

RESOLUTION NO. RS2019 - 45

A resolution authorizing The Broadway Hotel LLC dba Moxy to construct and install an aerial encroachment at 110 3rd Avenue South for (Proposal No.2019M-029EN-001).

WHEREAS, The Broadway Hotel LLC dba Moxy, plans to construct, install and maintain an aerial encroachment, under Proposal No. 2019M-029EN-001, at 110 3rd Avenue South; and,

WHEREAS, Proposal No. 2019M-029EN-001 is comprised of one, projecting sign measuring 15 feet 10 inches by 6 feet, encroaching the public right-of-way; and,

WHEREAS, The Broadway Hotel LLC dba Moxy 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, The Broadway Hotel LLC dba Moxy, 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 The Broadway Hotel LLC dba Moxy.

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 The Broadway Hotel LLC dba Moxy.

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 The Broadway Hotel LLC dba Moxy, 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, The Broadway Hotel LLC dba Moxy, its successors and assigns, shall remove said aerial encroach at their own expense.

Section 6. The Broadway Hotel LLC dba Moxy, shall pay all costs 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. The Broadway Hotel LLC dba Moxy 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 The Broadway Hotel LLC dba Moxy, 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.

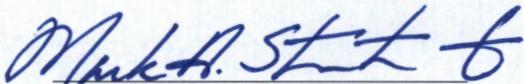
Section 8. The Broadway Hotel LLC dba Moxy, shall and is hereby required, to furnish The Metropolitan Government of Nashville and Davidson County a certificate of public liability insurance, naming The Metropolitan Government as an insured party, of at least two million (\$2,000,000) dollars aggregate, 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 The Broadway Hotel LLC dba Moxy 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

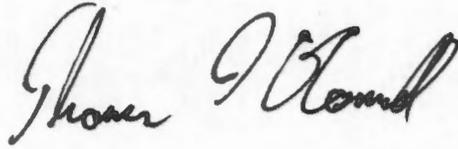
APPROVED AS TO FORM
AND LEGALITY:



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)

Kathleen D Murphy

Kathleen Murphy
Councilmember, District 24

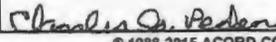
Proposal No. 2019M-029EN-001

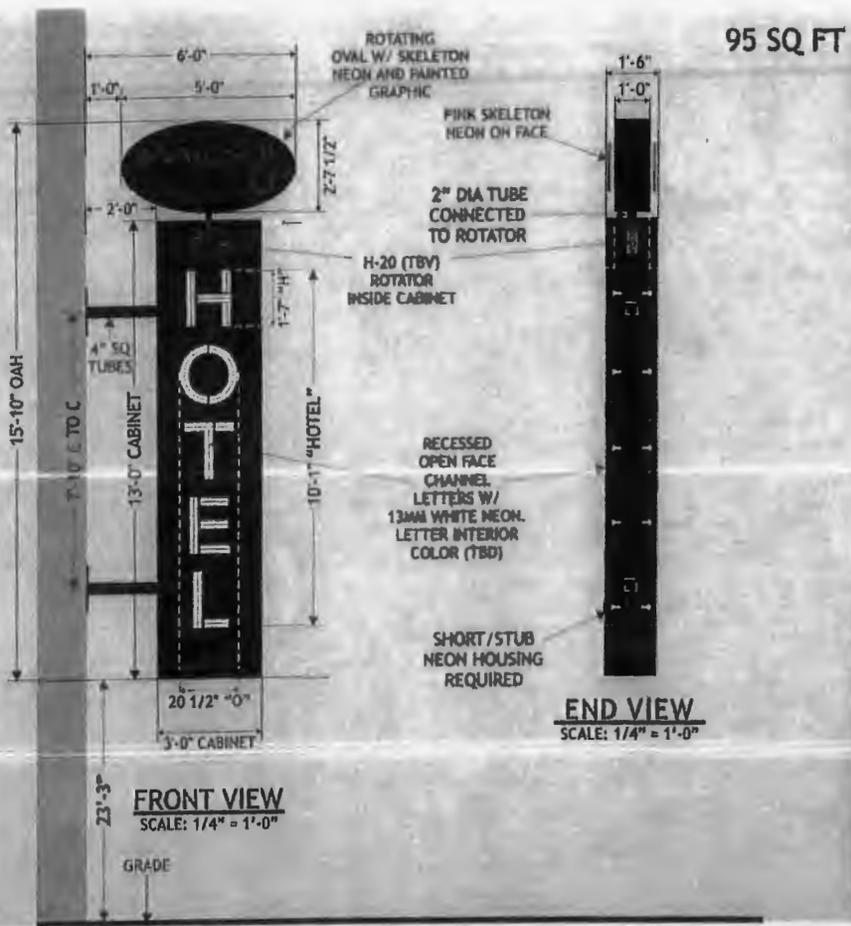
ACORD CLIENTS: 1899804 063000AL	CERTIFICATE OF LIABILITY INSURANCE	DATE (MM/DD/YYYY) 3/08/2019
THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED 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 any rights to the certificate holder in lieu of such endorsement(s).		
PRODUCER McGriff Insurance Services 200 W Vine Street, Suite 300 Lexington, KY 40507 859 224-8899	CONTACT NAME: PHONE (A/C, No, Ext): 859 224-8899 FAX (A/C, No): 8666432260 E-MAIL ADDRESS: INSURER(S) AFFORDING COVERAGE NAIC # INSURER A: Westfield Insurance Company 24112 INSURER B: Great American Insurance Company INSURER C: INSURER D: INSURER E: INSURER F:	
INSURED The Broadway Hotel LLC dba Moxy P.O. Box 905 Eddyville, KY 42038		

