

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING MEO MIO'S SEAFOOD & CAJUN C/O JOHN BOYD TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED ALONG THE 4100 BLOCK OF CUMMINGS HIGHWAY FOR MAINTENANCE OF EXISTING LANDSCAPE, POND, AND BLOCK WALLS, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That MEO MIO'S SEAFOOD & CAJUN C/O JOHN BOYD, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located along the 4100 block of Cummings Highway for maintenance of existing landscape, pond, and block walls, as shown on the map attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED, That said temporary usage shall be subject to the following conditions:

1. Temporary User shall execute the Indemnification Agreement attached hereto in favor of the City of Chattanooga, its officers, agents and employees for any and all claims for damages for injuries to persons or property related to or arising out of the temporary usage.
2. Temporary User agrees to vacate the property and temporary use upon reasonable notice from the City to do so.
3. Temporary User shall provide adequate access for maintenance of any utilities located within the easement.

ADOPTED: \_\_\_\_\_, 2012

/meb

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and MEO MIO'S SEAFOOD & CAJUN C/O JOHN BOYD (hereinafter "Temporary User"), this \_\_\_\_ day of \_\_\_\_\_, 2012.

For and in consideration of the granting of the temporary usage of the right-of-way located along the 4100 block of Cummings Highway for maintenance of existing landscape, pond and block walls, as shown on the map attached hereto and made a part hereof by reference, the receipt of which is hereby acknowledged, Temporary User agrees as follows:

1. Temporary User shall defend, and hold harmless the City of Chattanooga, Tennessee, its officers, agents and employees from any and all claims for damages for injuries to persons or property related to or arising out of the aforementioned temporary use.

2. Temporary User shall vacate the property and temporary use upon reasonable notice from the City to do so; the parties hereto agree that "reasonable notice" shall be deemed to be thirty (30) days. Temporary User shall restore the property to its original condition when it is returned to the City.

3. Temporary User shall provide adequate access for maintenance of any utilities located within the easement.

MEO MIO'S SEAFOOD & CAJUN

\_\_\_\_\_, 2012  
Date

BY: \_\_\_\_\_  
John Boyd

CITY OF CHATTANOOGA, TENNESSEE

\_\_\_\_\_, 2012  
Date

BY: \_\_\_\_\_  
Ron Littlefield, Mayor

# City of Chattanooga



## Resolution Request Form

(This form is only required for resolutions requiring expenditure of City funds)

Date: August 13, 2012

Preparer: William C. Payne

Department: Public Works - Engineering

### Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council): # \_\_\_\_\_ District 1

A City Council Action is requested to approve Temporary Usage No. 95122 for Meo-Mio's Seafood Cajun c/o John Boyd for the 4100 block of Cummings Highway for maintenance of existing landscape, pond and block walls, as shown on the attached drawing.

Name of Vendor/Contractor/Grant, etc.	N/A	New Contract/Project? (Yes or No)	N/A
Total project cost \$	N/A	Funds Budgeted? (YES or NO)	N/A
Total City of Chattanooga Portion \$	N/A	Provide Fund	N/A
City Amount Funded \$	N/A	Provide Cost Center	N/A
New City Funding Required \$	N/A	Proposed Funding Source if not budgeted	N/A
City's Match Percentage %	N/A	Grant Period (if applicable)	N/A

List all other funding sources and amount for each contributor.

Amount(s)	Grantor(s)

Agency Grant Number \_\_\_\_\_

CFDA Number if known \_\_\_\_\_

Other comments: (Include contingency amount, contractor, and other information useful in preparing resolution)

Approved by:

Reviewed by: FINANCE OFFICE \_\_\_\_\_ DESIGNATED OFFICIAL/ADMINISTRATOR

Please submit completed form to @budget, City Attorney and City Finance Officer

# Memorandum

**To:** Bill Payne  
**From:** Bill Cannon  
**cc:** Dennis Malone  
**Date:** August 10, 2012  
**Re:** Temporary Usage Request #95122  
John Boyd – Meo Mio’s Seafood & Cajun  
4119 Cummings Highway  
Recommendations Regarding Temporary Usage Request

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I have completed my review of John Boyd’s request regarding the Temporary Usage of the right of way for maintenance of existing landscape, pond and block walls along a portion 4100 Cummings Highway at an existing business. Please refer to the attached map. My comments are as follows:

- As per the submitted drawing, the subject pond, block walls and landscaping extend approximately 170 linear feet along the north right of way line of Cummings Highway.
- Previous owner was granted Temporary Use of the above mentioned item along the same portion of right of way.

