

NATIONS AREA STORMWATER IMPROVEMENT PROJECT PARTICIPATION AGREEMENT
Broadstone Nations Location

THIS AGREEMENT is entered into by and between Centennial TN Partners, 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 a 6.3-acre mixed use, multifamily development; known as Project No. 2019050104 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 \$237,128.67 (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 \$237,128.67 of funding for the project, **METRO** may not withhold the **DEVELOPER'S** permits under the authority of Metro for this project due to sewer, water or stormwater concerns including but not limited to the use and occupancy permits. **METRO** may provide the **DEVELOPER** temporary access to the current combined 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.

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/mfw

62377A2A8742469... Director of Finance

APPROVED AS TO FORM AND LEGALITY:

DocuSigned by:

Ann Mikkelsen

203E992AC8CA44F... Metropolitan Attorney

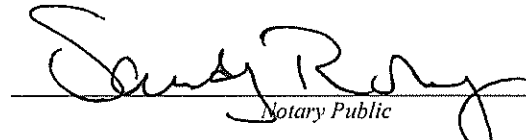
THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Metropolitan Mayor

ACCEPTED BY:


Developer

Sworn to and subscribed to before me, a Notary Public,
24th day of February 2023
by Davis Wade of
Developer and duly authorized to execute this instrument
on Developer's behalf.

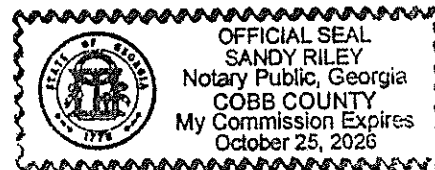

Notary Public

My Commission Expires: 10/25/2026

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

March 16, 2023

To: Peggy Deaner Metro Water Services

**Re: NATION AREA STORMWATER IMPROVEMENT PROJECT PARTICIPATION
AGREEMENT
Planning Commission Mandatory Referral # 2023M-009AG-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 resolution authorizing The Stormwater Improvement Project Participation Agreement between Metro Water Services and Centennial TN Partners, LLC. for Nation Area Stormwater Improvement Project MWS Project No. 2019050104 (Proposal No. 2023M-009AG-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, appearing to read "Lisa Milligan".

