

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING NUTZO SMOOTHIES C/O JASON GREER TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 138 MARKET STREET TO INSTALL AN AWNING, AS SHOWN ON THE MAP AND PHOTOS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That NUTZO SMOOTHIES C/O JASON GREER, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located at 138 Market Street to install an awning, as shown on the map and photos 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

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the “City”), and NUTZO SMOOTHIES C/O JASON GREER (hereinafter “Temporary User”), this ____ day of _____, 2012.

For and in consideration of the granting of the temporary usage of the right-of-way located at 138 Market Street to install an awning, as shown on the map and photos 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.

NUTZO SMOOTHIES

_____, 2012
Date

BY: _____
Jason Greer

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 9, 2012

Preparer: William C. Payne

Department: Public Works - Engineering

Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council): _____ District 8

A City Council Action is requested to approve Temporary Usage No. 94259 for Billy T Signs c/o Jason Greer for the right-of-way of 138 Market Street to install an awning, as shown on the attached drawing.

Name of Vendor/Contractor/Grant, etc.	_____	N/A
Total project cost \$	_____	N/A
Total City of Chattanooga Portion \$	_____	N/A
City Amount Funded \$	_____	N/A
New City Funding Required \$	_____	N/A
City's Match Percentage %	_____	N/A

New Contract/Project? (Yes or No)	_____	N/A
Funds Budgeted? (YES or NO)	_____	N/A
Provide Fund	_____	N/A
Provide Cost Center	_____	N/A
Proposed Funding Source if not budgeted	_____	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 8, 2012

Re: Temporary Usage Request #94259
Billy T & Tom Signs c/o Jason Greer
138 Market Street
Recommendations Regarding Temporary Usage Request

I have completed my review of Jason Greer's request regarding the Temporary Usage of the right of way at 138 Market Street for the installation of awnings at a business along portions of said right-of-way. Please refer to the attached map and drawings. My comments are as follows:

- As per the submitted drawings the proposed awnings will project into the ROW 23".
- As per the submitted drawings the minimum height clearance along the sidewalk at the proposed locations will be 8'6".

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.***



1st

Cherry

2nd

Temp Use #94259

Market



ENTERED
004

For Office Use Only

Robert Johnson
Technician Signature

7/19/12
Date

CLOSED
7/19/2012

7/18-12 (Date)

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

W/O# 94259

S/R# 632740

~~CLOSED~~
Closed S/R

Re: Request for Temporary Usage

Dear Mr. Payne:

This is a request for a temporary usage of 138 MARKET STREET

RECEIVED
JUL 19 2012
STORM WATER

The reason for this request is as follows:

BUILDING IS AT A ZERO SET BACK - AWNING
WOULD PROJECT 23" OVER SIDEWALK

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:

Billy T & Tom SIGNS (Tom MARSHALL)
1961 NORTH POINT BLVD 423.421.6305
CHATT TN 37343

(Non-Refundable Processing Fee \$110.00)

Tom Marshall
Print Applicant Name

7-18-12
Date

Jason Greer
Print Owner's Name

7/18/12
Date

Jason Greer
Owner's Signature (Required)

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

City of Chattanooga

Bill Cannon
Richard Hutsell
Stacy Morrison

Re 138 Market Street - Nutzo Smoothies

We are 100% aware if the city council does not approve our Temporary Usage application we will remove the awning within 48 hours. We have turned in the application and sign permit application.

Thank you for allowing us to install the awning. We would have missed the best part of the summer business.

