

ORDINANCE NO. BL2020 - 203

An Ordinance authorizing CVA, Inc. to install, construct and maintain underground encroachments in the right-of-way located at 500 11th Avenue North. (Proposal No. 2020M-011EN-001).

WHEREAS, CVA, Inc. plans to install, construct and maintain underground encroachments, comprised of intersection paving, treewill barrier, benches, lighting, bike racks, trash bins, planter boxes, handrails, underground electrical and receptacles, landscape and irrigation and various types of paving, in the right-of-way of 500 11th Avenue North, under proposal No. 2020M-011EN-001; and,

WHEREAS, CVA, Inc. 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-011EN-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, CVA, Inc. is hereby granted the privilege to construct and maintain said encroachments under proposal No. 2020M-011EN-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-011EN-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 of CVA, Inc.

Section 3. That plans and specifications for said encroachments under proposal No. 2020M-011EN-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 CVA, Inc.

Section 4. That construction and maintenance of said encroachments under proposal No. 2020M-011EN-001 shall be under the direction, supervision and control of the Director of Public Works, and their installation, when complete, must be approved by said Director.

Section 5. That this Ordinance confers upon CVA, Inc., 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, CVA, Inc., its successors and assigns, shall remove said encroachment at their own expense.

Section 6. CVA, Inc., its successors and assigns, shall pay all costs incident to the construction, installation, operation and maintenance of said encroachments under proposal No. 2020M-011EN-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. CVA, Inc., 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 CVA, Inc. 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. CVA, Inc., 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 of 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 CVA, Inc. 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.

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.

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

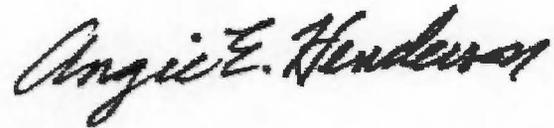
(Attach to Legislation Pursuant to Rule 8 of the Council Rules of Procedure)

Kathleen D Murphy

Kathleen Murphy
Councilmember, District 24

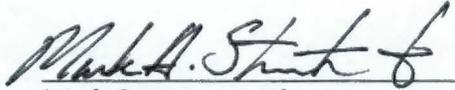
Electronic Signature Page

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

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Angie Henderson
Councilmember, District 34

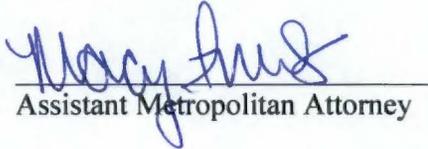
RECOMMENDED BY:



Mark Sturtevant, Director
Department of Public Works

INTRODUCED BY:

APPROVED AS TO FORM
AND LEGALITY:



Mary Ann
Assistant Metropolitan Attorney



Proposal No. 2020M-011EN-001



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/28/2019

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).

PRODUCER Boyle Insurance Agency, Inc. 8900 Poplar Ave. Memphis, TN 38119	CONTACT Cynthia Graham Phone (901) 766-4298 Fax (901) 766-4216 Email cynthia@boyle.com
	INSURER AFFILIATION CODE(S) 88271 INSURER A: Eto Insurance Exchange INSURER B: INSURER C: INSURER D: INSURER E:
INSURED CVA, Inc. Charlotte S 11th St Franklin, TN 37064	

COVERAGES CERTIFICATE NUMBER DIVISION 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, DECLARATIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

