



March 11, 2022

Mr. Devin Doyle
Department of Public Works
720 South Fifth Street
Nashville, TN 37206

RE: REQUEST FOR ENCROACHMENT APPROVAL – 1010 CHURCH STREET / YMCA

Dear Mr. Doyle:

On behalf of 1010 Church LLC and YMCA of Middle Tennessee, I am requesting your assistance in gaining approval for encroachments associated with the 1010 Church Street and downtown YMCA project.

Enclosed are the following items:

1. License Agreement for Private Encroachments into the Public Right-of-Way.
2. Certificate of Insurance
3. Petition to Encroach Upon a Public Right-of-Way
4. Architectural exhibits showing locations of encroachment
5. Check for encroachment processing fee

Please contact me at 615-252-4296 if you have any questions or need additional information.

Sincerely,

Drew Hardison, PE

Project Manager
Barge Design Solutions
615 Third Avenue South
Suite 700
Nashville, TN 37210

Metro Nashville

Public Works

Improving the Quality of Life for Nashvillians and our Visitors



Encroachment Approval Process in Public Right-of-Way

The following information is for aerial, underground and building encroachments. Aerial encroachments require a resolution approved by the Metropolitan Council. Underground and building encroachments require approval by ordinance (three readings before the Metropolitan Council). Attached are the following items concerning the encroachment approval process for your use.

1. License Agreement for private encroachment
2. Sample insurance form
3. Petition to encroach upon a public right-of-way

Your firm should submit the following information:

- A. A letter of request to the Director of Engineering of Public Works.
- B. Engineering details: showing exact location of encroachment, design, measurements of sign, and anchoring details.
- C. Signed License Agreement.
- D. Insurance forms: minimum requirements, at least \$50,000 in case of injury to one person, \$100,000 in case of injuries to more than one person, and property damage insurance of at least \$5,000 each accident, \$10,000 aggregate.
- E. Processing fee of \$250.

Public Works will review and submit the application to the Metropolitan Planning Commission; this process normally takes 60 to 90 days. Upon approval by the Metropolitan Planning Commission and the Metropolitan Council an application must be made with Metropolitan Codes Administration, if applicable. A permit will be required to be taken out with Public Works by the contractor to perform the installation of the approved encroachment.

If you need further information please feel free to contact the Public Works' Right-of-Way Permits Office at 862-8782.

LICENSE AGREEMENT FOR PRIVATE ENCROACHMENTS
INTO THE PUBLIC RIGHT OF WAY

I/We, 1010 CHURCH OWNER, 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: 3.17.22

Justin P. Fin
(Owner of Property)

1000 Church Street and 1010 Church Street
(Address of Property)

Nashville, TN
(City and State)

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

Sworn to and subscribed before

Me this 17th day of March, 2022

Ruth Ann Cox
(NOTARY PUBLIC)



My Commission Expires: January 6, 2025



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/30/2022

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 Anderson Benson Insurance 3322 West End Avenue Suite 500 Nashville TN 37203	CONTACT NAME: Melissa Dionne PHONE (A/C, No, Ext): (615) 630-7821 FAX (A/C, No): (615) 630-7801 E-MAIL ADDRESS: melissa@andersonbenson.com	
	INSURER(S) AFFORDING COVERAGE	
INSURED 1010 Church Owner, LLC 424 CHURCH ST SUITE 2900 NASHVILLE TN 37219-2301	INSURER A: Selective Insurance Company of South Carolina NAIC #: 19259	
	INSURER B: Charter Oak Fire Ins Co NAIC #: 25615	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** 1010 Church Owner, LLC **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.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			S 2541009	08/30/2022	08/30/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY			S 2541009	08/30/2022	08/30/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Auto Elite Pac \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 0			S 2541009	08/30/2022	08/30/2023	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	UB-9R032345-22-14-G	01/01/2022	01/01/2023	PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate Holder is included Additional Insured to the General Liability as respects to claims solely and directly arising out of the operations of the Named Insured and as required by written contract.