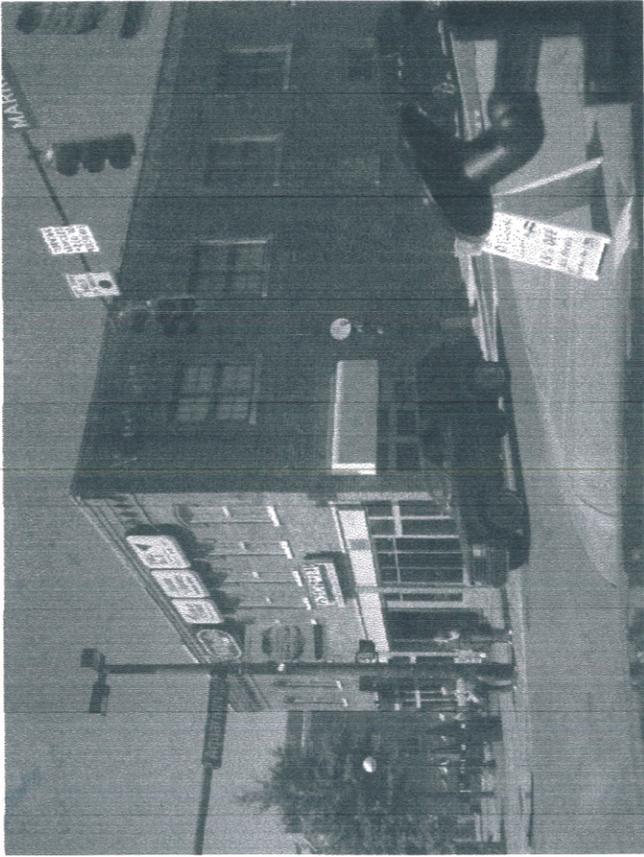


Jason Greer
Owner

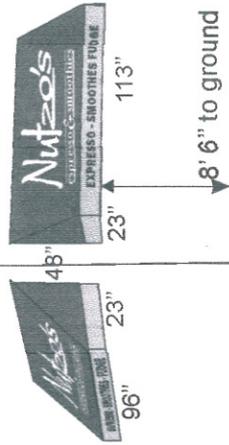


Tom Marshall
Billy T and Tom Signs





existing





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

Project/Funding:

Work Order Number: * 9 4 2 5 9 *



Address: 138 MARKET ST Tax Map/Grid: 135L

Required Work Type: ENG - Temporary Use		Category: ADMIN		Date Needed:
WO Initiated: 7/19/2012 2:31:05 PM	Initiated By: FISHER, CAROLYN C	Requested By: CANNON, WILLIAM E	Priority: 3	Status: UNDINV
		District: 8	Transferred To/Submitted to: CANNON, WILLIAM E - 7/19/2012 2:31:19 PM	

Instructions:

Comments: From: Request ID: 632740, 7/19/2012 2:30:56 PM Problem Details: REQUEST FOR TEMP USAGE: SIGNAGE. BUILDING IS AT A ZERO SETBACK - AWNING WOULD PROJECT 23" OVER SIDEWALK.

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

Associated Service Request(s), If Any:

SR#	Date/Time Init.	Priority	Description	Problem Address	Customer Name	Customer Work Phone	Customer Home Phone	Customer Zip
632740	7/19/2012 2:30:38 PM		ENG - Temporary Right-of-Way Use	138 MARKET ST	SMOOTHIES, NUTZO			37402

Work Comments/Results:



CITY OF CHATTANOOGA
PUBLIC WORKS DEPARTMENT
SERVICE REQUEST

Date/Time Printed: 7/19/12 @ 2:34 PM

CityworksSR #: 632740

SR Type:	ENG - Temporary Right-of-Way Use		
Submitted to:	CANNON, WILLIAM E	Dispatched:	CANNON, WILLIAM E
Input By:	FISHER, CAROLYN C	Priority:	
Create Date:	7/19/2012 2:30:38 PM	Status:	CLOSED
District:	8	Due Date:	10/17/2012
Location:	138 MARKET ST 37402		

Question	Answer

Callers/Complainants

First Name	Last Name	Address	Apt.	Zip
NUTZO	SMOOTHIES	138 MARKET STREET		37402
Home Phone	Work Phone	Other Phone		

Additional Information

CSRID	12-00070190
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Additional Details/Comments: REQUEST FOR TEMP USAGE: SIGNAGE. BUILDING IS AT A ZERO SETBACK - AWNING WOULD PROJECT 23" OVER SIDEWALK.



CITY OF CHATTANOOGA

DATE 7/19/12 RECEIPT NO. 193601

Received from MARSHALL DESIGNS

Amount of ONE HUNDRED Dollars and TEN Cents NBS

For 133 MARKET STREET - TEMP USAGE

Cash \$ _____

TIC

#10022

Department/Division

Check \$ 110.00

BONNIE

Signature

Marshall Designs LLC.
DBA Billy T & Tom Signs
1961 Northpoint Blvd Ste 155
Hixson, TN 37343
(423) 877-9425

87-36/613

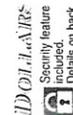
10022

DATE: 7/19/12

PAY TO THE ORDER OF City of Chatt
One hundred ten dollars / 00/100

\$ 110.00

First Tennessee Bank
www.firsttennessee.com



Security feature included. Details on back.

MEMO Notes Temp Usage

Bonnie
Signature

⑈010022⑈ ⑈061300367⑈

⑈5168445⑈

MP