

SHARPE AVENUE TOWNHOMES PARTICIPATION AGREEMENT

THIS AGREEMENT is entered into by and between PRISM PROPERTIES., hereinafter known as "PRISM", 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 PRISM 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, PRISM has been approved to serve its development SHARPE AVENUE TOWNHOMES; known as Project No. 19WL0070, 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, PRISM AND METRO AGREE AS FOLLOWS:

I. SCOPE OF WORK:

A project consisting of the construction of approximately 882 linear feet of 6-inch water main (DIP), and one (1) fire hydrant assembly to serve the Sharpe Avenue Townhomes development, Project No. 19WL0070. 393 linear feet of the 6-inch water main replacement is to facilitate the necessary flow volumes for required domestic and fire flows. 489 linear feet of this 6-inch water main replacement will replace a segment of existing 2-inch and 6-inch water main scheduled to be replaced under MWS' Water Infrastructure Rehabilitation Program.

II. PAYMENT TERMS AND CONDITIONS:

- A. PRISM will contract and oversee construction of this project, and the new public water infrastructure 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 replacement of approximately 428 linear feet of 2-inch water main will be the lesser of 50% of the actual project costs not to exceed \$62,708.00 as a contribution towards these improvements.
As a part of this project, PRISM agrees to replace approximately 492 linear feet of existing 6-inch water main to McFerrin Avenue which has been determined to benefit the general community and the public water system. This portion will be inspected and fully reimbursed by Metro not to exceed \$156,052.00. 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 April 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 Crumboltz

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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:

Steve Scheibe

Developer

Sworn to and subscribed to before me, a Notary Public,
22nd day of March 2021
by Steve Scheibe of
Developer and duly authorized to execute this instrument
on Developer's behalf.

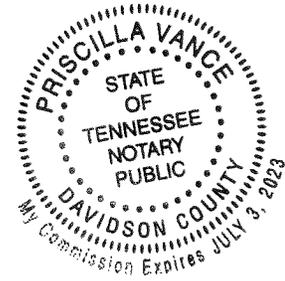
Priscilla Vance
Notary Public

My Commission Expires: 07/03/2023

ATTEST:

Metropolitan Clerk

Date:





**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

March 23, 2021

To: Peggy Deaner, Metro Water Services

**Re: Metro Water Services and Prism Homes Participation Agreement
Planning Commission Mandatory Referral #2021M-013AG-001
Council District #05 – Sean Parker, 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 Prism Properties, to provide public water service improvements for Prism's proposed development, as well as other existing properties in the area (MWS Project No. 19-WL-0070 and Proposal No. 2021M-013AG-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 cursive script that reads 'Lucy Alden Kempf'.

