

ORDINANCE NO. _____

An ordinance 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 Regent Homes, LLC, to provide public sewer service improvements for Regent's proposed development, as well as other existing properties in the area (MWS Project No. 18-SL-0084 and Proposal No. 2021M-022AG-001).

WHEREAS, pursuant to the terms of the participation agreement, attached hereto as Exhibit 1, Regent Homes, LLC ("REGENT") in compliance with all Metropolitan Government of Nashville and Davidson County ("METRO") requirements and specifications, will contract and oversee the construction of approximately 2,461 lineal feet of 15 inch sanitary sewer main on Murfreesboro Pike at the intersections of LaVergne Couchville Pike and Hickory Woods Drive, to serve its development The Preserve at Hickory Woods, as shown in Exhibit 2 hereto attached, Project No. 18-SL-0084; 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 that benefit both parties, not to exceed Two Hundred Sixty-Six Thousand Four Hundred Forty-Six Dollars (\$266,446.00); and,

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

NOW, THEREFORE, BE IT ENACTED 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 Regent Homes, LLC to improve public sewer services in Davidson County, Tennessee, attached hereto and incorporated herein, is hereby approved, and the Metropolitan Mayor is authorized to execute the same.

Section 2. Two Hundred Sixty-Six Thousand Four Hundred Forty-Six Dollars (\$266,446.00) from METRO is available in Fund No. 47410 to pay the lesser of fifty percent (50%) of the actual project costs not to exceed Two Hundred Sixty-Six Thousand Four Hundred Forty-Six Dollars (\$266,446.00) as a contribution toward the Project.

Section 3. Amendments to this legislation shall be approved by resolution.

Section 4. This ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

RECOMMENDED BY:

INTRODUCED BY:

DocuSigned by:

Scott Potter

Scott A. Potter, Director
Water and Sewerage Services

APPROVED AS TO THE AVAILABILITY
OF FUNDS:
FUND#: 47410
BU 65490124
PIF 21-129

Council Member(s)

DocuSigned by:

Kevin Crumbo/mjw

Kevin Crumbo, Director
Department of Finance

APPROVED AS TO FORM AND
LEGALITY:

DocuSigned by:

Tara Ladd

Assistant Metropolitan Attorney

THE PRESERVE at HICKORY WOODS PARTICIPATION AGREEMENT

THIS AGREEMENT is entered into by and between Regent Homes, LLC, hereinafter known as "REGENT", 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 REGENT and **METRO** desire to provide improved public sewer service for both its proposed development as well as the existing properties in this area; and

WHEREAS, REGENT has been approved to serve its development THE PRESERVE AT HICKORY WOODS; known as Project No. 18SL0084, and

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

NOW, THEREFORE, REGENT AND METRO AGREE AS FOLLOWS:

I. SCOPE OF WORK:

A project consisting of the construction of approximately 2,461 linear feet of 15-inch sewer main (PVC) to serve The Preserve at Hickory Woods development, Project No. 18SL0084.

II. PAYMENT TERMS AND CONDITIONS:

- A. REGENT will contract and oversee construction of this project, and the new public sewer improvements 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 on the completion and/or construction of approximately 2,461 linear feet of 15-inch sewer main will be the lesser of 50% of the actual project costs not to exceed \$266,446.00 as a contribution towards these improvements. This amount is based on the secured competitive bid prices of 3 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 Ordinance (three readings) of The Metropolitan Council of Nashville and Davidson County and will be null and void if the improvements are not operational by July 1, 2022.
- 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

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Director 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:

Metropolitan Mayor

ACCEPTED BY:

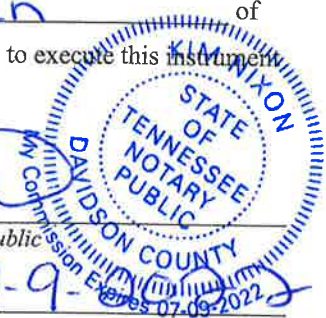
[Handwritten Signature]

Developer

Sworn to and subscribed to before me, a Notary Public,
4 day of August 2021
by David McGowan of
Developer and duly authorized to execute this instrument
on Developer's behalf.

[Handwritten Signature]

Notary Public



My Commission Expires: 7-9-2022

ATTEST:

Metropolitan Clerk

Date: _____



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

August 2, 2021

To: Peggy Deaner, Metro Public Works

**Re: The Reserve at Hickory Woods – Participation Agreement
Planning Commission Mandatory Referral #2021M-022AG-001
Council District #33 – Antoinette Lee, 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 ordinance 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 Regent Homes, LLC, to provide public sewer service improvements for Regent's proposed development (see sketch for details), as well as other existing properties in the area (MWS Project No. 18-SL-0084 and Proposal No. 2021M-022AG-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 Sharon O'Conner at Sharon.oconner@nashville.gov or 615-862-7208.

