

ORDINANCE NO. BL2020 - 201

An Ordinance authorizing Green Hills Mall TRG, LLC to install, construct and maintain underground encroachments in the right-of-way, located at 2130 Abbott Martin Road. (Proposal No. 2020M-004EN-001).

WHEREAS, Green Hills Mall TRG, LLC plans to install, construct and maintain underground encroachments, comprised of a cable rail structure, in the right-of-way of 2130 Abbott Martin Rd, under proposal No. 2020M-004EN-001; and,

WHEREAS, Green Hills Mall TRG, 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 encroachments under proposal No. 2020M-004EN-001.

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

Section 1. That subject to the requirements, limitations and conditions contained herein and in the attached License Agreement, the Green Hills Mall TRG, LLC is hereby granted the privilege to construct and maintain said encroachments under proposal No. 2020M-004EN-001, 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 Ordinance.

Section 2. That the authority granted hereby for the construction, installation, operation, and maintenance of said encroachments under proposal No. 2020M-004EN-001 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 Green Hills Mall TRG, LLC.

Section 3. That plans and specifications for said encroachments under proposal No. 2020M-004EN-001 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 Green Hills Mall TRG, LLC.

Section 4. That construction and maintenance of said encroachment under proposal No. 2020M-004EN-001 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 Ordinance confers upon Green Hills Mall TRG, LLC a privilege and not a franchise, and the Mayor and the Metropolitan Council herein expressly reserve the right to repeal this ordinance, 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 Metropolitan Government, Green Hills Mall TRG, LLC, its successors and assigns, shall remove said encroachment at their own expense.

Section 6. Green Hills Mall TRG, LLC, its successors and assigns, shall pay all costs incident to the construction, installation, operation and maintenance of said encroachments under proposal No. 2020M-004EN-001 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 the construction, installation, operation and maintenance of said encroachments 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. Green Hills Mall TRG, LLC, its successors and assigns, 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 encroachments and for any street closure.

Section 7. That the authority granted to Green Hills Mall TRG, 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. Green Hills Mall TRG, 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 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 Green Hills Mall TRG, LLC of all provisions of this Ordinance shall be determined by the beginning of work.

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

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 "Russ Pulley". The signature is written in a cursive style with a large initial "R".

Russ Pulley
Councilman, District 25

Electronic Signature Page

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

A handwritten signature in black ink that reads "Kathleen D. Murphy". The signature is written in a cursive style with a large, looped initial "K" and "M".

Kathleen Murphy
Councilmember, District 24

Electronic Signature Page

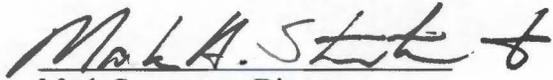
(Attach to Legislation Pursuant to Rule 8 of the Council Rules of Procedure)

Angie E. Henderson

Angie Henderson
Councilmember, District 34

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

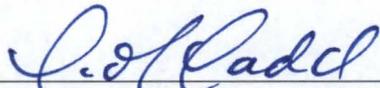
RECOMMENDED BY:



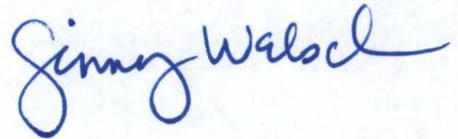
Mark Sturtevant, Director
Department of Public Works

INTRODUCED BY:

APPROVED AS TO FORM
AND LEGALITY:



Assistant Metropolitan Attorney



Proposal No. 2020M-004EN-001

Client: 188 TAUSCOM
ACORD. CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
 10/11/2010

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 HOLDS IS AN ADDITIONAL INSURED, the policy(ies) must 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 Beecher Carlson Insurance Svcs 7660 Market Street Boardman, OH 44612 330 726-8177	Agent: Ted Pipino Phone: 330 726-8177 Fax: 330 726-1881 E-Mail: tedpipino@bcipino.com ADDRESS: tedpipino@bcipino.com	INSURER A AFFORDS COVERAGE 18882
INSURED Green Hills Mall TRG, LLC The Taubman Company, LLC 200 East Long Lake Road Bloomfield Hills, MI 48304	INSURER B INSURER C INSURER D INSURER E INSURER F	

COVERAGES: CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED SUBJECTS TO THE POLICY RIGHTS 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 PENDING CLAIMS.

TYPE OF INSURANCE	POLICY NUMBER	START DATE (MM/DD/YYYY)	EXPIRY DATE (MM/DD/YYYY)	LIMITS
A GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> SIR: \$100,000 (Some appropriate limits apply per policy) POLICY: <input type="checkbox"/> PROX: <input type="checkbox"/> LDC	45EC50F5827	04/01/2010	04/01/2011	EACH OCCURRENCE \$1,000,000 CLAIMS AGGREGATED \$300,000 MED EXPENSE \$0 PERSONAL & AUTO LIABILITY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMPOSITE \$2,000,000 MAX LOC AGG \$10,000,000
AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTO <input type="checkbox"/> NON-OWNED AUTO <input type="checkbox"/> HIRED AUTO <input type="checkbox"/> RENTED AUTO <input type="checkbox"/> RENTED AUTO <input type="checkbox"/> RENTED AUTO				OWNED SINGLE UNIT \$0 OWNED MULTIPLE UNIT \$0 RENTED SINGLE UNIT \$0 RENTED MULTIPLE UNIT \$0 HIRED SINGLE UNIT \$0 HIRED MULTIPLE UNIT \$0
UMBRELLA LIKE BACKS UP OCCUR CLAIMS MADE (See RETENTION)				EACH OCCURRENCE \$0 AGGREGATE \$0
WORKERS COMPENSATION AND EMPLOYERS LIABILITY (See RETENTION)				E.L. EACH ACCIDENT \$0 E.L. DISEASE - SA EMPLOYEE \$0 E.L. DISEASE - POLICE UNIT \$0

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Show ACORD 101 Additional Remarks Schedule, if more space is required)
 RE: Green Hills Mall TRG, LLC - Project Address: 2130 Abbott Martin Road, Nashville, TN 37215
 Encroachment upon Public Right of Way for 2130 Abbott Martin Road (Map/Parcel #11714643788)

CERTIFICATE HOLDER The Metropolitan Government of Nashville and Davidson County Metro Legal & Claims, c/o Insurance and Safety Division 222 3rd Avenue North, Ste 8501 Nashville, TN 37203	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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