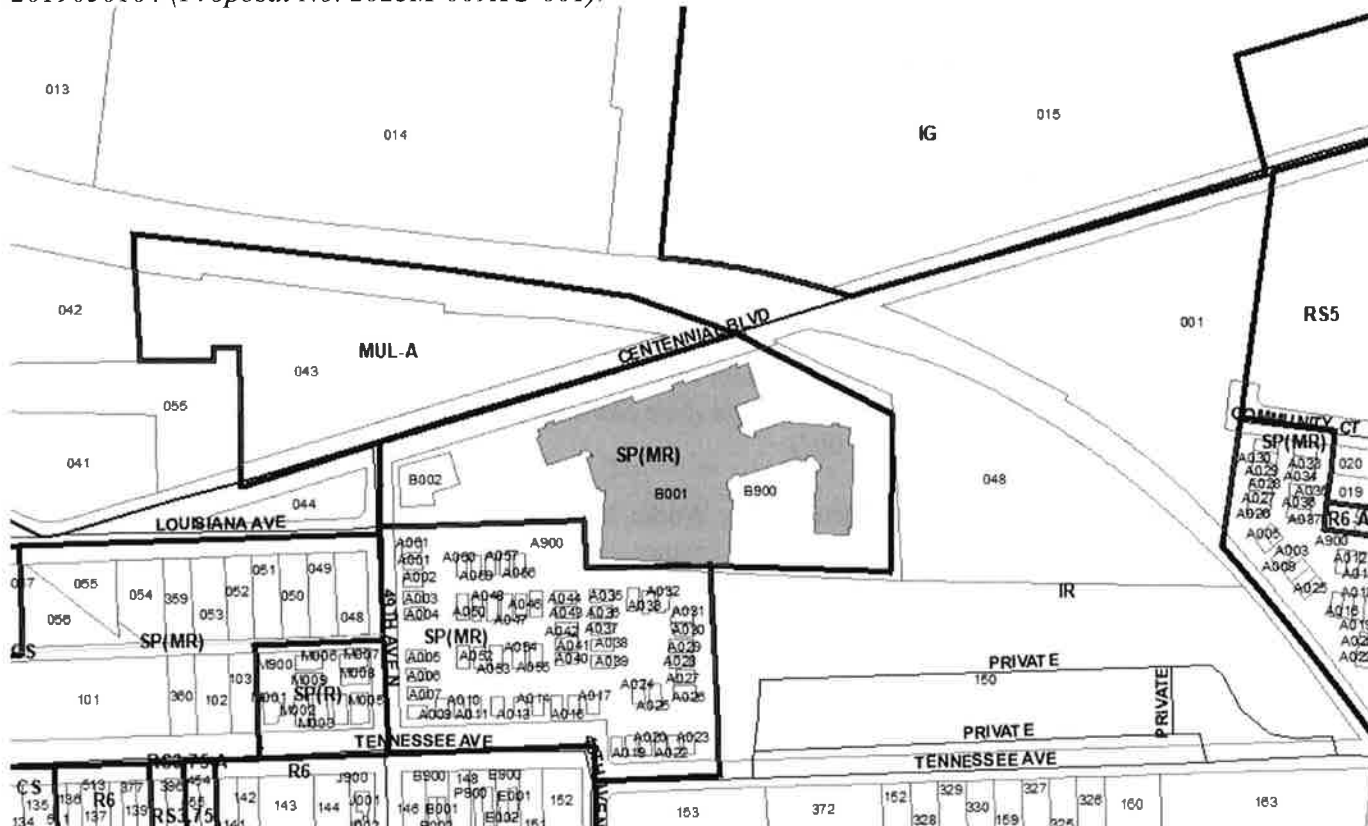
Lisa Milligan
Land Development Manager
Metro Planning Department
cc: Metro Clerk

Re: NATION AREA STORMWATER IMPROVEMENT PROJECT PARTICIPATION AGREEMENT

Planning Commission Mandatory Referral # 2023M-009AG-001

Council District #20 Mary Carolyn Roberts, Council Member

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Nations Area Stormwater Drainage Basins

