



October 23, 2020

Metropolitan Government of Nashville and Davidson County
Department of Public Works, Division of Engineering
720 South 5th Street
Nashville, TN 37206

RE: *Modera Gulch, 810 Division Street, R.O.W. Encroachment Application*

To whom it may concern,

This letter is a formal request for review and consideration of the attached application materials related to specific proposed encroachments in the public right-of-way at 810 Division Street, Nashville, Tennessee 37203 (the "Property"). I, Brendan Boles, am filing this petition on behalf of my client, Mill Creek Residential Trust ("Applicant").

Thank you for your assistance on this matter. Please contact me at (615) 564-2720 or Brendan.Boles@kimley-horn.com should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Boles", written in a cursive style.

Brendan Boles., P.E.
Project Engineer

Metropolitan Government Department of Public Works
 750 South 5th Street | Nashville, TN 37206 | (615) 862-8750 | www.nashville.gov/public-works

Mandatory Referral Application:
Encroachment: Sign / Awning / Fiber Optic Cable / Other

*** Before filing this application, please review checklist on the back of this application. ***

Encroachment Type:

- Awning
- Fiber Optic Cable (^ ground)
- Fiber Optic Cable (▾ ground)
- Sign
- Other See attached description of encroachments

Date Submitted: _____

Mandatory Referral Project No. _____
(MPW staff assigns project #)

Map & Parcel(s): Tax Map 93-14, Parcel 571

Street Address(es): 810 Division Street

Notarized Signature of Property Owner(s):


You must obtain the *notarized* signature of all property owners on whose property the sign or awning will occur. Failure to provide this information will deem your application *incomplete* and postpone your application's consideration by the Metropolitan Planning Commission. Copy form below for additional signatures.

As the owner(s) of property, I/we agree to the submission of this mandatory referral application to the Metropolitan Government Department of Public Works for a sign, awning or fiber optic cable encroachment.

Date: 9/16/20
(Company Name)

Crunk Contracted Products
 by: [Signature]
(Signature of Property Owner)
 Crunk Contracted Products
(Name of Property Owner)
 by: Chip Crunk, Managing Partner
(Title of Property Owner)
 730A Friesland Station Road
 Nashville, TN 37228
(Address of Property (including city & state))

STATE OF TENNESSEE
 COUNTY OF DAVIDSON
 Sworn to and subscribed before
 Me this 16 day of Sept, 2020

[Signature]
(Notary Public)
 My Commission Expires: _____


Applicant: All correspondence will be mailed to the applicant.

Architect Engineer Property Owner Other

Name: Brendan Boles

Business: Kimley-Horn & Associates

Address: 214 Oceanside Drive

City: Nashville State: TN Zip: 37204

Phone: 615-564-2720

business home business mobile

Fax: business home business mobile

E-mail: Brendan.Boles@Kimley-Horn.com

Applicant's Signature: _____

Filing Fee (All application fees are non-refundable)

Encroachment: Sign / Awning / Fiber Optic Cable \$250.00
 Other

Amount paid: \$ _____

Accepted by: _____ Date: _____

Mandatory Referral

4 Checklist

ρ **Mandatory Referral Application**

If any electrical vaults are located below proposed sign, awning or fiber optic cable, special design standards may be required. Contact NES 615-747-3964 for more information on electrical vault locations.

DO NOT INSTALL anything that would encroach over Metro right-of-way until your application is approved by Metro Council. If you do, you could have to wait six months before your application is considered by Metro Council. For more information, see Council Bill BL2000-444 available at: https://www.nashville.gov/mc/ordinances/term_1999_2003/bl2000_444.htm or call the Metro Clerk for a copy of the bill at 862-6770.

ρ **Filing Fee \$250 (All application fees are non-refundable)**

Cash or check. If check, make payable to "Metropolitan Government". Credit cards not accepted.

ρ **Property Map**

Show location of property and surrounding streets (use "Maps" on the MPC web to create property map)

ρ **Notarized Signature of Property Owner(s)**

You must obtain the *notarized* signature of all property owners whose property the sign or awning will occur. Failure to provide this information will deem your application **incomplete** and postpone your application's consideration by the Metropolitan Planning Commission.

