Temp Usage No. 98261

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING TOWER PLACE HOMEOWNERS ASSOCIATION C/O MARY F. EUBANKS TO USE TEMPORARILY THE PORTION OF A RIGHT-OF-WAY LOCATED AT THE 1701 MARKET STREET AND 4, 6, 8, 10, AND 12 WEST 17TH STREET FOR THE INSTALLATION OF AWNINGS, AS SHOWN ON THE MAPS AND DRAWING 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 TOWER PLACE HOMEOWNERS ASSOCIATION C/O MARY F. EUBANKS, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the portion of a right-of-way located at the 1701 Market Street and 4, 6, 8, 10, and 12 West 17th Street, as shown on the maps and drawing 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. The proposed awnings must meet the minimum elevation requirements as per City Codes and Standards.

ADOPTED: _____, 2012

/mms

# INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and TOWER PLACE HOMEOWNERS ASSOCIATION C/O MARY F. EUBANKS (hereinafter "Temporary User"), this _____ day of _____, 2012.

For and in consideration of the granting of the temporary usage of the portion of a right-of-way located at the 1701 Market Street and 4, 6, 8, 10, and 12 West 17th Street, as shown on the maps and drawing 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. The proposed awnings must meet the minimum elevation requirements as per City Codes and Standards.

TOWER PLACE HOMEOWNERS ASSOCIATION

_____, 2012 BY: _____
Date Mary F. Eubanks

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: October 23, 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. 98261 for Tower Place Homeowners Association c/o Mary F. Eubanks for the 1701 of Market Street and 4, 6, 8,10,12 W. 17th Street for the installation of awnings along a portion of right-of-way, as shown on the attached drawings. Also, subject to the condition on the Memorandum.

| | | | |
|---|---|---|---|
| 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:** October 17, 2012

**Re:** Temporary Usage Request #98261
(Tower Place HOA) Mary F. Eubanks
1701 Market St
Recommendations Regarding Temporary Usage Request

