



## Legislation Details (With Text)

**File #:** 20-0280      **Version:** 1      **Name:**

**Type:** Contract/Agreement      **Status:** Deferred

**File created:** 3/11/2020      **In control:** Capital Investment Committee

**On agenda:** 3/26/2020      **Final action:**

**Title:** Consideration Of A DRAFT Project Partnership Agreement Between The Department Of The Army And City Of Franklin, Tennessee For The Harpeth River Flood Risk Management Project. (U.S. Army Corp Of Engineers Home Raising Program)

**Sponsors:** Paul Holzen

**Indexes:**

**Code sections:**

**Attachments:** 1. COF2020-0071 Harpeth PPA - DRAFT for City Review - Exhibit A.pdf, 2. COF2020-0071 USACE PPA Exhibit B - Cost Share.pdf

Date	Ver.	Action By	Action	Result
3/26/2020	1	Capital Investment Committee	postponed	

**DATE:** March 26, 2020

**TO:** Board of Mayor and Aldermen

**FROM:** Eric Stuckey, City Administrator  
Paul Holzen, Director of Engineering  
William Banks, Staff Engineer

**SUBJECT:**

Consideration Of A DRAFT Project Partnership Agreement Between The Department Of The Army And City Of Franklin, Tennessee For The Harpeth River Flood Risk Management Project. (U.S. Army Corp Of Engineers Home Raising Program)

**Purpose**

The purpose of this memo is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) concerning COF Contract No. 2020-0071, a DRAFT Project Partnership Agreement Between the Department of the Army and City of Franklin, Tennessee, For the Harpeth River Flood Risk Management Project, also known as the U.S. Army Corp of Engineers Home Raising Program.

**Background**

The May 2010 flood event created devastation throughout the Harpeth River Watershed and caused 4 fatalities and over \$480 million in direct economic impacts in the Harpeth River Watershed alone. For this reason, the Department of the Army represented by the United States Army Corp of Engineers (USACE) conducted a preliminary reconnaissance of the Harpeth River Watershed and found over 850 structures in the regulated floodplain within the basin located in the City of Brentwood, City of Franklin, Williamson County,

and Davidson County. In addition, they found aquatic ecosystem issues throughout the basin primarily involving stream bank erosion and loss of riparian buffers.

On June 13, 2013, the USACE, City of Franklin, Metropolitan Nashville and Davidson County, City of Brentwood, and Williamson County signed an initial Feasibility Study Agreement to analyze alternative flood risk management options. The feasibility study evaluated numerous flood risk management options and provided an analysis of cost and benefits associated with various projects. The USACE determined that two projects were considered economically justified. These two projects included Franklin Road channel modifications and nonstructural home raisings. With support from the Board of Mayor and Aldermen, one or both measures could have become the Feasibility Study's recommended plan.

On September 12, 2016, the City of Franklin entered in to a second agreement with the Department of the Army (USACE) to fully develop the two flood risk management projects, the Franklin Road channel modifications and the nonstructural home raisings.

On July 10, 2018, BOMA approved Resolution 2018-53, "A Resolution Authorizing Staff to Proceed with the Home Raising Project Developed by the United States Army Corps of Engineers as part of the Harpeth River Feasibility Study".

On April 23, 2019, BOMA approved Resolution 2019-53, agreeing to participate in the project as the Non-Federal Sponsor, with the source funding for the project being: The USACE agrees to pay for 65% of the actual construction and temporary relocation costs; The 35% of remaining Non-Federal Sponsor project costs are split 50/50 between the city and homeowner (65% USACE / 17.5% city / 17.5% homeowner).

On August 13, 2019, our Board adopted the FY 2019-2028 CIP (Capital Investment Program) per Resolution 2019-68, fully funding the home raising project (USACE's Harpeth River Flood Risk Management Project) for \$4,000,000. Most of this allocated funding will be reimbursed back to the city per the Project Partnership Agreement (PPA).

On September 3, 2019, the USACE finalized and submitted their Harpeth River, Franklin, Tennessee Flood Risk Management Detailed Project Report to the Department of the Army's Division Commander. This report explained the history and scope of the home raising program/project. The project scope is listed as flood risk management features consisting of voluntary floodproofing of eligible homes, using methods involving alterations, modification, and raising the homes in place, out of the floodplain. The Division Commander approved the report on September 6, 2019, allowing the federal funding to be allocated towards the project.

Approval of the PPA is the final step to move the home raising program in to the construction phase. The PPA outlines the cost share/contributions and home raising construction, temporary relocations, and administrative responsibilities of both the USACE and City of Franklin.

**The nonstructural home raising project details are as follows:**

- This program is sponsored by the City of Franklin and administered through the USACE, as part of the Project Partnership Agreement (COF Contract 2020-0071) for design and construction of the project. The city may also be required to administer separate individual agreements with the homeowners, to reconcile the 50/50 split of the Non-Federal Sponsor costs share.
- This is a VOLUNTARY PROGRAM for the eligible 35 homes.

- Eligible homes are raised three (3.0) feet above the base flood elevation (100-Yr. Storm Event), following the city's Zoning Ordinance requirements.
- The USACE individually justified the 35 homes based on the flood damages they are experiencing (amount & frequency) and the cost to protect (cost of raising). They surveyed each structure's first floor elevation.
- The program cost estimate provided by the USACE is \$4,942,000 for all 35 properties. The USACE agrees to pay for 65% of the actual construction, temporary relocation, and program administration costs. The city and homeowner would be responsible for the remaining 35% of these costs (17.5% city / 17.5% homeowner).
- The home construction estimates include the cost of raising the home (by a certified home raiser), the construction of new foundation (cinder block or brick), the reconnection of utilities & duct work, and restoration of landscaping/grass, etc. There is also the cost of temporary housing for up to 3 months. The duration of the temp housing depends on the construction duration.
- The homeowner hires the construction contractor, but the USACE will provide a list of pre-approved contractors and review the proposals. The goal is to assist the homeowner to the fullest extent possible, to achieve quality, sustainable flood protection.

See the attached Draft PPA (Exhibit A) and PPA cost share apportionment (Exhibit B).

### **Financial Impact**

Per PPA Article VI - Payment of Funds: As of the effective date of this Agreement, construction costs are projected to be \$4,942,000, with the Government's (Federal) share of such costs projected to be \$3,212,300 (65%) and the Non-Federal Sponsor's (City of Franklin) share of such costs projected to be \$1,729,700 (35%)... These amounts are estimates only that are subject to adjustment by the Government and are not to be construed as the total financial responsibilities of the Government and the Non-Federal Sponsor.

Because of Resolution 2019-53, the above Non-Federal Sponsor estimate of \$1,729,700 will be split 50/50 with the homeowners. Total city project costs are estimated at \$864,850 (17.5% of \$4,942,000). Funding for the city's portion of the project is allocated from the General Fund/Capital Bonding, as approved per Resolution 2019-68 (the adopted FY 2019-2028 CIP). The city is currently working with the USACE to determine how payments are distributed to the homeowners/contractors, and if the city will need to upfront any construction costs.

### **Recommendation**

Staff recommends approval of the Project Partnership Agreement.