Temp Usage No. 94263

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING JAROSLAV TYMAN TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED ALONG A PORTION OF WOOLSON ROAD AND LLOYD STREET FOR ACCESS TO PRIVATE PROPERTY, LOT 1 AND LOT 577, JEFF DAVIS ADDITION TO MISSION RIDGE, PLAT BOOK 9, PAGE 36 ROHC, TAX MAP NOS. 137H-J-007 AND 137H-J-013, AS SHOWN ON THE MAPS AND DRAWINGS 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 JAROSLAV TYMAN, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located along a portion of Woolson Road and Lloyd Street for access to private property, Lot 1 and Lot 577, Jeff Davis Addition to Mission Ridge, Plat Book 9, Page 36 ROHC, Tax Map Nos. 137H-J-007 and 137H-J-013, as shown on the maps and drawings 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.

4. Temporary User shall obtain proper Land Disturbing Permits as per City Code and Standards.

5. Temporary User cannot restrict the neighboring property owner's access to the subject right-of-way, and Temporary User is responsible for maintaining the subject right-of-way in the condition equal to or better than the condition at the time the temporary use is granted.

6. Temporary User shall not install a gate or other mechanism to restrict access to other private properties along Woodson Road or Lloyd Street without approval of the City Engineer or his designee. Furthermore, if a gate is approved by the City Engineer or his designee and installed or constructed by the Temporary User, the Temporary User shall provide access to other private property owners along Woodson Road and Lloyd Street by means of a key or other reasonable method.

ADOPTED: _____, 2012

/mms

# INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and JAROSLAV TYMAN (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 a portion of Woolson Road and Lloyd Street for access to private property, Lot 1 and Lot 577, Jeff Davis Addition to Mission Ridge, Plat Book 9, Page 36 ROHC, Tax Map Nos. 137H-J-007 and 137H-J-013, as shown on the maps and drawings 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.

4. Temporary User shall obtain proper Land Disturbing Permits as per City Code and Standards.

5. Temporary User cannot restrict the neighboring property owner's access to the subject right-of-way, and Temporary User is responsible for maintaining the subject right-of-way in the condition equal to or better than the condition at the time the temporary use is granted.

6. Temporary User shall not install a gate or other mechanism to restrict access to other private properties along Woodson Road or Lloyd Street without approval of the City Engineer or his designee. Furthermore, if a gate is approved by the City Engineer or his designee and installed or constructed by the Temporary User, the Temporary User shall provide access to other private property owners along Woodson Road and Lloyd Street by means of a key or other reasonable method.

_____, 2012 BY: _____
Date Jaroslav Tyman

CITY OF CHATTANOOGA, TENNESSEE

_____, 2012 BY: _____
Date Ron Littlefield, Mayor

# City of Chattanooga

## Resolution Request Form

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

**Date: September 10, 2012**

**Preparer: William C. Payne** **Department:** Public Works - Engineering

**Brief Description of Purpose for Resolution:** Resolution Number (if approved by Council): **District 5**

A City Council Action is requested to approve Temporary Usage No. 94263 for Jaroslav Tyman for the right of way along a portion of Woolson Road and Lloyd Street for access to his private property, Lot 1 and Lot 577, Jeff Davis addition to Mission Ridge, Plat Book 9, Page 36 ROHC, Tax Map 137H-J-007 and 137H-J-013, 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

Questions? Contact Finance Department . 423.757.5232

# Memorandum

**To:** Bill Payne

**From:** Bill Cannon

**cc:** Dennis Malone

**Date:** August 23, 2012

**Re:** Temporary Usage Request #94263
Jaroslav Tyman (Lloyd Street @ Woolson Rd)
320 High Street, Apt. 16
Recommendations Regarding Temporary Usage Request

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I have completed my review of Mr. Tyman's request for Temporary Usage of the right of way along a portion of Woolson Road and Lloyd Street for access to his private property. Lot 1 and Lot 57, Jeff Davis Addition to Mission Ridge, Plat Book 9, Page 36 ROHC, Tax Map 137H-J-007 and 013.01 Please refer to the attached map. My comments are as follows:

- The applicant is requesting temporary usage of the subject 40' in width rights of way for approximately 690' along a portion of Woolson Road and platted right of way of Lloyd Street, which is not constructed (plat book 9 page 36).
- The applicant met with Engineering and explained his plan to build his personal single family home on his above referenced lots which are addressed off of N. Crest Rd., but due to the topography of the land along N. Crest Rd he is asking to work in and on the subject rights of way to access his property and to begin construction. (see attached map).

