

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING UTC ONE LLC C/O EDWARD MARTIN TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 418 VINE STREET TO REPLACE EXISTING WINDOW SASHES THAT EXTEND INTO THE CITY RIGHT-OF-WAY, 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 UTC ONE LLC C/O EDWARD MARTIN, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located at 418 Vine Street to replace existing window sashes that extend into the City right-of-way, 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 window sashes must meet the minimum elevation requirements per City Codes and Standards.

ADOPTED: _____, 2013

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the “City”), and UTC ONE LLC C/O EDWARD MARTIN (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 418 Vine Street to replace existing window sashes that extend into the City right-of-way, 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 window sashes must meet the minimum elevation requirements per City Codes and Standards.

UTC ONE LLC

_____, 2013
Date

BY: _____
Edward Martin

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 8

A City Council Action is requested to approve the request for the Temporary Usage No. 115212 for UTC One LLC., c/o Edward Martin for the right of away of 418 Vine Street to replace existing window sashes that extends into the city right of way, as shown on the attached map.

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.

<u>Amount(s)</u>	<u>Grantor(s)</u>
\$	

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

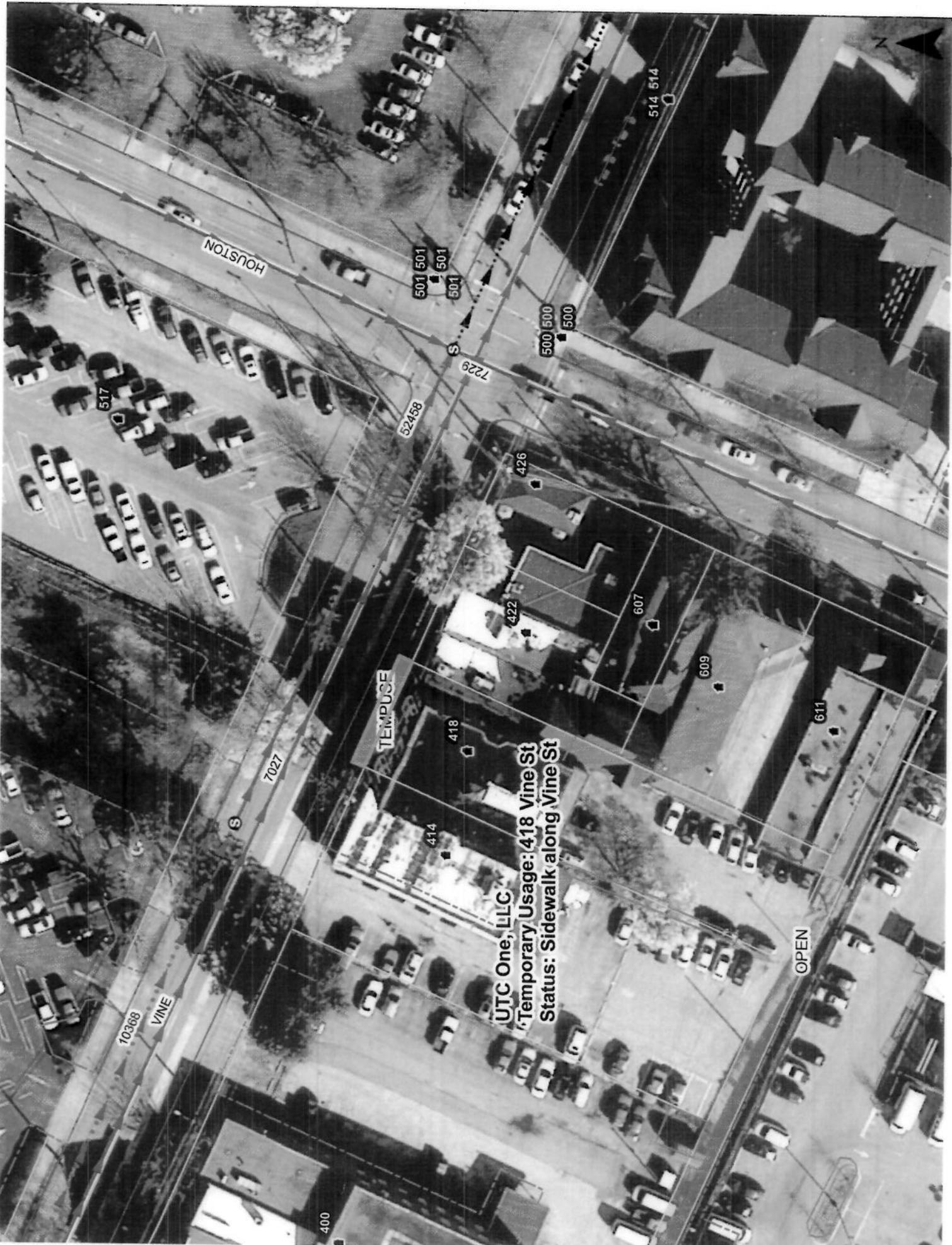
To: Bill Payne
From: Ed Bowen
cc: Dennis Malone
Date: July 1, 2013
Re: Temporary Usage Request #115212
Edward Martin for UTC One LLC
418 Vine Street
Recommendations Regarding Temporary Usage Request

