

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

A RESOLUTION AUTHORIZING JOHN WISE, III TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 125 CHEROKEE BOULEVARD FOR THE INSTALLATION OF A CANOPY AT THE ENTRANCE THAT WILL EXTEND APPROXIMATELY FIVE (5) FEET BEYOND THE PROPERTY LINE, AS SHOWN ON THE DRAWINGS 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 JOHN WISE, III, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located at 125 Cherokee Boulevard for the installation of a canopy at the entrance that will extend approximately five (5) feet beyond the property line, as shown on the drawings 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 canopy 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 JOHN WISE, III (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 125 Cherokee Boulevard for the installation of a canopy at the entrance that will extend approximately five (5) feet beyond the property line, as shown on the drawings 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 canopy must meet the minimum elevation requirements per City Codes and Standards.

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

BY: \_\_\_\_\_  
John Wise, III

CITY OF CHATTANOOGA, TENNESSEE

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

BY: \_\_\_\_\_  
Andy Berke, Mayor



# Memorandum

**To:** Bill Payne  
**From:** Ed Bowen  
**cc:** Dennis Malone  
**Date:** August 6, 2013  
**Re:** Temporary Usage Request #89914  
John S. Wise III  
125 Cherokee Blvd.  
Recommendations Regarding Temporary Usage Request

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I have completed my review of Mr. Wise's request regarding the Temporary Usage of the right of way at 125 Cherokee Blvd. for the construction of a canopy at the entrance to the project. Please refer to the attached map and drawings. My comments are as follows:

- The project is zoned C-7 where there are zero set backs.
- The proposed canopy extends approximately 4'-11 11/16" beyond the property line.
- The proposed canopy is approximately 6'-1 1/4" in width and 19'-9" in length, with a clearance of approximately 8'-0" above the sidewalk.
- It appears if placed per the submitted drawings the minimum height clearance will be met for the subject canopy.
- The proposed canopy projects from the face of the building approximately 6'-1 1/4" over 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 condition:***

- ***The proposed canopy must meet the minimum elevation requirements per City Codes and Standards.***



