



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #: BL2023-142

Type: Bill (Ordinance) **Status:** Passed

File created: 12/8/2023 **In control:** Transportation and Infrastructure Committee

On agenda: 2/6/2024 **Final action:** 2/6/2024

Title: An ordinance approving a participation agreement between the Metropolitan Government and Tennessee Stadium, LLC for the design and construction of a sewage pump station and associated lines and equipment (Proposal No. 2023M-048AG-001).

Sponsors: Jacob Kupin, Delishia Porterfield, Jennifer Gamble, Sean Parker

Indexes:

Code sections:

Attachments: 1. Participation Agreement Exhibits

Date	Ver.	Action By	Action	Result
2/8/2024	1	Mayor	approved	
2/6/2024	1	Metropolitan Council	passed on third reading	
1/23/2024	1	Metropolitan Council	passed on second reading	
1/22/2024	1	Transportation and Infrastructure Committee	approved	
1/22/2024	1	Planning and Zoning Committee	approved	
1/22/2024	1	Budget and Finance Committee	approved	
12/19/2023	1	Metropolitan Council	passed on first reading	
12/12/2023	1	Planning Commission	approved	
12/12/2023	1	Metropolitan Council	filed	

An ordinance approving a participation agreement between the Metropolitan Government and Tennessee Stadium, LLC for the design and construction of a sewage pump station and associated lines and equipment (Proposal No. 2023M-048AG-001).

WHEREAS, the Metropolitan Government owns a parcel of property at 6 Main Street (Metro Parcel ID 09302006800; the "Property"); and

WHEREAS, the Metropolitan Government expects the rapid redevelopment of properties on and near the east bank of the Cumberland River in the area (the "Central East Bank Redevelopment Area" or "CEBRA") depicted on the drawing attached to this ordinance as Exhibit 1; and

WHEREAS, the existing sanitary sewer system currently serving the CEBRA has adequate capacity for existing needs but not for the substantially increased demand expected with redevelopment; and

WHEREAS, pursuant to the agreement (the "Agreement") attached as Exhibit 2, Tennessee Stadium, LLC proposes to design and build a new sewage pumping station and associated sewer lines (collectively, the "CEBRA Pump Station") on the Property capable of serving the CEBRA, including the new stadium project approved pursuant to BL2023-1741; and

WHEREAS, the parties anticipate that flow from the new stadium will require approximately 20% of the initial

capacity of the CEBRA Pump Station, and the Agreement provides for Tennessee Stadium, LLC to pay 20% of total CEBRA Pump Station costs.

WHEREAS, approval of the Agreement is in the best interest of the Metropolitan Government.

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

Section 1. The Agreement is approved, and the Director of the Department of Water and Sewerage Services or the Director's designee is authorized to execute and deliver it.

Section 2. Tennessee Stadium, LLC is authorized to enter upon the Property for the purposes of completing the work contemplated by the Agreement.

Section 3. Amendments to the Agreement may be approved by resolution of the Metropolitan Council.

Section 4. This Ordinance shall take effect from and after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This ordinance approves a participation agreement between the Metropolitan Government ("Metro") and Tennessee Stadium, LLC ("TNS"), for the design and construction of a sewage pump station and associated lines and equipment.

Metro owns a parcel of property at 6 Main Street. Metro anticipates significant development on the east bank of the Cumberland River that the existing sanitary sewer system is not adequate to serve. For that reason, TNS proposes to design and build a new sewer pumping station and associated sewer lines capable of serving the Central East Bank Redevelopment Area ("CEBRA"). This area includes the new stadium project approved pursuant to Ordinance No. BL2023-1741. Metro and TNS anticipate that the new stadium will require approximately 20% of the initial capacity of the CEBRA pump station.

Pursuant to the terms of the participation agreement, it is anticipated that the total cost of the CEBRA pump station project and related trunk sewer and force main segments and connections will be approximately \$32,500,000. TNS will be responsible for \$6,500,000, which represents 20% of the total estimated project cost. Metro will pay the difference between the actual project design costs and TNS's total share of the costs. TNS will be responsible for 20% of the initial project costs plus 20% of any additional costs, as defined in the agreement.

TNS agrees to engage a qualified design-build contractor to construct the pump station project by written contract. TNS is required to use the existing contractor engaged for the force sewer main relocation associated with the new stadium. The contract for the pump station project is subject to approval by the Metropolitan Department of Law and must include certain provisions required by the participation agreement, including, but not limited to, requirements that the contract provide a fixed price for the pump station project not to exceed \$30,000,000, that Metro is not responsible for costs associated with errors or omissions in the final plans, and that Metro is indemnified by the contractor. TNS also agrees to pursue the completion of the pump station on or before July 1, 2026. Upon completion, the pump station will be transferred to Metro. The participation agreement becomes effective upon approval of the Council and upon the date of its filing with the Metropolitan Clerk.

Fiscal Note: It is estimated that Metro would pay approximately \$26,000,000 towards the cost of the design and construction of a new sewage pumping station, representing 80% of the total estimated project cost.