

RESOLUTION NO. RS2019-1830

A resolution authorizing 4Pant, LLC to construct and install an aerial encroachment at 210 4th Avenue North (Proposal No.2019M-021EN-001).

WHEREAS, 4Pant, LLC plans to construct, install and maintain an aerial encroachment, is comprised of one, double-faced, projecting sign measuring 2 feet by 2 feet and projecting from the wall 1 foot, under Proposal No. 2019M-021EN-001, at 210 4th Ave North; and,

WHEREAS, 4Pant, LLC has agreed to indemnify and hold The Metropolitan Government of Nashville and Davidson County harmless of any and all claims for damages of every nature and kind resulting from or arising from the installation of said aerial encroachment; and,

WHEREAS, Metropolitan Code of Laws § 13.16.030(A) allows the Council of The Metropolitan Government of Nashville and Davidson County to grant encroachments, permits, or privileges to construct, maintain and/or operate aerial cables, canopies, etc., over and/or across sidewalks and public rights-of-way by Resolution adopted by twenty-one (21) affirmative votes.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That subject to the requirements, limitations and conditions contained herein, 4Pant, LLC is hereby granted the privilege to construct and maintain said aerial encroachment in accordance with the plans which are on file in the office of the Director of Public Works, and which are more particularly described by lines, words and figures on the attached sketches which are attached to and made a part of this Resolution.

Section 2. That the authority granted hereby for the construction, installation, operation, and maintenance of said aerial encroachment shall not be construed as a surrender by the Metropolitan Government of its rights or power to pass resolutions or ordinances regulating the use of its streets, or the right of the Metropolitan Government through its legislative body, in the interest of public necessity and convenience to order the relocation of said facilities at the expense of 4Pant, LLC.

Section 3. That plans and specifications for said aerial encroachment shall be submitted to the Director of Public Works of The Metropolitan Government of Nashville and Davidson County for approval before any work is begun, and all work, material, and other details of said installation shall be approved by the Director of Public Works prior to its use by 4Pant, LLC.

Section 4. That construction and maintenance of said aerial encroachment shall be under the direction, supervision, and control of the Director of Public Works, and its installation, when complete, must be approved by said Director.

Section 5. That this Resolution confers upon 4Pant, LLC a privilege and not a franchise, and the Mayor and the Metropolitan Council herein expressly reserve the right to repeal this Resolution, whenever, in their judgment, a repeal may be demanded by public welfare, and such repeal shall confer no liability on The Metropolitan Government of Nashville and Davidson County, its successors and assigns, by reason of said repeal. In the event of such repeal by said Metropolitan Government, 4Pant, LLC, its successors and assigns, shall remove said aerial encroachment at their own expense.

Section 6. 4Pant, LLC shall pay all cost incident to the construction, installation, operation and maintenance of said aerial encroachment and shall save and hold The Metropolitan Government of Nashville and Davidson County harmless from all suits, costs, claims, damages or judgments in any way connected with said construction, installation, operation and maintenance of said aerial encroachment and shall not claim, set up or plead, as a defense, in the event of joint liability, with or without suit, that it and the Metropolitan Government were joint wrongdoers. 4Pant, LLC shall be responsible for the expense, if any, of repairing and returning the right-of-way to the condition which it was in prior to the installation of said aerial encroachment, and for any street closure.

Section 7. That the authority granted to 4Pant, LLC as herein described, shall not in any way interfere with the rights of the Metropolitan Government, its agents, servants, and/or contractors and utility companies, operating under franchise from the Metropolitan Government to enter, construct, operate, maintain, repair, rebuild, enlarge, and patrol its now existing or future utilities, including drainage facilities, together with their appurtenances, and to do any and all things necessary and incidental thereto.

