

**MALLORY VALLEY UTILITY DISTRICT
BOARD OF COMMISSIONERS MEETING
FEBRUARY 26, 2010**

The regular monthly meeting of the Board of Commissioners of Mallory Valley Utility District was held at 8:00 A.M. on Friday, February 26, 2010, at the District's business office located at 465 Duke Drive, Franklin, Tennessee. The meeting was advertised in accordance with the law.

Ron Coker, President, called the meeting to order.

Commissioners present for the meeting of February 26, 2010 were Dan Coley and Ron Coker. Others present for the meeting were Ansley Coode, Don Scholes, Alton Hethcoat and Tim Ham. Guy Nerren was unable to attend.

The first order of business was approval of the minutes of the January 22, 2010 board meeting. A motion was made by Mr. Coley and seconded by Mr. Coker to approve the minutes of the January 22, 2010 meeting. After full discussion, the motion was approved.

The next order of business was a consideration of the settlement offer by John Brewer to settle the pending easement condemnation action against him for the payment of \$17,566.67 for the easement taken. In the letter from Mr. Brewer's attorney, Marshall Albritton, Mr. Albritton explained that \$4,572.59 of the offer was for the cost to cure the elm tree and hackberry tree removed during the water line construction. During the discussion of this offer, the Board was advised by Mr. Ham that during a meeting with Mr. Brewer prior to construction of the water line across his property, Mr. Brewer was asked whether he wanted the District to try to save the elm tree. Mr. Ham informed the Board that Mr. Brewer responded by saying that the tree did not mean anything to him and that if the tree was in the way to take it out. The Board was informed that the hackberry tree was in the road right-of-way on North Beech Creek Road. Mr. Scholes discussed the potential costs of further litigating the compensation issue in the pending condemnation action. Mr. Coker grudgingly and reluctantly moved to accept Mr. Brewer's settlement offer which motion was seconded by Mr. Coley. After full discussion, the motion was approved.

The next order of business was consideration of the counter-offer of compensation of \$18,000.00 made by National Retail Properties for the water line easement across its property leased by Academy Sports on Mallory Lane. A motion was made by Mr. Coley and seconded by Mr. Coker to accept this counter-offer of \$18,000.00 as compensation for the water line easement. After full discussion, the motion was approved.

The next order of business was the consideration of the award of the contract for the Franklin Road Water Transmission Line project. A motion was made by Mr. Coker and seconded by Mr. Coley to award the contract for the Franklin Road Water Transmission Line to


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the lowest bidder, Garney Companies Inc., in the amount of \$3,984,994.00. After full discussion the motion was unanimously approved.

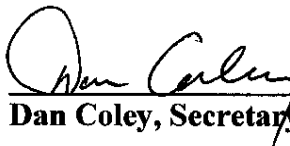
The next order of business was approval of the Adjustment Log for January 2010. A motion was made by Mr. Coker and seconded by Mr. Coley to approve the Adjustment Log in the amount of \$8,653.96. After full discussion, the motion was approved. A copy is attached hereto as "Exhibit A".

The next regular Board of Commissioners meeting will be held at 8:00 A.M. on Friday, March 26, 2010.

There being no further business to come before the Board, a motion was made by Mr. Coker and seconded by Mr. Coley to adjourn the meeting. After a full discussion the motion was approved.



Ron Coker, President



Dan Coley, Secretary

March 26, 2010
Date