FORM TYPE	TYPE OF INSURANCE	CLASS CODE	POLICY NUMBER	POLICY EFF. DATE (MM/DD/YYYY)	POLICY EXPI. DATE (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> COCLR (SEE ADDENDUM 107 APPLIED PER POLICY) <input type="checkbox"/> CGL <input checked="" type="checkbox"/> LOC <input type="checkbox"/> OTHER	Y	Q41-1551890	05/15/2019	05/15/2020	BODILY OCCURRENCE \$ 1,000,000 BODILY INJURY \$ 1,000,000 MED EXP (Per Annum) \$ 5,000 PRODUCTS & ADMISSION \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input checked="" type="checkbox"/> SCHEDULED AUTOS ONLY <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> LEASED AUTOS ONLY <input type="checkbox"/> HIRE AUTOS ONLY	Y	Q41-1551890	05/28/2019	05/15/2020	BODILY OCCURRENCE \$ 1,000,000 BODILY INJURY (Per Person) \$ BODILY INJURY (Per Accident) \$ PROPERTY DAMAGE (Per Occurrence) \$ UNINSURED MOTORIST \$
A	<input checked="" type="checkbox"/> UMBRELLA LIABILITY <input type="checkbox"/> BUSINESS CLASS <input checked="" type="checkbox"/> COCLR <input type="checkbox"/> IND. <input type="checkbox"/> EXTENSION B	Y	020-1570899	06/15/2019	05/15/2020	BODILY OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 FIRE THEFT \$ E.L. CASH RECEIPT \$ E.L. DAMAGE - EMPLOYEE \$ E.L. DAMAGE - CONTRACT \$
	EMPLOYEE COMPENSATION AND EMPLOYERS LIABILITY (EXCLUSIONS INCLUDED) (Excludes in 99) If this description or description of conditions here					

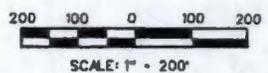
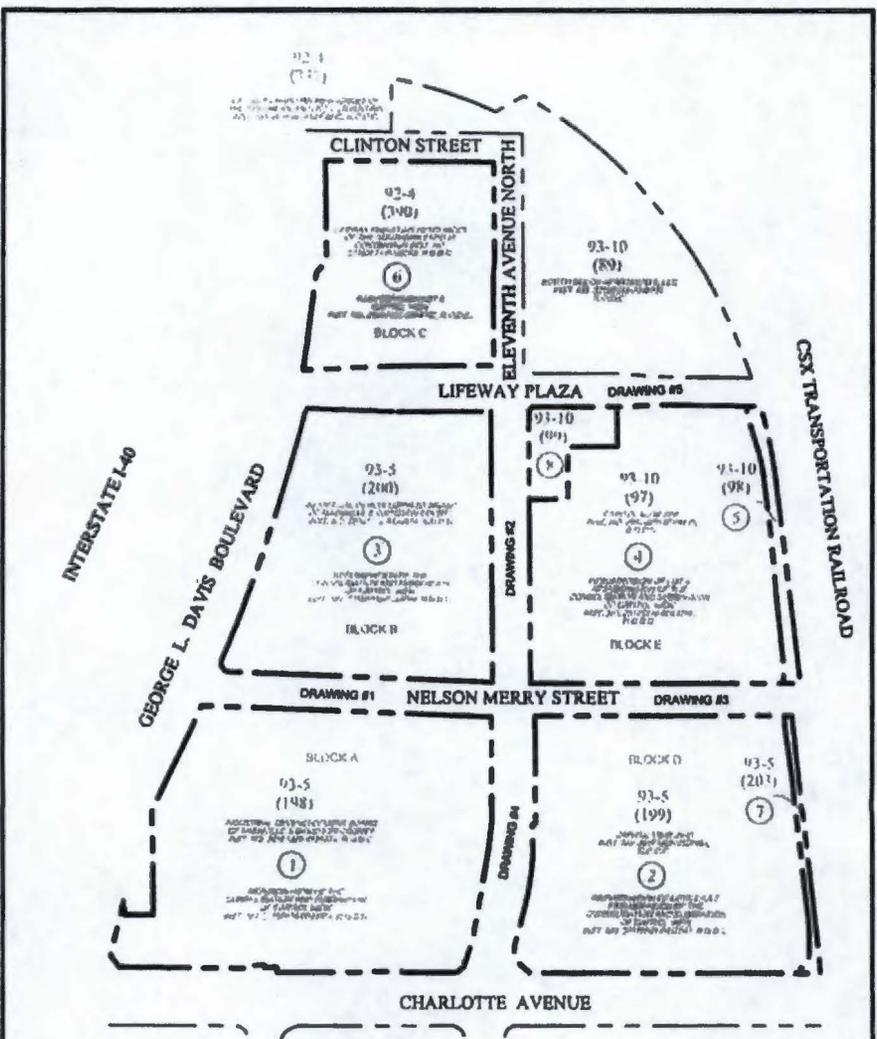
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Include all. Additional blocks attached, only to describe if more space is required)
Thirty (30) Days written Notice of cancellation or material change in the policy shall be provided to the Certificate Holder.

