

Louisville Metro Council City Agency Request

- Neighborhood Development Fund (NDF)
- Capital Infrastructure Fund (CIF)
- Municipal Aid Program (MAP)
- Paving Fund (PAV)

Primary Sponsor: Councilwoman Paula McCraney


Amount: \$2,500.00 **Date:** 11/12/2019

Description of program/project including public purpose, additional funding sources, location of project/program and any external grantee(s):
 NDF request to partner with MDS to restore the rear yard of 8200 Cadence Place.
 NDF Requested funds: \$ 2,500.00

Two loads of process topsoil delivered	\$500.00 - \$1,000.00
Equipment and labor to place and grade dirt	\$3,000.00
Restoration that includes seed and straw matting	\$1,000.00
Total Project cost	\$5,000.00

City Agency: Metro Public Works
Contact Person: Jeffrey Brown
Agency Phone: (502) 574-0065

I have reviewed this request for an expenditure of city tax dollars, and have determined the funds will be used for a public purpose and have the attached documentation from the receiving department concerning the project/expenditure.

7		\$2,500.00	11/12/2019
District #	Council Member Signature	Amount	Date

Approved by: _____
Appropriations Committee Chairman Date

Clerk's Office & OMB Use Only:

Request Amount: _____ Amended Amount: _____

Reference #: NDF120419PW07 To OMB: _____

Budget Revision #: _____

Account #: _____

To Project Manager: _____ Completion Date: _____

Actual Cost: _____ Funds Returned: _____

NDF, CIF, MAP OR PAV INTERAGENCY CHECKLIST

Interagency Name: Jefferson County Metropolitan Sewer District

Program/Project Name: 8200 Cadence Place rear yard restoration

	Yes/No/NA
Request Form: Is the Request Signed by all Council Member(s) Appropriating Funding?	Yes
Request Form: If matching funds are to be used, are they disclosed with account numbers in the request form description?	NA
Request Form: If matching funds are to be used, does the amount of the request exclude the matching fund amount?	NA
Request Form: If other funds are to be used for this project, are they disclosed with account numbers in the request form description?	Yes
Funding Source: If CIF is being requested, does Metro Louisville own/will own the real estate, building or equipment? If not, the funding source is probably NDF.	No <i>NA dw</i>
Funding Source: If CIF is being requested, does the project have a useful life of more than one year? If not, the funding source is probably NDF.	NA
Ordinance Required: Is the NDF request to a Metro Agency greater than \$5,000? If so, an ordinance is required.	No
Ordinance Required: Is the request a transfer from NDF to cost center? If so, is the amount given for the fiscal year \$25,000 or less?	No
Supporting Documentation: Does the attachment include a valid estimate and description of cost?	Yes

Submitted by: _____ Lucretia West _____

Date: 11/12/2019

Franklin-West, Lucretia L.

From: Joseph Exely <joseph.exely@louisvillemetro.org>
Sent: Wednesday, October 23, 2019 10:09 AM
To: Franklin-West, Lucretia L.; Wesley Sydnor
Cc: McCraney, Paula D.
Subject: RE: MOA between MSD and Metro Government

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The contractor's breakdowns is as follows.

Two loads of process topsoil delivered @ \$500.00 - \$1,000.00
Equipment and labor to place and grade dirt @ \$3,000.00
Restoration that includes seed and straw matting @ \$1,000.00
Total \$5,000.00

From: Franklin-West, Lucretia L. <Lucretia.West@louisvilleky.gov>
Sent: Monday, October 21, 2019 11:05 AM
To: Joseph Exely <joseph.exely@louisvillemetro.org>; Wesley Sydnor <wesley.sydnor@louisvillemetro.org>
Cc: McCraney, Paula D. <Paula.McCraney@louisvilleky.gov>
Subject: RE: MOA between MSD and Metro Government

Good morning Joseph,

Have you been able to obtain an official estimate from the contractor?

