

ORDINANCE NO. BL2020 - 204

An Ordinance authorizing CVA, Inc. to install, construct and maintain underground encroachments in the right-of-way located at 1 Lifeway Plaza. (Proposal No. 2020M-012EN-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 1 Lifeway Plaza, under proposal No. 2020M-012EN-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-012EN-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-012EN-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-012EN-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-012EN-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-012EN-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 encroachments 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-012EN-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.

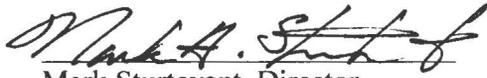
Section 8. CVA, Inc. shall and is hereby required to furnish The Metropolitan Government of Nashville and Davidson County a certificate of public liability insurance, naming The Metropolitan Government as an insured party, of at least two million (\$2,000,000) dollars aggregate, for the payment of any judgment had on any claim, of whatever nature, made for actions or causes of action arising out of, or connected with, the construction 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 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.

RECOMMENDED BY:



Mark Sturtevant, Director
Department of Public Works

APPROVED AS TO FORM
AND LEGALITY:



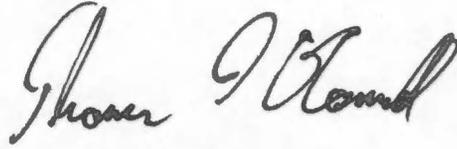
Assistant Metropolitan Attorney

INTRODUCED BY:



Electronic Signature Page

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

A handwritten signature in cursive script, appearing to read "Freddie O'Connell".

Freddie O'Connell
Councilmember, District 19

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 "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

Proposal No. 2020M-012EN-001



CERTIFICATE OF LIABILITY INSURANCE

DATE 08/07/2019
19020010

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 endorsements.

PRODUCER Boyle Insurance Agency, Inc. 8800 Poplar Ave. Memphis, TN 38119	AGENT Cindy Greenham Phone: (901) 788-4258 Fax: (901) 788-4210 Email: cindy@boyle.com
INSURED CVA, Inc. Charlotte 6 118 St Farrington, TN 37064	INSURER APPROVED COVERAGE INSURER A: Ede Insurance Exchange INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

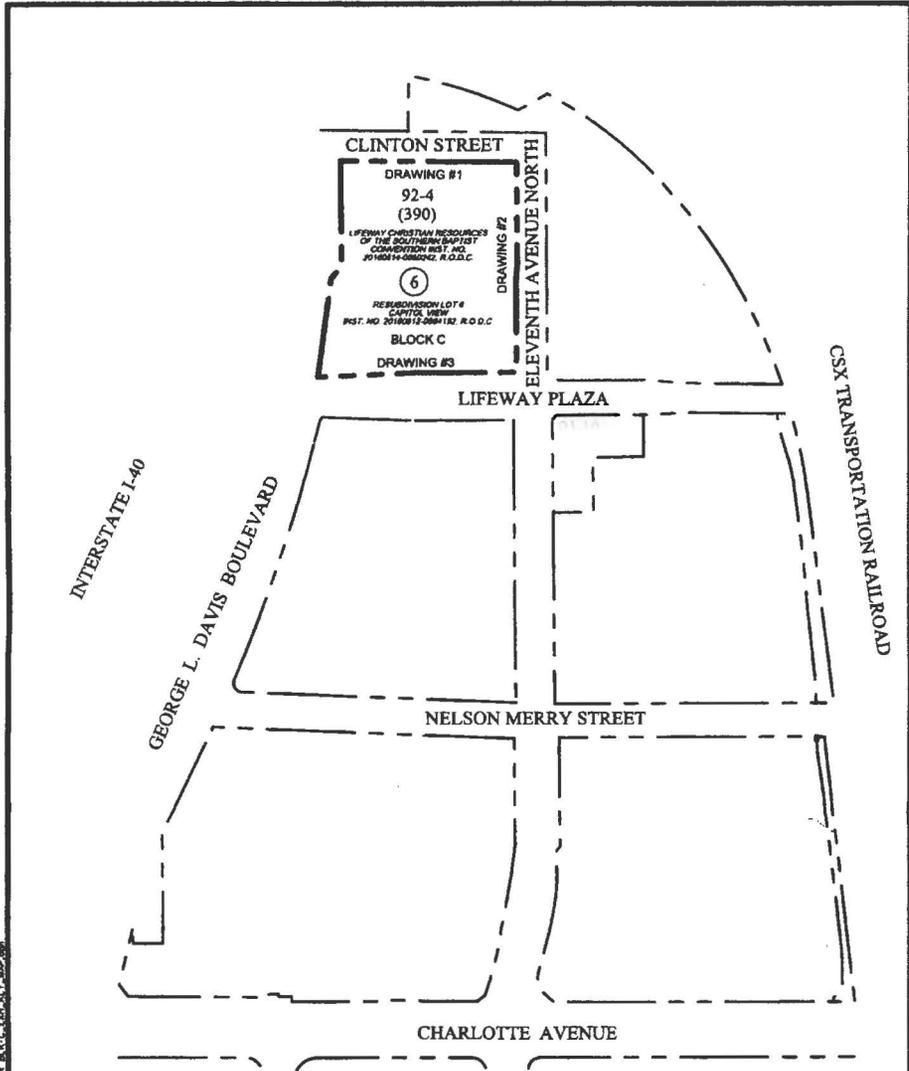
COVERAGES CERTIFICATE NUMBER REVISION NUMBER

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED 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.

