

RESOLUTION NO. _____

A resolution authorizing 2301 12th Avenue, LLC to construct and install an aerial encroachment at 2301 12th Avenue South (Proposal No. 2026M-011EN-001).

WHEREAS, 2301 12th Avenue, LLC plans to construct, install, and maintain a building-mounted sign, encroaching into the public right-of-way at 2301 12th Avenue South; 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, 2301 12th Avenue, 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 encroachment; 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 encroachment 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, 2301 12th Avenue, LLC is hereby granted the privilege to construct and maintain an aerial encroachment, as described in Proposal No. 2026M-011EN-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-011EN-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 2301 12th Avenue, LLC.

Section 3. That construction and maintenance of said aerial encroachment under Proposal No. 2026M-011EN-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 2301 12th Avenue, 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, 2301 12th Avenue, LLC, its successors and assigns, shall remove said aerial encroachment at their own expense.

Section 5. 2301 12th Avenue, LLC shall pay all costs incident to the construction, installation, operation and maintenance of said aerial encroachment under Proposal No. 2026M-011EN-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. 2301 12th Avenue, 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 encroachment, and for any street closure.

Section 6. That the authority granted to 2301 12th Avenue, 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.

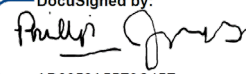
Section 7. 2301 12th Avenue, LLC shall and is hereby required to furnish the Metropolitan Government of Nashville and Davidson County a certificate of public liability insurance, naming the Metropolitan Government as an insured party, of at least two million (\$2,000,000) dollars aggregate, for the payment 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 encroachment. 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 2301 12th Avenue, 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:

AD2852A55F9C45E

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

INTRODUCED BY:


APPROVED AS TO INSURANCE:

Signed by:

68804BF12FD741G

Insurance and Claims Manager

Member(s) of Council

APPROVED AS TO FORM
AND LEGALITY:

DocuSigned by:

D4F54A5845BD454

Assistant Metropolitan Attorney

Proposal No. 2026M-011EN-001



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/27/2026

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 Marlin & Zerbas Inc. 6730 Charlotte Pike Nashville TN 37209	CONTACT NAME: Patricia Petty PHONE: (615) 267-8300 FAX: (615) 269-7360 EMAIL: ppetty@marlinzerbas.com Address: ppetty@marlinzerbas.com
INSURERS AFFORDING COVERAGE	
INSURED 2201 12th Ave, LLC 3201 Trever Street, Suite #200 Nashville TN 37209	INSURER A: Westfield Super of Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES **CERTIFICATE NUMBER: 030753110** **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, ILLEGAL OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT, WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN TO. INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, CONDITIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

FORM NO.	TYPE OF INSURANCE	AGENCY	POLICY NO.	POLICY EFF. DATE	POLICY EXP. DATE	LIMITS
4	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CONTRACTS <input type="checkbox"/> PRODUCTS <input type="checkbox"/> OTHER		001920N	12/02/25	11/12/27	BODILY INJURY & PROPERTY DAMAGE TO REAL & PERSONAL PROPERTY: \$1,000,000 MEDICAL EXPENSES: \$50,000 ADVERTISING & PROMOTION: \$1,000,000 GENERAL AGENTS: \$2,000,000 PRODUCTS - CONSTRUCTION: \$2,000,000
4	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> AUTO BODILY <input type="checkbox"/> AUTO COLLISION <input checked="" type="checkbox"/> AUTO THEFT <input type="checkbox"/> AUTO UNINSURED MOTORIST		001920N	12/02/25	11/12/27	COVERED SINGLE LIMIT: \$1,000,000 BODILY INJURY (PERSONAL): \$50,000 PROPERTY DAMAGE (PERSONAL): \$50,000
4	<input checked="" type="checkbox"/> UMBRELLA <input type="checkbox"/> PERSONAL AUTO <input type="checkbox"/> HOMEOWNERS		001920N	12/02/25	11/12/27	BODILY INJURY & PROPERTY DAMAGE: \$5,000,000 ADULTERIES: \$1,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY EMPLOYER'S LIABILITY: YES WORKERS COMPENSATION: YES					WORKERS COMPENSATION: \$1,000,000 EMPLOYERS' LIABILITY: \$1,000,000

DESCRIPTION OF OPERATIONS (LOCATIONS AND RATES (ACORD 101, Additional Locations & Rates, may be attached if more space is required))
 REF: 2201 12th Ave S, NASHVILLE, TN 37204

Certificate holder is afforded additional insured status in regards general liability via this key. Additional Insured provision is required by written consent of WC carrier agreement.

CERTIFICATE HOLDER Metro Government of Nashville and Davidson County 450 5th St Nashville TN 37206	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
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