

**REPORT TO THE BOARD OF MAYOR AND ALDERMEN**

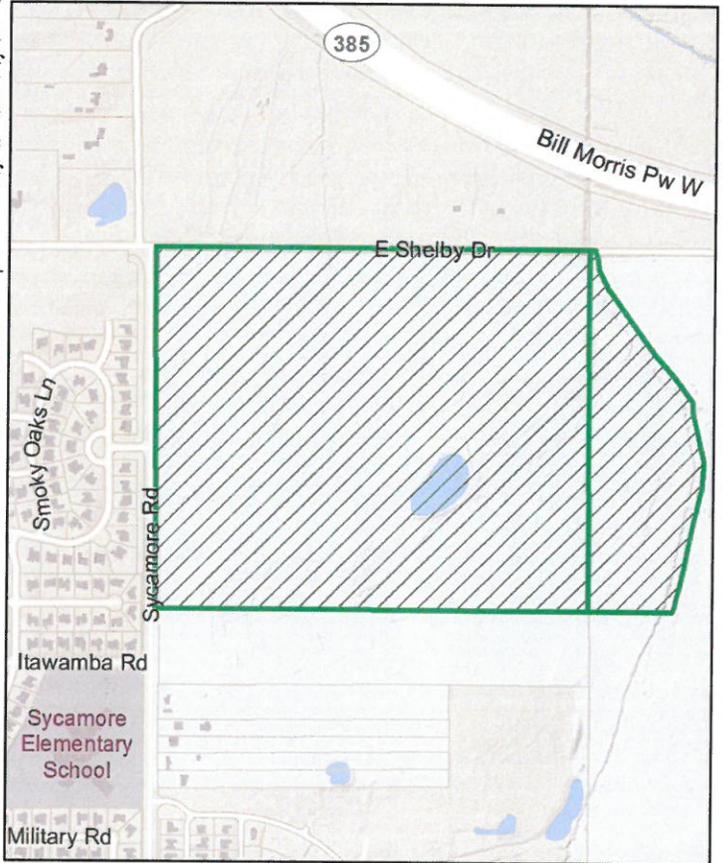
**FROM:** Jaime W. Groce, AICP *JWG*  
Town Planner

**SUBJECT:** Resolution 2016-02 (Public Hearing) - A Resolution of the Board of Mayor And Aldermen of The Town of Collierville, annexing and adopting a plan of services for 158.36 acres known as the Collierville High School Property, located in Collierville's Reserve Area and immediately south of the current Town Limits and bound by Sycamore Road and East Shelby Drive, and to incorporate the same within the corporate boundaries of the Town of Collierville.

**INTRODUCTION:** The purpose of this agenda item is to for the Board of Mayor and Aldermen (BMA) to hold a Public Hearing, and to approve, the annexation of, and Plan of Services for, the 158.36-acre subject property owned by Town of Collierville Board of Education planned for the new Collierville High School campus.

The subject property, currently vacant, is surrounded to the west by single family homes zoned R-1, vacant property to the north zoned FAR: Forest Agriculture Residential, and to the south and east by agricultural uses in unincorporated Shelby County (see Exhibit 2). The subject property is currently zoned CA: Conservation/Agriculture. The PC unanimously recommended approval of Resolution 2016-02 on January 7, 2015 (see Exhibit 2). A resolution to effectuate annexation of property with written consent of the property owner, which is the case with this annexation (see Exhibit 3), does not require a referendum per Tennessee Code Annotated (TCA) 6-51-104.

- EXHIBITS**
1. Resolution 2016-02, with Map Attachment B and Plan of Service Attachment C (12/28/15)
  2. January 2016 Draft PC Minutes
  3. Letter from property owner requesting annexation (1/14/16)



**DISCUSSION AND KEY QUESTIONS:** The BMA may find the following questions helpful in determining if it is appropriate to annex of the subject property:

1. **Why is the Town annexing this property?** The annexation was requested by the Collierville Board of Education (see Exhibit 3) related to the planned construction of a new high school on the subject property. The property is within the Town's Urban Growth Boundary (UGB), also referred to as the Reserve Area.