TYPE	TYPE OF INSURANCE	INSURED	POLICY NUMBER	POLICY EFF. DATE	POLICY EXP. DATE	LIMITS
A	<input checked="" type="checkbox"/> PERSONAL GENERAL LIABILITY <input type="checkbox"/> CLAIM-MADE <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> GEN. AGGREGATED/IF APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PER <input checked="" type="checkbox"/> LOC <input type="checkbox"/> OTHER	Y	Q41-1551890	05/15/2019	06/15/2020	BACH OCCURRENCE \$ 1,000,000 BACH OCCURRENCE \$ 1,000,000 MED EXP (per occ/ann) \$ 5,000 PERSONAL ADULTERY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS-COMP/ADD \$ 2,000,000
A	<input type="checkbox"/> ANY AUTO <input checked="" type="checkbox"/> BODILY AUTO ONLY <input checked="" type="checkbox"/> BIOPHYSICAL AUTO ONLY	Y	Q41-1551890	05/26/2019	06/15/2020	BODILY INJURY \$ 1,000,000 BODILY INJURY (per person) \$ BODILY INJURY (per accident) \$ BIOPHYSICAL \$ BIOPHYSICAL \$
A	<input checked="" type="checkbox"/> GENERAL LIABILITY <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/> CLAIM-MADE <input type="checkbox"/> NO <input type="checkbox"/> REVISION B	Y	020-1570883	06/15/2019	08/15/2020	BACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
	WORKERS COMPENSATION AND EMPLOYERS LIABILITY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO ANY WORKERS COMPENSATION OR EMPLOYERS LIABILITY COVERAGE IS INCLUDED? (Indicate in the Description of Coverage)	N/A				E.L. EACH ACCIDENT \$ E.L. COVERED - PER EMPLOYEE \$ E.L. COVERED - CONTRACT \$

REMARKS OF OPERATIONS / LOCATIONS / VEHICLES (Please list, including license numbers, may be checked if more space is needed)
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, 6601 Nashville, TN 37203	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE SHALL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Cynthia Benham</i>
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CLINTON STREET

DRAWING #1
92-4
(390)

LIFEWAY CHRISTIAN RESOURCES
OF THE SOUTHERN BAPTIST
CONVENTION PLOT NO.
2018012-0001182, R.O.D.C.

6

REBORNARDSON LOT #
CAPITOL VIEW
PLOT NO. 2018012-0001182, R.O.D.C.

BLOCK C

DRAWING #3

DRAWING #2
ELEVENTH AVENUE NORTH

INTERSTATE I-40

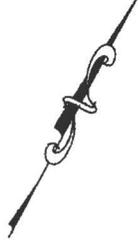
GEORGE L. DAVIS BOULEVARD

LIFEWAY PLAZA

CSX TRANSPORTATION RAILROAD

NELSON MERRY STREET

CHARLOTTE AVENUE



SCALE: 1" = 200'

6/24/2019 1:03:33 PM C:\Users\mfs\OneDrive\Documents\ENCROACHMENT EXHIBIT FOR CONCEPTUAL BLOCK C EXHIBIT MAP.dwg

BARGE
DESIGN SOLUTIONS

616 Tenth Avenue South, Suite 700, Nashville, Tennessee 37210
PHONE (615)254-1900 FAX (615) 258-8772

LIFEWAY CHRISTIAN RESOURCES OF
THE SOUTHERN BAPTIST CONVENTION

CAPITOL VIEW - BLOCK C
ENCROACHMENT EXHIBIT
NASHVILLE, DAVIDSON COUNTY, TENNESSEE

DRAWN BY: MFS	CHECKED BY: JJC
DRAWING NO: KEY MAP	
PROJECT NO: 3566706	DATE: 6/20/2019

INTERSTATE I-40

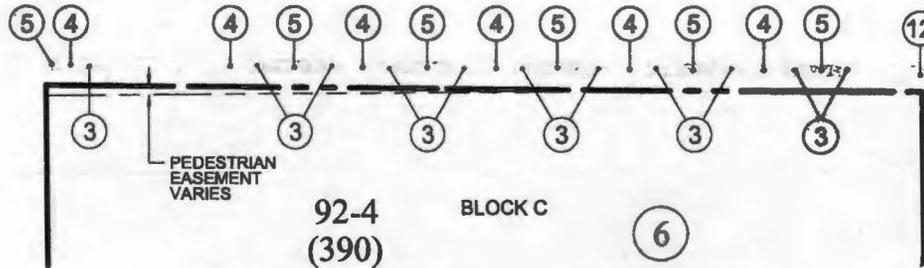
92-4
(337)

LIFEWAY CHRISTIAN RESOURCES OF
THE SOUTHERN BAPTIST CONVENTION
INST. NO. 20160814-0060242, R.O.D.C.