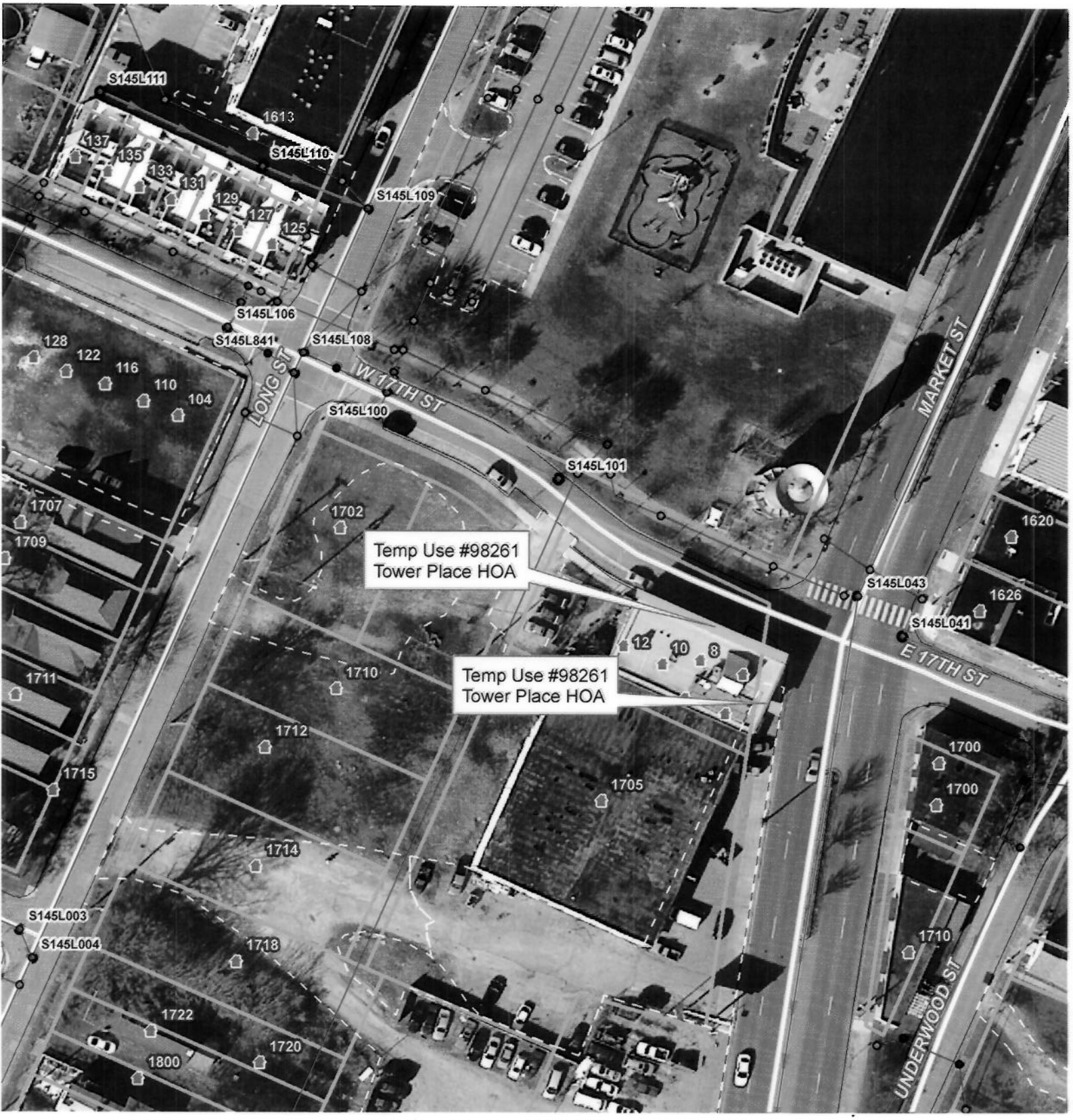
---

I have completed my review of Ms. Eubank's request regarding the Temporary Usage of the right of way at 1701 Market St., 4, 6, 8, 10, 12 W. 17th St. for the installation of awnings along a portion of said rights-of-way. Please refer to the attached map. My comments are as follows:

- As per submitted sketch, the awnings will project approximately 42 inches into the subject ROW and are not a line of sight issue provided they are install as per submitted sketch.
- As per submitted sketch, the awnings will be 12 feet above the existing sidewalk.

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.***

- ***The proposed Awnings must meet the minimum elevation requirements as per City Codes and Standards.***


S145L111
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S145L106
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S145L108
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122
116
110
104
LONG ST
W 17TH ST
S145L100
S145L101
MARKET ST
1707
1709
1702
Temp Use #98261
Tower Place HOA
1620
S145L043
1626
S145L041
E 17TH ST
12
10
8
1711
1710
Temp Use #98261
Tower Place HOA
1712
1715
1705
1700
1700
1714
S145L003
S145L004
1718
1710
1722
1720
1800
UNDERWOOD ST

W17th St
Chatt 37408
423-475-6635

# CHATTANOOGA AWNING CO.

3108 N. Ocoee Street
Cleveland, TN 37312
**Phone 423-899-3500 Fax 423-339-2480**

PROPOSAL

| | |
|---|---|
| PROPOSAL NO. | |
| SHEET NO. | |
| DATE | 8-15-12 |

PROPOSAL SUBMITTED TO:

| | |
|---|---|
| NAME | Tower Place Condo's |
| ADDRESS | 12 W 17th St |
| CITY, STATE | Chattanooga, TN 37408 |
| PHONE NO. | 495-6635 |

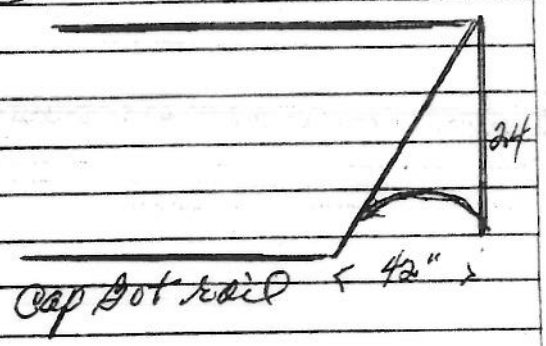
WORK TO BE PERFORMED AT:

| | |
|---|---|
| NAME | Corner of 17th & Market St |
| ADDRESS | |
| CITY, STATE | |
| ATTENTION: | Mary Ann Harvey |

