

ORDINANCE NO. BL2020 - 206

An Ordinance authorizing CVA, Inc. to install, construct and maintain underground encroachments in the right-of-way located at 406 11<sup>th</sup> Avenue North. (Proposal No. 2020M-014EN-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 406 11<sup>th</sup> Avenue North, under proposal No. 2020M-014EN-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-014EN-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-014EN-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-014EN-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 CVA, Inc.

Section 3. That plans and specifications for said encroachments under proposal No. 2020M-014EN-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-014EN-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-014EN-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.

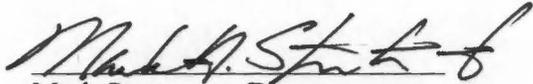
Section 8. CVA, Inc. shall and is hereby required to furnish The Metropolitan Government of Nashville and Davidson County a certificate of public liability insurance, naming The Metropolitan Government as an insured party, of at least two million (\$2,000,000) dollars aggregate, for the payment of any 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.

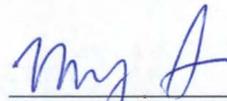
RECOMMENDED BY:

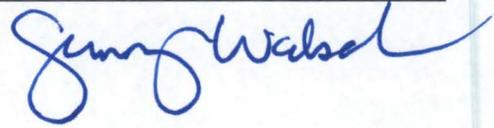
  
Mark Sturtevant, Director  
Department of Public Works

INTRODUCED BY:

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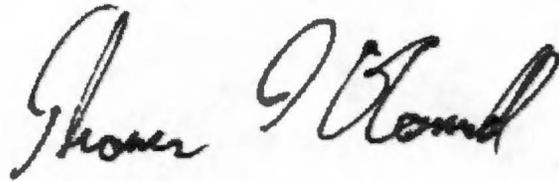
APPROVED AS TO FORM  
AND LEGALITY:

  
Assistant Metropolitan Attorney



**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

Proposal No. 2020M-014EN-001



CERTIFICATE OF LIABILITY INSURANCE

DATE REVISED  
10/20/19

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 AFFECT, 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> Boyle Insurance Agency, Inc. 8900 Poplar Ave. Memphis, TN 38118	CONTACT NAME: Cindi Graham PHONE: (901) 766-4298 FAX: (901) 766-4216 EMAIL: cindig@boyle.com
	SERVICES AFFORDED COVERAGE POLICY # 1: E&O Insurance Exchange 28271 POLICY # 2: POLICY # 3: POLICY # 4: POLICY # 5:
<b>INSURED</b> CVA, Inc. Charlotte & 11th St Franklin, TN 37064	

