

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

A RESOLUTION AUTHORIZING IBI POWER COMPANY C/O TOM WESSENBUEHLER TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 6203 THROUGH 6207 JIM SNOW WAY (DEAD END ROAD) FOR THE USE OF DAY TO DAY OPERATIONS BY IBI POWER, AS SHOWN ON THE DRAWING AND MAP 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 IBI POWER COMPANY C/O TOM WESSENBUEHLER, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located at 6203 through 6207 Jim Snow Way (Dead End Road) for the use of day to day operations by IBI Power, as shown on the drawing 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. The existing Jim Snow Way cul-de-sac is to remain open and unobstructed for Emergency Responders.

5. The existing vegetation along the west side of the subject right-of-way is to remain and will be groomed and/or supplemented by the Temporary User.

ADOPTED: \_\_\_\_\_, 2013

/mms

## INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the “City”), and IBI POWER COMPANY C/O TOM WESSENBUEHLER (hereinafter “Temporary User”), this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

For and in consideration of the granting of the temporary usage of the right-of-way located at the intersection of Old Hunter and Mountain View Road regarding the installation of a Goodwill attended trailer/donation center to receive donations from the public, as shown on the drawing 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. The existing Jim Snow Way cul-de-sac is to remain open and unobstructed for Emergency Responders.

5. The existing vegetation along the west side of the subject right-of-way is to remain and will be groomed and/or supplemented by the Temporary User.

IBI POWER COMPANY

\_\_\_\_\_, 2013  
Date

BY: \_\_\_\_\_  
Tom Wessenbuehler

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: February 4, 2013

Preparer: William C. Payne

Department: Public Works - Engineering

### Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council): \_\_\_\_\_ District 6

A City Council Action is requested to approve Temporary Usage No. 106126 for IBI Power Company c/o Tom Wessenbuehler for the right-of-way 6203 through 6207 Jim Snow Way (Dead End Road) for the use of said right-of-way in the day to day operations of IBI Power, 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:** January 29, 2013  
**Re:** Temporary Usage Request #106126  
Tom Wessenbuehler for IBI Power Co.  
6203 – 6207 Jim Snow Way (Dead End Road)  
Recommendations Regarding Temporary Usage Request

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I have completed my review of IBI Power's request for Temporary Usage of the right of way from 6203 through 6207 Jim Snow Way (Dead End Road) for the use of said right-of-way in the day to day operations of IBI Power. Please refer to the attached map. My comments are as follows:

- Temporary Usage previously granted (Temp Use Case # 84043) of the subject right of way, property has changed ownership and a new agreement is being requested with no modifications from the earlier Temp Use Agreement.
- As per the submitted plans, the proposed usage (install fencing and groom or supplement existing vegetation along the west side of ROW, and remove shoulder along the east side of ROW) will encompass approximately .41 acres of right of way (Jim Snow Way, see attached site plan).
- As per IBI Power, the existing cul-de-sac at the Jim Snow Way dead end will be maintained as open and unobstructed for emergency responder's (see attached site plan).
- As per IBI Power, the backup power housings manufactured at the site are very large and with the current right of way configuration they must utilize cranes to lift and maneuver the trailers used to transport their goods which is very time consuming and costly as well as dangerous because of the high voltage lines along the subject right of way.
- The applicant is requesting 120 days to restore the property to the same condition that it existed in prior to the granting of the Temporary Use (see attached Letter).

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 existing Jim Snow Way cul-de-sac is to remain open and unobstructed for Emergency Responders.***
- ***The existing vegetation along the west side of the subject right of way is to remain and will be groomed and or supplemented by the applicant.***





RECEIVED  
JAN - 9 2013  
STORM WATER

For Office Use Only  
*J. Crabtree*  
1/9/13

1/2/13  
(DATE)

WO# 106126



ENTERED  
COF

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

Re: Request for Temporary Usage

SR# 684948

CLOSED  
1-10-2013

Dear Mr. Payne:

This is a request for a temporary usage of THE RIGHT-OF-WAY LOCATED IN THE 6200 BLOCK OF JIM SNOW WAY (A DEAD END ROAD) (APPROXIMATELY 0.53 ACRES)

The reason for this request is as follows:

FOR USE IN THE DAY-TO-DAY OPERATIONS OF IBI POWER, THE NEW OWNER OF PROPERTIES LOCATED AT 6203, 6204, & 6207 JIM SNOW WAY. TEMPORARY USE PREVIOUSLY GRANTED BY RESOLUTION 27045 TO THOMAS J. SNOW, PRRR PROPERTY OWNER.

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.

