

BROADMOOR OFFSITE SEWER PARTICIPATION AGREEMENT

THIS AGREEMENT is entered into by and between **Legacy South Builders, LLC**, hereinafter known as "**DEVELOPER**", and The Metropolitan Government of Nashville and Davidson County acting through the Metropolitan Department of Water and Sewerage Services, hereinafter known as "**METRO**".

WHEREAS, both **DEVELOPER** and **METRO** desire to provide improved public sanitary sewer service for both its proposed development as well as the existing properties in this area; and

WHEREAS, **DEVELOPER** has been approved to serve its development Walton Station to the north of the Broadmoor Offsite Sewer project; known as Project No. 25-SL-120, and

WHEREAS, the provision of such sanitary sewer service will directly benefit both parties and the general community of Nashville and Davidson County, Tennessee; and

NOW, THEREFORE, DEVELOPER AND METRO AGREE AS FOLLOWS:

I. SCOPE OF WORK:

A project consisting of the construction of approximately 1,662 linear feet of 15-inch sanitary sewer main (PVC), approximately 514 linear feet of 16-inch sanitary sewer main (DIP), approximately 199 linear feet of 18-inch sanitary sewer main (PVC), and fourteen (14) sanitary sewer manholes of offsite sanitary sewer improvements to serve the Walton Station development.

II. PAYMENT TERMS AND CONDITIONS:

- A. **DEVELOPER** will contract and oversee construction of this project, and DEVELOPER design shall meet all METRO specifications and requirements including telemetry and any required repeater sites.
- B. **METRO** will inspect the construction and will be responsible for ongoing operation and maintenance.
- C. **METRO's** level of participation is based on a determination by METRO utilizing a benefit/cost analysis to the project area's existing customer base and overall systemic operational needs. For this specific project, **METRO's** level of participation will be the lesser of 50% of the actual project costs not to exceed \$1,150,000.00 as a contribution towards these improvements. This amount is based on the secured competitive bid prices of three licensed contractors. The awarded bid amount and unit prices are within range of recently bid public projects of similar scope and size.
- D. This agreement is subject to the approval through Resolution (one reading) of The Metropolitan Council of Nashville and Davidson County and will be null and void if the improvements are not operational by December 1, 2026.
- E. This project must be constructed or obligated for this Funding Agreement to become binding on either party.

III. FUTURE AMENDMENTS:

Any future amendments to this agreement shall be approved by resolution of the Metropolitan Council.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed.

RECOMMENDED BY:

DocuSigned by:

Scott Potter

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Director Metropolitan Department of Water and Sewerage Services

APPROVED AS TO AVAILABILITY OF FUNDS:

Signed by:

Jenneen Reed/mjw

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Director of Finance

APPROVED AS TO FORM AND LEGALITY:

Signed by:

Hannah Zeitlin

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Metropolitan Attorney

THE METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY:

Metropolitan Mayor

ACCEPTED BY:

Frank E. Neal IV

Developer

Sworn to and subscribed to before me, a Notary Public,
3rd day of *March* 2026

by *Frank. E. Neal IV* of
Developer and duly authorized to execute this instrument
on Developer's behalf.

Patrick Hines

Notary Public



My Commission Expires: *3/2018*

ATTEST:

Metropolitan Clerk

Date: _____