We hereby propose to furnish the materials and perform the labor necessary for the completion of Same address

Install the following awnings: open ends, see diag for style,
Metal Covers, plain aluminium frames
Bronze steel, 1ea at listed #

1@ 10+12 - 8'9" Wide
1@ 8 - 4'4" Wide
1@ 4-6 - 8 10" Wide
1@ 1701 - 8 2 Wide




Owner to furnish needed permits.
No face screws - Standing Seam $2130.00
With face screws - Tuff Rib Panel $1760.00

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of Dollars ($ )

with payments to be made as follows

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted Floyd Nuss

Per CHATTANOOGA AWNING CO.

NOTE – This proposal may be withdrawn by us if not accepted within days

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Signature _____

Date _____ Signature _____

PROPOSAL

# CHATTANOOGA AWNING CO.

3108 N. Ocoee Street
Cleveland, TN 37312
Phone 423-899-3500 Fax 423-339-2480

ED! 4-6 wk
9/10 to 10/4

| | |
|---|---|
| PROPOSAL NO. | |
| SHEET NO. | |
| DATE | 8-15-12 |

PROPOSAL SUBMITTED TO:

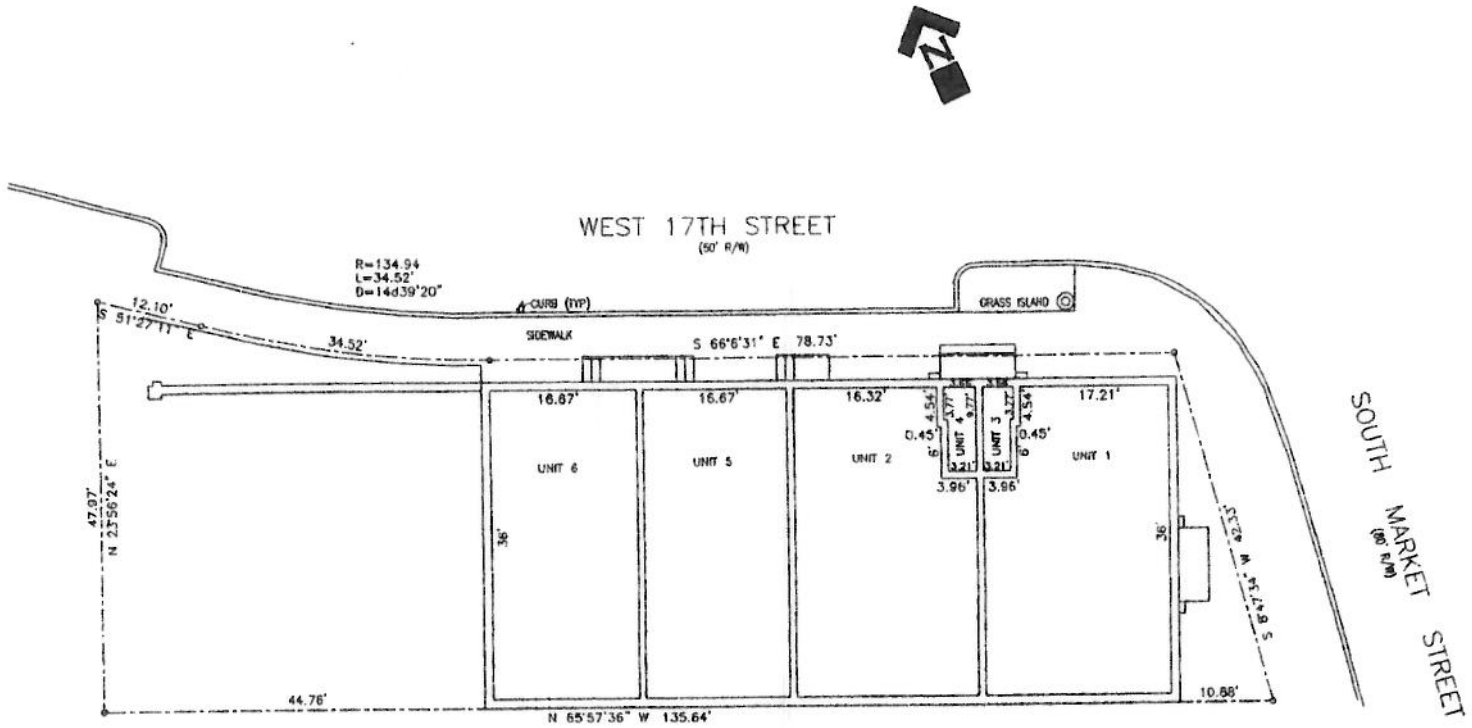
| | |
|---|---|
| NAME | Towers Place Condo's |
| ADDRESS | 12 W 17th St |
| CITY, STATE | Chattanooga, TN 37408 |
| PHONE NO. | 495-6635 |