2. **What is the process being used to annex the property and how is it different from how the Town has typically annexed property?** For decades, Collierville routinely annexed new territory by ordinance (adopted by the BMA after three readings and a PC recommendation), but changes in state law effective in 2015 eliminated this common practice for municipalities. TCA 6-51-104(c) requires cities to annex property by resolution (adopted by the BMA in one reading after a PC recommendation), if the property owner consents to the annexation. The resolution must also contain a Plan of Services. If all property owners did not consent to an annexation, a referendum held on the request and at the expense of the Town would be required. As the Collierville Board of Education consents to the subject annexation, a referendum is not required.
3. **What is the benefit to the property owner for annexation?** When property is annexed, state law requires that a municipality also formally adopt a plan of services after review and recommendation by the PC. Ten of the most notable benefits of being annexed into Collierville include the following basic services, which are formally described in the plan of service recommended for approval by the PC (Attachment C to Resolution 2016-02):
- Guaranteed Placement in the Collierville Municipal School District;
  - Police Coverage;
  - Fire and Emergency Response;
  - Trash Collection and Curbside Recycling;
  - Library Services;
  - Animal Services;
  - Street Maintenance;
  - Water and Sewer; and
  - Management of stormwater drainage system/drainage ditches.
  - Parks and recreation services.

Other services, such as street lighting, would be provided over time as it becomes cost effective. Building Safety inspection services will be provided by the Town on the effective date of annexation. The Collierville Board of Education and BMA are working jointly to develop the subject property for public use and divide duties for the development of the property.

The plan of services document must be formally adopted by the BMA via resolution before the annexation can become effective. Copies of the POS can be found online at [www.collierville.com](http://www.collierville.com) and posted in three public places: Town Hall (500 Poplar View Pkwy), the Public Library (501 Poplar View Pkwy), and the main offices for Collierville Schools (146 College St). As required, a copy of the pending plan of services has been mailed to the property owner, the Town of Collierville Board of Education, and a copy also been posted at the subject property. Per TCA 6-51-102, a final draft will be provided to the Shelby County Mayor after adoption by the BMA, and prior to the effective date of the annexation. TCA 6-51-121 also requires that the resolution, once adopted, be recorded with the Shelby County Register of Deeds and sent to the State Treasury Comptroller and Shelby County Assessor of Property.

4. **When will the annexation become effective?** If both Ordinance 2016-02 (zones the property R-1) and Resolution 2016-02 (annexation and plan of service) are adopted by the BMA, the annexation and related zoning will become effective on March 1, 2016, which will allow time for affected public agencies (local, county, regional, state) to be notified of the adjustment in Collierville's Corporate Limits. The Shelby County Assessor of Property and County 911 office has already been notified.

**EXAMPLE MOTION (ANNEXATION AND PLAN OF SERVICES):** To approve Resolution 2016-02 annexing, and adopting a plan of services for 158.36 acres known as the Collierville High School Property.

**BOARD ACTION:** Motion By: \_\_\_\_\_ Second By: \_\_\_\_\_

	<u>Allen</u>	<u>Fraser</u>	<u>Joyner</u>	<u>Stamps</u>	<u>Patton</u>	<u>Worley</u>
Yes	_____	_____	_____	_____	_____	_____
No	_____	_____	_____	_____	_____	_____
Abstain	_____	_____	_____	_____	_____	_____

**CONTACT INFORMATION:**

	<b>Applicant/Property Owner</b>	<b>Project Planners</b>
<b>Contact:</b>	John S. Aitken, Superintendent	Jaime W. Groce, AICP (Primary) Sean Isham, AICP
<b>Organization:</b>	Town of Collierville Board of Education	Planning Division
<b>Address:</b>	146 College St. Collierville, TN 38017	500 Poplar View Pkwy. Collierville, TN 38017
<b>Phone:</b>	901-861-7000	901-457-2360
<b>Email:</b>	cssuperintendent@colliervilleschools.org	jpgroce@ci.collierville.tn.us

**RESOLUTION 2016-02**

**A RESOLUTION OF THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF COLLIERVILLE, ANNEXING, AND ADOPTING A PLAN OF SERVICES FOR, 158.36 ACRES KNOWN AS THE COLLIERVILLE HIGH SCHOOL PROPERTY, LOCATED IN COLLIERVILLE’S RESERVE AREA AND IMMEDIATELY SOUTH OF THE CURRENT TOWN LIMITS AND BOUND BY SYCAMORE ROAD AND EAST SHELBY DRIVE, AND TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE TOWN OF COLLIERVILLE.**

**WHEREAS,** the property owner has provided written consent to the annexation; and,

**WHEREAS,** the annexation of such territory may be deemed necessary for the welfare of the Town as a whole; and,

**WHEREAS,** the area proposed for annexation to the Town is within the Town’s Urban Growth Boundary, as required by law, and is described in Exhibit “A” of this Resolution; and,

**WHEREAS,** Tennessee Code Annotated (TCA), Section 6-51-102, requires that a Plan of Services be adopted by the municipal governing body prior to passage of an annexation ordinance; and,

