

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING CHATTANOOGA BILLIARDS C/O PHIL WYNDHAM TO USE TEMPORARILY A PORTION OF THE RIGHT-OF-WAY LOCATED AT 723 CHERRY STREET FOR INSTALLATION OF AN AWNING WITH SIGNAGE, AS SHOWN IN THE ATTACHED DRAWING 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 CHATTANOOGA BILLIARDS C/O PHIL WYNDHAM, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily a portion of the right-of-way located at 723 Cherry Street for installation of an awning with signage along, as shown in the attached drawing 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 awing must meet the minimum elevation requirements as per City Codes and Standards.

ADOPTED: _____, 2013

/ss

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the “City”), and CHATTANOOGA BILLIARDS C/O PHIL WYNDHAM (hereinafter “Temporary User”), this _____ day of _____, 2013.

For and in consideration of the granting of the temporary usage of a portion of the right-of-way located at 723 Cherry Street for the installation of an awning with signage, as shown in the attached drawing 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 awing must meet the minimum elevation requirements as per City Codes and Standards.

CHATTANOOGA BILLIARDS

_____, 2013
Date

BY: _____
Phil Wyndham

CITY OF CHATTANOOGA, TENNESSEE

_____, 2013
Date

BY: _____
Ron Littlefield, Mayor

City of Chattanooga



Resolution Request Form

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

Date: December 18, 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 of Temporary Usage No. 103565 for Chattanooga Billiards c/o Phil Wyndham for the right of way of 723 Cherry Street for the installation of an awning with a signage along a portion of said right of way, as shown on the attached drawing.

Name of Vendor/Contractor/Grant, etc.	<u>N/A</u>	New Contract/Project? (Yes or No)	<u>N/A</u>
Total project cost \$	<u>N/A</u>	Funds Budgeted? (YES or NO)	<u>N/A</u>
Total City of Chattanooga Portion \$	<u>N/A</u>	Provide Fund	<u>N/A</u>
City Amount Funded \$	<u>N/A</u>	Provide Cost Center	<u>N/A</u>
New City Funding Required \$	<u>N/A</u>	Proposed Funding Source if not budgeted	<u>N/A</u>
City's Match Percentage %	<u>N/A</u>	Grant Period (if applicable)	<u>N/A</u>

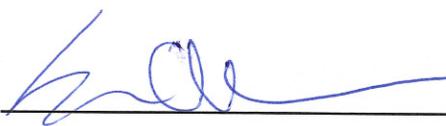
List all other funding sources and amount for each contributor.

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: December 15, 2012

Re: Temporary Usage Request #103565
Phil Wyndham (Wyndham Properties)
723 Cherry Street
Recommendations Regarding Temporary Usage Request

I have completed my review of Mr. Wyndham's request regarding the Temporary Usage of the right of way at 723 Cherry St. for the installation of an awning with signage along a portion of said right-of-way. Please refer to the attached map. My comments are as follows:

- As per submitted drawing, the awning will project approximately 4 feet into the subject ROW and is not a line of sight issue provided it is install as per submitted sketch.
- As per submitted drawing, the awning will meet the minimum height requirement 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 awning must meet the minimum elevation requirements as per City Codes and Standards.***

Mr. William Cannon, Suite 2100

Development Resource Center

1250 Market Street

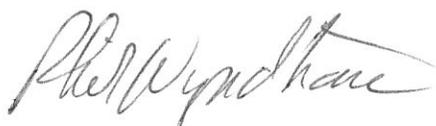
Chattanooga, TN 37402

Dear Mr. Cannon,

This letter will confirm my request for Temporary Use Permit as submitted by Tennessee Awning Co. We are installing a new awning at 723 Cherry St., adjacent to our business, Chattanooga Billiards, at 725 Cherry St.

If you have any questions or concerns, please direct them to me or Mr. Christensen at Tennessee Awning Co., 1601 McCallie Ave., Chattanooga, TN 37404

Regards,

A handwritten signature in cursive script, appearing to read "Phil Wyndham".

Mr. Phil Wyndham

Wyndham Properties II LLC

1722 South Crest Manor

Chattanooga, TN 37404

November 23, 2012 (Date)

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

WO# 103565

For Office Use Only	
<i>Jared Crabtree</i>	Technician Signature
11/27/12	Date

Re: Request for Temporary Usage

Dear Mr. Payne:

SR# 675952 → **CLOSED** 11-28-2012

RECEIVED
NOV 26 2012
STORM WATER

This is a request for a temporary usage of area above sidewalk at 723 Cherry Street, Chattanooga, TN, 37402. See information attached.