COVERAGES CERTIFICATE NUMBER REVISION NUMBER

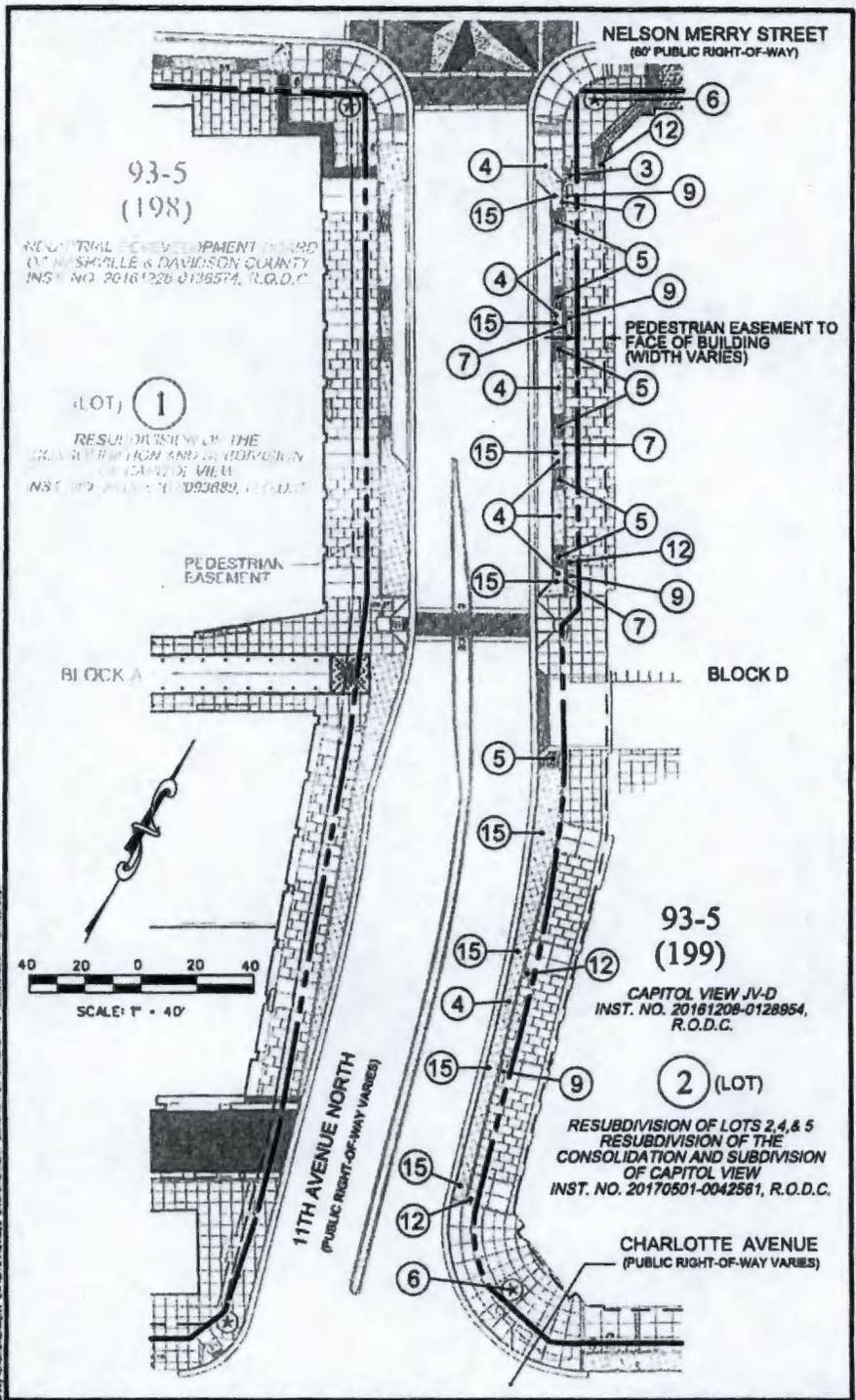
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE 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.

NEW LINE	TYPE OF INSURANCE	CLASS CODE	POLICY NUMBER	ISSUE DATE	EXPIRES	COVERAGE	LIMITS
A	<input checked="" type="checkbox"/> PERSONAL GENERAL LIABILITY <input type="checkbox"/> CLASS 4000 <input checked="" type="checkbox"/> OCCUR SPECIAL ACCIDENTAL LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PER OCCURRENCE <input checked="" type="checkbox"/> LOC <input type="checkbox"/> EITHER		Q41-1661890	05/15/2019	06/15/2020	EACH OCCURRENCE \$ 1,000,000 AGGREGATE PER POLICY \$ 1,000,000 MED EXP (per occurrence) \$ 5,000 PRODUCTS & SERVICES \$ 1,000,000 CONTRACTORS \$ 2,000,000 PRODUCTS, COMP & SER \$ 2,000,000	
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY <input type="checkbox"/> BOTH OWNED & NON-OWNED AUTOS ONLY		Q41-1661890	05/28/2019	06/15/2020	OWNED AUTOS LIABILITY \$ 1,000,000 BODILY INJURY (per person) \$ BODILY INJURY (per accident) \$ PROPERTY DAMAGE (per person) \$ PROPERTY DAMAGE (per accident) \$	
A	<input checked="" type="checkbox"/> UMBRELLA LIABILITY <input type="checkbox"/> EXCESS LIABILITY SPECIAL RESTRICTIONS: WORKERS COMPENSATION AND EMPLOYERS LIABILITY AND PROFESSIONAL LIABILITY CONVICTIONS EXCLUDED (Waiverable in 99) If yes, describe under description of operations and services		Q23-1570893	06/15/2019	03/15/2020	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 AIRCRAFT \$ RAILROAD \$ E&O EXCESS \$ E&O EXCESS - EMPLOYERS \$ E&O EXCESS - POLICY LIMIT \$	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (check all. Additional locations details, 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.

