DocuSign Envelope ID: A9EDCE8A-5210-468D-978F-AB0FD91338F0

NATIONS AREA STORMWATER IMPROVEMENT PROJECT PARTICIPATION AGREEMENT
49th and Tennessee Phase 2 Location

THIS AGREEMENT is entered into by and between ECG 49TN, LLC., 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, **METRO** owns and operates the Municipal Separated Storm System; and,

WHEREAS, **METRO** desires to make stormwater infrastructure improvements based on the State Street North Stormwater Management Study (Study Area) of the 697 acre drainage basin in the West Nashville area known as the Nations; which is a portion of the Richland Creek basin and ultimately discharges to the Cumberland River; and,

WHEREAS, by improving the stormwater infrastructure, **METRO** has an opportunity to reduce the potential for localized storm flooding. Furthermore, the improvements to the stormwater system will help to improve overall water quality in the Cumberland River; and,

WHEREAS, Developer has been approved to construct 6 additional multifamily units on 0.5 acres as Phase Two of the 49th and Tennessee development; known as Project No. 2020046476 which is located in Section 2-3 of the Study Area and discharges to the Richland Creek Basin, and,

WHEREAS, **METRO** is developing the design and construction of dedicated storm infrastructure consistent with the Stormwater Master Plan, and,

WHEREAS, the Developer agrees to provide on-site stormwater control measures and pay fees towards off-site public infrastructure improvements to the Current Stormwater System and construction of a New Stormwater System that has a direct benefit to both parties; and,

WHEREAS, the provision of such storm sewer service improvement 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:

The design and construction of the new stormwater system 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 new stormwater system 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 $46,000.00 (hereinafter, the "Payment"), to fund the design and construction of the current and new stormwater systems identified on Exhibit A. As part of Exhibit A, an overall location map for the Nations Area Stormwater Improvement Project is included with the location of the **DEVELOPER'S** project identified.
B. **METRO** agrees to begin design and construction of the project 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. Upon acceptance of the $46,000.00 of funding for the project, **METRO** may not withhold the **DEVELOPER'S** permits under the authority of Metro due to sewer, water or stormwater concerns for this project including but not limited to the use and occupancy permits. **METRO** may provide the **DEVELOPER** temporary access to the current stormwater, sewer, and water system if the stormwater infrastructure is not constructed when the use and occupancy permit is applied for.
F. This agreement is subject to the approval through Resolution (one reading) of The Metropolitan Council of Nashville and Davidson County.

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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
994E7D0AE02B458...
Director Metropolitan Department of Water and Sewerage Services

APPROVED AS TO AVAILABILITY OF FUNDS:

DocuSigned by:
Kelly Flannery
CF513D4D905F4EB...
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:

Developer

Sworn to and subscribed to before me, a Notary Public, 17th day of November 2022 by Managing member of Developer and duly authorized to execute this instrument on Developer's behalf.

KYLE BUMPOUS
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF WILLIAMSON
MY COMM. EXPIRES APR 13, 2025

Notary Public

My Commission Expires: Apr 13, 2025

ATTEST:

Metropolitan Clerk

Date: _____

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METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
Metro Office Building
800 President Ronald Reagan Way
P.O. Box 196300
Nashville, TN 37219-6300