WORK TO BE PERFORMED AT:

| | |
|---|---|
| NAME | Corner of 17th & Market St |
| ADDRESS | |
| CITY, STATE | |
| ATTENTION: | Mary Ann Harley Same address |

We hereby propose to furnish the materials and perform the labor necessary for the completion of

Awning attachment:
With Steel hanging Z brackets
Brick Veneer: Lead Shields
2" and 3" lag screws




# FIRST FLOOR

1701 MARKET STREET
PARCEL 145LO - B - 002
PART OF LOTS 3, 4, 5, BLK D, CENTRAL REALTY CO. SUBDIVISION
PB 13, PG 10 WD BK 6983, PG 0743
LOT AREA = 5,413 SQ.FT.
BUILDING AREA = 3,040 SQ FT. PER FLOOR
TOTAL AREA = 9,120 SQ.FT.

ENTERED COF

9/10/12 (Date)

WO# 98261

**For Office Use Only**

Technician Signature

9/10/12

Date

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

**Re: Request for Temporary Usage**

SR# 652091 CLOSED 9-10-2012

RECEIVED
SEP 10 2012
STORM WATER

Dear Mr. Payne:

This is a request for a temporary usage of space per sheet attached.

The reason for this request is as follows:
awnings for 1701 Market St, 4+6 W 17th St & W 17th and 10+12 W 17th St

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:
SUSAN SAUER
12 W 17th St
Chattanooga, TN 37408 423-475-6635

**( Processing Fee $110.00)**

SUSAN SAUER
Print **Applicant** Name

9-10-12
Date

Mary F Eubanks
Print **Owner's Name**

09-10-2012
Date

PRESIDENT TOWERPlace HOA
**Owner's Signature (Required)**

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

1616
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W-17TH-ST
LONG-ST
E-16TH-ST
E-16TH-ST
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MARKET-ST
CARR-ST
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150
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104
W-17TH-ST
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LONG-ST
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1707
W-18TH-ST
1801
LONG-ST

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

**Project/Funding:**

**Work Order Number:** *98261*

| **Address:** 1701 MARKET ST | **Tax Map/Grid:** 145L |
|---|---|

| **Required Work Type:** ENG - Temporary Use | | | | **Category:** ADMIN | **Date Needed:** 11/9/2012 | |
|---|---|---|---|---|---|---|
| **WO Initiated:** | **Initiated By:** | **Requested By:** | **Priority:** | **District:** | **Transferred To/Submitted to:** | **Status:** |
| 9/10/2012 11:58:36 AM | FISHER, CAROLYN C | CANNON, WILLIAM E | 3 | 8 | CANNON, WILLIAM E - 9/10/2012 11:59:22 AM | UNDINV |

| **Instructions:** | |
|---|---|
| **Comments:** | From: Request ID: 652091, 9/10/2012 11:58:27 AMProblem Details: REQUEST TEMPORARY USE OF R.O.W. REASON: AWNINGS FOR 1701 MARKET STREET, 4+6 WEST 17TH STREET AND 8 WEST 17TH STREET AND 10 & 12 WEST 17TH STREET.<br><br>By FISHER, CAROLYN C: 9/10/2012 11:59:46 AM<br>From: Request ID: 652091, 9/10/2012 11:58:27 AMProblem Details: REQUEST TEMPORARY USE OF R.O.W. REASON: AWNINGS FOR 1701 MARKET STREET, 4+6 WEST 17TH STREET AND 8 WEST 17TH STREET AND 10 & 12 WEST 17TH STREET. |

