

RESOLUTION NO. RS2024 - 431

A resolution approving a participation agreement between the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, and Nolensville Owner LLC, a subsidiary of Southern Land Company, to provide public sanitary sewer service improvements for Nolensville Owner LLC's proposed development, as well as other existing properties in the area (MWS Project No. 23-SL-0178 and Proposal No. 2024M-018AG-001).

WHEREAS, pursuant to the terms of the participation agreement, attached hereto as Exhibit 1, Nolensville Owner LLC, a subsidiary of Southern Land Company ("DEVELOPER"), in compliance with all Metropolitan Government of Nashville and Davidson County ("METRO") requirements and specifications, will contract and oversee the design and installation of approximately 1,664 linear feet of new 24-inch sanitary sewer main (DIP), approximately 5,192 linear feet of new 20-inch sanitary sewer main (DIP), approximately 3,592 linear feet of new 18-inch sanitary sewer main (PVC), approximately 3,056 linear feet of new 18-inch sanitary sewer main (DIP), approximately 674 linear feet of new 12-inch sanitary sewer main (PVC), approximately 958 linear feet of new 12-inch sanitary sewer main (DIP), approximately 3,872 linear feet of new eight-inch sanitary sewer main (PVC), approximately 230 linear feet of new eight-inch sanitary sewer main (DIP), and 89 new sanitary sewer manholes, to serve the general community of Nashville and Davidson County, as shown in Exhibit 2 hereto attached, Project No. 23-SL-0178; and,

WHEREAS, METRO will inspect the construction and upon acceptance, will be responsible for ongoing operation and maintenance; and,

WHEREAS, METRO agrees to pay the lesser of fifty percent (50%) of the actual project costs not to exceed Five Million Dollars (\$5,000,000.00) as a contribution towards these improvements; and,

WHEREAS, BL2022-1214 authorizes the Metropolitan Department of Water and Sewerage Services to enter into participation agreements funding infrastructure with developers by resolution of the Metropolitan Council; and;

WHEREAS, the Project is deemed to benefit both parties and the general community.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY.

Section 1. The participation agreement (Exhibit 1) between the Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Water and Sewerage Services, and Nolensville Owner LLC, a subsidiary of Southern Land Company, to improve public sanitary sewer services in Davidson County, Tennessee, attached hereto and incorporated herein, is hereby approved, and the Director of Water and Sewer Services is authorized to execute the same.

Section 2. Five Million Dollars (\$5,000,000.00) from METRO is available in Fund No. 47410 to pay the lesser of fifty percent (50%) or Five Million Dollars (\$5,000,000.00) as a contribution towards the Project. In no event will METRO's contribution exceed \$5,000,000.00.

Section 3. This resolution shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

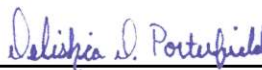
RECOMMENDED BY:

DocuSigned by:



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Scott A. Potter, Director
Water and Sewerage Services

INTRODUCED BY:







Council Member(s)

APPROVED AS TO THE AVAILABILITY
OF FUNDS:

FUND#: 47410

PIF 24-088

DocuSigned by:



52377A2A87A2469
Kevin Crumbo, Director
Department of Finance

APPROVED AS TO FORM AND
LEGALITY:

DocuSigned by:



F355FC378FE2427
Assistant Metropolitan Attorney

STORYVALE PARTICIPATION AGREEMENT

THIS AGREEMENT is entered into by and between Nolensville Owner, LLC, a subsidiary of Southern Land Company, hereinafter known as "**DEVELOPER**", and The Metropolitan Government of Nashville and Davidson County acting through the Metropolitan Department of Water and Sewerage Services, hereinafter known as "**METRO**".

WHEREAS, both the **DEVELOPER** and **METRO** desire to provide improved public sanitary sewer service for both its proposed development as well as the existing properties in this area; and

WHEREAS, the **DEVELOPER** has been approved to serve its development Storyvale; known as Project No. 23SL0178, and

WHEREAS, the provision of such sanitary sewer service will directly benefit both parties and the general community of Nashville and Davidson County, Tennessee; and

NOW, THEREFORE, THE DEVELOPER AND METRO AGREE AS FOLLOWS:

I. SCOPE OF WORK:

A project consisting of MWS recommendation for the **DEVELOPER** to design and install a new trunk sewer main, ranging from 12-inch to 24-inch within the Storyvale property and subsequent downstream parcels to be able to connect to the Mill Creek Trunk Sewer. The project will increase the service area by approximately one square mile and allow for potential customers in the Kidd Road drainage basin and will retire 4 pump stations and provide potential to retire 1 more pump station with future development. The retirement of the pump stations will help to aid in the goal of compliance for the consent decree and the Clean Water Act. The property this work will occur on is owned by the **DEVELOPER** located at 2213 McFarlin Road. All off-site easements have been acquired by the **DEVELOPER** to allow for the project to connect to the Mill Creek Trunk Sewer, located near the intersection of Kidd Road and Nolensville Road. The project will install 1,664 linear feet of 24-inch ductile iron (DIP) pipe sewer main, 5,192 linear feet of 20-inch ductile iron (DIP) pipe sewer main, 3,592 linear feet of 18-inch polyvinyl chloride (PVC) pipe sewer main, 3,056 linear feet of 18-inch ductile iron (DIP) pipe sewer main, 674 linear feet of 12-inch polyvinyl chloride (PVC) pipe sewer main, 958 linear feet of 12-inch ductile iron (DIP) pipe sewer main, 3,872 linear feet of 8-inch polyvinyl chloride (PVC) pipe sewer main, 230 linear feet of 8-inch ductile iron (DIP) pipe sewer main, 89 sanitary sewer manholes, and abandon 4 pump stations and 182 linear feet of 8-inch polyvinyl chloride (PVC) pipe sewer man and 2 manholes.

II. PAYMENT TERMS AND CONDITIONS:

- A. **DEVELOPER** will contract and oversee construction of this project, and the sanitary sewer main design shall meet all **METRO** specifications and requirements including telemetry and any required repeater sites.
- B. **METRO** will inspect the construction and will be responsible for ongoing operation and maintenance.
- C. **METRO's** level of participation is based on a determination by METRO utilizing a benefit/cost analysis to the project area's existing customer base and overall systemic operational needs. For this specific project, **METRO's** level of participation will be the lesser of 50% of the actual project costs not to exceed \$5,000,000.00 as a contribution towards these improvements. This amount is based on the secured competitive bid prices of four licensed contractors. The awarded bid amount and unit prices are within range of recently bid public projects of similar scope and size.
- D. This agreement is subject to the approval through Resolution (one reading) of The Metropolitan Council of Nashville and Davidson County and will be null and void if the improvements are not operational by July 1st, 2025.
- E. This project must be constructed or obligated for this Funding Agreement to become binding on either party.

III. FUTURE AMENDMENTS:

Any future amendments to this agreement shall be approved by resolution of the Metropolitan Council.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed.

RECOMMENDED BY:

DocuSigned by:

Scott Potter

Director of Metropolitan Department of Water and Sewerage Services

APPROVED AS TO AVAILABILITY OF FUNDS:

DocuSigned by:

Kevin Crumbo/mjw

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Director of Finance

APPROVED AS TO FORM AND LEGALITY:

DocuSigned by:

Tara Ladd

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Metropolitan Attorney

THE METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY:

Chris O'Connell
Metropolitan Mayor

ACCEPTED BY:

[Signature]

Developer

Sworn to and subscribed to before me, a Notary Public,

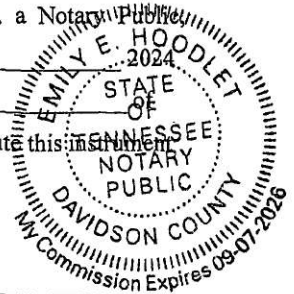
9th day of April

by Brian Sewell

Developer and duly authorized to execute this instrument
on Developer's behalf.

[Signature]

Notary Public



My Commission Expires: September 7, 2026

ATTEST

Austin Kyle

Metropolitan Clerk

Date:

MAY 13 2024



April 12, 2024

To: Peggy Deaner Metro Water Services

Re: **Storyvale Nolensville Participation Agreement**
Planning Commission Mandatory Referral 2024M-018AG-001

On behalf of the Metropolitan Planning Commission, the following item, referred to the Commission as required by the Metro Charter, has been recommended for *approval* to the Metropolitan Council:

A request approving a participation agreement between The Metropolitan Government of Nashville and Davidson County acting through the Metropolitan Department of Water and Sewerage Services and Nolensville Owner, LLC, a subsidiary of Southern Land Company for MWS Project No. 23-SL-178 (Proposal No. 2024M-018AG-001).

The relevant Metro agencies (Metro Parks, Nashville Department of Transportation, Metro Water Services, Metro Emergency Communications, the Nashville Electric Service, Metro Finance – Public Property and the Metro Historical Commission) have reviewed the proposal and concur in the recommendation for approval. This request must be approved by the Metro Council to become effective. A sketch showing the location of the request is attached to this letter.

