

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,

Brendan Boles., P.E. Project Engineer

Metropolitan Government Department of Public Works 750 South 5th Street to Nashville, TN 37206 to (615) 862-8750 to 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. ***

π Awning	nt Type:		Date Submit	ted:	
π Fiber Optic Cab	nle (^ around)		Mandatory P	teferral Project No.	
π Fiber Optic Cab			(MPW staff assign:		
π Sign			•		
(ii) Other See attac	ched description of	encroachments		*	
Map & Parcel(s):					
Street Address(e	s): 810 Division	Street			
to provide this information Metropolitan Planni	a notarized signatu mation will deem yo ng Commission. C	re of all property our application <i>in</i> copy form below t	owners on whose post complete and post or additional signa	property the sign or awn tpone your application's tures. application to the Metropoli	consideration by the
Department of Public V	Norks for a sign, awn	ing or fiber optic ca	ble encroachment.	pproduct to the manopoli	an Government
Date: 9/16/20		Cne	A Connected Products	, /	
(Company Nan	ne)	V	11 //		
		Vph.	(Signature of Purporty	Owner)	
		Crus	de Connected Products		
			(Name of Property Ow		
		by: i	Thip Crank, Managing Parter (Tills of Property Owns		
		730	A Freeland Station Road		
		Nas	hville, TN 37228		
STATE OF TENNESSEE		(Address	of Property (Including city	& state))	
COUNTY OF DAVIDSON Swom to and appearing be	000	Sauli V	HIIIIIIIII		
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OSO	ary Public)	ST V OF	TE CE		
My Commission Expires:			A- 10 =		
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alamant. Tal correspond	ionice will be maile	PUB	LIC /A E		
Architect of Engineer	π Property	Woer / it OH	BT 18 112		
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ne: Brendan Boles		Willilli Silve	111111111111111111111111111111111111111		
iness: Kimley-Hom & Ass	sociates	Onnission Ex		All application fees are	non-refundable)
				List application (cod a)	. HON-TERMINABLE)
ress: 214 Oceanside Driv	e		Encroachmen	t: Sign / Awning / Fiber	Optic Cable \$250.00
Nashville s	State; TN Zip:	37204		Other	
045 504 0700			Amount paid:	\$	
ne: 615-564-2720		-	Accepted by:		Date:
	☐ business	☐ mobile			
⊠ business □ home					
	☐ business	☐ mobile			
⊠ business □ home		□ mobile			

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_ordinance_s?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

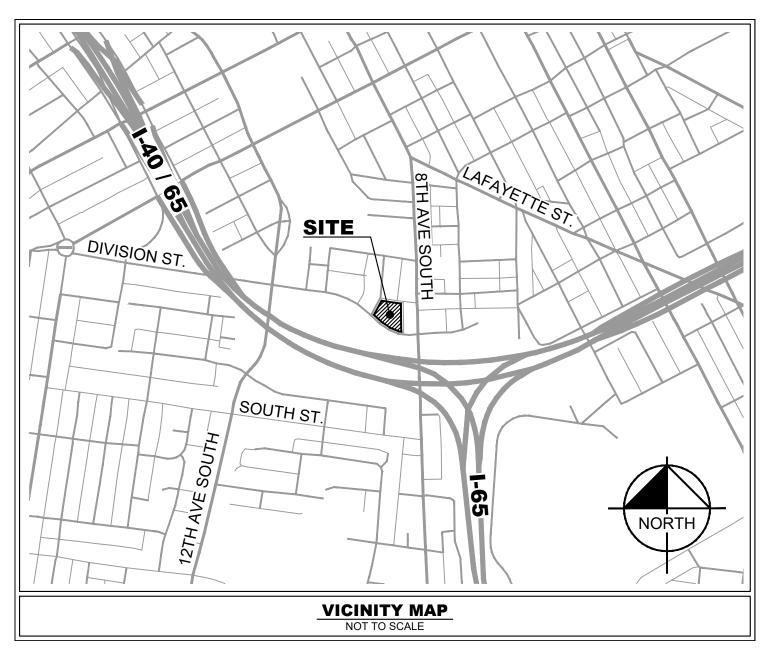
- Width and length of sign/awning
- Vertical height of awning
- Horizontal distance sign/awning projects over public right-of-way
- Vertical distance sign/awning will be installed above public right-of-way
- Horizontal distance between door awning and street curb (Note: Door awnings must be setback 18" from street curb)

