

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING WATERS HOLLAND, LLC C/O ALAN HANISZEWSKI TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 1000 WESTWOOD AVENUE TO CONNECT TO A SANITARY SEWER MANHOLE, 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 WATERS HOLLAND, LLC C/O ALAN HANISZEWSKI, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located at 1000 Westwood Avenue to connect to a sanitary sewer manhole, 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 proposed work must be done per City Codes and Standards.

5. All work must be permitted, inspected, and approved by the Land Development Office.

ADOPTED: _____, 2013

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the “City”), and WATERS HOLLAND, LLC C/O ALAN HANISZEWSKI (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 1000 Westwood Avenue to connect to a sanitary sewer manhole, 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.

3. Temporary User shall provide adequate access for maintenance of any utilities located within the easement.

4. The proposed work must be done per City Codes and Standards.

5. All work must be permitted, inspected, and approved by the Land Development Office.

WATERS HOLLAND, LLC

_____, 2013
Date

BY: _____
Alan Haniszewski

CITY OF CHATTANOOGA, TENNESSEE

_____, 2013
Date

BY: _____
Andy Berke, Mayor

City of Chattanooga



Resolution Request Form

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

Date: July 8, 2013

Preparer: William C. Payne

Department: Public Works - Engineering

Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council): _____ District 2

A City Council Action is requested to approve the request of Temporary Use No. 110295 for Waters Holland, LLC c/o Alan Haniszewski for the right of way of 1000 Westwood Avenue to connect to a sanitary sewer manhole, 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: Ed Bowen
cc: Dennis Malone
Date: July 8, 2013
Re: Temporary Usage Request #110295
Alan Haniszewski/Waters Holland, LLC
1000 Westwood Avenue
Recommendations Regarding Temporary Usage Request

I have completed my review of Mr. Haniszewski's request regarding the Temporary Usage of the right of way at 1000 Westwood Avenue to connect to a sanitary sewer manhole. Please refer to the attached map and drawings. My comments are as follows:

- The applicant is requesting Temporary Use to tie into a sanitary sewer manhole.
- The requested right of way area is 90.36' in length.

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 conditions.***

- ***The proposed work must be done per City Codes and Standards.***
- ***All work must be permitted, inspected and approved by the Land Development Office.***

3/8/13 (Date)



For Office Use Only

Jared Crattree
Technician Signature

3/8/13
Date

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

W/O # 110295

SR# 699640 → **CLOSED**
3-14-13

Re: Request for Temporary Usage

Dear Mr. Payne:

This is a request for a temporary usage of R.O.W. OF WEST WOOD AVE

RECEIVED
MAR 8 - 2013
STORM WATER

The reason for this request is as follows:
TO tie INTO sanitary sewer manhole

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:
3073 Baggett Trail Alan Haniszewski
Signal MT, TN 37377
423-364-6032

(Non-Refundable Processing Fee \$110.00)

Alan Haniszewski
Print Applicant Name 3-7-13
Date

Waters Holland, LLC
Print Owner's Name 3-7-13
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.