**WHEREAS,** on January 7, 2016, the Collierville Planning Commission recommended the adoption of the Plan of Services, described in Exhibit “C” of this Resolution, and annexation of the captioned property by the Town of Collierville; and,

**WHEREAS,** a Public Hearing before the Board of Mayor and Aldermen for the Town of Collierville was held on \_\_\_\_\_, pursuant to a notice thereof published in a newspaper of general circulation within the community on January 6, 2016 and January 20, 2016.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF COLLIERVILLE, TENNESSEE, THAT:**

Section 1. In accordance with Tennessee Code Annotated (TCA) Sections 6-51-104 and 6-51-111, there is hereby annexed to the Town of Collierville, Tennessee, and incorporated within the corporate boundaries thereof, the territory described in Attachment A, effective on March 1, 2016;

Section 2 The attached Attachment B – Location Map shall serve the purpose of delimiting the geographical boundaries as described by this Resolution; and

Section 3 The attached Attachment C shall serve as the plan of services for this area as required by Tennessee Code Annotated (TCA) Section 6-51-102.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Lynn Carmack, Town Clerk

\_\_\_\_\_  
Stan Joyner, Mayor

Attachment A  
Annexation Property Description

Property description of the Robert T. Cartwright, Trustee property as described in Instrument 14015050 in Shelby County, Tennessee:

*Beginning at a pk nail set at the intersection of the centerline of East Shelby Drive with the centerline Sycamore Road (north bound); thence South 87 degrees 38 minutes 41 seconds East with the centerline of East Shelby Drive a distance of 2640.00 feet to a cross set in west line of the Cartwright Farms Partnership property as described in Instrument 05208856, said cross being in a bridge; thence South 01 degrees 46 minutes 51 seconds West with the west line of the said Cartwright Farms Partnership property a distance of 2196.81 feet to an iron pin set; thence North 87 degrees 38 minutes 41 seconds West a distance of 2638.92 feet to a point in the centerline of Sycamore Road (north bound); thence North 01 degrees 55 minutes 17 seconds East with the centerline of Sycamore Road a distance of 161.04 feet to an angle point; thence North 01 degrees 44 minutes 22 seconds East with the centerline of Sycamore Road a distance of 2035.79 feet to the point of beginning and containing 133.094 acres.*

Property description of part of the Cartwright Farms Partnership property as described in Instrument 05208856 in Shelby County, Tennessee:

*Beginning at a cross set at the intersection of the centerline of East Shelby Drive with the east line of the Robert T. Cartwright, Trustee property as described in Instrument 14015050; thence South 87 degrees 38 minutes 41 seconds East with the centerline of East Shelby Drive a distance of 41.79 feet to a point approximately 30 feet east of the east top of bank; thence southwardly generally parallel with the east top of bank the following calls:*

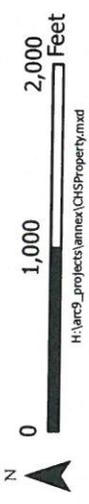
*South 01 degrees 04 minutes 20 seconds East a distance of 13.17 feet to a point; thence South 14 degrees 55 minutes 16 seconds East a distance of 39.99 feet to a point; thence South 04 degrees 55 minutes 31 seconds East a distance of 68.88 feet to a point; thence South 25 degrees 16 minutes 09 seconds East a distance of 121.70 feet to a point; thence South 34 degrees 02 minutes 23 seconds East a distance of 306.20 feet to a point; thence South 34 degrees 49 minutes 03 seconds East a distance of 205.58 feet to a point; thence South 40 degrees 45 minutes 43 seconds East a distance of 168.66 feet to a point; thence South 34 degrees 57 minutes 21 seconds East a distance of 190.86 feet to a point; thence South 00 degrees 52 minutes 51 seconds West a distance of 69.91 feet to a point; thence South 11 degrees 09 minutes 23 seconds East a distance of 308.15 feet to a point; thence South 06 degrees 57 minutes 57 seconds West a distance of 162.00 feet to a point; thence South 15 degrees 45 minutes 05 seconds West a distance of 259.41 feet to a point; thence South 13 degrees 47 minutes 23 seconds West a distance of 269.45 feet to a point; thence South 16 degrees 06 minutes 01 seconds West a distance of 221.08 feet to a point; thence South 26 degrees 13 minutes 41 seconds West a distance of 23.88 feet to a point; thence North 87 degrees 38 minutes 41 seconds West with said easterly projection a distance of 519.51 feet to an iron pin set in the east line of said Robert T. Cartwright, Trustee; thence North 01 degrees 46 minutes 51 seconds East with said east line a distance of 2196.81 feet to the point of beginning and containing 25.265 acres.*

Ordinance 2016-02  
12/28/15



# Collierville High School Property, Attachment B 1/7/2016

-  Collierville High School Property
-  Municipal Boundary
-  Parcel
-  Streets



H:\arc3\_projects\annex\CHSProperty.mxd

Prepared by The Town of Collierville Division of Planning, GIS.  
Please note that the information in this document has not been field verified.  
The Town of Collierville hereby releases from all responsibilities  
concerning the accuracy of this map. If you have any questions, please contact  
the Town of Collierville, Division of Planning at (901) 437-2366.