CERTIFICATE HOLDER The Metropolitan Government of Nashville c/o Insurance and Safety Div. 222 Third Avenue, North, 6501 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 <i>Cynthia Graham</i>
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ACORD 25 (09/16/09)

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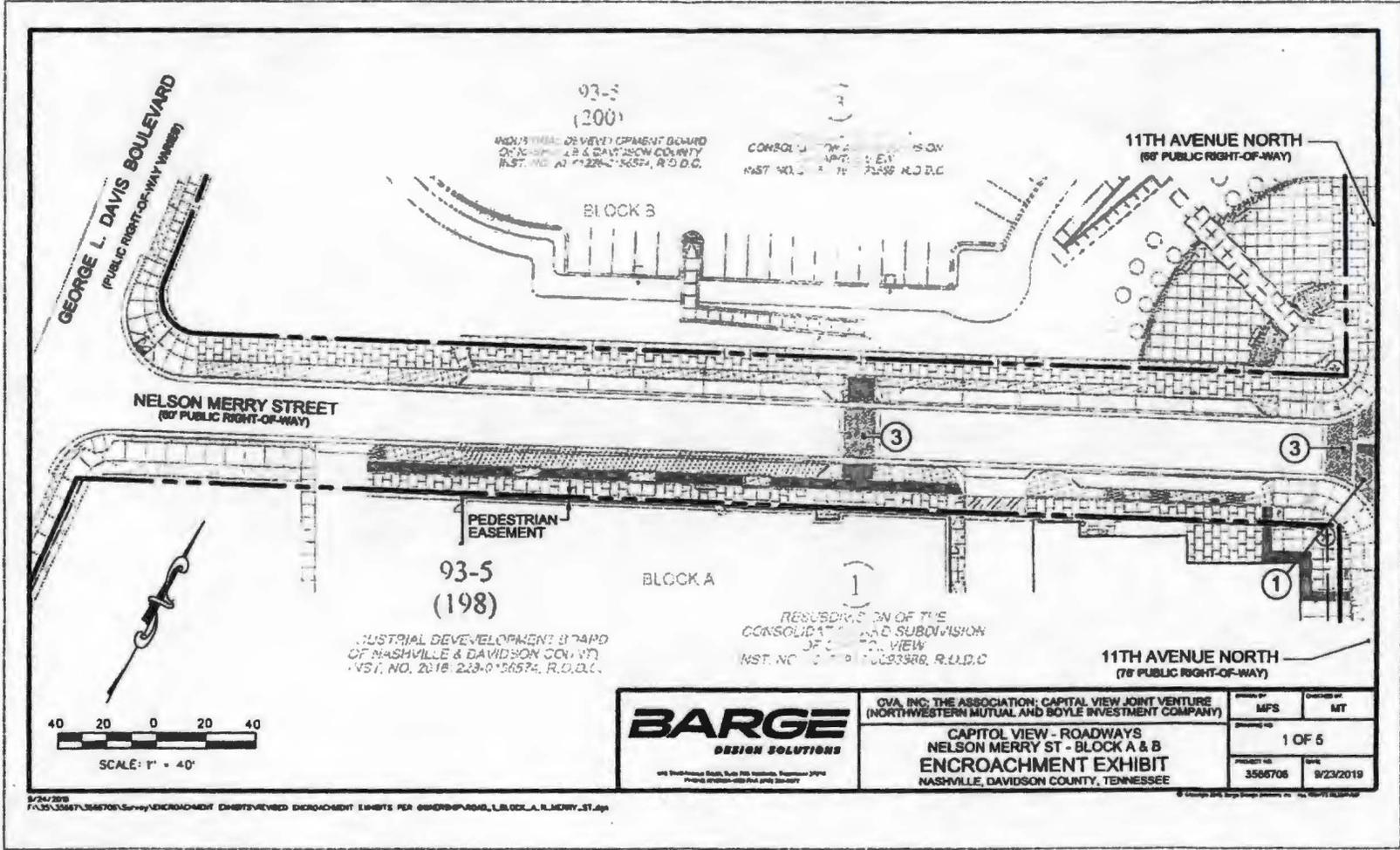
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BARGE
DESIGN SOLUTIONS
614 Third Avenue South, Suite 100, Nashville, Tennessee 37203
Phone: (615) 259-1328 Fax: (615) 259-1325