 Leasting of exercising windows awning and approximate has included an exhibiting (Alberta Corb.).
- 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 a ground, what cable will be attached to and method of attachment
- If a 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.	



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

MCRT Investments LC By: Luca Jarber (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 11 th day of OCT. , 2020

(NOTARY PUBLIC)

My Commission Expires:

AUBLIC & STANDER TO ST

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 <u>no gap</u> 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 <u>unless and until</u> The Metropolitan Government of Nashville and Davidson County receives at least thirty (30) days advance written notice of same. The written notice <u>must</u> 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 Lux Jarler					
(Authorized Representative) (Attach Power of Attorney)					



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 10/28/2020

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 Marsh USA, Inc. 4400 Comerica Bank Tower 1717 Main Street Dallas, TX 75201-7357		CONTACT NAME:			
		PHONE (A/C, No. Ext):	FAX (A/C, No):		
		E-MAIL ADDRESS:	, , , , , , , , , , , , , , , , , , , ,		
		INSURER(S) AFFORDING COVERAGE	NAIC#		
CN106919283-MCRT20-21		INSURER A: Hartford Accident and Indemnity Insurance Co.	22357		
INSURED Mill Creek Residential Trust LLC 5910 N. Central Expwy., Suite 1100 Dallas, TX 75206		INSURER B: Sentinel Insurance Company	11000		
		INSURER C: Allied World National Assurance Co.	10690		
		INSURER D: Sentry Casualty Company	28460		
		INSURER E : XL Insurance America	24554		
		INSURER F : Navigators Insurance Company	42307		
		11011 000 700 110 01			

COVERAGES CERTIFICATE NUMBER: HOU-003723463-01 REVISION NUMBER: 5

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		ADDL SUBR	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMIT	s
Α	X COMMERCIAL GENERAL LIABILITY		61UUNZE6481	08/01/2020	08/01/2021	EACH OCCURRENCE	\$ 1,000,000
	CLAIMS-MADE X OCCUR					DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 300,000
						MED EXP (Any one person)	\$ 10,000
						PERSONAL & ADV INJURY	\$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:					GENERAL AGGREGATE	\$ 2,000,000
	POLICY PRO- X LOC					PRODUCTS - COMP/OP AGG	\$ 2,000,000
	OTHER:						\$
В	AUTOMOBILE LIABILITY		61UUNZE6481	08/01/2020	08/01/2021	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
	ANY AUTO					BODILY INJURY (Per person)	\$
	OWNED SCHEDULED AUTOS ONLY					BODILY INJURY (Per accident)	\$
	X HIRED X NON-OWNED AUTOS ONLY					PROPERTY DAMAGE (Per accident)	\$
							\$
C	X UMBRELLA LIAB X OCCUR		0309-2263	08/01/2020	08/01/2021	EACH OCCURRENCE	\$ 10,000,000
	EXCESS LIAB CLAIMS-MADE					AGGREGATE	\$ 10,000,000
	DED X RETENTION \$ 10,000					Products-Comp. Agg.	\$ 10,000,000
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY		90-20891-01	08/01/2020	08/01/2021	X PER OTH- STATUTE ER	
	ANYPROPRIETOR/PARTNER/EXECUTIVE N	N/A				E.L. EACH ACCIDENT	\$ 1,000,000
	(Mandatory in NH)					E.L. DISEASE - EA EMPLOYEE	•
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. DISEASE - POLICY LIMIT	\$ 1,000,000
E	Excess Liability		US00092926LI20A	08/01/2020	08/01/2021	\$25,000,000 XS \$25,000,000	
F	Excess Liability		NY20MXEZ05PTKIV	08/01/2020	08/01/2021	\$15,000,000 XS \$10,000,000	

