map 029, Parcel 019.00)

WHEREAS, the Planning Commission staff recommends DISAPPROVAL and the Regional Planning Commission recommends DISAPPROVAL of said application.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of County Commissioners assembled in regular session on this 12th day of July, 2010, that the zone classification of the property of Thomas S. Loving from R-1 to R-2D is hereby approved.

Duly passed and approved this 12th day of July, 2010.

Sponsor *David Roggio*
Commissioner _____
Approved _____

Attested: _____
County Clerk

County Mayor

**RESOLUTION OF THE MONTGOMERY COUNTY
BOARD OF COMMISSIONERS TO APPLY FOR A GRANT FROM THE LOCAL PARKS
AND RECREATION FUND (LPRF) OF THE TENNESSEE DEPARTMENT OF
ENVIRONMENT AND CONSERVATION FOR IMPROVEMENTS AT ROTARY PARK.**

WHEREAS, the Montgomery County Conservation Board and the Montgomery County Board of Commissioners support all attempts to improve recreational opportunities within Montgomery County, Tennessee; and

WHEREAS, the Montgomery County Conservation Board has indicated its intention to continue capital improvements to Rotary Park; and

WHEREAS, the Local Parks and Recreation Fund (LPRF) is administered by the Tennessee Department of Environment and Conservation, which offers grants to local governments for funding of improvements made to local recreational facilities; and

WHEREAS, Montgomery County Government has committed to providing necessary matching funds which will be used to satisfy the fifty percent (50%) funding match required by the LPRF for all proposed improvements at Rotary Park.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners assembled in Regular Session on this 12th day of July, 2010, that the County Mayor or her representative is hereby authorized to prepare an application to the LPRF to fund the proposed improvements at Rotary Park. The application would seek grant funds in the amount of \$200,000 with this amount to be matched not to exceed \$200,000 to be taken from the current capital appropriations for Rotary Park and other in-kind matching sources.

Duly passed and approved this 12th day of July, 2010.

Sponsor _____

Commissioner _____

Approved _____
County Mayor

Attested _____
County Clerk

**RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR
A GRANT TO CONTINUE THE LITTER AND TRASH COLLECTION
PROGRAM PREVIOUSLY CONTRACTED WITH THE
TENNESSEE DEPARTMENT OF TRANSPORTATION**

WHEREAS, Montgomery County previously entered into a Litter and Trash Collection Grant Contract with the Tennessee Department of Transportation; and

WHEREAS, the Tennessee Department of Transportation has advised the County Mayor that funding allocations for the Litter Pickup Program for Fiscal Year 2010-2011 have been made with Montgomery County receiving an allocation of grant monies in the approximate amount of \$59,309.00; and the remaining funds required for the Litter Pickup Program would be the responsibility of Montgomery County in the amount of \$69,657 for a total program cost of \$128,966; and

WHEREAS, the Tennessee Department of Transportation has advised that Montgomery County can apply for these funds in the same manner as the past grant program.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners assembled in regular business session on this 12th day of July, 2010, that the County Mayor is hereby authorized to apply on behalf of Montgomery County for a grant to continue the Litter and Trash Collection Program to June 30, 2011.

BE IT FURTHER RESOLVED that should said application be approved by the Tennessee Department of Transportation, then the County Mayor is authorized to execute contracts or other necessary documents which may be required to signify acceptance of the Litter and Trash Collection Grant by Montgomery County, and the Director of Accounts and Budgets shall establish the necessary fund accounts providing for related revenues and expenditures stated in the contract, this resolution intended to have the effect of appropriation to that purpose accordingly.

Duly passed and approved this 12th day of July, 2010.

Sponsor _____

Commissioner _____

Approved _____
County Mayor

Attested _____
County Clerk

**RESOLUTION TO APPROVE APPLICABILITY
OF T.C.A. §67-5-603(D)**

WHEREAS, *Tennessee Code Annotated*, Section 67-5-603(d), permits the county legislative body, in a county included in the FEMA declaration, to approve the applicability of that section so that property owners within the county affected by the flood of 2010 may make application to the assessor of property for prorated property assessment in accordance with the provisions of *Tennessee Code Annotated*, Section 67-5-603(d); and

WHEREAS, the annual assessment of an affected building or improvement in a county included in the FEMA declaration may be prorated as otherwise provided in *Tennessee Code Annotated*, Section 67-5-603(a) for: (1) the actual time the building or improvement is destroyed and not replaced, or (2) the actual time the building or improvement is substantially damaged, provided the total time the property is destroyed or damaged and not replaced or restored, exceeds thirty (30) days; and

WHEREAS, the owner must apply for this relief to the assessor by September 1, 2010, using a form approved by the Director of the State Division of Property Assessments.