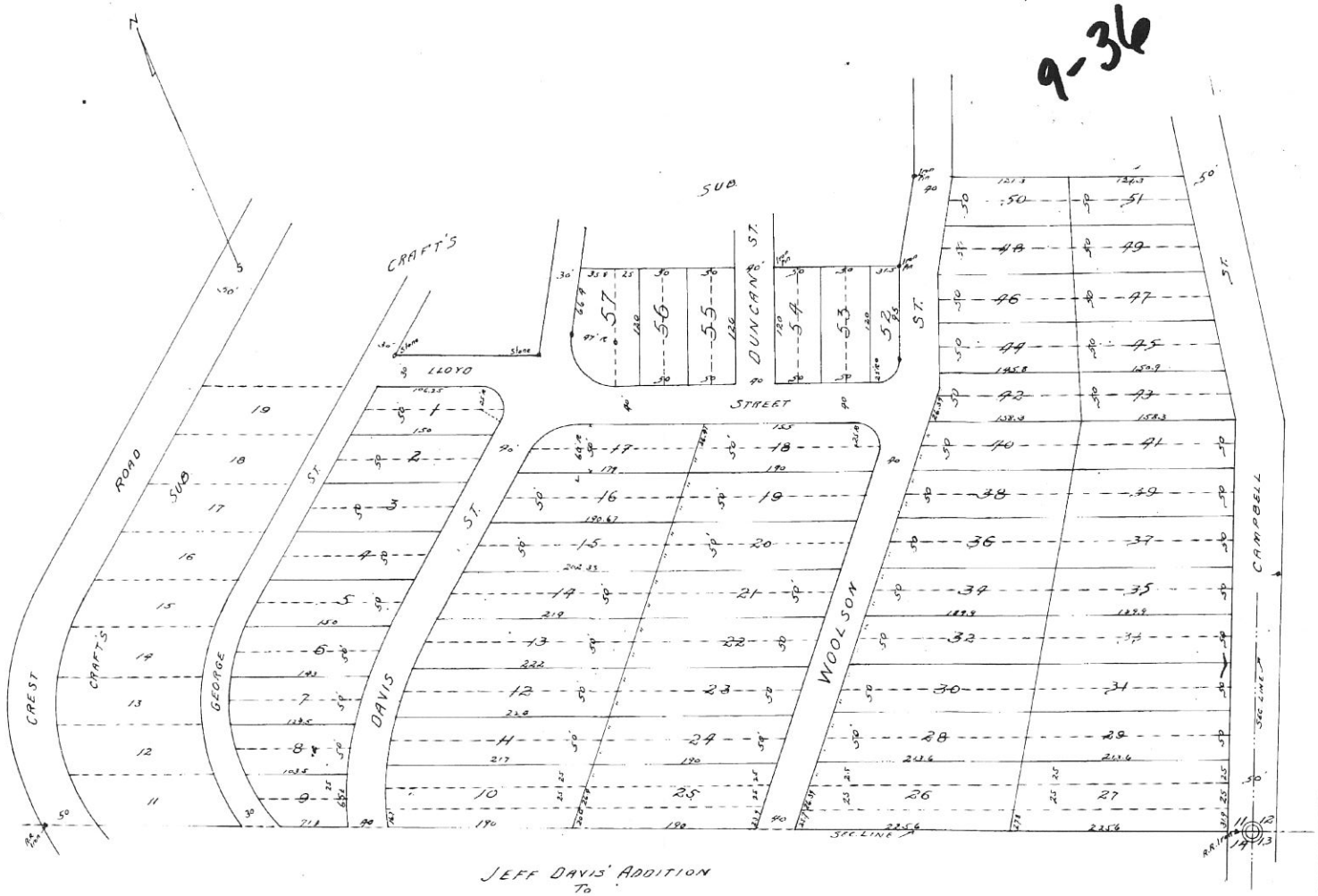
After review, granting this Temporary Usage does not conflict with the Public's interest. Therefore, I recommend that the request for ***Temporary Usage be granted subject to the following condition.***

