

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

A RESOLUTION AUTHORIZING THE CRASH PAD C/O DAN ROSE TO USE TEMPORARILY A PORTION OF A RIGHT-OF-WAY LOCATED IN THE 100 BLOCK OF JOHNSON STREET FOR THE INSTALLATION OF A SPRINKLER FIRE PIT FOR A NEW COMMERCIAL DEVELOPMENT, AS SHOWN ON THE MAP AND DRAWING 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 THE CRASH PAD C/O DAN ROSE, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily a portion of a right-of-way located in the 100 block of Johnson Street for the installation of a sprinkler fire pit for a new commercial development, as shown on the map 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.

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

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and THE CRASH PAD C/O DAN ROSE (hereinafter "Temporary User"), this \_\_\_\_ day of \_\_\_\_\_, 2012.

For and in consideration of the granting of the temporary usage to use temporarily a portion of a right-of-way located in the 100 block of Johnson Street for the installation of a sprinkler fire pit for a new commercial development, as shown on the map 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.

THE CRASH PAD

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

BY: \_\_\_\_\_  
Dan Rose

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: November 6, 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 the request for Temporary Usage No. 101961 for Dan Rose for the right-of-way along a portion of the 100 block of Johnson Street for the installation of a sprinkler fire pit for a new commercial development, 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

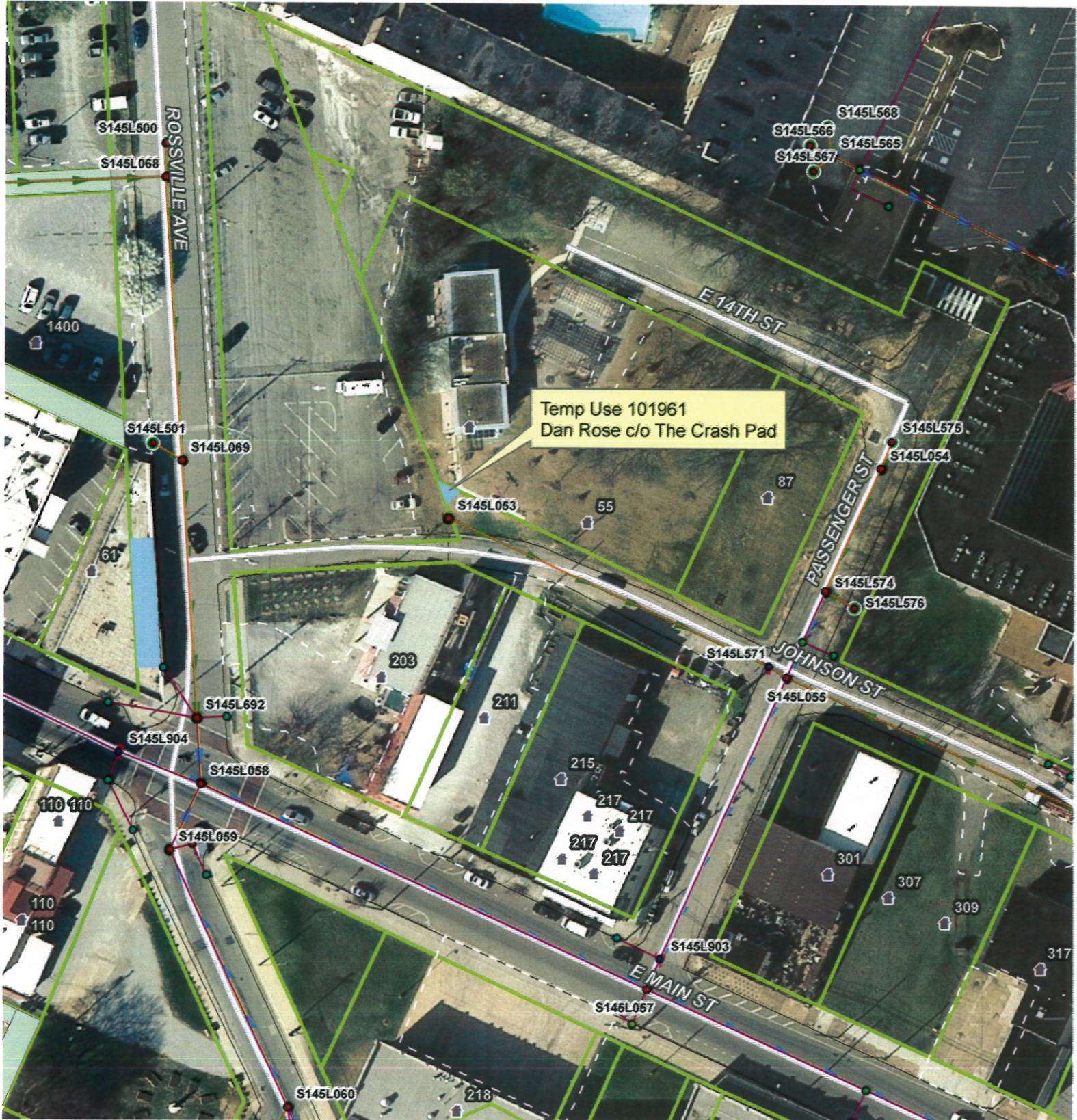
**To:** Bill Payne  
**From:** Bill Cannon  
**cc:** Dennis Malone  
**Date:** November 05, 2012  
**Re:** Temporary Usage Request #101961  
Dan Rose c/o The Crash Pad  
100 Block of Johnson Street  
Recommendations Regarding Temporary Usage Request