The reason for this request is as follows:
Chattanooga Billiards, 725 Cherry, is expanding into the adjacent building requiring sign and awning structure over the entrance.

In making this request: Temporary User agrees as follows:

ENTERED
COF

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:
Tennessee Awning Co., 1601 McCallie Ave., Chattanooga, TN 37404

Link Christensen (Non-Refundable Processing Fee \$110.00)

Link Christensen, agent for 11/23/2012
Print Applicant Name Date

Mr. Phil Wyndham, Wyndham Properties
Print Owner's Name Date

see attached letter
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: 11/28/12 @ 9:49 AM

CityworksSR #: 675952

SR Type:	ENG - Temporary Right-of-Way Use		
Submitted to:	CANNON, WILLIAM E	Dispatched:	CANNON, WILLIAM E
Input By:	FISHER, CAROLYN C	Priority:	3
Create Date:	11/28/2012 9:41:11 AM	Status:	CLOSED
District:	8	Due Date:	2/26/2013
Location:	723 CHERRY ST 37402		

Question	Answer

Callers/Complainants

First Name	Last Name	Address	Apt.	Zip
BURNS	TOBACCONIST	723 CHERRY STREET		37402
Home Phone	Work Phone	Other Phone		

Additional Information

CSRID	12-00119599
-------	-------------

Additional Details/Comments:

By FISHER, CAROLYN C: 11/28/2012 9:41:11 AM

By FISHER, CAROLYN C: 11/28/2012 9:43:16 AM

TA&T, LLC
 TENNESSEE AWNING COMPANY
 1601 McCALLIE AVENUE
 P.O. BOX 3093
 CHATTANOOGA, TN 37404

By FISHER, CAROLYN C: 11/28/2012 9:49:30 AM

REQUEST FOR TEMPORARY USAGE OF AREA ABOVE SIDEWALK AT 723 CHERRY STREET, CHATTANOOGA TN 37402. REASON: CHATTANOOGA BILLIARDS, 725 CHERRY STREET IS EXPANDING INTO THE ADJACENT BUILDING REQUIRING SIGN AND AWNING STRUCTURE OVER THE ENTRANCE



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

Project/Funding:

Work Order Number: * 1 0 3 5 6 5 *

Address: 723 CHERRY ST

Tax Map/Grid: 145D

Required Work Type: ENG - Temporary Use		Category: ADMIN	Date Needed: 1/27/2013
WO Initiated: 11/28/2012 9:43:54 AM	Initiated By: FISHER, CAROLYN C	Requested By: CANNON, WILLIAM E	Priority: 3
		District: 8	Transferred To/Submitted to: CANNON, WILLIAM E - 11/28/2012 9:46:28 AM
			Status: UNDINV

Instructions:

Comments: From: Request ID: 675952, 11/28/2012 9:43:40 AM Problem Details:

By FISHER, CAROLYN C: 11/28/2012 9:46:59 AM

REQUEST FOR TEMPORARY USAGE OF AREA ABOVE SIDEWALK AT 723 CHERRY STREET, CHATTANOOGA TN 37402. REASON: CHATTANOOGA BILLIARDS, 725 CHERRY STREET IS EXPANDING INTO THE ADJACENT BUILDING REQUIRING SIGN AND AWNING STRUCTURE OVER THE ENTRANCE

Date Completed:

Supervisor:

WO Closed :

Associated Service Request(s), If Any:

SR#	Date/Time Init.	Priority	Description	Problem Address
675952	11/28/2012 9:41:11 AM	3	ENG - Temporary Right-of-Way Use	723 CHERRY ST
Customer Name TOBACCONIST, BURNS			Customer Work Phone	Customer Zip 37402

Work Comments/Results:

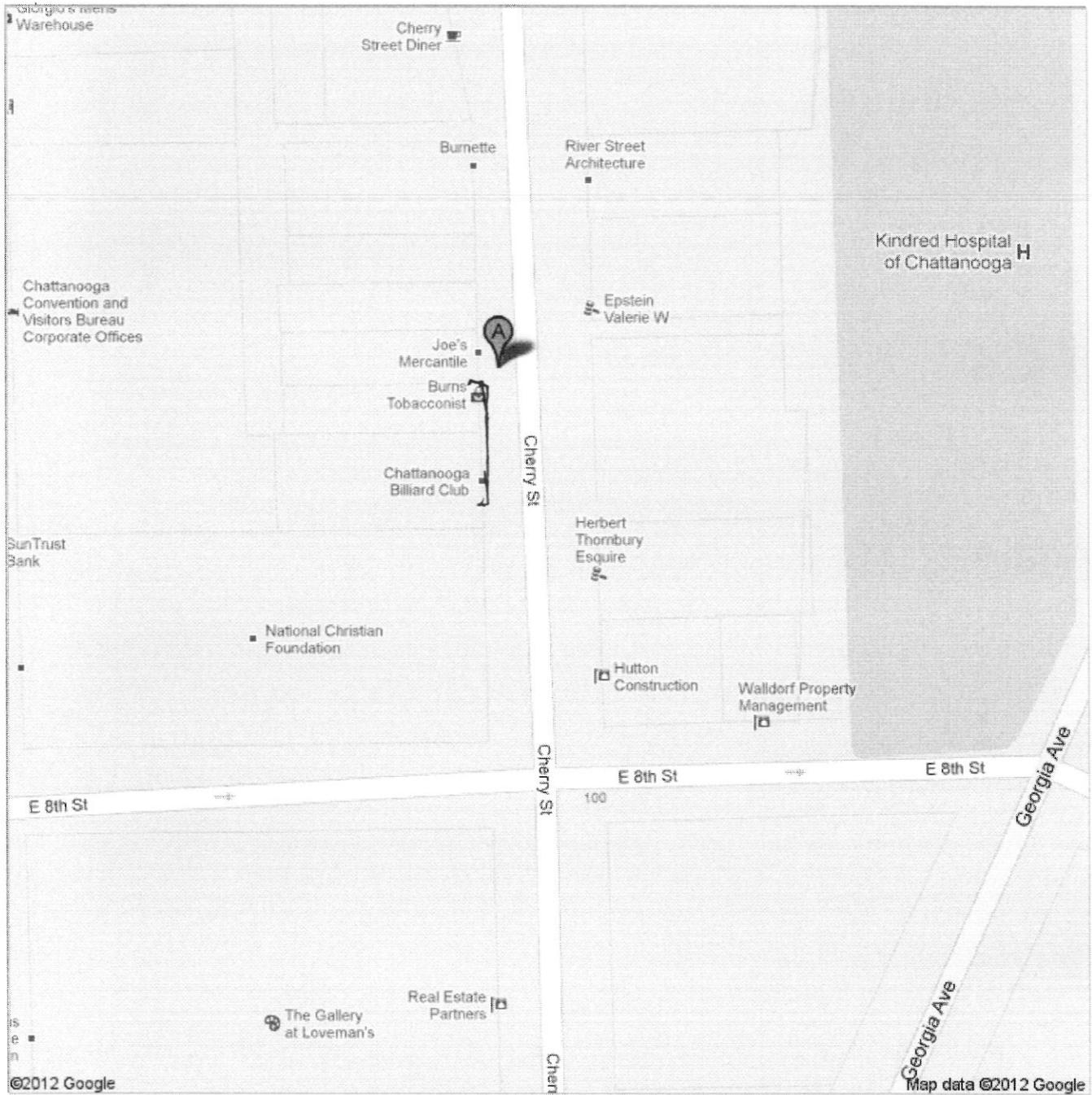


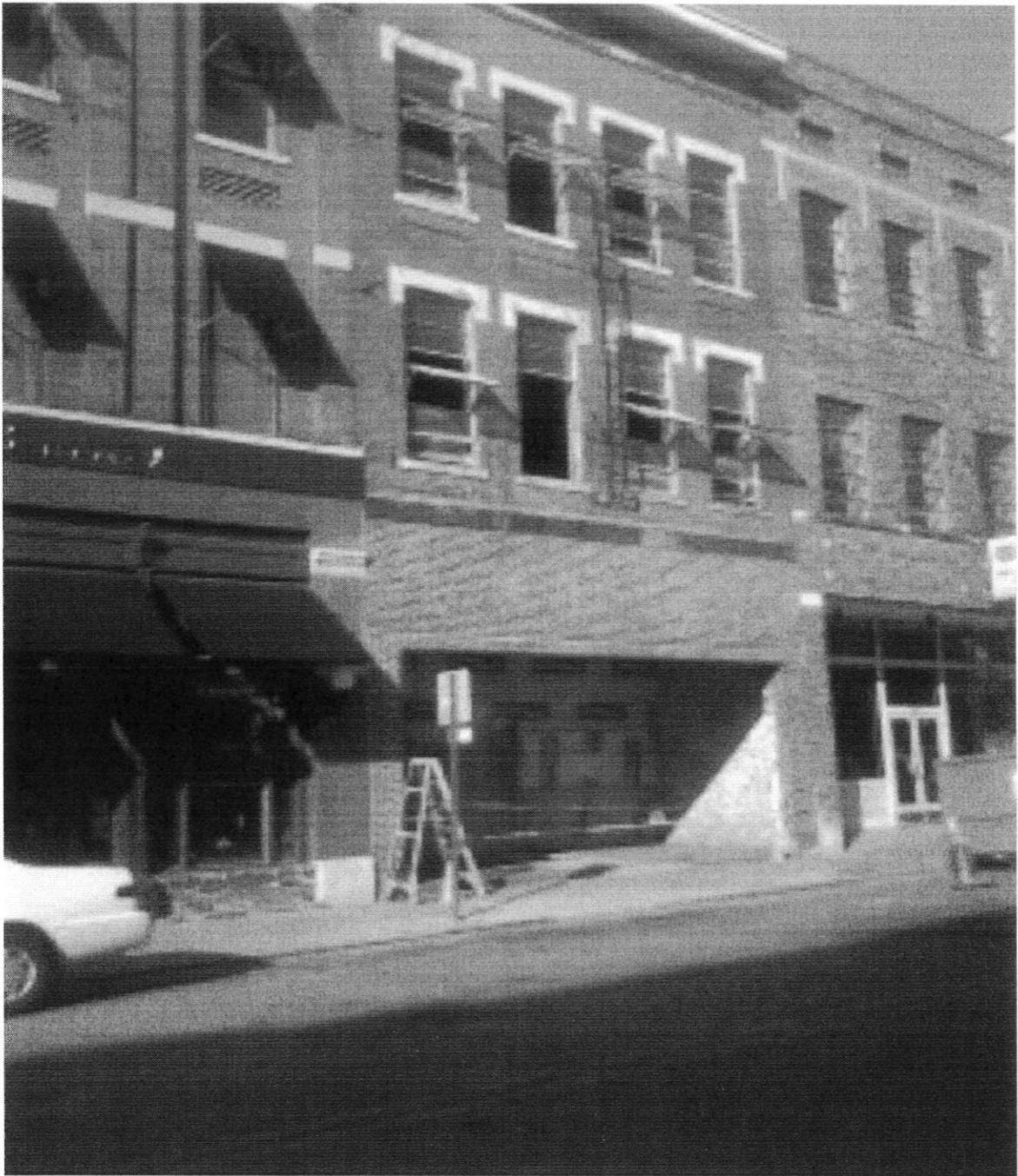
Address 723 Cherry St
Chattanooga, TN 37402