<b>CERTIFICATE HOLDER</b>  The Metropolitan Government of Nashville c/o Insurance and Safety Div. 222 Third Avenue, North, #601 Nashville, TN 37203	<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 <i>Cynthia Berkham</i>
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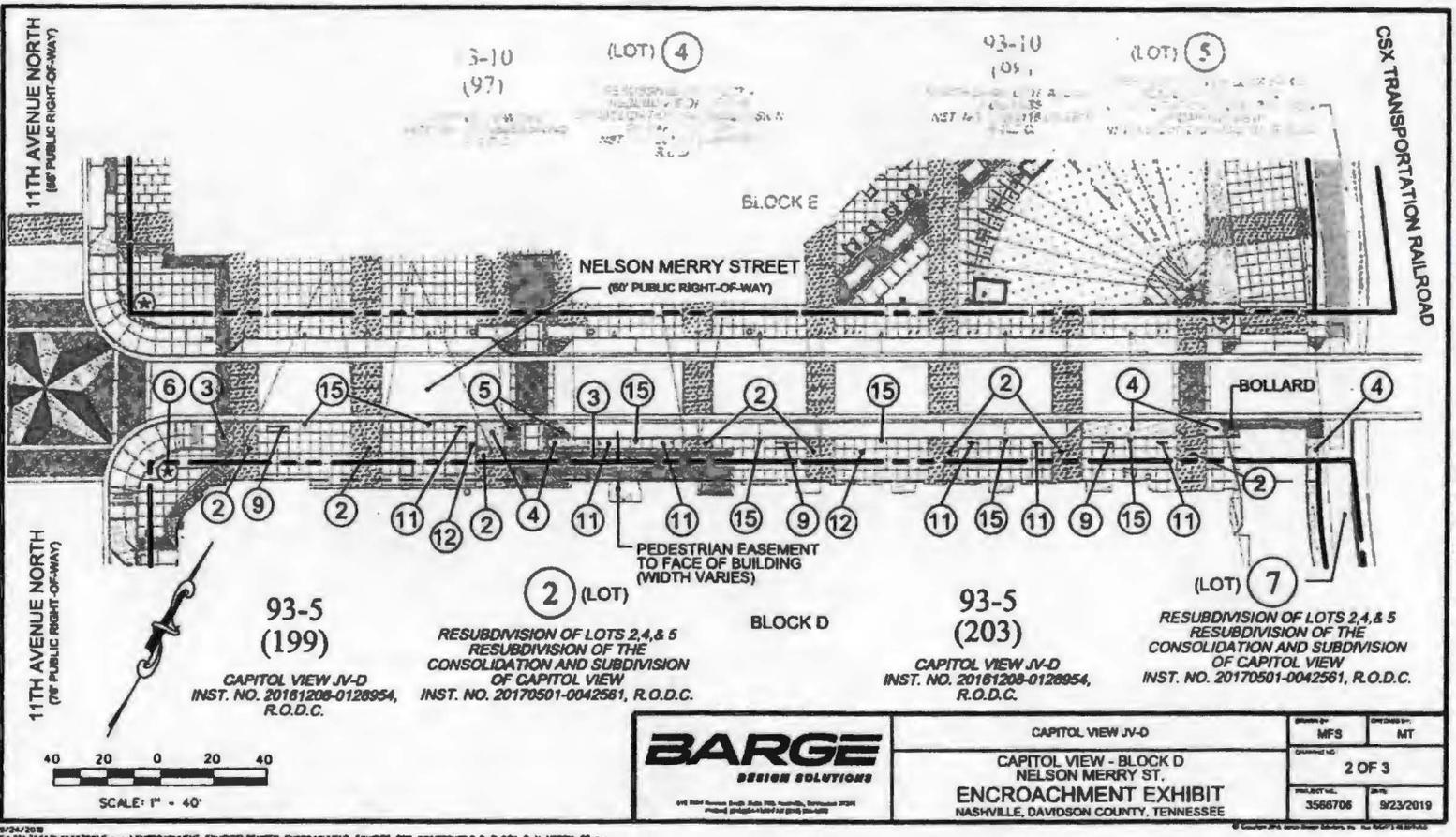