ρ **License Agreement for Private Encroachment into Public Right-of-Way**

Obtain copy from MPW web site, MPW Right-Of-Way Permits' Office at (615-862-8782).

ρ **Franchise License**

If fiber optic cable company, prior to submitting a fiber optic cable encroachment, you must contact the Metro Department of Law at 615-862-6341 for determination of whether franchise license is required.

ρ **Certificate of Liability Insurance**

Certificate must identify Metro Government of Nashville & Davidson County as Certificate Holder.

ρ **Right-of-Way Notice**

While not a requirement of your application, please be aware that no construction work may be undertaken in any street, road, alley or right-of-way or of any utility or temporary construction easement of the metropolitan government or other government entity by any department of the metropolitan government or any other entity unless adequate notice has been given to the abutting fee owner of a street, road, alley, or right-of-way or fee owner of the easement, and to the district member of council representing the area of such construction work. For more information, see Metro Code 13.20 available at: https://library.municode.com/tn/metro_government_of_nashville_and_davidson_county/codes/code_of_ordinances?nodeId=CD_TIT13STSIPUPL_DIVIGERE_CH13.20EXOB or call the Metro Clerk for a copy of the bill at 862-6770, or call the Public Works Department Permits' Office at 615-862-8782.

ρ **Drawings** should identify the following:

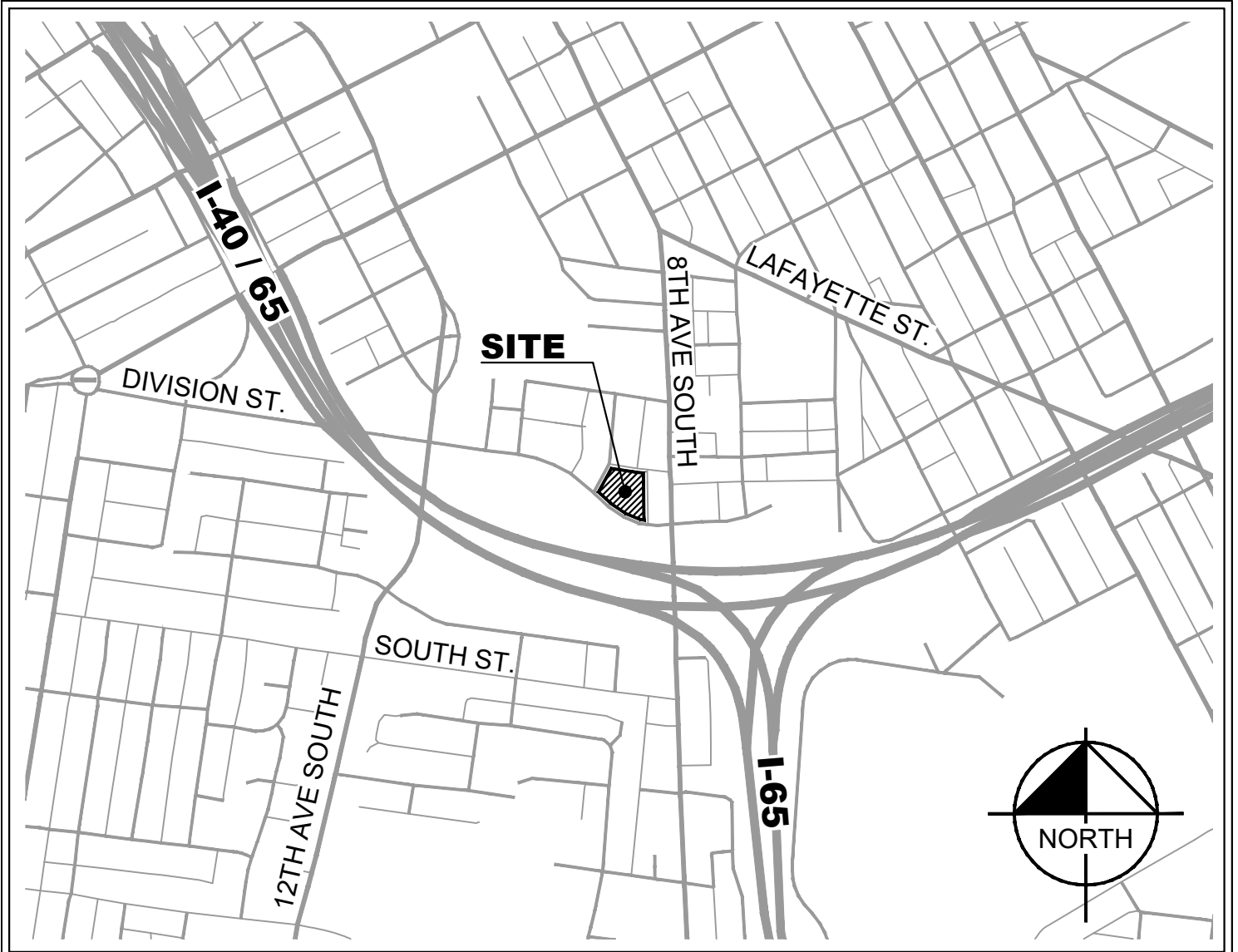
Signs / Awnings

- Width and length of sign/awning
- Vertical height of awning
- Horizontal distance sign/awning projects over public right-of-way
- Vertical distance sign/awning will be installed above public right-of-way
- Horizontal distance between door awning and street curb (Note: Door awnings must be setback 18" from street curb)
- Location of every sign, window awning or door awning to be installed on building (photograph is helpful)
- Method of attachment / anchoring to building or sidewalk

Fiber Optic Cable

- Map identifying cable path
- Cable length in feet or miles
- Thickness of cable
- Number of cables
- If ▲ ground, what cable will be attached to and method of attachment
- If ▲ ground, height of cable above public right-of-way
- If ▼ ground, average depth below public right-of-way (e.g. "36 – 42")
- If ▼ ground, size of trench / boring

FEE TO BE PAID OVER THE PHONE.



VICINITY MAP
NOT TO SCALE

PARCEL ID: 09314057100
ADDRESS: 810 DIVISION ST

LICENSE AGREEMENT FOR PRIVATE ENCROACHMENTS
INTO THE PUBLIC RIGHT OF WAY

I/We, **MCRT INVESTMENTS, LLC**, in consideration of the Resolution No. _____, to construct, maintain, install and/or operate an encroachment into, onto, over, or under the public right of way located at in Nashville, Davidson County, Tennessee, do hereby, for myself, my agents, customers, and assigns, waive and release and hold harmless The Metropolitan Government of Nashville and Davidson County, its agents, employees, and assigns from any and all claims, rights, or demands for damages that may arise from my/our use, construction and/or maintenance of the encroachment, to wit: (SEE ATTACHED DESCRIPTION OF ENCROACHMENT). I/We hereby certify to the Metropolitan Government of Nashville and Davidson County that I/We have executed a bond or liability insurance policy in such amount as agreed upon by the Director of Public Works and the Metropolitan Attorney, and in the form approved by the Metropolitan Attorney (per Metropolitan Code Section 38-1-1), which operates to indemnify and save The Metropolitan Government of Nashville and Davidson County harmless from all claims or demands that may result to persons or property by reason of the construction, operations or maintenance of the encroachment. I/We further agree that my/our obligations hereunder may not be assigned except upon approval of the Director of Public Works and the Metropolitan Attorney. I/We further acknowledge that any action that results in a failure to maintain said bond or liability insurance for the protection of The Metropolitan Government of Nashville and Davidson County shall operate to the granting of a lien to The Metropolitan Government of Nashville and Davidson County in the amount of the last effective bond/insurance policy. Said insurance or bond may not be cancelable or expirable except on 30 days notice to the Director of Public Works.

