

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

A RESOLUTION AUTHORIZING JENNIFER A. RIZZO C/O HABITAT FOR HUMANITY GREATER CHATTANOOGA AREA, ATTENTION DENNIS NEAL, TO USE TEMPORARILY AN UNOPENED RIGHT-OF-WAY ON A UNIT BLOCK OF WEST MORGAN LANE TO HAVE A DRIVEWAY ACCESS TO ACCOMMODATE A NEW HOUSE BEING BUILT ON THE CORNER, 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 JENNIFER A. RIZZO C/O HABITAT FOR HUMANITY GREATER CHATTANOOGA AREA, ATTENTION DENNIS NEAL, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily an unopened right-of-way on a unit block of West Morgan Lane to have a driveway access to accommodate a new house being built on the corner, 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 road is on the corner of a blind curve, and safety should be considered.

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

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the “City”), and JENNIFER A. RIZZO C/O HABITAT FOR HUMANITY GREATER CHATTANOOGA AREA, ATTENTION DENNIS NEAL (hereinafter “Temporary User”), this \_\_\_\_ day of \_\_\_\_\_, 2013.

For and in consideration of the granting of the temporary usage of an unopened right-of-way on a unit block of West Morgan Lane to have a driveway access to accommodate a new house being built on the corner, 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 road is on the corner of a blind curve, and safety should be considered.

HABITAT FOR HUMANITY GREATER  
CHATTANOOGA AREA

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

BY: \_\_\_\_\_  
Dennis Neal

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

BY: \_\_\_\_\_  
Jennifer A. Rizzo

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: August 9, 2013

Preparer: William C. Payne

Department: Public Works - Engineering

### Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council):

A City Council Action is requested to approve the request of Temporary Usage No. 109474 for Jennifer A. Rizzo, c/o Habitat for Humanity Greater Chattanooga Area, Attn: Dennis Neal for the unopened right of way Morgan Lane to have driveway access to accommodate a new house being built on the corner. The proposed road is on the corner of a blind curve, and safety should be considered. Please refer to the attached map and drawings.

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:** August 7, 2013  
**Re:** Temporary Usage Request #109474  
Dennis Neal/HFHGCA  
5664 Old Dayton Pike  
Recommendations Regarding Temporary Usage Request

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I have completed my review of Mr. Neal's request regarding the Temporary Usage of the right of way at 5664 Old Dayton Pike to have driveway access from the proposed private road to accommodate a new house being built on the corner. The proposed road is on the corner of a blind curve, and safety should be considered. Please refer to the attached map and drawings. My comments are as follows:

- The City of Chattanooga has sanitary sewer infrastructure in the east end of the subject temporary use area, a proposed private road.
- The said proposed private road is in a blind curve of Old Dayton Pike.

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:***

- ***Temporary use will be granted to Jennifer A. Rizzo, c/o Habitat for Humanity Greater Chattanooga Area.***



Dennis Neal/Habitat for Humanity  
WO:109474, 23  
Temp Use-5664 Old Dayton Pike

TEMPUSE

DAYDREAM

OLD DAYTON

24

26

30



ENTERED  
DCF

RECEIVED  
FEB 26 2013

For Office Use Only	
_____ Technician Signature	
_____ Date	

2/20/2013 (Date)

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

WO# 109474

Re: Request for Temporary Usage

SR# 696023 →

CLOSED  
2-27-2013

RECEIVED  
FEB 27 2013

Dear Mr. Payne:

This is a request for a temporary usage of City Right-of-way currently STORM WATER  
referred to as Morgan Lane.

The reason for this request is as follows:

Need to have driveway access from proposed private road to new house being built on corner of Old Dayton Pike and proposed road for safety considerations - corner on blind curve

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:

Habitat for Humanity Greater Chattanooga Area  
1201 E. Main Street  
Chattanooga TN 37408

(Processing Fee \$110.00)

HFHGCA  
Print Applicant Name

2/20/2013  
Date

Dennis Neal / Agent  
Print Owner's Name

2/20/2013  
Date

Dennis Neal  
Owner's Signature (Required)

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

\* property currently addressed as 5004 Old Dayton Pike is deeded to Habitat for Humanity Greater Chattanooga Area while house is under construction. Upon completion, will be deeded to Jennifer A. Rizzo w/sale of the house/property





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

Project/Funding:

Work Order Number: \* 1 0 9 4 7 4 \*

**Address: 5664 OLD DAYTON PK**

Tax Map/Grid: 099C

<b>Required Work Type:</b> ENG - Temporary Use		<b>Category:</b> ADMIN		<b>Date Needed:</b> 4/28/2013		<b>Status:</b> UNFINV
<b>WO Initiated:</b> 2/27/2013 2:46:15 PM	<b>Initiated By:</b> FISHER, CAROLYN C	<b>Requested By:</b> CANNON, WILLIAM E	<b>Priority:</b> 3	<b>District:</b> 1	<b>Transferred To/Submitted to:</b> CANNON, WILLIAM E - 2/27/2013 2:49:55 PM	

