

ORDINANCE NO. _____

An ordinance authorizing the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, hereinafter known as “METRO”, to enter into an agreement with Nashville Propco, LLC, hereinafter known as “DEVELOPER”, to provide improved public sanitary sewer service through the construction of an improved stormwater system for both its proposed development as well as the existing properties in the area (Project No. SWGR 2018054510 and Proposal Number 2020M-014AG-001).

WHEREAS, both DEVELOPER and METRO have expressed a desire to provide improved public sanitary sewer service through the construction of an improved stormwater system for DEVELOPER’s proposed development as well as the existing properties in the Downtown CSO Study Area, as shown in Exhibit 2 hereto attached; and,

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

WHEREAS, DEVELOPER agrees to provide METRO the amount of \$969,750.00 to fund the construction of the stormwater infrastructure, according to the terms of the Lower Kerrigan Separation Project Participation Agreement – TownePlace Suites, attached as Exhibit 1; and,

WHEREAS, METRO agrees to begin construction of the project within timeframes set forth by Metro Finance-Procurement pursuant to the approved plans upon receiving the funds; 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 Lower Kerrigan Separation Project Participation Agreement – TownePlace Suites (Exhibit 1) between the Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Water and Sewerage Services, and Nashville Propco, LLC, attached hereto and incorporated herein, is hereby approved, and the Metropolitan Mayor is authorized to execute the same.

Section 2. The funds in the amount of \$969, 750.00 collected pursuant to the Participation Agreement shall be deposited into the 47335 fund, and monies shall be allocated exclusively for the Lower Kerrigan Separation Project in the Downtown CSO Study Area.

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:

DocuSigned by:

Scott Potter

Scott A. Potter, Director
Water and Sewerage Services

APPROVED AS TO THE AVAILABILITY
OF FUNDS:

DocuSigned by:

Kevin Crumbo

Kevin Crumbo, Director
Department of Finance

APPROVED AS TO FORM AND
LEGALITY:

DocuSigned by:

Sara Ladd

Assistant Metropolitan Attorney

INTRODUCED BY:

John O'Connell

Bob Mendes

Kyonte Johnson

Council Member(s)

Kathleen Murphy
Angie E. Henderson

LOWER KERRIGAN SEPARATION PROJECT PARTICIPATION AGREEMENT

Towneplace Suites Location

THIS AGREEMENT is entered into by and between Nashville Propco, 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 through the construction of an improved stormwater system for both its proposed development as well as the existing properties in this area; and

WHEREAS, Developer has been approved to construct a hotel project; known as Project No. (SWGR)2018054510 which is located in the Downtown CSO Study Area, and

WHEREAS, the provision of such sanitary sewer service improvement 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:

The design and alignment of the dedicated storm infrastructure shall be in keeping with a submitted grading plan for the stormwater system Improvements. The new stormwater system consists of reinforced concrete pipes of various sizes, area drains, combination inlets, manholes, etc. All materials and methods used to construct the proposed infrastructure shall be in keeping with Metro Water Services, Metro Public Works, and/or Tennessee Department of Transportation standard drawings, construction specifications and approved materials. If there are any conflicts during construction, Metro will address them with the owner of the utility. Metro will provide on-site inspections during the construction of the new stormwater system to ensure that work is proceeding in accordance with approved plans.

II. PAYMENT TERMS AND CONDITIONS:

- A. **DEVELOPER** has submitted complete design and construction plans ("the Plans") for the offsite stormwater improvements and infrastructure for approval by **METRO** at **DEVELOPER'S** expense, as the same are attached as Exhibit A. As part of Exhibit A, an overall location map for the Lower Kerrigan Separation Project is included with the **DEVELOPER'S** project is in purple.
- B. **METRO** agrees to begin construction of the project within timeframes set forth by Metro Finance-Procurement pursuant to the approved plans upon receiving the funds.
- C. **METRO** will inspect the construction and will be responsible for ongoing operation and maintenance.
- D. **DEVELOPER** agrees to provide **METRO** the amount of \$969,750.00 to fund the construction of the stormwater infrastructure identified in Exhibit A.
- E. **DEVELOPER** acknowledges and agrees that under no circumstances will the **DEVELOPER** be entitled to receive or will **METRO** be required to provide a refund of any portion of the payment regardless of the final cost of construction.
- F. Upon acceptance of the \$969,750.00 of funding for the project, **METRO** shall not withhold the **DEVELOPER'S** permits under the authority of Metro for this project including but not limited to the use and occupancy permits. **METRO** will provide the **DEVELOPER** temporary access to the current combined sewer and water system if the stormwater infrastructure is not constructed when the use and occupancy permit is applied for.
- G. This agreement is subject to the approval through Ordinance (three readings) of The Metropolitan Council of Nashville and Davidson County.

