



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

<b>File #:</b>	RS2023-37	<b>Name:</b>	
<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	9/18/2023	<b>In control:</b>	Metropolitan Council
<b>On agenda:</b>	10/3/2023	<b>Final action:</b>	10/3/2023
<b>Title:</b>	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 The Clear Blue Company, to provide public sewer service improvements for Clear Blue's proposed development, as well as other existing properties in the area (MWS Project No. 23-SL-0013 and Proposal No. 2023M-038AG-001).		
<b>Sponsors:</b>	Kyonzte Toombs, Sean Parker, Delishia Porterfield, John Rutherford		
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Participation Agreement Exhibit		

Date	Ver.	Action By	Action	Result
10/4/2023	1	Mayor	approved	
10/3/2023	1	Metropolitan Council	adopted	
10/2/2023	1	Budget and Finance Committee	approved	
10/2/2023	1	Planning and Zoning Committee	approved	
10/2/2023	1	Transportation and Infrastructure Committee	approved	
9/26/2023	1	Metropolitan Council	filed	
8/9/2023	1	Planning Commission	approved	

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 The Clear Blue Company, to provide public sewer service improvements for Clear Blue's proposed development, as well as other existing properties in the area (MWS Project No. 23-SL-0013 and Proposal No. 2023M-038AG-001).

WHEREAS, pursuant to the terms of the participation agreement, attached hereto as Exhibit 1, The Clear Blue Company ("Developer") in compliance with all Metropolitan Government of Nashville and Davidson County ("METRO") requirements and specifications, will contract and oversee 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 four sanitary sewer manholes on Ewing Drive, Dickerson Pike, and Ben Allen Road for offsite sewer improvements, to serve the residents of Ben Allen Ridge, as shown in Exhibit 2 hereto attached, Project No. 23-SL-0013; and,

WHEREAS, METRO will inspect the construction and upon acceptance, will be responsible for ongoing operation and maintenance; and,

WHEREAS, METRO agrees to pay the lesser of fifty percent (50%) of the actual project costs not to exceed Five Hundred Thousand Eighty-One Dollars (\$581,000.00) as a contribution towards these improvements; 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 Project is deemed to benefit both parties and the general community.

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

Section 1. The participation agreement (Exhibit 1) between the Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Water and Sewerage Services, and The Clear Blue Company to improve public sewer services in Davidson County, Tennessee, attached hereto and incorporated herein, is hereby approved, and the Director of Water and Sewer Services is authorized to execute the same.

Section 2. Five Hundred Thousand Eighty-One Dollars (\$581,000.00) from METRO is available in Fund No. 47335 to pay the lesser of fifty percent (50%) of the actual project costs or Five Hundred Thousand Eighty-One Dollars (\$581,000.00) as a contribution towards the Project. In no event will METRO's contribution exceed \$581,000.00.

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.

### Analysis

This resolution approves a participation agreement between the Metropolitan Department of Water and Sewerage Services and The Clear Blue Company. The agreement allows The Clear Blue Company, as a developer, to construct approximately 663 linear feet of 12-inch sanitary sewer main (DIP), approximately 19 linear feet of 15-inch sanitary sewer main, and four sanitary sewer manholes to serve the Ben Allen Ridge development known as the Ewing Drive Offsite Sewer Improvements.

Metro will inspect the construction upon completion and will be responsible for ongoing operation and maintenance upon acceptance. Metro will pay the lesser of either half of the project cost or \$581,000 as part of the agreement. The improvements must be operational by December 31, 2024, or the contract will be null and void.

Ordinance No. BL2022-1214 allows the Metropolitan Department of Water and Sewerage Services to enter into participation agreements to fund infrastructure with developers by resolution with the Metro Council. The Metropolitan Planning Commission has recommended approval of the resolution.

*Fiscal Note: Metro will pay the lesser of 50% of the actual project costs not to exceed \$581,000 as contribution towards the Ewing Drive Offsite Sewer Improvements.*