

ORDINANCE NO. _____

AN ORDINANCE GRANTING UNTO TENNESSEE TEMPLE UNIVERSITY C/O STEVEN ECHOLS A FRANCHISE FOR THE CONSTRUCTION OF ENTRY FEATURES ALONG THE 600-900 BLOCKS OF SOUTH ORCHARD KNOB AVENUE, (CASE NO. 2012-114), AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That there be and is hereby granted unto Tennessee Temple University c/o Steven Echols (hereinafter “Grantee”) a franchise for the construction of entry features along the 600-900 blocks of South Orchard Knob Avenue (Case No. 2012-114), in the City of Chattanooga, as shown on the maps attached hereto and made a part hereof by reference.

SECTION 2. BE IT FURTHER ORDAINED, That this franchise is granted upon the conditions as set forth below:

1. All underground City utilities must maintain their respective easements;
2. Tennessee-American Water Company, Chattanooga Gas Company, AT&T, and Comcast to retain their respective easements;
3. Grantee will comply with all applicable City ordinances and state laws;
4. Grantee will comply with any special requirements by City Engineer or City Traffic Engineer with respect to the specific location of the entry features;
5. Engineering design for the entry features prepared by a competent engineering group and installation will be performed by a competent contractor;
6. Construction and placement of the entry features will have no adverse effect on any adjacent properties;

7. Grantee will assume full and complete responsibility for maintenance of the entry features and permanently maintain said entry features in a safe condition;

8. City of Chattanooga will suffer no costs of any kind as a result of granting this franchise;

9. Grantee will defend, indemnify and hold harmless the City of Chattanooga, Tennessee, its officers, employees, successors, and assigns from any and all actions or claims for damages arising out of or related to the installation or maintenance of the entry features; and

10. Grantee provides for approval of evidence of insurance to further indemnify the City against losses whatever kind and nature during construction and as a result of the entry features being constructed and placed in the right-of-way.

11. Grantee shall pay a one-time administrative fee of \$1,000.00.

SECTION 3. BE IT FURTHER ORDAINED, That the term of this franchise shall be for a period of forty (40) years.

SECTION 4. BE IT FURTHER ORDAINED, That this ordinance shall not be operative, as distinguished from its effectiveness, unless and until the franchise herein granted is accepted by the Grantee by due execution of the acceptance attached hereto.

SECTION 5. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

PASSED on Second and Final Reading

_____, 2012.

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: _____, 2012

MAYOR

MAM/mms

ACCEPTANCE

The foregoing franchise and its terms and conditions are hereby accepted.

This the ____ day of _____, 2012.

TENNESSEE TEMPLE UNIVERSITY

BY: _____

Print Name

Title

WITNESS:

City of Chattanooga



Resolution Request Form

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

Date: September 4, 2012

Preparer: William C. Payne

Department: Public Works - Engineering

Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council): _____ District 8,9

A City Council Action is requested to approve Tennessee Temple University c/o Steven Echols for a franchise agreement for the construction entry features along the 600-900 blocks of South Orchard Knob Avenue, as referenced in Case No 2012-114.

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

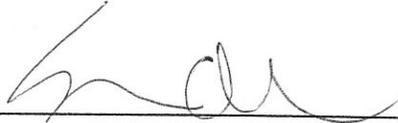
List all other funding sources and amount for each contributor.

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: 
DESIGNATED OFFICIAL/ADMINISTRATOR

Reviewed by: FINANCE OFFICE

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

Memorandum

To: Bill Payne
From: Bill Cannon
cc: Dennis Malone
Date: September 5, 2012
Re: Steven Echols c/o Tennessee Temple University
Case No. 2012-114
Franchise @ 900 and 1800 block of
Recommendations

I have completed the review of the subject request seeking Franchise. The franchise is regarding the construction of campus entry features along a portion of South Orchard Knob Avenue being the 600 through 900 blocks as shown on the attached map.

- The City of Chattanooga has sanitary sewer, storm drainage, streets and other public infrastructure in the referenced right-of-way.

