

ORDINANCE NO. BL2020 - 208

An Ordinance authorizing CVA, Inc. to install, construct and maintain underground encroachments in the right of way located at 515 11th Avenue North. (Proposal No. 2020M-016EN-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 515 11th Avenue North, under proposal No. 2020M-016EN-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-016EN-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-016EN-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-016EN-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-016EN-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-016EN-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-016EN-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.

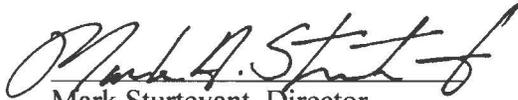
Section 8. CVA, Inc., shall and is hereby required to furnish The Metropolitan Government of Nashville and Davidson County a certificate of public liability insurance, naming The Metropolitan Government as an insured party, of at least two million (\$2,000,000) dollars aggregate, for the payment of any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

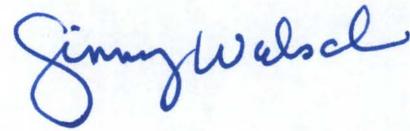
Section 11. This Ordinance shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

RECOMMENDED BY:



Mark Sturtevant, Director
Department of Public Works

INTRODUCED BY:



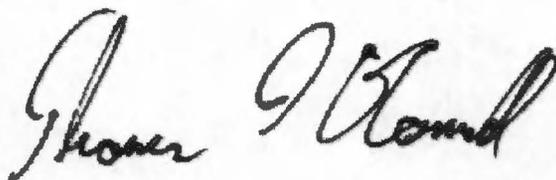
APPROVED AS TO FORM
AND LEGALITY:



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-016EN-001



CERTIFICATE OF LIABILITY INSURANCE

DATE 08/07/11
16280019

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. 8900 Poplar Ave. Memphis, TN 38119	CONTACT NAME Cindi Graham	PHONE (901) 786-4208	FAX (901) 786-4216
	EMAIL cindi@boyle.com	INSURER APPROVED COVERAGE	
INSURED CVA, Inc. Charlotte S 210 St Farrington, TN 37064	INSURER A	Edo Insurance Exchange	AGENCY # 28271
	INSURER B		
	INSURER C		
	INSURER D		
	INSURER E		

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.

CLASS	TYPE OF INSURANCE	CLASSIFICATION	POLICY NUMBER	POLICY PERIOD (MM/DD/YYYY)	EXPIRES (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> BODILY INJURY/PROPERTY DAMAGE <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GENERAL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PER OCC <input checked="" type="checkbox"/> LOC <input type="checkbox"/> OTHER	Y	Q41-1551860	05/15/2010	05/15/2020	EACH OCCURRENCE \$ 1,000,000 AGGREGATE PER POLICY \$ 1,000,000 MED EXP (per occurrence) \$ 5,000 PERSONAL & ADJUTANT \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input checked="" type="checkbox"/> OWNED AUTOMOBILE <input type="checkbox"/> LEASED AUTOMOBILE <input type="checkbox"/> AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOMOBILE <input type="checkbox"/> AUTOS ONLY	Y	Q41-1551390	05/26/2010	05/15/2020	OWNED AUTOMOBILE LIABILITY \$ 1,000,000 BODILY INJURY (per person) \$ BODILY INJURY (per accident) \$ PROPERTY DAMAGE (per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIABILITY <input type="checkbox"/> EXCESS LIABILITY <input type="checkbox"/> CLASS-SPECIFIC	Y	U20-1570805	05/15/2010	05/15/2020	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
	WORKERS COMPENSATION AND EMPLOYERS LIABILITY <input type="checkbox"/> V/A <input type="checkbox"/> S/A ALL PROFESSIONAL FEES/EXPENSES CIVIL DAMAGES (INCLUDED) (Mandatory in TN) If job description or job description of CONTRACTOR is listed					<input type="checkbox"/> PER POLICY <input type="checkbox"/> PER OCC E.L. EACH OCCURRENCE \$ E.L. COVERED - BY EMPLOYEE \$ E.L. COVERED - POLICY LIMIT \$

DESCRIPTION OF OPERATION / LOCATION / VEHICLES (ADDRESS AND ADDRESS CHANGE HISTORY, may be checked 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, 6801 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>

92-4
(337)

LIFEWAY CHRISTIAN RESOURCES OF THE SOUTHERN BAPTIST CONVENTION
INST. NO. 20160514-005242, R.O.D.C.