VELMA



OPEN

John S Wise III  
WO: 89914  
Temp Use-125 Cherokee Blvd

TEMPUSE

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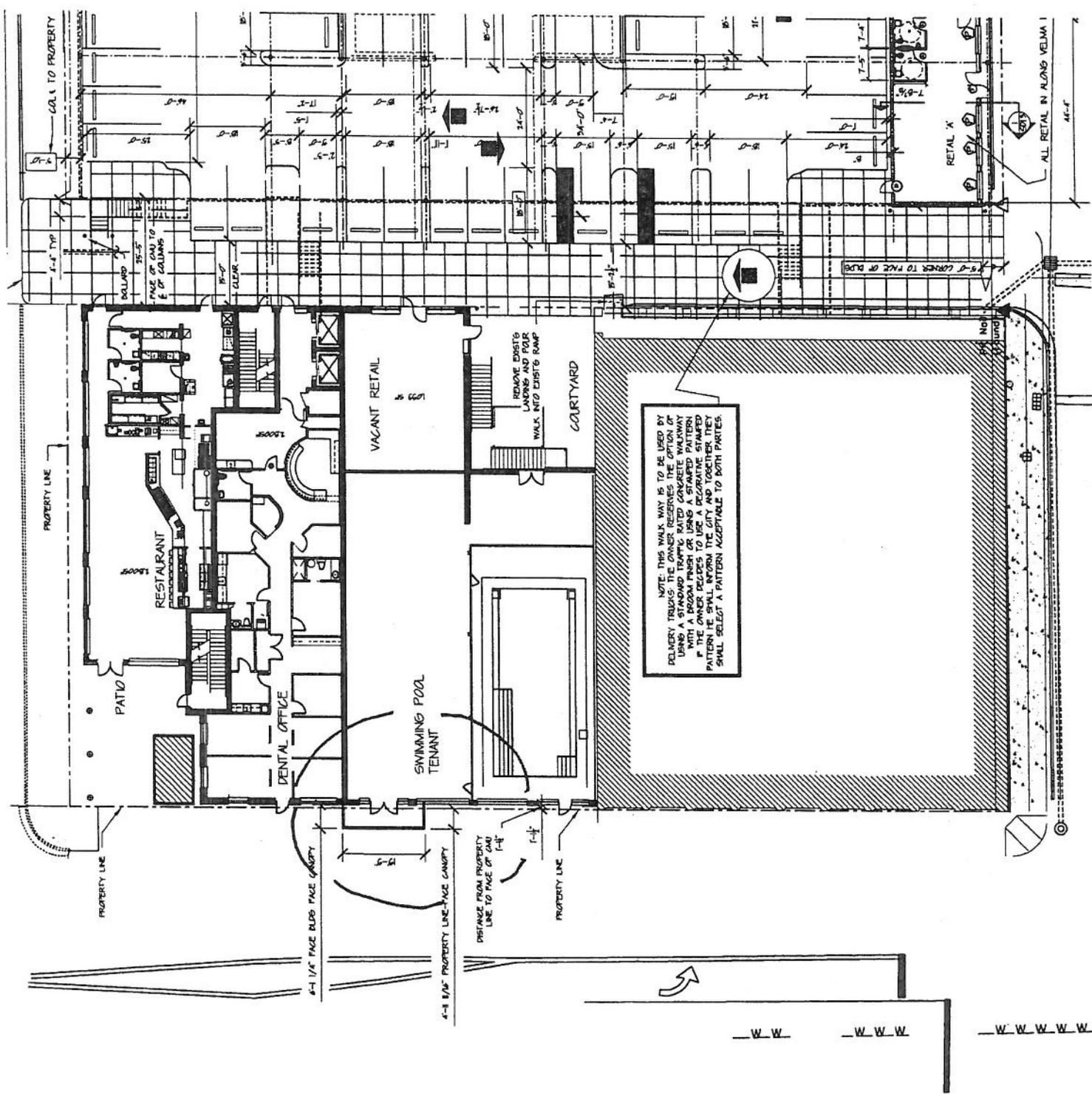
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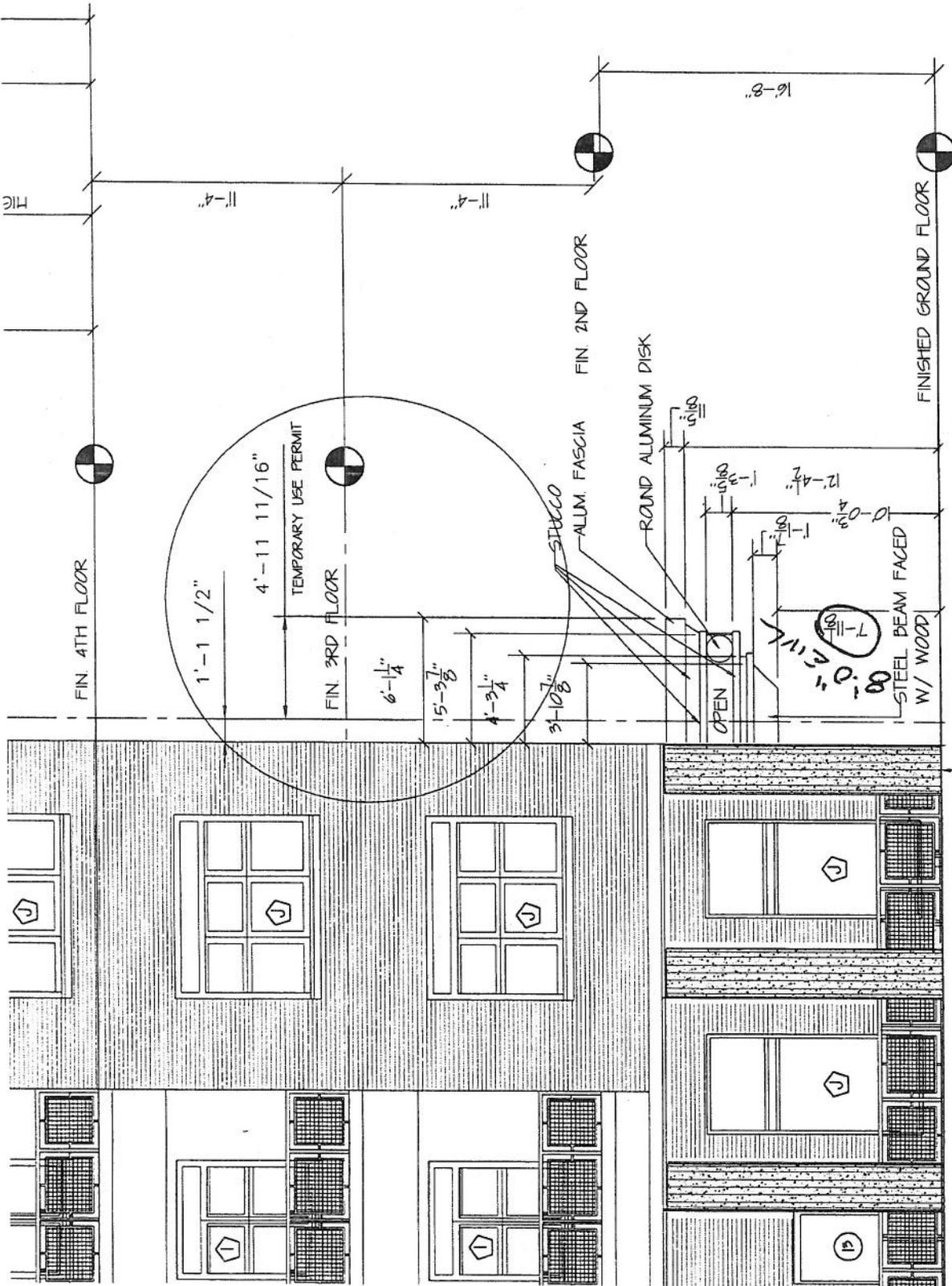
103

