L-2953

**BEFORE THE MAYOR OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY**

**In re:**

**PETITION FOR CONSOLIDATION OF THE OLD HICKORY UTILITY DISTRICT OF DAVIDSON COUNTY, TENNESSEE WITH THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY**

BILL GARRETT, Davidson County
Trans:T20130059599 ORDER
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## ORDER FOR CONSOLIDATION

This matter came to be heard on June 12, 2013, before the Honorable Karl Dean, Mayor of the Metropolitan Government of Nashville and Davidson County, upon the filing of the Petition for Consolidation of Old Hickory Utility District of Davidson County, Tennessee with the Metropolitan Government of Nashville and Davidson County pursuant to T.C.A. § 7-82-202(e). Based upon the Petition, the statements of counsel for the Petitioner, and the testimony and comments of persons in attendance at the hearing, the Mayor makes the following findings of fact:

1. Proper notice was given by certified mail more than ten (10) days prior to the date of this hearing to all incorporated municipalities and to all utility districts entitled to receive notice of the hearing under T.C.A. § 7-82-202. Proper notice of this hearing was published in the May 31, 2013, edition of The Tennessean, a newspaper of general circulation in Davidson County, Tennessee, which notice was published not more than seven (7) but not less than fifteen (15) days before the hearing as required by T.C.A. § 7-82-202.

2. Old Hickory Utility District of Davidson County, Tennessee (the District) by Resolution duly adopted by its Board of Commissioners on March 12, 2013, authorized the

District to consolidate with the Metropolitan Government of Nashville and Davidson County (Metro) pursuant to T.C.A. § 7-82-202(e) by transferring all of its property and obligations to Metro and approved with a Consolidation Agreement with Metro.

3. On April 2, 2013, the Metro Council adopted Resolution RS2013-645 approving the Consolidation Agreement on behalf of Metro, authorizing the acquisition of the District and concurring in the consolidation in accordance with the Consolidation Agreement. The Consolidation Agreement has been executed by the District and Metro.

4. The District provides water, sewer, street lighting, garbage collection and recreational services to approximately 1,650 customers in the Old Hickory community in Davidson County, Tennessee.

5. Metro owns and operates a water and sewerage system by and through Metro Water Services. Metro owns and operates a parks and recreation system through the Metropolitan Board of Parks and Recreation.

6. The consolidation of the District with Metro will allow for the more economical, efficient and convenient furnishing of the District's utility services to its customers and is in the best interests of its customers.

7. Metro currently has two connections to the District's water system and is the District's largest water customer. Metro currently accepts all of the District's wastewater for treatment.

8. Upon the effective date of the consolidation, the District's water and sewer customers will become customers Metro Water Services. Metro's water and sewer system has sufficient capacity to provide water and sewer service to the District's customers. Metro Water Services provides water service to approximately 177,500 water customers and 190,000 sewer

customers. Metro Water Services has the financial expertise and resources to assume the District's water and sewer system and incorporate the District's customers into the Metro water and sewer system.

9. The incorporation of the District's water and sewer system into the Metro water and sewer system will reduce the present and future cost of service per District customer of providing water and sewer services to the District's customers.

10. The District currently provides garbage collection services and recreation services. Neither of these services are traditional public utility services. Upon the consolidation the District's customers will be located within Metro's general services district and will contract for garbage pick up with private garbage collection companies. There are a number of private garbage collection companies available to provide garbage collections services for the District's customers after the consolidation. The District's customers should have no problem in obtaining comparable garbage collection services at the same or lower cost as the District is currently garbage collection services.

11. The Nashville Electric Service will continue to provide street lighting services to the District's customers in accordance with its rules, regulations and policies.

12. The consolidation of the District into Metro is required by the public convenience and necessity, is economically sound and feasible and is in the public interest.

Accordingly, the Mayor concludes the Petition should be granted, and it is, hereby

ORDERED, ADJUDGED AND DECREED:

1. Pursuant to T.C.A. § 7-82-202(e), the Mayor approves the consolidation of Old Hickory Utility District of Davidson County, Tennessee with the Metropolitan Government of

Nashville and Davidson County by the transfer of all the facilities, assets and obligations of the District to Metro. The consolidation shall become effective on July 1, 2013.

2. The District, acting by and through its Board of Commissioners, is in all things authorized and empowered to take all necessary steps and to execute all necessary documents with respect to the transfer of its assets and liabilities as contemplated by T.C.A. § 7-82-202(e).

3. Upon the effective date of the consolidation, Metro will immediately assume the operation of the District's utility systems and account for the revenues therefrom in such a manner as not to impair the contracts of the District with reference to bond issues or other legal obligations of the District and shall fully preserve and protect the contract rights vested in the owners of any outstanding bonds, obligations or contractual interests.

5. The District be, and the same is hereby, dissolved effective July 1, 2013.

ENTERED this 13 day of June, 2013.

KARL DEAN, MAYOR METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

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Approved for Entry:

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# CERTIFICATION

I, Ana L. Escobar, being the duly appointed Metropolitan Clerk of The Metropolitan Government of Nashville and Davidson County, do hereby certify that the foregoing is a true and exact copy of the Order of Consolidation dated June 13, 2013, pursuant to the enactment of Resolution No. RS2013-645 of the Metropolitan Council on April 2, 2013.

WITNESS MY HAND and the Seal of The Metropolitan Government of Nashville and Davidson County, Tennessee, this

Metropolitan Clerk

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

Sworn to and subscribed before me,
by Ana L. Escobar this 13th
day of June, 2013.

Notary Public

My Commission expires: 05/08/2017

