

ORDINANCE NO. BL2020 - 191

An ordinance authorizing the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, to provide public water service improvements for Arty, LLC proposed development, as well as other existing properties in the area (MWS Project No. 19-WL-39 and Proposal No. 2020M-002AG-001).

WHEREAS, pursuant to the terms of the participation agreement, attached hereto as Exhibit 1, Arty, LLC (“ARTY”) in compliance with all Metropolitan Government of Nashville and Davidson County (“METRO”) requirements and specifications, will contract and oversee the construction/installation of approximately 255 lineal feet of eight inch water main near 1531 Royal Street to serve the Royal and Worth Development, as shown in Exhibit 2 hereto attached, Project No. 19-WL-39; and,

WHEREAS, METRO will inspect the construction and will be responsible for ongoing operation and maintenance upon formal acceptance; and,

WHEREAS, METRO agrees to pay the lesser of fifty percent (50%) of the actual project costs not to exceed Forty-Seven Thousand Four Hundred Dollars (\$47,400.00); and,

WHEREAS, the Project is deemed to benefit both parties and the general community.

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

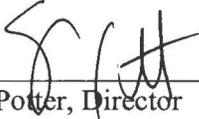
Section 1. The participation agreement (Exhibit 1) between the Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Water and Sewerage Services, and Arty, LLC to improve public water services in Davidson County, Tennessee, attached hereto and incorporated herein, is hereby approved, and the Metropolitan Mayor is authorized to execute the same.

Section 2. Forty-Seven Thousand Four Hundred Dollars (\$47,400.00) from METRO is available in Fund No. 47410 to pay the lesser of fifty percent (50%) of the actual project costs not to exceed Forty-Seven Thousand Four Hundred Dollars (\$47,400.00) as a contribution toward the Project.

Section 3. Amendments to this legislation shall be approved by resolution.

Section 4. This ordinance shall take effect from and after its final passage, 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:

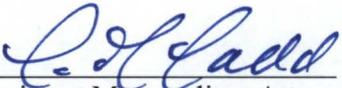
APPROVED AS TO THE AVAILABILITY
OF FUNDS:
FUND#: PIF 20-022

Council Member(s)



Kevin Crumbo, Director
Department of Finance *lc*

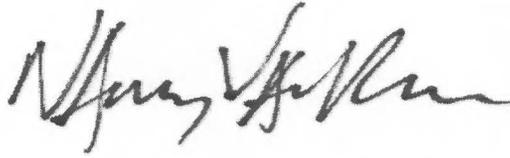
APPROVED AS TO FORM AND
LEGALITY:



Assistant Metropolitan Attorney

Electronic Signature Page

(Attach to Legislation Pursuant to Rule 8 of the Council Rules of Procedure)

A handwritten signature in black ink, appearing to read "Nancy VanReece". The signature is fluid and cursive, with the first name being the most prominent.

Nancy VanReece
Councilwoman, District 8

Electronic Signature Page

(Attach to Legislation Pursuant to Rule 8 of the Council Rules of Procedure)

A handwritten signature in black ink that reads "Bob Mendes". The signature is written in a cursive style with a long horizontal stroke at the end.

Bob Mendes
Councilman At-Large

Electronic Signature Page

(Attach to Legislation Pursuant to Rule 8 of the Council Rules of Procedure)

Kathleen D Murphy

Kathleen Murphy
Councilmember, District 24

Electronic Signature Page

(Attach to Legislation Pursuant to Rule 8 of the Council Rules of Procedure)

Angie E. Henderson

Angie Henderson
Councilmember, District 34

ARTY PARTICIPATION AGREEMENT FOR WATER SERVICE

THIS AGREEMENT is entered into by and between Arty, LLC., hereinafter known as "**ARTY**", 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 **ARTY** and **METRO** desire to provide improved public water service for both its proposed development as well as the existing properties in this area; and

WHEREAS, **ARTY** has been approved to serve its development Royal and Worth; known as **Project No. 19WL0039**, and

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

NOW, THEREFORE, ARTY AND METRO AGREE AS FOLLOWS:

I. SCOPE OF WORK:

A project consisting of the construction/installation of approximately 255 linear feet of 8-inch water main (DIP) at or near 1531 Royal Street to serve the Royal and Worth Development and surrounding area, Project No: 19WL0039, attached hereto and incorporated by reference, is approved, and the Director of Water and Sewer Services is authorized to execute the same.

II. PAYMENT TERMS AND CONDITIONS:

- A. **ARTY** will contract and oversee construction of this project, and **ARTY's** 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 \$47,400.00 as a contribution towards these improvements. This amount is based on the secured competitive bid prices of 3 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 Ordinance (three readings) of The Metropolitan Council of Nashville and Davidson County and will be null and void if the improvements are not operational by December 13, 2020.
- 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:

[Handwritten Signature]

Director Metropolitan Department of Water and Sewerage Services

APPROVED AS TO AVAILABILITY OF FUNDS:

[Handwritten Signature]

Director of Finance

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APPROVED AS TO FORM AND LEGALITY:

[Handwritten Signature]

Metropolitan Attorney

THE METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY:

Metropolitan Mayor

ACCEPTED BY:

[Handwritten Signature]

Developer

Sworn to and subscribed to before me, a Notary Public,

30 day of JANUARY 2020

20 by

[Handwritten Signature]

Developer and duly authorized to execute this instrument
on Developer's behalf.

