

RESOLUTION NO. RS2019 - 78

A resolution authorizing Matts 123 LLC, dba Mattheessen's to construct and install an aerial encroachment at 123 2nd Avenue North (Proposal No.2019M-027EN-001).

WHEREAS, Matts 123 LLC dba Mattheessen's, plans to construct, install and maintain an aerial encroachment, under Proposal No. 2019M-027EN-001, at 123 2nd Avenue North; and,

WHEREAS, Proposal No. 2019M-026EN-001 is comprised of one, projecting sign measuring 49 inches by 105.5 inches encroaching the public right-of-way on property located at 123 2nd Avenue North; and,

WHEREAS, Matts 123 LLC dba Mattheessen's, 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, Matts 123 LLC dba Mattheessen's 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 Matts 123 LLC dba Mattheessen's.

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 Matts 123 LLC dba Mattheessen's.

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 Matts 123 LLC dba Mattheessen's, 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, Matts 123 LLC dba Mattheessen's, its successors and assigns, shall remove said aerial encroachment at their own expense.

Section 6. Matts 123 LLC dba Mattheessen's, 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. Matts 123 LLC dba Mattheessen's 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.

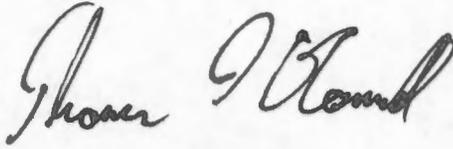
Section 7. That the authority granted to Matts 123 LLC dba Mattheessen's, as herein described, shall not in any way interfere with the rights of the Metropolitan Government, its agents, servants, and/or contractors and utility companies, operating under franchise from the Metropolitan Government to enter, 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. Matts 123 LLC dba Mattheessen's, 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 Matts 123 LLC dba Mattheessen's of all provisions of this Resolution shall be determined by the beginning of work.

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

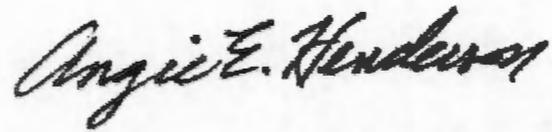
(Attach to Legislation Pursuant to Rule 8 of the Council Rules of Procedure)

Kathleen D Murphy

Kathleen Murphy
Councilmember, District 24

Electronic Signature Page

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

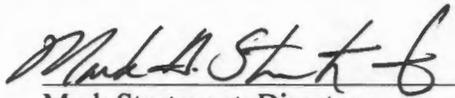
A handwritten signature in black ink that reads "Angie E. Henderson". The signature is written in a cursive style with a large initial 'A' and 'H'.

Angie Henderson
Councilmember, District 34

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

Proposal No. 2019M-027EN-001



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
02/25/2019

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 International Insurance Brokers, LLC 504 Autumn Springs Ct # A-9		CONTACT NAME: Melissa Jones-Brown PHONE (M/F, H, Ext): (615) 778-7067 FAX (M/F, Ext): (615) 778-8615 E-MAIL ADDRESS: melissa@iibc.net	
Insured: Metro 123 LLC, DBA Matheson's c/o Brent Matheson 3733 Flagler Ave Key West	Franklin TN 37057	INSURER A: Auto-Owners Insurance Company	INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES CERTIFICATE NUMBER: CL19122006302 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.