November 30, 2022

To: Peggy Deaner Metro Water Services

Re: NATION AREA STORMWATER IMPROVEMENT PROJECT PARTICIPATION AGREEMENT
Planning Commission Mandatory Referral #2022M-047AG-001
Council District #20 Mary Carolyn Roberts, 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 participation agreement between The Metropolitan Government of Nashville and Davidson County acting by and through the Metropolitan Department of Water and Sewerage Services, and ECG 49TN, 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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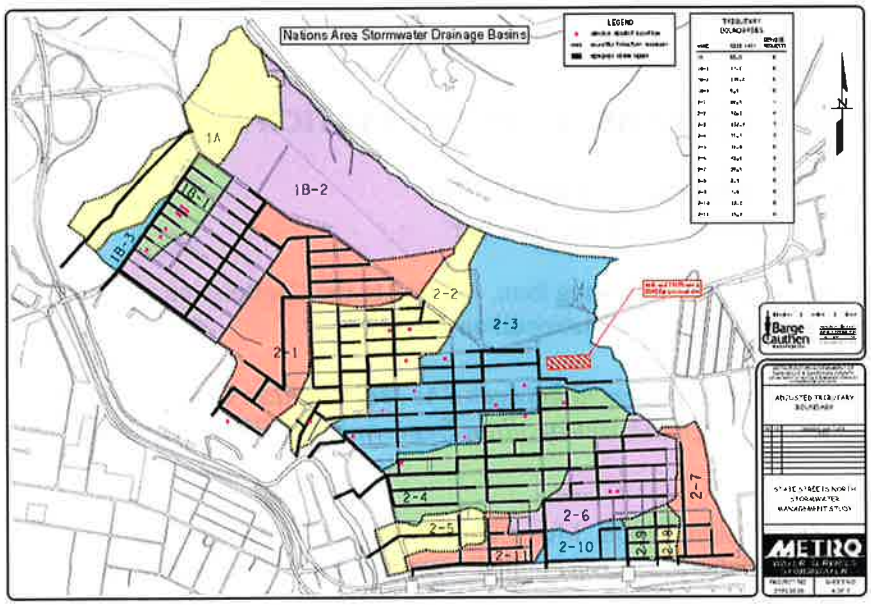
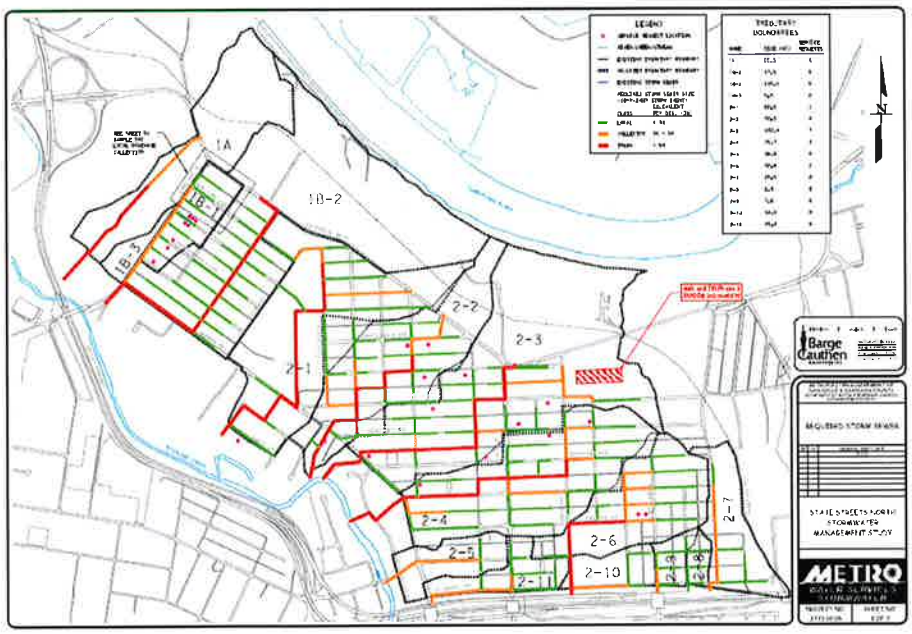
NATION AREA STORMWATER IMPROVEMENT PROJECT PARTICIPATION AGREEMENT
Planning Commission Mandatory Referral #2022M-047AG-001
Council District #20 Mary Carolyn Roberts, Council Member

A request for 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 ECG 49TN, LLC.