For  
reference



NOTE: THIS WALK WAY IS TO BE USED BY DELIVERY TRUCKS. THE OWNER RESERVES THE OPTION OF USING A STANDARD TRAFFIC RATED CONCRETE WALKWAY WITH A BEZEL FINISH OR TRAFFIC RATED CONCRETE WITH A BEZEL FINISH OR TRAFFIC RATED CONCRETE WITH A BEZEL FINISH. THE PATTERN IS TO BE APPROVED BY THE CITY AND TOGETHER THEY SHALL SELECT A PATTERN ACCEPTABLE TO BOTH PARTIES.

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POURED IN PLACE REINFORCED CONCRETE  
 TUBE COLUMNS. REFER TO STRUCTURAL FOR  
 REINFORCING AND SIZE

SELECTED BY  
 CRACKED STONE  
 NGS IS ONE OF  
 JIKELHOOD

May 15, 2012 \_\_\_\_\_ (Date)

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

WO# 89914

|                     |                      |
|---------------------|----------------------|
| For Office Use Only |                      |
| _____               | Technician Signature |
| _____               | Date                 |

Re: Request for Temporary Usage



S/R# 699119  
CLOSED  
5-16-2012

RECEIVED  
MAY 16 2012  
STORM WATER

Dear Mr. Payne:

This is a request for a temporary usage of Construction of a canopy at the entrance of the project.  
125 CHEROKEE DR

The reason for this request is as follows:  
This project is zoned C-7 where there are 'zero' setbacks. The entrance canopy extends approximately 24" beyond the property line (see attached sketch)

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:  
Mr. John S. Wise, III, PO Box 4261, Chattanooga, TN 37405 423-634-1900

