

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING JENNIFER MINGOLA/LINCOLN H. CHRISTENSEN TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED ON 1110 MARKET STREET AT WAREHOUSE ROW FOR THE INSTALLATION OF NINE (9) NEW AWNINGS, AS SHOWN ON THE MAPS 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 JENNIFER MINGOLA/LINCOLN H. CHRISTENSEN, (hereinafter referred to as “Temporary Users”) be and are hereby permitted to use temporarily the right-of-way located on 1110 Market Street at Warehouse Row for the installation of nine (9) new awnings, 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 Users 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 Users agree to vacate the property and temporary use upon reasonable notice from the City to do so.
3. Temporary Users shall provide adequate access for maintenance of any utilities located within the easement.

4. The proposed awnings must meet the minimum elevation requirements per City Codes and Standards, as shown on the attached drawings.

ADOPTED: _____, 2013

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the “City”), and JENNIFER MINGOLA/LINCOLN H. CHRISTENSEN (hereinafter “Temporary Users”), this _____ day of _____, 2013.

For and in consideration of the granting of the temporary usage of the right-of-way located on 1110 Market Street at Warehouse Row for the installation of nine (9) new awnings, as shown on the maps attached hereto and made a part hereof by reference, the receipt of which is hereby acknowledged, Temporary Users agree as follows:

1. Temporary Users 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 Users 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 Users shall restore the property to its original condition when it is returned to the City.

3. Temporary Users shall provide adequate access for maintenance of any utilities located within the easement.

4. The proposed awnings must meet the minimum elevation requirements per City Codes and Standards, as shown on the attached drawings.

_____, 2013
Date

BY: _____
Jennifer Mingola

_____, 2013
Date

BY: _____
Lincoln H. Christensen

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: 9/27/13

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 Temporary Usage No. 118028 for Jennifer Mingola/Lincoln H. Christensen for the right-of-way of 1110 Market Street at Warehouse Row for the installation of nine new awnings, as shown on 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: _____

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: September 26, 2013
Re: Temporary Usage Request #118028
Jennifer Mingola/Lincoln H. Christensen
1110 Market Street/Warehouse Row
Recommendations Regarding Temporary Usage Request

I have completed my review of Ms. Mingola's request regarding the Temporary Usage of the right of way at 1110 Market Street for the installation of nine new awnings. Please refer to the attached map and drawings. My comments are as follows:

- The proposed awnings will project approximately 4' from the Warehouse Row building face into the sidewalk airspace.
- The minimum height clearance will be met for the subject awnings.

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 awnings must meet the minimum elevation requirements per City Codes and Standards, as shown on the attached drawings.*

8/1/2013 (Date)

SR# 752885

WO# 118028

For Office Use Only

Annika Jordan
Technician Signature

8/1/13

Date

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

Re: Request for Temporary Usage

Dear Mr. Payne:

This is a request for a temporary usage of SIDEWALK ROW AT 140
MARKET ST.

The reason for this request is as follows:

INSTALLATION OF 9 NEW AWNINGS
PROJECTING APPROX 4-0 OVER SIDEWALK FROM
WAREHOUSE ROW BUILDING FACE

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:

TENNESSEE AWNING CO.
1601 Mc CALLIE AVE.
CHATTANOOGA, TN 37404

(Non-Refundable Processing Fee \$110.00)

Lincoln Christensen 8/1/13
Print Applicant Name Date

Warehouse Row 8/1/13
Print Owner's Name Date

[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.

8/1/13 (Date)

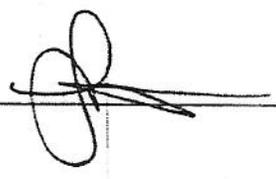
City of Chattanooga
City Engineer
Development Resource Center
1250 Market Street, Suite 2100
Chattanooga, Tennessee 37402

Re: Acting Agent Letter - Temporary Usage of Right of Way

Dear City Engineer,

I am formally requesting the City of Chattanooga accept the attached Temporary Usage of Right of Way Application submitted by my Agent TENNESSEE AWNING CO., on my behalf.