Thanks,



Lucretia (Shay) West | Legislative Assistant
Office of District 7 Councilwoman Paula McCraney
601 W. Jefferson Street | Louisville, KY 40202
d: (502) 574-3454 o: (502) 574-1107

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From: Joseph Exely <joseph.exely@louisvillemetro.org>
Sent: Wednesday, October 16, 2019 8:49 AM
To: Wesley Sydnor <wesley.sydnor@louisvillemetro.org>; Franklin-West, Lucretia L. <Lucretia.West@louisvilleky.gov>
Subject: RE: MOA between MSD and Metro Government

From: Wesley Sydnor <wesley.sydnor@louisvillemetro.org>
Sent: Monday, October 14, 2019 10:23 AM
To: McCraney, Paula D. <Paula.McCraney@louisvilleky.gov>
Cc: Franklin-West, Lucretia L. <Lucretia.West@louisvilleky.gov>; Joseph Exely <joseph.exely@louisvillemetro.org>
Subject: RE: MOA between MSD and Metro Government

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Councilwoman, That is fantastic news. I'd put the start date as November 15, 2019, and the end date as February 15, 2020, just to be safe with weather. Thank you,
Wes

From: McCraney, Paula D. <Paula.McCraney@louisvilleky.gov>
Sent: Monday, October 14, 2019 9:35 AM
To: Wesley Sydnor <wesley.sydnor@louisvillemetro.org>
Cc: Franklin-West, Lucretia L. <Lucretia.West@louisvilleky.gov>
Subject: Fwd: MOA between MSD and Metro Government

Wes,

I've received clearance from the County Attorney's Office, so if you can provide me with a start and end date, I will start the process on my end to get the project before the Council for a vote. That should be the last hurdle.

Thank you,



Paula McCraney
Councilwoman | District 7
Louisville Metro Council
601 W. Jefferson St.
Louisville, Kentucky 40202
paula.mccraney@louisvilleky.gov
(502) 574-1107

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Begin forwarded message:

From: "Rutherford, Paul" <Paul.Rutherford@louisvilleky.gov>
Date: October 14, 2019 at 9:24:06 AM EDT
To: "Dennis, Sean" <Sean.Dennis@louisvilleky.gov>, "Franklin-West, Lucretia L." <Lucretia.West@louisvilleky.gov>
Cc: "McCraney, Paula D." <Paula.McCraney@louisvilleky.gov>, "Harward, Sonya" <Sonya.Harward@louisvilleky.gov>
Subject: RE: MOA between MSD and Metro Government

Have reviewed the form and had no concerns with it.

Paul C. Rutherford
Assistant Jefferson County Attorney



OFFICE OF MIKE O'CONNELL
JEFFERSON COUNTY ATTORNEY
531 Fiscal Court Place, 9th Floor
Louisville, Kentucky 40202
502-574-6333 (main)
502-574-3068 (direct)
502-574-6039 (fax)
paul.rutherford@louisvilleky.gov



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Franklin-West, Lucretia L.

From: Rutherford, Paul
Sent: Monday, October 14, 2019 9:24 AM
To: Dennis, Sean; Franklin-West, Lucretia L.
Cc: McCraney, Paula D.; Harward, Sonya
Subject: RE: MOA between MSD and Metro Government

Follow Up Flag: Follow up
Flag Status: Flagged

Have reviewed the form and had no concerns with it.

Paul C. Rutherford
Assistant Jefferson County Attorney



OFFICE OF MIKE O'CONNELL
JEFFERSON COUNTY ATTORNEY
531 Fiscal Court Place, 9th Floor
Louisville, Kentucky 40202
502-574-6333 (main)
502-574-3068 (direct)
502-574-6039 (fax)
paul.rutherford@louisvilleky.gov



Please consider the environment before printing this e-mail

From: Dennis, Sean <Sean.Dennis@louisvilleky.gov>
Sent: Wednesday, October 9, 2019 1:34 PM
To: Franklin-West, Lucretia L. <Lucretia.West@louisvilleky.gov>
Cc: McCraney, Paula D. <Paula.McCraney@louisvilleky.gov>; Harward, Sonya <Sonya.Harward@louisvilleky.gov>; Rutherford, Paul <Paul.Rutherford@louisvilleky.gov>
Subject: RE: MOA between MSD and Metro Government