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I have completed my review of Mr. Rose's request for Temporary Usage of the right of way along a portion of the 100 block of Johnson Street for the installation of a sprinkler fire pit for a new commercial development. Please refer to the attached map. My comments are as follows:

- The applicant is requesting temporary usage of a portion the subject right of way for the installation of a sprinkler fire pit as required by the fire department.

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.***



Temp Use 101961  
Dan Rose c/o The Crash Pad

## Cannon William

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**From:** Cannon William  
**Sent:** Friday, November 02, 2012 3:58 PM  
**To:** 'Blythe Bailey'  
**Cc:** dan@crashpadchattanooga.com; max@crashpadchattanooga.com; Thomas Palmer; ctorrence@straussco.com  
**Subject:** RE: Flying Squirrel - temp use app

Blythe,

In looking at the request I see no reason to not recommend approval of Temporary Use of the subject right of way from the Public Works Department to City Council, provided all construction is per City of Chattanooga Standards.

Regards,  
Bill Cannon

City of Chattanooga  
Department of Public Works  
1250 Market Street, Suite 2100  
Chattanooga, TN 37402

Office: (423) 643-6176

**From:** Blythe Bailey [<mailto:blythe@palmerbe.com>]  
**Sent:** Friday, November 02, 2012 2:34 PM  
**To:** Cannon William  
**Cc:** [dan@crashpadchattanooga.com](mailto:dan@crashpadchattanooga.com); [max@crashpadchattanooga.com](mailto:max@crashpadchattanooga.com); Thomas Palmer; [ctorrence@straussco.com](mailto:ctorrence@straussco.com)  
**Subject:** Flying Squirrel - temp use app

Bill - I've attached all of the documentation that we submitted yesterday in hard copy form for the temporary use of the 100 block of Johnson St for a sprinkler riser pit on the front of the property.

Per our conversation, I'm writing this email to indicate that our plans are to begin this work as soon as prudent logistically for the General Contractor. We understand that beginning work in the city Right of Way prior to approval is at our risk, and if the council disapproves our application for temporary use that the owner will have to remove the work at its expense.

Our understanding is that this being a previously approved temporary use land, the work being required by a utility and city agency (fire dept), and understanding your recommendation will be to approve this application, we are reasonably comfortable that the risk is small to begin this work before official approval.

Can you confirm that I understand correctly?

Thanks again for your help.

Blythe Bailey  
palmerBE, 423-802-9819

11/1/12 (Date)

WO# 101961

For Office Use Only	
<i>Round Robin</i>	
Technician Signature	
11/1/12	
Date	

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

ENTERED  
OCE

Re: Request for Temporary Usage

SR# 669294 → CLOSED 11-1-2012

Dear Mr. Payne:

This is a request for a temporary usage of SEE ATTACHED

RECEIVED  
NOV 1 - 2012

The reason for this request is as follows: SEE ATTACHED

STORM WATER

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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

( Processing Fee \$110.00)

DAN ROSE  
Print Applicant Name

11.1.12  
Date

DAN ROSE  
Print Owner's Name

11.1.12  
Date

*[Signature]*  
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**  
**PUBLIC WORKS DEPARTMENT**  
**SERVICE REQUEST**

Date/Time Printed: 11/1/12 @ 1:02 PM

**CityworksSR #: 669294**

<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>	FISHER, CAROLYN C	<b>Priority:</b>	3
<b>Create Date:</b>	11/1/2012 12:52:04 PM	<b>Status:</b>	CLOSED
<b>District:</b>	8	<b>Due Date:</b>	1/30/2013
<b>Location:</b>	<b>55 JOHNSON ST 37408</b>		

Question	Answer

**Callers/Complainants**

First Name	Last Name	Address	Apt.	Zip
FLYING SQUIRREL	RESTAURANT	55 JOHNSON STREET		37408
Home Phone	Work Phone	Other Phone		

**Additional Information**

CSRID	12-00112417
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**Additional Details/Comments:**

By FISHER, CAROLYN C: 11/1/2012 12:52:04 PM

By FISHER, CAROLYN C: 11/1/2012 12:57:11 PM

REQUEST FOR TEMPORARY USE 100 BLOCK OF JOHNSON STREET AS PREVIOUSLY PERMITTED RESOLUTION 26432 FOR LOCATION OF A SPRINKLER FIRE PIT, IN ADDITION TO ON-STREET PARKING, WHICH WAS THE USE PREVIOUSLY PERMITTED.