After review of the requests, I recommend the following:

The request of said franchise for portions of said right of way is approved with conditions.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That there be and is hereby granted unto Memorial Health Care System (herein after "Grantee") a franchise to construct and maintain entry features 600-900 blocks of South Orchard Knob Avenue (Case No. 2012-114) as shown on the map attached hereto and made a part hereof by reference, in the City of Chattanooga.

SECTION 2. BE IT FURTHER ORDAINED, That this franchise is granted subject to the following terms and conditions:

1. All underground City utilities must maintain their respective easements.
2. Tennessee-American Water Company, Chattanooga Gas Company, AT&T, and Comcast to retain their respective easements;
3. That Grantee will comply with all applicable City ordinances and state laws.
4. That Grantee will comply with any special requirements by City Engineer or City Traffic Engineer with respect to the specific location of the entry features;
5. That engineering design for the entry features be prepared by a competent engineering group and installation will be performed by a competent contractor;
6. That construction and placement of the entry features way will have no adverse effect on any adjacent properties;
7. That Grantee will assume full and complete responsibility for maintenance of the entry features and permanently maintain said entry features in a safe condition;

8. That the City of Chattanooga will suffer no costs of any kind as a result of granting this franchise;
9. That Grantee will defend, indemnify and hold harmless the City of Chattanooga, Tennessee, its officers, employees, successors, and assigns from any and all actions or Claims for damages arising out of or related to the installation or maintenance of the entry features.
10. That Grantee provide for approval evidence of insurance to further indemnify the City against losses whatever kind and nature during construction and as a result of the entry features being constructed and placed in the right-of-way.
11. That the Grantee shall pay a one-time administrative fee of \$1,000.00.

SECTION 3. BE IT FURTHER ORDAINED, That the term of this franchise shall be for a period of (40) years.

SECTION 4. BE IT FURTHER ORDAINED, That this ordinance shall not be operative, as distinguished from its effectiveness, unless and until the franchise herein granted is accepted by the Grantee by due execution of the acceptance attached hereto.

SECTION 5. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two weeks from and after its passage.

RESOLUTION

WHEREAS, Tennessee Temple – Dennis Clark, Director of Public Relations petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga to grant approval of a Mandatory Referral pursuant to T.C.A. 13-4-104 for franchise agreement for entry features on South Orchard Knob Avenue.

Franchise agreement of the 600 thru 900 blocks of South Orchard Knob Avenue beginning at its intersection with the south line of the 1800 block of Bailey Avenue thence some 1289 feet southwest to the north line of the 1800 block of Anderson Avenue. Said avenue separates Lots 8 and 9, Block 24, Highland Park, Plat Book 1, Page 23; Lots 80 and 96, Block 6, Lots 48 and 79, Block 4, and Lots 16 and 47, Block 2, New Subdivision of Blocks 3, 4, 5, and 6 of the Vance Kirby & Bennett Addition to Highland Park, Plat Book 2, Page 10, ROHC from Lot 1, Revised Plat of Lots 1 thru 4, Lee Roberson Subdivision, Plat Book 87, Page 197; Lots 1 and 18, New Subdivision of Block 1, Ryan's Addition to Highland Park, Plat Book 3, Page 7; Lots 1 and 2, The New Subdivision of the Northwest Block of Payne's Subdivision of Highland Park, Plat Book 2, Page 28; Lot 53, Payne's Subdivision of Highland Park, Plat Book 1, Page 16, and Lots 1 thru 3, Wright's Subdivision of Lots 54, 56, 58, 60, and 62 of Payne's Subdivision to Highland Park, Plat Book 6, Page 49, ROHC. Tax Map 146J-U-003, 004, 010, 146O-N-001 thru 006, 016 and 017, 146O-T-008 thru 010 and 017, and 146O-U-008, 009, 014 and 015 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on August 13, 2012,

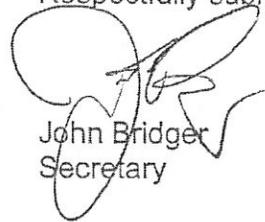
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

