

RESOLUTION NO. RS2018-1094

A resolution authorizing The Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Water and Sewerage Services, to enter into a Utility Relocation Contract No. 8756 with the State of Tennessee, Department of Transportation, to construct PIN Number 105766.02, SR-11, (Nolensville Pike), from North of Mill Creek to near SR-254, located in Davidson County, Tennessee, (State Project No. 19028-2245-14, MWS Project Nos. 16-SG-0045 and 16-WG-0060 and Proposal No. 2018M-002AG-001).

WHEREAS, the State of Tennessee, Department of Transportation (“TDOT”) plans to construct Project No. 19028-2245-14, PIN Number 105766.02, SR-11, (Nolensville Pike), from North of Mill Creek to near SR-254, located in Davidson County, which will require the relocation of utilities as described in Utility Relocation Contract No. 8756, attached hereto as Exhibit 1, and will include betterment to The Metropolitan Government of Nashville and Davidson County’s (“Metro”) facilities; and,

WHEREAS, while TDOT is not liable for any utility betterment costs, TDOT is liable for the relocation of utility facilities located on private utility right-of-way and is authorized, in accordance with TCA 54-5-804, to reimburse the Utility for the relocation of utility facilities located on public highway right-of-way; and,

WHEREAS, in accordance with TDOT policy, reimbursement for relocating utility facilities on public highway right-of-way for municipally owned utilities, Utility Districts, or Utility Cooperatives, as defined in TDOT’s Policy #340-07, is capped at a maximum reimbursement of \$1,750,000; and,

WHEREAS, pursuant to the terms of Utility Relocation Contract No. 8756, the estimated cost of relocating the facilities is \$3,959,370.00, and the Department of Water and Sewerage Services agrees to pay a deposit to TDOT of \$1,864,931.90, consisting of \$1,663,116.00 in betterment costs, and \$201,815.90 in pro-rata costs of utility facilities located on public highway right-of-way above the maximum reimbursement of \$1,750,000 for the actual cost for the utility work; and,

WHEREAS, Tennessee Code Annotated, Section 12-9-104(a)(2)(b), authorizes The Metropolitan Government of Nashville and Davidson County to approve an agreement with TDOT by resolution; and,

WHEREAS, it is in the interest of the Metropolitan Government of Nashville and Davidson County that this utility work be carried out in State Project No. 19028-2245-14.

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

Section 1. That Utility Relocation Contract No. 8756 with TDOT, attached hereto as Exhibit 1 and incorporated herein by reference, is hereby approved, and that the Metropolitan Mayor is authorized to execute the same.

Section 2. That this resolution shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

RECOMMENDED BY:

INTRODUCED BY:

Scott A. Potter, Director
Water and Sewerage Services

APPROVED AS TO THE AVAILABILITY
OF FUNDS:

Council Member(s)

Talia Lomax-O'dneal, Director
Department of Finance
FUND #: 47410
AMOUNT: \$ 1,864,931.90

APPROVED AS TO FORM AND
LEGALITY:

Assistant Metropolitan Attorney