After review, granting this Temporary Usage does not conflict with the Public’s interest. Therefore, I recommend that the request for ***Temporary Usage be granted.***

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Cummings Cove

Kelly's Ferry

Cummings

Temp Use #95122  
John Boyd



7/30/12 (Date)



**ENTERED**  
CCF

For Office Use Only

Jacob Crabtree  
Technician Signature

7/31/12  
Date

William C. Payne, P. E.  
City Engineer  
Development Resource Center  
1250 Market Street, Suite 2100  
Chattanooga, Tennessee 37402

WO# 95122

**RECEIVED**

JUL 31 2012

**STORM WATER**

Re: Request for Temporary Usage

SR# 637016

**CLOSED**  
SR 7-31-2012

Dear Mr. Payne:

This is a request for a temporary usage of the city's right of way for the maintenance of a pre-existing landscape, pond, & block wall, located at 419 Cummings Hwy Chattanooga, TN 37419  
The reason for this request is as follows:  
The landscaping, pond, & block wall were all pre-existing when the property was recently purchased.

In making this request: Temporary User agrees as follows:

1. Temporary User will defend, indemnify, and hold harmless the City of Chattanooga, Tennessee its officers, agents, and employees from any and all claims for damages for injuries to persons or property related to or arising out of the aforementioned temporary use.
2. Temporary User will vacate the property and temporary use upon reasonable notice from the City to do so; the parties have to agree that reasonable notice shall be deemed to be thirty (30) days to restore the property to substantially the same condition that existed prior to granting the temporary use, including complying with any environmental regulations upon the request of the city to vacate the property and temporary use.
3. Temporary User will provide full access for maintenance of any utilities located within the easement.
4. Temporary User will obtain any and all other permits, variances, or approvals necessary to accommodate the temporary use.
5. Temporary user agrees to maintain the property in the condition equal to or better than the condition at the time the temporary use is granted.
6. If this request is for maintaining wells the applicant will upon satisfactory completion of use as determined by the Tennessee Department of Environment and Conservation, the wells will be abandoned using standard and acceptable practices, which shall include grouting from the bottom to top with a mixture of Portland cement and powdered bentonite and restoring the surface to its original condition as reasonably as possible.

My address and phone number are as follows:

Meo Meo's Seafood & Cajun 423-521-7160  
423-667-5663

(Processing Fee \$110.00)