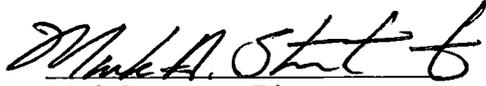
Section 8. 4Pant, LLC shall and is hereby required to furnish The Metropolitan Government of Nashville and Davidson County a certificate of public liability insurance, naming The Metropolitan Government as an insured party, of at least two million (\$2,000,000) dollars aggregate, for the payment of any judgment had on any claim, of whatever nature, made for actions or causes of action arising out of, or connected with, the construction or installation of said aerial encroachment. Said certificate of insurance shall be filed with the Metropolitan Clerk and the Department of Public Works prior to the granting of a permit, and the insurance required herein shall not be canceled without the insurance company or companies first giving thirty (30) days written notice to The Metropolitan Government of Nashville and Davidson County.

Section 9. That said construction shall be carefully guarded and protected, and shall be completed promptly, so as to cause the least inconvenience to the public. The acceptance by 4Pant, LLC of all provisions of this Resolution shall be determined by the beginning of work.

Section 10. The authority granted pursuant to this Resolution shall not become effective until the certificate of insurance, as required in Section 8, has been posted with the Metropolitan Clerk and the Department of Public Works.

Section 11. This Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

RECOMMENDED BY:

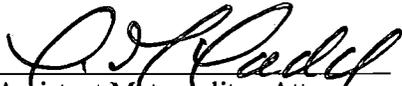


Mark Sturtevant, Director
Department of Public Works

INTRODUCED BY:

Member(s) of Council

APPROVED AS TO FORM
AND LEGALITY:



Assistant Metropolitan Attorney

Electronic Signature Page

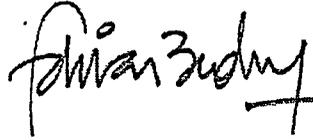
(Attach to Legislation Pursuant to Rule 8 of the Council Rules of Procedure)

A handwritten signature in black ink, appearing to read "Freddie O'Connell". The signature is written in a cursive style with a large initial 'F' and 'O'.

Freddie O'Connell
Councilmember, District 19

Electronic Signature Page

(Attach to Legislation Pursuant to Rule 8 of the Council Rules of Procedure)

A handwritten signature in black ink, appearing to read "Fabian Bedne". The signature is written in a cursive style with a horizontal line at the end.

Fabian Bedne
Councilman, District 31

Proposal No. 2019M-021EN-001



DHGNATI-01

ASPANOS

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
2/21/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Kokkoris Insurance Services 28-05 23rd Avenue Astoria, NY 11105	CONTACT NAME: Anna Spanos
	PHONE (A/C, No, Ext): (718) 728-0606 FAX (A/C, No): (718) 728-1737
	E-MAIL ADDRESS: service@kokkorisins.com
	INSURER(S) AFFORDING COVERAGE NAIC #
INSURED 4PANT, LLC DHG Nashville, LLC DBA Dream Nashville 210 4th Ave N Nashville, TN 37219	INSURER A: ZURICH INSURANCE
	INSURER B: ACE INSURANCE COMPANY 20699
	INSURER C:
	INSURER D:
	INSURER E:

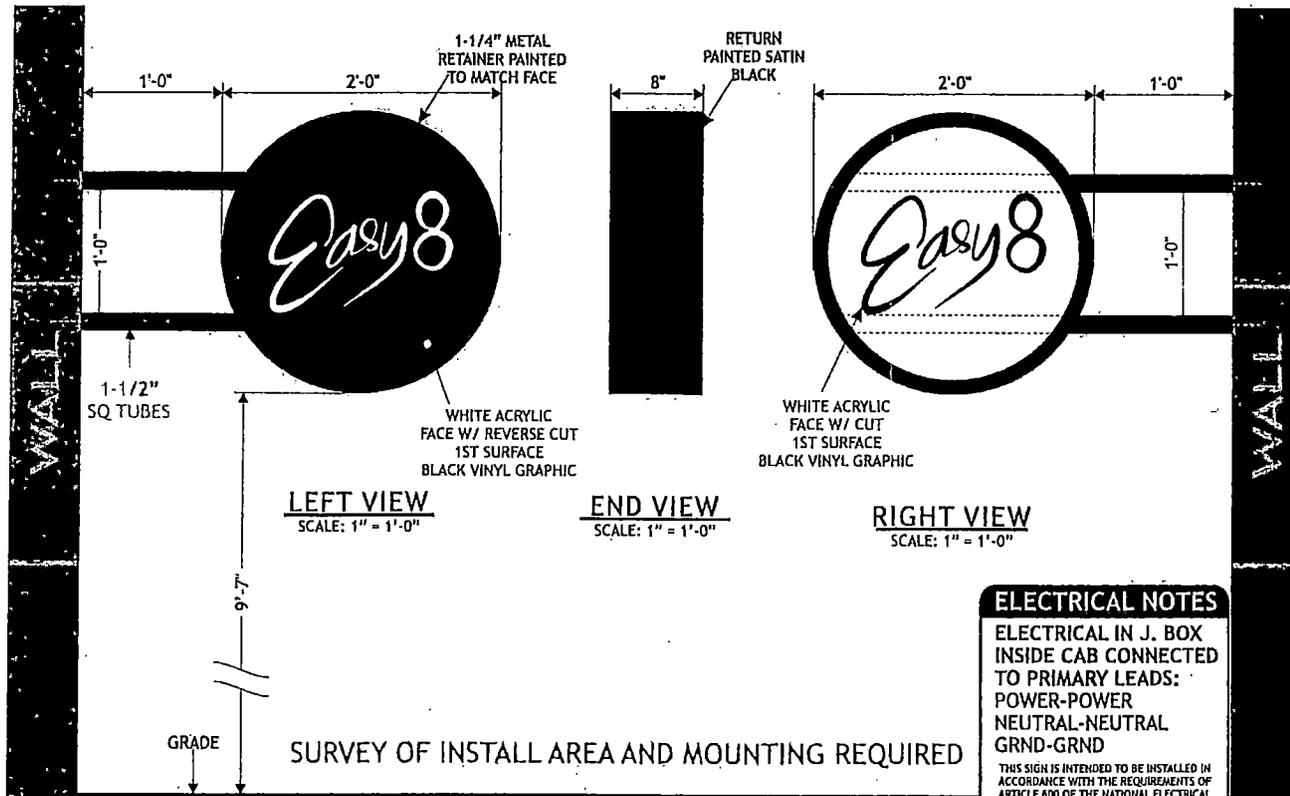
COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDITIONAL SUBROGATION	POLICY NUMBER	POLICY EFF. DATE (MM/DD/YYYY)	POLICY EXP. DATE (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:	X X	PRA0303349-00	12/10/2018	12/10/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Per occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/POP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRER AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY	X X	PRA0303349-00	12/10/2018	12/10/2019	COMBINED SINGLE LIMIT (EA accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000	X X	PUMB17AG2676208	1/16/2019	1/16/2020	EACH OCCURRENCE \$ 125,000,000 AGGREGATE \$ 125,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A				PER STATUTE <input type="checkbox"/> OTHER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Re: 4Pant, LLC/DHG Nashville, LLC DBA Dream Nashville
 The Metropolitan Government of Nashville & Davidson County, Metro Legal and Claims c/o Insurance and safety Division is included as additional insured as required by written contract. A 30 day notice of cancellation applies. Umbrella is primary and non-contributory
 Sign coverage \$10,000

CERTIFICATE HOLDER Metropolitan Gov. of Nashville and Davidson County Metro Legal and Claims 222 Third Avenue N. Ste. 501 Nashville, TN 37201	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE



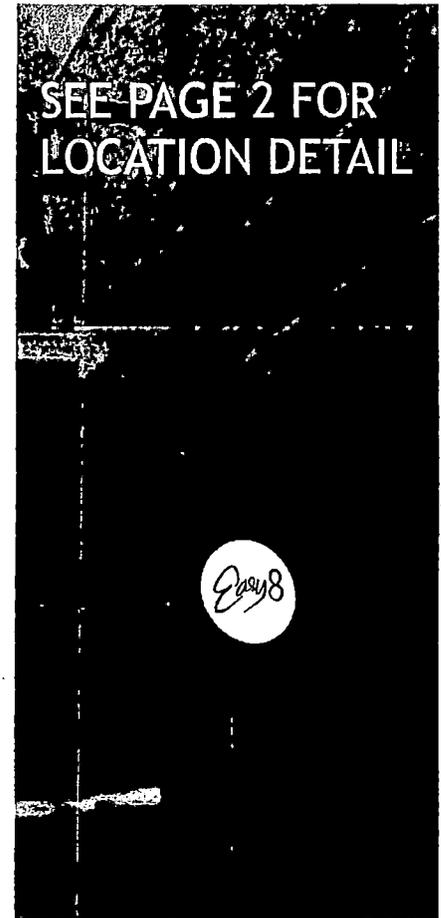
SURVEY OF INSTALL AREA AND MOUNTING REQUIRED

ELECTRICAL NOTES

ELECTRICAL IN J. BOX
INSIDE CAB CONNECTED
TO PRIMARY LEADS:
POWER-POWER
NEUTRAL-NEUTRAL
GRND-GRND

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

Suitable For Wet Locations



EASY 8 - PRINTERS ALLEY

210 4TH AVE N
NASHVILLE, TN 37219

PROJECT MGR: HOUSE

190230-L20-01

SPECIFICATIONS & FINISHES

1. FABRICATE/INSTALL ONE (1) DF ILLUMINATED PROJECTING SIGN W/ FLAT ACRYLIC FACES DECORATED WITH CUT VINYL GRAPHIC AS ILLUSTRATED AND SPECIFIED.

WHITE ACRYLIC BLACK VINYL SATIN BLACK WHITE LED

DATE: 02-28-19 DESIGNED BY: M. CLINE

XXXXX

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APPROVALS FOR MANUFACTURING

ENGINEERING:

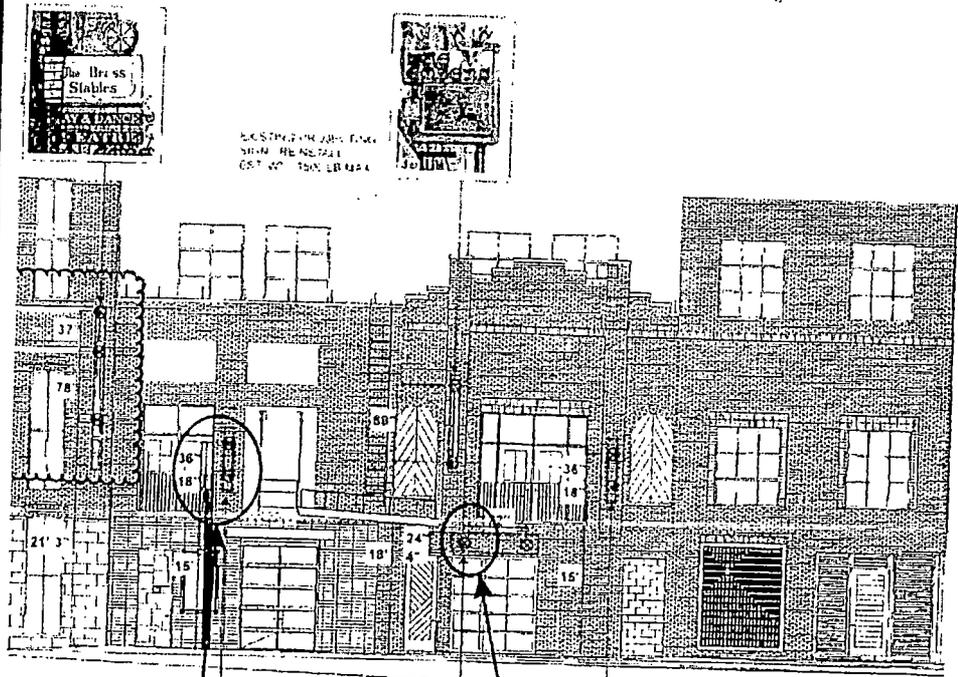
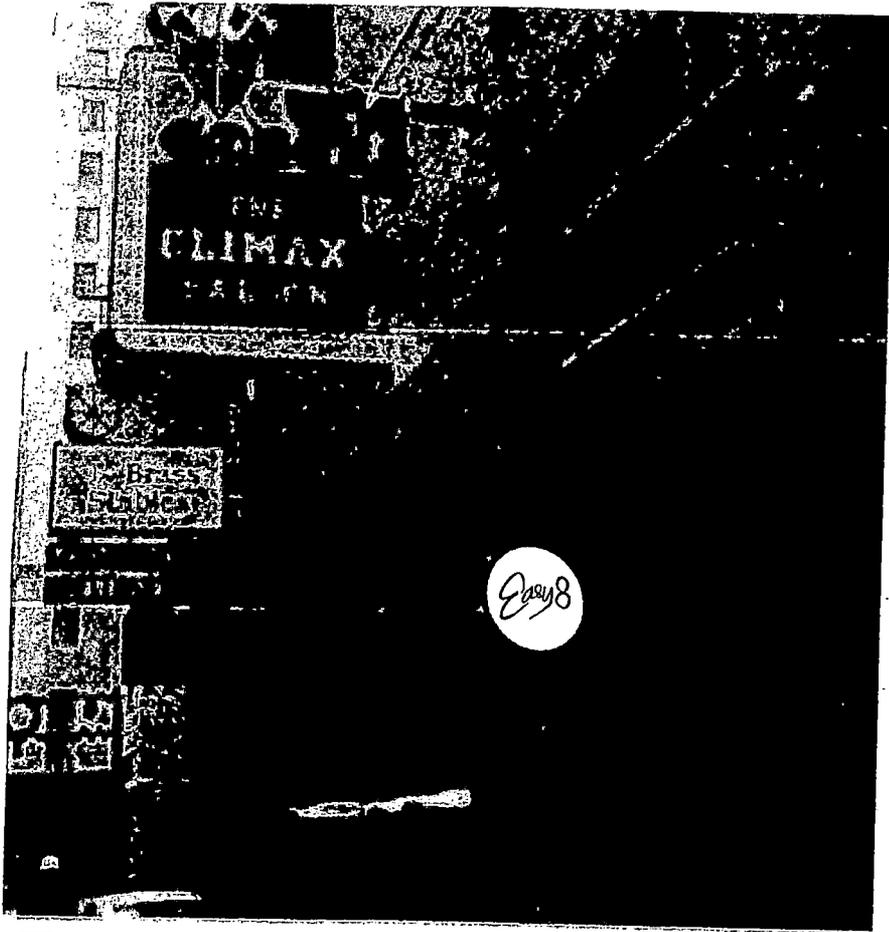
INSTALLATION:

PROJECT MANAGER:

JOSLIN AND SON SIGNS

630 Murfreesboro Rd, Nashville, TN 37210
615.255.3463 1.800.545.9557

*Design & Drawing Are Property Of Joslin Sign. Use Without Consent Is Subject To Invoicing And/or Litigation.



ALLSAINTS
SIGN LOCATION

EASY 8 SIGN
LOCATION

EASY 8 - PRINTERS ALLEY
 210 4TH AVE N
 NASHVILLE, TN 37219
 PROJECT MGR: HOUSE
 190230-L20-02

SPECIFICATIONS & FINISHES
**INSTALL LOCATION
 PHOTO RENDERING**

DATE: 02-28-19
 DESIGNED BY: M. CLINE
 XXXXX
 PAGE 2 OF 2

APPROVALS
 FOR MANUFACTURING
 ENGINEERING:
 INSTALLATION:
 PROJECT MANAGER:

**JOSLIN
 AND SON
 SIGNS**
 630 Murfreesboro Rd, Nashville, TN 37210
 615.255.3463 1.800.645.9557

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