



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

<b>File #:</b>	RS2022-1465	<b>Name:</b>	
<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	3/22/2022	<b>In control:</b>	Metropolitan Council
<b>On agenda:</b>	4/5/2022	<b>Final action:</b>	4/5/2022
<b>Title:</b>	A resolution authorizing The Metropolitan Government of Nashville and Davidson County, acting by and through Metro Water Services, to enter into a Facility Encroachment Agreement with CSX TRANSPORTATION, INC. to construct, use and maintain culverts in the railroad right-of-way at Hogan Road and Regent Drive, in Davidson County, (Project No. 20-SWC-297 and Proposal No. 2022M-010AG-001).		
<b>Sponsors:</b>	Courtney Johnston, Burkley Allen, Brett Withers, Zach Young		
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Agreement		

Date	Ver.	Action By	Action	Result
4/6/2022	1	Mayor	approved	
4/5/2022	1	Metropolitan Council	adopted	
3/29/2022	1	Metropolitan Council	referred	
3/29/2022	1	Metropolitan Council	referred	
3/29/2022	1	Metropolitan Council	referred	
3/29/2022	1	Metropolitan Council	filed	
3/1/2022	1	Planning Commission	approved	

A resolution authorizing The Metropolitan Government of Nashville and Davidson County, acting by and through Metro Water Services, to enter into a Facility Encroachment Agreement with CSX TRANSPORTATION, INC. to construct, use and maintain culverts in the railroad right-of-way at Hogan Road and Regent Drive, in Davidson County, (Project No. 20-SWC-297 and Proposal No. 2022M-010AG-001).

WHEREAS, The Metropolitan Government of Nashville and Davidson County, through Metro Water Services ("Licensee") desires to construct, or cause to be constructed, use and maintain, one 19 inch by 30 inch drain culvert and one five foot by two and a half foot box culvert solely for the conveyance of stormwater over, under, or across property owned or controlled by CSX TRANSPORTATION, INC. ("Licensor"), pursuant to the terms of the Facility Encroachment Agreement (CSX916524), attached hereto in substantial form as Exhibit 1, and,

WHEREAS, Licensee shall pay Licensor a one-time nonrefundable Encroachment Fee of Five Thousand One Hundred and 00/100 Dollars (\$5,100.00) upon execution of this contract; and,

WHEREAS, approval of this agreement will benefit the citizens of The Metropolitan Government of Nashville and Davidson County.

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

Section 1. The Facility Encroachment Agreement, attached hereto in substantial form as Exhibit 1 and

incorporated herein by reference, is hereby approved, and that the Metropolitan Mayor is authorized to execute the same.

Section 2. Any amendments, renewals, or extension of the terms of this agreement or future water, sewer or stormwater projects with CSX Transportation, Inc. may be approved by resolution of the Metropolitan Council.

Section 3. 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 authorizes the Metropolitan Department of Water Services (MWS) to enter into a Facility Encroachment Agreement with CSX Transportation, Inc. (CSX) to construct, use, and maintain culverts in the railroad right-of-way at Hogan Road and Regent Drive in Davidson County.

Pursuant to this agreement, MWS would construct, use, and maintain one 19 inch by 30 inch drain culvert and one five foot by two and a half foot box culvert solely for the conveyance of stormwater over, under, or across property owned or controlled by CSX. Metro would pay CSX a one-time encroachment fee of \$5,100.

*Fiscal Note: Metro Water Services would pay the encroachment fee in the amount of \$5,100.*