CVA, INC: THE ASSOCIATION: CAPITAL VIEW JOINT VENTURE
(NORTHWESTERN MUTUAL AND BOYLE INVESTMENT COMPANY)
**CAPITOL VIEW - ROADWAYS
ENCROACHMENT EXHIBIT**
NASHVILLE, DAVIDSON COUNTY, TENNESSEE

DRAWING NO:	MPS	DRAWING BY:	JLC
KEY MAP			
PROJECT NO.:	3568708	DATE:	8/20/2019



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DESIGN SOLUTIONS

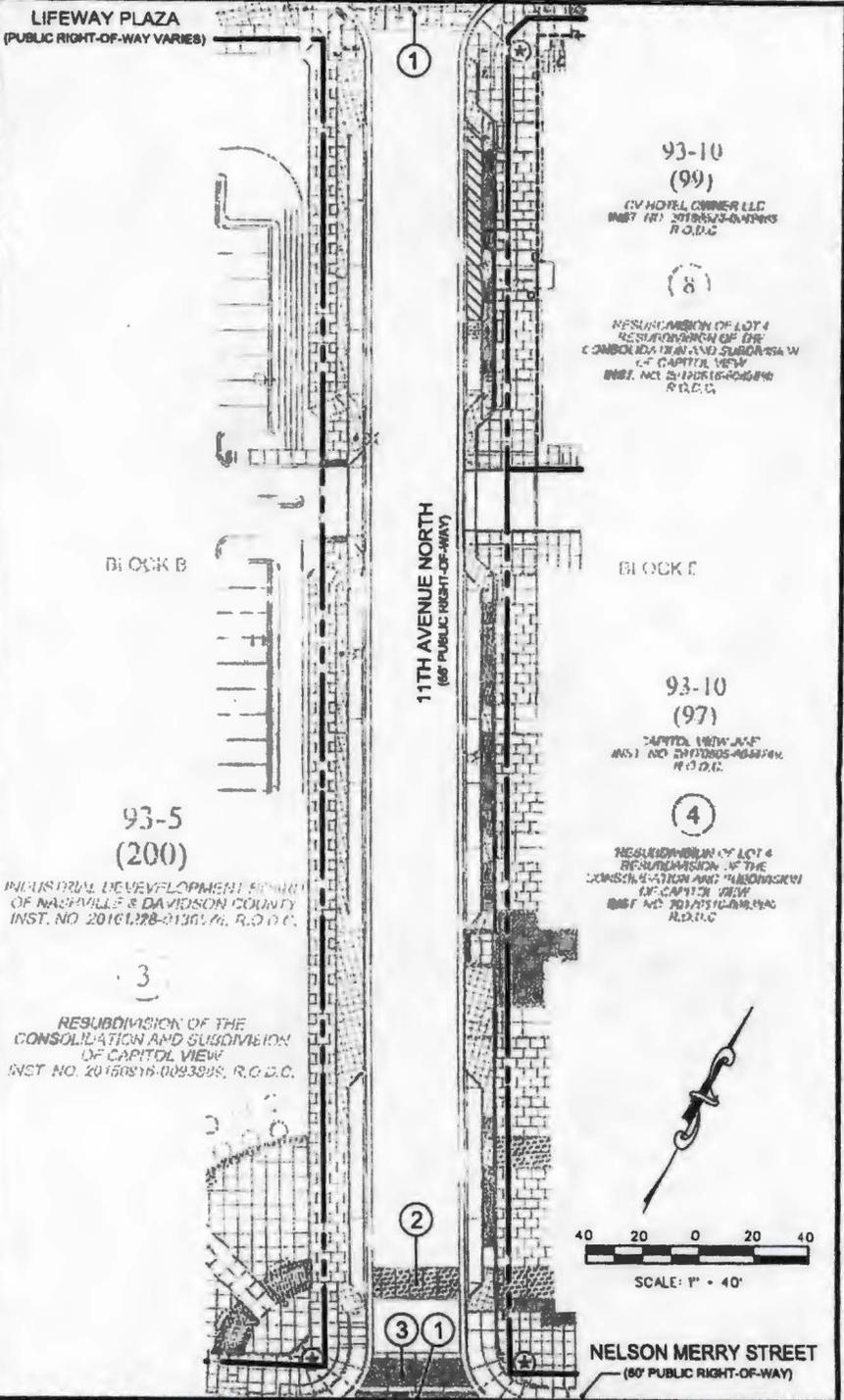
400 South Main Street, Suite 100 Nashville, Tennessee 37203
Phone: 615-259-4500 Fax: 615-259-4507

