

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

A RESOLUTION AUTHORIZING JOHN MEEKS TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 388 SOMERVILLE AVENUE TO ALLOW A SECURITY GATE, 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 JOHN MEEKS, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located at 388 Somerville Avenue to allow a security gate, 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.

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

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the “City”), and JOHN MEEKS (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 388 Somerville Avenue to allow a security gate, 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.

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

BY: \_\_\_\_\_  
John Meeks

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: November 8, 2013

Preparer: William C. Payne

Department: Public Works - Engineering

Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council):

District 1

A City Council Action is requested to approve Temporary Usage No. 122764 for John Meeks for the right-of-way of 388 Somerville Avenue to allow a security gate, as shown on the attached maps.

Name of Vendor/Contractor/Grant, etc.	<u>N/A</u>	New Contract/Project? (Yes or No)	<u>N/A</u>
Total project cost \$	<u>N/A</u>	Funds Budgeted? (YES or NO)	<u>N/A</u>
Total City of Chattanooga Portion \$	<u>N/A</u>	Provide Fund	<u>N/A</u>
City Amount Funded \$	<u>N/A</u>	Provide Cost Center	<u>N/A</u>
New City Funding Required \$	<u>N/A</u>	Proposed Funding Source if not budgeted	<u>N/A</u>
City's Match Percentage %	<u>N/A</u>	Grant Period (if applicable)	<u>N/A</u>

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:** October 30, 2013  
**Re:** Temporary Usage Request #122764  
John Meeks, Meeks' Restaurant  
388 Somerville Avenue  
Recommendations Regarding Temporary Usage Request

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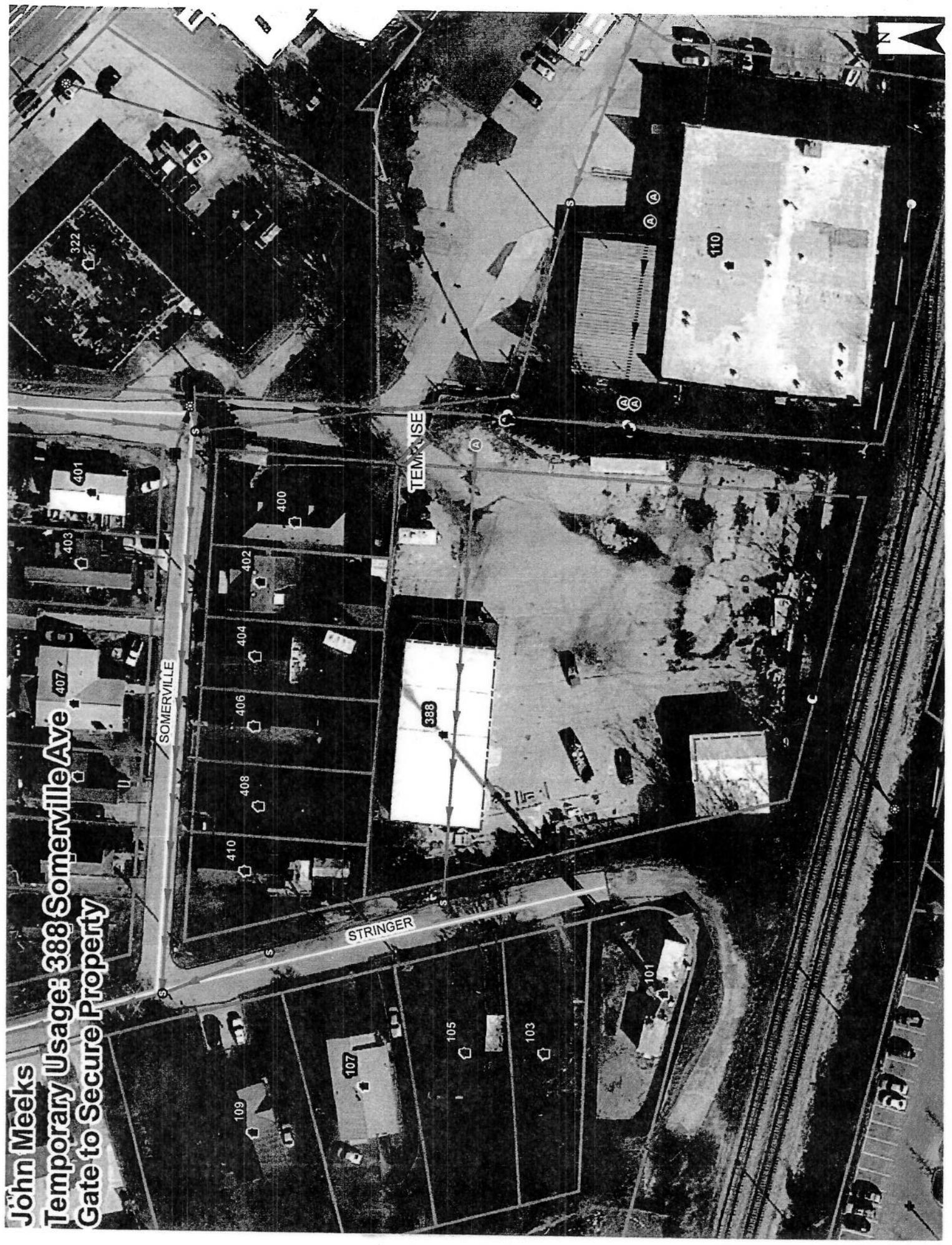
I have completed my review of Mr. Meeks' request regarding the Temporary Usage of the right-of-way of 388 Somerville Avenue to have the existing gate as shown on the attached maps. My comments are as follows:

- Mr. Meeks said the gate has been there for twenty years.
- He wants it to remain in place to secure the property at 388 Somerville 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 with no conditions.***

John Meeks

Temporary Usage: 388 Somerville Ave  
Gate to Secure Property



**GENERAL NOTES**

USE GROUP = ASSEMBLY A-2  
CONSTRUCTION TYPE = TYPE 5 - B  
SPRINKLERED  
BUILDING AREA - 4,801 SQ.FT.  
COVERED PORCH - 954 SQ.FT.  
TOTAL - 5,755 SQ.FT.  
ALLOWABLE AREA - 5,000 SQ.FT.  
ZONING - M-1  
OCCUPANCY SUMMARY

AREA	SQ.FT.	FUNCTION	SQ.FT./PERSON	OCCUPANCY
FRONT PORCH	520	BUSINESS	100	5.2
SIDE PORCH	384	ASSEMBLY	15	25.6
MAIN AREA	1500	ASSEMBLY	15	100.0
REAR PORCH	1948	ASSEMBLY	15	129.9
BAR / WAITRESS STATION	300	BUSINESS	100	3.0
RESTROOMS	300	BUSINESS	100	3.0
KITCHEN/OFFICE	125	BUSINESS	11	11.4
TOTAL	1423	BUSINESS	100	14.2

EGRESS WIDTH REQUIRED - 34.8"  
EGRESS WIDTH PROVIDED - 32.4"  
MAIN EXIT - 72"  
NUMBER OF STORIES ABOVE GRADE PLANE - TWO  
BUILDING HEIGHT = 22'-0"  
LOCATION = CHATTANOOGA, TENNESSEE  
INTERIOR FINISH = CLASS - C  
EXITS & EXIT ACCESSES = CLASS - B

**PARKING SUMMARY**

PARKING SPACES = 77  
URBAN OVERLAY - 10%  
BIKE RACK = 5%  
PARKING SPACES REQUIRED = 65  
PARKING SPACES PROVIDED = 65

**CODES:**

2006 INTERNATIONAL BUILDING CODE  
2006 NEC  
2006 IBC 117.1 W/ 98 REVISIONS  
2006 INTERNATIONAL FIRE CODE

**DESIGN LIVE LOADS:**

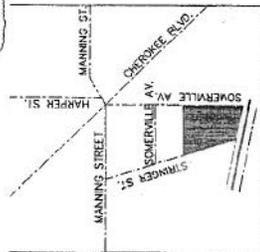
LOOR LL = 120 PSF  
ROOF LL = 20 PSF  
WIND LL = 50 MPH  
GUARD & STAIR RAIL LL = 200 LB. CONCENTRATED LOAD  
GRAB BARS = 250 LB. CONCENTRATED LOAD  
SEISMIC ZONE - 2