CLINTON STREET

92-4
(390)

LIFEWAY CHRISTIAN RESOURCES OF THE SOUTHERN BAPTIST CONVENTION INST. NO. 20160514-005242, R.O.D.C.

RESUBDIVISION LOT 6
CAPITOL VIEW
INST. NO. 20180812-004182, R.O.D.C.
BLOCK C

93-10
(89)

NORTH GULCH APARTMENTS, LLC
INST. NO. 20180513-004809,
R.O.D.C.

LIFEWAY PLAZA

DRAWING #2

93-5
(200)

INDUSTRIAL DEVELOPMENT BOARD OF NASHVILLE & DAVIDSON COUNTY
INST. NO. 20161228-0138574, R.O.D.C.

RESUBDIVISION OF THE CONSOLIDATION AND SUBDIVISION OF CAPITOL VIEW
INST. NO. 20150916-0083888, R.O.D.C.

BLOCK B

DRAWING #4

93-10
(99)

CAPITOL VIEW JV-E
INST. NO. 20170505-0044748,
R.O.D.C.

RESUBDIVISION OF LOT 4
CONSOLIDATION AND SUBDIVISION OF CAPITOL VIEW
INST. NO. 20170916-0083888,
R.O.D.C.

BLOCK E

93-10
(98)

93-10
(97)

INTERSTATE I-40

GEORGE L. DAVIS BOULEVARD

ELEVENTH AVENUE NORTH

CSX TRANSPORTATION RAILROAD

NELSON MERRY STREET

BLOCK A

93-5
(198)

INDUSTRIAL DEVELOPMENT BOARD OF NASHVILLE & DAVIDSON COUNTY
INST. NO. 20161228-0138574, R.O.D.C.

RESUBDIVISION OF THE CONSOLIDATION AND SUBDIVISION OF CAPITOL VIEW
INST. NO. 20150916-0083888, R.O.D.C.

93-5
(199)

CAPITOL VIEW JV-D
INST. NO. 20161208-0128854,
R.O.D.C.

RESUBDIVISION OF LOTS 2, 4 & 5
CONSOLIDATION AND SUBDIVISION OF CAPITOL VIEW
INST. NO. 20170501-0042581, R.O.D.C.

93-5
(203)

CHARLOTTE AVENUE

93-10
(98)

NORTH CHARLOTTE AVENUE HOLDINGS
INST. NO. 20080118-0068918,
R.O.D.C.

RESUBDIVISION OF LOTS 2, 4 & 5
CONSOLIDATION AND SUBDIVISION OF CAPITOL VIEW
INST. NO. 20170501-0042581, R.O.D.C.

93-5
(203)

CAPITOL VIEW JV-D
INST. NO. 20161208-0128854,
R.O.D.C.

RESUBDIVISION OF LOTS 2, 4 & 5
CONSOLIDATION AND SUBDIVISION OF CAPITOL VIEW
INST. NO. 20170501-0042581, R.O.D.C.

93-10
(99)

CV HOTEL OWNER LLC
INST. NO. 20180523-0048488,
R.O.D.C.

RESUBDIVISION OF LOT 4
CONSOLIDATION AND SUBDIVISION OF CAPITOL VIEW
INST. NO. 20170916-0083888, R.O.D.C.



SCALE: 1" = 200'

BARGE
DESIGN SOLUTIONS

815 Third Avenue South, Suite 700, Nashville, Tennessee 37210
PHONE: (615)254-1389 FAX: (615) 253-6372

INDUSTRIAL DEVELOPMENT BOARD OF NASHVILLE & DAVIDSON COUNTY

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

DRAWN BY: MFS
CHECKED BY: JJC

DRAWING NO.:
KEY MAP

PROJECT NO.: 3566706
DATE: 6/20/2019

ENCROACHMENT EXHIBIT IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF BARGE DESIGN SOLUTIONS, INC. ALL RIGHTS RESERVED.