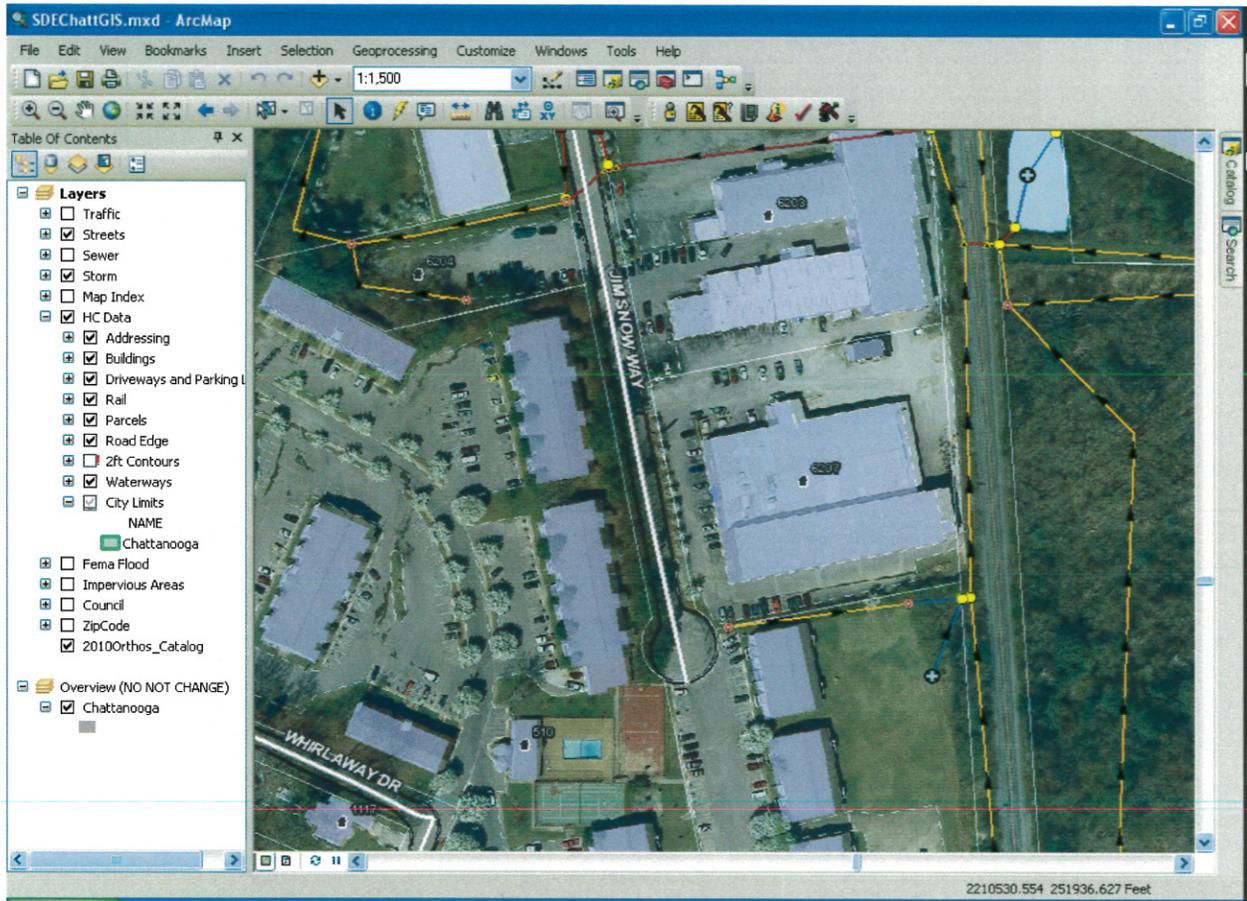
My address and phone number is as follows:

6207 Jim Snow Way, Chattanooga, TN, 37421  
423-648-6528 // C: 208 871 6566 (email address) ton@ibipower.com

Tom WESSENBUEHLER 1/2/13  
(Print) Applicant Name Date

Tom WESSENBUEHLER 1/2/13  
(Print) Owner's Name Date

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



6207 Jim Snow Way



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

Date/Time Printed: 1/10/13 @ 9:37 AM

**CityworksSR #: 684948**

<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>	1/10/2013 9:31:09 AM	<b>Status:</b>	CLOSED
<b>District:</b>	6	<b>Due Date:</b>	4/10/2013
<b>Location:</b>	<b>6207 JIM SNOW WAY 37421</b>		

Question	Answer

**Callers/Complainants**

First Name	Last Name	Address	Apt.	Zip
IBI	POWER	6207 JIM SNOW WAY		37421
Home Phone	Work Phone	Other Phone		
	(423) 648-6528	(208) 871-6566		