**OWNER:**

JOHN MEERS  
103 SOMMERVILLE AVE.  
CHATTANOOGA, TN 37405

**ARCHITECT:**

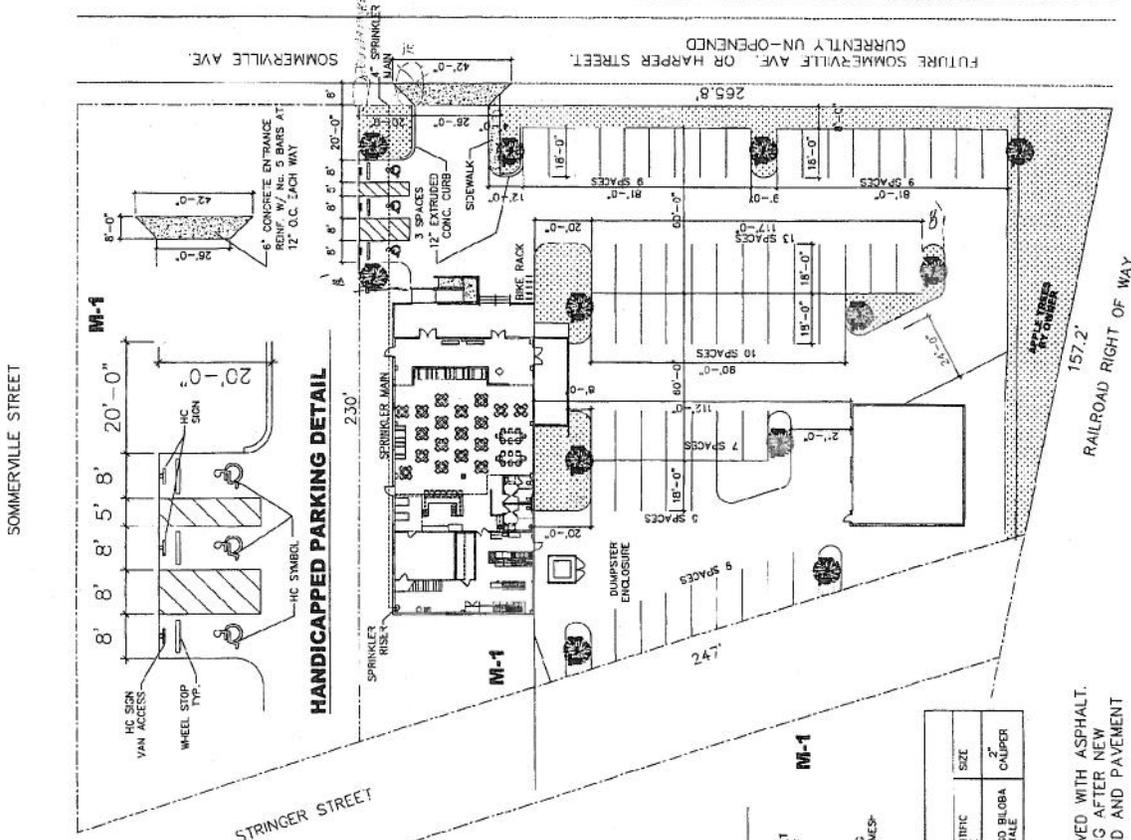
THOMAS JOHNSON ARCHITECTURE  
1215 S. HARRIS STREET  
CHATTANOOGA, TN 37402  
CONTACT: THOMAS JOHNSON  
423-263-8838



