



# Metropolitan Nashville and Davidson County, TN

## Legislation Text

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**File #:** RS2021-796, **Version:** 1

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A resolution authorizing The Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Water and Sewerage Services, hereinafter called the "Licensee," to enter into a Facility Encroachment Agreement with CSX TRANSPORTATION, INC. hereinafter called "Licensor" to construct, use and maintain water main in the railroad right-of-way at Division Street, south of 7th Avenue South in Davidson County, (Project No. 20-WG-070 and Proposal No. 2021M-008AG-001).

WHEREAS, Licensee desires to construct, or cause to be constructed, use and maintain, one 36 inch diameter sub-grade pipeline solely for the conveyance of potable water over, under, or across property owned or controlled by Licensor, pursuant to the terms of the Facility Encroachment Agreement (CSX915111), attached hereto in substantial form as Exhibit 1; and,

WHEREAS, Ordinance No. O98-1393 authorized The Metropolitan Government of Nashville and Davidson County to enter these types of agreements with CSX for water and sewer line construction by resolution; and,

WHEREAS, Licensee shall pay Licensor a one-time nonrefundable License and Insurance Fee of Twenty-two Thousand Four Hundred and 00/100 Dollars (\$22,400.00) 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 the agreement 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 approves a facility encroachment agreement between CSX Transportation and Metro Water Services (MWS) for the installation of a 36" pipe below the CSX right-of-way between Oak Street and Kayne Avenue. MWS will be required to make a one time license fee payment of \$10,200 to CSX for the encroachment, plus a \$6,200 insurance fee and a \$6,000 review fee, for a total fee \$22,400.

This resolution has been approved by the planning commission.