NOW, THEREFORE, BE IT RESOLVED by a two-thirds (2/3) vote of the Montgomery County Legislative Body, meeting in formal session on this the 12th day of July, 2010, that:

SECTION 1. The applicability of *Tennessee Code Annotated*, Section 67-5-603(d) is approved.

SECTION 2. This resolution shall be effective upon its passage and approval, the public welfare requiring it.

SECTION 3. This resolution shall expire on December 31, 2010.

Duly passed and approved this 12th day of July, 2010.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk

**RESOLUTION TO APPROVE APPLICABILITY
OF T.C.A. §67-5-603(D) AND T.C.A. §67-5-606(C)**

WHEREAS, *Tennessee Code Annotated*, Section 67-5-603(d), permits the county legislative body, in a county included in the FEMA declaration, to approve the applicability of that section so that property owners within the county affected by the flood of 2010 may make application to the assessor of property for prorated property assessment in accordance with the provisions of *Tennessee Code Annotated*, Section 67-5-603(d); and

WHEREAS, the annual assessment of an affected building or improvement in a county included in the FEMA declaration may be prorated as otherwise provided in *Tennessee Code Annotated*, Section 67-5-603(a) for: (1) the actual time the building or improvement is destroyed and not replaced, or (2) the actual time the building or improvement is substantially damaged, provided the total time the property is destroyed or damaged and not replaced or restored, exceeds thirty (30) days; and

WHEREAS, *Tennessee Code Annotated*, Section 67-5-606(c), permits the county legislative body, in a county included in the FEMA declaration, to approve the applicability of that section so that business owners within the county affected by the flood of 2010 may make application to the assessor of property for prorated personal property assessment in accordance with the provisions of *Tennessee Code Annotated*, Section 67-5-606(c); and

WHEREAS, the annual assessment of affected personal property in a county included in the FEMA declaration may be prorated as otherwise provided in *Tennessee Code Annotated*, Section 67-5-606(a) for: (1) the actual time the personal property is destroyed and not replaced, or (2) the actual time the personal property is substantially damaged, provided the total time the property is destroyed or damaged and not replaced or restored, exceeds thirty (30) days; and

WHEREAS, furthermore the owner must provide the assessor a listing of the destroyed, demolished or substantially damaged personal property for which the proration is sought, and

WHEREAS, the owner must apply for this relief to the assessor by September 1, 2010, using a form approved by the Director of the State Division of Property Assessments.

NOW, THEREFORE, BE IT RESOLVED by a two-thirds (2/3) vote of the Montgomery County Legislative Body, meeting in formal session on this the 12th day of July, 2010, that:

SECTION 1. The applicability of *Tennessee Code Annotated*, Section 67-5-603(d) **and** *Tennessee Code Annotated*, Section 67-5-606(c) is approved.

SECTION 2. This resolution shall be effective upon its passage and approval, the public welfare requiring it.

SECTION 3. This resolution shall expire on December 31, 2010.

Duly passed and approved this 12th day of July, 2010.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk

**RESOLUTION TO AMEND THE PROCEDURES FOR CLOSING
COUNTY PUBLIC ROADS IN MONTGOMERY COUNTY, TENNESSEE**

WHEREAS, Montgomery County currently utilizes the provisions of the Tennessee County Uniform Highway Law in concurrence with previously adopted and codified highway laws when abandoning public roads in Montgomery County; and

WHEREAS, reconciling the old general law found in T.C.A. Title 54, Chapter 10, Part 2 with the Tennessee County Uniform Highway Law when abandoning county public roads can cause unnecessary exposure to legal liability with adjacent landowners; and

WHEREAS, a new statute was enacted by the Tennessee Legislature in 1995, (Public Chapter 478), codified in T.C.A. §54-10-216, which provides for a more streamlined and efficient process for the abandoning of county public roads.

NOW, THEREFORE, BE IT RESOLVED by a two-thirds (2/3) vote of the Montgomery County Board of Commissioners meeting in formal session on this the 12th day of July, 2010, that the provisions of T.C.A. §54-10-216 for the future abandonment of county public roads in Montgomery County, Tennessee, are hereby adopted.