Shay,

Based upon what Jeff Brown has provided, my concerns about the project serving a public purpose are alleviated. At this point, I customarily remind Council Districts that is the Council who, through its collective vote, ultimately determines whether an appropriation is for a public purpose. I will ask that we provide my colleague, Paul Rutherford, an opportunity to review the MOA. While it looks to be up to standard by my judgement, he is far more experienced with agreements of this nature.

Respectfully,



Sean M. Dennis

Assistant County Attorney – Civil Division
Office of Mike O'Connell - Jefferson County Attorney
502.574.2215 (direct)
502.574.6333 (office)
Fiscal Court Building
531 Court Place, Suite 900
Louisville, KY 40202

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From: Dennis, Sean
Sent: Wednesday, October 9, 2019 1:27 PM
To: Brown, Jeffrey E <Jeffrey.Brown@louisvilleky.gov>; Franklin-West, Lucretia L. <Lucretia.West@louisvilleky.gov>
Cc: McCraney, Paula D. <Paula.McCraney@louisvilleky.gov>; Harward, Sonya <Sonya.Harward@louisvilleky.gov>
Subject: RE: MOA between MSD and Metro Government

Jeff,

Thank you. This is precisely the type of feedback I hoped to receive.

From: Brown, Jeffrey E <Jeffrey.Brown@louisvilleky.gov>
Sent: Wednesday, October 9, 2019 12:53 PM
To: Franklin-West, Lucretia L. <Lucretia.West@louisvilleky.gov>; Dennis, Sean <Sean.Dennis@louisvilleky.gov>
Cc: McCraney, Paula D. <Paula.McCraney@louisvilleky.gov>; Harward, Sonya <Sonya.Harward@louisvilleky.gov>
Subject: Re: MOA between MSD and Metro Government

I've seen CIF projects with MSD to clean up detention basins which serve a regional purpose and public good, and assume the current proposal would serve the same good since MSD has agreed to participate. I doubt this work would only benefit the property owner since drainage problems affect a larger area but the best improvement is isolated to one location.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Franklin-West, Lucretia L." <Lucretia.West@louisvilleky.gov>

Date: 10/9/19 12:47 PM (GMT-05:00)

To: "Brown, Jeffrey E" <Jeffrey.Brown@louisvilleky.gov>, "Dennis, Sean" <Sean.Dennis@louisvilleky.gov>

Cc: "McCraney, Paula D." <Paula.McCraney@louisvilleky.gov>, "Harward, Sonya" <Sonya.Harward@louisvilleky.gov>

Subject: FW: MOA between MSD and Metro Government

Jeff,

I was advised to reach out to you for assistance. Councilwoman McCraney has inquired with the County Attorney's Office to determine if she can use CIF and partner with MSD to get this property built up with dirt to help stop the flooding in the constituent's back yard, which in turn affects the flooding issues of several homes in the subdivision. Sean asked if I would reach out to Public Works to ascertain whether work of this kind is something they would customarily engage in or if they would typically see this as the responsibility of the homeowner. Can you advise?

Thanks!



Lucretia (Shay) West | Legislative Assistant
Office of District 7 Councilwoman Paula McCraney
601 W. Jefferson Street | Louisville, KY 40202
d: (502) 574-3454 o: (502) 574-1107

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From: Dennis, Sean <Sean.Dennis@louisvilleky.gov>

Sent: Wednesday, October 9, 2019 10:55 AM

To: Franklin-West, Lucretia L. <Lucretia.West@louisvilleky.gov>

Cc: Harward, Sonya <Sonya.Harward@louisvilleky.gov>

Subject: RE: MOA between MSD and Metro Government

Shay,

Will you please reach out to Public Works to ascertain whether work of this kind is something they would customarily engage in or if they would typically see this as the responsibility of the homeowner?