INSR LTR	TYPE OF INSURANCE	ADDL SUBR (INSR WVO)	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (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"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:	X	TRA3958229	10/01/2018	10/01/2019	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$500,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 \$ AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$0		TRA3958229	10/01/2018	10/01/2019	EACH OCCURRENCE \$9,000,000 AGGREGATE \$9,000,000 \$ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N <input type="checkbox"/> N/A (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below
B	Builder's Risk		IMP4256344	09/04/2017	04/15/2019	*See Limit Below

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Project and insured as pertains to The Broadway Hotel, LLC, dba Moxy, 110 Third Avenue South, Nashville, TN 37201.

*RE: Sign for The Broadway Hotel, LLC, dba Moxy, 110 Third Avenue South, Nashville, TN 37201 as covered under Builder's Risk coverage at a sign limit of \$25,000, \$5,000 deductible.
 (See Attached Descriptions)

CERTIFICATE HOLDER The Metropolitan Gov of Nashville & Davidson Co. Metro Legal and Claims 222 Third Ave. 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 
--	---



95 SQ FT



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

MOXY
 110 3RD AVE SOUTH
 NASHVILLE, TN 37201
 PROJECT MGR: K. CLARK
 190198-K40-01

SPECIFICATIONS & FINISHES

1. FABRICATE/INSTALL ONE (1) DF PROJECTING BLADE SIGN WITH RECESSED OPEN-FACE WHITE NEON CHANNEL LETTERS AND ROTATING OVAL TOPPER W/ PINK SKELETON NEON AND PAINTED GRAPHIC AS ILLUSTRATED & SPECIFIED.

SATIN BLACK
 LIGHT ENHANCING WHITE
 3630-118 INTENSE MAGENTA
 SATIN PMS 241C
 13MM PINK NEON
 WHITE 13MM NEON
 WHITE LED

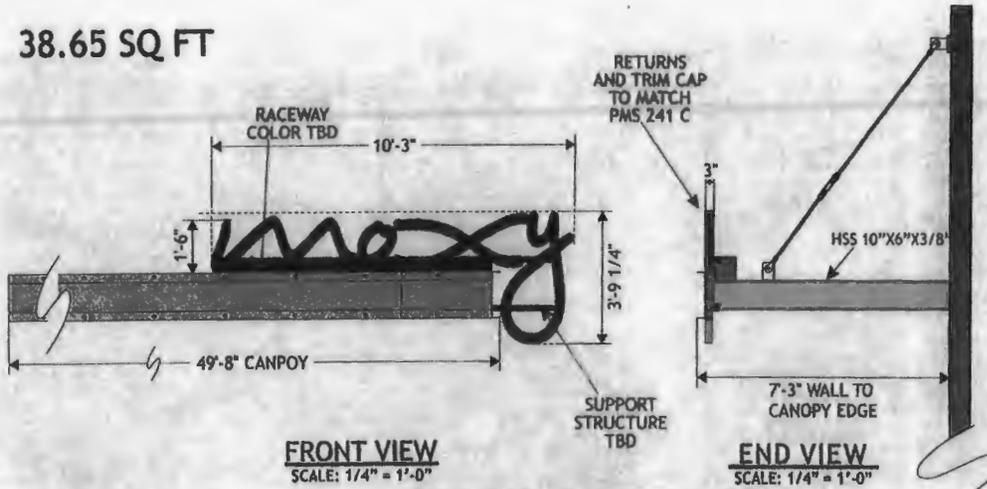
*Design & Drawing Are Property Of Joslin Sign. Use Without Consent Is Subject To Involving And/or Litigation.

DESIGNED BY
 02-25-19 J. MORTON
 XXXXX
 PAGE 1 OF 3

APPROVALS
 ENGINEERING:
 INSTALLATION:
 PROJECT MANAGER:

JOSLIN AND SON SIGNS
 630 Murfreesboro Rd. Nashville, TN 37210
 615.255.3463 1.800.545.9557

38.65 SQ FT

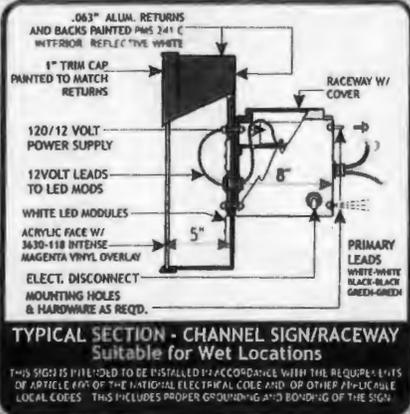


FRONT VIEW
SCALE: 1/4" = 1'-0"