93-10
(89)

NORTH GULCH APARTMENTS, LLC
INST. NO. 20160513-0048008,
R.O.D.C.

CLINTON STREET (60' PUBLIC RIGHT-OF-WAY)



92-4
(390)

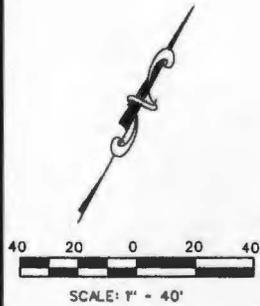
LIFEWAY CHRISTIAN RESOURCES OF
THE SOUTHERN BAPTIST CONVENTION
INST. NO. 20160814-0060242, R.O.D.C.

BLOCK C

6

RESUBDIVISION LOT 6
CAPITOL VIEW
INST. NO. 20160812-0084192, R.O.D.C.

11TH AVENUE NORTH
(66' PUBLIC RIGHT-OF-WAY)



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DESIGN SOLUTIONS

619 19th Avenue South, Suite 700, Nashville, Tennessee 37216
Phone: (615) 255-7700 Fax: (615) 255-0572

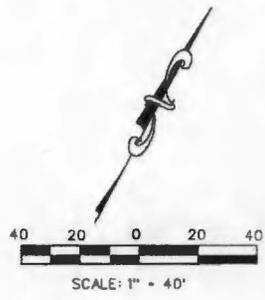
LIFEWAY CHRISTIAN RESOURCES OF
THE SOUTHERN BAPTIST CONVENTION

CAPITOL VIEW - BLOCK C
CLINTON STREET

ENCROACHMENT EXHIBIT
NASHVILLE, DAVIDSON COUNTY, TENNESSEE

DRAWN BY	MT
DESIGNED BY	MT
PROJECT NO.	3566706
DATE	12/03/2018
1 OF 3	

CLINTON STREET
(50' PUBLIC RIGHT-OF-WAY)



92-4
(390)

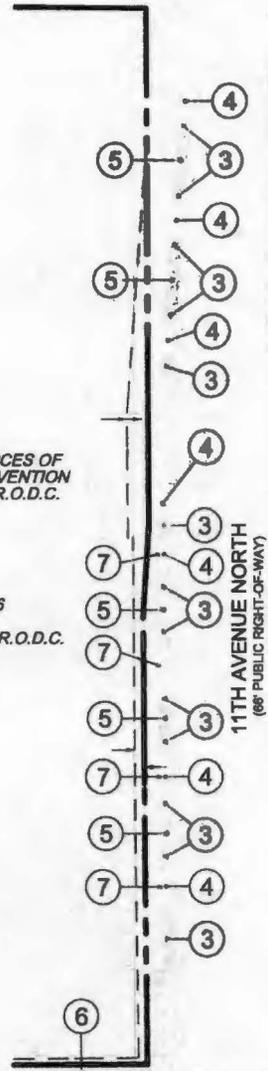
LIFEWAY CHRISTIAN RESOURCES OF
THE SOUTHERN BAPTIST CONVENTION
INST. NO. 20160614-0060242, R.O.D.C.

6

RESUBDIVISION LOT 6
CAPITOL VIEW
INST. NO. 20160812-0084182, R.O.D.C.

BLOCK C

11TH AVENUE NORTH
(66' PUBLIC RIGHT-OF-WAY)



LIFEWAY PLAZA
(PUBLIC RIGHT-OF-WAY VARIES)

LIFEWAY PLAZA
(PUBLIC RIGHT-OF-WAY VARIES)