REASON AS FOLLOWS:

TENNESSEE AMERICAN WATER COMPANY IS REQUIRING A SECOND, SEPARATE PIT, IN ADDITION TO THE ONE CURRENTLY ON THE WEST SIDE OF THE FLYING SQUIRREL RESTAURANT SO THAT THERE IS ONE PIT EACH FOR EACH OF THE TWO BUILDINGS ON THE SITE. THE FIRE DEPARTMENT IS REQUIRING THT THESE TWO PITS BE CLEARLYO DISTINGUISHABLE FOR EMERGENCY RESPONSE, THUS THE DESIRED LOCATION NEAREST THE EXISTING CRASH PAD BUILDING. THIS LOCATION IS STHE MOST PROMINENT STREET-ACCESS LOCATION AND NEAREST THE BUILDING. OTHER LOCATIONS NEAR THE BUILDING WOULD BE FARTHER FROM THE PUBLIC R.O.W. AND THEREFORE MORE DIFFICULT TO ACCESS IN AN EMERGENCY.

By FISHER, CAROLYN C: 11/1/2012 1:02:51 PM

DAN ROSE  
 THE CRASH PAD  
 25 JOHNSON STREET  
 CHATTANOOGA, TN 37408



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

Project/Funding:

Work Order Number: \*101961\*

**Address: 55 JOHNSON ST**

Tax Map/Grid: 145L

<b>Required Work Type:</b> ENG - Temporary Use		<b>Category:</b> ADMIN	<b>Date Needed:</b> 12/31/2012
<b>WO Initiated:</b> 11/1/2012 12:58:32 PM	<b>Initiated By:</b> FISHER, CAROLYN C	<b>Requested By:</b> CANNON, WILLIAM E	<b>Priority:</b> 3
		<b>District:</b> 8	<b>Transferred To/Submitted to:</b> CANNON, WILLIAM E - 11/1/2012 12:59:58 PM
			<b>Status:</b> UNDINV

**Instructions:**

**Comments:**

From: Request ID: 669294, 11/1/2012 12:58:19 PM Problem Details:

By FISHER, CAROLYN C: 11/1/2012 1:01:01 PM

REQUEST FOR TEMPORARY USE - 100 BLOCK OF JOHNSON STREET AS PREVIOUSLY PERMITTED  
RESOLUTION 26432 FOR LOCATION OF A SPRINKLER FIRE PIT, IN ADDITION TO ON-STREET PARKING, WHICH  
WAS THE USE PREVIOUSLY PERMITTED.

REASON AS FOLLOWS:

TENNESSEE AMERICAN WATER COMPANY IS REQUIRING A SECOND, SEPARATE PIT, IN ADDITION TO THE  
ONE CURRENTLY ON THE WEST SIDE OF THE FLYING SQRREL RESTAURANT SO THAT THERE IS ONE PIT  
EACH FOR EACH OF THE TWO BUILDINGS ON THE SITE. THE FIRE DEPARTMENT IS REQUIRING THT THESE  
TWO PITS BE CLEARLYO DISTINGUISHABLE FOR EMERGENCY RESPONSE, THUS THE DESIRED LOCATION  
NEAREST THE EXISTING CRASH PAD BUILDING. THIS LOCATION IS STHE MOST PROMINENT STREET-  
ACCESS LOCATION AND NEAREST THE BUILDING. OTHER LOCATIONS NEAR THE BUILDING WOULD BE  
FARTHER FROM THE PUBLIC R.O.W. AND THEREFORE MORE DIFFICULT TO ACCESS IN AN EMERGENCY.

**Date Completed:**

**Supervisor:**

**WO Closed :**

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

SR#	Date/Time Init.	Priority	Description	Problem Address
669294	11/1/2012 12:52:04 PM	3	ENG - Temporary Right-of-Way Use	55 JOHNSON ST

<b>SR#</b>	<b>Date/Time Init.</b>	<b>Priority</b>	<b>Description</b>	<b>Problem Address</b>
669294	11/1/2012 12:52:04 PM	3	ENG - Temporary Right-of-Way Use	55 JOHNSON ST
<b>Customer Name</b>	<b>Customer Work Phone</b>	<b>Customer Home Phone</b>	<b>Customer Zip</b>	
RESTAURANT, FLYING SQUIRREL			37408	

**Work Comments/Results:** \_\_\_\_\_

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THE CRASH PAD LLC  
29 Johnson St  
Chattanooga, TN 37408

