Temp Usage No. 118789

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING JOHN W. WILCOX TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT HAMILTON AVENUE AND WOODARD AVENUE FOR THE INSTALLATION OF A RETAINING WALL, AS SHOWN ON THE MAP AND DRAWING 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 JOHN W. WILCOX, III, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located at Hamilton Avenue and Woodard Avenue to build a retaining wall, as shown on the map and drawing 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. Subject to permit, there is approval by the Land Development Office.

5. Temporary usage will be in effect until the franchise becomes operative or for a maximum of 120 days.

ADOPTED: _____, 2013

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and JOHN W. WILCOX, 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 Hamilton Avenue and Woodard Avenue to build a retaining wall, as shown on the map and drawing 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. Subject to permit, there is approval by the Land Development Office.

5. Temporary usage will be in effect until the franchise becomes operative or for a maximum of 120 days.

_____, 2013 BY: _____
Date John W. Wilcox, III

CITY OF CHATTANOOGA, TENNESSEE

_____, 2013 BY: _____
Date Andy Berke, Mayor

City of Chattanooga

Resolution Request Form

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

Date: October 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 for Temporary Usage No. 118789 for John W. Wilcox, III for the right-of-way of Hamilton Avenue and Woodard Avenue for the installation of retaining wall, as shown on the attached drawing. Also, subject to the conditions on the attached Memorandum.

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: FOR LEE NORRIS

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: October 4, 2013

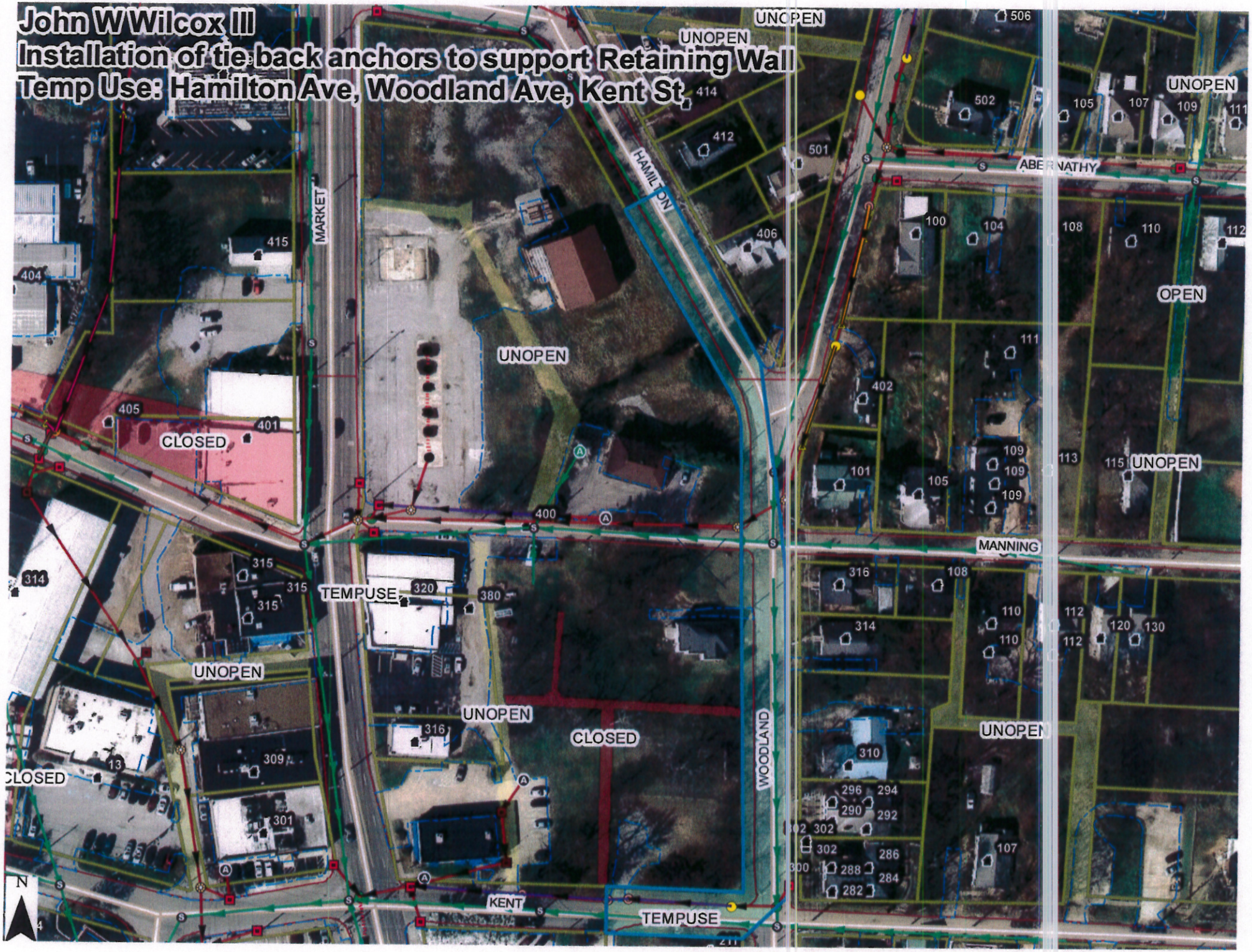
Re: Temporary Usage Request #118789
John W. Wilcox III, Publix Tennessee, LLC
Hamilton Avenue, Woodland Avenue and Kent Street
Recommendations Regarding Temporary Usage Request

