



Legislation Details (With Text)

**File #:** 2023-0790    **Version:** 1    **Name:**

**Type:** Resolution    **Status:** Preliminary Item

**File created:** 6/21/2023    **In control:** Board of Commissioners

**On agenda:** 7/11/2023    **Final action:**

**Title:** Commission District(s): 2 & 6  
 Agreement for the Construction and Financing of Sewer Upgrades with NDM (Edens), LLC with County Contributions Expected to be Below \$1,484,000.

**Indexes:**

**Attachments:** 1. NDM - 2050 Lawrenceville Hwy Cost sharing Agreement final (002)

Date	Ver.	Action By	Action	Result
7/11/2023	1	Board of Commissioners	approved	Pass
7/10/2023	1	PWI-Public Works & Infrastructure Committee	recommended for approval.	Pass

**Public Hearing:** YES  NO     **Department:** Watershed Management

**SUBJECT:**

**Commission District(s):** 2 & 6

Agreement for the Construction and Financing of Sewer Upgrades with NDM (Edens), LLC with County Contributions Expected to be Below \$1,484,000.

**Information Contact:** David Hayes

**Phone Number:** 770-414-6240

**PURPOSE:**

To consider approving an agreement for the Construction and Financing of Sewer Upgrades in the South Fork Peachtree Creek model shed with NDM (Edens), LLC.

**NEED/IMPACT:**

NDM (Edens), LLC seeks to construct a mixed-use development at 2050 Lawrenceville Highway, Decatur, Georgia 30033, (the “Project”) and the Project requires upgrading and expanding portions of the existing sanitary sewer infrastructure and lines to accommodate additional discharge of wastewater into the Sewer System. The purpose of this Agreement is for the parties to enter a binding contract evidencing their agreement as to the installation and financing of the improvements for this development.

The improvements will consist of upgrades and expansion of certain portions of the DeKalb County sanitary sewer infrastructure and lines servicing the South Fork Peachtree Creek model shed. The improvements will allow for a total of 1550 residences, 97,000 square feet of commercial space, and a 150 key hotel. The County,

through its Department of Watershed Management and/or its contractor, will determine those portions of the sanitary sewer infrastructure and lines to be upgraded and expanded (the “Work”). The Work will be divided into two phases. The first half of the improvements will be completed no later than August 1, 2025. The remainder of the improvements will be completed by January 1, 2027. Completed improvements shall generate 679,666 gallons per day in sewer capacity credits as calculated per DeKalb County’s Capacity Assurance Banking Credit Program. Company agrees that upon completion of each phase of the improvements and before Company shall be allowed access to the County’s sanitary sewer system, Company shall reimburse the County \$598,000 for the first phase of improvements and \$886,000 for the second phase of improvements (\$1,484,000 total of the estimated cost of \$2,968,000 for sewer improvements in the South Fork Peachtree Creek model shed). (“Company’s Contribution”).

**FISCAL IMPACT:**

The County's contribution is expected to be below \$1,484,000.

**RECOMMENDATION:**

To authorize the CEO or designee to execute the Agreement and all necessary documents in a form acceptable to the County Attorney.