PLAN OF SERVICES

**A PLAN OF SERVICES FOR 158.36 ACRES KNOWN AS THE COLLIERVILLE HIGH SCHOOL PROPERTY, LOCATED IN COLLIERVILLE'S RESERVE AREA AND IMMEDIATELY SOUTH OF THE CURRENT TOWN LIMITS AND BOUND BY SYCAMORE ROAD AND EAST SHELBY DRIVE, IN SHELBY COUNTY, TENNESSEE, BY THE TOWN OF COLLIERVILLE, TENNESSEE**

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF COLLIERVILLE, TENNESSEE:**

Section 1. Pursuant to the provisions of TCA, Section 6-51-102, there is hereby adopted for the proposed annexation area depicted in Attachment A to Resolution 2016-02, the following Plan of Services:

A) Police Protection

Patrolling, radio response to calls, and other routine police services using present personnel and equipment, will be provided on the effective date of annexation.

B) Fire Protection

Fire protection by the present personnel and equipment of the fire fighting force will be provided on the effective date of annexation.

C) Water Service

Water lines will be installed by the Town in conjunction with development of the subject property. Water will be provided at Town rates from existing Town lines on the effective date of annexation. Fire hydrants will be installed within 18 months in accordance with Town standards.

D) Electrical Service

Electricity will continue to be provided to residents of the newly annexed area by Memphis Light Gas & Water (MLGW).

E) Sanitary Sewer Service

Sewer lines shall be installed by the Town in conjunction with development of the subject property.

F) Solid Waste Collection

If the subject property develops residentially, any future residents of the subject area will have the same regular refuse collection services provided within the Town.

G) Road and Street Construction and Repair

1. Emergency maintenance of streets (such as repair of hazardous potholes and measures necessary for traffic flow) will begin on the effective date of annexation.
2. Routine maintenance, on the same basis as in the present Town of Collierville, will begin in the annexed area on the effective date of annexation.
3. Reconstruction and resurfacing of streets, installation of storm drainage facilities, and other such major improvements, as the need is determined by the governing body, will be accomplished under the established policies of the Town.
4. Improvements of the right-of-way and extension of Shelby Drive and Sycamore Road according to the Major Road Plan shall be provided by the Town of Collierville.

H) Municipal Recreational Facilities and Programs

If the subject property develops residentially, any future residents of the subject area may use all existing municipal recreational and park facilities on the effective date of annexation. The same standards and policies now used in the present Town will be followed in expanding municipal recreational programs and facilities in the enlarged corporate limits of the Town.

I) Street Lighting

Street lighting will be installed by the Town in conjunction with development of the subject property in accordance with Memphis Light Gas & Water and Town policies following the effective date of annexation along Sycamore Road and Shelby Drive. Remaining street lighting will be installed in accordance with Town policies and where economically feasible.

J) Planning, Zoning, and Engineering Services

1. The planning and zoning jurisdiction of the Town will extend to the annexed area on the effective date of annexation. All construction will conform to the Zoning Ordinance, Subdivision Regulations, and other applicable ordinances, regulations and standards of the Town of Collierville.
2. Traffic signals, traffic signs and other traffic control devices in the annexed area will be installed and/or maintained as the need for such devices is established by appropriate study, engineering review, and traffic standards.

K) Building Inspection and Codes Compliance Services

Any inspection services now provided by the Town (building, electrical, plumbing, gas, housing, sanitation, mechanical, and other applicable construction code provisions) will begin in the annexation area upon the effective date of annexation. The Town will enforce property maintenance standards and public nuisance regulations.

L) Schools

The annexation area is located in the Collierville Municipal School District (hereafter "Collierville Schools"). Collierville Schools determines the applicable school zone boundaries.

M) Miscellaneous

Street name signs, where needed, will be installed within approximately 12 months following the effective date of annexation. Regulatory signs will be installed where safety hazards have been identified to exist by the Town. All street name signs and regulatory signs required by new development will be installed by the developer as property develops.

Section 2. This Resolution shall be effective upon the completion of all steps necessary to effectuate the annexation of the subject area.