**Additional Information**

CSRID	
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**Additional Details/Comments:**

By FISHER, CAROLYN C: 1/10/2013 9:31:09 AM  
 JIM SNOW WAY R.O.W. ABANDONMENT  
 FOR IBI POWER  
 203 PINTO LANE  
 CALDWELL, ID 83607  
 423.648.6528  
 CELL: 208.871.6566  
 tom@ibipower.com

By FISHER, CAROLYN C: 1/10/2013 9:37:24 AM  
 REQUEST FOR TEMP R.O.W. LOCATED IN THE 6200 BLK. OF JIM SNOW WAY (A DEAD END ( APPROX.  
 0.53 ACRES)  
 REASON: FOR USE OF DAY TO DAY OPERATIONS OF IBI POWER. NEW OWNER OF PROPERTIES  
 LOCATED AT 6203, 6204 & 6207 JIM SNOW WAY, TEMP. USE OF PREVIOUSLY GRANTED BY RESOLUTION  
 27045 TO TH. J. SNOW, PRIOR PROPERTY OWNER.



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

Project/Funding:

GR# 684948

Work Order Number: \* 1 0 6 1 2 6 \*

**Address: 6207 JIM SNOW WAY**

Tax Map/Grid: 158B

<b>Required Work Type:</b> ENG - Temporary Use		<b>Category:</b> ADMIN	<b>Date Needed:</b> 3/11/2013
<b>WO Initiated:</b> 1/10/2013 9:33:25 AM	<b>Initiated By:</b> FISHER, CAROLYN C	<b>Requested By:</b> CANNON, WILLIAM E	<b>Priority:</b> 3
		<b>District:</b> 6	<b>Transferred To/Submitted to:</b> CANNON, WILLIAM E - 1/10/2013 9:33:46 AM
			<b>Status:</b> UNDINV

**Instructions:**

**Comments:** From: Request ID: 684948, 1/10/2013 9:33:15 AM Problem Details:

By FISHER, CAROLYN C: 1/10/2013 9:38:31 AM  
REQUEST FOR TEMP R.O.W. LOCATED IN THE 6200 BLK. OF JIM SNOW WAY (A DEAD END ( APPROX. 0.53 ACRES)

REASON: FOR USE OF DAY TO DAY OPERATIONS OF IBI POWER. NEW OWNER OF PROPERTIES LOCATED AT 6203, 6204 & 6207 JIM SNOW WAY, TEMP. USE OF PREVIOUSLY GRANTED BY RESOLUTION 27045 TO TH. J. SNOW, PRIOR PROPERTY OWNER.

**Date Completed:**

**Supervisor:**

**WO Closed :**

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

SR#	Date/Time Init.	Priority	Description	Problem Address
684948	1/10/2013 9:31:09 AM	3	ENG - Temporary Right-of-Way Use	6207 JIM SNOW WAY
<b>Customer Name</b>	<b>Customer Work Phone</b>		<b>Customer Home Phone</b>	
POWER, IBI	(423) 648-6528		37421	

**Work Comments/Results:**

RESOLUTION NO. 27045

A RESOLUTION AUTHORIZING THOMAS J. SNOW TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED IN THE 6200 BLOCK OF JIM SNOW WAY (DEAD END ROAD) FOR THE USE OF SAID RIGHT-OF-WAY IN THE DAY-TO-DAY OPERATIONS OF IBI POWER, AS SHOWN ON THE 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 THOMAS J. SNOW, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located in the 6200 block of Jim Snow Way (Dead End Road) for the use of said right-of-way in the day-to-day operations of IBI Power, as shown on the 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. The existing Jim Snow Way cul-de-sac is to remain open and unobstructed for Emergency Responders.

5. The existing vegetation along the west side of the subject right-of-way is to remain and will be groomed and/or supplemented by the Temporary User.

ADOPTED: March 27, 2012

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and THOMAS J. SNOW (hereinafter "Temporary User"), this 27 day of March, 2012.

For and in consideration of the granting of the temporary usage of the right-of-way located in the 6200 block of Jim Snow Way (Dead End Road) for the use of said right-of-way in the day-to-day operations of IBI Power, as shown on the 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.

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5. The existing vegetation along the west side of the subject right-of-way is to remain and will be groomed and/or supplemented by the Temporary User.