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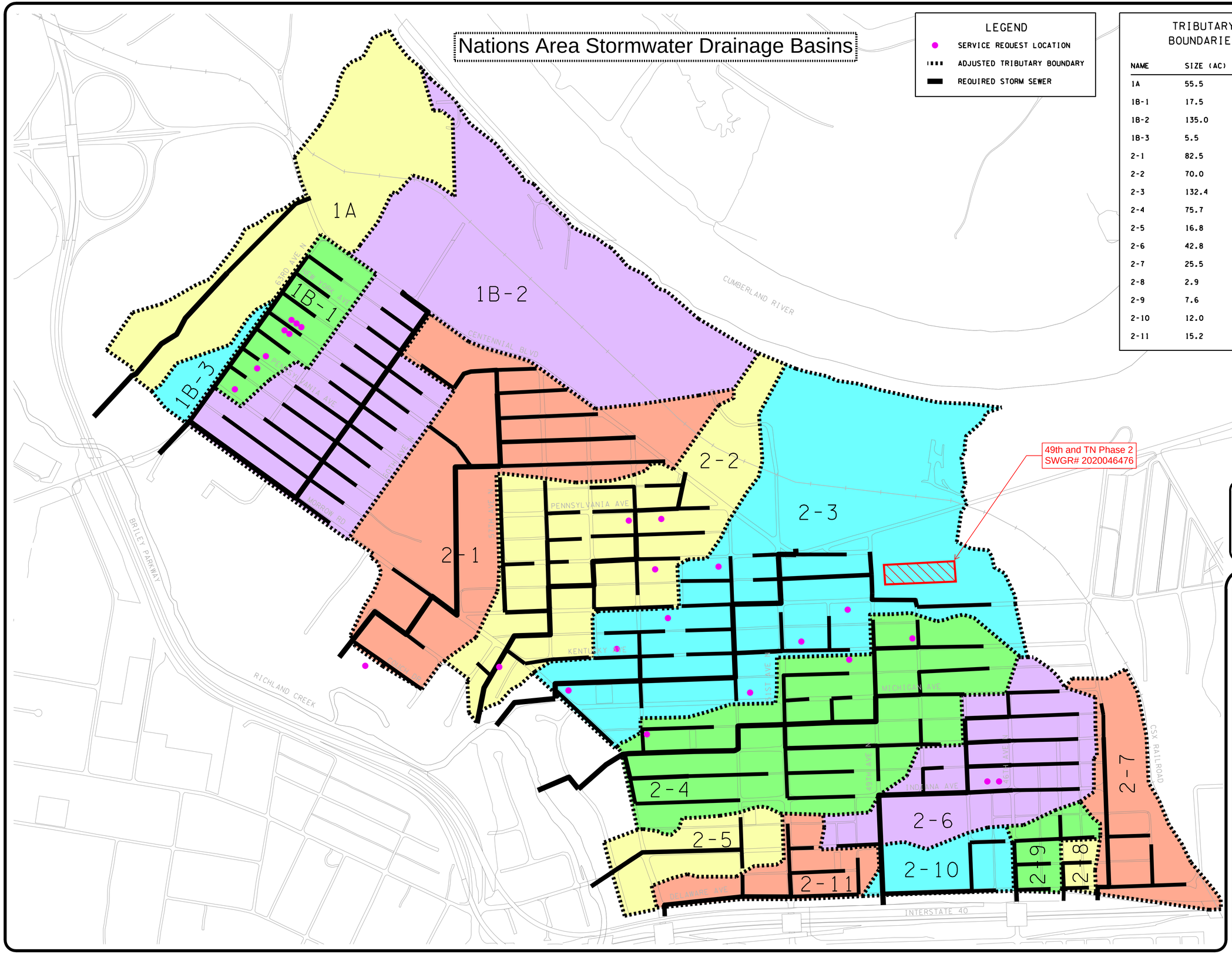
Nations Area Stormwater Drainage Basins

