



# Metropolitan Nashville and Davidson County, TN

## Legislation Text

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**File #:** RS2023-2151, **Version:** 1

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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 GTOM West End, LLC, to provide improved public sanitary sewer service through the construction of an improved stormwater system (Project No. 2022066576 and Proposal Number 2023M-012AG-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, GTOM West End, LLC (“DEVELOPER”) has been approved to construct a 27-story mixed use residential tower on a 0.87-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 CSEP Separation Project Participation Agreement - The Sinclair, 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 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 CSEP Separation Project Participation Agreement - The Sinclair (Exhibit 1) between the Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Water

and Sewerage Services, and GTOM West End, 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 \$200,000.00 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 GTOM West End, LLC.

The Council passed Ordinance No. BL2022-1214 on May 17, 2022, which authorizes MWS to enter into participation agreements with developers for infrastructure projects via resolutions. This is codified at Metropolitan Code of Laws Section 15.36.130.

Pursuant to the terms of this participation agreement, GTOM West End, LLC has agreed to provide on-site stormwater control measures and to provide MWS the amount of \$200,000 to fund the design and construction of the current and new stormwater infrastructure, according to the terms of the CSEP Separation Project Participation Agreement - The Sinclair.

*Fiscal Note: The Department of Water and Sewerage Services will receive \$200,000 from GTOM West End, LLC, towards the Combined Sewer Elimination Program to fund the design and construction of the current and new stormwater systems for the Kerrigan Basin.*