CVA, INC. THE ASSOCIATION: CAPITAL VIEW JOINT VENTURE (NORTHWESTERN MUTUAL AND BOYLE INVESTMENT COMPANY)

CAPITOL VIEW - ROADWAYS
NELSON MERRY ST - BLOCK A & B
ENCROACHMENT EXHIBIT
NASHVILLE, DAVIDSON COUNTY, TENNESSEE

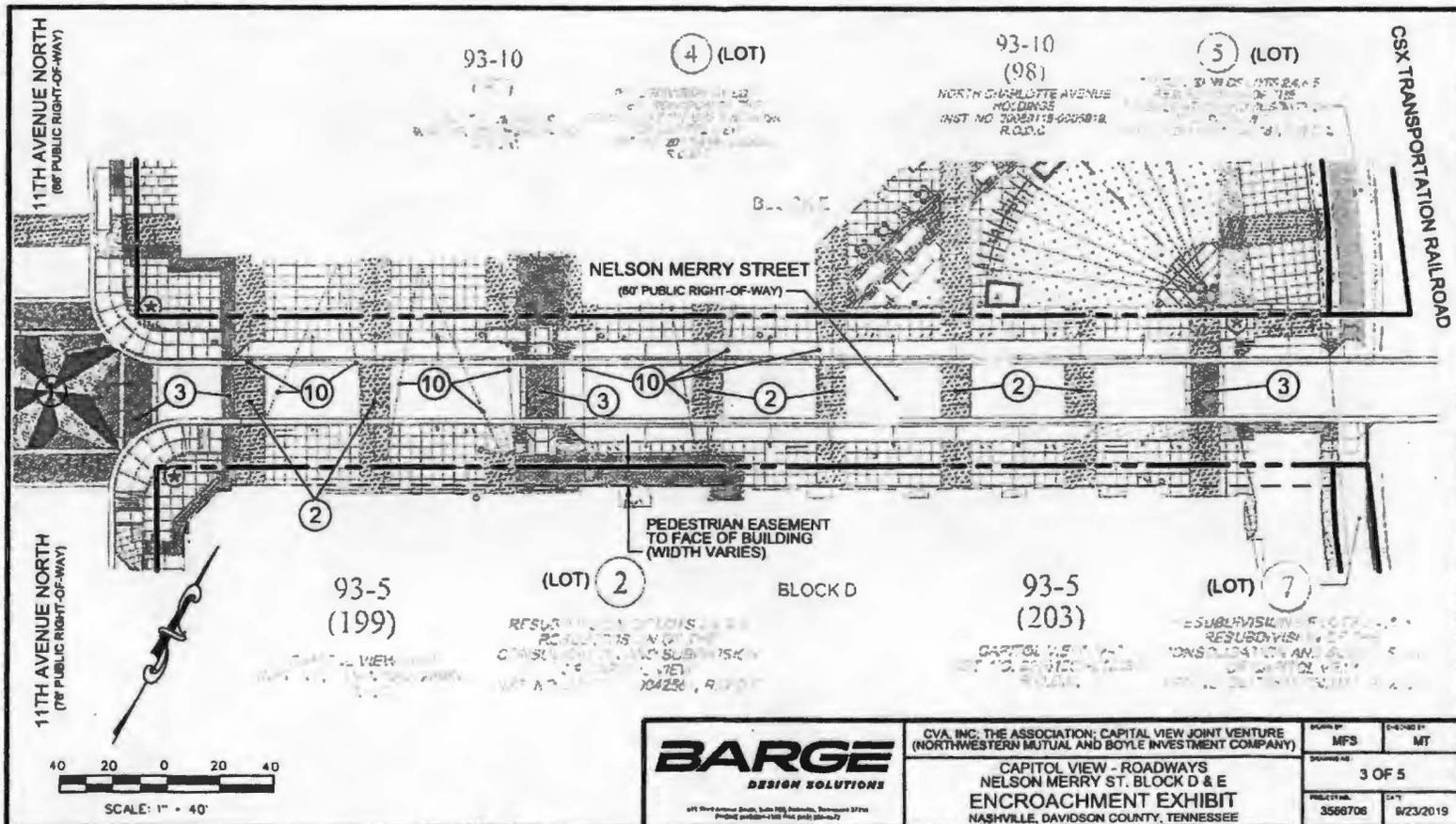
Drawn by	MPS	Checked by	MT
1 OF 5			
PROJECT NO.	3566706	DATE	9/23/2019