As stated on the phone, my concern is whether this can be deemed a public purpose or if it only remotely or theoretically serves a public purpose and is more appropriately recognized as a benefit to private individuals.

Respectfully,



Sean M. Dennis

Assistant County Attorney – Civil Division
Office of Mike O'Connell - Jefferson County Attorney
502.574.2215 (direct)
502.574.6333 (office)
Fiscal Court Building
531 Court Place, Suite 900
Louisville, KY 40202

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From: Franklin-West, Lucretia L.
Sent: Wednesday, October 09, 2019 9:28 AM
To: Martin, Sarah J
Cc: McCraney, Paula D.
Subject: MOA between MSD and Metro Government

Good morning Sarah,

Can you please review and render an opinion on the validity of the attached memorandum of agreement and whether Councilwoman McCraney can use CIF and partner with MSD to get this property built up with dirt to help stop the flooding in the constituent's back yard, which in turn affects the flooding issues of several homes in the subdivision?

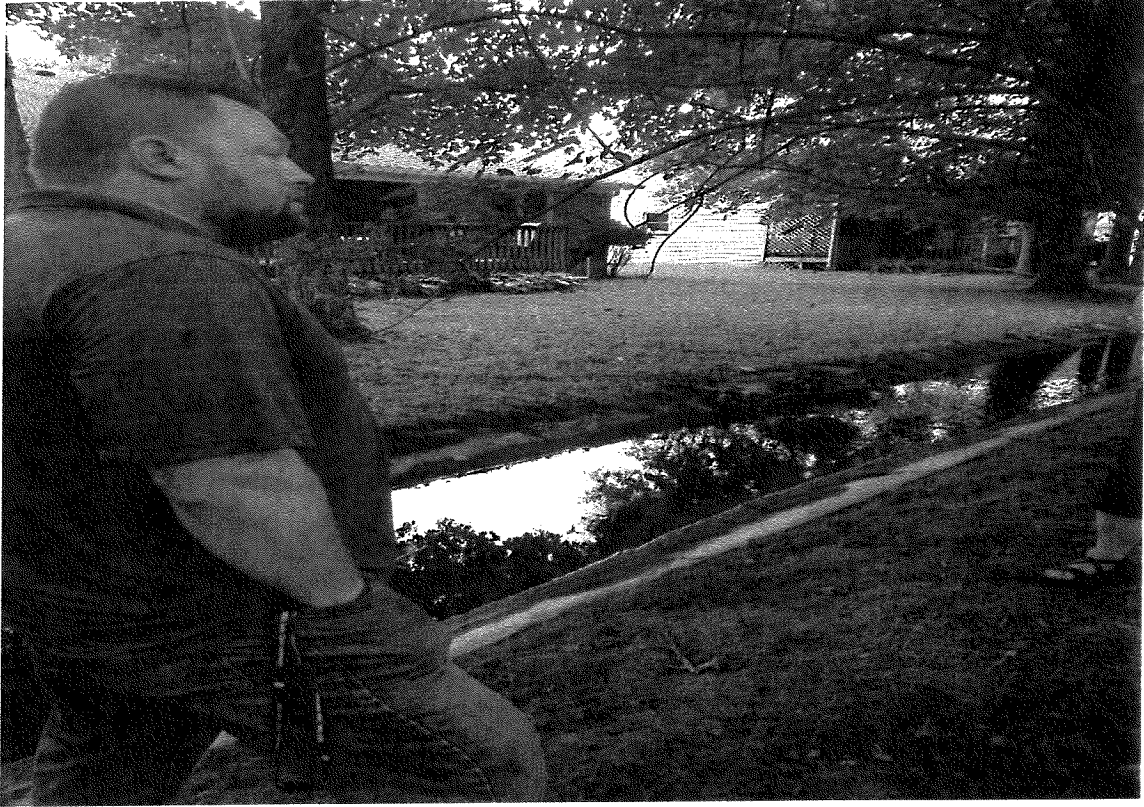
Thank you!