I/We further recognize that the license granted hereby is revocable by The Metropolitan Government upon recommendation of the Director of Public Works and approval by resolution of the Metropolitan County Council if it is determined to be necessary to the public welfare and convenience. In the event the Metropolitan Government revokes this license as contemplated by this paragraph, licensee will not be entitled to any compensation of any kind. This license shall also be strictly subject to the right of way easement owned by The Metropolitan Government. I/We agree to maintain, construct and use the encroachment in such a way as will not interfere with the rights and duties of the Metropolitan Government

as owner of the right of way. Said interference shall be additional grounds for revocation of the license for encroachment. I/We agree to pay the cost of construction, maintenance, use, as well as relocations cost of said encroachment. Licensee's failure to complete construction of the contemplated encroachment within 36 months of the date of approval by the Metropolitan Council will cause this license to terminate automatically. In the event the encroachment contemplated by this license is substantially destroyed, this license shall terminate unless fully restored by licensee within 36 months from the date of such destruction. In the event this license is revoked or terminated for any reason, licensee shall restore all public property to the condition obtaining at the time the license became effective at licensee's sole cost and expense.

DATE: 10/1/20

MERT Investments LLC By: Luca Parker
(Owner of Property)

810 Division St.
(Address of Property)

Washville, TN
(City and State)

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

Sworn to and subscribed before

Me this 1st day of OCT., 2020

[Signature]
(NOTARY PUBLIC)

My Commission Expires: 9/22/23



CERTIFICATE OF INSURANCE

This is to further certify to the Metropolitan Government of Nashville and Davidson County concerning the policies of insurance listed above and the coverage provided thereby that:

1. The Contractual Insurance coverage is on a Blanket Broad Form basis unless specifically indicated below,
2. The company or companies, upon request, agree to deliver within fifteen (15) days a certified copy of any and/or all of the policies of insurance to The Metropolitan Government of Nashville and Davidson County,
3. If one (1) or more Umbrella Excess policies are used, there is no gap between the limits of the primary policies and the deductible feature of the Umbrella Excess policies,
4. Coverage under the primary policies have no deductible features unless there is a check mark here (). If there are deductible features or the insured has adopted a funded self-insurance program, they are fully explained on an attached sheet which becomes a part of this Certificate, and
5. The coverage provided shall not be cancelled, reduced in coverage, or allowed to lapse unless and until The Metropolitan Government of Nashville and Davidson County receives at least thirty (30) days advance written notice of same. The written notice must be delivered to the Metropolitan Risk Manager at his office shown as the address of the Certificate Holder below or the secondary Certificate Holder, if one is so listed below.

Name and Address of Certificate Holder

The Metropolitan Government of
Nashville and Davidson County
Metro Legal & Claims
C/O Insurance and Safety Division
222 3rd Avenue North, Ste #501
Nashville, TN 37201

Date Issued: 10/28/2020

Mill Creek Residential Trust LLC

(Agency or Company)

by Luca Barber
(Authorized Representative)
(Attach Power of Attorney)

PETITION TO ENCROACH UPON A PUBLIC RIGHT-OF-WAY

PETITION NO. _____

We, the undersigned, do hereby petition the METROPOLITAN DEPARTMENT OF PUBLIC WORKS and the METROPOLITAN PLANNING COMMISSION to recommend to the METROPOLITAN COUNCIL and MAYOR that legislation be enacted to authorize the construction, installation and maintenance of an encroachment upon the public right-of-way as follows:

Overhead balcony overhang. See Architectural Exhibit attached.

Light poles, waste cans, bike racks and tree grates per Metro Nashville contemporary sub-district design guidelines. Also structural tree soil and irrigation at each tree well locations. See Landscape Architect Exhibit attached. Pipe Bollards at back of house. See Civil Exhibit.

Addresses and Map and Parcel numbers of property or properties associated with the proposed encroachment:

ADDRESS

MAP AND PARCEL NUMBER

810 Division Street

Tax Map 93-14, Parcel 571

Attach the following in support or explanation of this application:


_____ A check for the filing fee of \$250.00 made payable to the Metropolitan Government (**application fee is non-refundable**).

A scaled drawing on 8 1/2 " x 14" paper of the proposed encroachment. (Additional exhibits may be required depending upon the nature of the request).

_____ A private encroachment license agreement signed by the person to whom the encroachment privilege is to be granted.

_____ A certificate of liability insurance in the amount to be determined necessary by the Department of Public Works.

Signature and mailing address of person or business to whom privilege of encroachment will be granted:

Signature:  Address: 3102 West End Ave, Suite 780, Nashville, TN 37203
590B59D8CB6A4A0...

