

RESOLUTION NO. _____

A resolution authorizing Nashville Phase III Property Holder, LLC to construct, install, and maintain an aerial encroachment at 1212 Martin Street. (Proposal No. 2026M-013EN-001).

WHEREAS, Nashville Phase III Property Holder, LLC plans to construct, install, and maintain a blade sign, encroaching into the public right-of-way at 1212 Martin Street; and,

WHEREAS, as set forth in the License Agreement for Private Encroachments Into the Public Right of Way, attached hereto as "Exhibit A", and incorporated by reference herein Nashville Phase III Property Holder LLC, 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 aerial; and,

WHEREAS, Metropolitan Code of Laws §13.16.030(A) allows the Council of the Metropolitan Government of Nashville and Davidson County to grant encroachments, permits, or privileges to construct, maintain and/or operate aerial cables, canopies, etc., over and/or across sidewalks and public rights-of-way by resolution adopted by twenty-one (21) affirmative votes.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That subject to the requirements, limitations and conditions contained herein, Nashville Phase III Property Holder LLC is hereby granted the privilege to construct and maintain an aerial encroachment, as described in Proposal No. 2026M-013EN-001, in accordance with the plans on file in the office of the Director of the Nashville Department of Transportation and Multimodal Infrastructure ("NDOT"), and attached hereto as Exhibit B.

Section 2. That the authority granted hereby for the construction, installation, operation, and maintenance of said aerial encroachment under Proposal No. 2026M-013EN-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 of Nashville Phase III Property Holder LLC.

Section 3. That construction and maintenance of said aerial encroachment under Proposal No. 2026M-013EN-001 shall be under the direction, supervision, and control of the Director of NDOT, and its installation, when completed, must be approved by said Director.

Section 4. That this Resolution confers upon Nashville Phase III Property Holder LLC a privilege and not a franchise, and the Mayor and the Metropolitan Council herein expressly reserve the right to repeal this Resolution, 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 said Metropolitan Government, Nashville Phase III Property Holder LLC, its successors and assigns, shall remove said aerial encroachment at their own expense.

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Section 5. Nashville Phase III Property Holder LLC shall pay all costs incident to the construction, installation, operation and maintenance of said aerial encroachment under Proposal No. 2026M-013EN-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 said construction, installation, operation and maintenance of said aerial encroachment 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. Nashville Phase III Property Holder LLC 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 aerial, and for any street closure.

Section 6. That the authority granted to Nashville Phase III Property Holder LLC, 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 7. Nashville Phase III Property Holder LLC 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 aerial. Said certificate of insurance shall be filed with the Metropolitan Clerk and NDOT 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 8. 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 Nashville Phase III Property Holder LLC of all provisions of this Resolution shall be determined by the beginning of work.

Section 9. The authority granted pursuant to this Resolution shall not become effective until the certificate of insurance, as required in Section 7, has been posted with the Metropolitan Clerk and NDOT.

Section 10. This Resolution shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

RECOMMENDED BY:

DocuSigned by:
Philip Jones

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Philip Jones, Interim Director
Nashville Department of Transportation
and Multimodal Infrastructure

INTRODUCED BY:

APPROVED AS TO INSURANCE:

DocuSigned by:
Lora Barkenbus Fox

131CC30E30304AB...
Insurance and Claims Manager

Member(s) of Council

APPROVED AS TO FORM
AND LEGALITY:

DocuSigned by:
Erica Haber

D4F54A5815BD454...
Assistant Metropolitan Attorney

Proposal No. 2026M-013EN-001

AGENCY CUSTOMER ID: _____
 LOC #: _____



ADDITIONAL REMARKS SCHEDULE

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PRODUCER McGuff, a Marsh & McLennan Agency LLC Company		INSURED Adventurous Journeys LLC dba AJ Capital Partners Nashville Phase III Property holder LLC	
POLICY NUMBER			
CARRIER	NAIC CODE	ISSUE DATE: 03/25/2026	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM.

FORM NUMBER: _____ **FORM TITLE:** _____

----- AJ CAPITAL LIABILITY REMARKS -----

Terrorism Coverage
 Carrier: Munich Re Specialty- Underwritten by Certain Underwriters at Lloyd's & other Insurers.
 ANB #: 047944
 Policy #: 01MRTR0001531-00
 Casualty Limit: \$50,000,000 any one occurrence \$25,000 deductible per occurrence

Umbrella/Excess Liability - Continued - \$10,000,000 X \$40,000,000
 Carrier: Vantage Risk Specialty; A-, XII; NAIC #: 16275
 Eff: 09/01/2025 - 09/31/2026
 Policy #: P01XCO000089840

30 days notice of cancellation (10 days for nonpayment of premium) granted to certificate holder.