Lucretia (Shay) West | Legislative Assistant
Office of District 7 Councilwoman Paula McCraney
601 W. Jefferson Street | Louisville, KY 40202
d: (502) 574-3454 o: (502) 574-1107

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Franklin-West, Lucretia L.

From: Joseph Exely <joseph.exely@louisvillemsd.org>
Sent: Monday, November 4, 2019 2:28 PM
To: Wesley Sydnor; Brown, Jeffrey E; Franklin-West, Lucretia L.
Cc: Dennis, Sean
Subject: RE: 8200 Cadence PI MSD easement

Follow Up Flag: Follow up
Flag Status: Flagged

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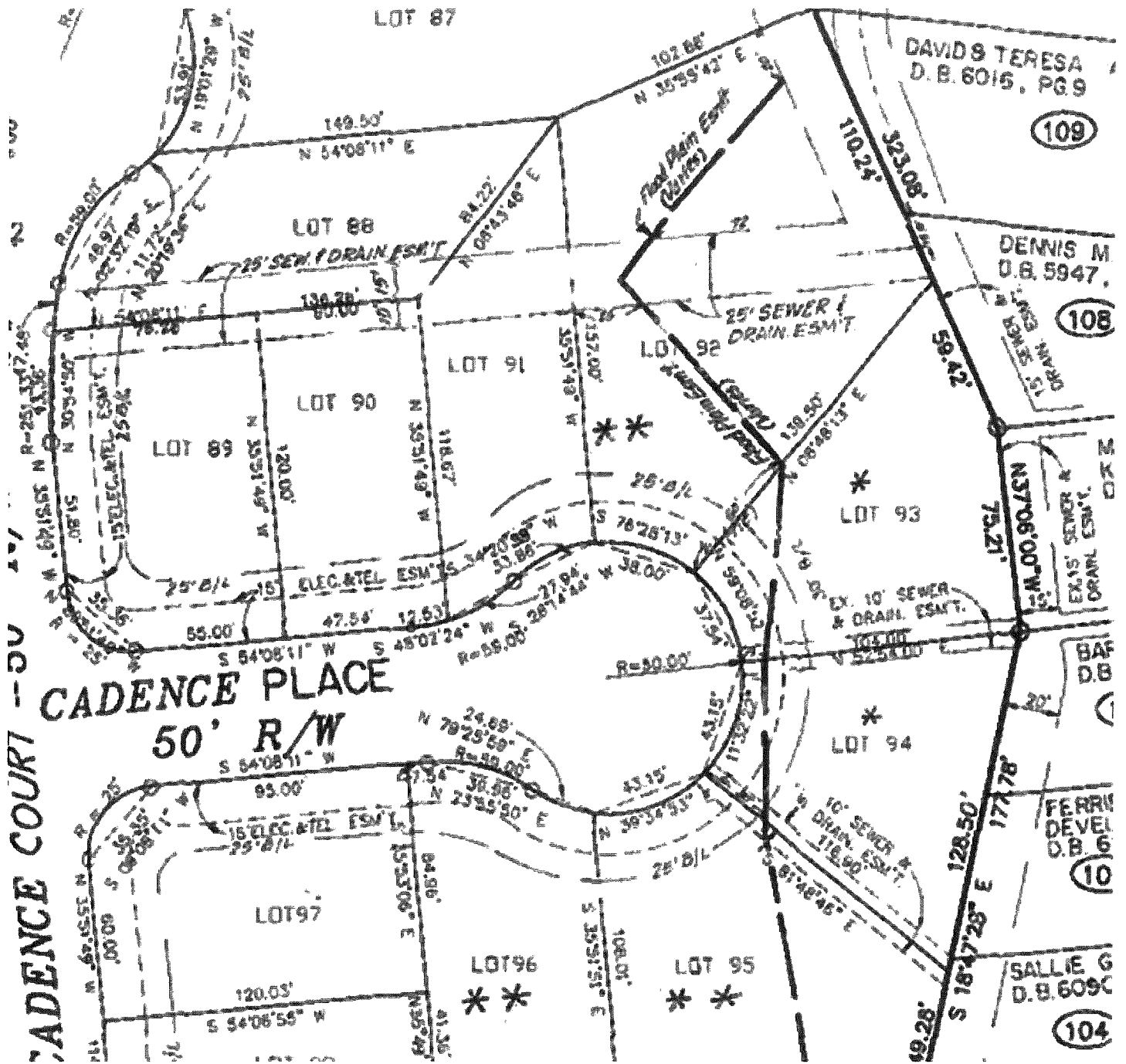
This will require a consent and release.

