

RESOLUTION NO. RS2019 - 79

A resolution authorizing 119 South LLC to construct and install an aerial encroachment at 121 3<sup>rd</sup> Avenue South (Proposal No.2019M-028EN-001).

WHEREAS, 119 South, LLC plans to construct, install and maintain an aerial encroachment, under Proposal No. 2019M-028EN-001, at 121 3<sup>rd</sup> Avenue South; and,

WHEREAS, Proposal No. 2019M-028EN-001 is comprised of one, projecting sign measuring 127.47 inches by 93 inches encroaching the public right-of-way on property located at 121 3<sup>rd</sup> Avenue South; and,

WHEREAS, 119 South, 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, 119 South, 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 119 South, 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 119 South, 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 119 South, 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, 119 South, LLC, its successors and assigns, shall remove said aerial encroach at their own expense.

Section 6. 119 South, LLC, 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. 119 South, 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.

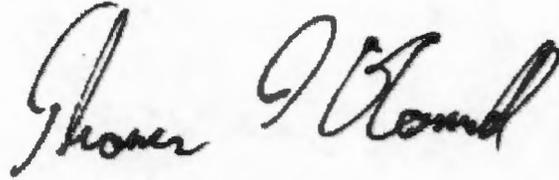
Section 7. That the authority granted to 119 South, LLC, as herein described, shall not in any way interfere with the rights of the Metropolitan Government, its agents, servants, and/or contractors and utility companies, operating under franchise from the Metropolitan Government to enter, construct, 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. 119 South, 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 119 South, LLC 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)

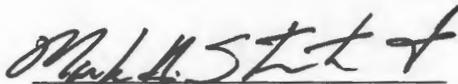
*Angie E. Henderson*

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

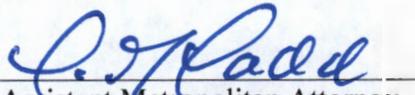
INTRODUCED BY:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Member(s) of Council

APPROVED AS TO FORM  
AND LEGALITY:



Assistant Metropolitan Attorney

**Proposal No. 2019M-028EN-001**



**CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YYYY)

03/28/2019

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).

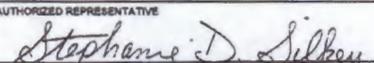
<b>PRODUCER</b>  Johnson Lawrence Walker Insurance Agency, Inc. 6506 Strawberry Lane Louisville, KY 40214	<b>CONTACT NAME:</b> Stephanie Silkey <b>PHONE (A/C, No., Ext):</b> (502)361-9411 <b>FAX (A/C, No.):</b> (502)361-0156 <b>E-MAIL ADDRESS:</b> stephanie@jlwins.com
	<b>INSURER(S) AFFORDING COVERAGE</b> NAIC # INSURER A: Zurich American INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

**COVERAGES**      **CERTIFICATE NUMBER:** 00000000-42018      **REVISION NUMBER:** 2

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 INSD. WVD.	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 checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:		CPO0210489-01	06/12/2018	06/12/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPIOP 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) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
	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			<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER 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: Sign for 119 South LLC located at 121 3rd Avenue South, Nashville, TN 37201.  
 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.

<b>CERTIFICATE HOLDER</b>  THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY METRO LEGAL & CLAIMS 222 THIRD AVE N, STE 501 NASHVILLE, TN 37201	<b>CANCELLATION</b>  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  (SDS)
--	--

ACORD 25 (2016/03)

