

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

A RESOLUTION AUTHORIZING TRON WILDER TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 1207 HANOVER STREET TO BUILD A RETAINING WALL AND CREATE A LEVEL FRONT YARD, AS SHOWN ON THE MAPS 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 TRON WILDER, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located at 1207 Hanover Street to build a retaining wall and create a level front yard, as shown on the maps 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 retaining wall must meet the minimum elevation requirements per City Codes and Standards.

5. The proposed retaining wall must be 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 TRON WILDER (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 1207 Hanover Street to build a retaining wall and create a level front yard, as shown on the maps 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 retaining wall must meet the minimum elevation requirements per City Codes and Standards.

5. The proposed retaining wall must be approved by the Land Development Office.

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

BY: \_\_\_\_\_  
Tron Wilder

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: June 28, 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 Usage No. 107202 for Tron Wilder the right of way of 1207 Hanover Street to build a retaining wall and create a level front yard, as shown on the attached drawing, subject to approval of the land Development Office.

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

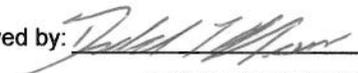
### List all other funding sources and amount for each contributor.

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:   
DESIGNATED OFFICIAL/ADMINISTRATOR

Reviewed by: FINANCE OFFICE

Please submit completed form to @budget, City Attorney and City Finance Officer

# Memorandum

**To:** Bill Payne  
**From:** Ed Bowen  
**cc:** Dennis Malone  
**Date:** June 25, 2013  
**Re:** Temporary Usage Request #107202  
Tron Wilder  
1207 Hanover Street  
Recommendations Regarding Temporary Usage Request

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I have completed my review of Mr. Wilder's request regarding the Temporary Usage of the right of way at 1207 Hanover Street to gain access to property beyond the property line to build a retaining wall and create a level front yard. Please refer to the attached map and drawings. My comments are as follows:

- The applicant is requesting temporary usage to add on to the existing retaining wall and extend it approximately 29 feet.
- The wall is to be about 4'-2" high.
- The wall will be adjacent to the back of the 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 conditions.***

- ***The proposed retaining wall must meet the minimum elevation requirements per City Codes and Standards.***
- ***The proposed retaining wall must be approved by the Land Development Office.***



TREMONT

1215

1213

1211

Tron Wilder  
Temp Use: 1207 Hanover  
Adding a retaining wall by sidewalk

1209

1207

1205

TEMPUSE

100322

1201

HANOVER

1222

1220

1216

UNOPEN



**For Office Use Only**  
*Ann W. Dodson*  
 Technician Signature  
 1/25/2013  
 Date

1/25/13  
 (DATE)

WO# 107202

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

RECEIVED

JAN 25 2013

CLOSED

1/25/2013

**Re: Request for Temporary Usage**

ENTERED  
 CCF

SR# 688309

Dear Mr. Payne:

This is a request for a temporary usage of City's property on my yard that is beyond the property line - would like to add on to retaining wall right next to sidewalk.

The reason for this request is as follows:

I would like to add on to the existing retaining wall and extend it the entire length of my home - total length of wall on city's property will be approximately 29 ft. (see attached picture)

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:

1207 Hanover St. 423-667-8681  
Chattanooga TN 37405

(email address)

(Processing Fee of \$110.00 payable to: City of Chattanooga)

