

CLARK UCM RESIDENTIAL WATER MAIN PARTICIPATION AGREEMENT

THIS AGREEMENT is entered into by and between Clark UMC Community Development Corporation., 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 water 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 Clark UMC Residential; known as Project No. 22WL0060, and

WHEREAS, the provision of such water 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 recommends the **DEVELOPER** design a new 8" water line, from 12th Ave N to 14th Ave N, to be the main service for the 6 affordable housing units that will be developed on property owned by the **DEVELOPER** on Phillips Street. The design for the 8" line will service all the existing dwellings/units on this section of Phillips Street. There may be as many as 18 to 20 connects/meters to be reconnected to the new 8" line, as the design requires that the current 2" main line will be abandoned in place. Finally, the design calls for a new fire hydrant, replacement of sidewalk where necessary, and a substantial degree of repaving.

II. PAYMENT TERMS AND CONDITIONS:

- A. **DEVELOPER** will contract and oversee construction of this project, and the water 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 30% of the actual project costs or \$100,000 as a contribution towards these improvements. 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 March 10, 2024.
- 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~~ Metropolitan Department of Water and Sewerage Services

APPROVED AS TO AVAILABILITY OF FUNDS:

DocuSigned by:

Kelly Flannery

CF513D4D905F4EB... Director of Finance

APPROVED AS TO FORM AND LEGALITY:

DocuSigned by:

Tara Ladd

E355FC378EF2427... Metropolitan Attorney

**THE METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY:**

Metropolitan Mayor

ACCEPTED BY:

Janice J. Woodard
Developer

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

14 day of July 2023
by Janice J. Woodard of

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

Notary Public



My Commission Expires: 9-8-2025
My Commission Expires September 8, 2025

ATTEST:

Metropolitan Clerk

Date: _____



**METROPOLITAN GOVERNMENT OF NASHVILLE
AND DAVIDSON COUNTY**

Metro Office Building
800 President Ronald Reagan Way
P.O. Box 196300
Nashville, TN 37219-6300

May 3, 2023

To: Peggy Deaner Metro Water Services

**Re: CLARK UMC RESIDENTIAL- PHILIPS STREET PARTICIPATION AGREEMENT
Planning Commission Mandatory Referral # 2023M-018AG-001
Council District #19 Freddie O'Connell, Council Member**

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 resolution approving a participation agreement between Clark UMC Community Development Corporation and the Metropolitan Government of Nashville and Davidson County, through the Metropolitan Department of Water and Sewerage Services, for improvements with public water services for both its proposed development as well as existing properties. (Proposal No. 2023M-018AG-001).

The relevant Metro agencies (Metro Parks, Metro Public Works, 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,

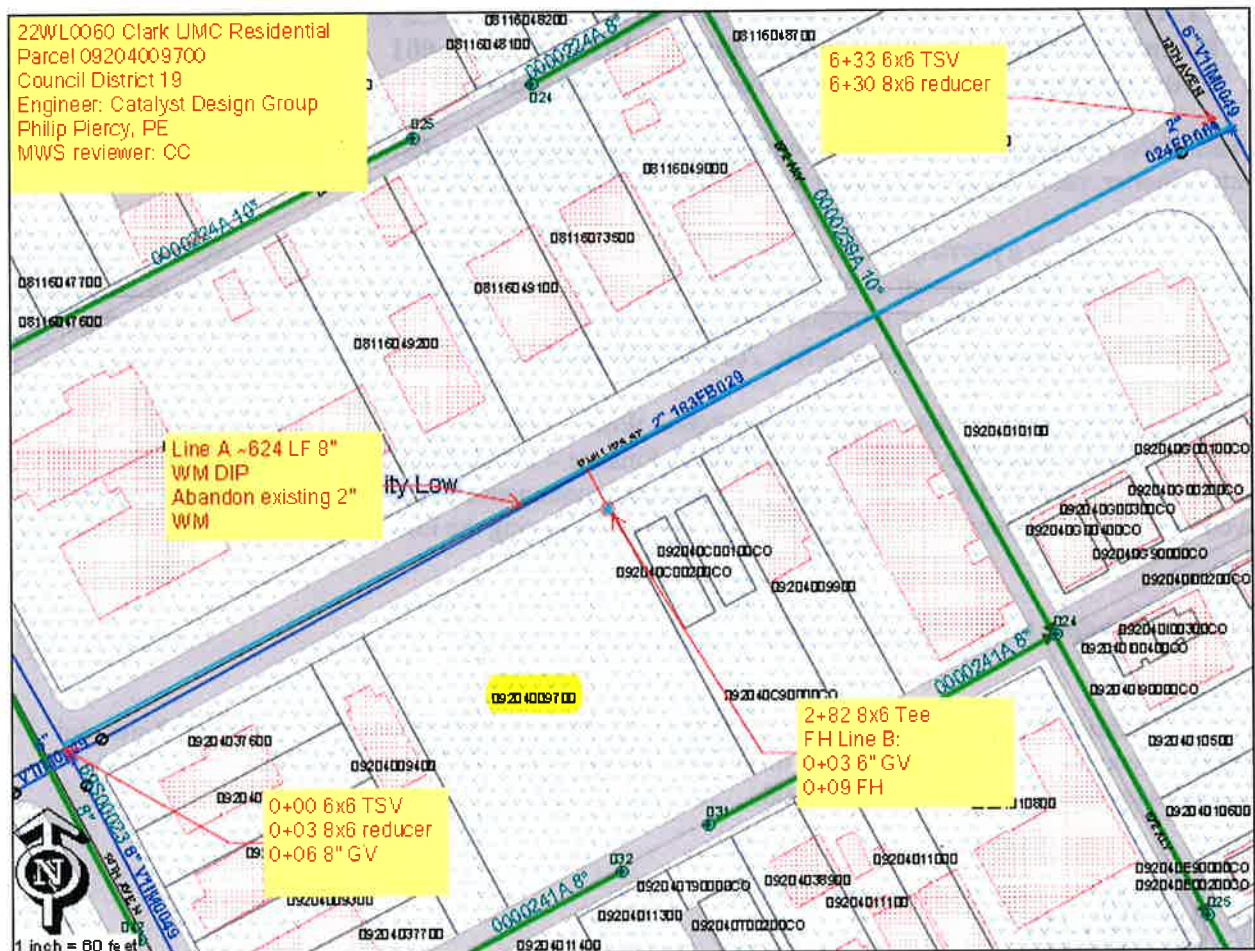
A handwritten signature in blue ink that reads "Lisa Milligan".

Lisa Milligan
Land Development Manager
Metro Planning Department
cc: Metro Clerk

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Attachment A Continued - Vicinity Sketch



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