

RESOLUTION NO. RS2018-1173

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 acquire or accept dedication of certain facilities to be built by a private party, (MWS Project No. 17-WL-80 and Proposal No. 2018M-009AG-001).

WHEREAS, Licensee is a public/governmental entity, which has contracted to acquire or accept dedication of certain facilities to be built by a private party ("Prior Licensee") included as Exhibit 1, with this Facility Encroachment Agreement, attached hereto in substantial form as Exhibit 2, to come into effect only upon such conveyance or dedication; and,

WHEREAS, Licensee desires to construct, (unless previously constructed and designated as existing herein), use and maintain, one ten inch diameter sub-grade pipeline crossing, solely for the conveyance of potable water over, under or across property owned or controlled by Licensor, located at or near Nashville, Davidson County, Tennessee, Terminal Subdivision, Milepost 0NW-5.36, Latitude N36:09.58.00, Longitude W86:51:12.00, pursuant to the terms of the Agreement; and,

WHEREAS, Licensor is agreeable to such conveyance or dedication, and to the continued maintenance and use, of the Facilities, upon certain terms and conditions; 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 One and 00/100 Dollar (\$1.00) 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 2 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.

RECOMMENDED BY:

Scott A. Potter, Director
Water and Sewerage Services

INTRODUCED BY:

APPROVED AS TO THE AVAILABILITY
OF FUNDS:

Talia Lomax-O'dneal, Director
Department of Finance
FUND No. 47335 \$1.00

Council Member(s)

APPROVED AS TO FORM AND
LEGALITY:

Assistant Metropolitan Attorney