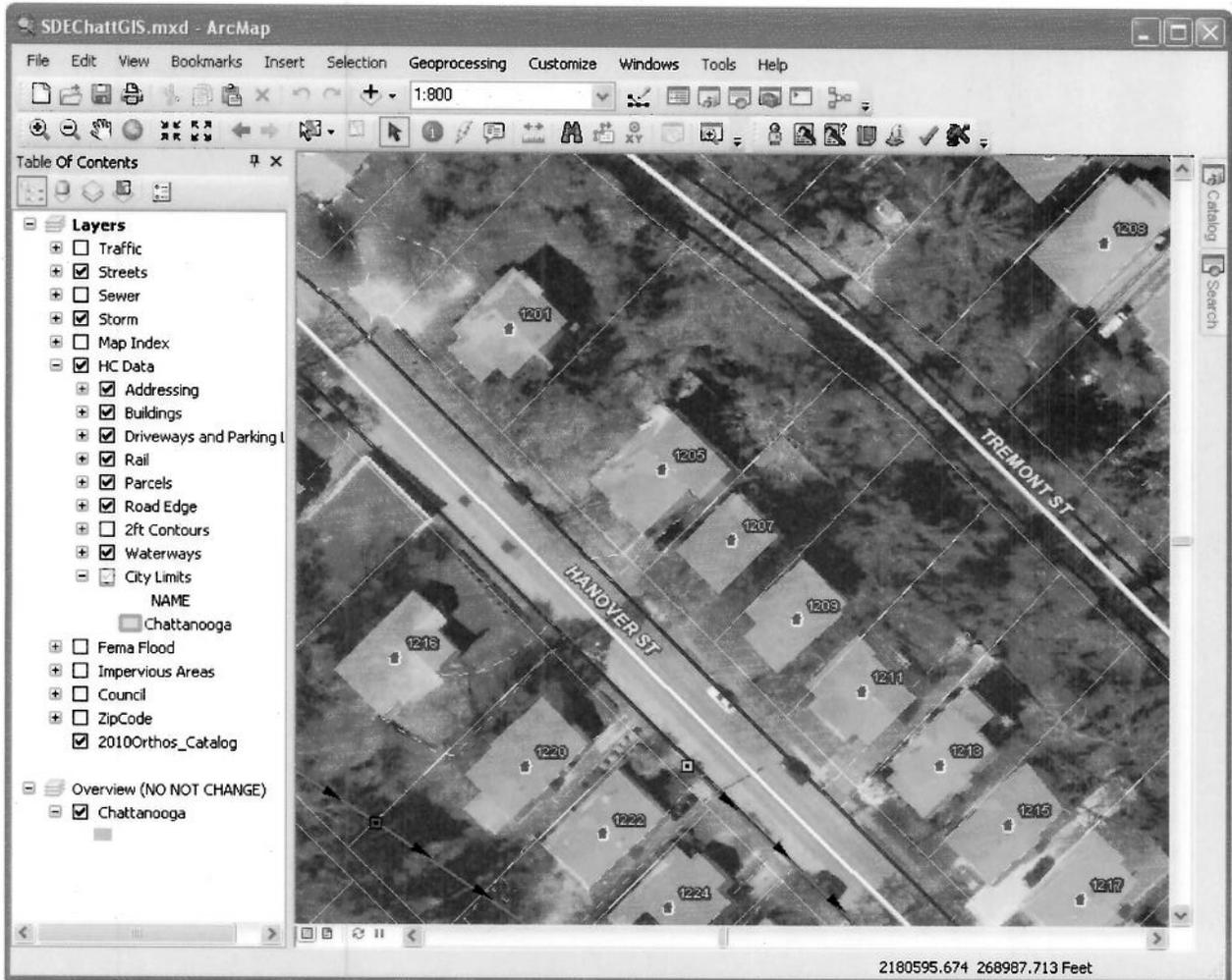
Tiron Wilder  
 (Print) Applicant Name

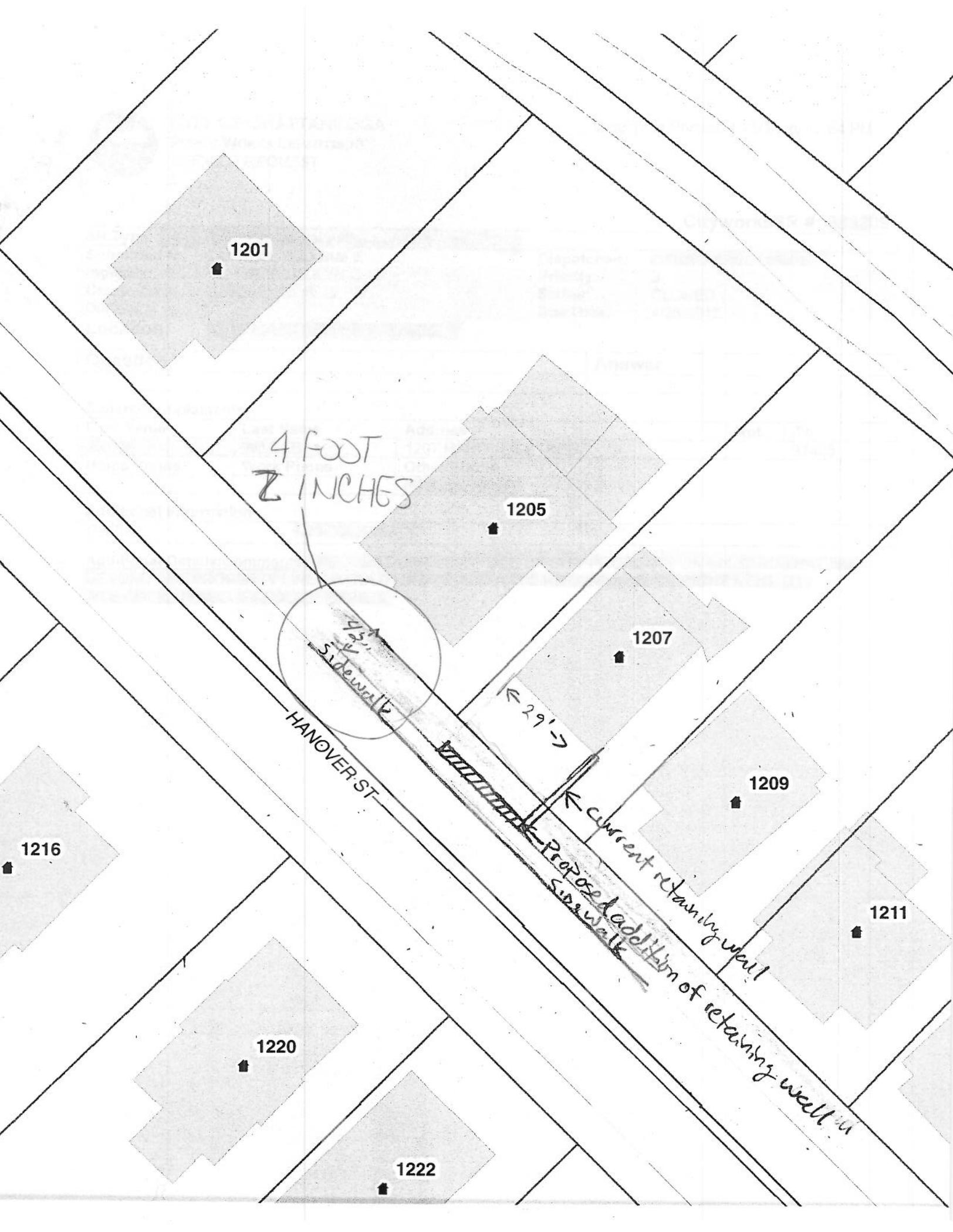
1/25/13  
 Date

Tiron Wilder  
 (Print) Owner's Name

1/25/13  
 Date

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





1201

4 FOOT  
2 INCHES

1205

1207

HANOVER ST

4.5'  
Sidewalk

← 29' →

1209

1216

← Current retaining wall

1211

1220

Propose Addition of retaining wall

1222



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

Date/Time Printed: 1/25/13 @ 12:54 PM

**CityworksSR #: 688309**

<b>SR Type:</b>	ENG - Temporary Right-of-Way Use		
<b>Submitted to:</b>	CANNON, WILLIAM E	<b>Dispatched:</b>	CANNON, WILLIAM E
<b>Input By:</b>	FISHER, CAROLYN C	<b>Priority:</b>	3
<b>Create Date:</b>	1/25/2013 12:49:12 PM	<b>Status:</b>	CLOSED
<b>District:</b>	2	<b>Due Date:</b>	4/25/2013
<b>Location:</b>	1207 HANOVER ST 37405		

Question	Answer

**Callers/Complainants**

First Name	Last Name	Address	Apt.	Zip
TRON	WILDER	1207 HANOVER STREET		37405
Home Phone	Work Phone	Other Phone		
