

EWING DRIVE OFFSITE SEWER IMPROVEMENTS
SERVING BEN ALLEN RIDGE PARTICIPATION AGREEMENT

THIS AGREEMENT is entered into by and between The Clear Blue Company, 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 Developer 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, Developer has been approved to serve its development Ben Allen Ridge (offsite sewer improvements known as Ewing Drive Sanitary Sewer) owned by 301 Ben Allen LP; known as Project No.:23-SL-0013, 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, CLEAR BLUE AND METRO AGREE AS FOLLOWS:

I. SCOPE OF WORK:

A project consisting of the construction of approximately 663 linear feet of 12-inch sanitary sewer main (DIP), approximately 19 linear feet of 15-inch sanitary sewer main, and 4 sanitary sewer manholes to serve the Ben Allen Ridge (offsite sewer improvements known as Ewing Drive Sanitary Sewer) development.

II. PAYMENT TERMS AND CONDITIONS:

- A. Developer will contract and oversee construction of this project, and the Developer 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 50% of the actual project costs not to exceed \$581,000.00 as a contribution towards these improvements. This amount is based on the secured competitive bid prices of three 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 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 December 31st, 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 of Metropolitan Department of Water and Sewerage Services

APPROVED AS TO AVAILABILITY OF FUNDS:

DocuSigned by:

Kelly Flannery

Director of Finance

APPROVED AS TO FORM AND LEGALITY:

DocuSigned by:

Tara Ladd

Metropolitan Attorney

THE METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY:

Metropolitan Mayor

ACCEPTED BY:

NEG

Developer

Sworn to and subscribed to before me, a Notary Public,
15 day of August 2023
by Nicholas B. Ogden of
Developer and duly authorized to execute this instrument
on Developer's behalf.

Anna C. Dissler

Notary Public

My Commission Expires: November 6, 2024

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

August 9, 2023

To: Peggy Deaner Metro Water Services

**Re: EWING DRIVE OFFSITE SEWER IMPROVEMENT PARTICIPATION AGREEMENT
Planning Commission Mandatory Referral 2023M-038AG-001
Council District #08 Nancy VanReece, 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 The Clear Blue Company and The Metropolitan Government of Nashville and Davidson County, acting through the Metropolitan Department of Water and Sewerage Services, to provide offsite public sewer service improvements for the Ben Allen Ridge development as well as existing properties in the area (MWS Project No. 23-SL-0013 and Proposal 2023M-038AG-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.

