



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #: RS2024-470 **Name:**

Type: Resolution **Status:** Passed

File created: 5/9/2024 **In control:** Metropolitan Council

On agenda: 5/21/2024 **Final action:** 5/21/2024

Title: 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 Elliston Hospitality, LLC, to provide improved public sanitary sewer service through the construction of an improved stormwater system (Project No. 2020060039 and Proposal Number 2024M-016AG-001).

Sponsors: Jacob Kupin, Delishia Porterfield, Jennifer Gamble, Sean Parker

Indexes:

Code sections:

Attachments: 1. Agreement Exhibit

Date	Ver.	Action By	Action	Result
5/22/2024	1	Mayor	approved	
5/21/2024	1	Metropolitan Council	adopted	
5/20/2024	1	Planning and Zoning Committee	approved	
5/20/2024	1	Transportation and Infrastructure Committee	approved	
5/20/2024	1	Budget and Finance Committee	approved	
5/14/2024	1	Metropolitan Council	filed	
4/12/2024	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 Elliston Hospitality, LLC, to provide improved public sanitary sewer service through the construction of an improved stormwater system (Project No. 2020060039 and Proposal Number 2024M-016AG-001).

WHEREAS, the Metropolitan Department of Water and Sewerage Services (“METRO”) owns and operates a combined sewer system located in the Kerrigan basin with combined flow directed to the Central Wastewater Treatment Plant and the Kerrigan outfall during heavy rain conditions; and,

WHEREAS, METRO desires to separate the stormwater and sewer flow in a 56 acre portion of the Kerrigan basin, thereby directing stormwater flow to the Cumberland River and the sewage flow to the Central Waste Water Treatment Plant; and,

WHEREAS, by separating the stormwater and sewage, METRO has an opportunity to reduce the overall volume load in the Kerrigan basin combined sewer resulting in a reduction in the potential for localized storm flooding, surcharging sewer, and odor. Furthermore, separating the stormwater and sewage will improve overall water quality in the Cumberland River; and,

WHEREAS, Elliston Hospitality, LLC (“DEVELOPER”) has been approved to construct a hotel development on a 0.61-acre site located in the Combined Sewer System for the Kerrigan Basin; and,

WHEREAS, METRO is developing the design and construction of dedicated storm infrastructure consistent with the Combined Sewer Master Plan; and,

WHEREAS, DEVELOPER agrees to provide on-site stormwater control measures and to provide METRO the amount of \$200,000.00 to fund the design and construction of the current and new stormwater infrastructure, according to the terms of the Combined Sewer Project Participation Agreement - 2221 Elliston Place, attached as Exhibit 1; and,

WHEREAS, METRO agrees to begin design and construction of the project 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 storm and sanitary sewer service improvement 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 Combined Sewer Project Participation Agreement - 2221 Elliston Place (Exhibit 1) between the Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Water and Sewerage Services, and Elliston Hospitality, LLC, 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 \$258,124.00 collected pursuant to the Participation Agreement shall be deposited into the 47335 fund, and monies shall be allocated exclusively for the Combined Sewer Elimination Program.

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 ("MWS") and Elliston Hospitality, LLC.

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 of the Metro Council. The Metropolitan Planning Commission has recommended approval of the resolution.

Pursuant to the terms of the participation agreement, Elliston Hospitality, LLC, has agreed to provide on-site stormwater control measures and to provide MWS the amount of \$258,124 to fund the design and construction of the current and new stormwater infrastructure, according to the terms of the Combined Sewer Project Participation Agreement - 2221 Elliston Place.

Fiscal Note: Metro will receive \$258,124 from Elliston Hospitality, LLC towards the Combined Sewer Project Participation Agreement - 2221 Elliston Place to fund the design and construction of the current and new

stormwater systems.