Council District: 19-Freddie O'Connell

PERSON FILING THIS PETITION:

If other than owner or optionee of properties listed above, state relationship. All correspondence will be mailed to this person.

Name: Brendan Boles, PE; Kimley-Horn & Associates

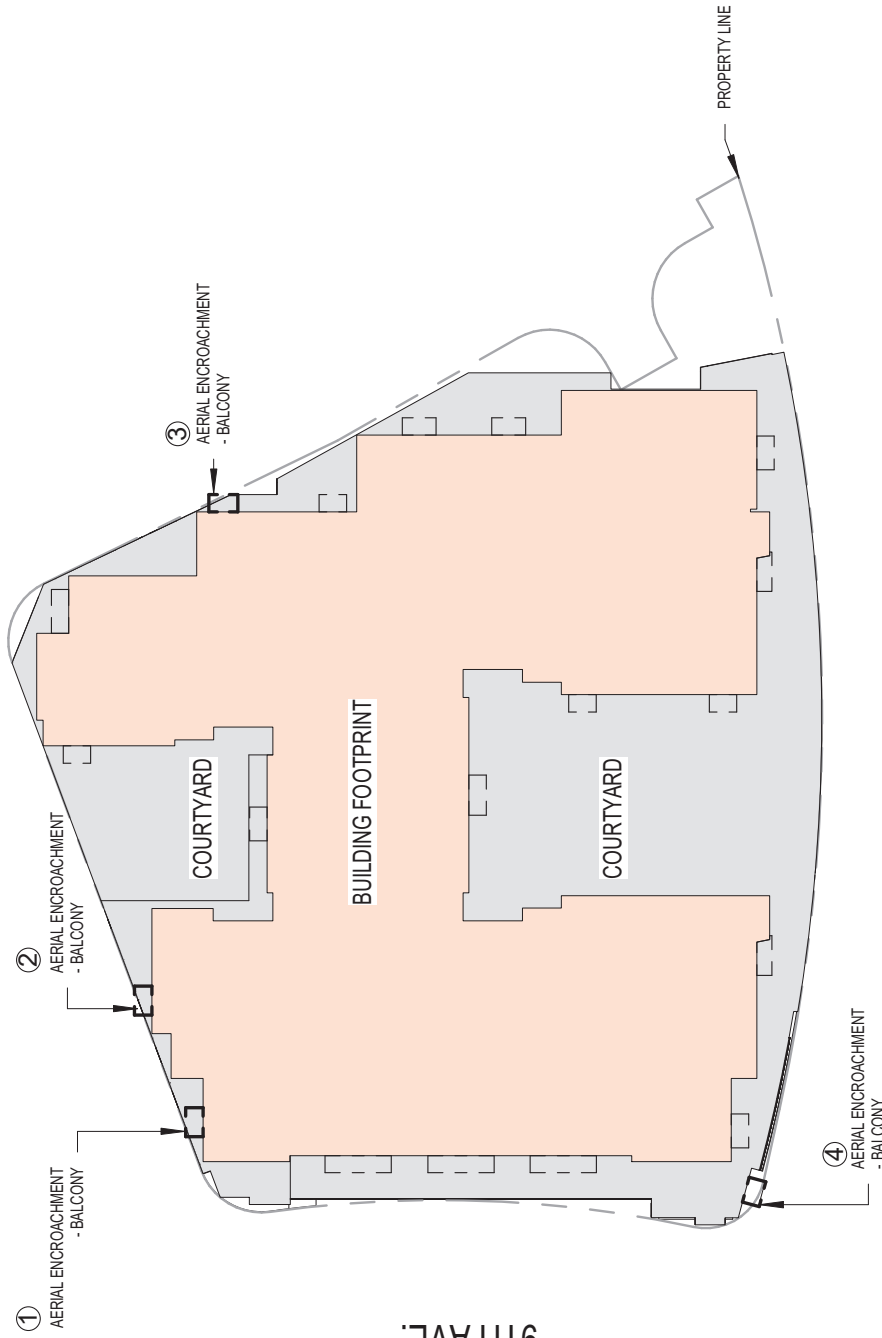
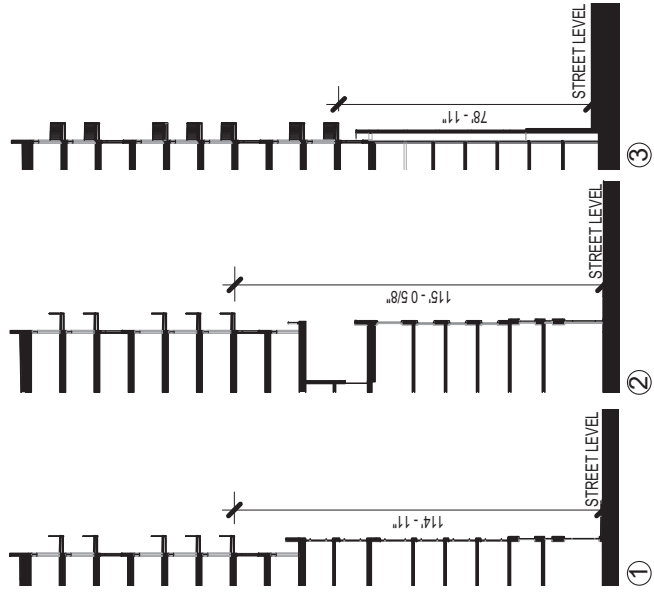
Address: 214 Oceanside Drive