		(423) 667-8681		

**Additional Information**

<b>CSRID</b>	13-00007058
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**Additional Details/Comments:** REQUEST FOR TEMP. USE OF CITY PROPERTY ON MY YARD THAT IS BEYOND THE PROPERTY LINE - WOULD LIKE TO ADD ANTO RETAINING WALL RIGHT NEXT TO SIDEWALK. REASON: 4 FOOT, 2 INCHES.

TRON H WILDER  
KRISTIE L WILDER  
1207 HANOVER STREET  
CHATTA., TN 37405

1026

87-36/613  
1233

1/25/13

DATE

PAY TO THE ORDER OF City of Chattanooga \$ 110.00  
One Hundred and Ten <sup>00</sup> DOLLARS

Handed Cash

Security Features Details on Back

FIRST TENNESSEE  
www.firsttennessee.com  
FOR CHECK VERIFICATION DIAL: 1-800-264-0730

FOR Processing Fee - Temp Usage Tron Wilder MP

⑆061300367⑆1026 102733461⑆



CITY OF CHATTANOOGA

DATE 1/25/13

RECEIPT NO. 193624

Received from TRON WILDER

Amount of ONE HUNDRED Dollars and TEN Cents 00

For TEMP USAGE 1207 HANOVER ST - RETAINING WALL

Cash \$ \_\_\_\_\_

Check \$ 110.00

#1026

TIC  
Department/Division  
BONNIE  
Signature