# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

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| **File #:** | RS2022-1913 | | |
| **Type:** | Resolution | **Status:** | Passed |
| **File created:** | 12/9/2022 | **In control:** | Metropolitan Council |
| **On agenda:** | 12/20/2022 | **Final action:** | 12/20/2022 |
| **Title:** | 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 ECG 49TN, LLC, to provide stormwater infrastructure improvements through funding the design and construction of an improved stormwater system (MWS Project No. 2020046476 and Proposal No. 2022M-047AG-001). | | |
| **Sponsors:** | Mary Carolyn Roberts, Kevin Rhoten, Brett Withers, Russ Pulley | | |
| **Indexes:** | | | |
| **Code sections:** | | | |
| **Attachments:** | 1. Agreement Exhibit | | |

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 12/22/2022 | 1 | Mayor | approved | |
| 12/20/2022 | 1 | Metropolitan Council | adopted | |
| 12/20/2022 | 1 | Transportation and Infrastructure Committee | approved | |
| 12/19/2022 | 1 | Planning and Zoning Committee | approved | |
| 12/19/2022 | 1 | Budget and Finance Committee | approved | |
| 12/13/2022 | 1 | Metropolitan Council | filed | |
| 11/30/2022 | 1 | Planning Commission | approved | |

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 ECG 49TN, LLC, to provide stormwater infrastructure improvements through funding the design and construction of an improved stormwater system (MWS Project No. 2020046476 and Proposal No. 2022M-047AG-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 based on the State Street North Stormwater Management Study (Study Area) of the 697 acre drainage basin in the West Nashville area known as the Nations; which is a portion of the Richland Creek basin and ultimately discharges to the Cumberland River**;** 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, ECG 49 TN, LLC (“DEVELOPER”) has been approved to construct six additional multifamily units on 0.5 acres as Phase Two of the 49th and Tennessee development located in Section 2-3 of the Study Area

and discharges to the Richland 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 $46,000.00 to fund the design and construction of the current and new stormwater systems, according to the terms of the Nations Area Stormwater Improvement Project Participation Agreement - 49th and Tennessee Phase 2, 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. Nations Area Stormwater Improvement Project Participation Agreement - 49th and Tennessee Phase 2 (Exhibit 1) between the Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Water and Sewerage Services, and ECG 49 TN, 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 $46,000.00 collected pursuant to the Participation Agreement shall be deposited into the 67431 fund, and monies shall be allocated exclusively for the Nations Area 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 ECG 49TN, LLC (“ECG 49TN”), to provide stormwater infrastructure improvements through funding the design and construction of an improved stormwater system.

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.

The MWS owns and operates the Municipal Separated Storm System. MWS desires to make stormwater infrastructure improvements based on the State Street North Stormwater Management Study of the 697-acre drainage basin in the West Nashville area known as the Nations, which is part of the Richland Creek basin and ultimately discharges into the Cumberland River. ECG 49TN is constructing six multifamily units at the 49th and Tennessee development. ECG 49TN agrees to provide on-site stormwater control measures and pay fees toward off-site public infrastructure improvements to the current stormwater system and construction of a new stormwater system.

Pursuant to this agreement, ECG 49TN will provide MWS with $46,000 to fund the design and construction of current and new stormwater systems in the Nations area. All design and work will be completed by MWS.

*Fiscal Note: ECG 49TN, LLC, will provide the Metropolitan Department of Water and Sewerage Services with $46,000 for the design and construction of current and new stormwater systems in the Nations area.*