---

Lynn Carmack, Town Clerk

---

Stan Joyner, Mayor

**PC16-02 – Resolution 2016-02 – A Resolution of the Board of Mayor and Aldermen of the Town of Collierville, annexing and adopting a plan of services for 158.36 acres known as the Collierville High School Property, located in Collierville’s Reserve Area and immediately south of the current Town Limits and bound by Sycamore Road and East Shelby Drive, and to incorporate the same within the corporate boundaries of the Town of Collierville.**

Mr. Jaime Groce gave the staff presentation. He explained that he will be presenting both of the next items together but each item will need a separate motion. He reviewed the key questions regarding the annexation and zoning of the 158.36-acre subject property that will be the future home of the Collierville High School. The key questions are, “Why is this property being annexed?”, “Is the subject property in the Collierville Reserve Area?”, “How will services be provided to the annexed property?”, “What is the relationship of Resolution 2016-02 to Ordinance 2016-02?”, and “Does the rezoning comply with the Land Use Plan?”

- | EXHIBITS |   |
|----------|---|
| 1.       | Resolution 2016-02, with Map Attachment B and Plan of Service Attachment C (12/28/15) |
| 2.       | Existing Land Use Map, December 2014.   |
| 3.       | Future Land Use Map, April 2012   |
| 4.       | Ordinance 2016-02, with attachments (12/28/15)  |

Whenever we annex property we have to also zone it so we try to have both actions track through at the same time. The BMA first reading on the ordinance will be on January 11, 2016, with the second reading and public hearing to be on January 25, 2016. Annexation and Plan of Service public hearing and Resolution 2016-02 will be heard on February 8, 2016. We are annexing now by Resolution, but we typically did this by Ordinance and we have done that for decades. Since 1997 the Town has annexed around 9,606 acres, a 71.4% increase in land area, which gives us a total land area of 36.04 square miles or 23,064 acres. Collierville has not annexed new territory since December 2011. There has been some new legislation across the State that governs how we can and cannot annex property. This new process is to prevent annexations happening without property owner’s consent. We are now annexing with Resolution and property owner’s consent, which we do have from the Town’s Board of Education. In the future, if the Town chooses to annex, it must be done by referendum if there is not property owner consent. The Plan of Services is adopted with the Resolution. The POS outlines those services and/or amenities that will be made available to the land being annexed and the timeframe within which services and/or amenities will be provided, such as municipal schools, police coverage, fire and emergency responses, trash collection and curbside recycling, library services, animal services, street maintenance, water and sewer, and management of stormwater drainage and drainage ditches. The property is located in the Collierville Reserve Area and this falls within the southern reserve area and should be annexed uncontested. The request does comply with the Land Use Plan and in this area the vision is clearly that in the future the Town will experience new population growth and a school is appropriate per Emerging Residential policies in the 2040 LUP. R-1 is consistent with residential areas and it is a prolific zoning area. In the next steps, the BMA will hold a first reading on January 11, 2016 with the second reading and public hearing to take place on January 25, 2016. The third and final reading will be scheduled for February 8, 2016, with the public hearing for the Resolution 2016-02 will be heard as well. The effective date of the annexation and zoning will be March 1, 2016.

Chairman Cotton asked if there were any other questions of staff.

Commissioner Jordan asked if that property north of this has been annexed.

Mr. Groce explained that yes, it had been annexed in 2011. There is still a large area to the south of Shelby Drive which has not been annexed yet.

Commissioner Netherton asked if there was anything eminent that would we annex that as well, and if the full 158 acres are being used for the high school only or is there space in there that single-family homes could be constructed.

Mr. Groce explained that there is nothing eminent, but it is in our reserve area and we do have that right if there is property owner consent in the future. Based on the school's draft plan and what is being brought in now there is no acreage intended for housing.

Alderman Worley stated that in the closing documents is the inclusion that this property is for a high school only.

Hearing no further discussion, Chairman Cotton called for a motion.

*Motion by Commissioner Murdock, and seconded, to recommend approval of Resolution 2016-02 (Exhibit 1), a Resolution of the Board of Mayor And Aldermen of The Town of Collierville, annexing, and adopting a plan of services for 158.36 acres known as the Collierville High School Property, located in Collierville's Reserve Area and immediately south of the current Town Limits and bound by Sycamore Road and East Shelby Drive, and to incorporate the same within the corporate boundaries of the Town of Collierville.*

**Roll call:**

Rice – yes, Murdock – yes, Rozanski - yes, Tebbe – yes, Jordan – yes, Bradford – yes, Netherton – yes, Worley – yes, Cotton – yes.

