

**Intergovernmental Participation Agreement Between the Metropolitan Government of Nashville and Davidson County, Tennessee and The State of Tennessee, Department of General Services**

THIS AGREEMENT is entered into by and between State of Tennessee, hereinafter known as "**STATE**", and The Metropolitan Government of Nashville and Davidson County acting through the Metropolitan Department of Water and Sewerage Services, hereinafter known as "**METRO**".

**WHEREAS**, Metro owns and operates a combined sewer system located in the Kerrigan basin with combined flow directed to the Central Wastewater Treatment Plant and the Kerrigan outfall during heavy rain conditions; and,

**WHEREAS**, Metro desires to separate the stormwater and sewer flow in a 56 acre portion of the Kerrigan basin, thereby directing stormwater flow to the Cumberland River and the sewage flow to the Central Waste Water Treatment Plant; and,

**WHEREAS**, by separating the stormwater and sewage, Metro has an opportunity to reduce the overall volume load in the Kerrigan basin combined sewer resulting in a reduction in the potential for localized storm flooding, surcharging sewer, and odor. Furthermore, separating the stormwater and sewage will improve overall water quality in the Cumberland River; and

**WHEREAS**, the State is currently constructing the Tennessee State Library and Archives building (hereinafter the "TSLA"), located within the Kerrigan basin at 1001 Rep. John Lewis Way North; and,

**WHEREAS**, the State in designing the TSLA, anticipated discharging the stormwater into the combined sewer system in a manner that was in accordance with current standards; and,

**WHEREAS**, Metro instead desires to have the TSLA stormwater discharge into a dedicated storm system which currently exists in Jefferson Street (Outfall #1 as shown on Exhibit 1), but that requires upgrades due to capacity limitations and due to an increase in additional flow from the TSLA site, and that therefore will be upgraded by Metro (hereinafter known as the "Current Stormwater System), into a future dedicated storm system (Outfall #2 as shown on Exhibit 1) that will be constructed by Metro (hereinafter the "New Stormwater System" as shown on Exhibit 1); and,

**WHEREAS**, In lieu of the installation of on-site stormwater quality and quantity controls, the Parties agree that the **STATE**'s savings incurred as a result of Metro's waiver of water quality and detention requirements, shall be paid to and used by Metro on improvements to the Current Stormwater System and construction of a New Stormwater System that has a direct benefit to the **STATE**'s property; and

**WHEREAS**, Metro has entered into similar participation agreements with other developments within the Kerrigan basin; and,

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

NOW, THEREFORE, **STATE** AND METRO AGREE AS FOLLOWS:

**I. SCOPE OF WORK:**

The design and construction of the new stormwater system shall be completed by Metro. All materials and methods used to construct the proposed infrastructure shall be in keeping with Metro Water Services, Metro Public Works, and/or Tennessee Department of Transportation standard drawings, construction specifications and approved materials. If there are any conflicts during construction, Metro will address them with the owner of the utility. Metro

will provide on-site inspections during the construction of the new stormwater system to ensure that work is proceeding in accordance with approved plans.

**PAYMENT TERMS AND CONDITIONS:**

**STATE** agrees to provide **METRO** the amount of \$515,415.00 (hereinafter, the "Payment"), to fund the design and construction of the current and new stormwater systems identified in Exhibit 1.

**METRO** agrees that the Payment constitutes the total sum owed by or due from the **STATE** in conjunction with this Agreement and the construction of the TSLA.

**STATE** and **METRO** agree the funds shall have segregated accounting specifically designed to allow both government agencies to properly account for the funds.

**METRO** agrees to begin design and construction of the project within timeframes set forth by Metro Water Services upon receiving the funds.

**STATE** agrees to, upon State Building Commission approval if required by SBC Policy and Procedure, provide **METRO** necessary easements and access for the construction of the new stormwater system.

**STATE** and **METRO** agree that any unused portion of the payment for design and construction costs shall be refunded to the **STATE**.

Upon acceptance of the \$515,415.00 of funding for the project, **METRO** shall not withhold the **STATE'S** permits under the authority of Metro for this project including but not limited to the use and occupancy permits, and **METRO** accepts payment as **STATE'S** compliance with water quality and detention stormwater regulations for this project.

This agreement is subject to the approval through Resolution (one reading) of The Metropolitan Council of Nashville and Davidson County.

**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/dt*

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Director, Metropolitan Department of Water and Sewerage Services

APPROVED AS TO AVAILABILITY OF FUNDS:

DocuSigned by:

*Kevin Crumbor/mjw*

62377A2A8742469... 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:

\_\_\_\_\_  
*State of Tennessee, Commissioner or Deputy Commissioner*

ATTEST:

\_\_\_\_\_  
*Metropolitan Clerk*

Date: \_\_\_\_\_



**METROPOLITAN GOVERNMENT  
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department  
Metro Office Building  
800 Second Avenue South  
Nashville, Tennessee 37201

June 28, 2021

To: Peggy Deaner, Metro Water Services

**Re: Intergovernmental Participation Agreement - Tennessee State Library And Archives  
Planning Commission Mandatory Referral #2021M-020AG-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 request for an agreement between Metro Water Services and the State of Tennessee for Metro Water Services Project Tennessee State Library and Archives (MWS proj. no. SWGR 2018033055).*

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 Sharon O'Conner at [Sharon.oconner@nashville.gov](mailto:Sharon.oconner@nashville.gov) or 615-862-7208.

Sincerely,

A handwritten signature in black ink that reads "Robert Leeman".

Robert Leeman, AICP  
Deputy Director  
Metro Planning Department  
cc: Metro Clerk, Elizabeth Waites

**Re: Intergovernmental Participation Agreement - Tennessee State Library And Archives  
Planning Commission Mandatory Referral #2021M-020AG-001  
Council District #19 – Freddie O'Connell, Council Member**

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Outfall for northern portion of TSLA to existing inlet. This area will now be removed from the CSS and directed to the MS4.

Current MWS Clean Water Nashville separation project. Due to the separation (partial or full) of development projects like the TSLA, the existing storm system will have to be upgraded.

Flows along 5th Ave have been diverted from combination lines to storm only lines that outfall at 6th Ave on Junior Gilliam Way.

Future MWS separation project. The proposed infrastructure directs the remaining site area to the storm infrastructure, which is in keeping with Metro's long-term control plan for the CSS.

Exhibit 1:  
^ North

TSLA Outfall

TSLA