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

Director Metropolitan Department of Water and Sewerage Services

APPROVED AS TO AVAILABILITY OF FUNDS:

DocuSigned by:

Kevin Crumboltlo

6ACD297069E14E9... Director of Finance

APPROVED AS TO FORM AND LEGALITY:

DocuSigned by:

Sara Ladd

E355FC378EF2427... Metropolitan Attorney

THE METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY:

Metropolitan Mayor

ACCEPTED BY:

Mark Flower
Developer

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

14th day of May

2020 by Mark Flower of

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

Joseph Verburgt
Notary Public

My Commission Expires: 10/09/23

ATTEST:

Metropolitan Clerk

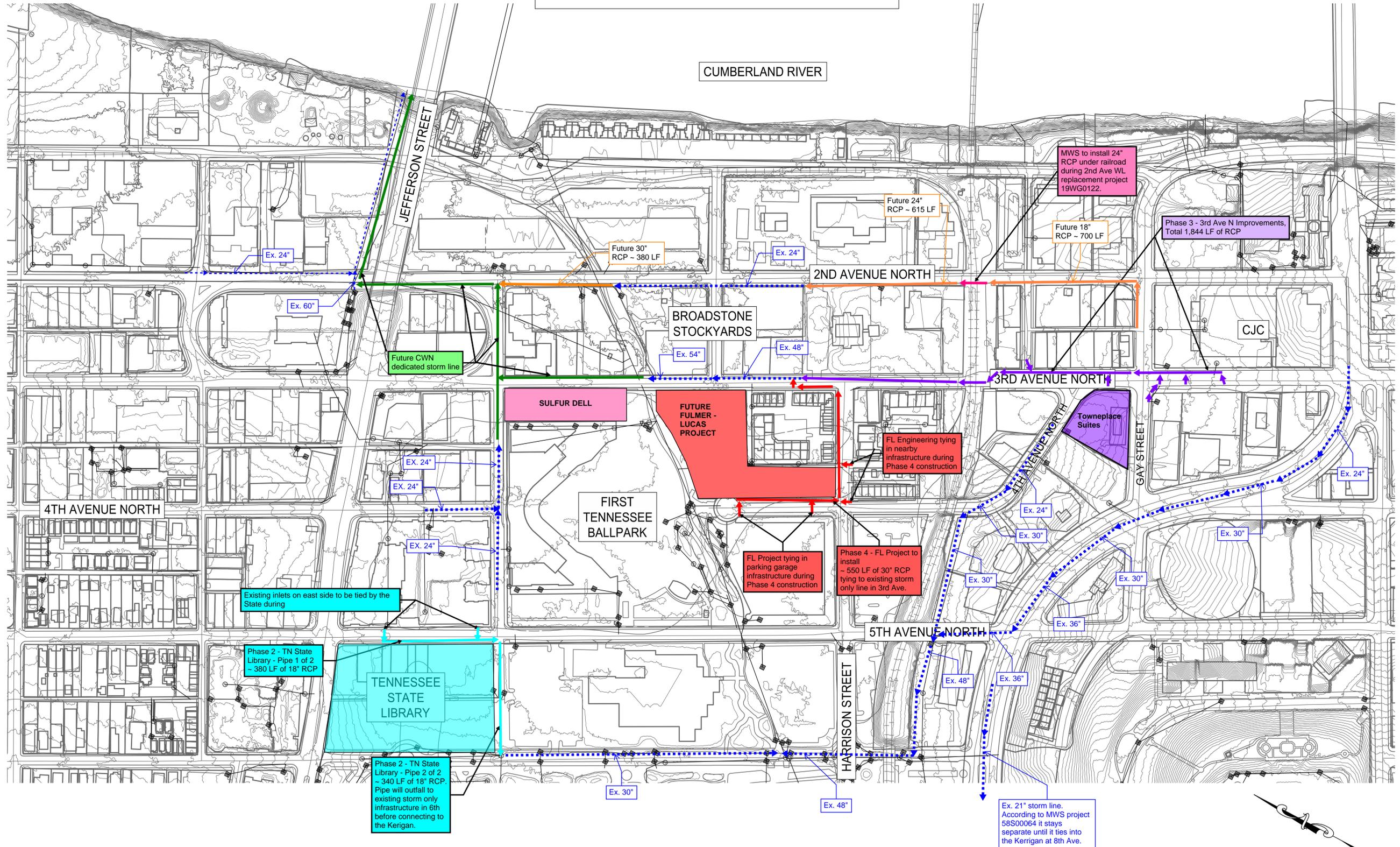
Date:



ESTIMATED FLOW TO EXISTING 60" = ±20 AC
 ASSUMED TIME OF CONCENTRATION = 10 MINS
 ASSUMED C-FACTOR = 0.90
 ESTIMATED 10-YR PEAK FLOW = ±110 CFS
 CAPACITY OF 60" AT 0.5% = ±200 CFS

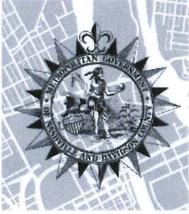
TOTAL DRAINAGE AREA REMOVABLE FROM CSO = ±56 AC
 ASSUMED CONSERVATIVE TIME OF CONCENTRATION = 10 MINS
 ASSUMED C-FACTOR = 0.90
 TOTAL 10-YR PEAK FLOW = ±300 CFS
 CAPACITY OF 66" RCP @ 0.7% = ±300 CFS

TOTAL ESTIMATED FLOW TO JEFFERSON STORM = ±76 AC
 ASSUMED TIME OF CONCENTRATION = 10 MINS
 ASSUMED C-FACTOR = 0.90
 ESTIMATED 10-YR PEAK FLOW = ±415 CFS
 CAPACITY OF 72" RCP @ 0.8% = ±415 CFS



CSO REMOVAL EXHIBIT
 EXHIBITS FOR:
DOWNTOWN CSO STUDY
 NASHVILLE, DAVIDSON COUNTY,
 TENNESSEE 37201

DR.	DATE	DESCRIPTION
JAF	10/24/2018	DOWNTOWN CSO STUDY EXHIBITS



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department
Metro Office Building
800 Second Avenue South
Nashville, Tennessee 37201

June 24, 2020

To: Peggy Deaner, Metro Water Services

**Re: Lower Kerrigan Separation Project Participation Agreement – Towneplace Suites
Planning Commission Mandatory Referral #2020M-014AG-001
Council District #19 – Freddie O'Connell, Council Member**

On behalf of the Metropolitan Planning Commission, the following item, referred to the Commission as required by the Metro Charter, has been recommended for *approval* to the Metropolitan Council:

A request for an ordinance authorizing the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, hereinafter known as "METRO", to enter into an agreement with Nashville Propco, LLC, hereinafter known as "DEVELOPER", to provide improved public sanitary sewer service through the construction of an improved stormwater system for both its proposed development as well as the existing properties in the area (Project No. SWGR 2018054510 and Proposal Number 2020M-014AG-001).

The relevant Metro agencies (Metro Parks, Metro Public Works, Metro Water Services, Metro Emergency Communications, the Nashville Electric Service, Metro Finance – Public Property and the Metro Historical Commission) have reviewed the proposal and concur in the recommendation for approval. This request must be approved by the Metro Council to become effective. A sketch showing the location of the request is attached to this letter.

This recommendation for approval is given as set forth in the Metropolitan Planning Commission Rules and Procedures. If you have any questions about this matter, please contact Sharon O'Conner at Sharon.oconner@nashville.gov or [615-862-7208](tel:615-862-7208).