**BARGE**  
 DESIGN SOLUTIONS

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

DRAWN BY: MFS	CHECKED BY: MT
DRAWING NO.: 1 OF 3	
PROJECT NO.: 3586708	DATE: 8/23/2019

ALL RIGHTS RESERVED. ENCROACHMENT EXHIBIT FOR ENCROACHMENT LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

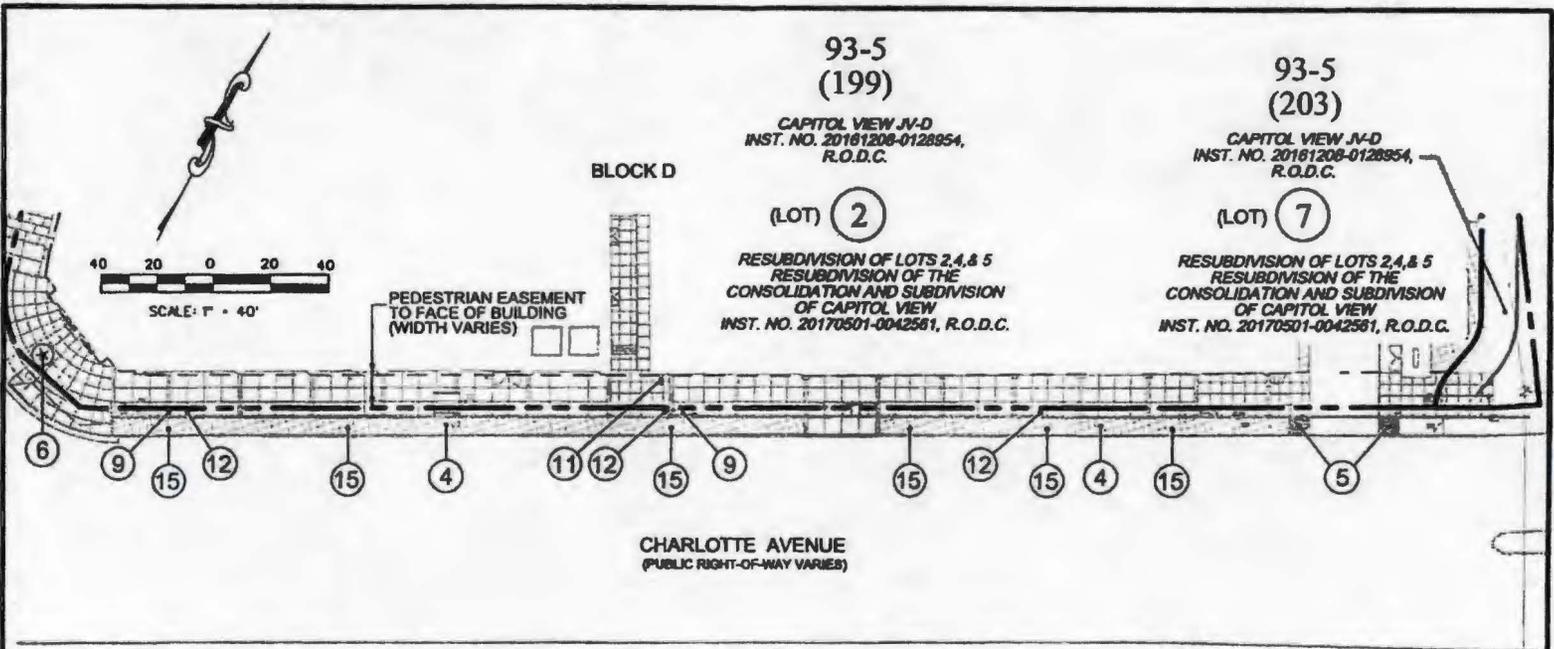


CAPITOL VIEW JV-D

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

DESIGNED BY	MFS	CHECKED BY	MT
DATE	2 OF 3		
PROJECT NO.	3566706	DATE	9/23/2019

9/24/2019  
T:\3566706\Survey\ENCROACHMENT [2]B\T\REVISED ENCROACHMENT [2]B\T\FOR 09/23/2019\2-BLOCK D-NELSON MERRY ST.dwg



**BARGE**  
DESIGN SOLUTIONS

CAPITOL VIEW JV-D  
CAPITOL VIEW - BLOCK D  
CHARLOTTE AVENUE  
**ENCROACHMENT EXHIBIT**  
NASHVILLE, DAVIDSON COUNTY, TENNESSEE

Drawn by:	MFS	Checked by:	MT
Sheet No.:	3 OF 3		
Project No.:	3566706	Date:	9/23/2019