CERTIFICATE HOLDER

CANCELLATION

The Metropolitan Government of Nashville & Davidson County
c/o Insurance & Safety Div
222 3rd Ave N, #501
Nashville TN 37201

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

George Anderson

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: 3/11/22

Anderson Benson

(Agency or Company)

by George J. Anderson, President
(Authorized Representative)
(Attach Power of Attorney)

CERTIFICATE OF INSURANCE

FOR CONTRACTORS DOING BUSINESS WITH
THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

(THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE
COVERAGE AFFORDED BY THE POLICIES LISTED BELOW)

Name and Address of Agency		Companies Affording Coverage				
Name and Address of Insured		Company Letter A				
		Company Letter B				
		Company Letter C				
		Company Letter D				
		Company Letter E				
This is to certify that policies of insurance listed below have been issued to the insured names above and are in force at this time.						
Company Letter	Type of Insurance	Policy Number	Date of Expiration	Limits of Liability In Thousands		
	General Liability <input type="checkbox"/> Comprehensive Form <input type="checkbox"/> Premises Operation <input type="checkbox"/> Explosion and Collapse Hazard <input type="checkbox"/> Underground Hazard <input type="checkbox"/> Products Completed Operations Hazard <input type="checkbox"/> Contractual Insurance <input type="checkbox"/> Broad Form Property Damage <input type="checkbox"/> Independent Contractors <input type="checkbox"/> Personal Injury				Each Occurrence	Aggregate
				Bodily Injury	\$	\$
				Property Damage	\$	\$
				Personal Injury		\$
	Automobile Liability <input type="checkbox"/> Comprehensive Form <input type="checkbox"/> Owned <input type="checkbox"/> Hired <input type="checkbox"/> Non Hired			Bodily Injury (Each Person) Bodily Injury Each Accident Property Damage Bodily Damage Property Damage Combined	\$	
	Excess Liability <input type="checkbox"/> Umbrella Form <input type="checkbox"/> Other than Umbrella Form			Bodily Injury And Property Damage Combined	\$	\$
	Worker's Liability And Employer Liability	L&WH Act _____ Jones Act _____ Act _____		Statutory		
	OTHER				\$	Each Occurrence

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:

AERIAL BUILDING ENCROACHMENT, DECORATIVE CONCRETE, IRRIGATION TO TREE WELLS, SLAB

EXTENSION FROM BUILDING TO CHURCH STREET VIADUCT, BUILDING ENCROACHMENT OVER IRREGULAR

SHAPED ROW NOTCH, BIKE RACKS, NES TRANSFORMER VAULT.

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

<u>ADDRESS</u>	<u>MAP AND PARCEL NUMBER</u>
<u>1000 CHURCH ST & 1010 CHURCH ST</u>	<u>09305015700</u>
_____	_____
_____	_____
_____	_____

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: 424 Church Street, Suite 2900
Nashville, TN 37219

Council District: 19

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: DREW HARDISON, PE

Address: 615 3RD AVE SOUTH

City, State, Zip: NASHVILLE, TN, 37210

Phone: Residence _____

Business 615-252-4296

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

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
AERIAL BUILDING ENCROACHMENT, DECORATIVE CONCRETE, IRRIGATION TO TREE WELLS, SLAB EXTENSION FROM BUILDING TO CHURCH STREET VIADUCT, BUILDING ENCROACHMENT OVER IRREGULAR SHAPED ROW NOTCH, BIKE RACKS, HES TRANSFORMER VAULT.

Date Submitted: _____

Mandatory Referral Project No. _____

(MPW staff assigns project #)

Map & Parcel(s): 09305015700

Street Address(es): 1010 CHURCH ST, 1000 CHURCH ST

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:

3.17.22
(Company Name)



STATE OF TENNESSEE
COUNTY OF DAVIDSON

Sworn to and subscribed before
Me this 17th day of March 19th 2022

Ruth A Cox
(Notary Public)

My Commission Expires:

January 6, 2025

YMCA of Middle TN
Jessica P. Fair
(Signature of Property Owner)

Jessica P. Fair
(Name of Property Owner)

Corporate Secretary, CSO
(Title of Property Owner)

1000 Church Street and 1010 Church Street
Nashville, TN
(Address of Property (including city & state))

Applicant: All correspondence will be mailed to the applicant.

