



# Metropolitan Nashville and Davidson County, TN

## Legislation Text

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**File #:** RS2021-825, **Version:** 1

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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 103764.00, SR-112, (Clarksville Highway), from SR-12 (Ashland City Highway) to SR-155 (Briley Parkway), State Project No. 19046-2214-14, MWS Project Nos. 16-SC-0034 and 16-WC-0042 and Proposal No. 2017M-014AG-002).

WHEREAS, RS2017-778 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. 19046-2214-14, PIN Number 103764.00, SR-112, (Clarksville Highway), from SR-12 (Ashland City Highway) to SR-155 (Briley Parkway), located in Davidson County, which requires the relocation of utilities as described in the Intergovernmental Agreement dated July 26, 2017; and,

WHEREAS, the parties wish to amend the Intergovernmental Agreement from July 26, 2017 to reflect the updated cost estimate of the project and betterments; 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. 8713, the estimated cost of relocating the facilities is \$2,553,825.00, and the Department of Water and Sewerage Services agrees to pay a deposit to TDOT of \$1,050,125.00, consisting of \$1,050,025.00 in betterment costs, of which \$84,010.00 represents pro-rata costs of utility facilities located on public highway right-of-way above the maximum reimbursement of \$1,750,000 for the actual cost for the utility work; 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 and betterment 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. 8713 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 an amendment to a utility relocation contract between Metro Water Services (MWS) and the Tennessee Department of Transportation (TDOT) for a TDOT roadway project on Clarksville Highway from Ashland City Highway to Briley Parkway. The original estimate for the utility relocation work was \$1,378,800, with 8% of this cost representing the pro-rata share to which Metro is entitled to reimbursement for the relocation of utility facilities located on private utility right-of way and 92% for relocation of utility facilities located on public highway right-of-way.

This amendment increases the utility relocation cost due to project improvements. Under TDOT policy, the reimbursement to local governments for relocating municipally owned utilities is capped at \$1,750,000. The estimated cost of relocating the utilities is now \$2,553,825. Under the amended agreement, MWS will pay a deposit to TDOT of \$1,050,125 in improvements to the MWS infrastructure, of which \$84,010 represents pro-rata costs of utility facilities located on public highway right-of-way above the maximum reimbursement of \$1,750,000 for the actual cost for the utility work.