AND WHEREAS, no one was present in opposition to the petition,

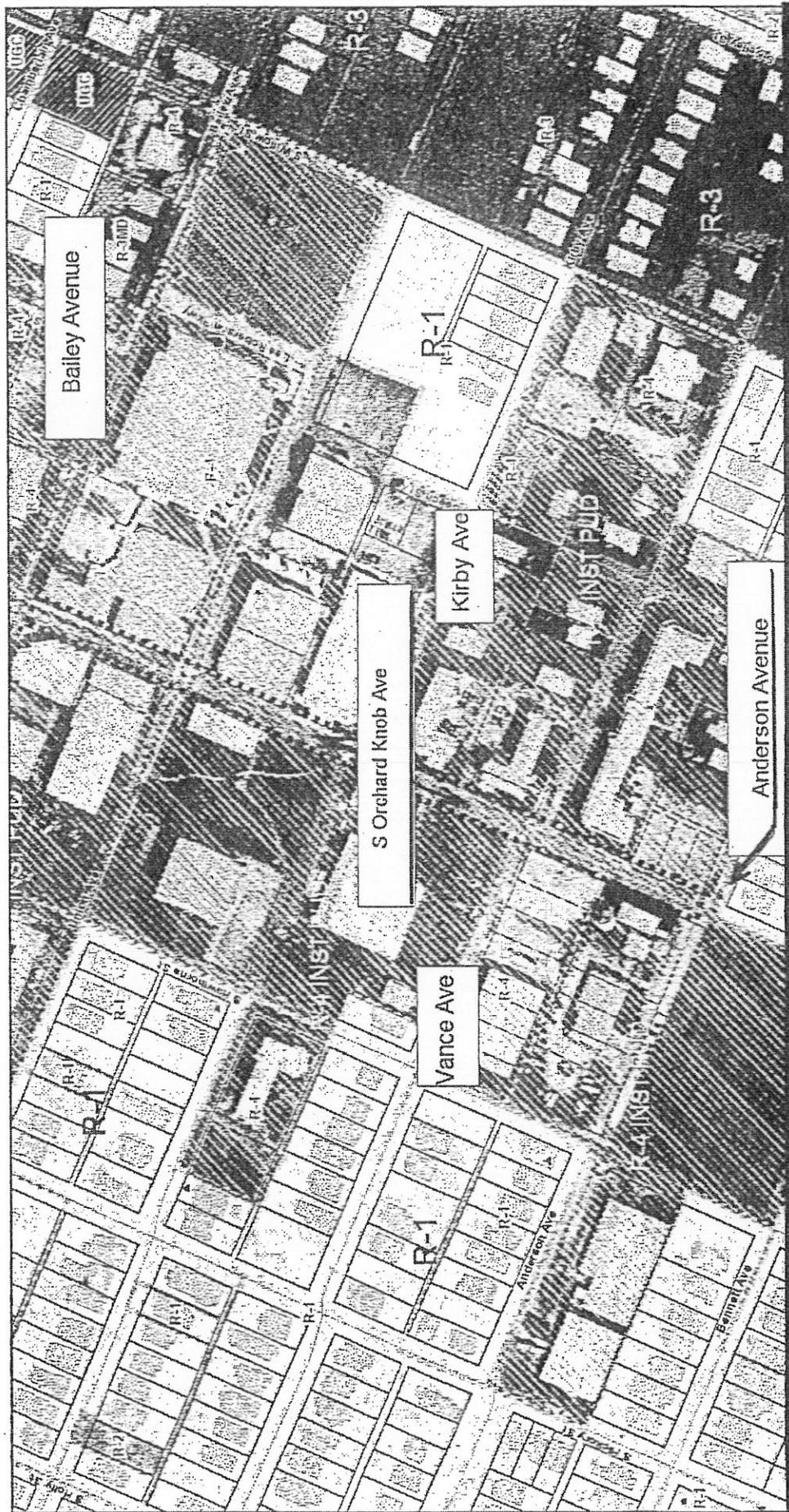
AND WHEREAS, the Planning Commission has studied the petition in relation to existing zoning and land use and potential patterns of development.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on August 13, 2012, recommended to the Members of the City Council of the City of Chattanooga that this petition for a Mandatory Referral for franchise agreement for entry features on South Orchard Knob Avenue be approved.

