



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #: RS2023-2275 **Name:**

Type: Resolution **Status:** Passed

File created: 6/5/2023 **In control:** Metropolitan Council

On agenda: 6/20/2023 **Final action:** 6/20/2023

Title: A resolution approving Supplement #1 to an Intergovernmental Agreement by and between the State of Tennessee, Department of Transportation, and The Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Water and Sewerage Services, to construct PIN Number 105766.02, SR-11, (Nolensville Pike), from North of Mill Creek to near SR-254, located in Davidson County, Tennessee, (State Project No. 19028-2245-14, MWS Project No. 16-SG-0045 and Proposal No. 2023M-019AG-001).

Sponsors: John Rutherford, Kevin Rhoten, Brett Withers, Russ Pulley

Indexes:

Code sections:

Attachments: 1. Supplement 1 Exhibit

Date	Ver.	Action By	Action	Result
6/23/2023	1	Mayor	approved	
6/20/2023	1	Metropolitan Council	adopted	
6/20/2023	1	Transportation and Infrastructure Committee	given no recommendation	
6/20/2023	1	Planning and Zoning Committee	approved	
6/20/2023	1	Budget and Finance Committee	approved	
6/13/2023	1	Metropolitan Council	filed	
5/31/2023	1	Planning Commission	approved	

A resolution approving Supplement #1 to an Intergovernmental Agreement by and between the State of Tennessee, Department of Transportation, and The Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Water and Sewerage Services, to construct PIN Number 105766.02, SR-11, (Nolensville Pike), from North of Mill Creek to near SR-254, located in Davidson County, Tennessee, (State Project No. 19028-2245-14, MWS Project No. 16-SG-0045 and Proposal No. 2023M-019AG-001).

WHEREAS, RS2018-1100 approved an agreement between The Metropolitan Government of Nashville and Davidson County, through the Department of Water and Sewerage Services (“Metro”), and the State of Tennessee, Department of Transportation (“TDOT”) for plans to construct Project No. 19028-2245-14, PIN Number 105766.02, SR-11, (Nolensville Pike), from North of Mill Creek to near SR-254, located in Davidson County, which requires the relocation of utilities as described in the Intergovernmental Agreement dated April 11, 2018; and,

WHEREAS, the parties wish to amend the Intergovernmental Agreement from April 11, 2018 to reflect the updated cost estimate of the project; and,

WHEREAS, TDOT is liable for the relocation of utility facilities located on private utility right-of-way and is authorized, in accordance with TCA 54-5-804, to reimburse the Utility for the relocation of utility facilities

located on public highway right-of-way but is not liable for any utility betterment costs; and,

WHEREAS, in accordance with TDOT policy, reimbursement for relocating utility facilities on public highway right-of-way for municipally owned utilities, Utility Districts, or Utility Cooperatives, as defined in TDOT's Policy #340-07, is capped at a maximum reimbursement of \$1,750,000; and,

WHEREAS, pursuant to the terms of Supplement #1 to Utility Relocation Contract No. 8755, the estimated cost of relocating the facilities is \$1,524,810.00; and,

WHEREAS, Tennessee Code Annotated, Section 12-9-104(a)(2)(b), authorizes The Metropolitan Government of Nashville and Davidson County to approve an agreement with TDOT by resolution; and,

WHEREAS, it is in the interest of the Metropolitan Government of Nashville and Davidson County that this utility work be carried out.

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

Section 1. That Supplement #1 to Utility Relocation Contract No. 8755 with TDOT, attached hereto as Exhibit 1 and incorporated herein by reference, is hereby approved, and that the Metropolitan Mayor is authorized to execute the same.

Section 2. That this resolution shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This resolution approves Supplement #1 to an intergovernmental agreement between the Tennessee Department of Transportation and the Metropolitan Department of Water and Sewerage Services ("MWS") originally approved by Resolution No. RS2018-1100. RS2018-1100 authorized MWS to enter into a Utility Relocation Contract with TDOT to allow construction of State Project No. 19028-2245-14, SR-11 (Nolensville Pike) from North of Mill Creek to near SR-254 (Old Hickory Boulevard).

This Supplement amends the intergovernmental agreement previously approved by RS2018-1100 to reflect the updated cost estimate of the project. The estimated cost of relocating the facilities would be increased by \$763,645, from \$761,165 to \$1,524,810. TDOT caps the maximum reimbursement for relocating utility facilities on public highway right-of-way for municipalities at \$1,750,000.

Fiscal Note: The estimated total cost of relocating the facilities would increase by \$763,645, from \$761,165 to \$1,524,810. The reimbursement of the cost to Metro is limited to 75% of actual allowable costs up to a maximum reimbursement cap of \$1,750,000.