Applicant Printed Name: Jennifer Mingola

Applicant Signature: 

Date: 8/1/13

Agent Printed Name: Lincoln H. Christensen

Agent Signature: 

Date: 8/1/13

TA&T, LLC
Tennessee Awning Company
1601 McCallie Ave.
P.O. Box 3093
Chattanooga, TN 37404

FIRST BANK
Chattanooga, TN 37421
87-703/843

002134

8/1/2013

PAY
TO THE
ORDER OF

City of Chattanooga

\$ **110.00

DOLLARS

One Hundred Ten and 00/100*****

City of Chattanooga
Att: Dan Thornton
100 East 11th St.
Chattanooga, TN 37402-4223

MEMO

[Handwritten Signature]
AUTHORIZED SIGNATURE

⑈002134⑈ ⑆084307033⑆ 86440598⑈



CITY OF CHATTANOOGA

DATE 8/1/13

RECEIPT NO. 221708

Received from TA&T LLC

Amount of ONE HUNDRED Dollars and TEN Cents 00/100

For TEMP USAGE - 1110 MARKET STREET

Cash \$ _____
 Check \$ 110.00 #2134
Collection Report No.

TIC
Department/Division
BONNIE
Signature



CITY OF CHATTANOOGA

DATE _____

RECEIPT NO. 221709

Received from _____

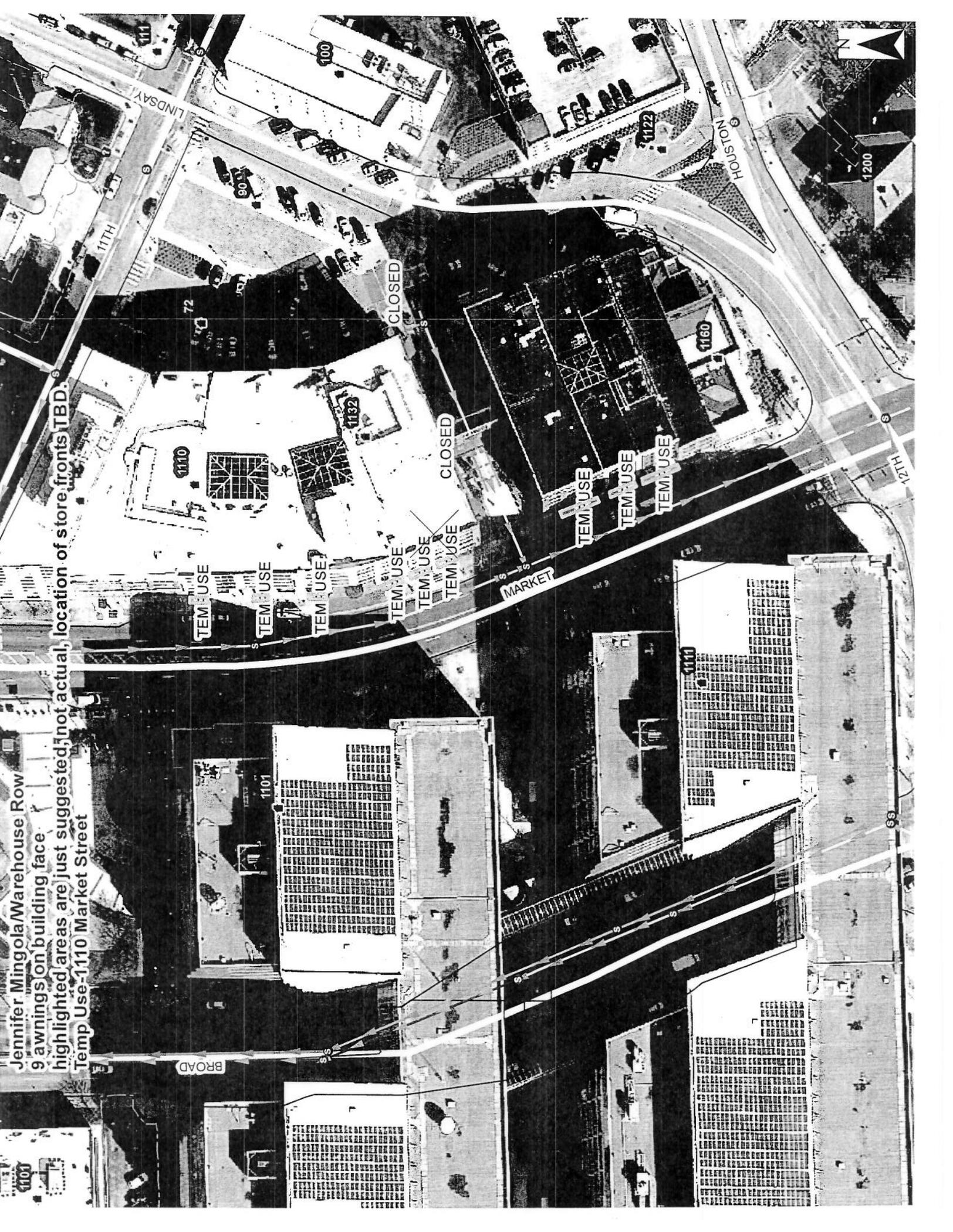
Amount of _____ Dollars and _____ Cents _____