Respectfully submitted,



John Bridger
Secretary



PLANNING COMMISSION RECOMMENDATION FOR CASE NO. MR-2012-114: Approve

MR-2012-0114 Franchise for entry features for S Orchard Knob Ave



250 ft



Chattanooga Hamilton County Regional Planning Agency

TENNESSEE TEMPLE UNIVERSITY

Office of the President

1815 UNION AVENUE / CHATTANOOGA, TENNESSEE 37404
(800) 553-4050 / WWW.TNTEMPLE.EDU

August 8, 2012

Mr. John Bridger, Executive Director
& Mr. Greg Haynes, Director of Development Services
Regional Planning Agency
Department of Public Works
1250 Market Street, Suite 2000
Development Resource Center
Chattanooga, TN 37402

Dear Mr. Bridger and Mr. Haynes,

Based on the guidance we received from city officials at the meeting held on Tuesday, July 31, we are amending our application for the abandonment of Orchard Knob Avenue and Vance Avenue. We are now requesting the permanent closure of Vance Avenue from Beech to Hawthorne. We are also requesting a franchise agreement for entrance ways and traffic modifications (as noted in the attached document) for Orchard Knob Avenue from the intersections of Anderson Avenue and Bailey Avenue.

Our petition stems from our strong desire to remain a viable anchor in the Highland Park Community. As a result of this commitment, we have developed a long-range campus re-development plan that includes enhancing existing structures, the addition of new structures, and the fencing and gating of our campus. As a university in an urban setting, it is critical to define our campus borders, which addresses the following issues:

- Student, faculty, staff, and visitor safety
- Recruitment and retention of students
- Pedestrian and vehicular traffic control
- Public awareness of campus boundaries

We are working hard to develop partnerships for the continual renewal of our surrounding community. We have shared our plans for the requested closure and the defining of our campus with the Councilman Peter Murphy who has given us his full support. We also met with the Highland Park Neighborhood Association Board. After the meeting, we received an email from the president of the association stating that "they were on board." In addition, we have received support from Chattanooga Neighborhood Enterprise, with whom TTU is planning to partner in renewal efforts for the Highland Park and Ridgedale communities.

We are very appreciative of you and the other city officials being open to hearing our requests. Please let us know of anything that we can do to assist you in your final determination of our petition.