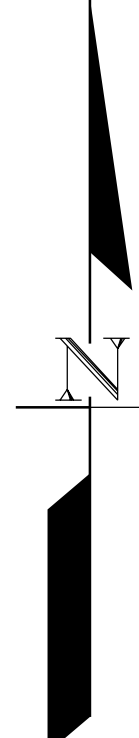
LEGEND

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



Broadstone Nations
SWGR# 2019050104

Civil Engineers | Architects | Planners

0608 CHARLOTTE PKE, STE 210
NASHVILLE, TENNESSEE 37209
615.356.9911 PHONE
615.352.6737 F A X

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

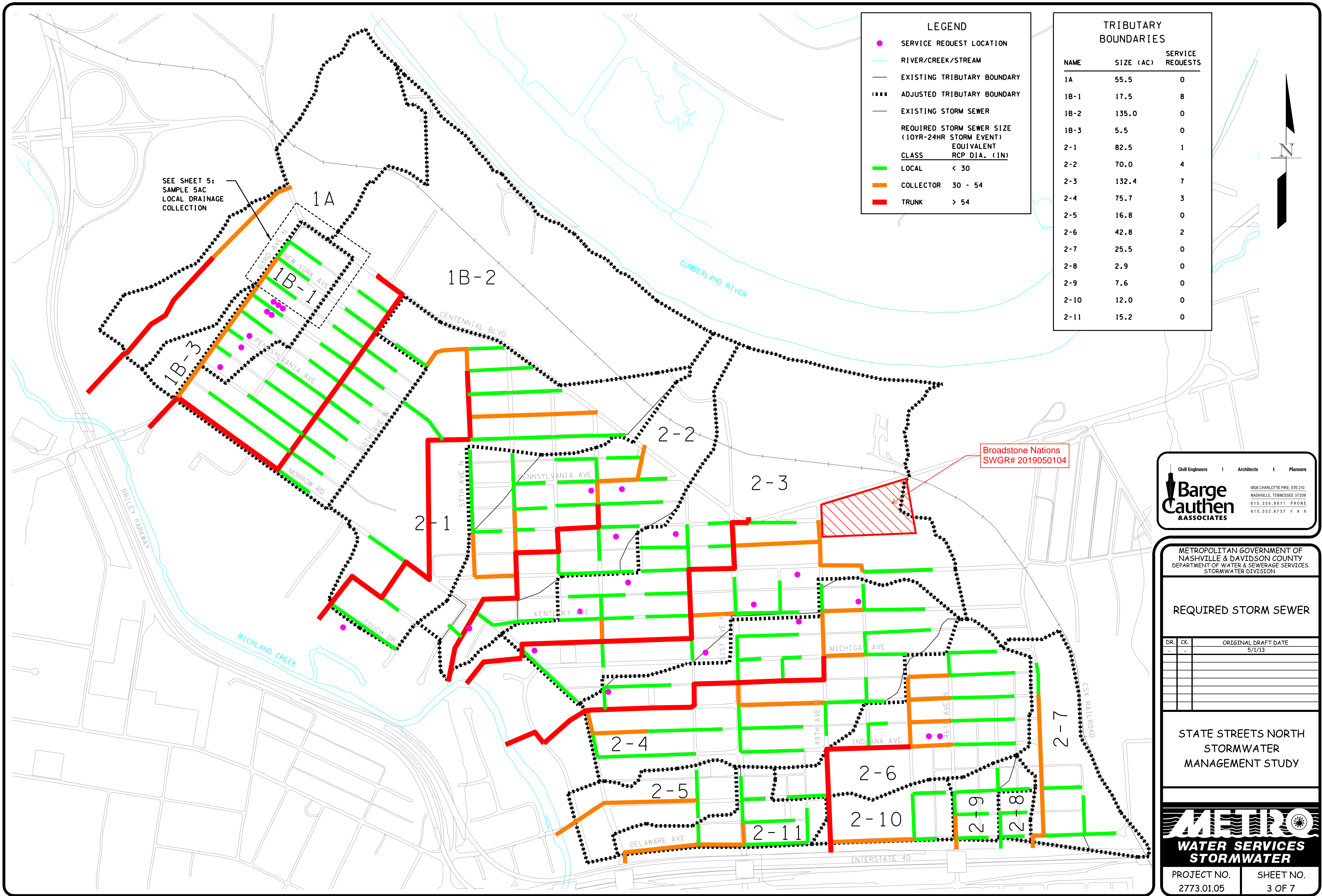
ADJUSTED TRIBUTARY BOUNDARY

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

STATE STREETS NORTH
STORMWATER
MANAGEMENT STUDY



PROJECT NO. 2773.01.05	SHEET NO. 4 OF 7
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LEGEND

- SERVICE REQUEST LOCATION
- RIVER/CREEK/STREAM
- EXISTING TRIBUTARY BOUNDARY
- ADJUSTED TRIBUTARY BOUNDARY
- EXISTING STORM SEWER
- REQUIRED STORM SEWER SIZE (10YR-24HR STORM EVENT) EQUIVALENT RCP DIA. (IN)
- LOCAL < 30
- COLLECTOR 30 - 54
- TRUNK > 54

TRIBUTARY BOUNDARIES		
NAME	SIZE (AC)	SERVICE REQUESTS
1A	55.5	0
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Civil Engineers | Architects | Planners

Barge Cauthen & ASSOCIATES

6608 CHARLOTTE PKE, STE 210
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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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