- ***Subject to the applicant obtaining proper Land Disturbing Permits as per City Code and Standards.***
- ***Applicant cannot restrict the neighboring property owner's access to the subject right of way and applicant is responsible for maintaining the subject right of way in the condition equal to or better than the condition at the time the temporary use is granted.***

Arno
Crest
Tax Map #
137H J 007 & 013.01
Woolson
Greenwood
Temp Use 94263
Has no access to parcel
from N Crest Rd

36

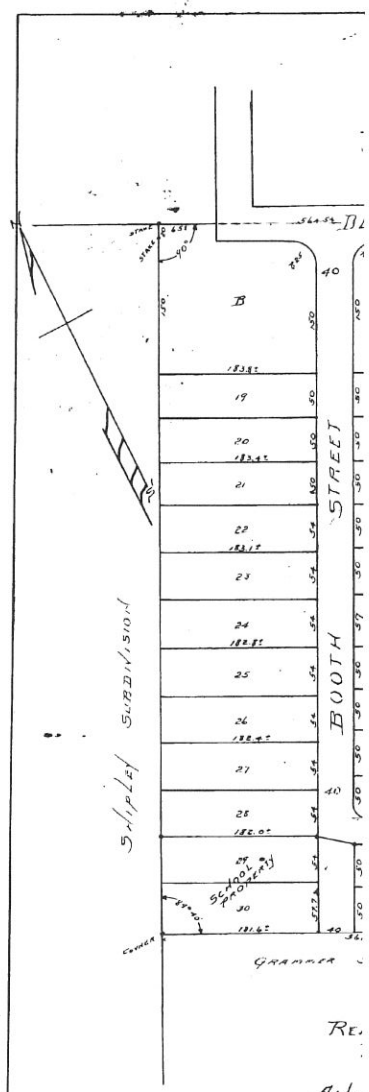
9-36




JEFF DAVIS' ADDITION
To
MISSION RIDGE
CHATTANOOGA, TENN.
Scale 1" = 80' — Apr. 1925
Cushman-Fairleigh Engr. Co.

Filed for Registration Dec 21, 1925 At 11:45 A.M.

Approved by Planning Board.




A.J.
AMENDED
IN S
ON THE GERM
HAMILTO

EDWARD E. BETTS ENGINEE
CHATTANOOGA

For Office Use Only
Sarah Crabtree
Technician Signature
7/19/12
Date

7/19/12
(DATE)

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

W/O# 94263 S/R# 632777

CLOSED
7-19-2012
Closed S/R

RECEIVED
JUL 19 2012
STORM WATER

**Re: Request for Temporary Usage**

ENTERED CCF

Dear Mr. Payne:

This is a request for a temporary usage of Providing entry to parcels 137H-J-007 and 137H-J-013.01 610 S. CREST

The reason for this request is as follows: Because of land locked

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 is as follows: 320 High Str., Apt. 16. Chattanooga TN 37403