9/24/2019
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9/23/2019
 11:00 AM
 11TH AVENUE NORTH - ROADWAYS
 ENCROACHMENT EXHIBIT 2 OF 5
 11TH AVENUE NORTH - ROADWAYS
 ENCROACHMENT EXHIBIT 2 OF 5

<p>BARGE DESIGN SOLUTIONS</p> <p>4015 Third Avenue South, Suite 200, Nashville, Tennessee 37203 Phone: (615) 297-1000 Fax: (615) 297-1001</p>	CVA, INC. THE ASSOCIATION; CAPITAL VIEW JOINT VENTURE (NORTHWESTERN MUTUAL AND BOYLE INVESTMENT COMPANY)		DRAWN BY: MFS	CHECKED BY: MT
	CAPITOL VIEW - ROADWAYS 11TH AVENUE NORTH BLOCK B & C ENCROACHMENT EXHIBIT NASHVILLE, DAVIDSON COUNTY, TENNESSEE		SHEET NO.: 2 OF 5	
			PROJECT NO.: 3666706	DATE: 9/23/2019



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DESIGN SOLUTIONS

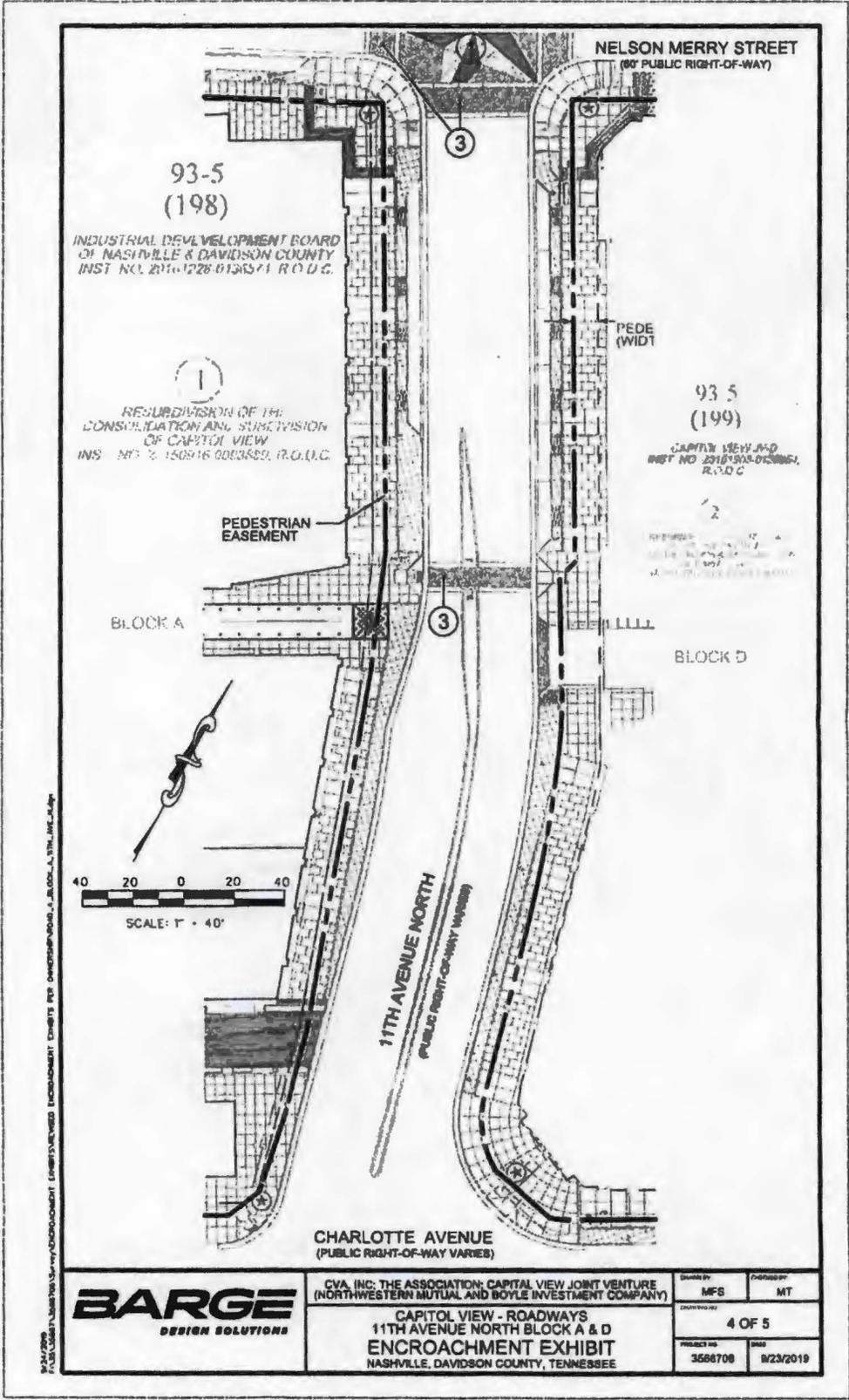
411 North Central Street, Suite 200, Nashville, Tennessee 37219
Phone: 615.259.1111 Fax: 615.259.1112