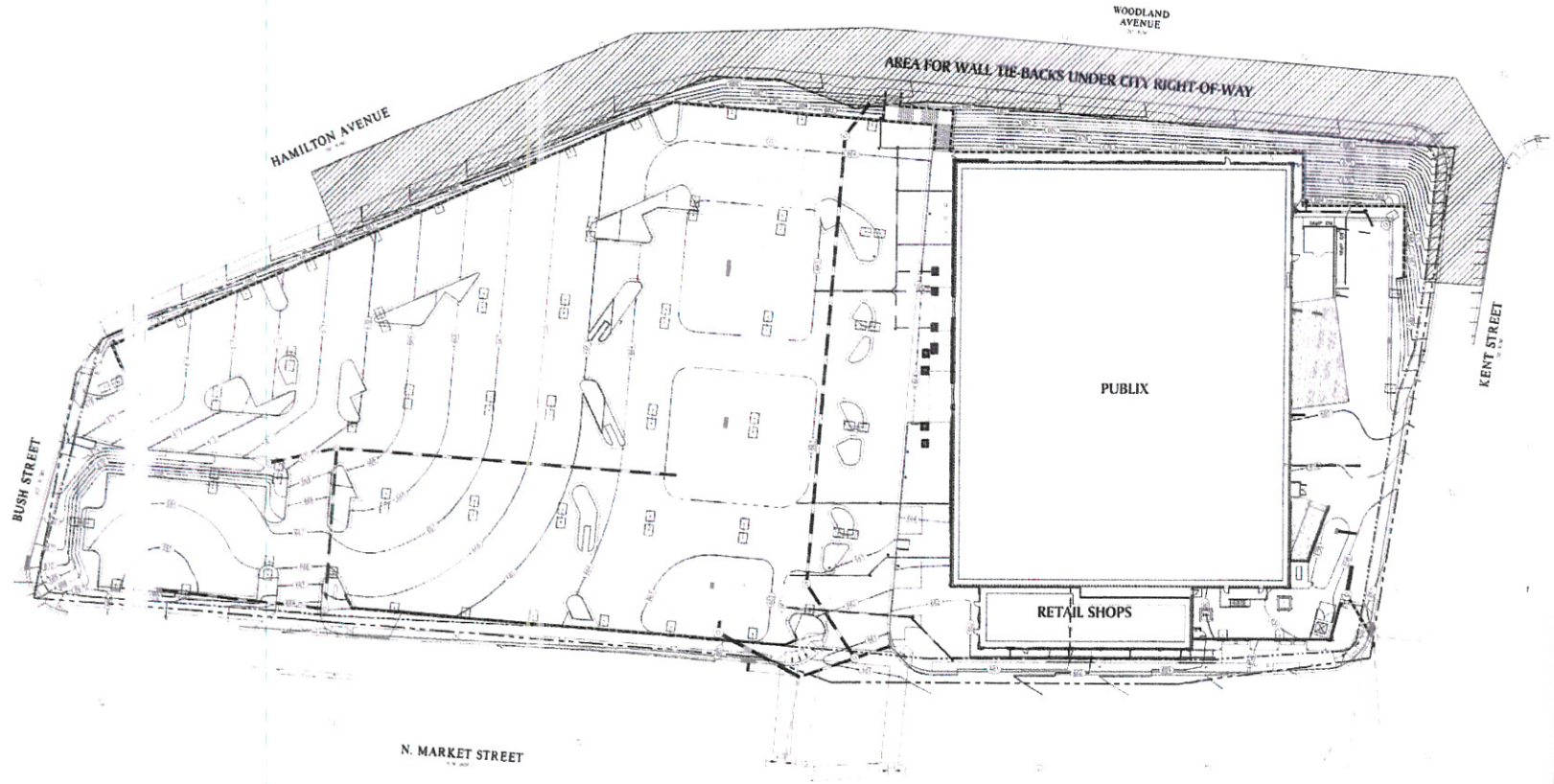
I have completed my review of Mr. Wilcox's request regarding the Temporary Usage of the rights-of-way of Hamilton Avenue, Woodland Avenue, and Kent Street for the installation of tie-back anchors to support retaining walls as shown on the attached maps. My comments are as follows:

- A request will be made for a franchise agreement with the city of Chattanooga for the installation, repair, and maintenance of retaining wall tie-back anchors under a portion of the rights-of-way of Hamilton Avenue and Woodland Avenue.

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:***

- Subject to permit approval by the Land Development Office.
- Temporary usage will be in effect until the franchise becomes operative or for a maximum of 120 days.


John W Wilcox III
Installation of tie back anchors to support Retaining Wall
Temp Use: Hamilton Ave, Woodland Ave, Kent St
UNOPEN
UNOPEN
UNOPEN
UNOPEN
UNOPEN
UNOPEN
UNOPEN
UNOPEN
UNOPEN
CLOSED
CLOSED
CLOSED
TEMPUSE
TEMPUSE
MARKET
HAMILTON
WOODLAND
ABERNATHY
MANNING
KENT
OPEN
N



CITY FRANCHISE PLAN

LAND PLANNERS
ENGINEERS • SURVEYORS
TRANSPORTATION
LANDSCAPE ARCHITECTS
PAULSON MITCHELL INCORPORATED
85-A MILL STREET
SUITE 200
ROSWELL, GEORGIA 30075
VOICE 770.650.7685
FAX 770.650.7684
www.paulsonmitchell.com

PROJECT
PUBLIX ON NORTH MARKET STREET
N. MARKET ST. AND PART OF
TAX K CHATTANOOGA
HAMILTON COUNTY, TN

FOR
PUBLIX SUPER MARKETS, INC.

1000 CIRCLE 75 PARKWAY
ATLANTA, GA. 30339

REVISIONS

DATE ISSUED: DRAWN BY:

CITY FRANCHISE PLAN

SHEET FP-1

The design of the retaining wall for Publix at North Market will be a Soldier Beam and lagging wall design with ground anchor tiebacks. The beginning depth of the tiebacks will vary depending on the height of the wall, but in general will start at approximately 10 feet below finished grades of Hamilton and Woodland Avenue. The ground anchors will be drilled into the soils at a 15 degree downward angle to lengths determined by the design engineer. (30 to 35 feet). The methodology of installing the anchors is described below. As well, attached is a more detailed explanation of the system.

1) Drill a hole measuring approximately 6 inches in diameter to the design length
2) Install double corrosion protected strand anchor (with pvc grout tube a.k.a "tremie pipe") in hole
3) Pressure grout anchor with neat cement from the bottom of the hole up through tremie pipe
4) Once grout has reached sufficient strength (typically about 3 days later) test anchor and lock off at design load
5) Resume excavation to bottom of wall once anchor is locked off

MAP ENGINEERS

September 25, 2013

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

Re: North Market Publix
MAP Engineers Project No.: 12-152

Dear Mr. Payne,

On behalf of Publix Tennessee LLC c/o John W. Wilcox III, please consider this letter a request to apply for a franchise agreement with the City for the installation, repair, and maintenance of retaining wall tie back anchors under a portion of the right-of-ways of Hamilton Avenue and Woodland Avenue, as part of the construction of the proposed Publix on North Market Street. Please consider this request in conjunction with the previously submitted temporary usage permit request for the above mentioned work.

Please contact me at 423-855-5554 with any questions regarding this request.

Sincerely,

Michael A. Price, P.E.
President, MAP Engineers LLC

7380 Applegate Lane • Chattanooga, TN 37421 • (423) 855-5554 • Fax (423) 485-8110
1255 Canton Street, Suite A • Roswell, GA 30075 • (770) 998-5763 • Fax (770) 643-4855