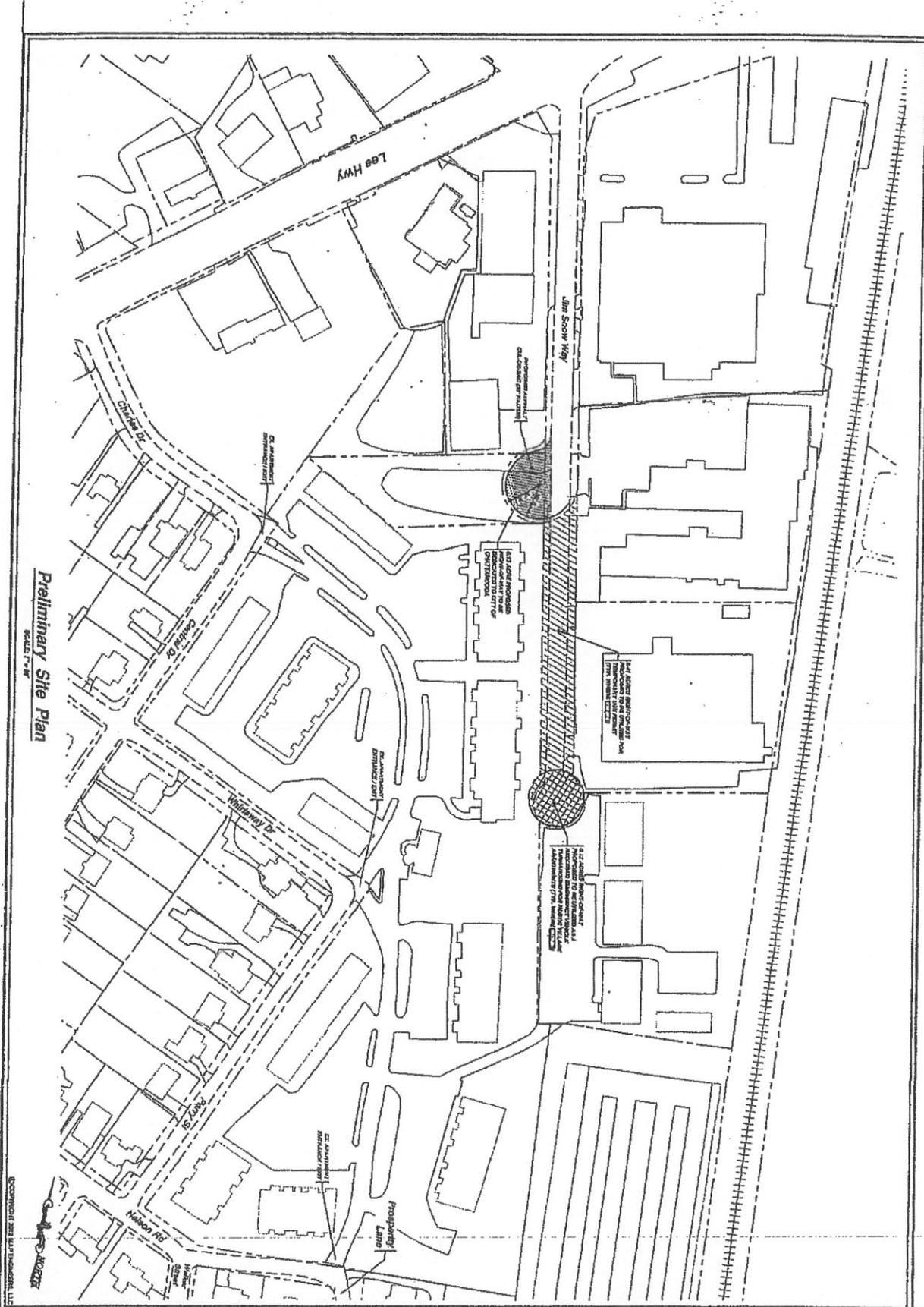
4/2, 2012  
Date

BY: Thomas J. Snow, Jr.  
Thomas J. Snow

CITY OF CHATTANOOGA, TENNESSEE

3/29, 2012  
Date

BY: Ron Littlefield  
Ron Littlefield, Mayor



Preliminary Site Plan  
SCALE: 1" = 40'

REVISIONS

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		

ALL RIGHTS RESERVED  
NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.

DATE: 08/14/14  
DRAWN BY: JAC  
CHECKED BY: JAC  
SCALE: AS SHOWN  
JOB NUMBER: PS-1

PRELIMINARY  
SITE  
PLAN

JIM SNOW WAY TEMPORARY USAGE  
FOR  
IBI POWER  
20394 Pinto Lane  
Caldwell, ID 83607

**MAP ENGINEERS L.L.C.**

1000 S. 10th Street  
Caldwell, ID 83607  
208-466-1111

GRAPHIC SCALE  
0 20 40 60 80 100