Duly passed and approved this 12th day of July, 2010.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk

**RESOLUTION APPROVING THE MONTGOMERY COUNTY ECONOMIC
IMPACT PLAN FOR THE MADISON STREET COMMONS PROJECT**

WHEREAS, The Industrial Development Board of the County of Montgomery, Tennessee (the “IDB”) has prepared an economic impact plan entitled the Montgomery County Economic Impact Plan (the “Economic Impact Plan”) regarding the development of a tract of land located at 1771 Madison Street in the City of Clarksville, County of Montgomery, Tennessee, as more particularly described in Exhibit A, attached hereto (the “Plan Area”); and

WHEREAS, Madison Street Commons, LLC, a Tennessee limited liability company (the “Company”), has proposed a development of the Plan Area which would include the acquisition, clearing, construction and equipping of a retail project consisting of not less than 73,000 square feet of retail center, including approximately 54,000 square feet for a Publix grocery store (collectively, the “Project”); and

WHEREAS, the Economic Impact Plan provides that in order to make the Project financially feasible, the IDB intends, subject to the approval of the City Council of the City of Clarksville (the “City”) and the Board of Commissioners of the County of Montgomery (the “County”), to use all taxes allocated to the IDB pursuant to Tennessee Code Annotated § 7-53-312(h) (the “Increment”) to pay or to reimburse the Company for its payment of all or a portion of the costs of the demolition of obsolete hospital buildings located within the Plan Area, the construction of traffic improvements at the intersection of Madison Street and Memorial Drive and the burying of overhead utility lines along Madison Street; and

WHEREAS, the Economic Impact Plan further provides that the maximum amount of the Increment that will be made available by the IDB to the Company for such financial assistance shall be Nine Hundred Thousand and No/100 Dollars (\$900,000.00); and

WHEREAS, the IDB has caused a public hearing with respect to the Economic Impact Plan to be held on June 29, 2010, as required by Tennessee Code Annotated §7-53-312(g) and has approved the Economic Impact Plan at a meeting on June 29, 2010.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Montgomery County, Tennessee that the Economic Impact Plan, in the form attached hereto as Exhibit B, being in the interest of the citizens of Montgomery County, Tennessee, is hereby approved by the Board of Commissioners of Montgomery County, Tennessee and the officers of the County are authorized to take all appropriate action to carry out the terms of the Economic Impact Plan.

Duly passed and approved this the 12th day of July, 2010.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attest _____

County Clerk

Exhibit A

Legal Description of the Plan Area

Being a tract of land lying in the 12th Civil District of Montgomery County, Clarksville, Tennessee and being more particularly described as follows:

BEGINNING at an existing iron rod (a 1/2" ribar with cap marked DBS) at the intersection of the westerly right-of-way line of Memorial Drive, width varies, and the northerly right-of-way line of Madison Street (U.S. Highway 41-A), 80 feet in width, said iron rod also having Tennessee State Plane Coordinates of North 796384.379 (796384.623 Deed) East 1582662.859 (1582662.833 Deed);

Thence leaving the westerly right-of-way line of Memorial Drive with the northerly right-of-way line of Madison Street along a curve to the right with an arc length of 675.49 feet, the radius of which is 5,484.94 feet, the central angle of which is 07 Deg 03 Min 22 Sec, the chord of which is North 84 Deg 02 Min 45 Sec West, 675.06 feet to an existing painted punch mark on a concrete sidewalk at the intersection of the easterly right-of-way line of Haynes Street, width varies;

Thence leaving the northerly right-of-way line of Madison Street with the easterly right-of-way line of Haynes Street along a curve (non-tangent) to the right with an arc length of 54.84 feet, the radius of which is 31.33 feet, the central angle of which is 100 Deg 17 Min 02 Sec, the chord of which is North 39 Deg 27 Min 16 Sec West, 48.10 feet to an existing iron rod (a 1/2" ribar with cap marked DBS);

Thence North 08 Deg 49 Min 15 Sec East, 150.76 feet to an existing P.K. nail in asphalt;

Thence North 08 Deg 59 Min 58 Sec East, 159.01 feet to an existing P.K. nail in asphalt;

Thence North 29 Deg 01 Min 31 Sec East, 185.38 feet to a P.K. nail in asphalt;