Architect **Engineer** Property Owner Other: _____

Name: DREW HARDISON, PE

Business: BARGE DESIGN SOLUTIONS

Address: 615 3RD AVENUE SOUTH

City: NASHVILLE State: TN Zip: 37210

Phone: 615-252-4296

business home business mobile

Fax: _____

business home business mobile

E-mail: DREW.HARDISON@BARGEDESIGN.COM

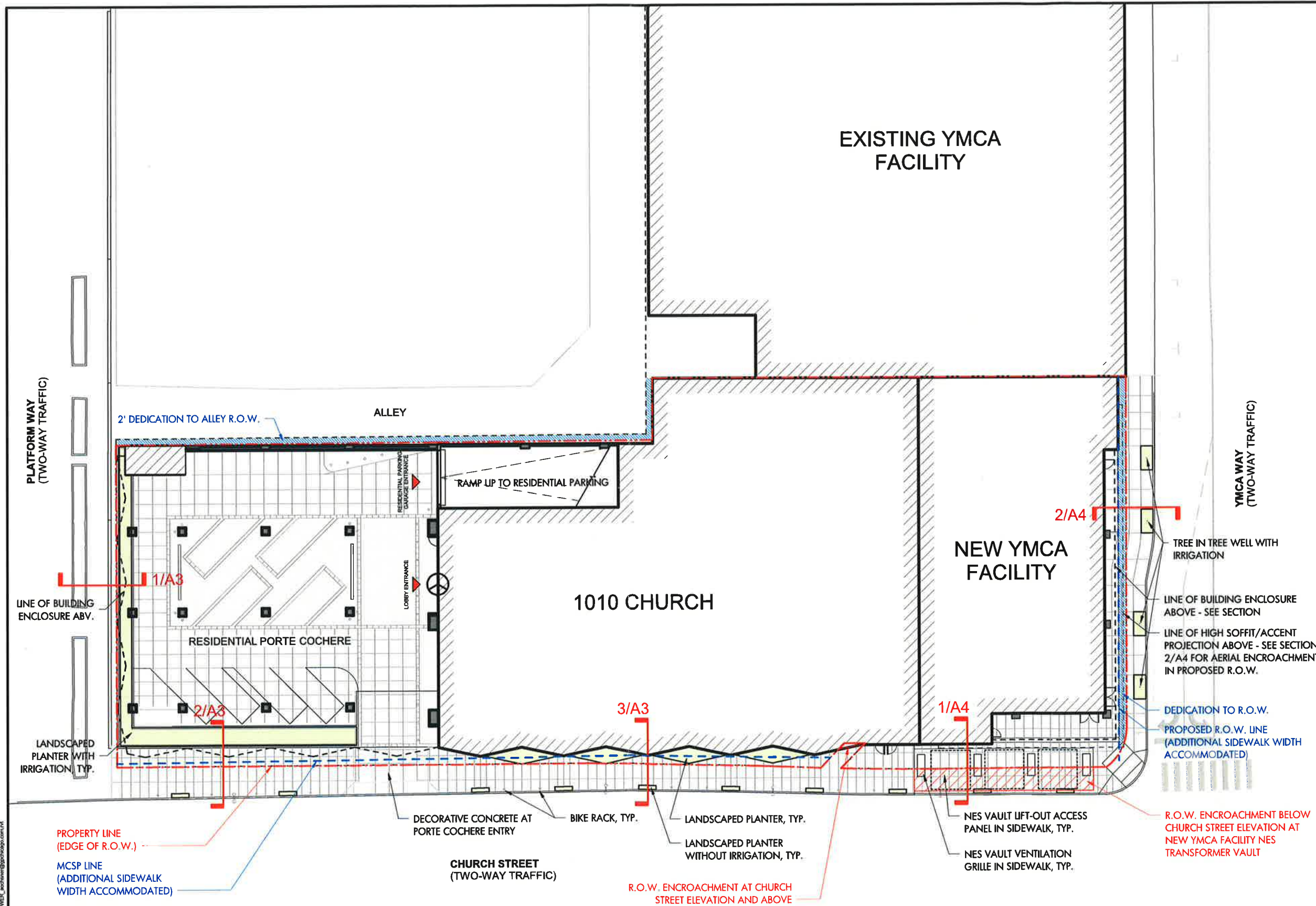
Applicant's Signature: Drew Hardison

Filing Fee (All application fees are non-refundable)