I have completed my review of Mr. Martin's request regarding the Temporary Usage of the right of way at 418 Vine Street for replacement of existing window sashes that extend along a portion of said right-of-way. Please refer to the attached map. My comments are as follows:

- The existing windows are in the sidewalk airspace.
- It appears the minimum height clearance will be met for the subject window sashes.

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 window sashes must meet the minimum elevation requirements per City Codes and Standards.***

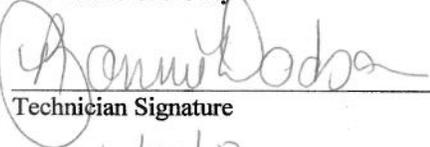


UTC One, LLC
Temporary Usage: 418 Vine St
Status: Sidewalk along Vine St

6/7/2013 (Date)

SR# 932390
WO# 115212

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

For Office Use Only	
	Technician Signature
6/7/13	Date

Re: Request for Temporary Usage

Dear Mr. Payne:

This is a request for a temporary usage of SIDEWALK AIRSPACE 418 VINE ST.

The reason for this request is as follows:

WE WOULD LIKE TO REPLACE THE WINDOW (SASHES) IN THE EXISTING BAY WINDOWS THAT EXTEND INTO THE SIDEWALK AIRSPACE.

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:

EDWARD MARTIN
605 LINDSAY ST CHATTANOOGA, TN. 37403
(615) 887-0599

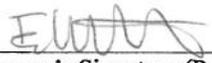
(Processing Fee \$110.00) NON REFUNDABLE
MAKE A CHECKOUT TO: CITY OF CHATTANOOGA
6/7/2013

EDWARD MARTIN
Print Applicant Name

Date

UTC ONE LLC.
Print Owner's Name

6/7/2013
Date


Owner's Signature (Required)

NOTE: This application will not be processed without the owner's signature and a site map/drawing of the location.

EDWARD MARTIN
CARMEN R MARTIN
2613 ACKLEN AVE
NASHVILLE, TN 37212

87-4/640
0080056547

468

Date 6/7/2013 

Pay to the order of CITY OF CHATTANOOGA \$ 110.00
one hundred and ten dollars and 00/100 Dollars 