Thence along a curve (non-tangent) to the left with an arc length of 131.92 feet, the radius of which is 449.97 feet, the central angle of which is 16 Deg 47 Min 53 Sec, the chord of which is North 19 Deg 30 Min 22 Sec East, 131.45 feet to an existing divot in the concrete curb;

Thence North 16 Deg 58 Min 50 Sec East, 103.57 feet to an existing iron rod (a 1/2" ribar with cap marked DBS) at the intersection of the southerly right-of-way line of Haynes Street, 40 feet in width;

Thence leaving the easterly right-of-way line of Haynes Street with the southerly right-of-way line of Haynes Street along a curve (non-tangent) to the right with an arc length of 91.24 feet, the radius of which is 60.00 feet, the central angle of which is 87 Deg 07 Min 42 Sec, the chord of which is North 59 Deg 03 Min 24 Sec East, 82.70 feet to an existing iron rod (a 1/2" ribar with cap marked DBS) said iron rod also having Tennessee State Plane Coordinates of North 797225.075 (797225.159 Deed) East 1582243.905 (1582243.847 Deed);

Thence with the southerly right-of-way line of Haynes Street, along a curve (non-tangent) to the left with an arc length of 566.13 feet, the radius of which is 6,138.20 feet, the central angle of

which is 05 Deg 17 Min 04 Sec, the chord of which is South 78 Deg 58 Min 33 Sec East, 565.93 feet to an existing iron rod (a 1/2" rebar with cap marked DBS);

Thence along a curve (non-tangent) to the left with an arc length of 113.43 feet, the radius of which is 583.49 feet, the central angle of which is 11 Deg 08 Min 17 Sec, the chord of which is South 88 Deg 35 Min 40 Sec East, 113.25 feet to an existing iron rod (a 1/2" rebar with cap marked DBS);

Thence North 88 Deg 53 Min 37 Sec East, 161.69 feet to an existing iron rod (a 1/2" rebar with cap marked DBS) at the intersection of the easterly right-of-way line of said Memorial Drive;

Thence leaving the southerly right-of-way line of Haynes Street along a curve (non-tangent) to the right with an arc length of 66.98 feet, the radius of which is 27.47 feet, the central angle of which is 139 Deg 42 Min 47 Sec, the chord of which is South 28 Deg 15 Min 31 Sec East, 51.58 feet to an existing iron rod (a 1/2" rebar with cap marked DBS) said iron rod also having Tennessee State Plane Coordinates of North 797065.605 (Deed) East 1583098.633 (Deed);

Thence South 31 Deg 01 Min 11 Sec West, 770.63 feet (770.35 feet Deed) to an existing iron rod (a 1/2" rebar with cap marked DBS);

Thence along a curve to the right with an arc length of 46.08 feet, the radius of which is 43.00 feet, the central angle of which is 61 Deg 24 Min 23 Sec, the chord of which is South 61 Deg 43 Min 22 Sec West, 43.91 feet to the POINT OF BEGINNING.

Containing 658,139 Square Feet (15.109 Acres more or less).

Exhibit B

Copy of Economic Impact Plan

THE INDUSTRIAL DEVELOPMENT BOARD OF THE COUNTY
OF MONTGOMERY, TENNESSEE

MONTGOMERY COUNTY ECONOMIC IMPACT PLAN / CITY OF CLARKSVILLE
CAPITAL PROJECT REVENUE DISTRICT PLAN

1. Authority for Montgomery County Economic Impact Plan / City of Clarksville Capital Project Revenue District Plan. Industrial development corporations (“Authorities”) are authorized under Tennessee Code Annotated § 7-53-312 to prepare and submit to cities and counties an economic impact plan with respect to an area that includes an industrial park within the meaning of Tennessee Code Annotated § 7-53-312 or a project within the meaning of Tennessee Code Annotated § 7-53-101 *et. seq.* (the “Act”) and such other properties that the Authorities determine will be directly improved or benefited due to the undertaking of such industrial park or project. Tennessee Code Annotated § 7-53-312 also authorizes cities and counties to apply and pledge new incremental tax revenues which arise from the area subject to the economic impact plan to Authorities to promote economic development to pay the cost of projects or to pay debt service on bonds or other obligations issued by Authorities to pay the costs of projects.

