



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2022-1214, **Version:** 1

An ordinance amending the Metropolitan Code of Laws to authorize the Metropolitan Department of Water and Sewerage Services to enter into participation and maintenance agreements with developers for infrastructure projects via resolution.

WHEREAS, the Metropolitan Department of Water and Sewerage Services (“MWS”) often enters into participation agreements with developers for lay and deed projects, wherein the developer will design and construct public infrastructure to MWS standards serving their development, and upon completion, deed the infrastructure to MWS, participation agreements where MWS accepts funding to utilize toward future systemwide upgrades or maintenance agreements where MWS accepts funding towards the future increase in cost for the operation and maintenance costs of infrastructure; and,

WHEREAS, MWS monetary participation is typically limited to the difference between the infrastructure the developer must provide to serve the new development and upgrades MWS deems necessary for the system as a whole; and,

WHEREAS, MWS accepts funding to use toward future systemwide upgrades or to fund the future increase in cost for the operation and maintenance costs of infrastructure; and,

WHEREAS, the developer’s and the department’s provision of updated and extended public infrastructure aid in improving the overall stormwater volume load, improving water quality and preventing surcharging sewer; and,

WHEREAS, permitting participation and maintenance agreements by resolution accelerates the project timeline which will benefit the citizens of Nashville and Davidson County.

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

Section 1. That the Metropolitan Code of Law is hereby amended by adding a new section, Section 15.36.130 Participation with Development, and the following language:

The Metropolitan Council may approve participation agreements for lay and deed infrastructure projects, participation agreements for funding to utilize toward future systemwide upgrades and maintenance agreements for funding towards the future increase in cost for the operation and maintenance costs of infrastructure between the Metropolitan Department of Water and Sewerage Services and developers by resolution.

Section 2. Amendments to this legislation shall be approved by resolution.

Section 3. 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 amends Chapter 15.36 of the Metropolitan Code of laws to authorize the Metropolitan Department of Water and Sewerage Services to enter into participation and maintenance agreements with

developers for infrastructure projects by resolution.

Pursuant to this new Section 15.36.130, the Council would be authorized to approve participation agreements between developers and MWS for lay and deed infrastructure projects, participation agreements for funding for systemwide upgrades, and maintenance agreements for funding the costs of infrastructure by resolution.