

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING MARKET STREET TAVERN C/O AARON LONG TO USE TEMPORARILY A PORTION OF SAID RIGHT-OF-WAY LOCATED IN THE 800 BLOCK OF MARKET STREET FOR THE INSTALLATION OF AN AWNING AND OUTDOOR SEATING, AS SHOWN ON THE DRAWINGS AND MAP 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 MARKET STREET TAVERN C/O AARON LONG, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily a portion of said right-of-way located in the 800 block of Market Street for the installation of an awning and outdoor seating, as shown on the drawings and map 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. Awning must meet the minimum elevation requirements as per City Codes and Standards.

5. Any proposed items placed along the subject building and in the subject right-of-way must comply with ADA Standards and minimum clearances for pedestrian traffic.

ADOPTED: _____, 2012

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the “City”), and MARKET STREET TAVERN C/O AARON LONG (hereinafter “Temporary User”), this _____ day of _____, 2012.

For and in consideration of the granting of the temporary usage of a portion of said right-of-way located in the 800 block of Market Street for the installation of an awning and outdoor seating, as shown on the drawings and map 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. Awning must meet the minimum elevation requirements as per City Codes and Standards.

5. Any proposed items placed along the subject building and in the subject right-of-way must comply with ADA Standards and minimum clearances for pedestrian traffic.

MARKET STREET TAVERN

_____, 2012
Date

BY: _____
Aaron Long

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 30, 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. 98036 for Market Street Tavern c/o Aaron Long for the 800 block of Market Street for the installation of an awning and outdoor seating along a portion of said right of way, 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

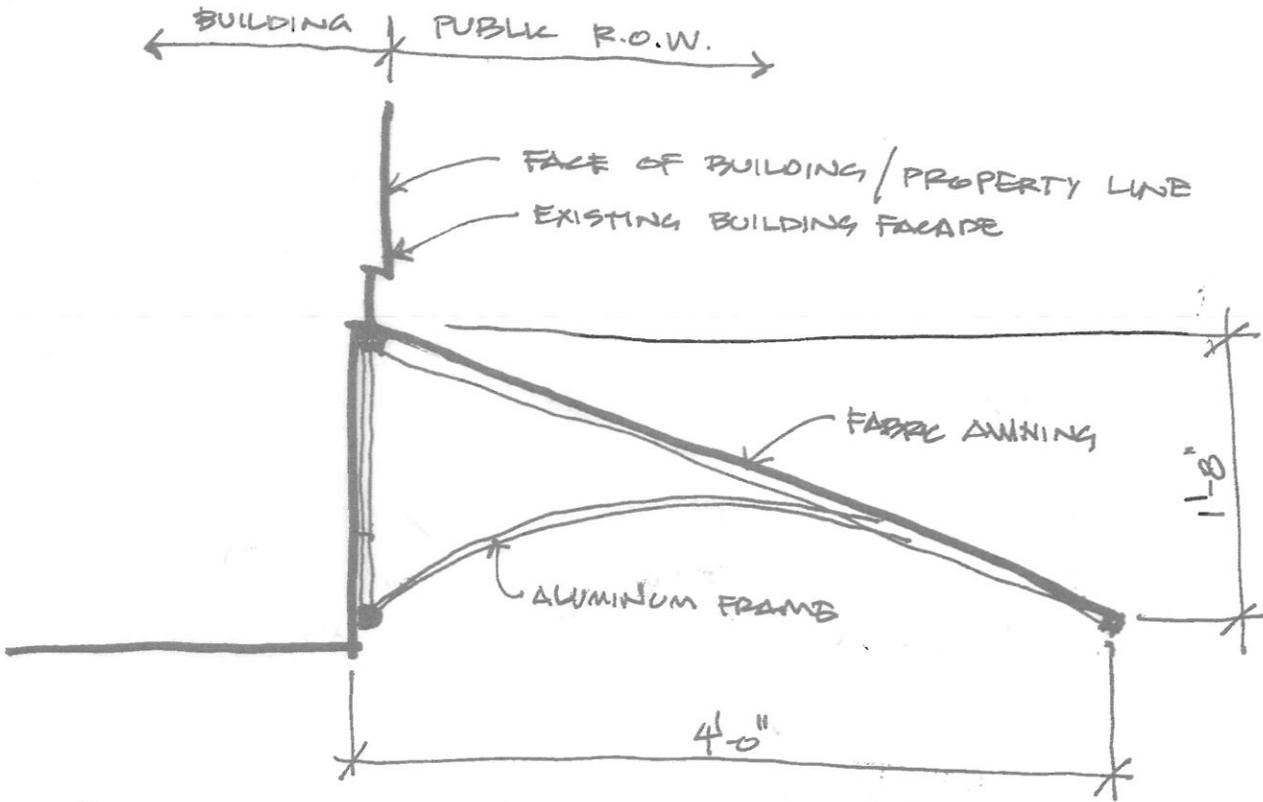
To: Bill Payne
From: Bill Cannon
cc: Dennis Malone
Date: November 28, 2012
Re: Temporary Usage Request #98036
Aaron Long (Market Street Tavern)
850 Market Street
Recommendations Regarding Temporary Usage Request