**Motion Approved.**

---

**PC16-03 Ordinance 2016-02 – Request approval to zone 158.36 acres, known as the Collierville High School Property R-1: Low Density Residential, located at the southeast quadrant of Sycamore Road and East Shelby Drive..**

Hearing no further discussion, Chairman Cotton called for a motion.

*Motion by Commissioner Bradford, and seconded, to recommend approval of Ordinance 2016-02 (Exhibit 4), zoning 158.36 acres, known as the Collierville High School Property R-1: Low Density Residential, located at the southeast quadrant of Sycamore Road and East Shelby drive.*

**Roll call:**

Jordan – yes, Tebbe – yes, Bradford – yes, Netherton – yes, Rice – yes, Murdock – yes, Rozanski - yes, Worley – yes, Cotton – yes.

**Motion Approved.**

MICHAEL R. MARSHALL  
MMARSHALL@EVANSPETREE.COM

DIRECT DIAL 901.521.4563  
DIRECT FAX 901.374.7495

January 14, 2016

Honorable Stan Joyner, Jr., Mayor  
Town of Collierville  
Town Hall  
500 Poplar View Parkway  
Collierville, TN 38017

Re: Annexation of High School Site

Dear Mayor Joyner:

As you know, the Collierville Schools closed on the purchase of its site for a new high school on November 30, 2015 (the "Site"). A copy of the recorded deed, which includes the Site's legal description, is enclosed herewith. The Site borders the Town of Collierville's southern border, but is not included in the Town's corporate limits.

To that end, on January 12, 2016, the Board of Education of the Collierville Schools passed a resolution requesting that the Town of Collierville annex the Site so that it is included in the corporate limits and jurisdiction of the Town (the "Resolution"). A copy of the executed of the Resolution will be forwarded to you under separate cover. Accordingly, the Board of Education of the Collierville Schools hereby requests that the Site be immediately annexed by the Town of Collierville pursuant to Tenn. Code Ann. § 6-51-104.

Please feel free to contact me should you have any further questions. I remain,

Very truly yours,

Evans | Petree PC



Michael Marshall

MRM:dm

Enclosure

Cc: Supt. John Aitken  
Board of Education



*Tom Leatherwood*  
Shelby County Register / Archives

As evidenced by the instrument number shown below, this document  
has been recorded as a permanent record in the archives of the  
Office of the Shelby County Register.

	
<b>15120155</b>	
12/01/2015 - 03:27 PM	
9 PGS	
DONALD 1401268-15120155	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	45.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
<b>TOTAL AMOUNT</b>	<b>47.00</b>
<b>TOM LEATHERWOOD</b> REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

THIS INSTRUMENT PREPARED BY:

E. WOODS WEATHERSBY  
EVANS & PETREE PC  
1000 RIDGEWAY LOOP ROAD, SUITE 200  
MEMPHIS, TENNESSEE 38120

NEW PROPERTY OWNER:

THE COLLIERVILLE SCHOOL DISTRICT  
146 COLLEGE STREET  
COLLIERVILLE, TENNESSEE 38017

## WARRANTY DEED WITH RESTRICTIONS

THIS INDENTURE made and entered into as of the 30<sup>th</sup> day of November, 2015, by and between **Robert Thomas Cartwright; and Robert T. Cartwright, Trustee of the Clara S. Cartwright Non-Exempt Residuary Trust, created pursuant to the terms of the Clara S. Cartwright Trust dated October 31, 1995, as amended, as to Parcel I, and Cartwright Farms Partnership, a Tennessee general partnership whose partners are Robert T. Cartwright, Trustee of the Marital Trust No. 2, created pursuant to the terms of the A.D. Cartwright Jr. Revocable Trust dated October 31, 1995, as amended; Robert T. Cartwright, Trustee of the Clara S. Cartwright Revocable Trust dated October 31, 1995, as amended; as to Parcel II, collectively party of the first part, and The Collierville School District, a Tennessee local education agency, party of the second part,**

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate situated and being in Shelby County, Tennessee:

See Exhibit "A" attached hereto and incorporated herein by reference as if set forth verbatim.

TO HAVE AND TO HOLD the aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, its heirs, successors and assigns in fee simple forever.

And the said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforesaid real estate, that it has a good right to sell and convey the same; that the same is unencumbered except those items set forth on Exhibit "B" attached hereto and incorporated herein by reference as if set forth verbatim, the restrictions set forth below, and any and all other building lines, restrictions and easements of record in the aforesaid Register's Office, and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

Restrictions:

1. The Property shall only be used for school, educational, and ancillary uses such as school athletic fields and playgrounds, exclusive of any bus barns or bus storage areas except as specifically service the school located on the Property, or administration office uses related to the Board of Education.