(email address) JAROSLAV@TYMAN.US

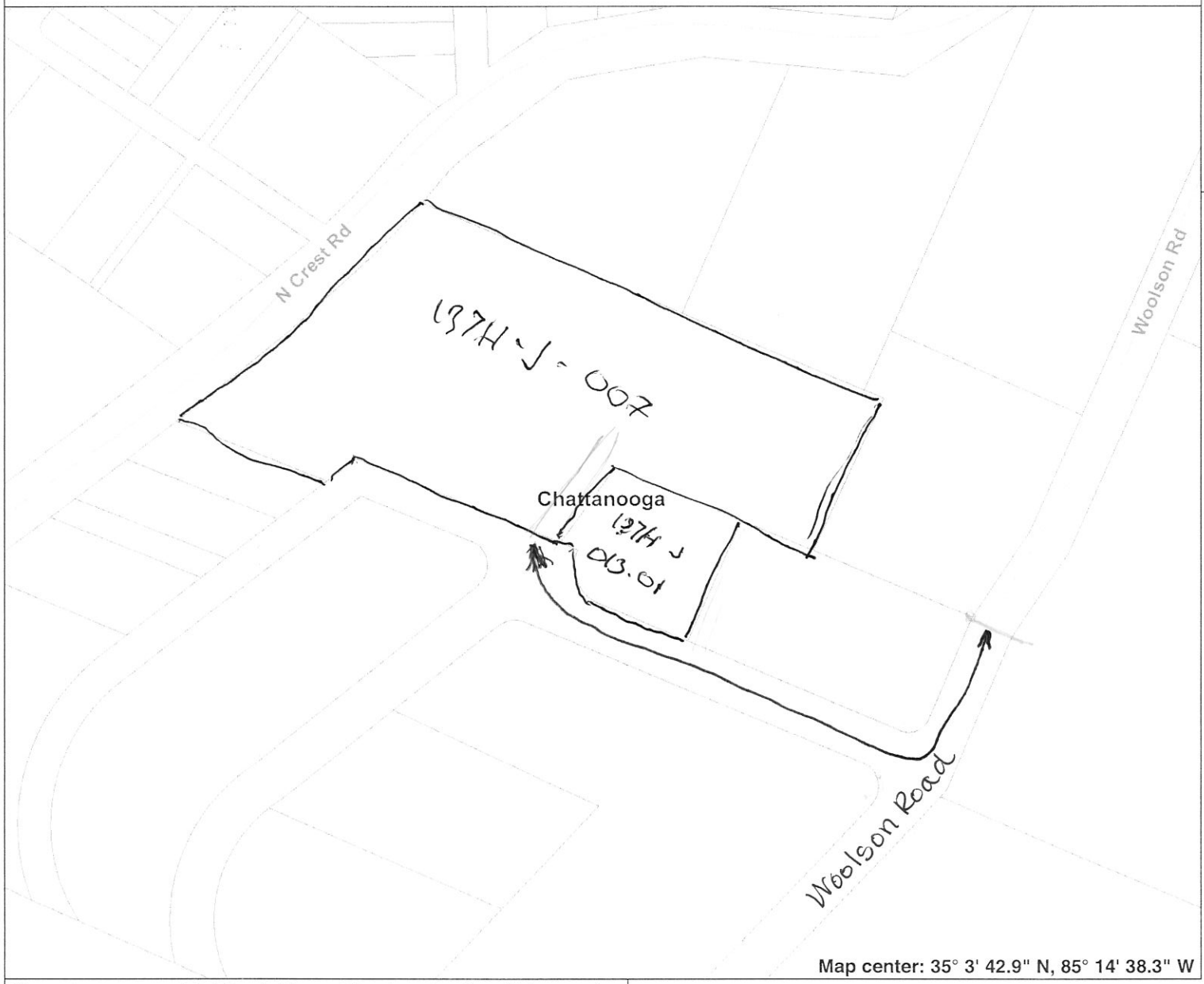
(Processing Fee of $110.00 payable to: City of Chattanooga)

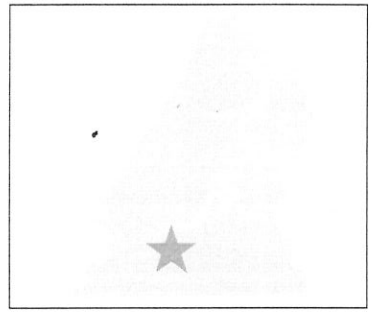
JAROSLAV TYMAN — 07-19-2012
(Print) **Applicant** Name — Date

JAROSLAV TYMAN — 07-19-2012
(Print) **Owner's** Name — Date

**This application must include the owner's signature and a site map of the referenced location to complete processing.**