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

Amount paid: \$ _____

Accepted by: _____ Date: _____

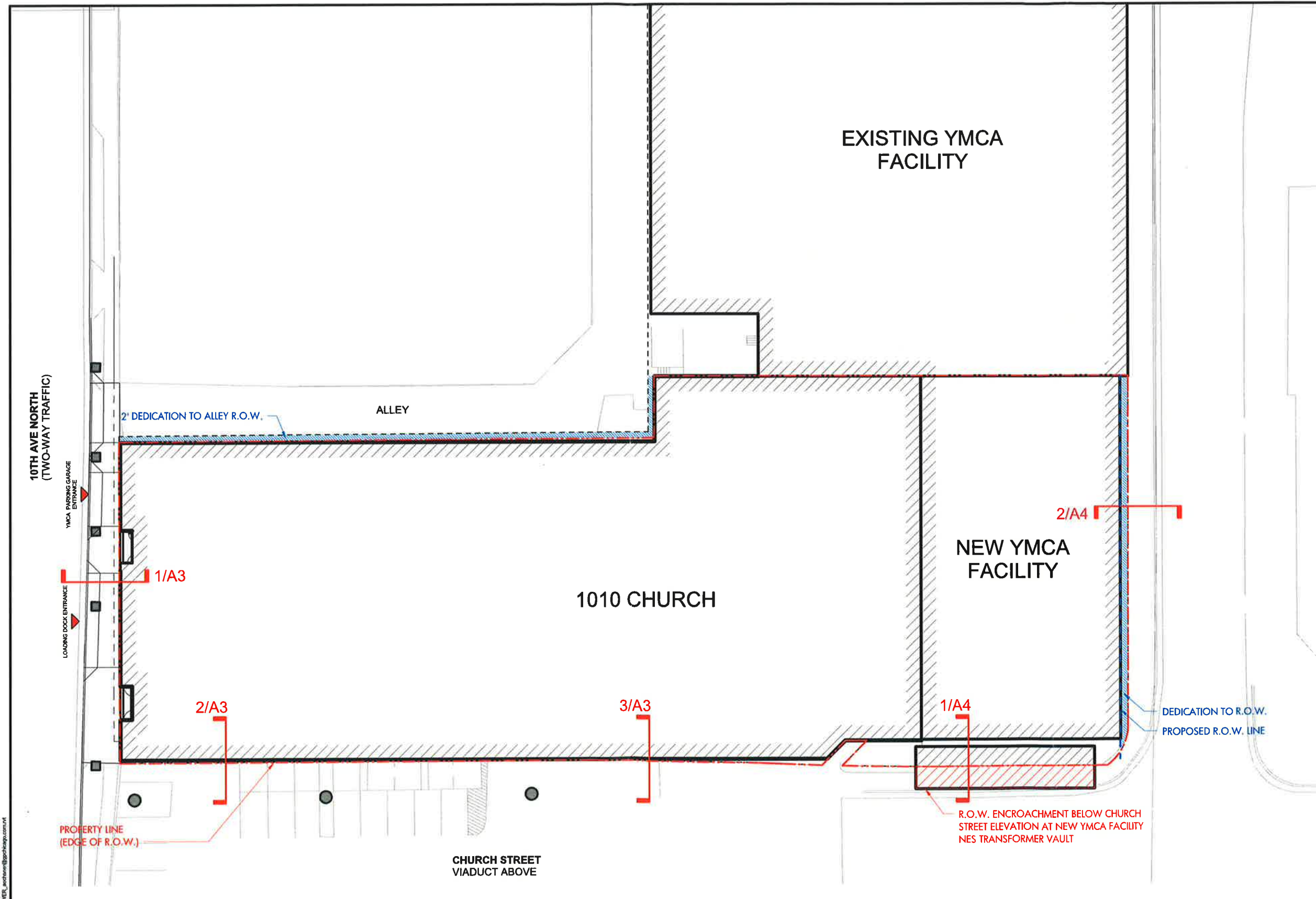


1 SITE PLAN - LEVEL 1 - CHURCH STREET
1" = 20'-0"



1010CHURCH-TOWER_ARCHITECTURE@goettsch.com

<p>1010 CHURCH 1010 Church Street Nashville, Tennessee</p>	<p>GIARRATANA, LLC Developer 424 Church Street, Suite 2900 Nashville, TN 37219</p>	<p>DATE: 