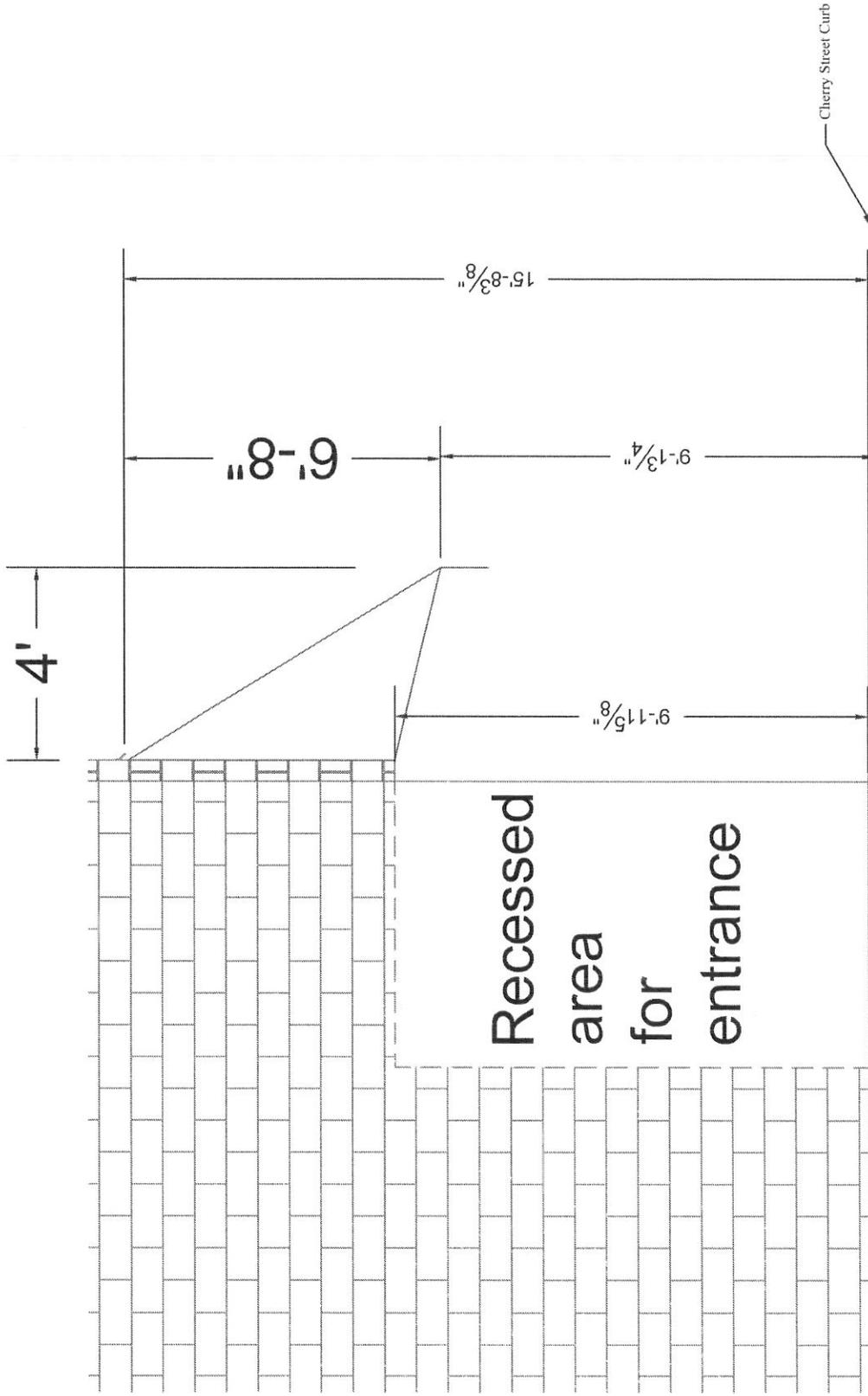
Get Google Maps on your phone



Text the word "GMAPS" to 466453





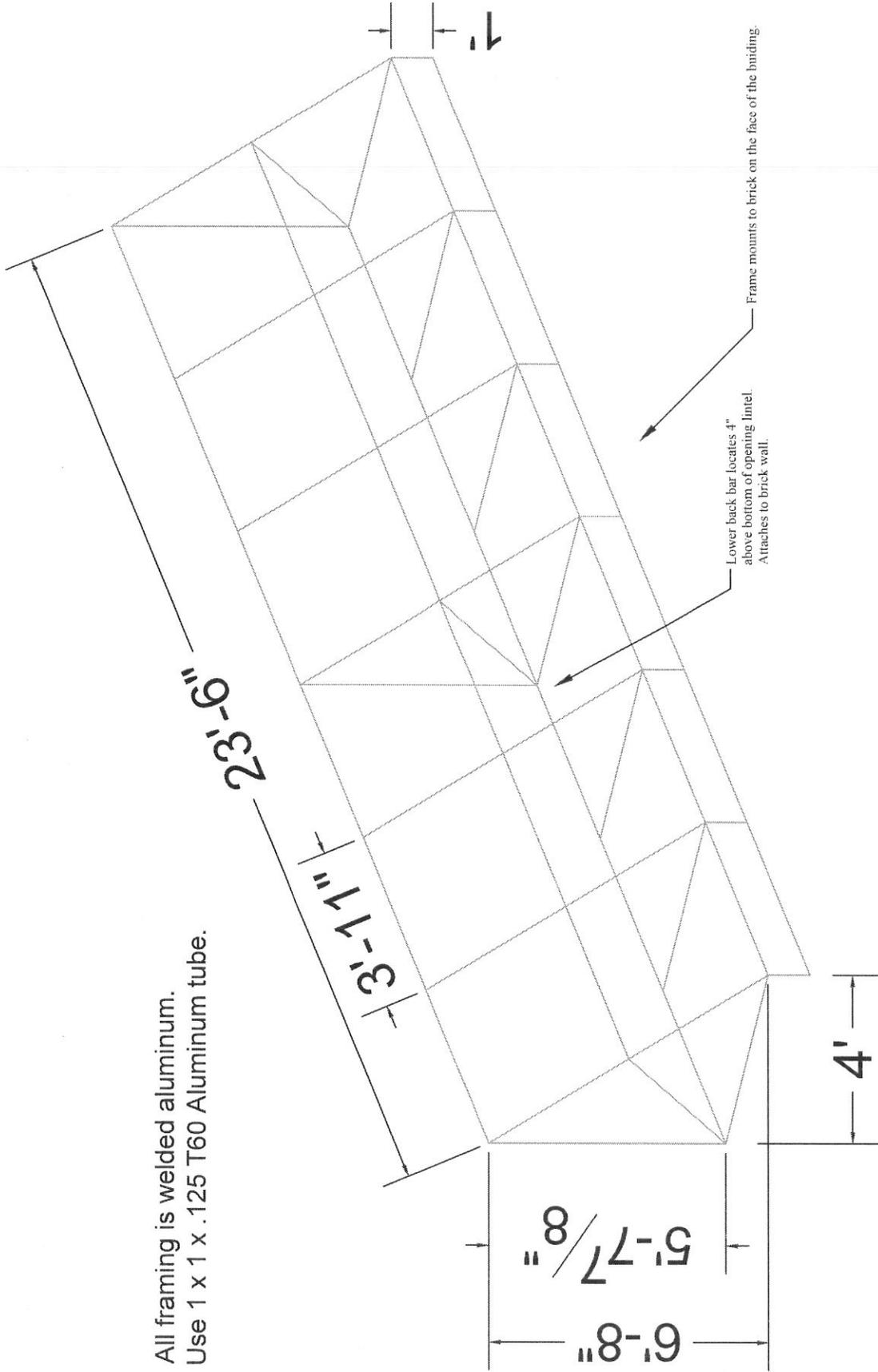


Burns Tobacconist: 723 Cherry St., Chattanooga

Welded aluminum frame covered in black FR polyester fabric.
 Lettering as per spec attached.

