

LEGISLATIVE TRACKING FORM

Filing for Council Meeting Date: _____ ^{DS} PD X Resolution _____ Ordinance _____

Contact/Prepared By: JHoneysucker/PDeaner Date Prepared: 10/6/2025

Title (Caption): A resolution 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 Elmington Capital Group, to provide improved public sanitary sewer service through the design and construction of sanitary sewer service improvements (Project No. 24-SL-0241 and Proposal Number 2025M-043AG-001).

Submitted to Planning Commission? _____ N/A _____ Yes-Date: _____ Proposal No: ^{DS} SP

Proposing Department: Metro Water Services Requested By: Scott Potter

Affected Department(s): _____ Affected Council District(s): 2

Legislative Category (check one):

☐ Bonds	☐ Contract Approval	☐ Intergovernmental Agreement
☐ Budget – Pay Plan	☐ Donation	☐ Lease
☐ Budget – 4%	☐ Easement Abandonment	☐ Maps
☐ Capital Improvements	☐ Easement Accept/Acquisition	☐ Master List A&E
☐ Capital Outlay Notes	☐ Grant	☐ Settlement of Claims/Lawsuits
☐ Code Amendment	☐ Grant Application	☐ Street/Highway Improvements
☐ Condemnation	☐ Improvement Acc.	☒ Other: Participation Agreement

FINANCE Amount +/-: \$516,000.00

Funding Source: TV Capital Improvement Budget
Fund 47335 Capital Outlay Notes
Departmental/Agency Budget
Funds to Metro
General Obligation Bonds
Grant
Increased Revenue Sources

Approved by OMB: AL AP

Approved by Finance/Accounts: _____

Approved by Div Grants Coordination: _____

Match: \$ \$ -0-

Judgment and Losses
Local Government Investment Project
Revenue Bonds
Self-Insured Liability
Solid Waste Reserve
Unappropriated Fund Balance
4% Fund
Other: _____

Date to Finance Director's Office: _____

APPROVED BY

FINANCE DIRECTOR'S OFFICE: _____

ADMINISTRATION

Council District Member Sponsors: _____

Council Committee Chair Sponsors: _____

Approved by Administration: _____ Date: _____

DEPARTMENT OF LAW

Date to Dept. of Law: _____ Approved by Department of Law: _____

Settlement Resolution/Memorandum Approved by: _____

Date to Council: _____ For Council Meeting: _____ E-mailed Clerk

All Dept. Signatures Copies Backing Legislative Summary Settlement Memo Clerk Letter Ready to File

Department of Law - White Copy

Administration - Yellow Copy

Finance Department - Pink Copy

RESOLUTION NO. _____

A resolution 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 Elmington Capital Group, to provide improved public sanitary sewer service through the design and construction of sanitary sewer service improvements (Project No. 24-SL-0241 and Proposal Number 2025M-043AG-001).

WHEREAS, the Metropolitan Department of Water and Sewerage Services ("METRO") owns and operates a sewer system located in the Alice and Riverside pump station sewer basin(s); and,

WHEREAS, Elmington Capital Group ("DEVELOPER") has been approved to construct ECG West Trinity Multifamily, a 184-unit multifamily development located in the Alice and Riverside pump station sewer basin(s); and,

WHEREAS, METRO is developing the design and construction of sanitary sewer service improvements, ("Improvements") needed to increase capacity and improve sewer service; and,

WHEREAS, DEVELOPER agrees to contribute towards the construction of Improvements that have a direct benefit to both parties and to provide METRO the amount of \$516,000.00 to fund the design and construction Improvements, according to the terms of the Regional Pump Station Project Participation Agreement – ECG West Trinity, attached as Exhibit 1; and,

WHEREAS, METRO agrees to begin design and construction of the Improvements within timeframes set forth by Metro Water Services upon receiving the funds; and,

WHEREAS, BL2022-1214 authorizes the Metropolitan Department of Water and Sewerage Services to enter into participation agreements funding infrastructure with developers by resolution of the Metropolitan Council; and,

WHEREAS, the provision of such sanitary sewer service improvements is deemed to benefit both parties and the general community.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY.

Section 1. The Regional Pump Station Project Participation Agreement – ECG West Trinity (Exhibit 1) between the Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Water and Sewerage Services, and Elmington Capital Group, attached hereto and incorporated herein, is hereby approved, and the Metropolitan Mayor is authorized to execute the same.

Section 2. The funds in the amount of \$516,000.00 collected pursuant to the Participation Agreement shall be deposited into the 47335 fund, and monies shall be allocated exclusively for the design and construction of sanitary sewer service improvements.