# HCGIS - Internet Mapping Service



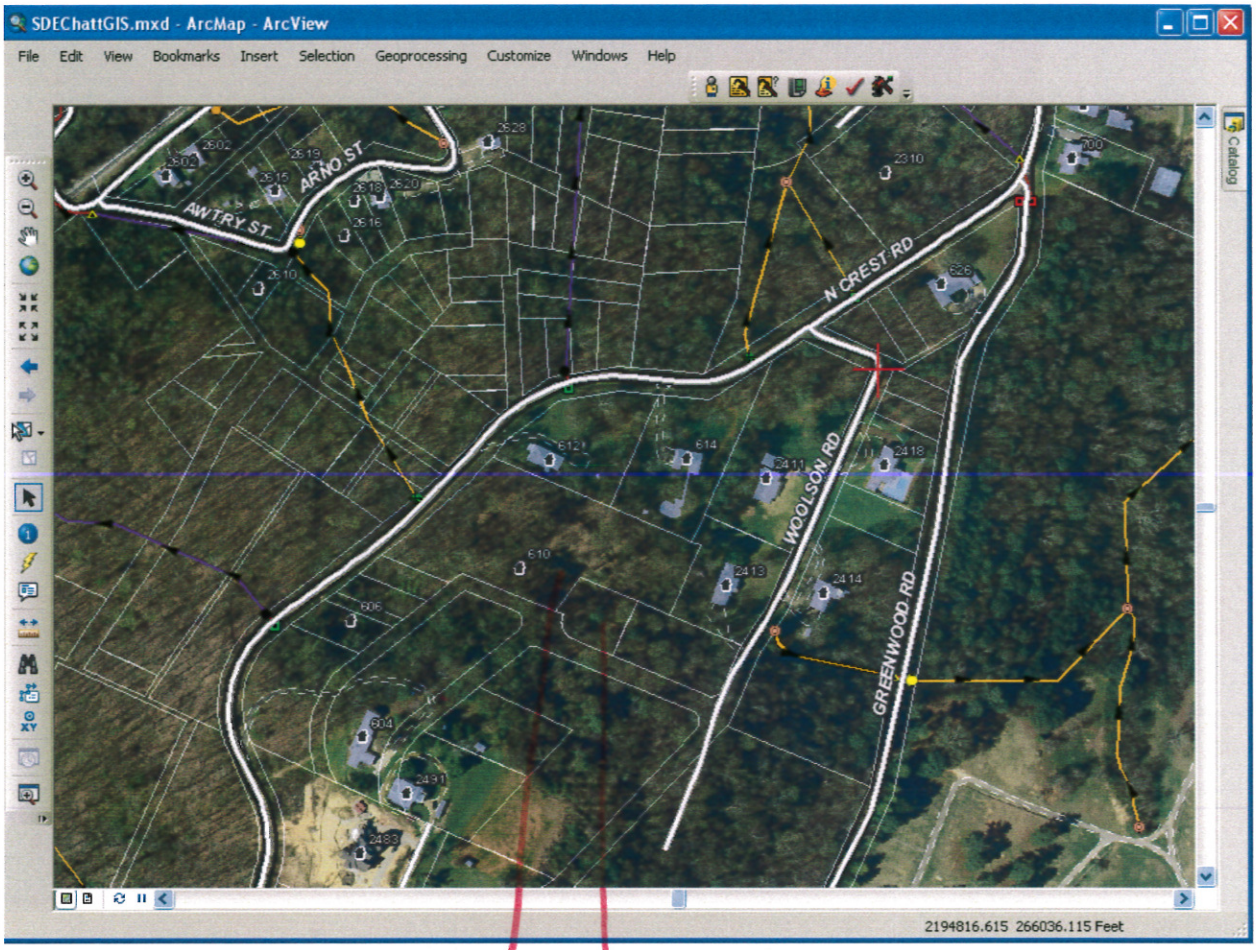
## Legend

- Interstates
- Railways
- Roads
- Parcels
- Water Bodies
- Cities
  - Chattanooga
  - Collegedale
  - East Ridge
  - Lakesite
  - Lookout Mountain
  - Red Bank
  - Ridgeside
  - Signal Mountain
  - Soddy Daisy
  - Walden
- cover

N

Scale: 1:1,657

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED AS A LEGAL DOCUMENT.