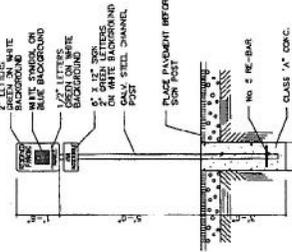
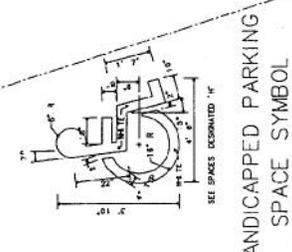
**VICINITY PLAN**



SCALE: 1" = 20'



**SITE PLAN**  
SCALE: 1" = 20'



**LEGEND**

- NEW GRASS AREAS  
REMOVE EXISTING ASPHALT  
INSTALL TOPSOIL SEED &  
STRAW
- NEW CONCRETE REPAIRS  
4" MIN. NEW 1/4" FIBER MESH

**PLANTING LEGEND**

SYMBOL	QUANTITY	COMMON NAME	SCIENTIFIC NAME	SIZE
(Symbol)	10	GINGKO	GINOBA MALE	2" CALIPER

- PARKING LOT NOTES:**
- ENTIRE SITE IS CURRENTLY PAVED WITH ASPHALT.
  - SEAL EXISTING ASPHALT PAVING AFTER NEW UNDERGROUND UTILITIES INSTALLED AND PAVEMENT REPAIRED.
  - ALL STRIPING FOR PARKING TO BE PAINTED ON EXISTING PAVEMENT

C-7

28 Oct 2013 (Date)

SR# 782177  
WO# 122764

For Office Use Only

*Donna Loden*  
Technician Signature

10/28/13  
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 Gate At 388 Somerville Ave  
GATE HAS BEEN THERE FOR 20 YRS

The reason for this request is as follows:  
To secure property located At 388 Somerville Ave

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:

John Meeks 403 Somerville Ave Chatt. TN 37405  
Phone 423-400-4927

(Processing Fee \$110.00)

John Meeks  
Print Applicant Name

28 Oct 13  
Date

John Meeks  
Print Owner's Name

28 Oct 13  
Date

*John Meeks*  
Owner's Signature (Required)

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



CITY OF CHATTANOOGA

DATE 10/14/13

RECEIPT NO. 221716

Received from MARIA FLANAGAN

Amount of ONE HUNDRED Dollars and TEN Cents 00

For TEMP USAGE - 3901 13TH AVE



NIK MEEKS  
JOHN MEEKS  
402 SOMERVILLE AVE  
CHATTANOOGA, TN 37405

2051  
87-334/613

28 Oct 2013  
Date

Pay to the Order of City of Chattanooga

\$ 110.00

ONE HUNDRED TEN DOLLARS Dollars

FIRST VOLUNTEER BANK

The Bank with Personality!

D For Gate Permit

John MEEKS MP

7

R 061303348 0101201152 2051  
Harland Clarke



Amount of ONE HUNDRED Dollars and  
For TEMPORARY USE - 1605 WOODLAND RD

Cash \$

#54235  
Collection Report No.