2. The Project. The Industrial Development Board of the County of Montgomery, Tennessee (the “Board”) desires to induce Madison Street Commons, LLC, a Tennessee limited liability company (the “Company”) to undertake a “project” within the meaning of the Act, consisting of the acquisition, clearing, construction and equipping of a retail project (the “Project”) consisting of not less than 73,000 square feet of retail center on the property described on Exhibit A (the “Property”), including approximately 54,000 square feet for a Publix grocery store. The development of the Project will result in the demolition of obsolete hospital buildings located on the Property, the construction of traffic improvements at the intersection of Madison Street and Memorial Drive and the burying of overhead utility lines along Madison Street. In order to make the Project financially feasible, the Board intends, subject to the approval of the City Council of the City of Clarksville (the “City”) and the Board of Commissioners of the County of Montgomery (the “County”), to use all taxes allocated to the Board pursuant to Section 312(h) of the Act (the “Increment”) to provide funds to pay or to reimburse the Company for its payment of all or a portion of the costs of the demolition of obsolete hospital buildings located on the Property, the construction of traffic improvements at the intersection of Madison Street and Memorial Drive and the burying of overhead utility lines along Madison Street (collectively, the “Project Costs”). The Project is an eligible project within the meaning of Tennessee Code Annotated § 7-53-101(13)(A)(ii).

3. Boundary of Plan Area. The area that would be subject to this Montgomery County Economic Impact Plan / City of Clarksville Capital Project Revenue District Plan, includes the Property, which is the property that will be directly improved or benefited from the development of the Project (the “Plan Area”). The Plan Area is hereby declared to be subject to this Montgomery County Economic Impact Plan / City of Clarksville Capital Project Revenue District Plan, and the Project is hereby identified as the project that will be located within the Plan Area.

4. Financial Assistance to Project. The Board will provide financial assistance to the Project by issuing its bonds, notes or other obligations to pay or reimburse the Company for paying all or a portion of the Project Costs (the “Project Financing”). The Board may issue the Project Financing to a lender or bondholders to finance the Project Costs and pledge the Increment to such lenders or bondholders to apply to the debt service on the Project Financing. The maximum amount of the Increment that will be made available by the Board to the Company for such financial assistance shall be Nine Hundred Thousand and No/100 Dollars (\$900,000.00) (the “Maximum Contribution”).

5. Expected Benefits to City and County. The City and County expect to benefit in many ways from the development of the Project. The development of the Project will result in the demolition of obsolete hospital buildings on the Property and the construction of a first class retail center. The traffic improvements to be constructed at the intersection of Madison Street and Memorial Drive will reduce the existing traffic congestion at this busy intersection. The burying of overhead utility lines along Madison Street will improve the aesthetic views for persons driving into the City along Madison Street. The retail center is expected to eventually add approximately \$141,728 to the combined property tax rolls of the City and the County. After the Maximum Contribution is made, the additional taxes attributable to the Project are expected to total over \$64,900 per year in City property taxes, and over \$150,900 in County property taxes. In addition to the permit and building fees and revenue during construction, it is anticipated that once the Project is fully operational and maintains its anticipated occupancy and retail sales levels, the total additional local option sales taxes generated by the Project will be over \$852,000, with approximately \$207,000 being the City’s share of these sales taxes and approximately \$645,000 being the County’s share of these sales taxes.

The Project is also expected to employ over 300 full time equivalent employees once the Project is fully operational and maintains its anticipated occupancy and retail sales levels. New businesses are expected to also be attracted to the immediate area to service the needs of the occupants and employees of the Project.

6. Distribution of Property Taxes and Tax Increment Financing.

(a) Subject to the provisions of Section 312(j) of the Act, property taxes, including personal property taxes, imposed by the City and the County on the Project shall be divided and distributed in accordance with Section 312(c) of the Act, as follows:

(i) That portion of the real and personal property taxes that were payable with respect to the Plan Area for the year prior to the date of approval of this Montgomery County Economic Impact Plan / City of Clarksville Capital Project Revenue District Plan (the “Base Tax Amount”) shall be allocated to and, as collected, paid to the City and County as all other taxes levied by the City and County on all other properties; provided, however, that in any year in which the taxes on the property within the Plan Area are less than the Base Tax Amount, there shall be allocated and paid to the City and County only the taxes actually imposed; and

(ii) Any excess of real and personal property taxes over the Base Tax Amount (i.e., the Increment), shall be allocated to and, when collected, paid into a separate fund of the Board established to hold such payments until applied to pay the Project Costs.

