

THE NOVO ANTIOCH LIFT STATION AND FORCE MAIN OPERATION MAINTENANCE AGREEMENT

THIS AGREEMENT (the "Agreement") is entered into by and between Novo Antioch Owner, LLC ("NOVO"), and The Metropolitan Government of Nashville and Davidson County acting through the Metropolitan Department of Water and Sewerage Services ("METRO").

WHEREAS, NOVO desires to provide a public pressure sewer extension through construction of a private sewage lift station and force main, with the portion of force main inside the public right-of-way becoming public upon completion and acceptance, for its development at 1421 Rural Hill Road, as shown in Exhibit 2, attached hereto; and,

WHEREAS, NOVO has been approved to serve its development using this sanitary sewage lift station and force main, known as Project No. 2022014926, and,

WHEREAS, the provision of such lift station will directly benefit NOVO; and,

WHEREAS, the operation and maintenance of the force main extraordinarily increases the cost to METRO for providing public sanitary sewer service to the development.

NOW, THEREFORE, NOVO AND METRO AGREE AS FOLLOWS:

I. SCOPE OF WORK AND TERMS:

A project consisting of the construction of approximately +/- 1,500 linear feet of 4-inch ductile iron pipe sanitary sewer force main and a lift station (the "Project"). The force main will be located within the public right-of-way of Mt. View Road. The force main will be owned and maintained by Metro upon completion of the Project and acceptance by Metro.

- A. NOVO will contract and oversee construction of the Project, and the lift station design shall meet all METRO specifications and requirements including telemetry and any required repeater sites. The Project shall be constructed and fully operational prior to the issuance of any certificate of occupancy for the Novo Antioch development.
- B. NOVO must submit complete design and construction plans for the Project for approval by METRO prior to commencement of construction.
- C. The Project will be built to METRO standards, and will be subject to inspection by METRO.
- D. NOVO will cause its design engineer to add an air release valve on the force main to delineate between the public and private portion.
- E. NOVO will be responsible for lining and coating the next three downstream manholes on the gravity sewer line on Highlander Drive.
- F. NOVO will provide MWS with a monthly operational report and maintenance schedule of the Project.
- G. NOVO agrees to provide all required easements for the benefit of METRO.
- H. This agreement is subject to the approval through Resolution (one reading) by The Metropolitan Council of Nashville and Davidson County.

II. PAYMENT TERMS AND CONDITIONS:

Prior to commencing any work on the Project, NOVO agrees to provide METRO with evidence of a line of credit in the amount of \$300,000 from a financial institution doing business within the state of Tennessee to cover the repair and maintenance costs of the force main in the public right-of-way for a period of 10 years.

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/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:

James Shelton, Novo Antioch Owner, LLC

Sworn to and subscribed to before me, a Notary Public,
29 day of November 2022
 by principal of
 Developer and duly authorized to execute this instrument
 on Developer's behalf.

Notary Public

My Commission Expires: June 14, 2026

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

January 6, 2023

To: Peggy Deaner Metro Water Services

**Re: NOVO ANTIOCH MAINTENANCE AGREEMENT
Planning Commission Mandatory Referral # 2022M-054AG-001
Council District #28 Tanaka Vercher, 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 a resolution approving a maintenance agreement between The Metropolitan Government of Nashville and Davidson County acting by and through the Metropolitan Department of Water and Sewerage Services, and Novo Antioch Owner, LLC.

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,

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

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