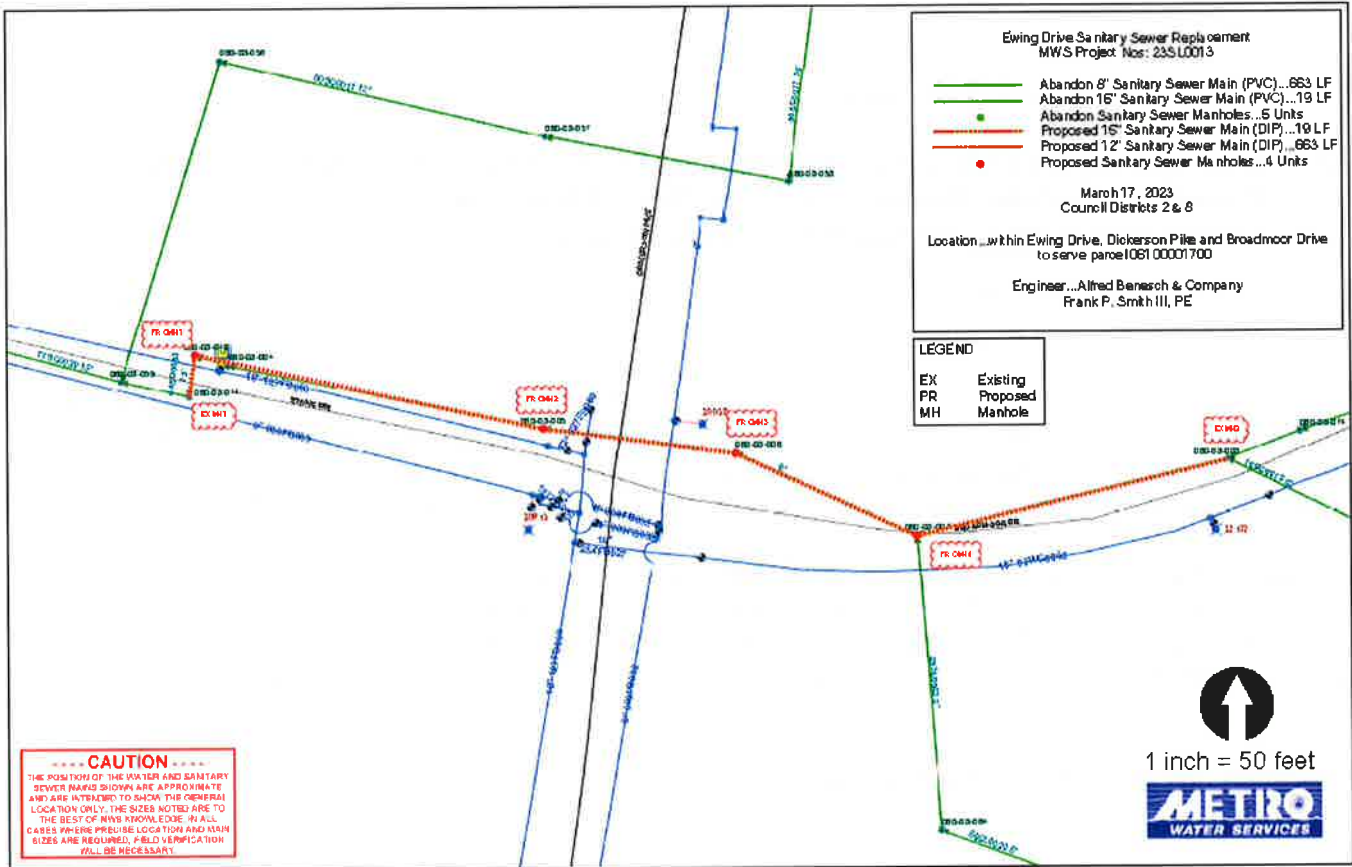
Sincerely,

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

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

Re: EWING DRIVE OFFSITE SEWER IMPROVEMENT PARTICIPATION AGREEMENT
Planning Commission Mandatory Referral # 2023M-038AG-001
Council District #08 Nancy VanReece, Council Member

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Ewing Drive Sanitary Sewer Replacement MWS Project Nos: 23SL0013