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

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

| SR# | Date/Time Init. | Priority | Description | Problem Address |
|---|---|---|---|---|
| 652091 | 9/10/2012 11:58:00 AM | | ENG - Temporary Right-of-Way Use | 1701 MARKET ST |

| Customer Name | Customer Work Phone | Customer Home Phone | Customer Zip |
|---|---|---|---|
| HOA, TOWERPLACE | | | 37408 |

**Work Comments/Results:** _____

# CHATTANOOGA AWNING CO.

3108 N. Ocoee Street
Cleveland, TN 37312
**Phone 423-899-3500 Fax 423-339-2480**

PROPOSAL

| | |
|---|---|
| PROPOSAL NO. | |
| SHEET NO. | |
| DATE | 8-15-12 |

**PROPOSAL SUBMITTED TO:**

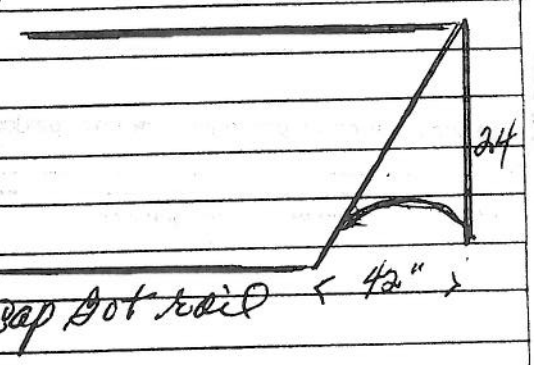
NAME Tower Place Condo's
ADDRESS 12 W 17th St
CITY, STATE Chattanooga, TN 37408
PHONE NO. 495-6635

**WORK TO BE PERFORMED AT:**

NAME Corner of 17th & Market St
ADDRESS
CITY, STATE
ATTENTION: Mary Ann Harvey

We hereby propose to furnish the materials and perform the labor necessary for the completion of Same address

Install the following awnings: open ends, see diag for style,
Metal Covers, plain Aluminium frames
Bronze steel, 1 ea at listed #




1 @ 10+12 - 8'9" Wide
1 @ 8 - 4'4" Wide
1 @ 4-6 - 8'10" Wide
1 @ 1701 - 8'2" Wide

Owner to furnish needed permits.
No face screws - Standing Seam $2130.00
With face screws - Tuff Rib Panel $1760.00

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of Dollars ($ )

with payments to be made as follows

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted Floyd Nuss

Per CHATTANOOGA AWNING CO.

NOTE – This proposal may be withdrawn by us if not accepted within days

## ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Signature _____

Signature _____

Date _____

PROPOSAL

# CHATTANOOGA AWNING CO.

3108 N. Ocoee Street
Cleveland, TN 37312
Phone 423-899-3500 Fax 423-339-2480

ED 1
4-6 wk
9/20 to 104

| | |
|---|---|
| PROPOSAL NO. | |
| SHEET NO. | |
| DATE | 8-15-12 |

PROPOSAL SUBMITTED TO:

| | |
|---|---|
| NAME | Tower Place Condo's |
| ADDRESS | 12 W 17th St |
| CITY, STATE | Chattanooga, TN 37408 |
| PHONE NO. | 495-6635 |