CVA, INC. THE ASSOCIATION; CAPITAL VIEW JOINT VENTURE
(NORTHWESTERN MUTUAL AND BOYLE INVESTMENT COMPANY)

CAPITOL VIEW - ROADWAYS
NELSON MERRY ST. BLOCK D & E
ENCROACHMENT EXHIBIT
NASHVILLE, DAVIDSON COUNTY, TENNESSEE

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Project No.	3566706	Date	8/23/2019

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93-5
(198)

INDUSTRIAL DEVELOPMENT BOARD
OF NASHVILLE & DAVIDSON COUNTY
INST. NO. 2016-0228-0126571 R.O.C.

RESUBDIVISION OF THE
CONSOLIDATION AND SUBDIVISION
OF CAPITOL VIEW
INST. NO. 150916 0023589, R.O.C.

NELSON MERRY STREET
(80' PUBLIC RIGHT-OF-WAY)

93-5
(199)

CAPITOL VIEW JOINT
VENTURE INST. NO. 2016-0228-0126571
R.O.C.

PEDESTRIAN
EASEMENT

PEDE
(WIDT)

BLOCK A

BLOCK D

11TH AVENUE NORTH
(PUBLIC RIGHT-OF-WAY VARIES)

CHARLOTTE AVENUE
(PUBLIC RIGHT-OF-WAY VARIES)