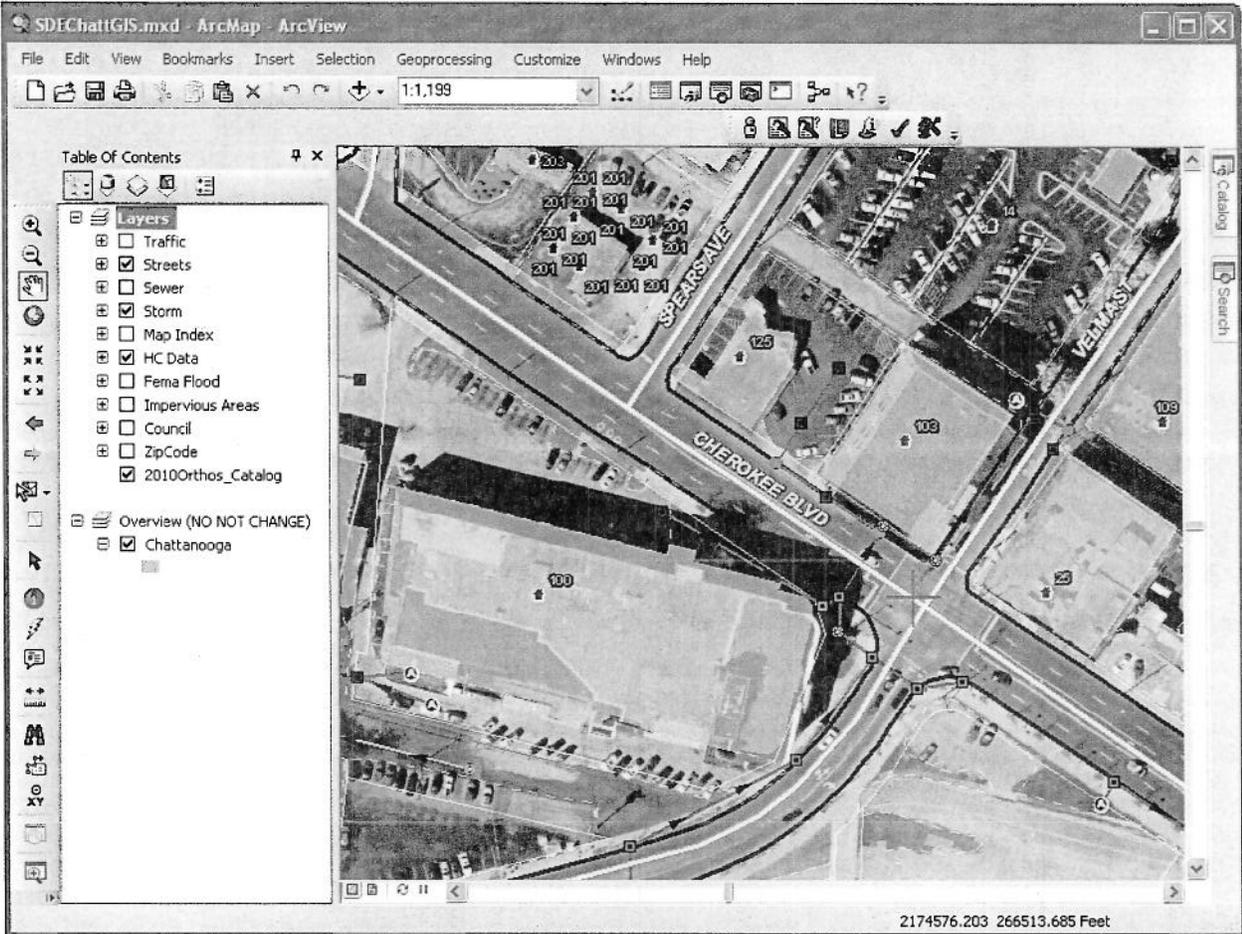
( Non-Refundable Processing Fee \$110.00)

