

**COST SHARING AGREEMENT
FOR
PLANNING ASSISTANCE BETWEEN
THE DEPARTMENT OF THE ARMY
AND
THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY**

THIS AGREEMENT is entered into this 2nd day, of August, 2005, by and between the United States Department of the Army (hereinafter the "Government"), represented by the District Engineer executing this Agreement, and the Metropolitan Government of Nashville and Davidson County (hereinafter the "Sponsor"),

WITNESSETH, that

WHEREAS, Congress has authorized the Corps of Engineers in Section 22 of the Water Resources Development Act of 1974 (Public Law 93-251) as amended to assist the States in the preparation of comprehensive plans for the development, utilization and conservation of water and related land resources; and whereas, Section 319 of the Water Resources Development Act of the 1990 (Public Law 101-640) authorized the Government to collect from the non-Federal entities for the purpose of recovering fifty (50) percent of the cost of the program; and,

WHEREAS, the Sponsor has identified the need for the planning assistance as described in the Scope of Studies (Appendix A – "Cumberland Riverfront"); and,

WHEREAS, Sponsor has the authority and capability to furnish the cooperation hereinafter set forth and is willing to participate in study cost-sharing and financing in accordance with the terms of this Agreement;

NOW THEREFORE, the parties agree as follows:

1. The Government, using funds contributed by the Sponsor and appropriated by Congress, shall expeditiously prosecute and complete the study, estimated to be completed within twelve (12) months, substantially in compliance with the Scope of Studies attached as Appendix A and in conformity with applicable Federal laws and regulations and mutually acceptable standards of engineering practice.
2. The Government and the Sponsor shall contribute in cash, fifty (50) percent and fifty (50) percent, respectively, of all study costs, the total cost of which is currently estimated to be \$400,000, as specified in the cost estimate attached as Appendix B. The Sponsor agrees to provide a cashier or certified check in the amount of \$200,000 dollars, which shall be made payable to FAO, USAED, Nashville District, prior to any work being performed under this Agreement.
3. No Federal funds may be used to meet the Sponsor's share of study costs under this Agreement unless the expenditure of such funds is expressly authorized by statute as verified by the granting agency.
4. Before any Party to the Agreement may bring suit concerning any issue relating to this Agreement, such party must first seek in good faith to resolve the issue through negotiation or

another form of non-binding alternate dispute resolution mutually acceptable to the Parties.

5. In the event that any one or more of the provisions of this Agreement is found to be invalid, illegal or enforceable, by a court of competent jurisdiction, the validity of the remaining provisions shall not in any way be affected or impaired and shall continue in effect until the Agreement is completed.

6. This agreement shall become effective upon the signatures of both Parties.

For the United States Department
of the Army:

For the Metropolitan Government of Nashville and
Davidson County, Tennessee:

BY _____
BYRON G. JORNS
LTC, Corps of Engineers
District Engineer
Nashville District



Bill Purcell,
Mayor

DATE: _____

APPROVED AS TO THE AVAILABILITY OF
FUNDS:



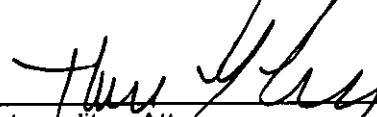
David Manning, Director
Finance Department

RECOMMENDED BY AND APPROVED:




Roy E. Wilson, Director
Parks and Recreation

APPROVED AS TO FORM AND LEGALITY:



Metropolitan Attorney

ATTEST:  DATE: 8/4/05
Metropolitan Clerk
BL 2005-720

Attachments:

- 1. Appendix A Scope of Work, Schedule
- 2. Appendix B Cost Estimate



Appendix A

Planning Assistance to States Scope of Studies Cumberland Riverfront Redevelopment Plan Nashville, Davidson County, Tennessee

Project Purpose - The purpose of the Riverfront Redevelopment Plan Project as a joint effort between the Metropolitan Government of Nashville and Davidson County with the United States Army Corps of Engineers is to create a master plan for redevelopment of the riverfront in downtown Nashville. The master plan project will include development of a cohesive vision for riverfront improvement projects; analysis of the feasibility and priorities of redevelopment projects; recommendation for development project phases, cost estimates of projects; and a defined plan of action for the redevelopment. The Scope of Studies may be adjusted by the parties to meet funding limitations.

Area of Study - The master plan will be for the downtown riverfront from Rolling Mill Hill to MetroCenter on the west bank and from Shelby Park to the Jefferson Street Bridge on the east bank. It will address issues related to ecosystem restoration, public river access and park and greenway land, and shoreline preservation. It will detail amenities for public enjoyment and appreciation of the Cumberland River and include site plans and cost estimates for recommended improvements as well as a phasing plan for implementation. Further, it will build upon and be consistent with riverfront goals and concepts established in the 2005 Plan of Nashville, 2002 Parks & Greenways Master Plan, and illustrative concept of the riverfront prepared by Wallace Robert Todd for the Metropolitan Government.

Project Tasks - Tasks associated with this project will be performed by a consultant to the Corps of Engineers, chosen in consultation with the Metropolitan Government (the project client), and will include:

1. Base data compiled for the study area defined above. Utilizing GIS base data, aerial photography and topographic surveys, a base plan will be developed that shows floodway and floodplain delineation, existing and proposed development (buildings, parking areas and other paved surfaces), topography in 2' contour intervals, zoning and land use designations and relevant planning policy, brownfield sites, landowners (private and public including utility easements), cultural or archeological features, wetlands, rare plant and animal species and habitats, and population densities served by the project area. Consideration should be given to all relevant land uses and development plans on properties adjacent to the study area.

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2. Solicitation of public input. The process should solicit public input for the purpose of raising public awareness and consensus building as to the appropriate future uses for the riverfront. Public input should be in the form of open public meetings, focus group workshops and interviews with community leaders and landowners directly affected by future plans for the study area, including but not limited to the Nashville Civic Design Center and agencies such as Metro Parks Department and Greenways Commission, Planning Department, Metropolitan Housing and Development Agency, Metropolitan Real Property Services, the public, etc.
3. Plan development and written documentation. The written master plan will document the public involvement process, provide a detailed analysis of existing conditions, and include detailed site plans of the study area as well as detailed conceptual illustrations of recommended riverfront improvements or enhancements within funding constraints. These recommendations should take into consideration development guidelines, land acquisition strategies and available or potential funding sources. Other riverfront development projects planned or underway in the project area should be taken into consideration for cost effective improvement strategies and coordination. Detailed cost estimates and phasing plans should also be included as a part of the master plan.
4. A quality control plan should be developed outlining the process the consultant will use to insure a quality product that accurately reflects the desires of the community.

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June 30, 2005	Sign Cost Share Agreement
Jul 05	Award A/E Contract
Jul 05	Quality Control Plan
Jul 05	A/E Kick-off meeting with local interest groups/Sponsor/Corps
Dec 05	Preliminary plan presentation for local interest groups/Sponsor/Corps input
Jan 06	Draft plan presentation for local interest groups/Sponsor/Corps input
Feb 06	Cumberland Riverfront Redevelopment Plan complete

Additionally, monthly update meetings with the local interest groups/Sponsor/Corps will take place.

Appendix B

Planning Assistance to States
Cost Estimate
Cumberland Riverfront Redevelopment Plan
Nashville, Davidson County, Tennessee

\$365,000	A/E consultant services
<u>\$35,000</u>	Project/contract management
\$400,000	Total study costs