



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** BL2024-237      **Name:**

**Type:** Bill (Ordinance)      **Status:** Passed

**File created:** 2/7/2024      **In control:** Metropolitan Council

**On agenda:** 3/19/2024      **Final action:** 3/19/2024

**Title:** An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing sanitary sewer mains, sanitary sewer manholes and easements, and to construct new public sanitary sewer mains, sanitary sewer manholes, and to accept easements, for property located at 104 Duluth Avenue and authorizing the director of Metro Water Services, or his designee, to execute a mutual release of liability. (MWS Project No. 23-SG-0144 and Proposal No. 2023M-188ES-001).

**Sponsors:** Delishia Porterfield, Jennifer Gamble, Sean Parker

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit

Date	Ver.	Action By	Action	Result
3/20/2024	1	Mayor	approved	
3/19/2024	1	Metropolitan Council	passed on third reading	
3/7/2024	1	Metropolitan Council	passed on second reading	
3/6/2024	1	Transportation and Infrastructure Committee	approved	
3/6/2024	1	Planning and Zoning Committee	approved	
3/6/2024	1	Budget and Finance Committee	approved	
2/20/2024	1	Metropolitan Council	passed on first reading	
2/13/2024	1	Metropolitan Council	filed	
12/6/2023	1	Planning Commission	approved	

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon existing sanitary sewer mains, sanitary sewer manholes and easements, and to construct new public sanitary sewer mains, sanitary sewer manholes, and to accept easements, for property located at 104 Duluth Avenue and authorizing the director of Metro Water Services, or his designee, to execute a mutual release of liability. (MWS Project No. 23-SG-0144 and Proposal No. 2023M-188ES-001).

WHEREAS, the abandonment of approximately 244 linear feet of existing eight-inch public sanitary sewer mains, two sanitary sewer manholes and the associated easement, and the construction of approximately 242 linear feet of new eight-inch public sanitary sewer mains (PVC), three sanitary sewer manholes, and the acceptance of a new public sanitary sewer easement, for property located at 104 Duluth Avenue, are needed to construct Project No. 23-SG-0144; and,

WHEREAS, in exchange for abandonment, construction and acceptance, the Metropolitan Government of Nashville and Davidson County, through the Department of Water and Sewerage Services, desire to enter into a mutual release of liability with the property owner of 104 Duluth Avenue, attached hereto as Exhibit 2.

WHEREAS, the Metropolitan Planning Commission approved mandatory referral No. 2023M-188ES-001 on

December 6, 2023, for the abandonment, construction and acceptance of said sanitary sewer mains, sanitary sewer manholes and easements.

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

Section 1. The Metropolitan Government of Nashville and Davidson County is authorized to abandon approximately 244 linear feet of existing eight-inch public sanitary sewer mains, two sanitary sewer manholes and the associated easement, to construct approximately 242 linear feet of new eight-inch public sanitary sewer mains (PVC), three sanitary sewer manholes, and to accept a new public sanitary sewer easement, for property located at 104 Duluth Avenue, as shown on Exhibit 1, which is attached hereto and incorporated by reference.

Map & Parcel:	Address:
09109003100	104 Duluth Avenue

Section 2. The Directors of Water and Sewerage Services and Public Property Administration are authorized to execute such documents as may be necessary and appropriate to carry out the abandonment, construction, and acceptance authorized by this ordinance.

Section 3. The Director of Water and Sewerage Services, or his designee, is authorized to execute the mutual release of liability, attached hereto as Exhibit 2.

Section 4. Amendments to this legislation shall be approved by resolution.

Section 5. This ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

### Analysis

This ordinance abandons approximately 244 linear feet of existing eight-inch public sanitary sewer mains, two sanitary sewer manholes and the associated easement, authorizes the construction of approximately 242 linear feet of new eight-inch public sanitary sewer mains (PVC), three sanitary sewer manholes, and accepts a new public sanitary sewer easement for property located at 104 Duluth Avenue.

In addition, this ordinance authorizes the Director of Metro Water Services to execute a mutual release of liability with the property owner, Tee Line LLC, regarding the construction of the new eight-inch public sanitary sewer mains. The construction is necessary after the parties discovered a previous property owner built an unpermitted addition over Metro's existing easement and sewer infrastructure. The infrastructure collapsed after the unpermitted addition was built.

The mutual release of liability provides that Metro would re-route the existing sewer line and/or install a new sewer line through the proposed easement at Metro's sole cost and expense. It further states that Metro would abandon the existing easement and that Metro and the property owner would release each other from any and all liability tied to the project and the related easements.

This ordinance has been approved by the Planning Commission. Future amendments to this ordinance may be approved by resolution.

*Fiscal Note: This ordinance has no cost to Metro. Abandoned easements have no market value according to*

*the Department of Water Services.*