I have completed my review of Mr. Long's request regarding the Temporary Usage of the right of way at 850 Market Street for the installation of an awning and outdoor seating along a portion of said right-of-way. Please refer to the attached map. My comments are as follows:

- As per the submitted image, the proposed signage dimensions are approximately 1 foot 8 inches by 4 feet.
- The sign projects approx. 4 feet into the subject ROW and is not a line of sight issue provided it is installed as per submitted drawing.
- The proposed seating area is delineated by planters (see attached sketch).

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.***

- ***Awning must meet the minimum elevation requirements as per City Codes and Standards.***
- ***Any proposed items placed along the subject building and in the subject right of way must comply with ADA Standards and minimum clearances for pedestrian traffic.***

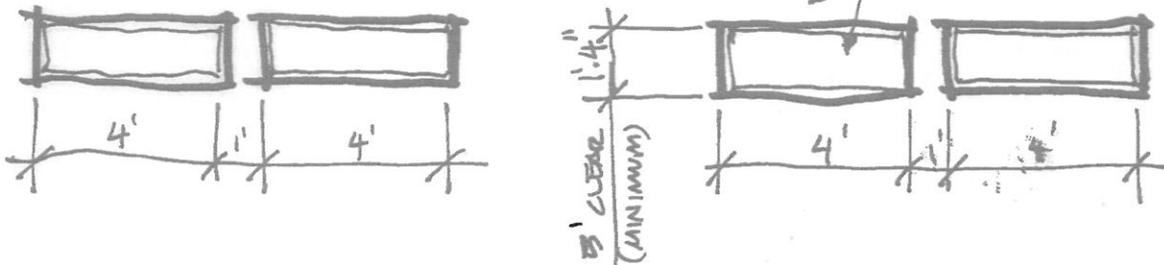
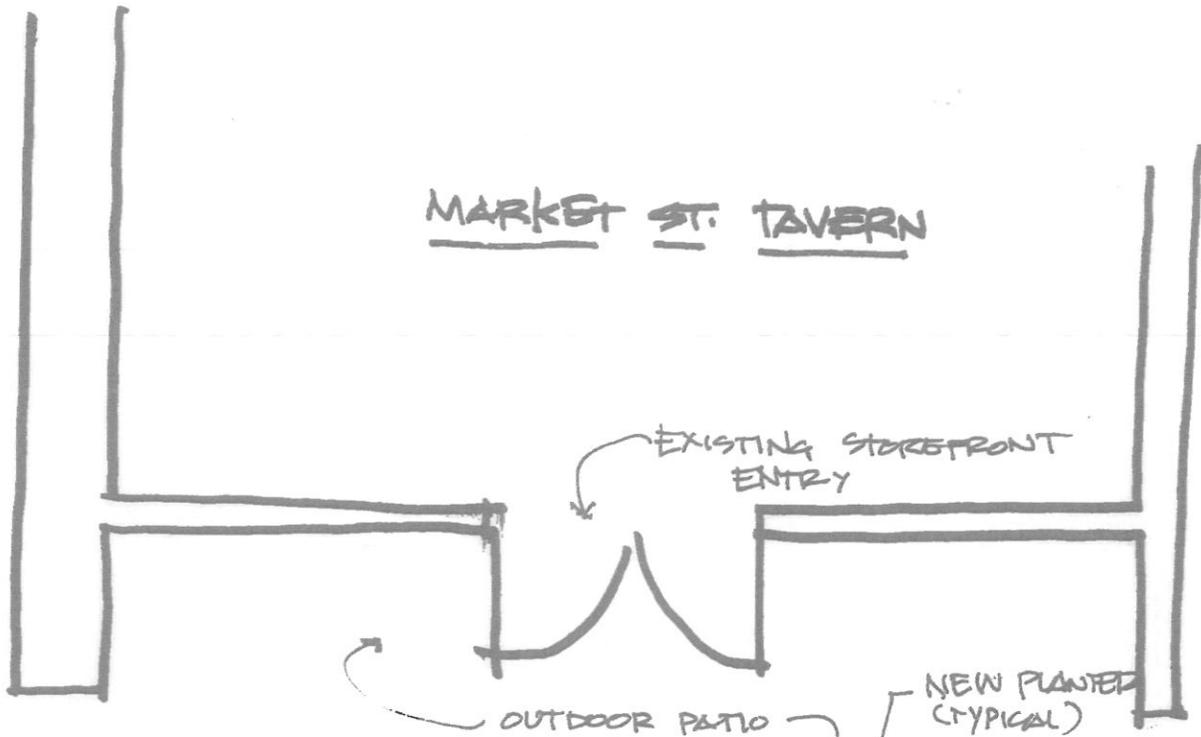


OUTDOOR PATIO

NEW AWNING (MST)

SCALE 1" = 1'-0"

MARKET ST. TAVERN



PLANTER/PATIO PLAN (MST)
SCALE: 1/4" = 1'-0"

CITY TREE PLANTER



809 MARKET STREET