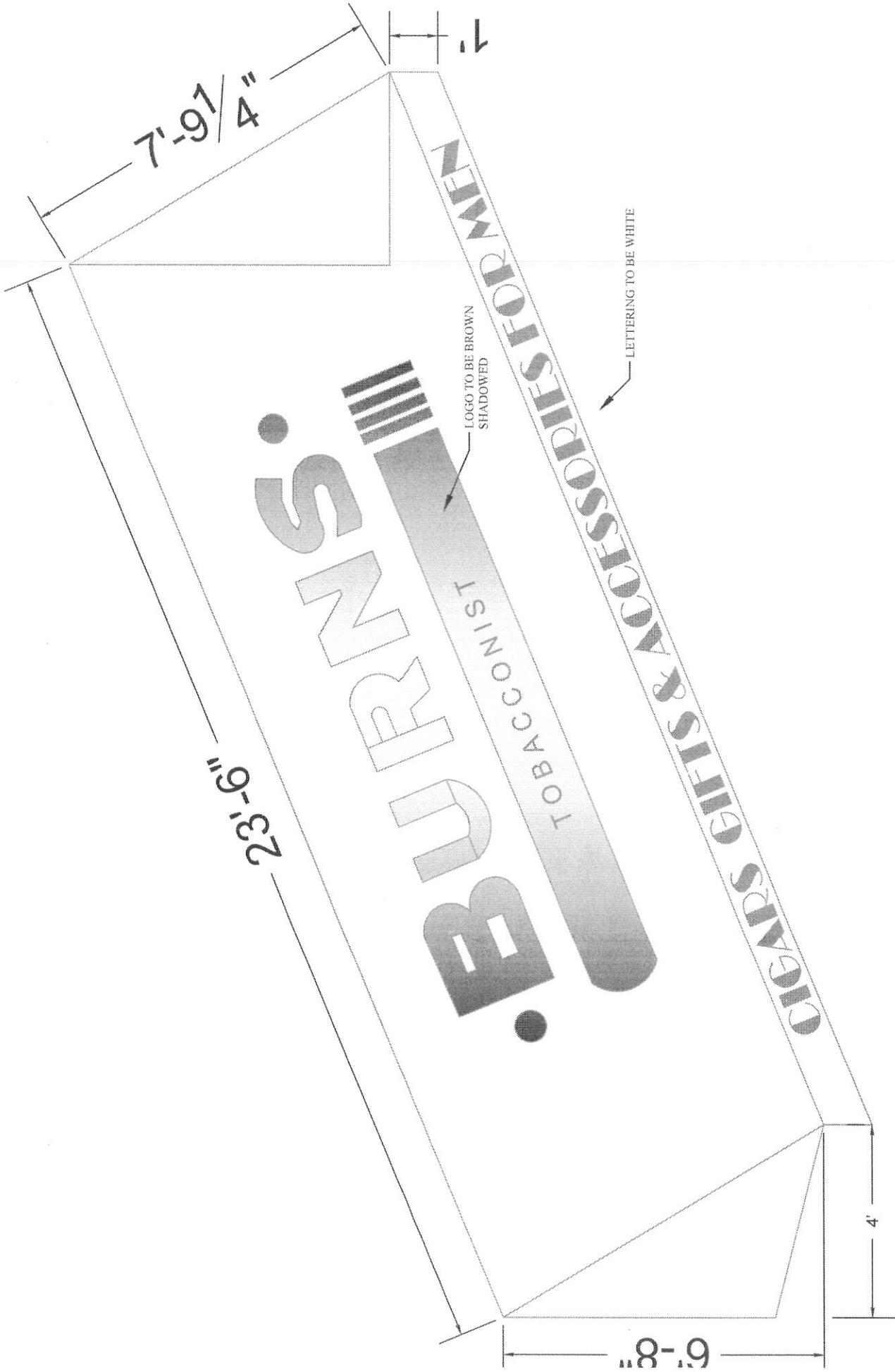
Dwg 11 23 2012 lhc

All framing is welded aluminum.
Use 1 x 1 x .125 T60 Aluminum tube.



Burns Tobacconist: 723 Cherry St., Chattanooga
Welded aluminum frame covered in black FR polyester fabric.
Lettering as per spec attached.

Dwg 11 23 2012 lhc



BURNS TOBACCONIST: Black FR Polyester fabric awning installed over newly renovated storefront.

Lettering to be as shown. Valance lettering to be white color, logo application on roof to be brown colored/shadowed.

Tennessee Awning Co. Dwg 11 23 2012 Lincoln Christensen 423-622-7024

•BURNS•

TOBACCONIST

•BURNS•
TOBACCONIST

CIGARS GIFTS & ACCESSORIES FOR MEN

Burns Tobacconist: 723 Cherry St., Chattanooga
Welded aluminum frame covered in black FR polyester fabric.
Lettering as per spec attached.

Dwg 11.23.2012 lhc

TA&T, LLC
Tennessee Awning Company
1601 McCallie Ave.
P.O. Box 3093
Chattanooga, TN 37404

FIRST BANK
Chattanooga, TN 37421
87-703/843

001712

11/23/2012

PAY
TO THE
ORDER OF

City of Chattanooga

\$ **110.00

DOLLARS

One Hundred Ten and 00/100*****

City of Chattanooga
Public Works Department
900 East 11th Street
Chattanooga, TN 37403

[Handwritten Signature]

AUTHORIZED SIGNATURE

MEMO

Burns Tobacconist Chatt. Billiards 723 Cherry St. Te

⑈001712⑈ ⑆084307033⑆ 86440598⑈



CITY OF CHATTANOOGA

RECEIPT NO. 193617

DATE 11/27/12

Received from

Amount of

For

ATV Awning Company
Ray Hurdman Dev & Mgmt
Temp Wage - 723 Cherry St.

Dollars and

Cents

Cash \$

Check \$ 110.00 # 1712

[Handwritten Signature]

Department/Division

[Handwritten Signature]

Signature