BARGE
DESIGN SOLUTIONS

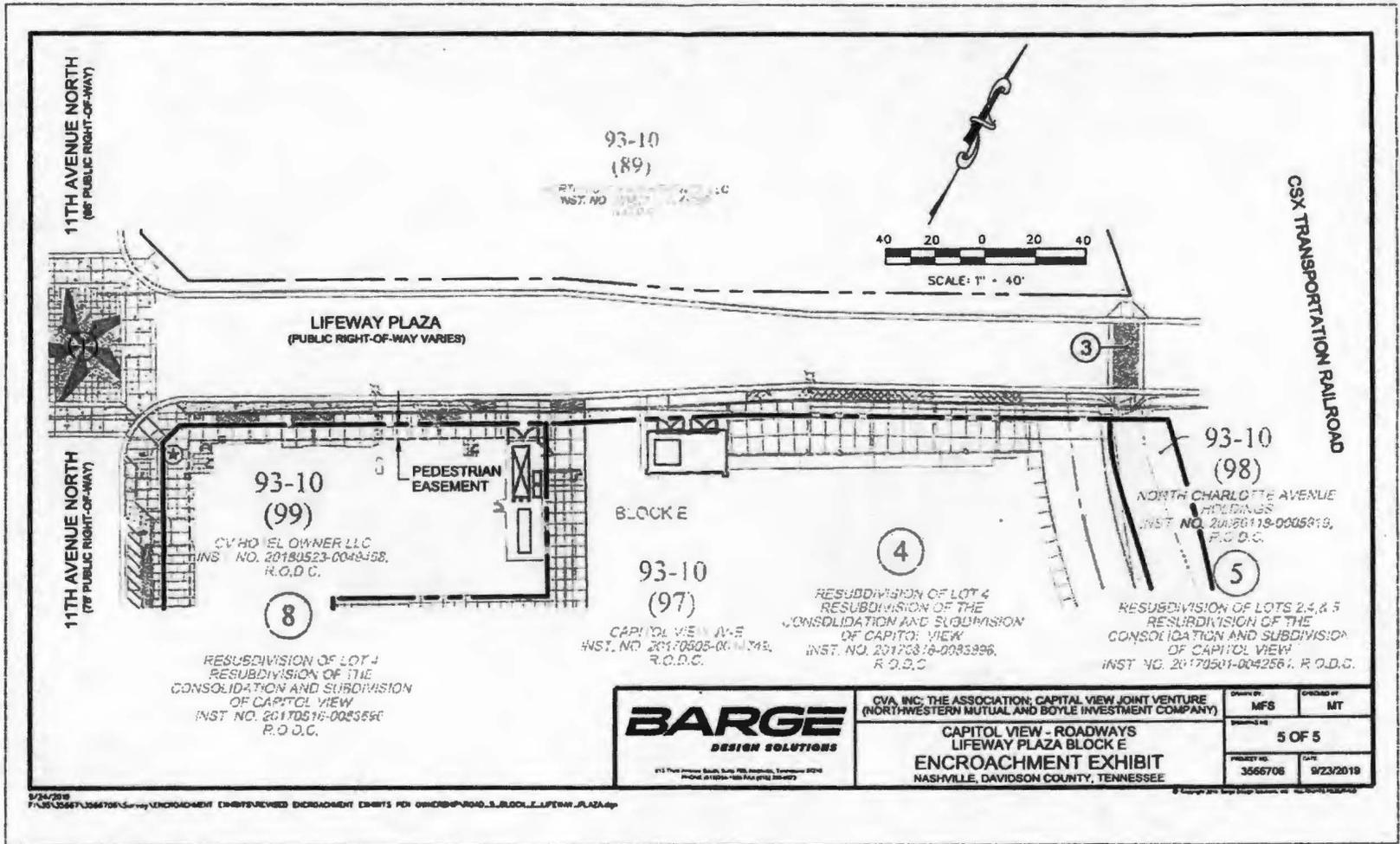
CVA, INC. THE ASSOCIATION; CAPITAL VIEW JOINT VENTURE
(NORTHWESTERN MUTUAL AND BOYLE INVESTMENT COMPANY)

DESIGNED BY	DATE
MFS	MT

CAPITOL VIEW - ROADWAYS
11TH AVENUE NORTH BLOCK A & D
ENCROACHMENT EXHIBIT
NASHVILLE, DAVIDSON COUNTY, TENNESSEE

4 OF 5	
PROJECT NO.	DATE
3568708	9/23/2019

ALL RIGHTS RESERVED. ENCROACHMENT EXHIBIT PER DEVELOPMENTAL BLOCK A, 11TH AVENUE NORTH.



BARGE
DESIGN SOLUTIONS

411 First Avenue South, Suite 900, Nashville, Tennessee 37203
PHONE: 615.259.1000 FAX: 615.259.1007

CVA, INC: THE ASSOCIATION; CAPITAL VIEW JOINT VENTURE
(NORTHWESTERN MUTUAL AND BOYLE INVESTMENT COMPANY)

CAPITOL VIEW - ROADWAYS
LIFEWAY PLAZA BLOCK E
ENCROACHMENT EXHIBIT
NASHVILLE, DAVIDSON COUNTY, TENNESSEE

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Project No.	5 OF 5		
Project No.	3566706	Date	9/23/2019

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