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

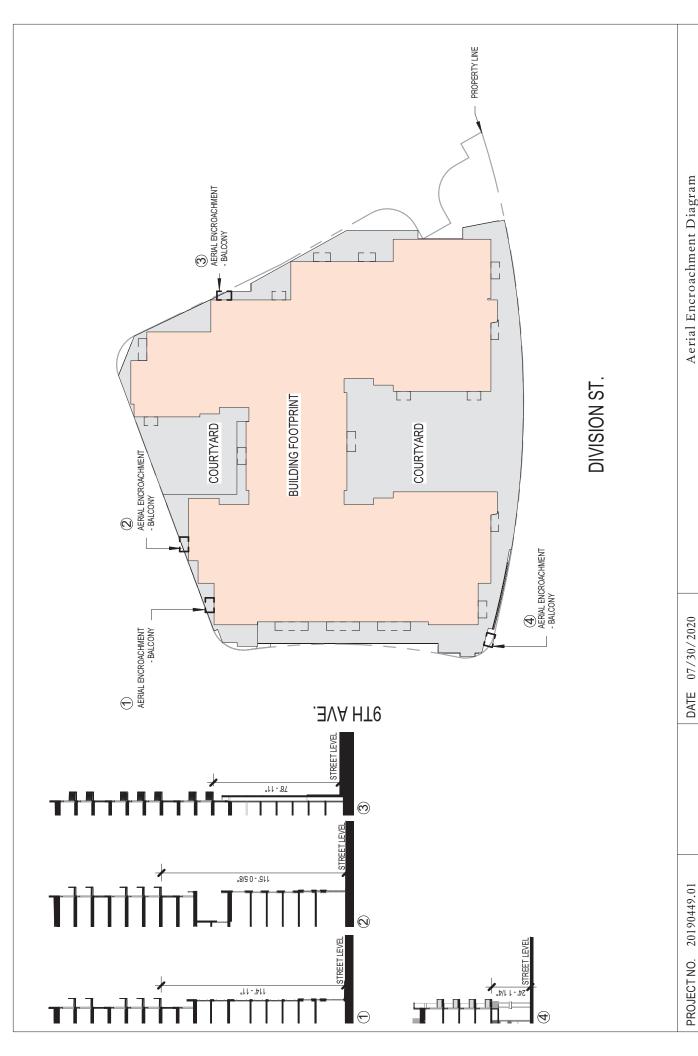
CERTIFICATE HOLDER	CANCELLATION		
The Metropolitan Government of Nashville and Davidson County Metro & Legal Claims c/o Insurance and Safety Division 222 3rd Avenue North, Suite 501	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.		
Nashville, TN 37201	AUTHORIZED REPRESENTATIVE of Marsh USA Inc.		
	Manashi Mukherjee Manashi Mukherjee		

PETITION TO ENCROACH UPON A PUBLIC RIGHT-OF-WAY

PETITION NO	
and the METROPOLITAN PLANNING COM	TROPOLITAN DEPARTMENT OF PUBLIC WORKS MMISSION to recommend to the METROPOLITAN enacted to authorize the construction, installation and right-of-way as follows:
Overhead balcony overhang. See Arc	chitectural Exhibit attached.
Light poles, waste cans, bike racks and t	tree grates per Metro Nashville contemporary
sub-district design guidelines. Also structu	ral tree soil and irrigation at each tree well locations.
See Landscape Architect Exhibit attached	d. Pipe Bollards at back of house. See Civil Exhibit.
Addresses and Map and Parcel numbers of encroachment:	property or properties associated with the proposed
<u>ADDRESS</u>	MAP AND PARCEL NUMBER
810 Division Street	Tax Map 93-14, Parcel 571
Attach the following in support or explanation of the	his application:
A check for the filing fee of \$250.00 mac fee is non-refundable).	de payable to the Metropolitan Government (application
X A scaled drawing on 8 1/2 " x 14" paper of be required depending upon the nature of the reque	of the proposed encroachment. (Additional exhibits may est).
A private encroachment license agreeme privilege is to be granted.	ent signed by the person to whom the encroachment
A certificate of liability insurance in the a Public Works.	mount to be determined necessary by the Department of