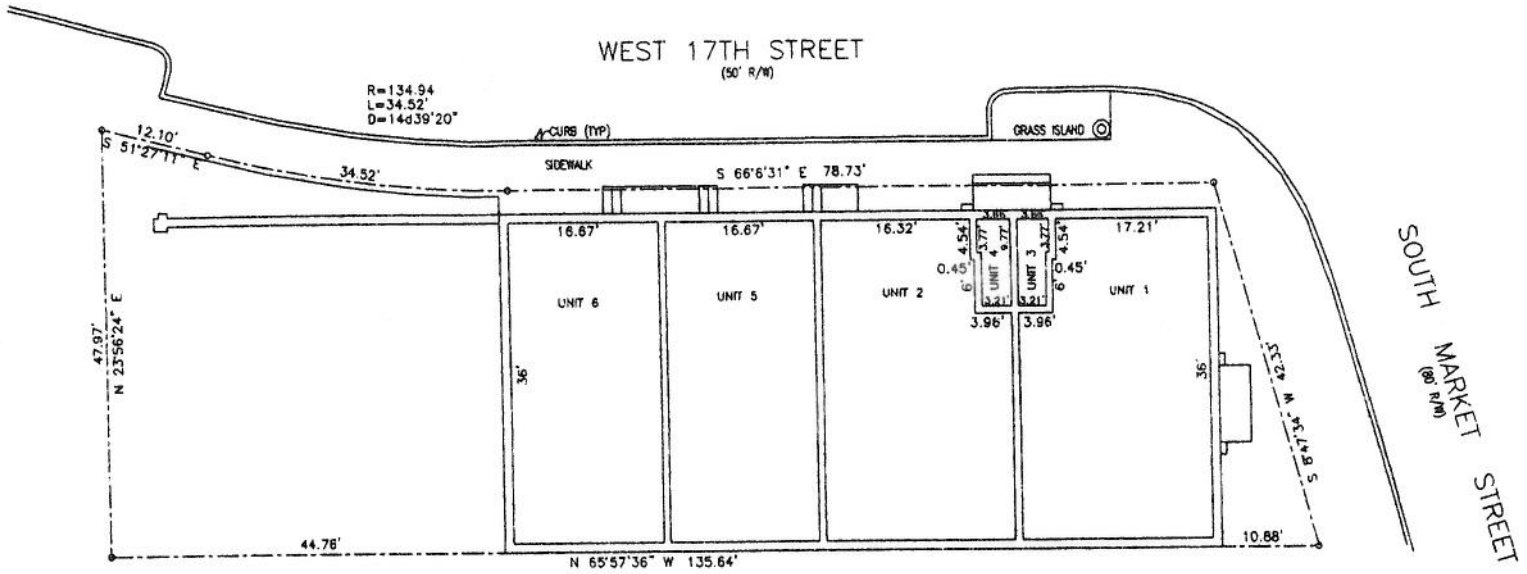
WORK TO BE PERFORMED AT:

| | |
|---|---|
| NAME | Corner of 17th & Market St |
| ADDRESS | |
| CITY, STATE | |
| ATTENTION: | Mary Ann Harvey |

Same address

We hereby propose to furnish the materials and perform the labor necessary for the completion of

Awning attachment:
With Steel hanging Z brackets
Brick Veneer: Lead Shields
2" and 3" lag screws




# FIRST FLOOR

1701 MARKET STREET
PARCEL 145LD - B - 002
PART OF LOTS 3, 4, 5, BLK D, CENTRAL REALTY CO. SUBDIVISION
PB 13, PG 10 WD BK 6983, PG 0743
LOT AREA = 5,413 SQ.FT.
BUILDING AREA = 3,040 SQ FT. PER FLOOR
TOTAL AREA = 9,120 SQ.FT.

Tower Place

Lofts and Townhomes Owners Association

Market St & W 17th St
Chattanooga, TN 37408

# 2012 Annual Meeting Minutes

Date: February 18, 2012 10:00 am Unit 12
Attendees: Natasha and Reed Durst, Mary Evelyn Phillips, Mary Eubanks, Mary Ann Harvey and Susan Sauer