7. Time Period. Taxes on the real and personal property within the Project Area will be distributed as provided in this Section of the Montgomery County Economic Impact Plan / City of Clarksville Capital Project Revenue District Plan for a period equal to the lesser of (a) the point in time when the Company has received the Maximum Contribution, or (b) ten (10) years.

8. Project Costs; Qualified Use. The Board and the City and the County, by the adoption of this Montgomery County Economic Impact Plan / City of Clarksville Capital Project Revenue District Plan, find that the use of the Increment as described herein is in furtherance of promoting economic development in the City, and that the Project Costs include all costs of the demolition of obsolete hospital buildings located on the Property, the construction of traffic improvements at the intersection of Madison Street and Memorial Drive and the burying of overhead utility lines along Madison Street, subject to the limitation that the maximum amount of the Increment payable for the Project Costs shall not exceed the Maximum Contribution.

9. Limited Obligation. The obligations of the Board under this Montgomery County Economic Impact Plan / City of Clarksville Capital Project Revenue District Plan (the "Obligations"), are limited obligations of the Board and shall not be deemed to constitute a general debt or liability of the Board, except insofar as the Increment has been received by the Board and the same is payable in accordance with the provisions of this Montgomery County Economic Impact Plan / City of Clarksville Capital Project Revenue District Plan. Neither the County, the City, the State of Tennessee, nor any other political subdivision thereof, shall be liable for the payment or performance of the Obligations or any agreement, or certification, of any kind whatsoever of the Board and neither the Obligations nor any of the agreements, Obligations, or certifications of the Board shall be construed to constitute an indebtedness of the County, the City, or the State of Tennessee, or any other political subdivision thereof, within the meaning of any constitutional or statutory provisions whatsoever.

10. Approval Process. Pursuant to Section 312 of the Act, the process for the approval of this Montgomery County Economic Impact Plan / City of Clarksville Capital Project Revenue District Plan is as follows:

(a) The Board holds a public hearing relating to the proposed Montgomery County Economic Impact Plan / City of Clarksville Capital Project Revenue District Plan after publishing notice of such hearing in a newspaper of general circulation in the City at least two (2) weeks prior to the date of the public hearing. The notice must include the time, place and purpose of the hearing as well as notice of how a map of the subject area may be viewed by the public. Following such public hearing, the Board may submit the Montgomery County Economic Impact Plan / City of Clarksville Capital Project Revenue District Plan to the City and County for their approval.

(b) The governing body of the City and the County must approve the Montgomery County Economic Impact Plan / City of Clarksville Capital Project Revenue District Plan. The Montgomery County Economic Impact Plan / City of Clarksville Capital Project Revenue District Plan may be approved by resolution of the governing body, whether or not the local charter provisions of the governing body provide otherwise.

(c) Once the Montgomery County Economic Impact Plan / City of Clarksville Capital Project Revenue District Plan has been approved by the governing body of the City and

the County, respectively, the clerk or other recording official of the City and of the County shall transmit the following to the appropriate tax assessors and taxing agency affected: (a) a copy of the description of the property within the Plan Area, and (b) a copy of the Resolution approving the Montgomery County Economic Impact Plan / City of Clarksville Capital Project Revenue District Plan.

APPROVED:

**THE INDUSTRIAL DEVELOPMENT
BOARD OF THE COUNTY OF
MONTGOMERY, TENNESSEE**

By: _____
Title: _____
Date: _____

APPROVED:

CITY OF CLARKSVILLE, TENNESSEE

By: _____
Title: _____
Date: _____

APPROVED:

**COUNTY OF MONTGOMERY,
TENNESSEE**

By: _____
Title: _____
Date: _____

Exhibit A

Legal Description of the Property

Being a tract of land lying in the 12th Civil District of Montgomery County, Clarksville, Tennessee and being more particularly described as follows:

BEGINNING at an existing iron rod (a 1/2" ribar with cap marked DBS) at the intersection of the westerly right-of-way line of Memorial Drive, width varies, and the northerly right-of-way line of Madison Street (U.S. Highway 41-A), 80 feet in width, said iron rod also having Tennessee State Plane Coordinates of North 796384.379 (796384.623 Deed) East 1582662.859 (1582662.833 Deed);