John Boyd  
Print Applicant Name

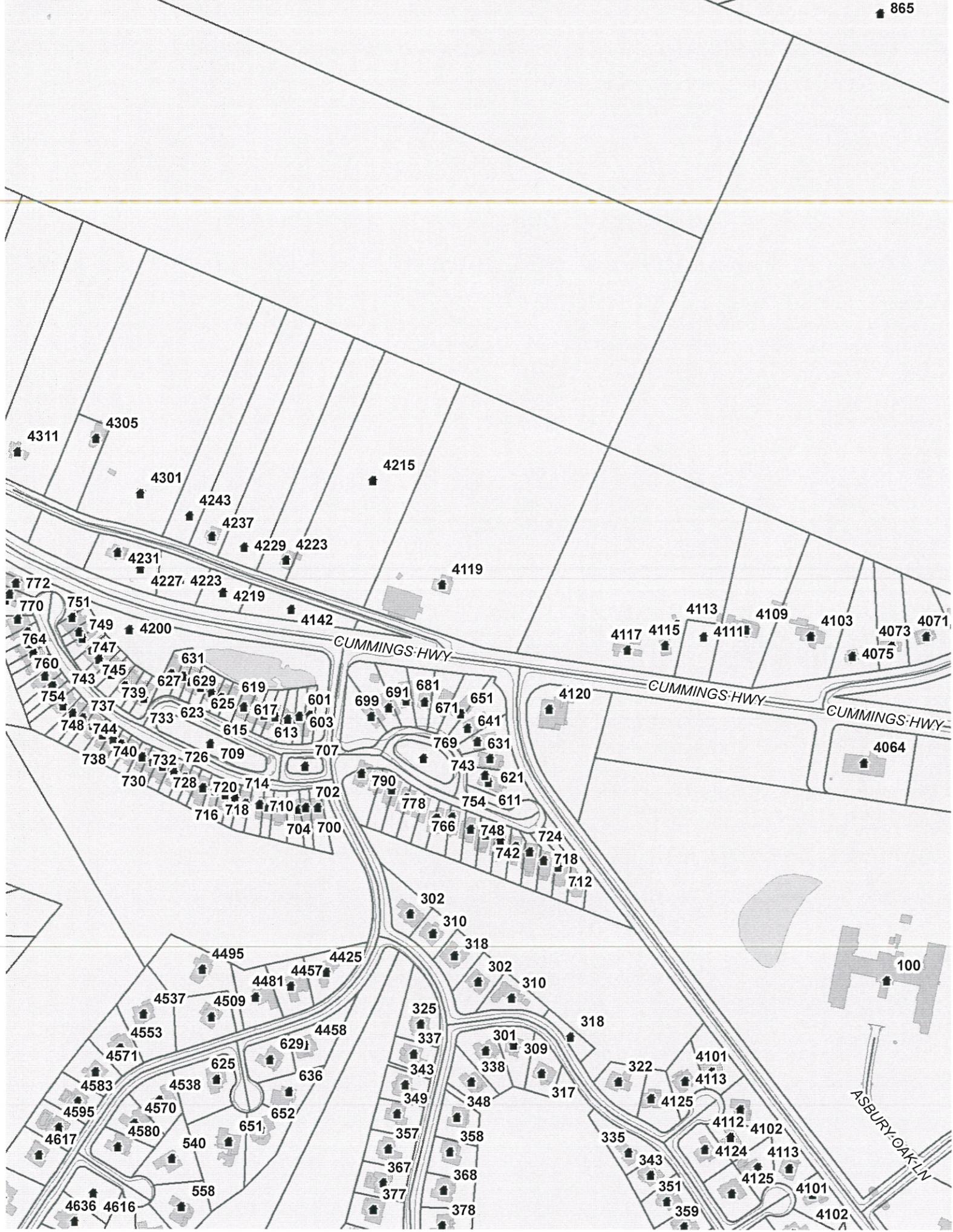
7/30/12  
Date

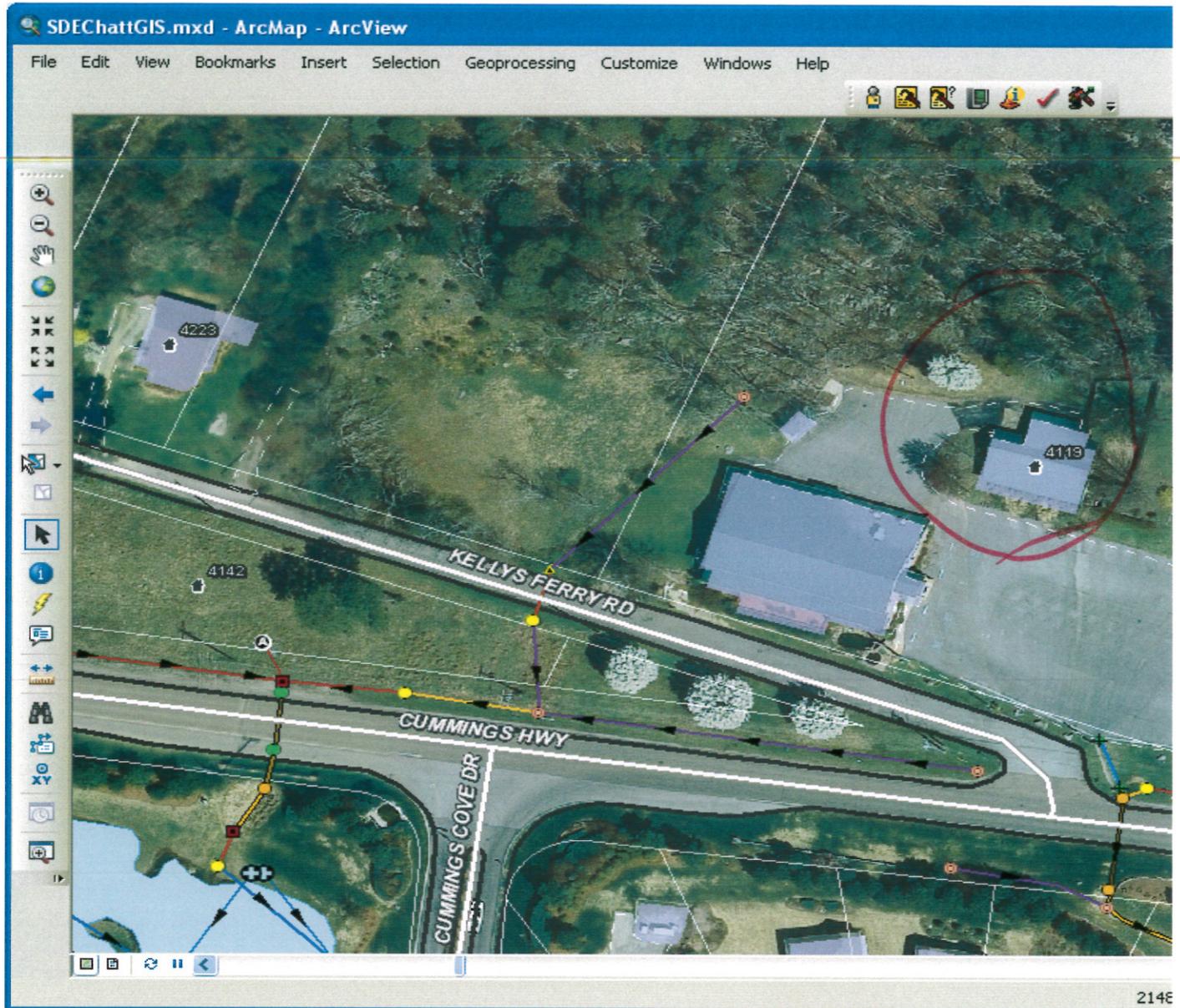
John Boyd  
Print Owner's Name

7/30/12  
Date

John Boyd  
Owner's Signature (Required)

NOTE: This application will not be processed without the owner's signature and a site map/drawing of the location.





