



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

<b>File #:</b>	BL2022-1218	<b>Name:</b>	
<b>Type:</b>	Bill (Ordinance)	<b>Status:</b>	Passed
<b>File created:</b>	4/7/2022	<b>In control:</b>	Metropolitan Council
<b>On agenda:</b>	5/17/2022	<b>Final action:</b>	5/17/2022
<b>Title:</b>	An ordinance authorizing the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, to enter into an agreement with 804 14th Avenue North, LLC, to provide improved public sanitary sewer service through the construction of an improved stormwater system (Project No. SWGR 2021000149 and Proposal Number 2022M-014AG-001).		
<b>Sponsors:</b>	Freddie OConnell, Burkley Allen, Brett Withers, Zach Young		
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Agreement Exhibit		

Date	Ver.	Action By	Action	Result
5/18/2022	1	Mayor	approved	
5/17/2022	1	Metropolitan Council	passed on third reading	
5/5/2022	1	Metropolitan Council	passed on second reading	
5/5/2022	1	Transportation and Infrastructure Committee	approved	
5/2/2022	1	Budget and Finance Committee	approved	
5/2/2022	1	Planning and Zoning Committee	approved	
4/19/2022	1	Metropolitan Council	passed on first reading	
4/12/2022	1	Metropolitan Council	filed	
3/17/2022	1	Planning Commission	approved	

An ordinance authorizing the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, to enter into an agreement with 804 14<sup>th</sup> Avenue North, LLC, to provide improved public sanitary sewer service through the construction of an improved stormwater system (Project No. SWGR 2021000149 and Proposal Number 2022M-014AG-001).

WHEREAS, the Metropolitan Department of Water and Sewerage Services ("METRO") owns and operates a combined sewer system located in the Kerrigan basin with combined flow directed to the Central Wastewater Treatment Plant and the Kerrigan outfall during heavy rain conditions; and,

WHEREAS, METRO desires to separate the stormwater and sewer flow in a 56 acre portion of the Kerrigan basin, thereby directing stormwater flow to the Cumberland River and the sewage flow to the Central Waste Water Treatment Plant; and,

WHEREAS, by separating the stormwater and sewage, METRO has an opportunity to reduce the overall volume load in the Kerrigan basin combined sewer resulting in a reduction in the potential for localized storm flooding, surcharging sewer, and odor. Furthermore, separating the stormwater and sewage will improve overall water quality in the Cumberland River; and,

WHEREAS, 804 14<sup>th</sup> Avenue North, LLC ("DEVELOPER") has been approved to construct a 60-unit hotel development located in the Combined Sewer System for the Kerrigan Basin; and,

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

WHEREAS, DEVELOPER agrees to provide on-site stormwater control measures and to provide METRO the amount of \$100,000.00 to fund the design and construction of the current and new stormwater infrastructure, according to the terms of the CSEP Separation Project Participation Agreement - 804 14<sup>th</sup> Avenue North, 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. The CSEP Separation Project Participation Agreement - 804 14<sup>th</sup> Avenue North (Exhibit 1) between the Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Water and Sewerage Services, and 804 14<sup>th</sup> Avenue North, 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 \$100,000.00 collected pursuant to the Participation Agreement shall be deposited into the 47335 fund, and monies shall be allocated exclusively for the Combined Sewer Elimination Program.

Section 3. Amendments to this legislation shall be approved by resolution.

Section 4. 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 authorizes the execution of an agreement with 804 14<sup>th</sup> Avenue North, LLC, to provide improved public sanitary sewer service through the construction of an improved stormwater system. 804 14<sup>th</sup> Avenue North, LLC, will be constructing a 60-unit hotel development which is located in the combined sewer system and the Kerrigan basin. Currently, Metro operates the combined sewer system in the Kerrigan Basin which, if separated, would provide the potential for reduced localized storm flooding, surcharging sewer, and odors. The separation will also improve the overall water quality in the Cumberland River.

Metro will be responsible for the design and construction of the sewer separation infrastructure. 804 14<sup>th</sup> Avenue North, LLC will be responsible for the payment of \$1000,000 to fund the design and construction. 804 14<sup>th</sup> Avenue North, LLC will also be providing on-site stormwater control measures. Metro will also provide 804 14<sup>th</sup> Avenue North, LLC temporary access to the current combined system if the new separated system is not completed when the application for the use and occupancy permit for the multi-story development is submitted.

*Fiscal Note: Metro will receive \$100,000 from 804 14<sup>th</sup> Avenue North, LLC, to be deposited to fund 47335 for the design and construction of the current and new stormwater infrastructure.*