City, State, Zip: Nashville, TN 37204

Phone: Residence _____

Business 615-564-2720

NOTE: THIS APPLICATION WILL NOT BE ACCEPTED UNLESS COMPLETED IN FULL.



DIVISION ST.

Aerial Encroachment Diagram

DATE 07/30/2020

PROJECT NO. 20190449.01

Notes



MILL CREEK
RESIDENTIAL

MODERA GULCH
Nashville, Tennessee

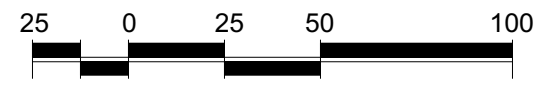
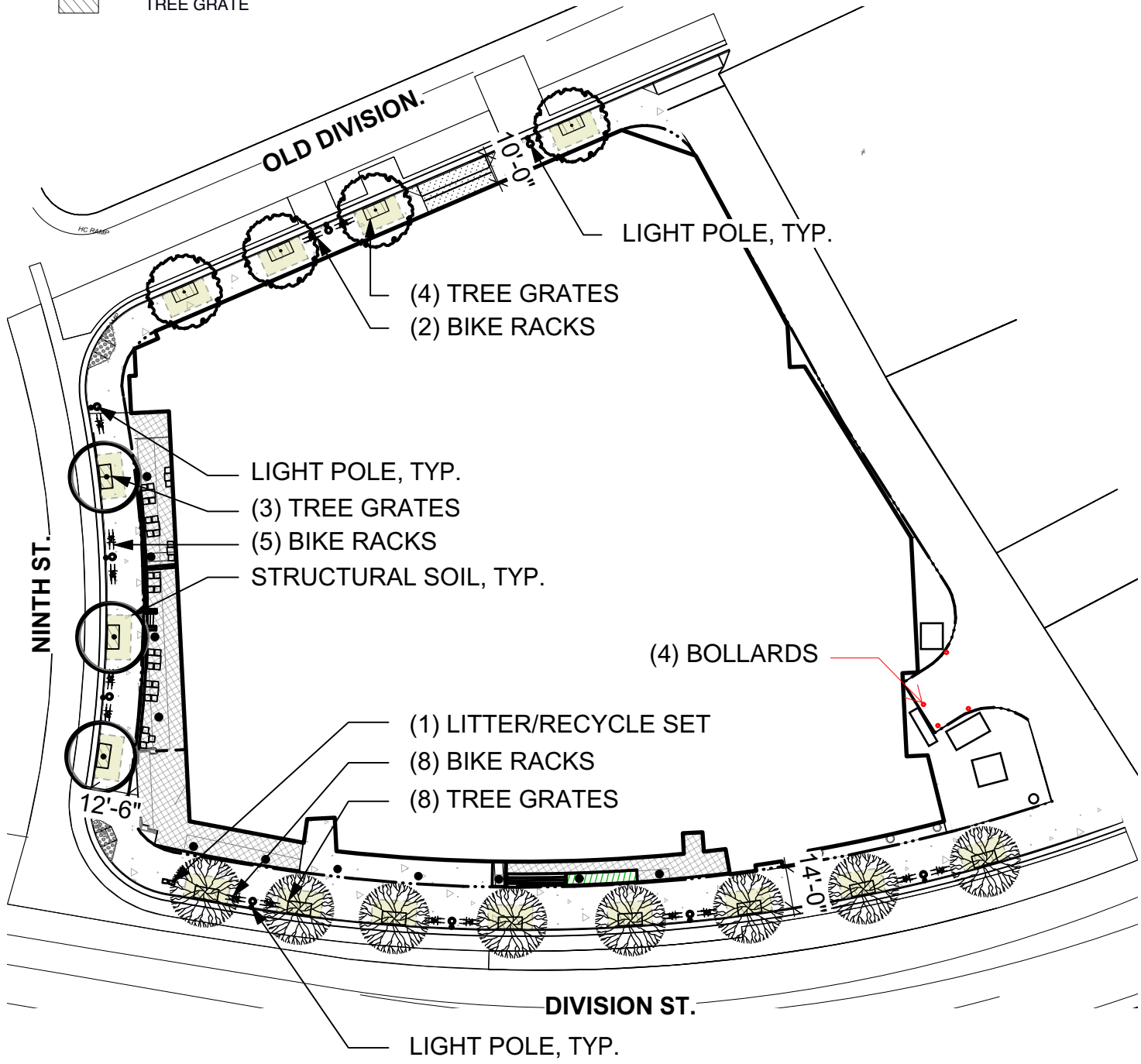