Sincerely,

Steven Echols

Dr. Steven Echols, President
Tennessee Temple University

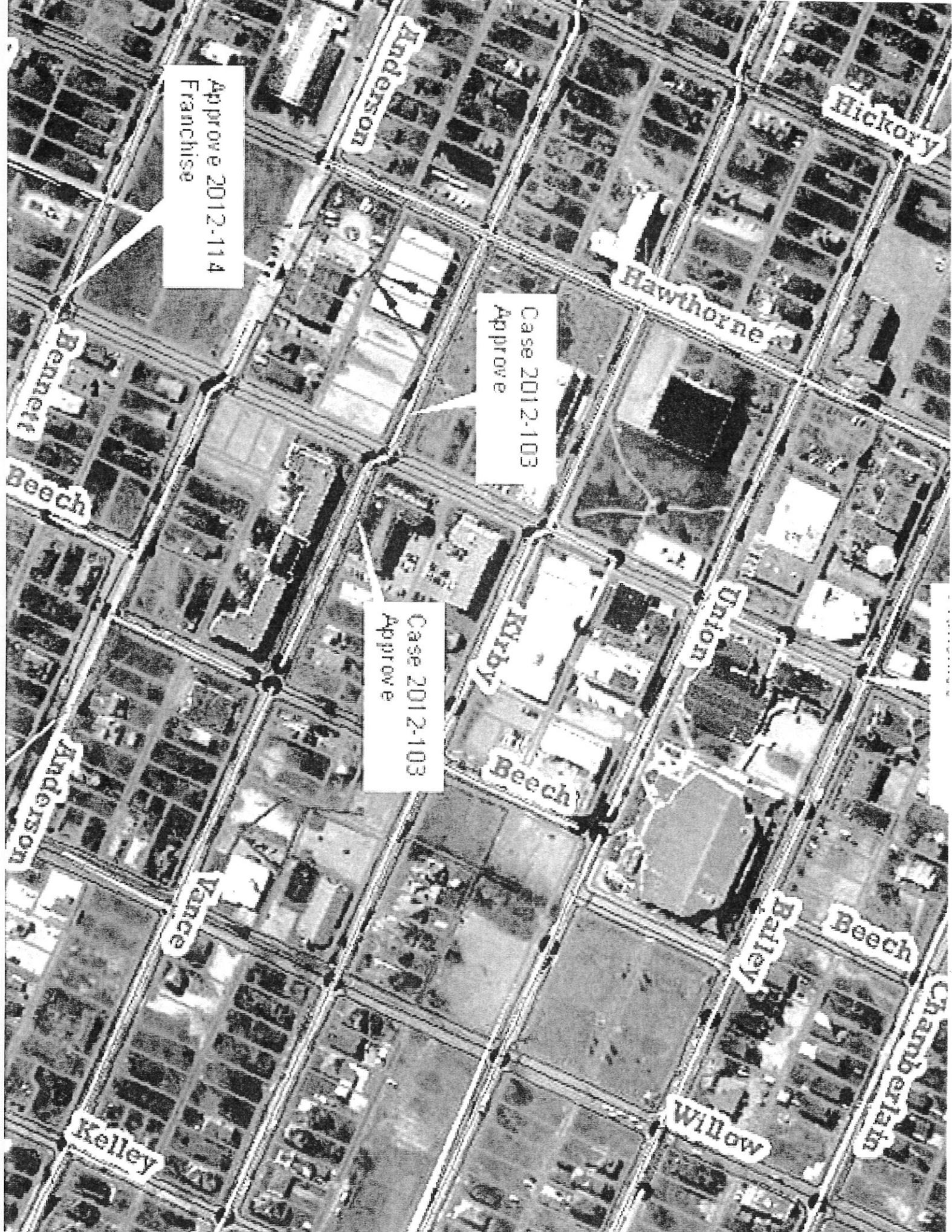
cc: Peter Murphy
Steve Leach
Gary Hilbert



Approve 2012-114
Franchise

Case 2012-103
Approve

Case 2012-103
Approve



City of Chattanooga



Resolution Request Form

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Date: September 4, 2012

Preparer: William C. Payne

Department: Public Works - Engineering

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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