MARKET STREET TAVERN



For Office Use Only
Donna Dodson
 Technician Signature
 8/22/12
 Date

August 22, 2012
 (DATE)

WO# 98036

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



SR# 651044

RECEIVED

Re: Request for Temporary Usage

CLOSED
SR. 9-6-2012

SEP - 4 2012

Dear Mr. Payne:

STORM WATER

This is a request for a temporary usage of (1) FABRIC AWNINGS AND OUTDOOR SEATING AREA IN CITY SIDEWALK @ 809 MARKET STREET (MARKET ST. TAVERN) APPROX. 48" INTO R.O.W.

The reason for this request is as follows:

BUILDING IS BUILT UP TO PROPERTY LINE AND CITY SIDEWALK (PER ZONING ALLOWANCE); THEREFORE, PLACEMENT OF AWNINGS AND OUTSIDE SEATING/DINING WILL PROTRUDE OVER CITY SIDEWALK AND RIGHT OF WAY.

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:

850 MARKET STREET, CHATTANOOGA, TN 37402 (423) 265-3700

(email address) jwilliams@rivercitycompany.com
 (Processing Fee of \$110.00 payable to: City of Chattanooga)

Jim Williamson
 (Print) Applicant Name

August 22, 2012
 Date

AARON LONG
 (Print) Owner's Name

August 22, 2012
 Date

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

*delivered to ARP
 9-6-12*



809 MARKET STREET
MARKET STREET TAVERN