



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: RS2023-2021, **Version:** 1

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 Development Street Development, LLC, to provide stormwater infrastructure improvements through funding the design and construction of an improved stormwater system (MWS Project No. 2021083334 and Proposal No. 2023M-006AG-001).

WHEREAS, the Metropolitan Department of Water and Sewerage Services ("METRO") owns and operates the Municipal Separated Storm System; and,

WHEREAS, METRO desires to make stormwater infrastructure improvements in the Browns Creek basin; and,

WHEREAS, by improving the stormwater infrastructure, METRO has an opportunity to reduce the potential for localized storm flooding. Furthermore, the improvements to the stormwater system will help to improve overall water quality in the Cumberland River; and,

WHEREAS, Development Street Development, LLC ("DEVELOPER") has been approved to construct an office building known as Ensley Office Building, which is located in the MS4 for the Browns Creek Basin; and,

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

WHEREAS, DEVELOPER agrees to provide on-site stormwater control measures and to provide METRO the amount of \$60,000.00 to fund the design and construction of the current and new stormwater systems, according to the terms of the Stormwater Improvement Project Participation Agreement - Ensley Office Building, 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, the provision of such storm sewer service improvement is deemed to benefit both parties and the general community.

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

Section 1. Stormwater Improvement Project Participation Agreement - Ensley Office Building (Exhibit 1) between the Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Water and Sewerage Services, and Development Street Development, 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 \$60,000.00 collected pursuant to the Participation Agreement shall be deposited into the 67411 fund, and monies shall be allocated exclusively for the Stormwater Improvement Project.

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 Development Street Development, LLC (“the Developer”).

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, the Developer will provide on-site stormwater control measures related to the construction of an office building in the Browns Creek Basin. The Developer will also provide \$60,000 to MWS to fund the design and construction of the current and new stormwater systems.

Fiscal Note: Metro would receive \$60,000 from Development Street Development, LLC for the stormwater infrastructure improvements in the Browns Creek Basin under this participation agreement.