COOPER CARRY

LEGEND

-  BIKE RACK
-  TRASH AND LITTER RECEPTACLES
-  TREE GRATE

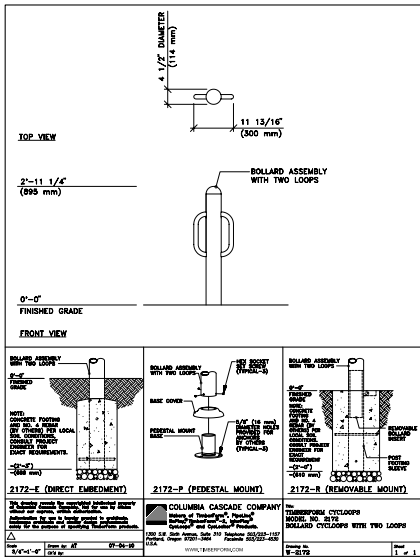
NOTE:

1. ALL TREES ARE IRRIGATED BY AUTOMATIC IRRIGATION SYSTEM.
2. A MIN. OF 400 CUFT OF STRUCTURAL SOIL IS PROVIDED FOR ALL STREET TREES PER DOWNTOWN CODE.



SCALE: 1" = 50'-0"

NOTE:
TRASH RECEPTACLE & BIKE RACK ARE CONSISTANT WITH DOWNTOWN STREETSCAPE DESIGN STANDARDS



3 BIKE RACK



TRASH / RECYCLE RECEPTACLE
MANUFACTURER: LANDSCAPE FORMS
PRODUCT: CHASE PARK LITTER & RECYCLING
MATERIAL AND FINISH: POWDERCOAT ALUMINUM
INSTALLATION: SURFACE MOUNT
NOTE: ALLOWANCE OF 6

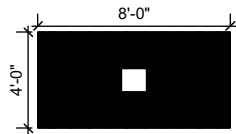
REPRESENTATIVE PHOTO

2 REPRESENTATIVE PHOTO: TRASH / RECYCLE RECEPTACLE

TREE GRATE
MANUFACTURER: URBAN ACCESSORIES
www.urbanaccessories.com
STYLE: JAMISON
MATERIAL: DUCTILE IRON
FINISH: RUST CONDITIONER
SIZE: 8' X 4'
NOTE: VEHICULAR RATED
ALL GRATES TO MEET ADA REQUIREMENTS.



REPRESENTATIVE PHOTO



1 PLAN: (G-1) TREE GRATE