LEGEND

- SERVICE REQUEST LOCATION
- ADJUSTED TRIBUTARY BOUNDARY
- REQUIRED STORM SEWER

TRIBUTARY BOUNDARIES

NAME	SIZE (AC)	SERVICE REQUESTS
1A	55.5	0
1B-1	17.5	8
1B-2	135.0	0
1B-3	5.5	0
2-1	82.5	1
2-2	70.0	4
2-3	132.4	7
2-4	75.7	3
2-5	16.8	0
2-6	42.8	2
2-7	25.5	0
2-8	2.9	0
2-9	7.6	0
2-10	12.0	0
2-11	15.2	0



Civil Engineers | Architects | Planners
Barge Cauthen & ASSOCIATES
6606 CHARLOTTE PIKE, STE 210
NASHVILLE, TENNESSEE 37209
615.356.9911 PHONE
615.352.6737 FAX

METROPOLITAN GOVERNMENT OF NASHVILLE & DAVIDSON COUNTY
DEPARTMENT OF WATER & SEWERAGE SERVICES
STORMWATER DIVISION

ADJUSTED TRIBUTARY BOUNDARY

DR.	CK.	ORIGINAL DRAFT DATE
-	-	5/1/13

STATE STREETS NORTH STORMWATER MANAGEMENT STUDY

METRO WATER SERVICES STORMWATER

PROJECT NO.	SHEET NO.
2773.01.05	4 OF 7

DocuSign Envelope ID: A9EDCE8A-5210-468D-978F-AB0FD91338F0

LEGEND

- SERVICE REQUEST LOCATION
- RIVER/CREEK/STREAM
- EXISTING TRIBUTARY BOUNDARY
- ADJUSTED TRIBUTARY BOUNDARY
- EXISTING STORM SEWER

REQUIRED STORM SEWER SIZE (10YR-24HR STORM EVENT)

CLASS	EQUIVALENT RCP DIA. (IN)
LOCAL	< 30
COLLECTOR	30 - 54
TRUNK	> 54

TRIBUTARY BOUNDARIES

NAME	SIZE (AC)	SERVICE REQUESTS
1A	55.5	0
1B-1	17.5	8
1B-2	135.0	0
1B-3	5.5	0
2-1	82.5	1
2-2	70.0	4
2-3	132.4	7
2-4	75.7	3
2-5	16.8	0
2-6	42.8	2
2-7	25.5	0
2-8	2.9	0
2-9	7.6	0
2-10	12.0	0
2-11	15.2	0

SEE SHEET 5: SAMPLE 5AC LOCAL DRAINAGE COLLECTION

1A
1B-1
1B-2
1B-3
2-1
2-2
2-3
2-4
2-5
2-6
2-7
2-8
2-9
2-10
2-11

49th and TN Phase 2
SWGR# 2020046476

CUMBERLAND RIVER
RICHLAND CREEK
BRILEY PARKWAY
MORROW RD
COUCH DR
CENTENNIAL BLVD
PENNSYLVANIA AVE
KENTUCKY AVE
MICHIGAN AVE
INDIANA AVE
DELAWARE AVE
INTERSTATE 40
CSX RAILROAD
49TH AVE N
46TH AVE N
57TH AVE N
51ST AVE N
50TH AVE N
49TH AVE N

N

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METROPOLITAN GOVERNMENT OF NASHVILLE & DAVIDSON COUNTY
DEPARTMENT OF WATER & SEWERAGE SERVICES
STORMWATER DIVISION

REQUIRED STORM SEWER

DR.	CK.	ORIGINAL DRAFT DATE
-	-	5/1/13

STATE STREETS NORTH STORMWATER MANAGEMENT STUDY

METRO WATER SERVICES STORMWATER

PROJECT NO. 2773.01.05

SHEET NO. 3 OF 7

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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 ECG 49TN, LLC, to provide stormwater infrastructure improvements through funding the design and construction of an improved stormwater system (MWS Project No. 2020046476 and Proposal No. 2022M-047AG-001).

Introduced _____

Amended _____

Adopted _____

Approved _____

By _____
Metropolitan Mayor