3366  
87-1/640

11.1.12 Date

PAY to the order of  
CITY OF CHATTANOOGA  
ONE HUNDRED TEN Dollars



For Temp Use

⑆064000017⑆ 0137914545⑆03366

MP

Security Features Details on back



CITY OF CHATTANOOGA

RECEIPT NO. 193613

DATE 11/1/12

Received from THE CRASH PAD LLC

Amount of ONE HUNDRED Dollars and TEN Cents

For TEMP USAGE - 29 JOHNSON ST

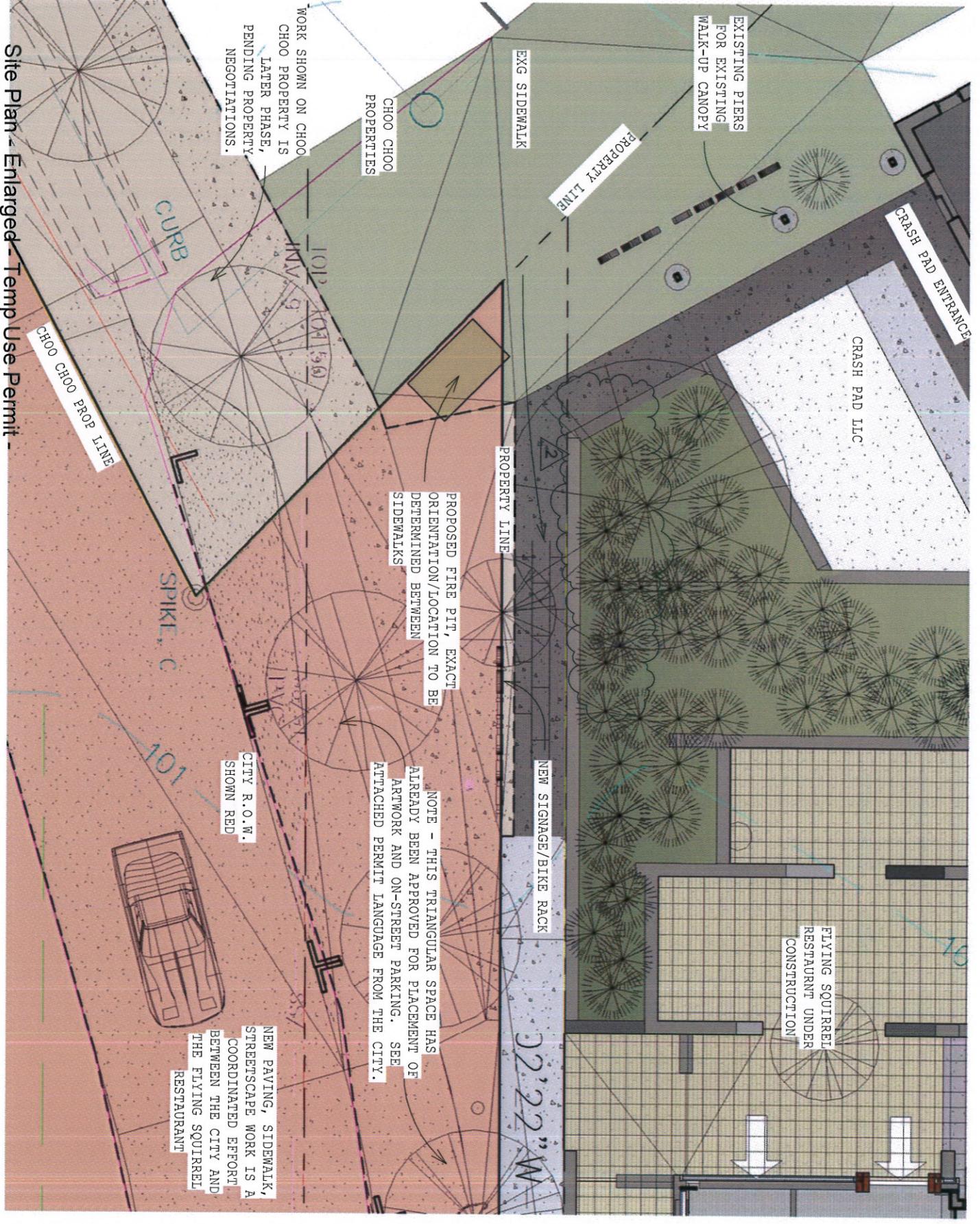
Cash \$ #3366

Check \$ 110.00

TTC

Department/Division  
BONNIE M. JOHNSON  
Signature

1  
Sprinkler Pit  
1" = 10'-0"



Site Plan - Enlarged - Temp Use Permit -

Temp Use Drawing

FLYING SQUIRREL



supp dwg

Date 11/01/12

Scale 1" = 10'-0"