[Handwritten Signature]

Notary Public

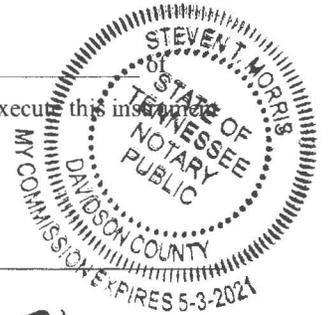
My Commission Expires:

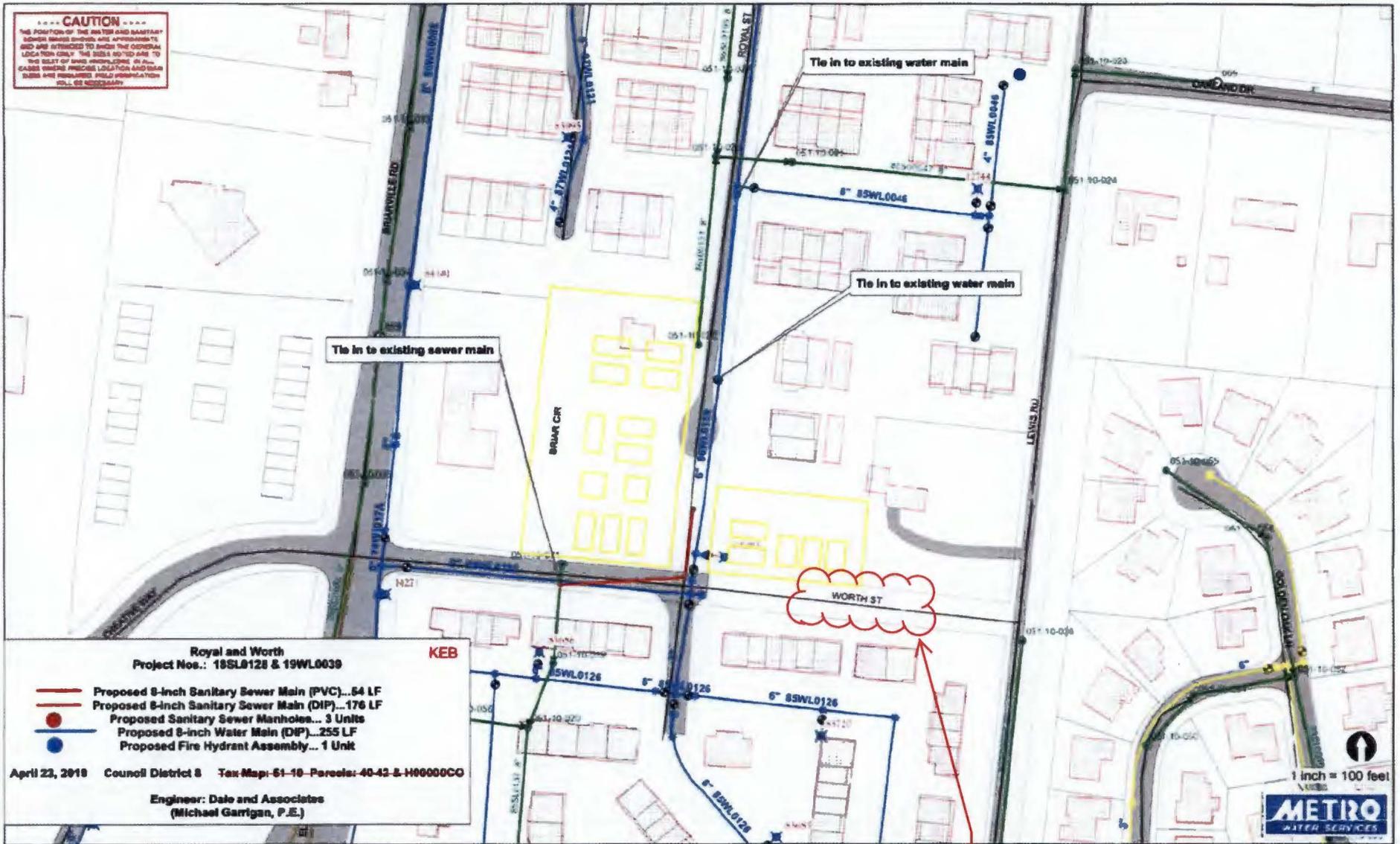
5-3-21

ATTEST:

Metropolitan Clerk

Date:





CAUTION
 THE POSITION OF THE WATER AND SANITARY
 MAINS SHOWN ON THIS PLAN ARE APPROXIMATE
 AND ARE INTENDED TO SHOW THE GENERAL
 LOCATION ONLY. THE INSTALLATION OF THE
 MAINS SHALL BE IN ACCORDANCE WITH THE
 CITY OF HOUSTON, TEXAS, SANITARY AND
 WATER MAINS SPECIFICATIONS AND ALL
 APPLICABLE REGULATIONS AND STANDARDS.
 FIELD VERIFICATION SHALL BE NECESSARY.

Royal and Worth
Project Nos.: 18SL0128 & 19WL0039

— Proposed 8-inch Sanitary Sewer Main (PVC)...54 LF
 — Proposed 8-inch Sanitary Sewer Main (DIP)...176 LF
 ● Proposed Sanitary Sewer Manholes... 3 Units
 — Proposed 8-inch Water Main (DIP)...255 LF
 ● Proposed Fire Hydrant Assembly... 1 Unit

April 23, 2018 Council District 8 Tax Map: 51-10-Parcels: 40-42 & H00000CO

Engineer: Dale and Associates
 (Michael Garrigan, P.E.)

Map 051-10-0-J, Parcel(s)
 001-017, 900-901

Worth Street is
 now Creative Way
 per BL2019-14