INTERSTATE I-40

LIFEWAY PLAZA
(PUBLIC RIGHT-OF-WAY VARIES)

GEORGE L. DAVIS BOULEVARD
(EXISTING PUBLIC RIGHT-OF-WAY VARIES)

BLOCK B

93-5
(200)

INDUSTRIAL DEVELOPMENT BOARD
OF NASHVILLE & DAVIDSON COUNTY
INST. NO. 20161228-0136574, R.O.D.C.

3

RESUBDIVISION OF THE
CONSOLIDATION AND SUBDIVISION
OF CAPITOL VIEW
INST. NO. 20150916 0093889, R.O.D.C.

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

6/21/2019 3:56:07 PM Survey ENCROACHMENT EXHIBIT REVISED ENCROACHMENT EXHIBIT PER OWNERSHIP U-1 BLOCK B, CL DAVIS, BL 10.dwg

BARGE
DESIGN SOLUTIONS

615 Third Avenue South, Suite 709, Nashville, Tennessee 37210
PHONE (615) 254-1888 FAX (615) 255-8572

INDUSTRIAL DEVELOPMENT BOARD
OF NASHVILLE & DAVIDSON COUNTY
CAPITOL VIEW - BLOCK B
GEORGE L. DAVIS BOULEVARD
ENCROACHMENT EXHIBIT
NASHVILLE, DAVIDSON COUNTY, TENNESSEE

DRAWN BY: MFS	CHECKED BY: JJC
DRAWING NO.: 1 OF 4	
PROJECT NO.: 3566706	DATE: 6/20/2019

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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. 20160812-0084192, R.O.D.C.

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

40 20 0 20 40

SCALE: 1" = 40'

BLOCK C

LIFEWAY PLAZA
(PUBLIC RIGHT-OF-WAY VARIES)

4

4

4

4

GEORGE L. DAVIS BOULEVARD
(PUBLIC RIGHT-OF-WAY VARIES)

BLOCK B

93-5
(200)

INDUSTRIAL DEVELOPMENT BOARD
OF NASHVILLE & DAVIDSON COUNTY
INST. NO. 20161226-0136574, R.O.D.C.

3

RESUBDIVISION OF THE
CONSOLIDATION AND SUBDIVISION
OF CAPITOL VIEW
INST. NO. 20150916 0093889, R.O.D.C.

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

BARGE
DESIGN SOLUTIONS

615 Third Avenue South, Suite 700, Nashville, Tennessee 37210
PHONE: 615-256-1800 FAX: 615-256-0072

INDUSTRIAL DEVELOPMENT BOARD
OF NASHVILLE & DAVIDSON COUNTY

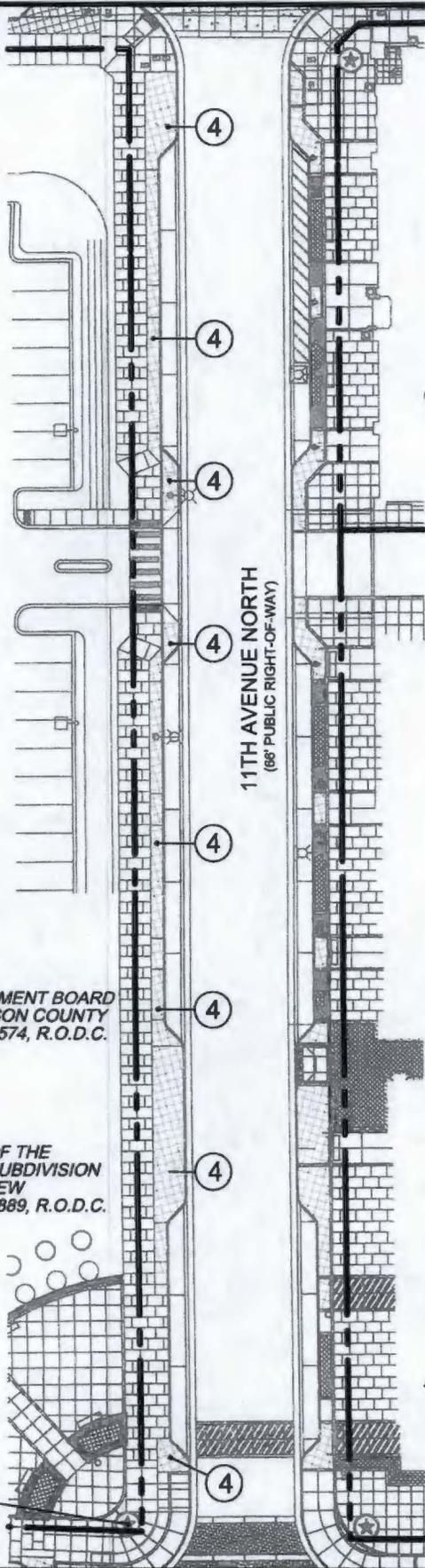
CAPITOL VIEW - BLOCK B
LIFEWAY PLAZA
ENCROACHMENT EXHIBIT
NASHVILLE, DAVIDSON COUNTY, TENNESSEE