Signature and pariling address of person or business to whom privilege of encroachment will be granted:	
Signature: Address: 3102 West End Ave, Suite 780, Nashville, TN 37	'203
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 <u>615-564-2720</u>	

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



Aerial Encroachment Diagram

Nashville, Tennessee MODERA GULCH

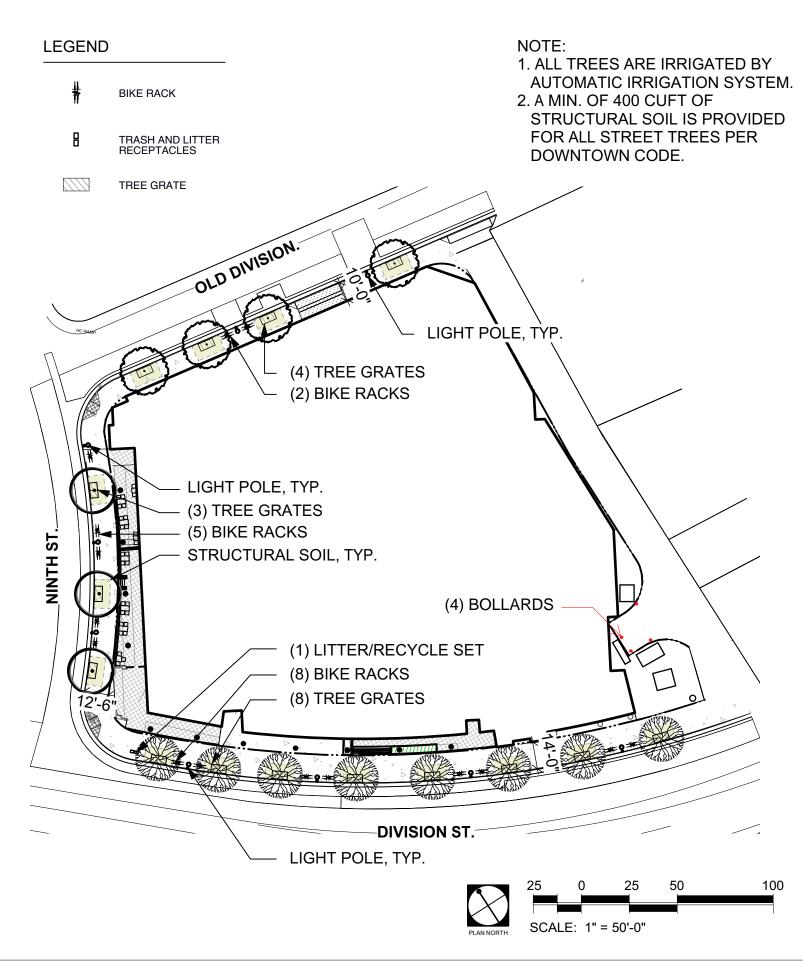


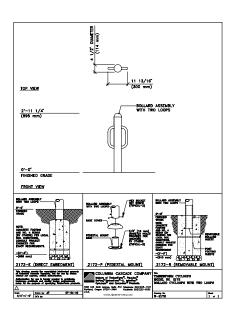






DENTIA





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

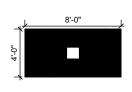
3 BIKE RACK





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.





1) PLAN: (G-1) TREE GRATE