John S. Wise III \_\_\_\_\_ May 15, 2012 \_\_\_\_\_  
Print Applicant Name Date

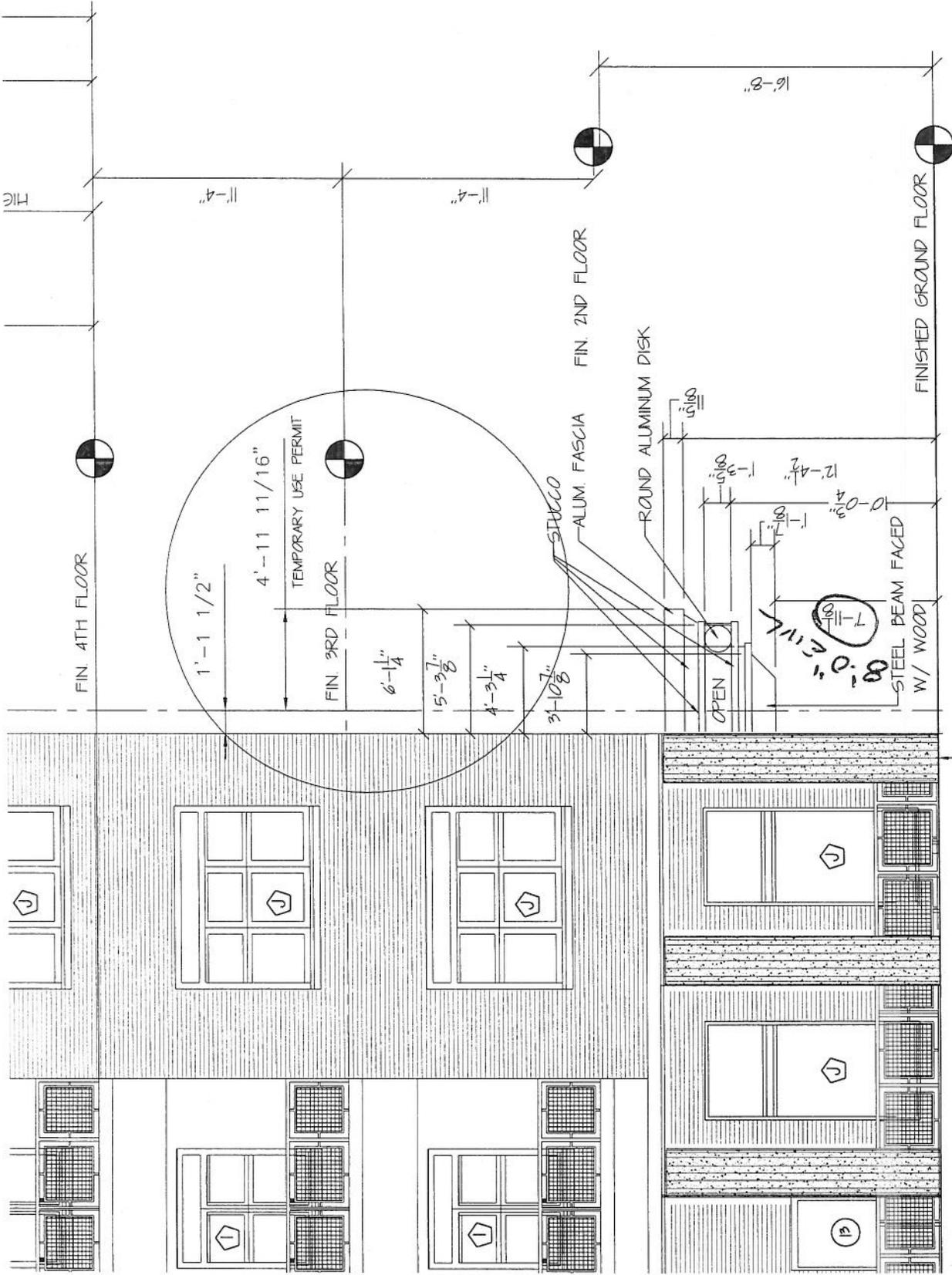
John S. Wise III \_\_\_\_\_ MaY 15, 2012 \_\_\_\_\_  
Print Owner's Name Date

[Handwritten 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.