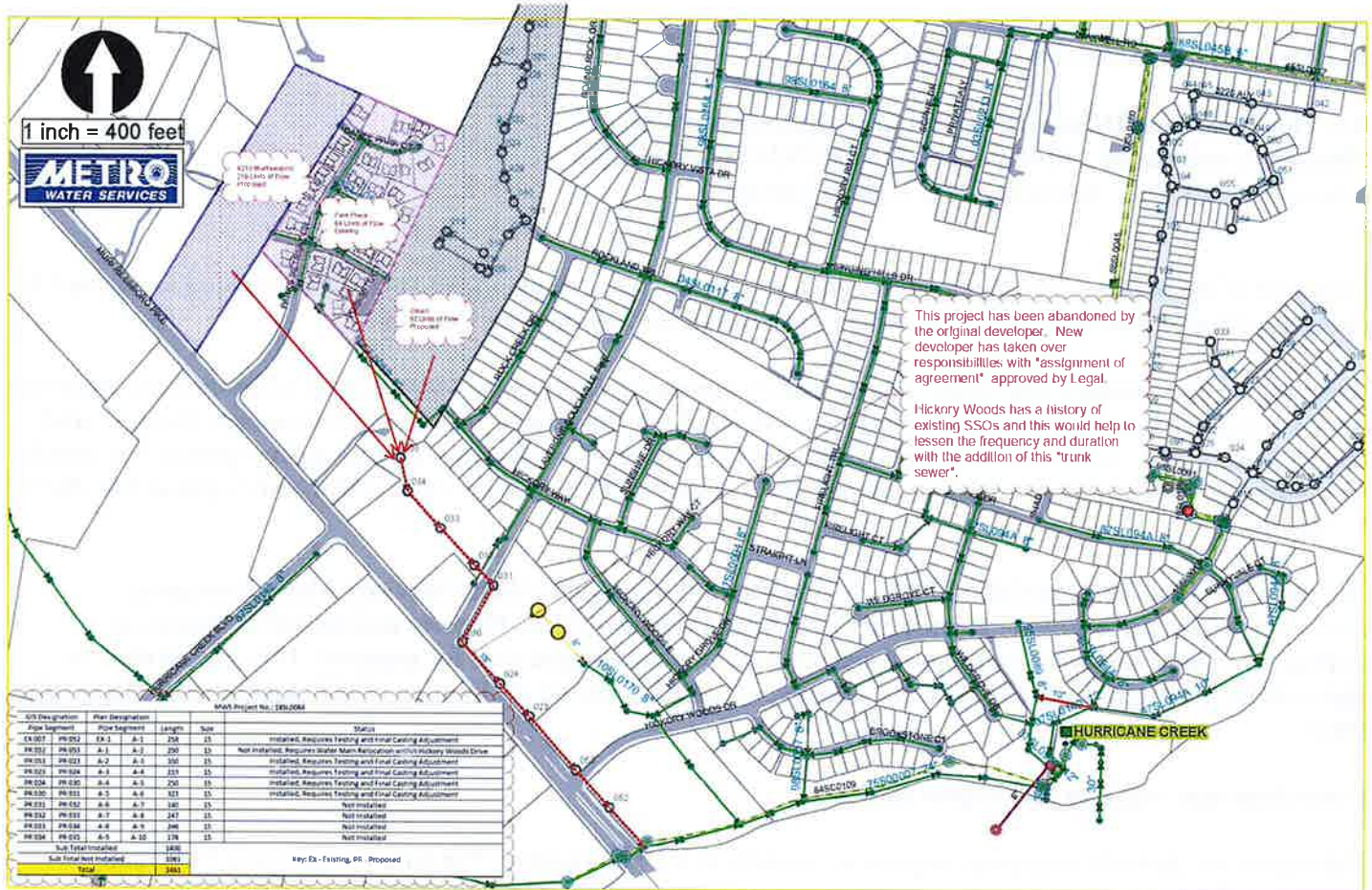
Sincerely,

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

Lisa Milligan
Metro Planning Department
cc: Metro Clerk, Elizabeth Waites

**Re: The Reserve at Hickory Woods – Participation Agreement
 Planning Commission Mandatory Referral #2021M-022AG-001
 Council District #33 – Antoinette Lee, Council Member**

A request for an ordinance 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 Regent Homes, LLC, to provide public sewer service improvements for Regent's proposed development (see sketch for details), as well as other existing properties in the area (MWS Project No. 18-SL-0084 and Proposal No. 2021M-022AG-001).



regenthomes

ORIGINAL

METROPOLITAN COUNTY COUNCIL

Bill No. _____

An ordinance 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 Regent Homes, LLC, to provide public sewer service improvements for Regent's proposed development, as well as other existing properties in the area (MWS Project No. 18-SL-0084 and Proposal No. 2021M-022AG-001).

Introduced _____

Passed First Reading _____

Amended _____

Passed Second Reading _____

Passed Third Reading _____

Approved _____

By _____
Metropolitan Mayor

Advertised _____

Effective Date _____