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40 SQFT

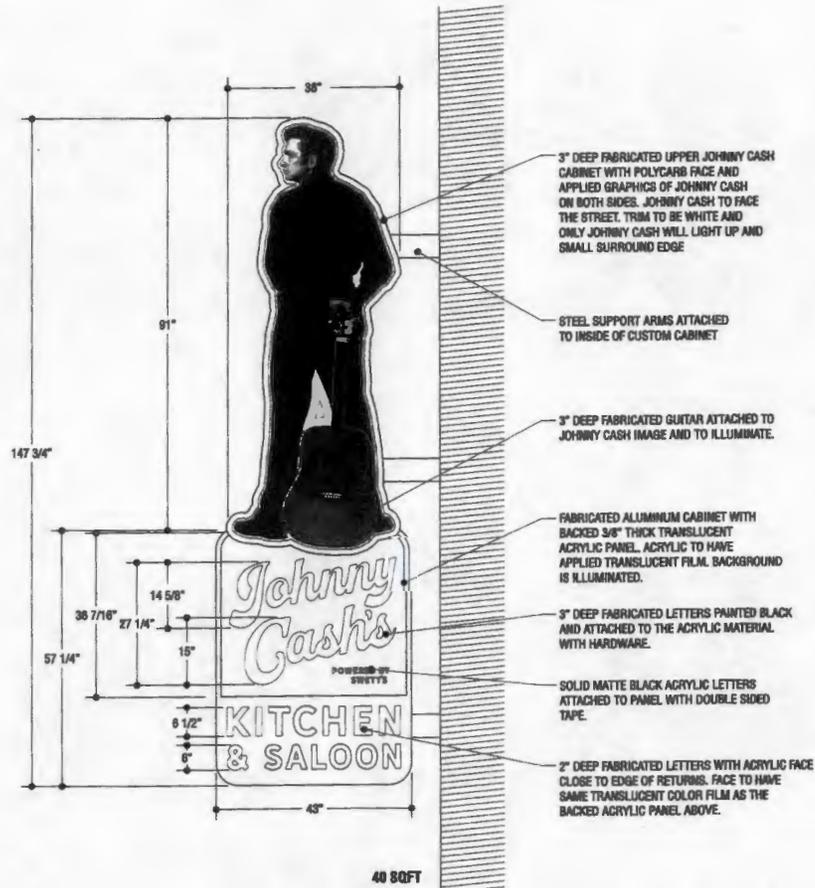
1 FLAG MOUNT - QTY=1 - DOUBLE SIDED  
SCALE: 1/2"=1'



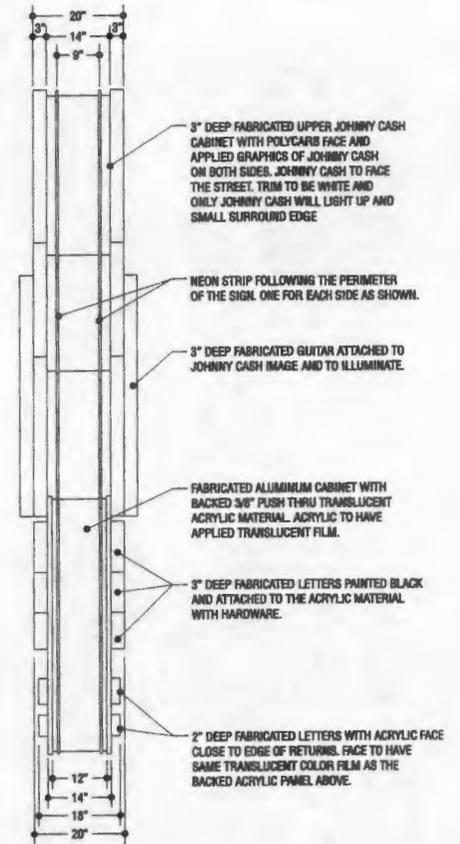
2 FLAG MOUNT - QTY=1 - SIDE VIEW  
SCALE: 1/2"=1'