SR# <sup>637016</sup> ~~637016~~  
WO# 99122

Request For:  
Temporary Use



**CITY OF CHATTANOOGA  
PUBLIC WORKS DEPARTMENT  
UNIFIED WORK ORDER**

Project/Funding:

Work Order Number: \* 9 5 1 2 2 \*

**Address: 4119 CUMMINGS HWY** Tax Map/Grid: 153D

<b>Required Work Type:</b> ENG - Temporary Use		<b>Category:</b> ADMIN		<b>Date Needed:</b>
<b>WO Initiated:</b> 7/31/2012 3:19:51 PM	<b>Initiated By:</b> FISHER, CAROLYN C	<b>Requested By:</b> CANNON, WILLIAM E	<b>Priority:</b> 3	<b>District:</b> 1
		<b>Transferred To/Submitted to:</b> CANNON, WILLIAM E - 7/31/2012 3:21:10 PM	<b>Status:</b> UNDINV	

**Instructions:**

**Comments:**  
From: Request ID: 637016, 7/31/2012 3:19:42 PM Problem Details: REQUEST FOR TEMP USE. OF CITY'S R-O-W FOR THE MAINTENANCE OF A PRE-EXISTING LANDSCAPE, POND & BLOCK WALL. REASON: THE LANDSCAPING POND & BLOCK WALL WERE ALL PRE-EXISTING WHEN THE PROPERTY WAS PURCHASED.  
By FISHER, CAROLYN C: 7/31/2012 3:24:48 PM  
From: Request ID: 637016, 7/31/2012 3:19:42 PM Problem Details: REQUEST FOR TEMP USE. OF CITY'S R-O-W FOR THE MAINTENANCE OF A PRE-EXISTING LANDSCAPE, POND & BLOCK WALL. REASON: THE LANDSCAPING POND & BLOCK WALL WERE ALL PRE-EXISTING WHEN THE PROPERTY WAS PURCHASED

**Date Completed:** Supervisor: **WO Closed :**

Associated Service Request(s), if Any:

SR#	Date/Time Init.	Priority	Description	Problem Address
637016	7/31/2012 3:19:22 PM		ENG - Temporary Right-of-Way Use	4119 CUMMINGS HWY
<b>Customer Name</b> & CAJUN, MEO MIO'S SEAFOOD		<b>Customer Work Phone</b> (423) 521-7160	<b>Customer Home Phone</b>	<b>Customer Zip</b> 37419

**Work Comments/Results:**



**CITY OF CHATTANOOGA**  
**PUBLIC WORKS DEPARTMENT**  
**SERVICE REQUEST**

Date/Time Printed: 7/31/12 @ 3:27 PM

**CityworksSR #: 637016**

<b>SR Type:</b>	<b>ENG - Temporary Right-of-Way Use</b>		
<b>Submitted to:</b>	<b>CANNON, WILLIAM E</b>	<b>Dispatched:</b>	<b>CANNON, WILLIAM E</b>
<b>Input By:</b>	<b>FISHER, CAROLYN C</b>	<b>Priority:</b>	
<b>Create Date:</b>	<b>7/31/2012 3:19:22 PM</b>	<b>Status:</b>	<b>CLOSED</b>
<b>District:</b>	<b>1</b>	<b>Due Date:</b>	<b>10/29/2012</b>
<b>Location:</b>	<b>4119 CUMMINGS HWY 37419</b>		

Question	Answer

**Callers/Complainants**

First Name	Last Name	Address	Apt.	Zip
MEO MIO'S SEAFOOD	& CAJUN	4119 CUMMIONGS HIGHWAY		37419
Home Phone	Work Phone	Other Phone		
	(423) 521-7160	(423) 667-5663		

**Additional Information**

CSRID	12-00075223
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**Additional Details/Comments:** REQUEST FOR TEMP USE. OF CITY'S R-O-W FOR THE MAINTENANCE OF A PRE-EXISTING LANDSCAPE, POND & BLOCK WALL. REASON: THE LANDSCAPING POND & BLOCK WALL WERE ALL LPRE-EXISTING WHEN THE PROPERTY WAS PURCHASED.