**Instructions:**

<b>Comments:</b>	<p>From: Request ID: 696023, 2/27/2013 2:46:04 PM Problem Details: HABITAT FOR HUMANITY GREATER CHATTANOOGA AREA 1201 EAST MAIN STREET CHATTANOOGA, TN 37408 DENNIS VEAL - AGENT APPLICANT: HFHGCA ** PROPERTY CURRENTLY ADDRESSED AS 5664 OLD DAYTON PIKE IS DEEDED TO HABITAT FOR HUMANITY, GREATER CHATTANOOGA AREA  By FISHER, CAROLYN C: 2/27/2013 2:49:48 PM ** PROPERTY IS CURRENTLY ADDRESSED AS 5664 OLD DAYTON PIKE IS DEEDED TO HABITAT FOR HUMANITY OF GREATER CHATTANOOGA AREA. WHILE HOUSE IS UNDER CONSTRUCTION. UPON COMPLETION, WILL BE DEEDED TO JENNIFER A. RIZZO W/SALE OF THE HOUSE/PROPERTY</p>
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**Date Completed:** \_\_\_\_\_ **Supervisor:** \_\_\_\_\_ **WO Closed:** \_\_\_\_\_

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

SR#	Date/Time Init.	Priority	Description	Problem Address
696023	2/27/2013 2:42:56 PM	3	ENG - Temporary Right-of-Way Use	5664 OLD DAYTON PK
<b>Customer Name</b>			<b>Customer Work Phone</b>	<b>Customer Home Phone</b>
<b>Customer Name</b>			<b>Customer Zip</b>	

SR#	Date/Time Init.	Priority	Description	Problem Address
696023	2/27/2013 2:42:56 PM	3	ENG - Temporary Right-of-Way Use  (423) 756-0507	5664 OLD DAYTON PK  37408
GREATER CHATTA AREA, HABITAT FOR HUMANITY				

Work Comments/Results: \_\_\_\_\_



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

Date/Time Printed: 2/27/13 @ 2:44 PM

**CityworksSR #: 696023**

<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>	<b>FISHER, CAROLYN C</b>	<b>Priority:</b>	<b>3</b>
<b>Create Date:</b>	<b>2/27/2013 2:42:56 PM</b>	<b>Status:</b>	<del>OPEN</del> <i>Closed</i>
<b>District:</b>	<b>1</b>	<b>Due Date:</b>	<b>5/28/2013 2:41:00 PM</b>
<b>Location:</b>	<b>5664 OLD DAYTON PK 37415</b>		

Question	Answer

**Callers/Complainants**

First Name	Last Name	Address	Apt.	Zip
HABITAT FOR HUMANITY	GREATER CHATTA AREA	1201 EAST MAIN STREET		37408
Home Phone	Work Phone	Other Phone		
(423) 756-0507				

**Additional Information**

CSRID	
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**Additional Details/Comments:** HABITAT FOR HUNAMITY GREATER CHATTANOOGA AREA  
 1201 EAST MAIN STREET  
 CHATTANOOGA, TN 37408  
 DENNIS VEAL - AGENT  
 APPLICANT: HFHGCA  
 \*\* PROPERTY CURRENTLY ADDRESSED AS 5664 OLD DAYTON PIKE IS DEEDED TO HABITAT FOR HUMANITY, GREATER CHATTANOOGA AREA

By FISHER, CAROLYN C: 2/27/2013 2:43:52 PM  
 HABITAT FOR HUNAMITY GREATER CHATTANOOGA AREA  
 1201 EAST MAIN STREET  
 CHATTANOOGA, TN 37408  
 DENNIS VEAL - AGENT  
 APPLICANT: HFHGCA

**\*\* PROPERTY CURRENTLY ADDRESSED AS 5664 OLD DAYTON PIKE IS DEEDED TO HABITAT FOR HUMANITY, GREATER CHATTANOOGA AREA WHILE HOUSE IS UNDER CONSTRUCTION, UPON COMPLETION, WILL BE DEEDED TO JENNIFER A. RIZZO W/SALE OF THE HOUSE/PROPERTY.**



CITY OF CHATTANOOGA

RECEIPT NO. 193629

DATE 2/21/13  
 Received from Habitat for Humanity  
 Amount of One Hundred Ten & no/100 Dollars and 00 Cents  
 For Old Dayton Pike & Morgan Ln

Cash \$ \_\_\_\_\_  
 Check \$ 110.00 # 24105  
 Department/Division FAC  
 Signature [Signature]

**Habitat for Humanity**  
 of Greater Chattanooga  
 1201 EAST MAIN STREET  
 CHATTANOOGA, TN 37408  
 (423) 756-0507

Memo: 5664 Dayton Pike - driveway  
 One Hundred Ten and 00/100 Dollars

CITY OF CHATTANOOGA

TO THE ORDER OF

MP	24105	<p><b>SUNTRUST</b> 87-4-640 ACH RT 061000104  <small>EServe™ Check Fraud Protection for Business</small></p> <p>Feb 21, 2013 *****\$110.00</p> <p>DATE AMOUNT</p> <p><u>[Signature]</u> AUTHORIZED SIGNATURE</p>
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Security features. Details on back.

⑈00024105⑈ ⑆064000046⑆0000000152942⑈