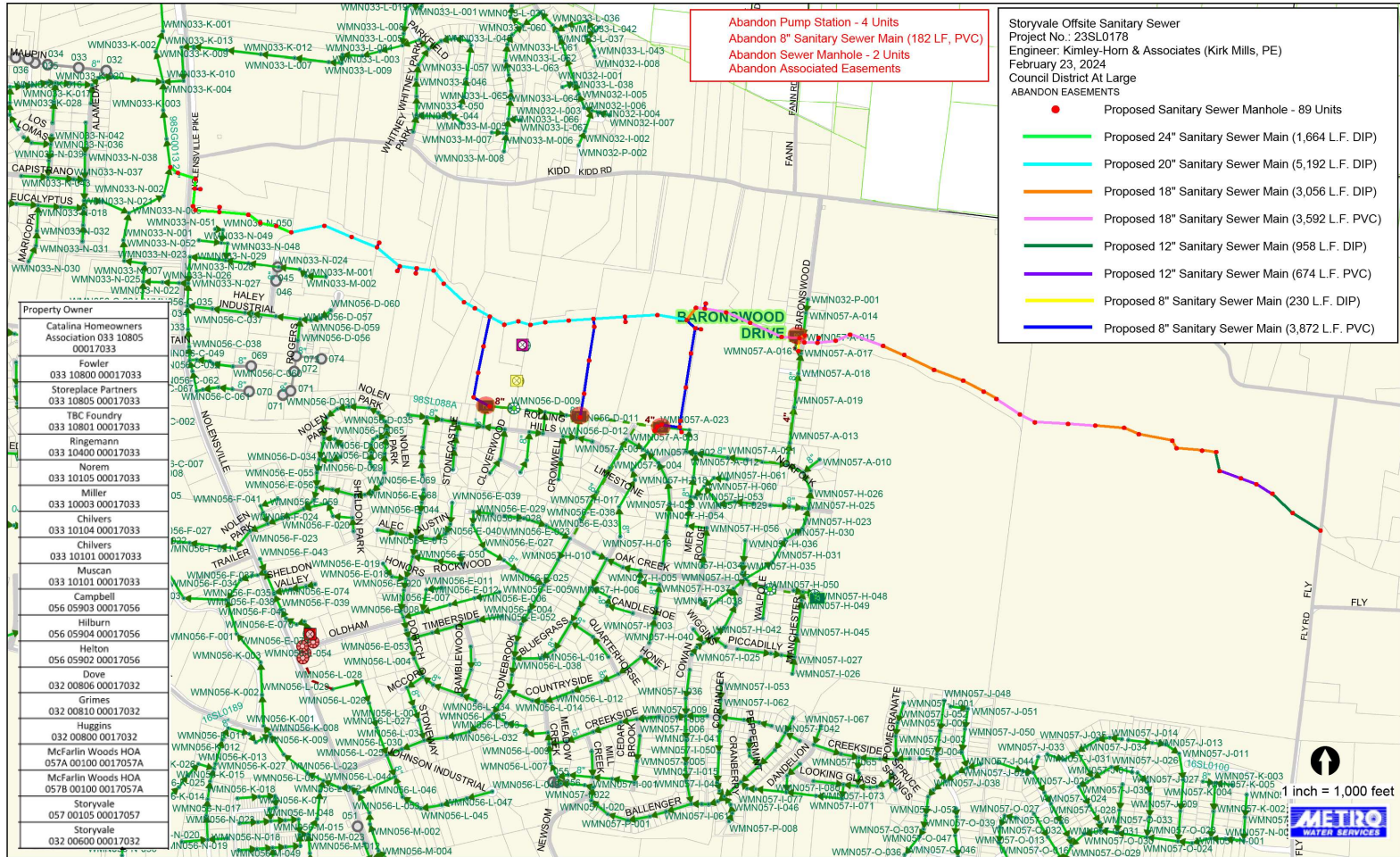
Conditions that apply to this approval: none

This recommendation for approval is given as set forth in the Metropolitan Planning Commission Rules and Procedures. If you have any questions about this matter, please contact Delilah Rhodes at Delilah.Rhodes@nashville.gov or 615-862-7208

Sincerely,

A handwritten signature in blue ink, appearing to read "Lisa Milligan".

Lisa Milligan
Assistant Director Land Development
Metro Planning Department
cc: Metro Clerk



ORIGINAL

METROPOLITAN COUNTY COUNCIL

Resolution No. RS2024-431

2024 APR 30 PM 12:27
FILED METROPOLITAN CLERK


A resolution approving a participation agreement between the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, and Nolensville Owner LLC, a subsidiary of Southern Land Company, to provide public sanitary sewer service improvements for Nolensville Owner LLC's proposed development, as well as other existing properties in the area (MWS Project No. 23-SL-0178 and Proposal No. 2024M 018AG-001).

Introduced MAY 07 2024

Amended _____

Adopted MAY 07 2024

Approved MAY 13 2024

By 
Metropolitan Mayor