12/2/2019 P:\15\35687\3568706\Survey\ENCROACHMENT EXHIBITS PER OWNER\HP-C-2.BLOCK-C-11TH_AVE_N.dwg

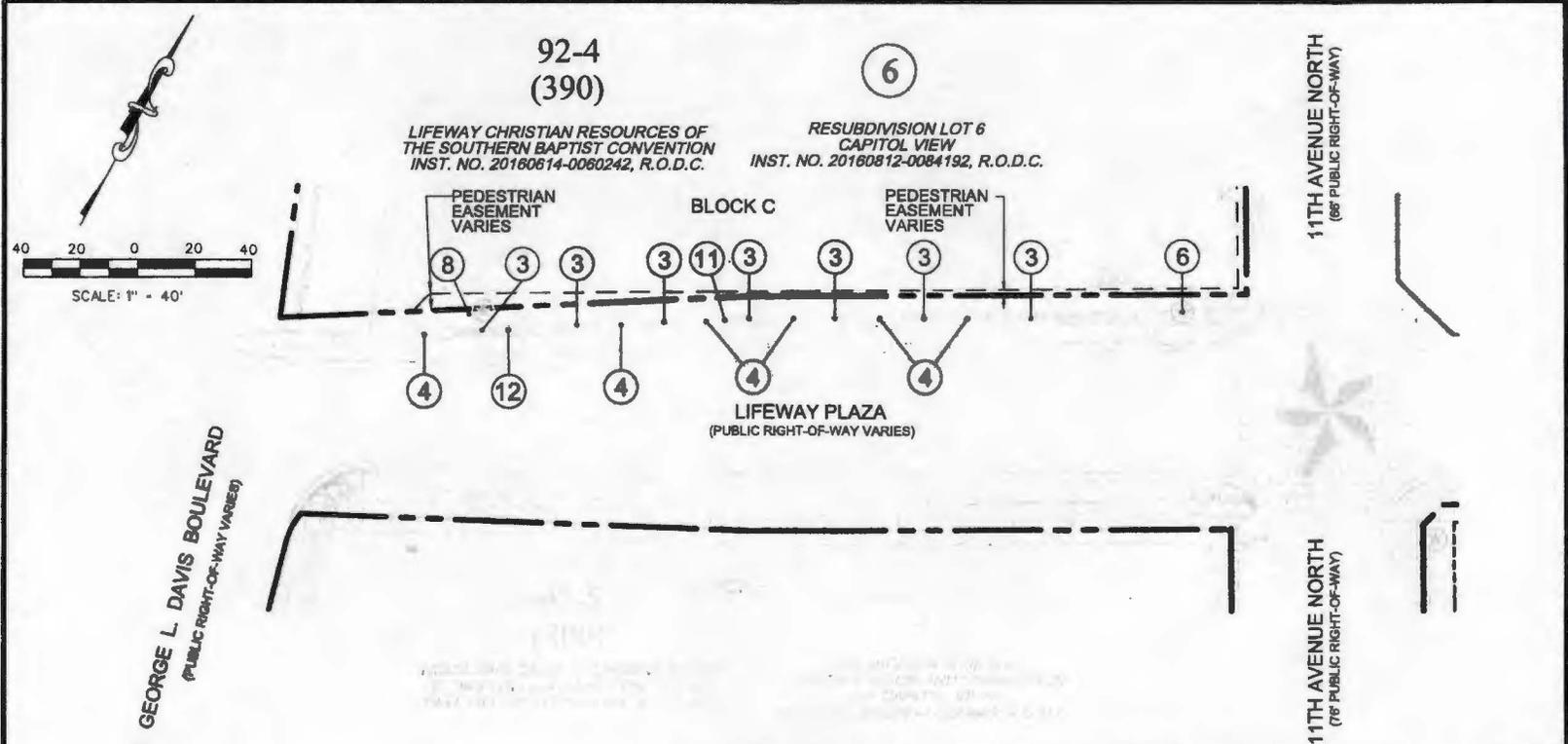
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DESIGN SOLUTIONS

410 7th Avenue South, Suite 100, Nashville, Tennessee 37203
Phone: 615-259-4400 Fax: 615-259-4072

LIFEWAY CHRISTIAN RESOURCES OF
THE SOUTHERN BAPTIST CONVENTION
CAPITOL VIEW - BLOCK C
11TH AVENUE NORTH
ENCROACHMENT EXHIBIT
NASHVILLE, DAVIDSON COUNTY, TENNESSEE

Drawn BY:	Checked BY:
MFS	MT
DRAWING NO.	
2 OF 3	
PROJECT NO.	DATE
3566706	12/03/2019

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LIFEWAY CHRISTIAN RESOURCES OF
THE SOUTHERN BAPTIST CONVENTION

CAPITOL VIEW - BLOCK C
LIFEWAY PLAZA

ENCROACHMENT EXHIBIT
NASHVILLE, DAVIDSON COUNTY, TENNESSEE

DRAWN BY: MFS	CHECKED BY: MT
DRAWING NO. 3 OF 3	
PROJECT NO. 3566706	DATE 12/03/2019

12/3/2019
F:\3566706\3566706\SURVEY\ENCROACHMENT EXHIBITS\REVISED ENCROACHMENT EXHIBITS PER OWNER\B\C-3\BLOCK_C\LIFEWAY_PLAZA.dwg

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