03/02/22</p> <p>PROJECT NUMBER: 21100</p>	<p>SHEET TITLE: SITE PLAN - L1 CHURCH ST</p>	<p>SHEET NUMBER: A1</p>
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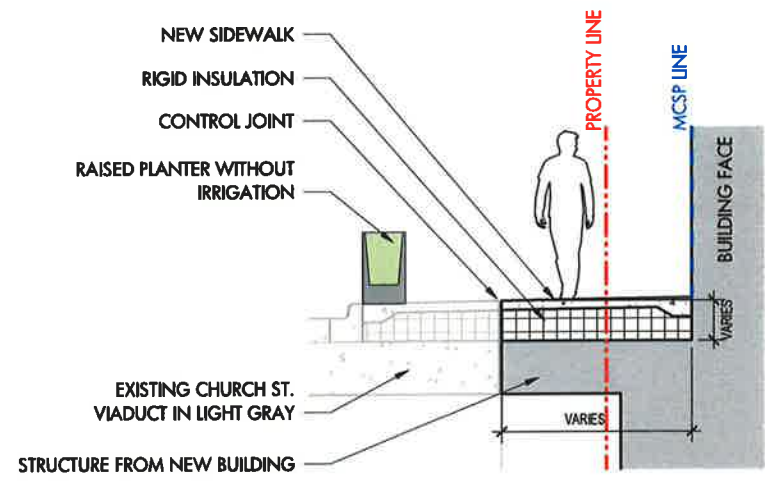


1 SITE PLAN - LEVEL B2 - 10TH AVE
1" = 20'-0"

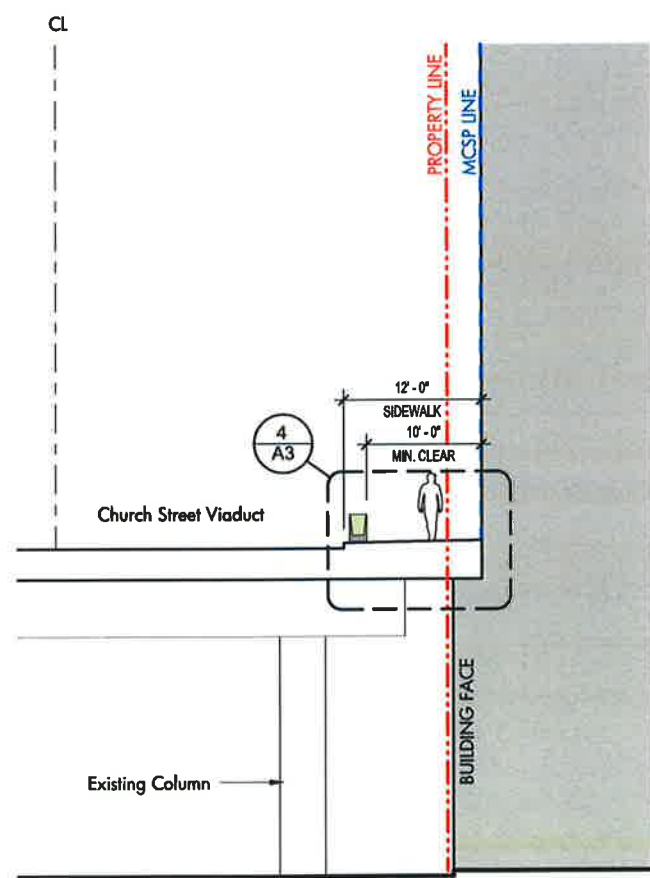


2/20/22 11:04:41 AM
C:\Users\jason.franco\OneDrive\Documents\1010CHURCH-TOWER_LevelB2\1010CHURCH-TOWER_LevelB2.dwg

