

**BILL NO. RS2018-1264** (KINDALL, BEDNE, & ELROD) - This ordinance would authorize Pacific 35th & Peoria, LLC to construct, install, and maintain aerial and underground encroachments at 350 22nd Avenue North. The aerial encroachment would consist of building overhangs and the underground encroachments would consist of irrigation for trees and furnishing zone.

The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the sign, and is required to provide a \$2 million certificate of public liability insurance with the Metropolitan Clerk naming the Metropolitan Government as an insured party. The applicant must also hold the Metropolitan Government harmless from all claims connected with the installation.

Metropolitan Government retains the right to pass resolutions or ordinances regulating the use of surrounding streets, including the right to construct and maintain utilities, and to order the relocation of facilities at the expense of the applicant. Metro further retains the right to repeal approval of the encroachment without liability.

Plans for the encroachment must be submitted to the Director of Public Works for approval, along with all work and materials; and the installation, when completed, must be approved by the Director.

The encroachments' construction must be carefully guarded and must be completed promptly, so as to cause the least inconvenience to the public.

This proposal has been approved by the Planning Commission.