From: Wesley Sydnor <wesley.sydnor@louisvillemsd.org>
Sent: Monday, November 4, 2019 1:59 PM
To: Jeffrey Brown <Jeffrey.Brown@louisvilleky.gov>; Franklin-West, Lucretia L. <Lucretia.West@louisvilleky.gov>
Cc: Dennis, Sean <Sean.Dennis@louisvilleky.gov>; Joseph Exely <joseph.exely@louisvillemsd.org>
Subject: RE: 8200 Cadence PI MSD easement

Jeff – Let me check on our side. There might have been plans to do a consent release customer, or they might need to give us an easement to perform the work. Thanks,
Wes

From: Brown, Jeffrey E <Jeffrey.Brown@louisvilleky.gov>
Sent: Monday, November 4, 2019 10:56 AM
To: Franklin-West, Lucretia L. <Lucretia.West@louisvilleky.gov>; Wesley Sydnor <wesley.sydnor@louisvillemsd.org>
Cc: Dennis, Sean <Sean.Dennis@louisvilleky.gov>
Subject: 8200 Cadence PI MSD easement

8200 Cadence PI is lot 93 of the Sycamore Creek Subdivision in Plat Book 39 Pg 97. There is a flood plain easement but I'm not sure if it is for the benefit of MSD. Public Works can agree to accept the CIF funds to pass-thru to MSD for the proposed work but I would need MSD to verify there is an easement that does allow them to perform the work that is being proposed.



Jeffrey Brown, PE
 Assistant Director
 Metro Public Works & Assets
 444 S 5th St, 4th Fl
 Louisville, KY 40202
 Office 502-574-0065
 Cell 502-773-3222
Jeffrey.Brown@LouisvilleKY.gov

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MEMORANDUM OF AGREEMENT

BETWEEN

**LOUISVILLE AND JEFFERSON COUNTY
METROPOLITAN SEWER DISTRICT;**

AND

**LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT
ACTING BY THE THROUGH ITS
DEPARTMENT OF PUBLIC WORKS AND ASSETS**

PERTAINING TO:

Restoration along the rear yard behind 8200 Cadence Place

THIS MEMORANDUM OF AGREEMENT (“MOA”), made and entered into on this the _____ of _____ 2019, (Effective Date”) by and between the Louisville and Jefferson County Metropolitan Sewer District (“MSD”), 700 West Liberty Street, Louisville, Kentucky 40203, and Louisville/Jefferson County Metro Government, acting by and through its Department of Public Works and Assets (“Metro Government”), 444 South 5th Street Louisville, Kentucky 40202, (“MSD” and “Metro Government” hereinafter are referred to as “The Parties”).

WHEREAS, MSD shall restore the rear yard of 8200 Cadence Place. The restoration includes haul, fill, provide positive drainage, and restore the rear yard behind 8200 Cadence Place.