END VIEW
SCALE: 1/4" = 1'-0"



MOUNTING TBV



MOXY
110 3RD AVE SOUTH
NASHVILLE, TN 37201
PROJECT MGR: K. CLARK
190198-K40-02

SPECIFICATIONS & FINISHES

1. FABRICATE/INSTALL ONE (1) SET OF WHITE LED ILLUMINATED FACE LIT RACEWAY MOUNTED CHANNEL LETTERS W/ MAGENTA VINYL OVERLAY AND PAINTED AS ILLUSTRATED & SPECIFIED.

RACEWAY COLOR TBD
 3630-118 INTENSE MAGENTA
 SATIN PMS 241C
 WHITE LED

DATE: 02-25-19 DESIGNED BY: J. MORTON
XXXXX
PAGE 2 OF 3

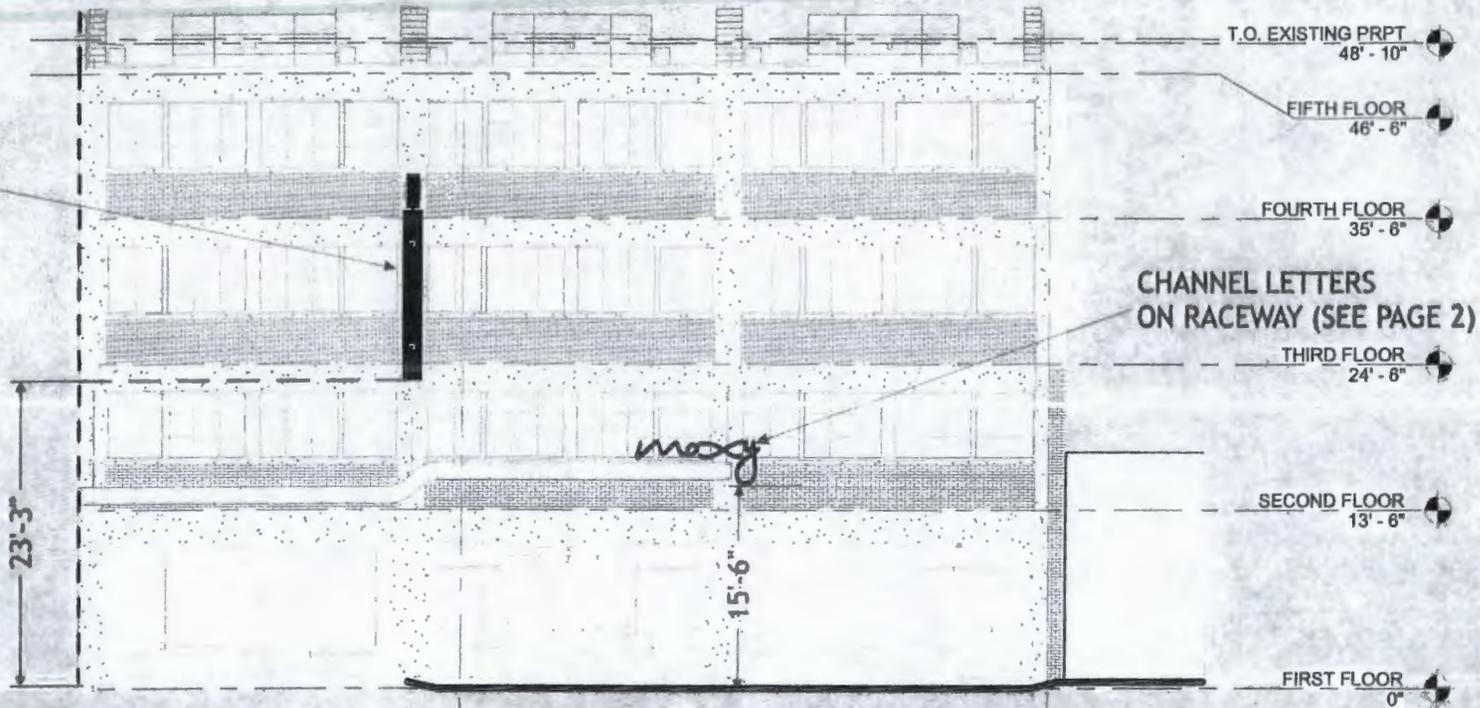
APPROVALS

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 Signs. Use Without Consent Is Subject To Invoicing And/or Litigation.

BLADE SIGN
(SEE PAGE 1)



MOXY

110 3RD AVE SOUTH
NASHVILLE, TN 37201

PROJECT MGR: K. CLARK

190198-K40-03

SPECIFICATIONS & FINISHES

PROPOSED INSTALL LOCATIONS

DATE: 02-25-19 DESIGNED BY: J. MORTON

XXXXX

PAGE 3 OF 3

APPROVALS

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.