PHASE II PLANNING ONLY



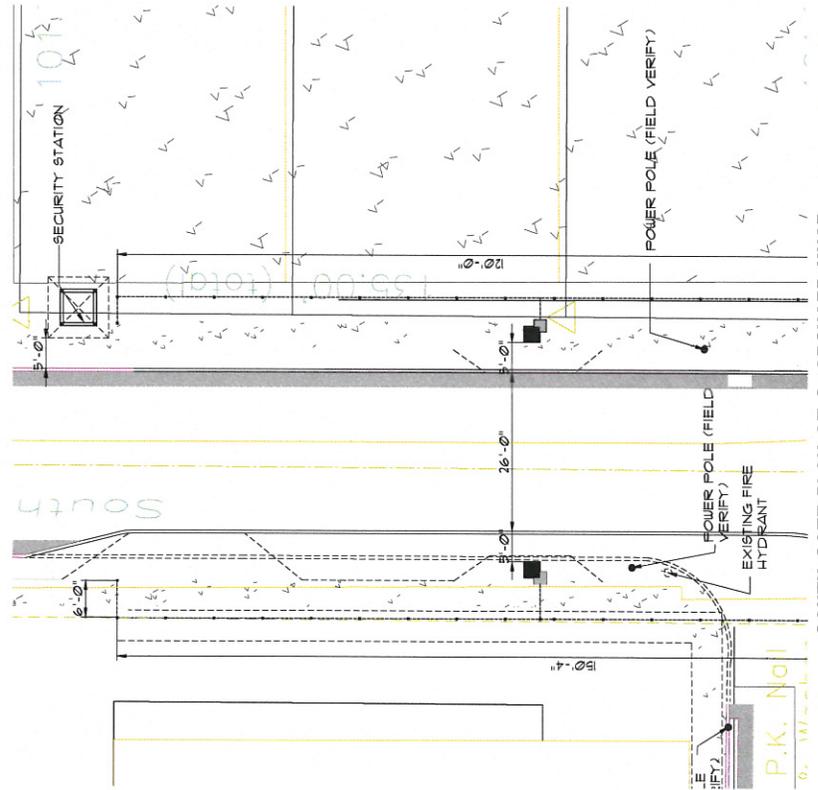
SOUTH ENTRANCE AT S. ORCHARD KNOB

NOT TO SCALE



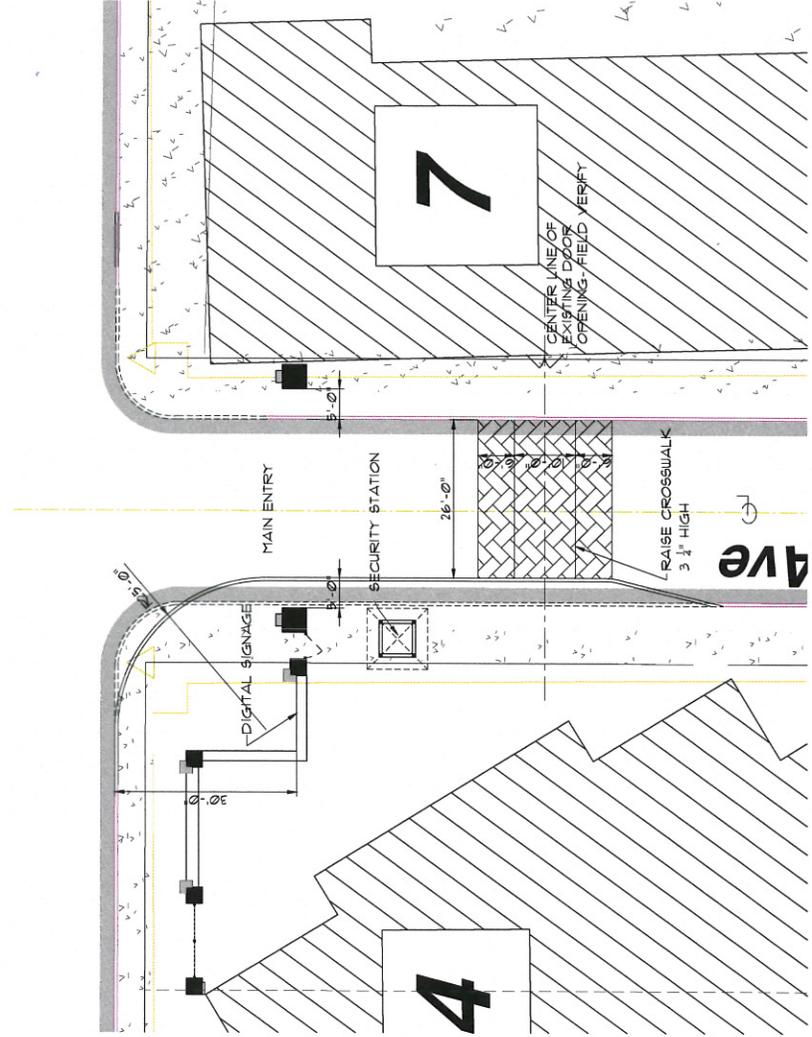
NORTH MAIN ENTRANCE AT S. ORCHARD KNOB

NOT TO SCALE



SOUTH GATE PLAN AT S. ORCHARD KNOB

NOT TO SCALE



NORTH MAIN ENTRANCE PLAN AT S. ORCHARD KNOB

NOT TO SCALE



TENNESSEE TEMPLE UNIVERSITY
SECURITY FENCING
1815 UNION AVENUE
CHATTANOOGA, TENNESSEE

REVISIONS	
NO.	DESCRIPTION OF CHANGE TO BE MADE

1208	00-05-2012	C1-9
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