



# Metropolitan Nashville and Davidson County, TN

## Legislation Text

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**File #:** RS2023-2215, **Version:** 1

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A resolution approving an intergovernmental license agreement entered into by and between the Metropolitan Government of Nashville and Davidson County, acting by and through the Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”), and the State of Tennessee, acting by and through its Commissioner of Transportation (“the State”), granting NDOT permission to use a portion of the sound wall along I-40 on Carroll Street from Charles E. Davis Boulevard to 1st Avenue to install, operate, and maintain transportation artwork on the Carroll Street-facing side of the existing sound wall along I-40.

WHEREAS, the Metropolitan Government of Nashville and Davidson County previously adopted and approved a resolution, RS2022-1629, supporting the artwork and project “Athens of the South” (the “Project”) and approving the application for the license agreement between the State and the Metropolitan Government of Nashville and Davidson County; and,

WHEREAS, NDOT intends to use a portion of the State’s sound wall along I-40 on Carroll Street from Charles E. Davis Boulevard to 1st Avenue for the Project (“the Licensed Premises”); and,

WHEREAS, pursuant to the terms of the intergovernmental license agreement, attached hereto as “Exhibit A”, the State proposes to grant a no-cost license to NDOT to use the Licensed Premises for the Project; and,

WHEREAS, T.C.A. § 12-9-104(b) provides that any two or more public agencies may enter into agreements with one another for joint or cooperative action based on the appropriate action of the governing bodies of the participating public agencies by resolution or otherwise, pursuant to law, which shall be necessary before any such agreement may enter into force; and,

WHEREAS, the Project will be historical of the community of Nashville, Tennessee, and will not involve building or modifying a structure or any other work that will be done on State right-of-way; and,

WHEREAS, it is in the best interest of the Metropolitan Government that this intergovernmental license agreement be approved.

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

Section 1. That the intergovernmental license agreement by and between the Metropolitan Government of Nashville and Davidson County, acting by and through NDOT, and the State of Tennessee, acting by and through its Commissioner of Transportation, granting NDOT permission to use a portion of the sound wall along I-40 on Carroll Street from Charles E. Davis Boulevard to 1st Avenue to install, operate, and maintain transportation artwork on the Carroll Street-facing side of the existing sound wall along I-40, in connection with the Project, is hereby approved and the Metropolitan Mayor is authorized to execute the same.

Section 2. 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 an intergovernmental license agreement between the Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”) and the Tennessee Commissioner of Transportation

granting NDOT permission to use a portion of the sound wall along I-40 on Carroll Street from Charles E. Davis Boulevard to 1<sup>st</sup> Avenue to install, operate, and maintain transportation artwork.

The initial plans for this artwork and the application for the license agreement were previously approved by Council pursuant to Resolution No. RS2022-1629. This artwork project, entitled "Athens of the South", will be installed on the soundwall.

The license will be given from the State to NDOT at no cost. The license is for a ten-year term and is renewable.