Thence leaving the westerly right-of-way line of Memorial Drive with the northerly right-of-way line of Madison Street along a curve to the right with an arc length of 675.49 feet, the radius of which is 5,484.94 feet, the central angle of which is 07 Deg 03 Min 22 Sec, the chord of which is North 84 Deg 02 Min 45 Sec West, 675.06 feet to an existing painted punch mark on a concrete sidewalk at the intersection of the easterly right-of-way line of Haynes Street, width varies;

Thence leaving the northerly right-of-way line of Madison Street with the easterly right-of-way line of Haynes Street along a curve (non-tangent) to the right with an arc length of 54.84 feet, the radius of which is 31.33 feet, the central angle of which is 100 Deg 17 Min 02 Sec, the chord of which is North 39 Deg 27 Min 16 Sec West, 48.10 feet to an existing iron rod (a 1/2" ribar with cap marked DBS);

Thence North 08 Deg 49 Min 15 Sec East, 150.76 feet to an existing P.K. nail in asphalt;

Thence North 08 Deg 59 Min 58 Sec East, 159.01 feet to an existing P.K. nail in asphalt;

Thence North 29 Deg 01 Min 31 Sec East, 185.38 feet to a P.K. nail in asphalt;

Thence along a curve (non-tangent) to the left with an arc length of 131.92 feet, the radius of which is 449.97 feet, the central angle of which is 16 Deg 47 Min 53 Sec, the chord of which is North 19 Deg 30 Min 22 Sec East, 131.45 feet to an existing divot in the concrete curb;

Thence North 16 Deg 58 Min 50 Sec East, 103.57 feet to an existing iron rod (a 1/2" ribar with cap marked DBS) at the intersection of the southerly right-of-way line of Haynes Street, 40 feet in width;

Thence leaving the easterly right-of-way line of Haynes Street with the southerly right-of-way line of Haynes Street along a curve (non-tangent) to the right with an arc length of 91.24 feet, the radius of which is 60.00 feet, the central angle of which is 87 Deg 07 Min 42 Sec, the chord of which is North 59 Deg 03 Min 24 Sec East, 82.70 feet to an existing iron rod (a 1/2" ribar with cap marked DBS) said iron rod also having Tennessee State Plane Coordinates of North 797225.075 (797225.159 Deed) East 1582243.905 (1582243.847 Deed);

Thence with the southerly right-of-way line of Haynes Street, along a curve (non-tangent) to the left with an arc length of 566.13 feet, the radius of which is 6,138.20 feet, the central angle of

which is 05 Deg 17 Min 04 Sec, the chord of which is South 78 Deg 58 Min 33 Sec East, 565.93 feet to an existing iron rod (a 1/2" ribar with cap marked DBS);

Thence along a curve (non-tangent) to the left with an arc length of 113.43 feet, the radius of which is 583.49 feet, the central angle of which is 11 Deg 08 Min 17 Sec, the chord of which is South 88 Deg 35 Min 40 Sec East, 113.25 feet to an existing iron rod (a 1/2" ribar with cap marked DBS);

Thence North 88 Deg 53 Min 37 Sec East, 161.69 feet to an existing iron rod (a 1/2" ribar with cap marked DBS) at the intersection of the easterly right-of-way line of said Memorial Drive;

Thence leaving the southerly right-of-way line of Haynes Street along a curve (non-tangent) to the right with an arc length of 66.98 feet, the radius of which is 27.47 feet, the central angle of which is 139 Deg 42 Min 47 Sec, the chord of which is South 28 Deg 15 Min 31 Sec East, 51.58 feet to an existing iron rod (a 1/2" ribar with cap marked DBS) said iron rod also having Tennessee State Plane Coordinates of North 797065.605 (Deed) East 1583098.633 (Deed);

Thence South 31 Deg 01 Min 11 Sec West, 770.63 feet (770.35 feet Deed) to an existing iron rod (a 1/2" ribar with cap marked DBS);

Thence along a curve to the right with an arc length of 46.08 feet, the radius of which is 43.00 feet, the central angle of which is 61 Deg 24 Min 23 Sec, the chord of which is South 61 Deg 43 Min 22 Sec West, 43.91 feet to the POINT OF BEGINNING.

Containing 658,139 Square Feet (15.109 Acres more or less).

Being Parcel "D" as conveyed to Clarksville Volunteer Health, Inc., as of record in Volume 1264, Page 2603, at the Register's Office for Montgomery County, Tennessee.