SUNTRUST ACH RT 061000104

Memo 418 VINE ST



MP

⑆064000046⑆ 0080056547⑆ 0468



CITY OF CHATTANOOGA

RECEIPT NO. 221701

DATE 6/7/2013

Received from EDWARD MARTIN

Amount of ONE HUNDRED

Dollars and TEN Cents 00/100

For TEMPORARY USAGE - 418 VINE ST

Cash \$ _____

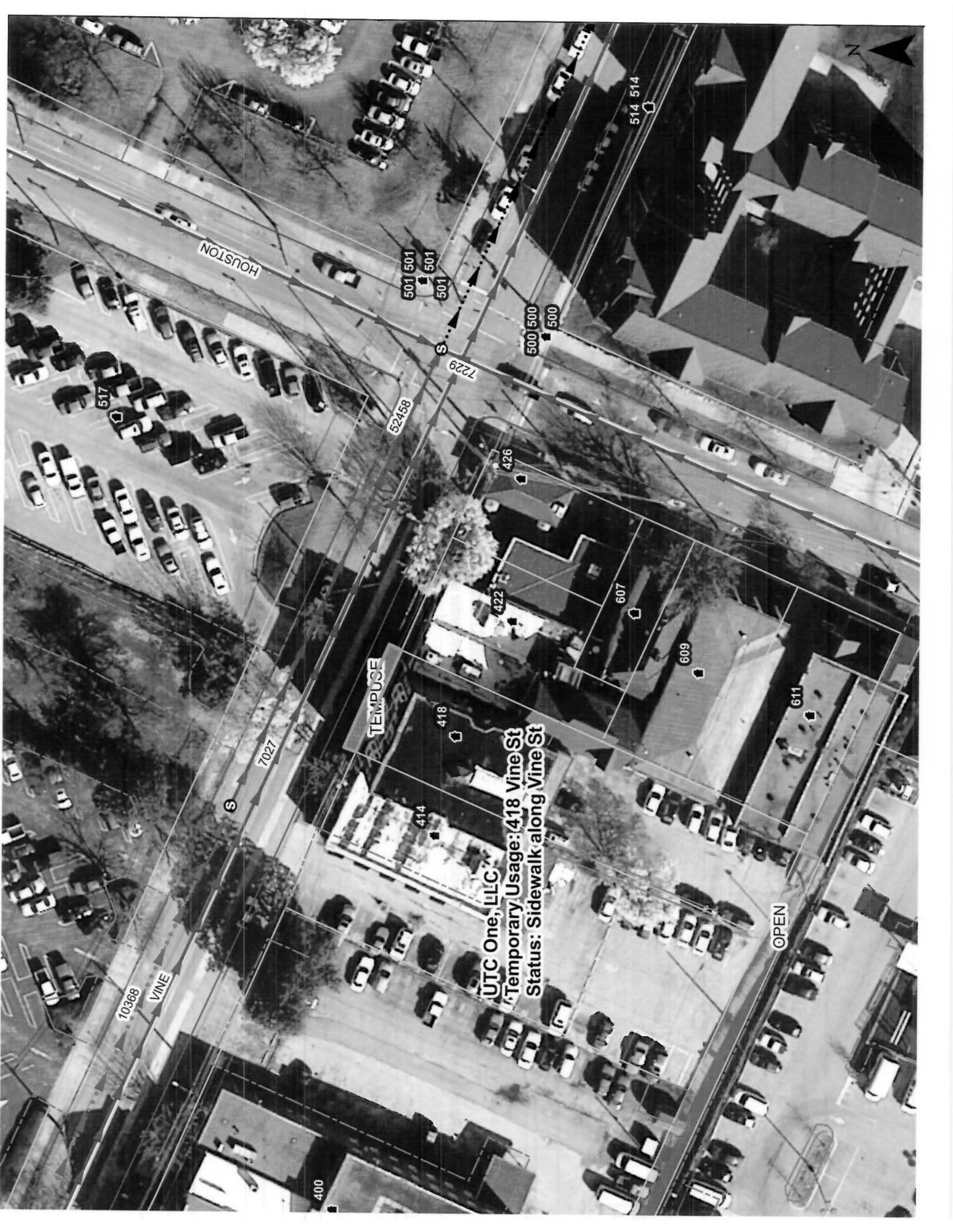
Check \$ 110.00

468

TJC

Department/Division BOXW/1E

Signature



UTC One, LLC
Temporary Usage: 418 Vine St
Status: Sidewalk along Vine St

TEMPUCE

HOUSTON

VINE

OPEN