POURED IN PLACE REINFORCED CONCRETE  
 TUBE COLUMNS. REFER TO STRUCTURAL FOR  
 REINFORCING AND SIZE

SELECTED BY  
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 NOS IS ONE OF  
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**CITY OF CHATTANOOGA  
PUBLIC WORKS DEPARTMENT  
UNIFIED WORK ORDER**

Project/Funding:

Work Order Number: \* 8 9 9 1 4 \*



**Address: 125 CHEROKEE BLVD**

Tax Map/Grid: 135F

|   |                                       |                                       |  |                   |
|---|---------------------------------------|---------------------------------------|--|-------------------|
| Required Work Type: ENG - Temporary Use |                                       | Category: ADMIN                       |  | Date Needed:      |
| WO Initiated:<br>5/16/2012 11:54:11 AM  | Initiated By:<br>FISHER, CAROLYN<br>C | Requested By:<br>CANNON,<br>WILLIAM E | Priority:<br>3   | Status:<br>UNDINV |
|   |                                       | District:<br>1                        | Transferred To/Submitted to:<br>CANNON, WILLIAM E - 5/16/2012<br>11:54:25 AM |                   |

**Instructions:**

**Comments:**

By FISHER, CAROLYN C: 5/16/2012 11:58:18 AM  
REQUEST TEMP. USAGE OF CONSTRUCTION OF A CANOPY AT THE ENTRANCE OF THE PROJECT AT 125  
CHEROKEE BLVD. REASON: PROJECT ZONED C-7 WHERE THERE ARE ZERO SETBACKS. ENTRANCE  
CANOPY EXTENDS APPROX. 24" BEYOND PROPERTY LINE.

**Date Completed:**

Supervisor:

WO Closed :

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

| SR#                              | Date/Time Init.          | Priority                              | Description                           | Problem Address       |
|----------------------------------|--------------------------|---------------------------------------|---------------------------------------|-----------------------|
| 609779                           | 5/16/2012<br>11:53:40 AM |                                       | ENG - Temporary Right-of-Way Use      | 125 CHEROKEE BLVD     |
| Customer Name<br>WISE, III, JOHN |                          | Customer Work Phone<br>(423) 634-1900 | Customer Home Phone<br>(423) 634-1900 | Customer Zip<br>37405 |

**Work Comments/Results:**



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

Date/Time Printed: 5/16/12 @ 11:57 AM

**CityworksSR #: 609779**

|                      |   |                    |                              |
|----------------------|---|--------------------|------------------------------|
| <b>SR Type:</b>      | <u>ENG - Temporary Right-of-Way Use</u> |                    |                              |
| <b>Submitted to:</b> | FISHER, CAROLYN C                       | <b>Dispatched:</b> | <del>CANNON, WILLIAM E</del> |
| <b>Input By:</b>     | FISHER, CAROLYN C                       | <b>Priority:</b>   |                              |
| <b>Create Date:</b>  | 5/16/2012 11:53:40 AM                   | <b>Status:</b>     | CLOSED                       |
| <b>District:</b>     | 1                                       | <b>Due Date:</b>   | 8/14/2012                    |
| <b>Location:</b>     | <u>125 CHEROKEE BLVD 37405</u>          |                    |                              |

| Question | Answer |
|----------|--------|
|          |        |

**Callers/Complainants**

| First Name     | Last Name  | Address      | Apt. | Zip   |
|----------------|------------|--------------|------|-------|
| JOHN           | WISE, III  | P.O.BOX 4261 |      | 37405 |
| Home Phone     | Work Phone | Other Phone  |      |       |
| (423) 634-1900 |            |              |      |       |

**Additional Information**

|       |  |
|-------|--|
| CSRID |  |
|-------|--|

**Additional Details/Comments:** REQUEST TEMP.USAGE OF CONSTRUCTION OF A CANOPY AT THE ENTRANCE OF THE PROJECT AT 125 CHEROKEE BLVD. REASON: PROJECT ZONED C-7 WHERE THERE ARE 'ZERO' SETBACKS. ENTRANCE CANOPY EXTENDS APPROX. 24" BEYOND PROPERTY LINE.