Section 3. This resolution shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

RECOMMENDED BY:

DocuSigned by:

Scott Potter

Scott A. Potter, Director
Water and Sewerage Services

INTRODUCED BY:

APPROVED AS TO THE AVAILABILITY
OF FUNDS:

Council Member(s)

Signed by:

Jenneen Reed/mjw

Jenneen Reed, Director
Department of Finance

APPROVED AS TO FORM AND
LEGALITY:

Signed by:

Hannah Britlin

Assistant Metropolitan Attorney

REGIONAL PUMP STATION PROJECT PARTICIPATION AGREEMENT
ECG West Trinity Location

THIS AGREEMENT is entered into by and between **Elmington Capital Group**, 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, Developer and **METRO** desire to provide improved public sanitary sewer service for both Developer's proposed development as well as the existing properties in this area; and,

WHEREAS, Developer has been approved to construct ECG West Trinity Multifamily, a 184-unit multifamily development; known as Project No. 24-SL-0241 which is located in the Alice and Riverside pump station sewer basin(s); and,

WHEREAS, METRO is developing the design and construction of sanitary sewer service improvements, ("Improvements") needed to increase capacity and improve sewer service; and,

WHEREAS, the Developer agrees to contribute towards the construction of Improvements that have a direct benefit to both parties; and,

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

NOW, THEREFORE, DEVELOPER AND METRO AGREE AS FOLLOWS:

I. SCOPE OF WORK/IMPROVEMENTS:

The design and construction of regional pump station improvements shall be completed by Metro. All materials and methods used to construct the proposed infrastructure shall be in keeping with Metro Water Services, Nashville Department of Transportation, 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 improvements to ensure that work is proceeding in accordance with approved plans.

II. PAYMENT TERMS AND CONDITIONS:

- A. **DEVELOPER** agrees to provide **METRO** the amount of \$516,000.00 (hereinafter, the "Payment"), to fund the design and construction of Improvements.
- B. **METRO** agrees to begin design and construction of the Improvements within timeframes set forth by Metro Water Services upon receiving the funds.
- C. **METRO** will inspect the construction and will be responsible for ongoing operation and maintenance.
- D. **DEVELOPER** acknowledges and agrees that under no circumstances will the **DEVELOPER** be entitled to receive or will **METRO** be required to provide a refund of any portion of the payment regardless of the final cost of construction.
- E. The Payment for Improvements in the project area shall be paid in full prior to the issuance of any water, sewer or building permit in connection with development or redevelopment of a parcel of property. If paid in full, **METRO** may not withhold the **DEVELOPER'S** permit under the authority of Metro due to lack of sewer capacity or sewer availability. **METRO** may provide the **DEVELOPER** temporary access to the current sanitary sewer and water system if the improvements are not constructed when the use and occupancy permit is applied for so long as all Metro criteria and requirements have been met.
- F. This agreement is subject to the approval through Resolution (one reading) of The Metropolitan Council of Nashville and Davidson County.

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:

Signed by:

Jennene Reed/mjw

Director of Finance

APPROVED AS TO FORM AND LEGALITY:

Signed by:

Hannah Britlin

Metropolitan Attorney

THE METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY:

Metropolitan Mayor

ACCEPTED BY:

Developer

Sworn to and subscribed to before me, a Notary Public,
by 15 day of September 2025
by C. Hunter Nelson of
Developer and duly authorized to execute this instrument
on Developer's behalf.

Notary Public

My Commission Expires: 05-08-2029

ATTEST:

Metropolitan Clerk

Date:



ECG Multifamily - Participation Agreement Exhibit



ESTIMATED PARTICIPATION AREA FOR THE RIVERSIDE AND ALICE ST PUMP STATION RE-ROUTE PROJECT TO BE COMPLETED BY MWS. EXPECTED CONTRIBUTION IS \$3,000 PER UNIT OF FLOW WITHIN THE BASIN FOR PUMP STATION UPGRADES ON TOP OF THE NORMAL SEWER CAPACITY FEE.



ORIGINAL

METROPOLITAN COUNTY COUNCIL

Resolution No. _____

A resolution 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 Elmington Capital Group, to provide improved public sanitary sewer service through the design and construction of sanitary sewer service improvements (Project No. 24-SL-0241 and Proposal Number 2025M-043AG-001).

Introduced _____

Amended _____

Adopted _____

Approved _____

By _____
Metropolitan Mayor



September 19, 2025

To: Peggy Deaner Metro Water Services

**Re: Regional Pump Station Project PA - ECG West Trinity Location
Planning Commission Mandatory Referral 2025M-043AG-001
Council District # 19 Jacob Kupin, 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 participation agreement between Elmington Capital Group, and The Metropolitan Government of Nashville and Davidson County acting through the Metropolitan Department of Water and Sewerage Services, related to MWS Project No. 24-SL-0241.

The relevant Metro agencies (Metro Parks, Nashville Department of Transportation, Metro Water Services, Metro Emergency Communications, the Nashville Electric Service, General Services-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 "Robert Leeman".

Robert Leeman, AICP
Assistant Director Land Development
Metro Planning Department
cc: Metro Clerk

