

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION NOTICE OF LAND USE RESTRICTIONS AND BROWNFIELD VOLUNTARY AGREEMENT FOR REAL PROPERTY OWNED BY THE CITY LOCATED ALONG INDUSTRY DRIVE AND AUTHORIZING THE MAYOR TO EXECUTE ANY OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECUTATE THE PURPOSE OF THIS RESOLUTION

WHEREAS, pursuant to Tennessee Code Annotated Sections 68-212-224 & 68-212-225 of the *Hazardous Waste Management Act of 1983* the Commissioner of the Tennessee Department of Environment and Conservation (TDEC) has the authority to enter into voluntary agreements for the investigation and/or remediation of brownfield sites which includes the imposition of land use restrictions with any person who did not generate, transport, or release contamination at the site to be addressed; and

WHEREAS, the city owns two parcels of property along Industry Drive, the Cement Hill property further identified as Tax Parcel No. 046P F 010.50 and the Recycling Center property further identified as Tax Parcel No. 046P F 010.00; and

WHEREAS, by enrolling in the Brownfield Voluntary Cleanup Oversight and Assistance Program and executing the Brownfield Voluntary Agreement and Notice of Land Use Restrictions the city with TDEC's assistance has the opportunity to develop these properties that could be or are impacted by contamination as well as obtaining relief from liability which could be imposed under environmental protection statutes; and

WHEREAS, the Cement Hill property is intended to be utilized for recreational areas as well as greenspace, while the recycling center is intended to be utilized as a collection center for items such as cardboard, aluminum, mixed paper, yard waste, and other discarded items; and

WHEREAS, participation in the program requires payment of an annual fee of \$4,000 until a letter of no further action is issued by TDEC.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the Mayor, or in his absence, incapacity, or failure to act, the Vice Mayor is authorized to execute, in a form approved by the City Attorney, a State of Tennessee Department of Environment and Conservation Notice of Land Use Restrictions and Brownfield Voluntary Agreement for the properties hereinabove described as well as all other documents necessary and proper to effectuate the purpose of this resolution.

SECTION II. That the board finds that the actions authorized by this resolution are for a public purpose including, and will promote the health, comfort, and prosperity of the citizens of the city.

SECTION III. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 7th day of May, 2024.

PATRICK W. SHULL, MAYOR

ATTEST:

ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

RODNEY B. ROWLETT, III, CITY ATTORNEY