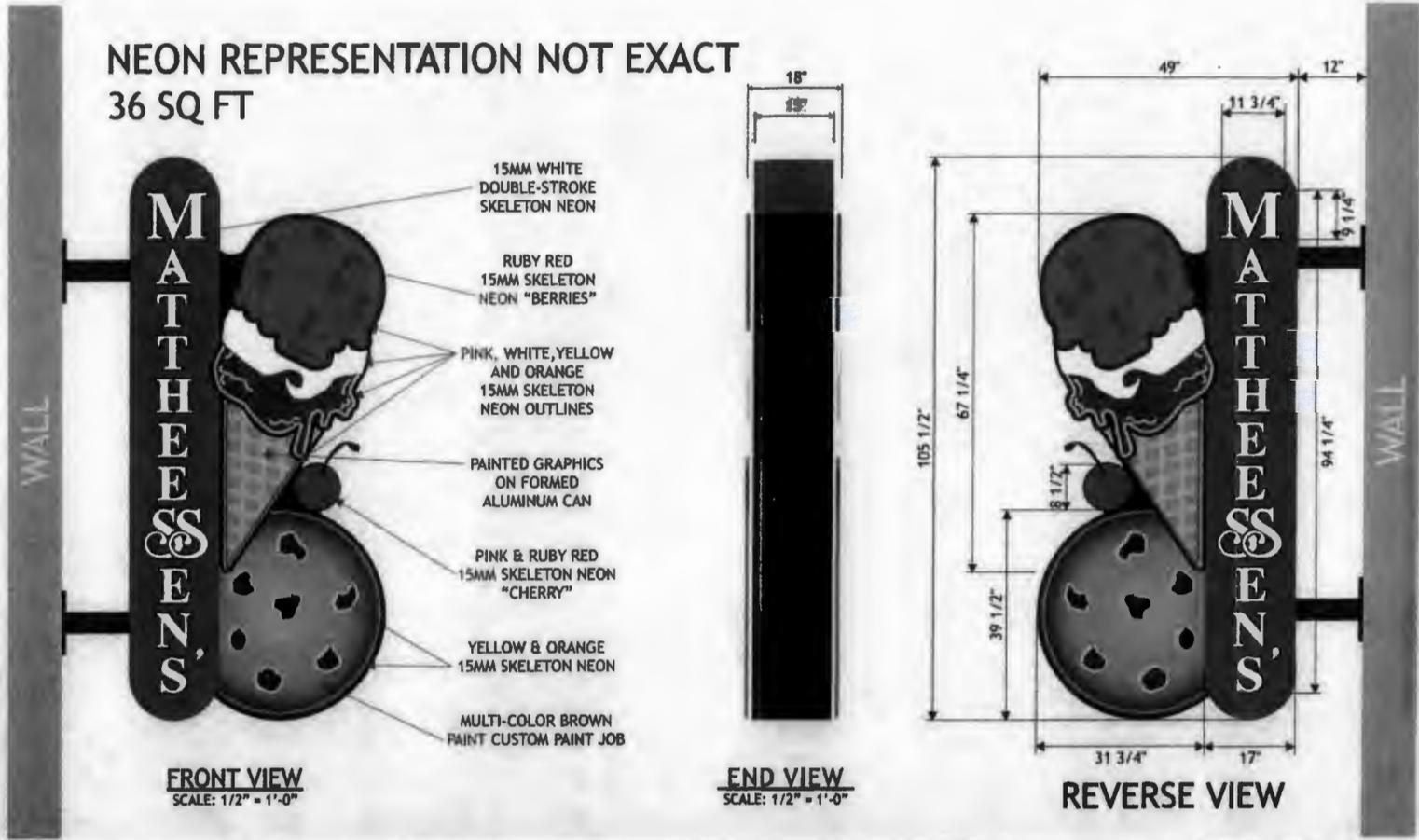
LINE	TYPE OF INSURANCE	MODELS (RND / RND)	POLICY NUMBER	POLICY START (MM/DD/YYYY)	POLICY STOP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN. AGGREGATE LIMIT APPLIES PER <input type="checkbox"/> POLICY <input type="checkbox"/> PRO. ACCT <input type="checkbox"/> LOC OTHER:	Y	5218519900	02/27/2019	02/27/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Per occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP ACC \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Per accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIMIT <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DEQ <input type="checkbox"/> RETENTION \$		5218519901	02/27/2019	02/27/2020	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
	WORKERS COMPENSATION AND EMPLOYERS LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Waiver to file) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A				PER STATUTE <input type="checkbox"/> OPT-EM <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYER \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 RE: Metro 123 LLC DBA; Matheson's
 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 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
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NEON REPRESENTATION NOT EXACT
36 SQ FT



MATTHEESSEN'S

BROADWAY
NASHVILLE, TN

PROJECT MGR: D.LUTHER

190244-L90-01

SPECIFICATIONS & FINISHES

1. FABRICATE/INSTALL PROJECTING FORMED ALUMINUM BLADE SIGN WITH SKELETON NEON, AS ILLUSTRATED AND SPECIFIED.

WHITE BLACK 15MM NEON EXACT PAINT COLORS TBD

REVISIONS

REVISION NO. 3-11-19 BY J. MORTON

XXXXX

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APPROVALS FOR MANUFACTURING

ENGINEERING:

INSTALLATION:

PROJECT MANAGER:

JOS AND SIG

630 Murfreesboro Rd
615 255 3463

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

RENDERING
SCALE NOT
EXACT



MATTHEESSEN'S
BROADWAY
NASHVILLE, TN
PROJECT MGR: D.LUTHER
190244-L90-02

SPECIFICATIONS & FINISHES
PHOTO RENDERINGS

DATE: 3-11-19
REVISION: J. MORTON
XXXXX
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APPROVALS
ENGINEERING:
INSTALLATION:
PROJECT MANAGER:

**JOS
AND
SIG**
630 Murfreesboro Rd
815-255-3163

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