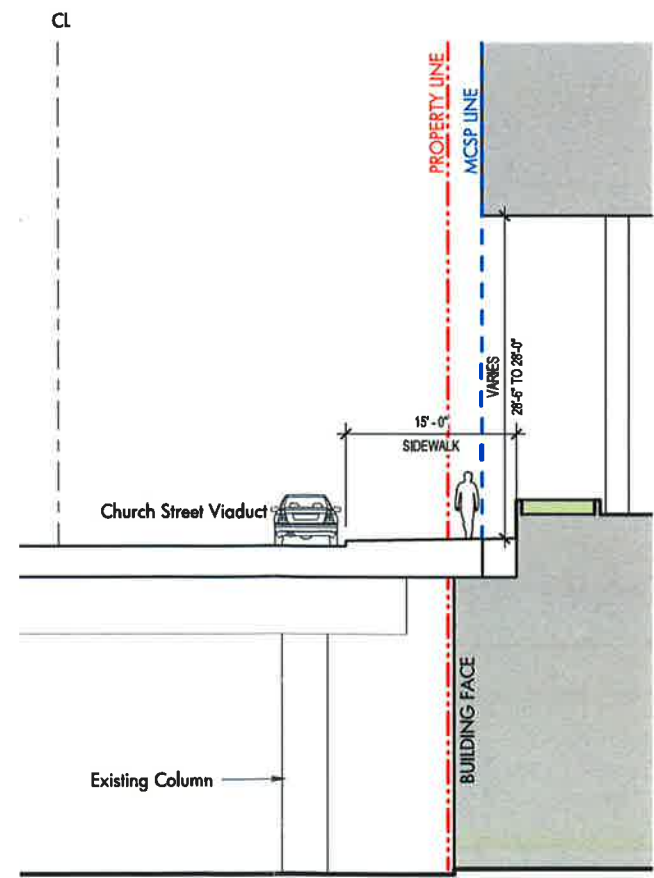
<p>1010 CHURCH 1010 Church Street Nashville, Tennessee</p>	<p>GIARRATANA, LLC Developer 424 Church Street, Suite 2900 Nashville, TN 37219</p>	<p>DATE: 03/02/22</p> <p>PROJECT NUMBER: 21100</p>	<p>SHEET TITLE: SITE PLAN - B2 10TH AVE</p>	<p>SHEET NUMBER: A2</p>
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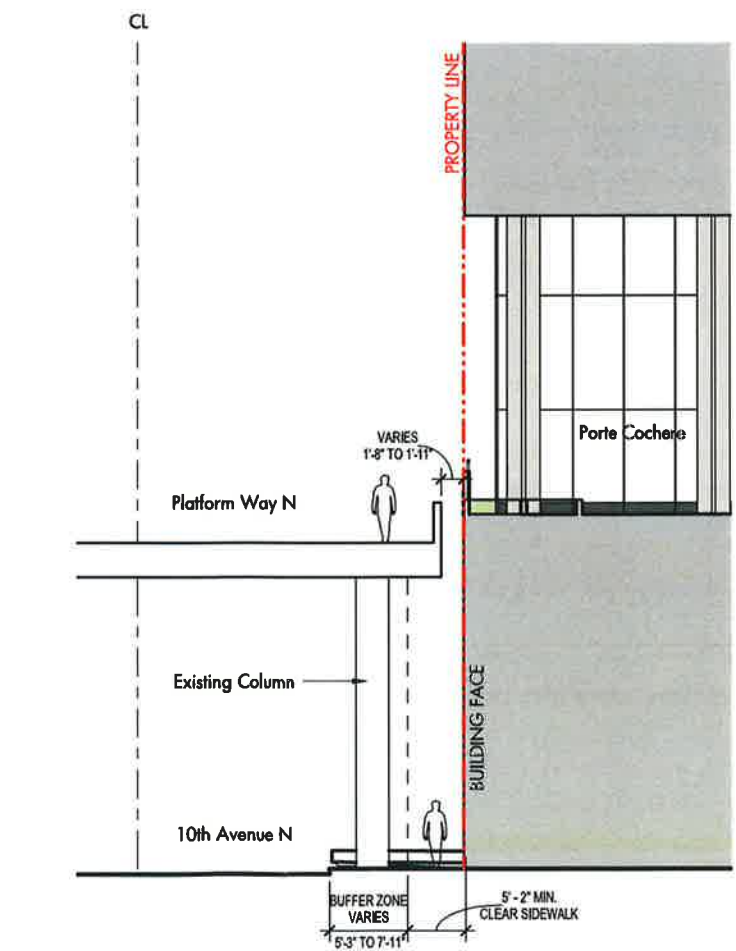
4 ENLARGED SECTION - SIDEWALK AT VIADUCT
 1/4" = 1'-0"



