

Record and return to:
Oliver Maner LLP
Post Office Box 10186
Savannah, GA 31412

Please cross reference to:
Deed Book ____, Page ____

STATE OF GEORGIA
COUNTY OF EFFINGHAM

UTILITY SYSTEMS DEDICATION AGREEMENT

This Utility Systems Dedication Agreement (hereinafter referred to as the “Agreement”) is made and entered into this xx day of xx, 2023 by and between NEXT PHASE DEVELOPMENT COMPANY, LLC, a Georgia limited liability company, having its principal place of business at 37 W. Fairmont Avenue, Suite 202, Savannah, GA 31406 (hereinafter, “**Next Phase**”) and THE CITY OF SPRINGFIELD, GEORGIA, a Georgia municipal corporation, having its principal place of business at 130 S. Laurel Street, Springfield, GA 31329 (hereinafter, the “**City**”).

WITNESSETH:

WHEREAS, Next Phase is the fee owner of certain land located off of Log Landing Road, Effingham County, Georgia, designated as 69.99 acres, more or less, as shown on that certain map or plan made by Charles W. Tuten Jr., GA. P.L.S. No. LS002345, dated December 20, 2006, recorded in Plat Book 148, Page E in the records of the Clerk of the Superior Court of Effingham County, Georgia (hereinafter referred to as the “Shadowbrook Subdivision”); and

WHEREAS, on or about February 9, 2021, Next Phase and the City entered into a Water and Sewer Service Agreement, under which the City agreed to provide the Shadowbrook Subdivision with potable water and sanitary sewer services upon (1) development of that subdivision; and (2) construction of the infrastructure necessary for the provision of potable water and sanitary sewer services (the “Utility Systems”); and

WHEREAS, Next Phase and the City have entered into a Utility Easement Agreement granting the City the right to use and exercise all rights in and to the utility easement as shown on that certain map or plat entitled “Subdivision Plat of Shadowbrook – Phase 5C” prepared by Jimmy R. Toole, GA. P.L.S. No. 3119 and recorded in Plat Cabinet xx, Page xx in the records of the Clerk of Superior Court of Effingham County; and

WHEREAS, Next Phase has constructed the Utility Systems, which are necessary for the City to provide the Shadowbrook Subdivision with potable water and sanitary sewer services; and

WHEREAS, the City, the Board of Commissioners of Effingham County, Georgia, and Next Phase have entered into an Infrastructure Agreement, under which the City will maintain sole ownership of all of the Utility Systems located within Effingham County-owned roads and rights-of-way, regardless of whether the Utility Systems are currently within Effingham County-owned roads and rights-of-way, or placed there in the future; and

WHEREAS, Section 1.8 of the Water and Sewer Service Agreement lists certain conditions precedent to the City's acceptance of dedication of the Utility Systems; and

WHEREAS, the City finds that Next Phase has completed all conditions precedent to the City's acceptance of dedication of the Utility Systems; and

WHEREAS, Record Drawings showing the location of all Utility Systems to be dedicated to the City are attached hereto as "Exhibit 1"; and

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged under seal, the City and Next Phase hereby agree as follows:

1. Incorporation. The foregoing recitals to this Agreement are hereby made a part of this Agreement.
2. Dedication of Utility Systems. Next Phase hereby dedicates to the City sole and exclusive ownership of the Utility Systems identified on Exhibit 1.
3. Acceptance of Dedication of Utility Systems. The City hereby accepts dedication of sole and exclusive ownership of the Utility Systems identified on Exhibit 1.

IN WITNESS WHEREOF, the undersigned parties have executed, or caused this Utility Systems Dedication Agreement to be executed, by their duly authorized representatives, under the seal as of the day and year above written.

THE CITY OF SPRINGFIELD

By: _____
Barton A. Alderman
Mayor, City of Springfield

NEXT PHASE DEVELOPMENT
COMPANY, LLC

By: _____
Corde Wilson
Member,
Next Phase Development Company,
LLC.

Signed, sealed and delivered this
28 day of APRIL, 2023, in
the presence of:

Grace Whitney
WITNESS

Patricia A. Sullivan
NOTARY PUBLIC



This Agreement is approved as to form:

By: _____
Benjamin M. Perkins
City Attorney, City of Springfield

EXHIBIT 1

Record Drawings showing Location of Utility Systems