For _____

Cash \$ _____
 Check \$ _____

Department/Division

Signature



Jennifer Mingola/Warehouse Row
9 awnings on building face
highlighted areas are just suggested, not actual, location of store fronts TBD.
Temp Use-1110 Market Street

BROAD

LINDSAY

11TH

HUSTON

MARKET

TEMP USE

TEMP USE

TEMP USE

TEMP USE

TEMP USE

TEMP USE

CLOSED

CLOSED

TEMP USE

TEMP USE

TEMP USE

1111

1101

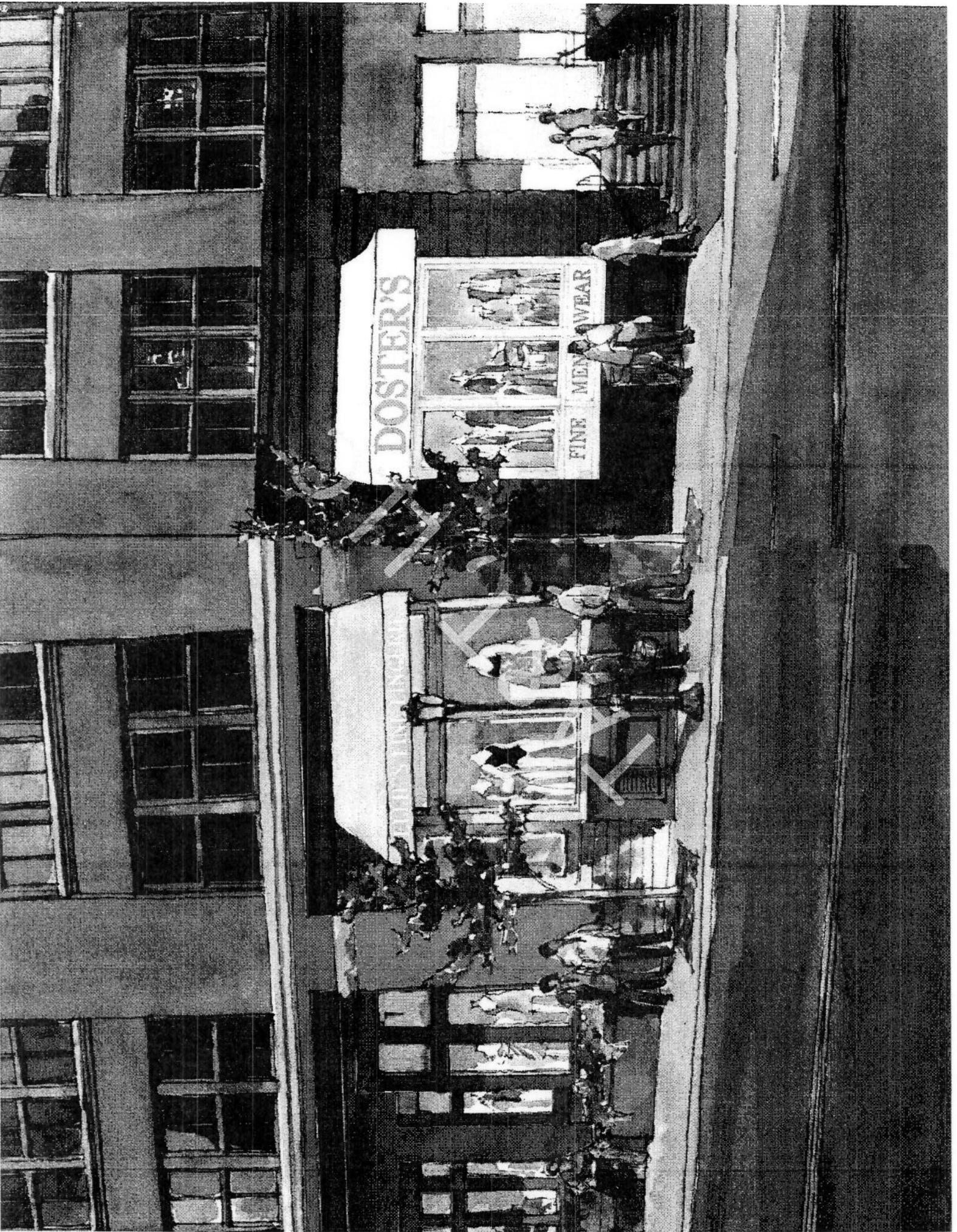
1110

1132

1160

1122

1200

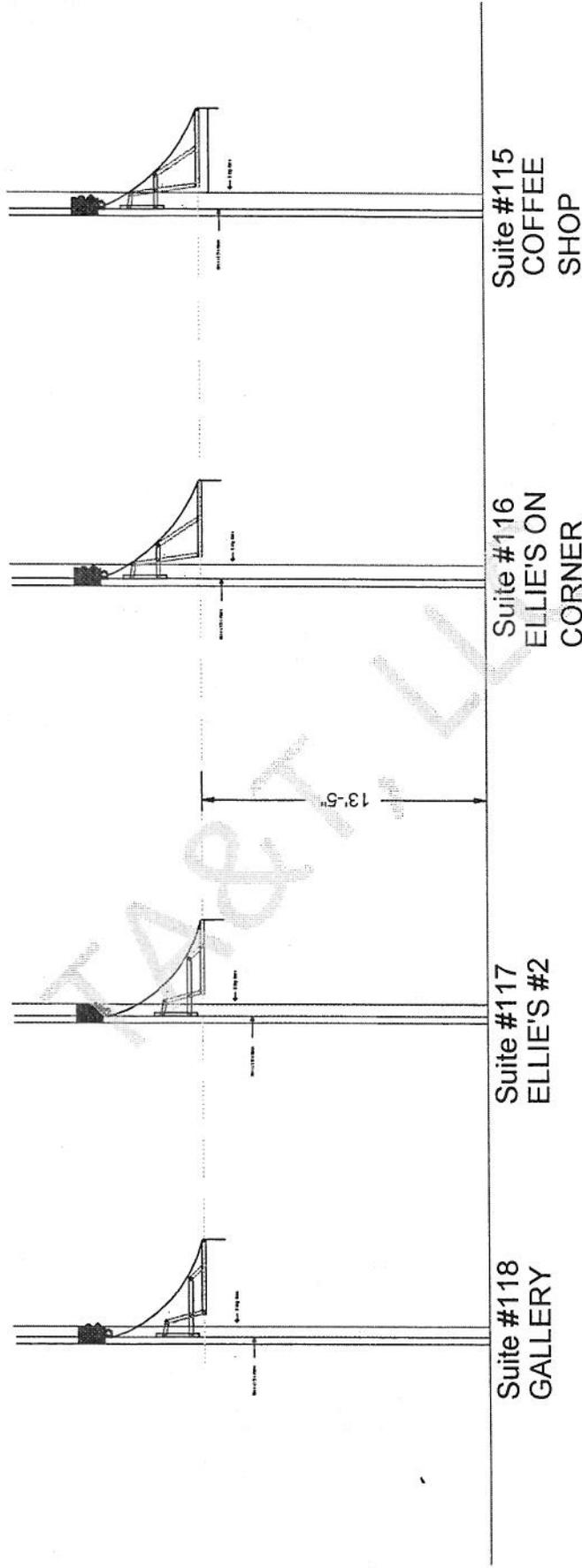


DOSTER'S

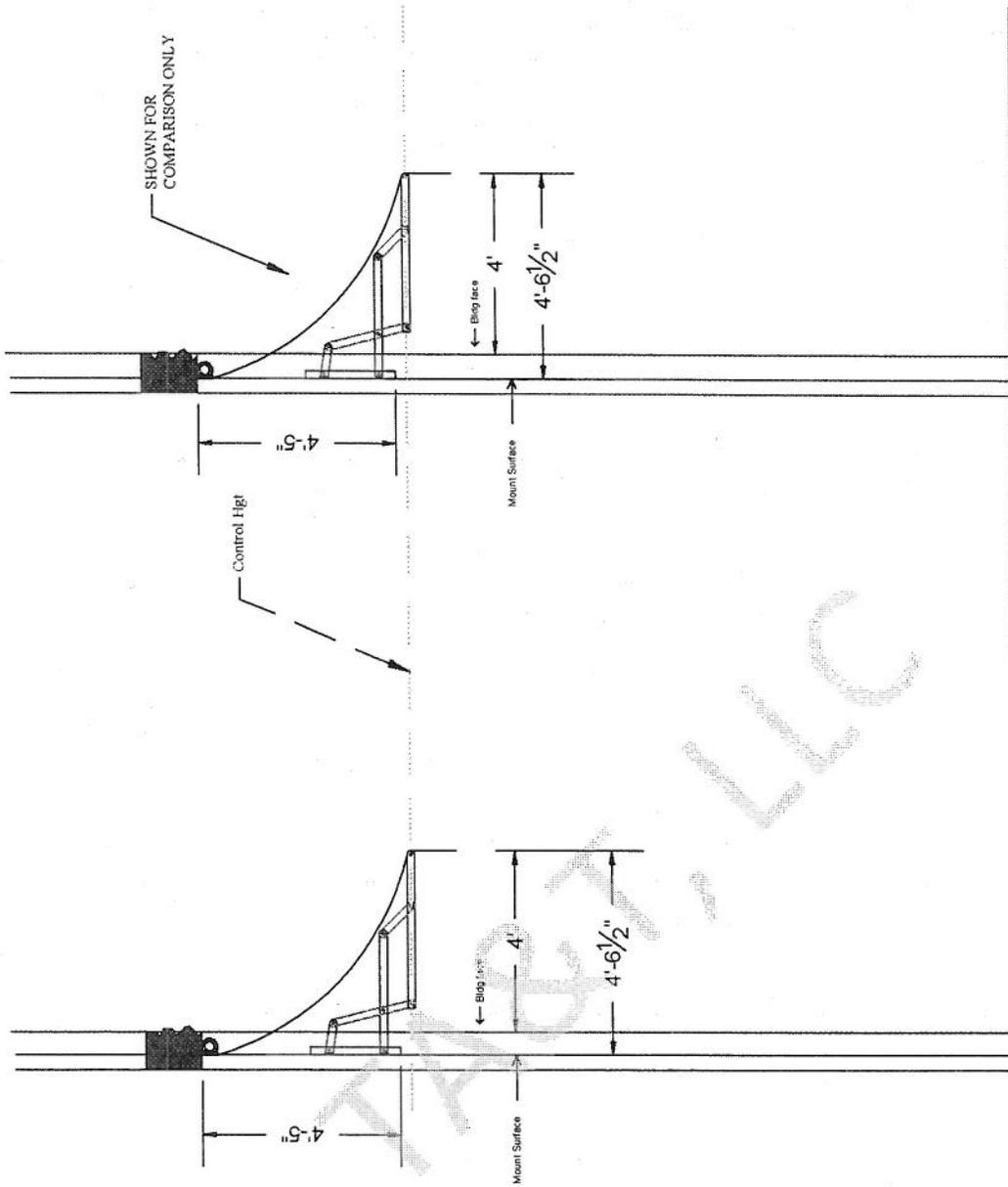
FINE MEN WEAR

LITTLE THING CENT

WAREHOUSE ROW - 1110 Market St, Chattanooga, TN



AWNING ELEVATIONS: All awnings project 4'-0" over the sidewalk right-of-way. Differences in projection create a standard height and projection of the awning front from location to location. Average height above grade is 13'-5"+-. Street elevation at Suite #118 is higher than at the Suite #103 location.



Suite #117
ELLIE'S #2

Suite #118
GALLERY

WAREHOUSE ROW: Gallery and Ellie's #2 have the same outside structure at the same controlling height