DRAWN BY: MFS
CHECKED BY: JJC

DRAWING NO. 2 OF 4

PROJECT NO. 3566706
DATE: 6/20/2019

LIFEWAY PLAZA
(PUBLIC RIGHT-OF-WAY VARIES)



93-10
(99)

CV HOTEL OWNER LLC
INST. NO. 20180523-0049468,
R.O.D.C.

8

RESUBDIVISION OF LOT 4
RESUBDIVISION OF THE
CONSOLIDATION AND SUBDIVISION
OF CAPITOL VIEW
INST. NO. 20170816-0083896,
R.O.D.C.

BLOCK B

BLOCK E

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

93-10
(97)

CAPITOL VIEW JV-E
INST. NO. 20170505-0044749,
R.O.D.C.

4

RESUBDIVISION OF LOT 4
RESUBDIVISION OF THE
CONSOLIDATION AND SUBDIVISION
OF CAPITOL VIEW
INST. NO. 20170816-0083896,
R.O.D.C.

93-5
(200)

INDUSTRIAL DEVELOPMENT BOARD
OF NASHVILLE & DAVIDSON COUNTY
INST. NO. 20161228-0136574, R.O.D.C.

3

RESUBDIVISION OF THE
CONSOLIDATION AND SUBDIVISION
OF CAPITOL VIEW
INST. NO. 20150916-0093889, R.O.D.C.



SCALE: 1" = 40'

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

BARGE
DESIGN SOLUTIONS

915 Third Avenue South, Suite 700, Nashville, Tennessee 37203
PHONE: 615-259-1000 FAX: (615) 255-0272

INDUSTRIAL DEVELOPMENT BOARD
OF NASHVILLE & DAVIDSON COUNTY
CAPITOL VIEW - BLOCK B
11TH AVENUE NORTH
ENCROACHMENT EXHIBIT
NASHVILLE, DAVIDSON COUNTY, TENNESSEE

DRAWN BY:	MFS	CHECKED BY:	MT
DRAWING NO.:	3 OF 4		
PROJECT NO.:	3566706	DATE:	9/12/2019

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93-5
(200)

INDUSTRIAL DEVELOPMENT BOARD
OF NASHVILLE & DAVIDSON COUNTY
INST. NO. 20161228-0136574, R.O.D.C.

3

RESUBDIVISION OF THE
CONSOLIDATION AND SUBDIVISION
OF CAPITOL VIEW
INST. NO. 20150916 0093889, R.O.D.C.

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

BLOCK B

GEORGE L. DAVIS BOULEVARD
(PUBLIC RIGHT-OF-WAY VARIES)

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

PEDESTRIAN
EASEMENT

BLOCK A

93-5
(198)

INDUSTRIAL DEVELOPMENT BOARD
OF NASHVILLE & DAVIDSON COUNTY
INST. NO. 20161228-0136574, R.O.D.C.

1

RESUBDIVISION OF THE
CONSOLIDATION AND SUBDIVISION
OF CAPITOL VIEW
INST. NO. 20150916 0093889, R.O.D.C.

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

40 20 0 20 40

SCALE: 1" = 40'

BARGE
DESIGN SOLUTIONS

615 Third Avenue South, Suite 700, Nashville, Tennessee 37216
PHONE (615) 254-1200 FAX (615) 254-0572

INDUSTRIAL DEVELOPMENT BOARD
OF NASHVILLE & DAVIDSON COUNTY

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

DRAWN BY: MFS
CHECKED BY: JJC

DRAWING NO.: 4 OF 4

PROJECT NO.: 3566706
DATE: 6/20/2019