2. The Property shall be generally constructed in accordance with the site plan attached hereto and Exhibit "C" attached hereto and incorporated herein by reference as if set forth verbatim. The school buildings shown on Exhibit "C" may be enlarged and additional buildings may be added.

3. Parking and access openings may be modified or enlarged; provided, however, in no event shall access openings be permitted along the southern boundary of the Property to any future streets or roads. Access to the Property shall only be directly from Sycamore Road and Shelby Drive.

4. All parking on the Property shall have reasonable landscape buffers to be constructed and maintained in the future by the party of the second part, at its expense, between the parking areas on the Property and any adjacent residential development.

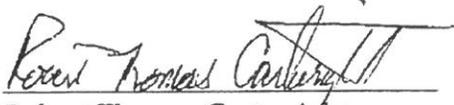
Party of the first part reserves the right to (a) connect and use the sewer line contemplated to be extended along the west side of the Property for the development of its property and (b) to utilize the existing ditch located on the Property for the normal and reasonable discharge of storm water.

The parties hereto acknowledge and agree that the restrictions conferred hereby are intended to, and do, constitute covenants that run with the Property and shall inure to the benefit of and be binding upon the parties and their respective grantees, heirs, successors and assigns. Without limiting the foregoing, the party of the second part acknowledges that the rights of the party of the first part hereunder are assignable; that party of the first part may transfer its rights herein, and that party of the second part hereby consents to the party of the first part's assignment of all of its rights and interests in these restrictions in gross, and its delegation of all of its obligations created pursuant to these restrictions.

The word "party" as used herein shall mean "parties" if more than one person or entity be referred to, and pronouns shall be construed according to their proper gender and number according to the context hereof.

The property hereby conveyed does not constitute the homestead of the party of the first part.

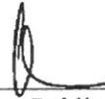
WITNESS the signature of the said party of the first part the day and year first above written.

  
Robert Thomas Cartwright

STATE OF TENNESSEE  
COUNTY OF SHELBY

On this 30 day of Nov., 2015, personally appeared before me Robert Thomas Cartwright, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

WITNESS my hand and seal, at office, this 30 day of Nov., 2015.

  
Notary Public 

My Commission expires:

12-15-2015

WITNESS the signature of the said party of the first part the day and year first above written.

Clara S. Cartwright Non-Exempt Residuary Trust, created pursuant to the terms of the Clara S. Cartwright Revocable Trust dated October 31, 1995, as amended

By: *Robert T. Cartwright*  
Robert T. Cartwright, Trustee

STATE OF TENNESSEE  
COUNTY OF SHELBY

Before me, a Notary Public of the state and county aforesaid, personally appeared Robert T. Cartwright, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the Trustee of the Clara S. Cartwright Non-Exempt Residuary Trust, created pursuant to the terms of the Clara S. Cartwright Revocable Trust dated October 31, 1995, as amended the within named bargainor, a partnership, and that he as such Trustee, executed the foregoing instrument for the purpose therein contained, by signing the name of the Trust by himself as Trustee.

WITNESS my hand and seal this 30 day of Nov., 2015.

My Commission expires:  
12-15-2015

*[Signature]*  
Notary Public



WITNESS the signature of the said party of the first part the day and year first above written.

Cartwright Farms Partnership

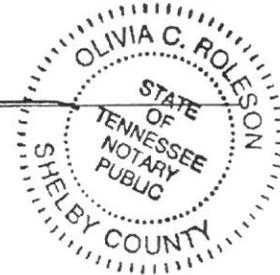
By: Robert T. Cartwright, Partner  
Robert T. Cartwright, Partner

STATE OF TENNESSEE  
COUNTY OF SHELBY

Before me, a Notary Public of the state and county aforesaid, personally appeared Robert T. Cartwright, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be a partner of Cartwright Farms Partnership, a Tennessee general partnership, the within named bargainor, a partnership, and that he as such partner, executed the foregoing instrument for the purpose therein contained, by signing the name of the partnership by himself as partner.

WITNESS my hand and seal this 30 day of Nov., 2015.

[Signature]  
Notary Public



My Commission expires:  
12-15-2015

State Tax..... \$ 00.00  
Register's Fee..... 3.00  
Recording Fee..... 30.00  
Total..... <sup>47</sup> \$30.00

Party of the second party is exempt from payment of transfer tax pursuant to TCA § 67-4-409(f)(2).