3 SECTION - SOUTH AT CHURCH ST
 1" = 10'-0"



2 SECTION - SOUTH AT PORTE COCHERE
 1" = 10'-0"



1 SECTION - WEST AT 10TH AVE
 1" = 10'-0"

3/2/2022 10:43:44 AM C:\Revit_Instal_Files\OP_21100_1010CHURCH-TOWER_LocShare\gpochepp.com.rvt

1010 CHURCH
 1010 Church Street
 Nashville, Tennessee

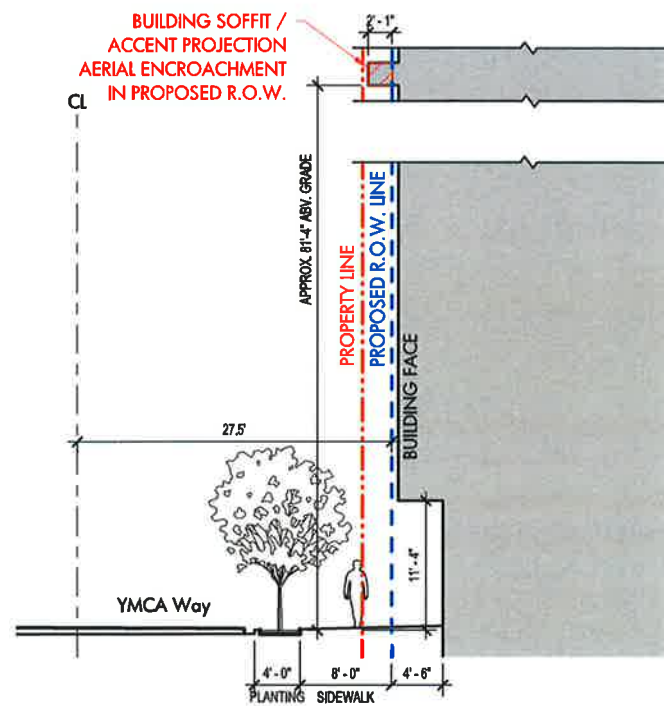
GIARRATANA, LLC
 Developer
 424 Church Street, Suite 2900 Nashville, TN 37219

DATE:
 03/02/22
 PROJECT NUMBER:
 21100

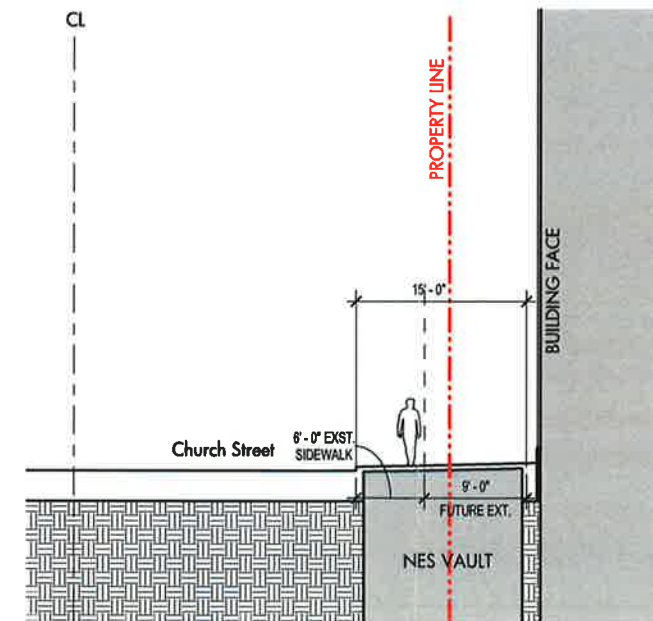
SHEET TITLE:
SITE SECTIONS - 1010 CHURCH

SHEET NUMBER:
A3





2 SECTION AT YMCA EAST
1" = 10'-0"



1 SECTION AT YMCA SOUTH
1" = 10'-0"

1/2/2022 10:43:47 AM C:\Revit_Local_Files\21100_1010CHURCH-TOWER_Landmark\21100chhgo.com.rvt

1010 CHURCH
1010 Church Street
Nashville, Tennessee

GIARRATANA, LLC
Developer
424 Church Street, Suite 2900 Nashville, TN 37219

DATE:
03/02/22
PROJECT NUMBER:
21100

SHEET TITLE:
SITE SECTIONS - YMCA

SHEET NUMBER:



A4