3 FLAG MOUNT - QTY=1 - SIDE B  
SCALE: 1/2"=1'



1 FLAG MOUNT - DETAILS - DOUBLE SIDED  
SCALE: 1/8"=1"



2 FLAG MOUNT - DETAILS - SIDE VIEW  
SCALE: 1/8"=1"



**JA**  
DESIGN

**Customer:**  
JUNYU CHEN  
171 520 4th Ave  
MANHATTAN

**File Location:**  
483 DESIGN  
4th FLOOR  
SIGN.COM

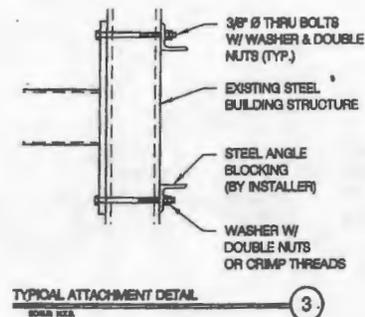
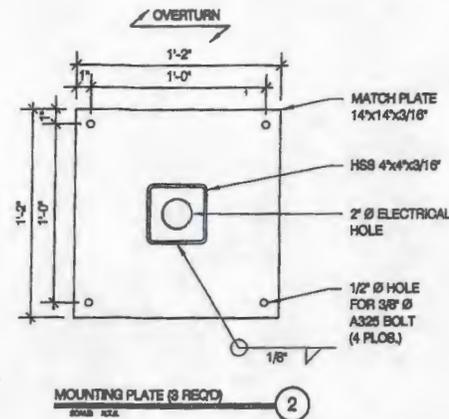
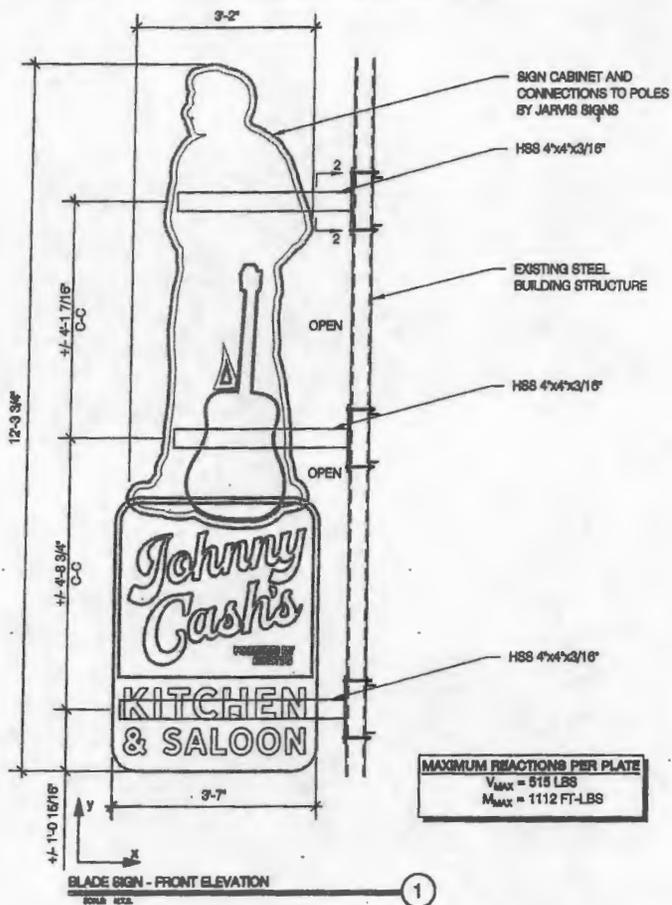
**Sign Type:**  
**FLAG**

**Drawn By:**  
J. PUENTE

**Page No.:**  
**SG.1**

**Original Date:**  
2/19/2018

**NOT TO SCALE**  
This drawing is for informational purposes only and is not intended to be used for construction. It is subject to change without notice. All dimensions are in feet and inches unless otherwise noted. © 2018 SIGN.COM



NOTES  
 1.) SEE MANUFACTURERS DRAW FOR ADDITIONAL DETAILS AND DIMENSIONS.  
 2.) SIGN CABINET AND CONNECTIONS TO POLES BY JARVIS SIGNS.

\* CLIENT - JARVIS SIGNS  
 \* 2012 IBC  
 \* 115 MPH WIND SPEED, EXP. C

NOTE:  
 THIS DESIGN IS FOR ANCHORAGE TO EXISTING STRUCTURE ONLY. BUILDING ENGINEER TO VERIFY ADEQUACY OF EXISTING STRUCTURE TO RESIST ALL LOADS SHOWN. THIS ENGINEER IS NOT RESPONSIBLE FOR EXISTING STRUCTURE.

**MBI**  
 MBI COMPANIES, INC.  
 200 N. WEBB LARBER RD.  
 KNOXVILLE, TN 37919  
 PHONE 865.584.0089  
 SIGN-ENGINEER.COM

PROJECT:  
 121 3RD AVE. SOUTH, NASHVILLE, TN 37203  
 DRAWING TITLE:  
**Johnny Cash's Kitchen & Saloon**