**EXHIBIT "A"**

**Parcel I**

Beginning at a pk nail set at the intersection of the centerline of East Shelby Drive with the centerline Sycamore Road (north bound); thence South 87 degrees 38 minutes 41 seconds East with the centerline of East Shelby Drive a distance of 2640.00 feet to a cross set in west line of the Cartwright Farms Partnership property as described in Instrument 05208856, said cross being in a bridge; thence South 01 degrees 46 minutes 51 seconds West with the west line of the said Cartwright Farms Partnership property a distance of 2196.81 feet to an iron pin set; thence North 87 degrees 38 minutes 41 seconds West a distance of 2638.92 feet to a point in the centerline of Sycamore Road (north bound); thence North 01 degrees 55 minutes 17 seconds East with the centerline of Sycamore Road a distance of 161.04 feet to an angle point; thence North 01 degrees 44 minutes 22 seconds East with the centerline of Sycamore Road a distance of 2035.79 feet to the point of beginning and containing 133.094 acres.

Being the same property described in instrument of record at instrument No. 14015050 in the Register's Office of Shelby County, Tennessee.

Property Address:  
888 East Shelby Drive  
Collierville, Tennessee

Tax ID No.: D02 58 00036

**Parcel II**

Beginning at a cross set at the intersection of the centerline of East Shelby Drive with the east line of the Robert T. Cartwright, Trustee property as described in Instrument 14015050; thence South 87 degrees 38 minutes 41 seconds East with the centerline of East Shelby Drive a distance of 41.79 feet to a point approximately 30 feet east of the east top of bank; thence southwardly generally parallel with the east top of bank the following calls:

South 01 degrees 04 minutes 20 seconds East a distance of 13.17 feet to a point; thence South 14 degrees 55 minutes 16 seconds East a distance of 39.99 feet to a point; thence South 04 degrees 55 minutes 31 seconds East a distance of 68.88 feet to a point; thence South 25 degrees 16 minutes 09 seconds East a distance of 121.70 feet to a point; thence South 34 degrees 02 minutes 23 seconds East a distance of 306.20 feet to a point; thence South 34 degrees 49 minutes 03 seconds East a distance of 205.58 feet to a point; thence South 40 degrees 45 minutes 43 seconds East a distance of 168.66 feet to a point; thence South 34 degrees 57 minutes 21 seconds East a distance of 190.86 feet to a point; thence South 00 degrees 52 minutes 51 seconds West a distance of 69.91 feet to a point; thence South 11 degrees 09 minutes 23 seconds East a distance of 308.15 feet to a point; thence South 06 degrees 57 minutes 57 seconds West a distance of 162.00 feet to a point; thence South 15 degrees 45 minutes 05 seconds West a distance of 259.41 feet to a point; thence South 13 degrees 47 minutes 23 seconds West a distance of 269.45 feet to a point; thence South 16 degrees 06 minutes 01 seconds West a distance of 221.08 feet to a point; thence South 26 degrees 13 minutes 41 seconds West a distance of 23.88 feet to a point; thence North 87 degrees 38 minutes 41 seconds West with said easterly projection a distance of 519.51 feet to an iron pin set in the east line of said Robert T. Cartwright, Trustee; thence North 01 degrees 46 minutes 51 seconds East with said east line a distance of 2196.81 feet to the point of beginning and containing 25.265 acres.

Being a part of the property described in Instrument No. 05208856 in the Register's Office of Shelby County, Tennessee.

Property Address:  
11863 East Shelby Drive  
Collierville, Tennessee

Tax ID No.: D02 58 00027

**EXHIBIT "B"**

1. 2016 Shelby County property taxes, which are not yet due or payable.
2. Subdivision restrictions, building lines and easements of record in Plat Book 22, Page 1, in the Register's Office of Shelby County, Tennessee, as to both parcels.
3. Easements shown on survey prepared by Harris & Associates Land Surveyors, LLC, dated June 9, 2015, last revised September 29, 2015 (said "Survey"), as follows:
  - a. Eight-foot easement of record in Book 3892, Page 193, as to both parcels;
  - b. Anchor guy easement of record in Book 4097, Page 232, as to Parcel 1 and;
  - c. Drainage easement of record at Instrument No. CM 4757, all recordings in the aforesaid Register's Office, as to both parcels.
4. Application for Approval of Land as Agricultural Land of record at Instrument No. R2 6154 in the aforesaid Register's Office, as to Parcel 1.
5. Application for Approval of Land as Agricultural Land of record at Instrument No. R2 6150, in the aforesaid Register's Office, as to Parcel 2
6. Location of sewer line and sewer manholes, both as shown on survey prepared by Harris & Associates land Surveyors, LLC, dated June 9, 2015, last revised September 29, 2015.
7. All other easements and restrictions of record in the aforesaid Register's Office.

EXHIBIT "C"