1) Mary Eubanks presented a Power Point Presentation that reflected all expenditures and income for 2011. Job well done.
2) Main issue for 2011 was the water damage caused by 3 separate incidents.
3) Roof repair issues are being addressed for 2012. Leaks in units 6 & 10 are ongoing. Mike Jenkins is coordinating repairs. Hard to find roof contractors. Original installer refuses to respond to inquiries. Durst's will contact a roofer they know for possible repairs.
4) Everyone likes the design of the awnings supplied by Mary Evelyn. They are same as those on a local architect's building. Mary Eubanks will contact the architects and find out who installed them. Consensus is that metal is preferred over cloth because they will last longer.
5) Parking is an issue due to the lease of the commercial unit. Adjoining lot is muddy with standing water and it is sometimes difficult to find a parking spot in area by fence. Mary Evelyn will speak to the commercial tenant regarding using street parking not residential parking. Susan will look into obtaining a sign for the fence denoting it is parking for Tower Place residents only.
6) Mary Eubanks will talk to owner of building behind us regarding installation of motion sensor light on rear corner of her building. It will illuminate our parking area and rear of her building. We agreed to have Mike Jenkins do installation work as he supervises roofing repairs.
7) Susan Sauer is the new Secretary of HOA, with Mary Eubanks remaining as President.
8) The need to have a 2nd signature on Credit Union Account was discussed. Need a back-up in case of unforeseen circumstances. Susan will coordinate with Mary to sign signature card.
9) All landscaping projects are put on hold until cost of repairs to roof are absorbed.
10) There will be work party to put down weed mat (newspaper) and mulch in areas newly planted. Mary Evelyn will get free mulch from City and notify us when so we can all lay it.
11) Unit 12's new sump pump was checked out and approved by all.
12) Mary Ann and Susan will do spring cleaning of courtyard. Remaining units will apply weed killer throughout the summer.

Submitted by Susan Sauer - Approved via email Feb23-2012

STATE OF TENNESSEE )
COUNTY OF HAMILTON)

# AFFIDAVIT

Effective March 1, 2011 and thereafter the undersigned, Mary F Eubanks, who, after being duly sworn and in order to receive a building permit pursuant to the provisions of T.C.A. § 13-7-211, which requires that no building permit shall be issued until the municipal office which issues such permits receives a copy of either a certificate of insurance or a workers' compensation policy as evidence of the existence of workers' compensation insurance would state as follows:

___ 1. Attached with this Affidavit is a copy of the Certificate of insurance or the workers' compensation policy of my company as evidence of the existence of workers' compensation insurance;

MFE 2. After a review of T.C.A. § 13-7-211(e)(1), I hereby swear or affirm that I am exempt from the provisions of the Tennessee Workers' Compensation Act because I am performing work on my own property in my own county of residence or I am directly supervising work on my own property in my own county of residence.

___ 3. After a review of T.C.A. §§ 13-7-211(e)(2), 50-6-902(b) and 50-6-903(a), I hereby swear or affirm that I am exempt from the provisions of the Tennessee Workers' Compensation Act and I request that the building official issue a building permit to me as exempt from the provisions of the Tennessee Workers' Compensation Act and that the City of Chattanooga keep this Affidavit on file for the life of the building permit.

All individuals signing this Affidavit further waive the requirement of T.C.A. § 13-7-211 for the City of Chattanooga to return by mail the copy of the certificate of insurance or of the workers' compensation policy within ten (10) working days from the completion of the project to the person who obtained the permit.

FURTHER AFFIANT SAITH NOT.

Mary F Eubanks
Building Permit Applicant

Sworn to and subscribed before me on
this 23 day of August, 2012

Jon K. Denver
NOTARY PUBLIC AT LARGE
My commission expires: 1-23-2013

JON K. DENVER
STATE OF TENNESSEE NOTARY PUBLIC
HAMILTON COUNTY
My Comm. Expires Jan. 23, 2013

CITY OF CHATTANOOGA

DATE 9/10/12 RECEIPT NO. 193609

Received from Tower Place Lofts

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

For Temp Usage: 1901 Mkt, 416 & 10 & 12 W. 17th St.

☐ Cash $ _____

☑ Check $ 110.00 #118

TIC

Department/Division

Sarah Crabtree

Signature

---

TOWER PLACE LOFTS
8 W 17TH STREET
CHATTANOOGA, TN 37408

87 - 7568
2613

118

Date 9 - 10 - 12

PAY TO THE ORDER OF City of Chattanooga $ 110 00/xx

One hundred and ten and 00/xx /100 DOLLARS

SECURITY FEATURES INCLUDED DETAILS ON BACK

Tennessee Valley
FEDERAL CREDIT UNION
Chattanooga

MEMO temporary usage permit

Susan L. Sauer MP

⑈261375684⑈ 000150343101⑈ 0118

© LIBERTY