610

137H-J-007

137H-J-013.01

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

Date/Time Printed: 7/19/12 @ 3:20 PM

**CityworksSR #: 632777**

| | | | |
|---|---|---|---|
| **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 3:15:41 PM | **Status:** | CLOSED |
| **District:** | 5 | **Due Date:** | 10/17/2012 |
| **Location:** | **610 S CREST ROAD 37404** | | |

| Question | Answer |
|---|---|
| | |

**Callers/Complainants**

| First Name | Last Name | Address | Apt. | Zip |
|---|---|---|---|---|
| JAROSLAV | TYMAN | 320 HIGH STREET, APT 16 | | 37403 |

| Home Phone | Work Phone | Other Phone |
|---|---|---|
| | | |

**Additional Information**

| | |
|---|---|
| CSRID | |

**Additional Details/Comments:** REQUEST FOR TEMP USAGE BECAUSE OF LAND LOCKED PARCEL.137H-J-007 AND 137H - J - 013./01.

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

**Project/Funding:**

**Work Order Number:** *94263*

| **Address: 610 S CREST ROAD** | **Tax Map/Grid:** 137H |
|---|---|

| **Required Work Type:** ENG - Temporary Use | | | | **Category:** ADMIN | **Date Needed:** 9/17/2012 | |
|---|---|---|---|---|---|---|
| **WO Initiated:** 7/19/2012 3:16:55 PM | **Initiated By:** FISHER, CAROLYN C | **Requested By:** CANNON, WILLIAM E | **Priority:** 3 | **District:** 5 | **Transferred To/Submitted to:** CANNON, WILLIAM E - 7/19/2012 3:17:10 PM | **Status:** UNDINV |

| **Instructions:** | |
|---|---|

| **Comments:** | From: Request ID: 632777, 7/19/2012 3:16:45 PMProblem Details: REQUEST FOR TEMP USAGE BECAUSE OF LAND LOCKED PARCEL.137H-J-007 AND 137H - J - 013./01.<br><br>By FISHER, CAROLYN C: 7/19/2012 3:17:30 PM<br>From: Request ID: 632777, 7/19/2012 3:16:45 PMProblem Details: REQUEST FOR TEMP USAGE BECAUSE OF LAND LOCKED PARCEL.137H-J-007 AND 137H - J - 013./01. |
|---|---|

| **Date Completed:** | **Supervisor:** | **WO Closed :** |
|---|---|---|

**Associated Service Request(s), If Any:**

| **SR#** | **Date/Time Init.** | **Priority** | **Description** | **Problem Address** |
|---|---|---|---|---|
| 632777 | 7/19/2012 3:15:41 PM | | ENG - Temporary Right-of-Way Use | 610 S CREST ROAD |

| **Customer Name** | **Customer Work Phone** | **Customer Home Phone** | **Customer Zip** |
|---|---|---|---|
| TYMAN, JAROSLAV | | | 37403 |

**Work Comments/Results:** _____

1007

87-8840/2613
01

JAROSLAV TYMAN
320 HIGH STREET APT. 16
CHATTANOOGA, TN 37403

07-19-2012
Date

Pay to the Order of City of Chattanooga $ 110.00

One hundred and ten 00/100 Dollars

Security Features Details on Back.

GOLD 50 CHECKING ACCOUNT

COMTRUST Federal Credit Union
1020 Riverfront Parkway
Chattanooga, TN 37402

For temp usage

MP

⑆261388406⑆ 1018358201071⑈ 1007

Harland Clarke

---

CITY OF CHATTANOOGA

DATE 7/19/12

RECEIPT NO. 193602

Received from Jaroslav Tyman

Amount of One Hundred Ten & 00/100 Dollars and _____ Cents

For Temp Usage - 210 N. Crest Rd

☐ Cash $ _____

☑ Check $ 110.00 #1007

TFC
Department/Division

Sarah Cantrell
Signature