Sincerely,

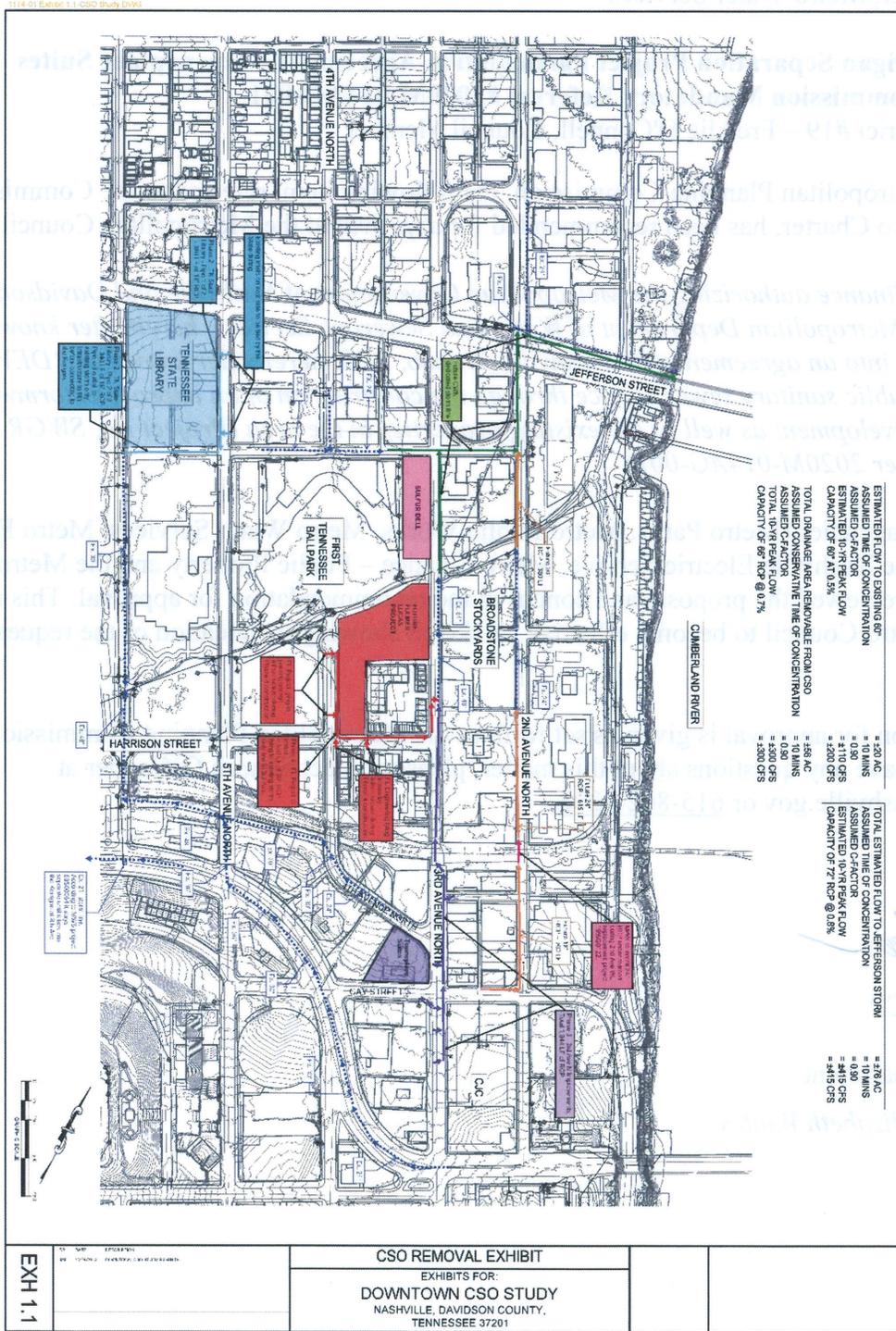
A handwritten signature in blue ink that reads "Robert Leeman".

Robert Leeman, AICP
Deputy Director
Metro Planning Department

cc: Metro Clerk, Elizabeth Waites

**Re: Lower Kerrigan Separation Project Participation Agreement – Towneplace Suites
 Planning Commission Mandatory Referral #2020M-014AG-001
 Council District #19 – Freddie O'Connell, Council Member**

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EXH 1.1

CSO REMOVAL EXHIBIT
 EXHIBITS FOR:
 DOWNTOWN CSO STUDY
 NASHVILLE, DAVIDSON COUNTY,
 TENNESSEE 37201

ORIGINAL

METROPOLITAN COUNTY COUNCIL

Bill No. _____

An ordinance authorizing the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, hereinafter known as "METRO", to enter into an agreement with Nashville Propco, LLC, hereinafter known as "DEVELOPER", to provide improved public sanitary sewer service through the construction of an improved stormwater system for both its proposed development as well as the existing properties in the area (Project No. SWGR 2018054510 and Proposal Number 2020M-014AG-001).

Introduced _____

Passed First Reading _____

Amended _____

Passed Second Reading _____

Passed Third Reading _____

Approved _____

By _____
Metropolitan Mayor

Advertised _____

Effective Date _____