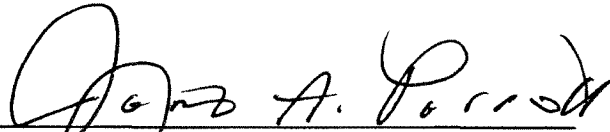
WHEREAS, MSD has agreed to cost share the repairs with Metro Government; and

NOW THEREFORE, in consideration of the promises and mutual covenants contained herein, and other good and valuable consideration, the Parties hereto agree as follows:

- (1) **SCOPE OF PROJECT:** MSD agrees to haul, fill, re-grade, and restore the rear yard behind 8200 Cadence Place.
- (2) **COST AND COST RECOVERY;** MSD shall be responsible for entering into a contract agreement with the contractor, securing all required bonding, overseeing construction and paying the contractors in full when the work is completed and accepted. Metro Government will be responsible for paying MSD a lump sum of \$2,500.00, before the contract is paid in full.
- (3) **PERIOD OF PERFORMANCE:** The effective dates for this Agreement shall be for the period beginning on November 20, 2017 and ending on June 30, 2020.
- (4) **CAUSES AND TERMINATION:** Either party may terminate this agreement without cause after thirty (30) days written notice or for cause at any time.
- (5) **SUCCESSORS AND ASSIGNS:** This Agreement shall inure to the benefit of and shall be binding on the Parties hereto and their successors, grantees, and assigns.
- (6) **ENTIRE AGREEMENT:** This Agreement contains the entire agreement and understanding of the Parties with respect to the subject matter herein, and may only be amended or modified in writing signed by the Parties hereto.
- (7) **GOVERNING LAW/ENFORCEABILITY:** This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Kentucky. In the event any provision is determined to be invalid or unenforceable, the same shall not impair the validity or enforceability of the remainder of the Agreement.

IN TESTIMONY WHEREOF, witness the signatures of the Parties hereto, each by its proper officer duly authorized.

LOUISVILLE AND JEFFERSON COUNTY
COUNTY
METROPOLITAN SEWER DISTRICT



James A Parrott
Executive Director

LOUISVILLE/JEFFERSON
METRO GOVERNMENT



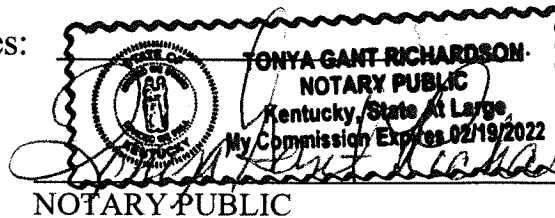
JEFF BROWN
ASSISTANT DIRECTOR

COMMONWEALTH OF KENTUCKY)
) SS.
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public within and for the State and County aforesaid, do hereby certify that the foregoing instrument was this day produced before me by JEFF BROWN, (name) who, being by me first duly sworn, did acknowledge and declare that he/she signed the foregoing instrument as ASSISTANT DIRECTOR (title) of METRO PUBLIC WORKS, by authority and direction of its LOUISVILLE METRO (members/directors/parties) as his/her free and authorized act and deed.

Witness my hand this 18 day of NOVEMBER 2019.

My Commission expires:

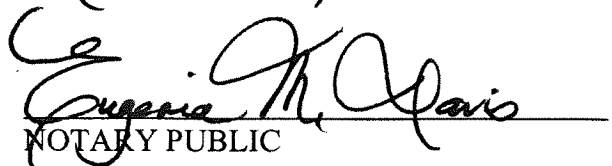

TONYA GANT RICHARDSON
NOTARY PUBLIC
Kentucky, State At Large
My Commission Expires 02/19/2022
Tonya Gant Richardson
NOTARY PUBLIC

COMMONWEALTH OF KENTUCKY)
) SS.
COUNTY OF JEFFERSON)


I, the undersigned, a Notary Public within and for the State and County aforesaid, do hereby certify that the foregoing instrument was this day produced before me James A Parrott, who, being by me first duly sworn, did acknowledge and declare that he signed and foregoing instrument as Executive Director of the LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT, BY authority and direction of its Board of Directors, as his free and authorized act and deed.

Witness my hand this 20th day of November 2019.

My Commission expires: December 2, 2021.


Eugenia M. Davis
NOTARY PUBLIC

This Instrument prepared by:


Legal Counsel

Louisville and Jefferson County
Metropolitan Sewer District
700 West Liberty Street
Louisville, Kentucky 40203-1911
(502) 540-6000
(502) 540-6565 (Fax)