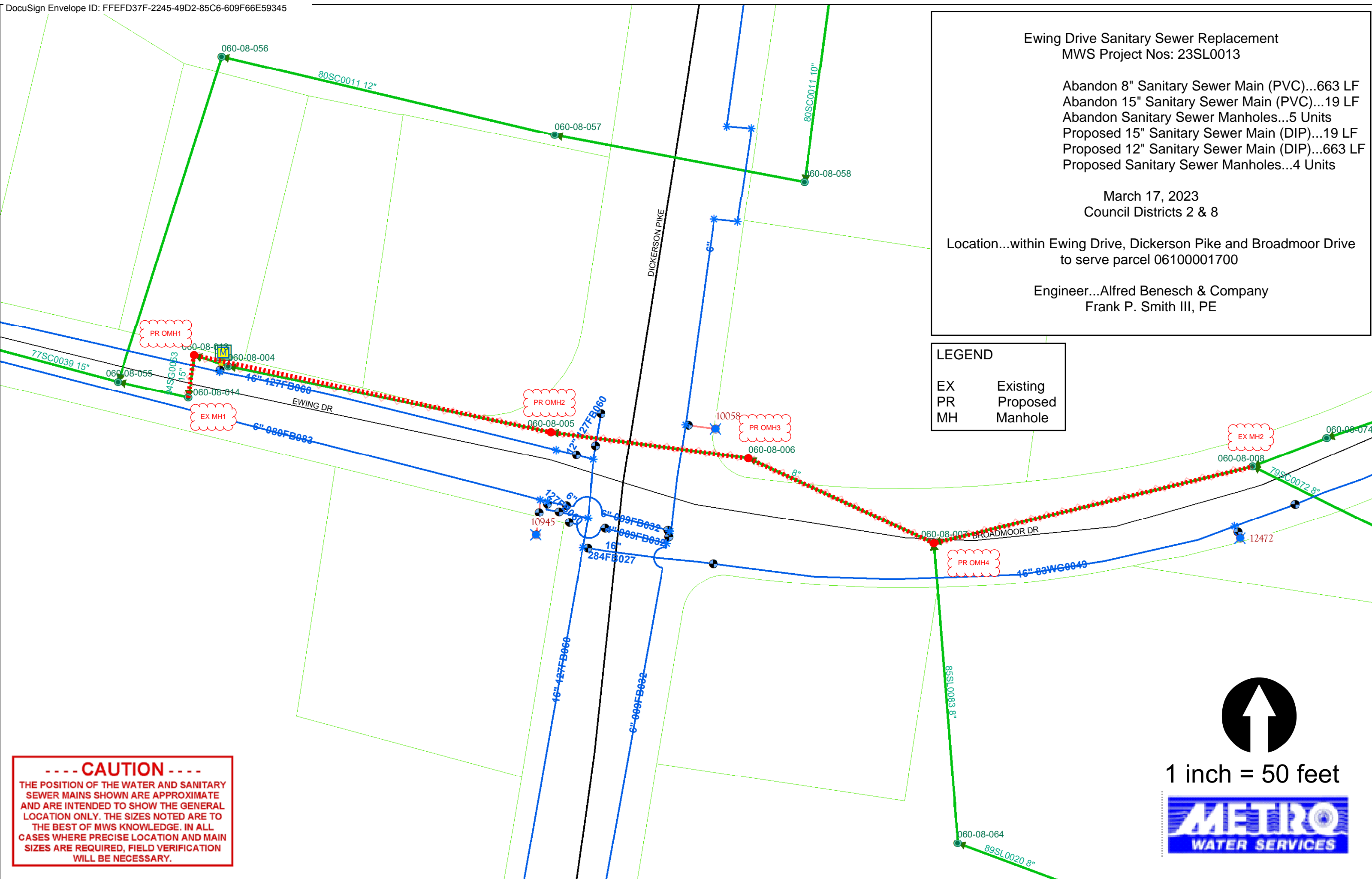
Abandon 8" Sanitary Sewer Main (PVC)...663 LF
Abandon 15" Sanitary Sewer Main (PVC)...19 LF
Abandon Sanitary Sewer Manholes...5 Units
Proposed 15" Sanitary Sewer Main (DIP)...19 LF
Proposed 12" Sanitary Sewer Main (DIP)...663 LF
Proposed Sanitary Sewer Manholes...4 Units

March 17, 2023
Council Districts 2 & 8

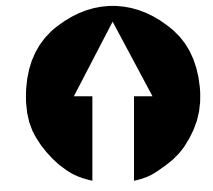
Location...within Ewing Drive, Dickerson Pike and Broadmoor Drive
to serve parcel 06100001700

Engineer...Alfred Benesch & Company
Frank P. Smith III, PE

LEGEND	
EX	Existing
PR	Proposed
MH	Manhole



----- 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 MWS KNOWLEDGE. IN ALL CASES WHERE PRECISE LOCATION AND MAIN SIZES ARE REQUIRED, FIELD VERIFICATION WILL BE NECESSARY.



1 inch = 50 feet