DRAWN BY: TSM  
 CHECKED BY: FCM  
 COMM. NO.: 190186.002  
 DATE: 03/07/19

REV #	DATE	DRAWN BY

DRAWING NO.: DWG. 1

**WALL SIGN SPECIFICATIONS**

1. REFER TO SIGN COMPANY'S DRAWING(S) FOR MORE DETAILS.
2. ALL DESIGNS, DETAILING, FABRICATION AND CONSTRUCTION SHALL CONFORM TO:  
2012 IBC  
ACI  
AISC  
AMERICAN WELDING SOCIETY  
LOCAL BUILDING CODES & ORDINANCES
3. MATERIAL PROPERTIES:  
STEEL PIPE: ASTM A53 GRADE B  
STEEL TUBE: ASTM A500 GRADE B  
THREADED ROD: ASTM A193 GRADE B7  
STEEL ANGLES, CHANNELS, STRUCTURAL SHAPES, & PLATES: ASTM A36  
WELDING ELECTRODES: E70XX
4. WELDERS SHALL BE CERTIFIED FOR TYPE OF WELDING.
5. THIS ENGINEER DOES NOT WARRANT THE ACCURACY OF DIMENSIONS FURNISHED BY OTHERS.
6. ALL EXPOSED STEEL SHALL BE PAINTED WITH AN ENAMEL PAINT TO PREVENT CORROSION.
7. THE CONTRACTOR (INSTALLER) IS RESPONSIBLE FOR THE MEANS & METHODS OF CONSTRUCTION IN REGARDS TO JOB SITE SAFETY.
8. THIS DESIGN IS FOR THE INDICATED ADDRESS ONLY, AND SHOULD NOT BE USED AT OTHER LOCATIONS WITHOUT WRITTEN PERMISSION OF THE ENGINEER.
9. DESIGN OF DETAILS AND STRUCTURAL MEMBERS NOT SHOWN, ARE BY OTHERS.
10. INSTALLED FASTENERS MUST MEET OR EXCEED THE VALUES SHOWN IN THE LIST ON THE CALCULATIONS SHEET.
11. ALL ANCHORS SHALL BE STAINLESS STEEL.
12. WALL SIGNS ATTACHED TO EXTERIOR WALLS OF SOLID MASONRY OR CONCRETE, SHALL BE SAFELY AND SECURELY ATTACHED BY MEANS OF METAL ANCHORS, BOLTS OR EXPANSION BOLTS OF NOT LESS THAN 3/8" DIAMETER AND SHALL BE EMBEDDED AT LEAST 5 INCHES.
13. WOOD BLOCKS SHALL NOT BE USED FOR ANCHORAGE, EXCEPT IN THE CASE OF WALL SIGNS ATTACHED TO BUILDINGS WITH WALLS OF WOOD.
14. A WALL SIGN SHALL NOT BE SUPPORTED BY ANCHORAGE SECURED TO AN UNBRACED PARAPET WALL. LAG BOLT ANCHORAGE INTO WOOD 3" MIN. EMBEDMENT.
15. A THREADED ROD MAY BE USED FOR THRU BOLT CONNECTION (USE WASHER AND DOUBLE NUT OR CRIMP THREADS BOTH ENDS TYP)
16. SIGN MUST BE ATTACHED TO OR THROUGH SOLID BLOCKING. ATTACHMENT TO SHEATHING ONLY IS NOT ACCEPTABLE.
17. AT E.I.F.S. INSTALLATIONS INSTALL WITH PIPE SLEEVE. SEAL ALL PENETRATIONS.
18. THIS DESIGN FOR ANCHORAGE TO EXISTING STRUCTURE ONLY. BUILDING DESIGNER TO VERIFY ADEQUACY OF STRUCTURE TO RESIST THE ADDITIONAL LOADING. THIS ENGINEER NOT RESPONSIBLE FOR EXISTING STRUCTURE.
19. CHANNEL LETTERS AND WALL SIGNS ARE BY OTHERS
20. ELECTRICAL RACEWAYS ARE BY OTHERS.

**NOTES**  
1) SEE MANUFACTURERS DRAWING FOR ADDITIONAL DETAILS AND CONNECTIONS.  
2) SIGN CABINET AND CONNECTIONS BY JARVIS SIGNS.

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**MBI**

MBI COMPANIES, INC.  
299 N. WEISGARBER RD.  
KNOXVILLE, TN 37919  
PHONE 865.594.0999  
SIGN-ENGINEER.COM

PROJECT:  
121 3RD AVE. SOUTH, NASHVILLE, TN 37203

DRAWING TITLE:  
Johnny Cash's Kitchen & Saloon

DRAWN BY: TSM  
CHECKED BY: FCM  
COMM. NO.: 190188.002

DATE:	03/07/19	
REV #	DATE	DRAWN BY

DRAWING NO.:  
DWG. 2