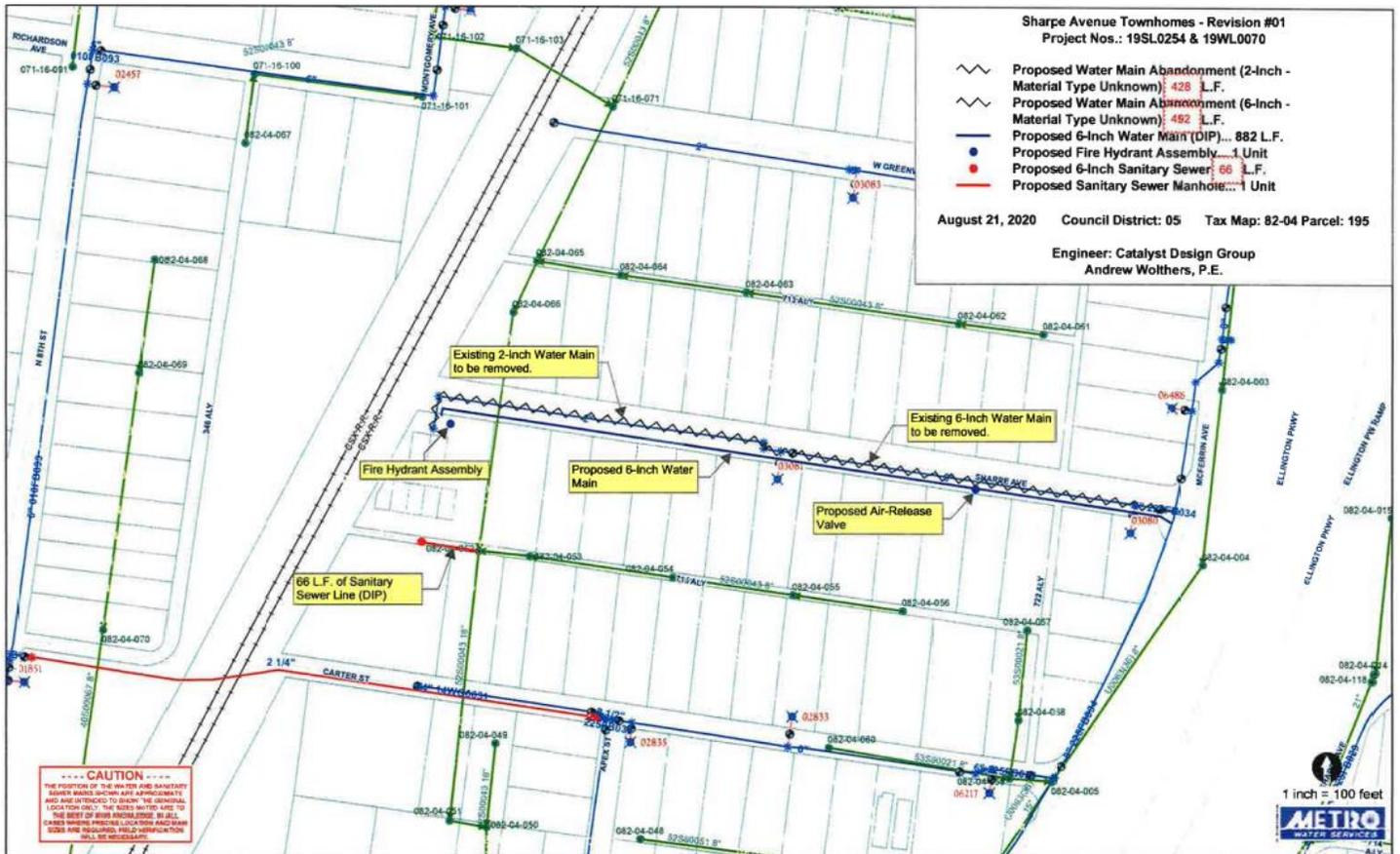
Lucy Kempf
Director

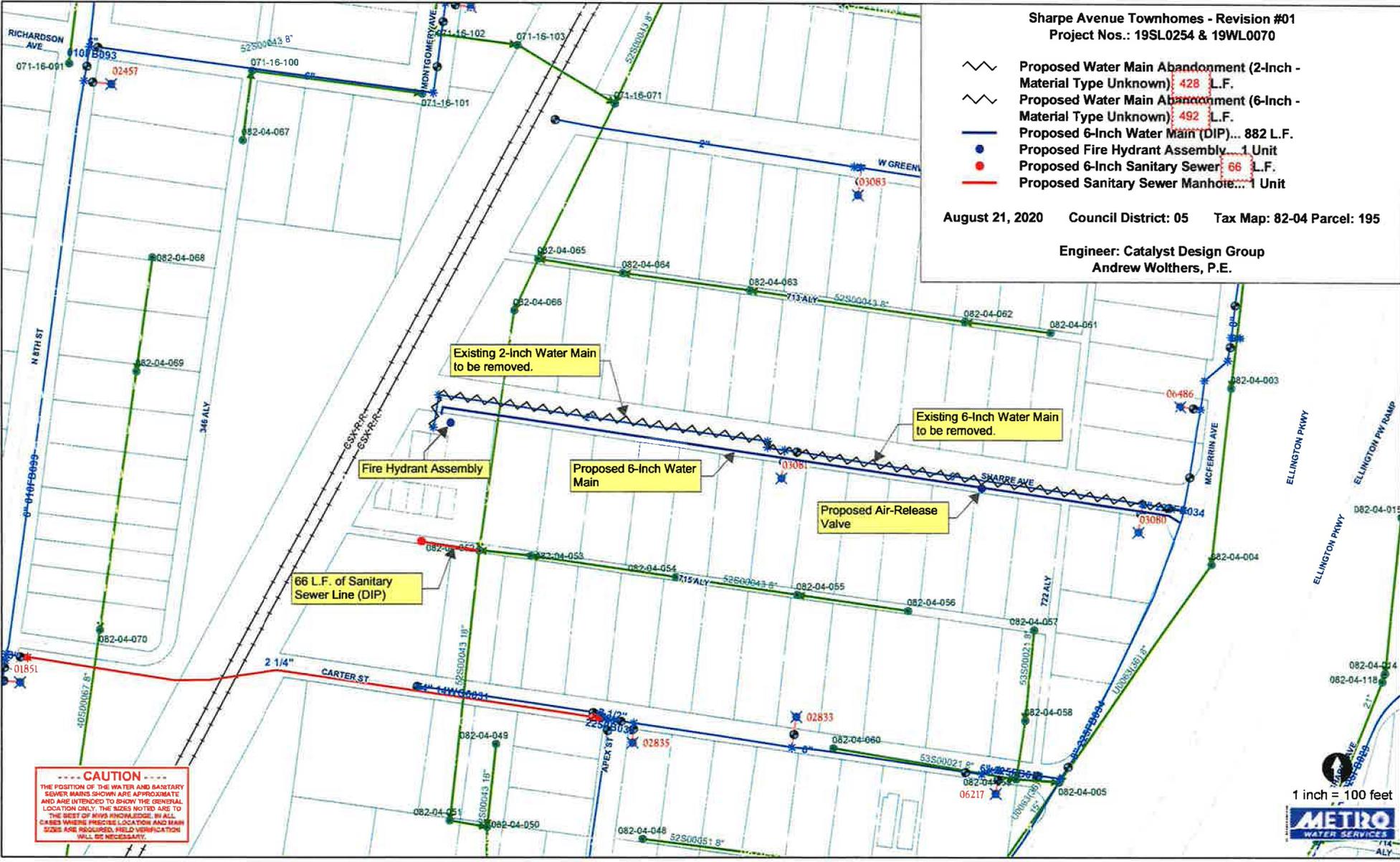
Metro Planning Department

cc: Metro Clerk, Elizabeth Waites

Re: Metro Water Services and Prism Homes Participation Agreement
Planning Commission Mandatory Referral #2021M-013AG-001
 Council District #05 – Sean Parker, Council Member

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Sharpe Avenue Townhomes - Revision #01
Project Nos.: 19SL0254 & 19WL0070

- Proposed Water Main Abandonment (2-Inch - Material Type Unknown) 428 L.F.
- Proposed Water Main Abandonment (6-Inch - Material Type Unknown) 492 L.F.
- Proposed 6-Inch Water Main (DIP)... 882 L.F.
- Proposed Fire Hydrant Assembly... 1 Unit
- Proposed 6-Inch Sanitary Sewer... 66 L.F.
- Proposed Sanitary Sewer Manhole... 1 Unit

August 21, 2020 Council District: 05 Tax Map: 82-04 Parcel: 195

Engineer: Catalyst Design Group
 Andrew Wolthers, P.E.

Existing 2-Inch Water Main to be removed.

Existing 6-Inch Water Main to be removed.

Fire Hydrant Assembly

Proposed 6-Inch Water Main

Proposed Air-Release Valve

66 L.F. of Sanitary Sewer Line (DIP)

CAUTION
 THE POSITION OF THE WATER AND SANITARY SEWER MAINS SHOWN ARE APPROXIMATE AND ARE INTENDED TO SHOW THE GENERAL LOCATION ONLY. THE SIZES NOTED ARE TO THE BEST OF RWIS KNOWLEDGE. IN ALL CASES WHERE PRECISE LOCATION AND MAIN SIZES ARE REQUIRED, FIELD VERIFICATION WILL BE NECESSARY.

1 inch = 100 feet

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 Prism Properties, to provide public water service improvements for Prism's proposed development, as well as other existing properties in the area (MWS Project No. 19-WL-0070 and Proposal No. 2021M-013AG-001).

Introduced _____

Passed First Reading _____

Amended _____

Passed Second Reading _____

Passed Third Reading _____

Approved _____

By _____

Metropolitan Mayor

Advertised _____

Effective Date _____