TIC  
BUNNIE  
Department/Division  
Signature

Check \$ 110.00



CITY OF CHATTANOOGA

DATE 10/28/13

RECEIPT NO. 221718

Received from JOHN MEEKS

Amount of ONE HUNDRED Dollars and TEN Cents 00

For TEMPORARY USAGE - 358 SOMERVILLE AVE

Cash \$

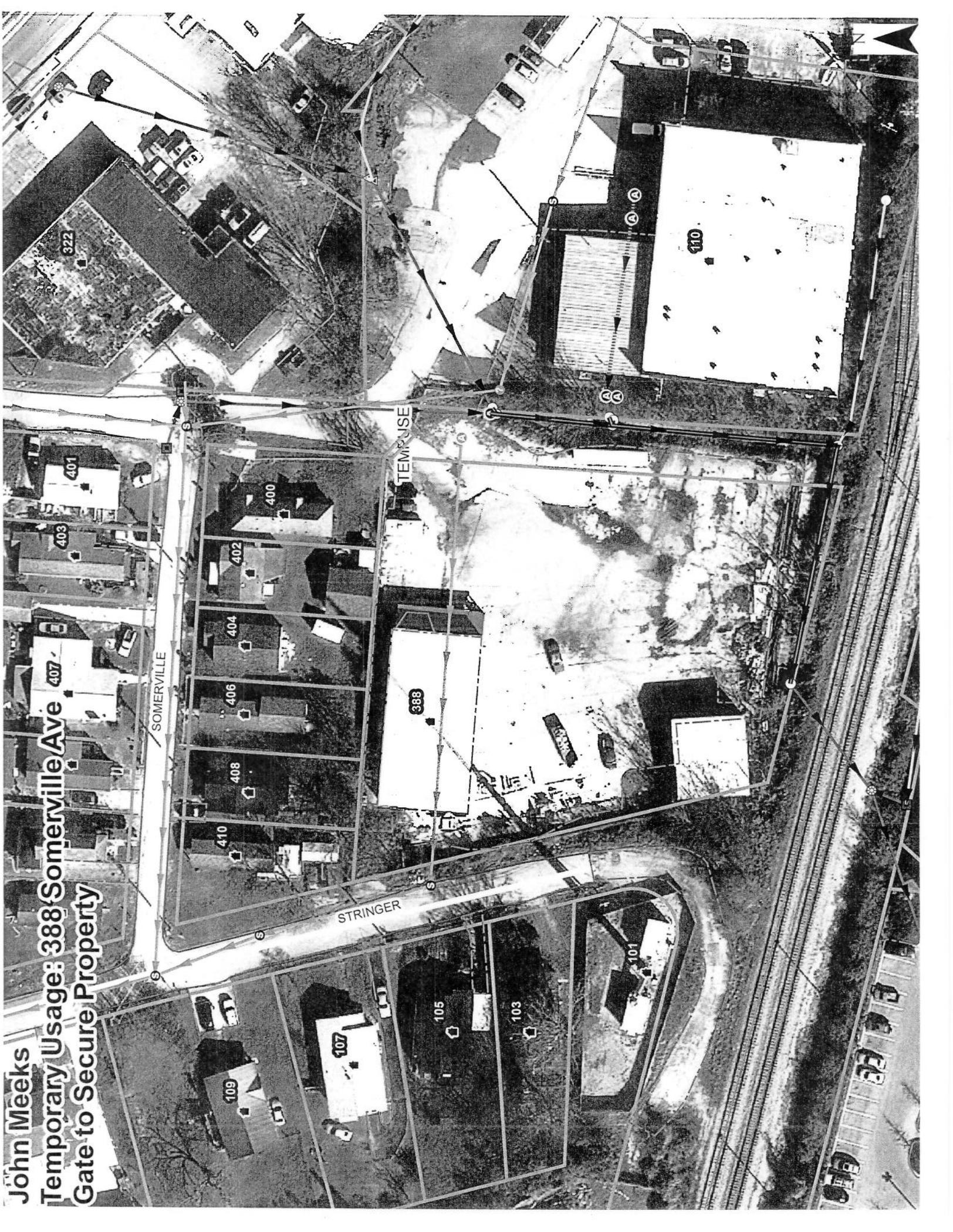
2051  
Collection Report No.

TIC  
BUNNIE  
Department/Division  
Signature

Check \$ 110.00

**John Meeks**

**Temporary Usage: 388 Somerville Ave  
Gate to Secure Property**





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

Project/Funding:

Work Order Number: \* 1 2 2 7 6 4 \*

**Address: 388 SOMERVILLE AVENUE**

Tax Map/Grid: 135F

<b>Required Work Type:</b> ENG - Temporary Use		<b>Category:</b> ADMIN	<b>Date Needed:</b> 12/27/2013
<b>WO Initiated:</b> 10/28/2013 12:25:34 PM	<b>Initiated By:</b> KING, CAROLA	<b>Requested By:</b> BOWEN, EDWARD L	<b>Priority:</b> 3
		<b>District:</b> 1	<b>Transferred To/Submitted to:</b> BOWEN, EDWARD L - 10/28/2013 12:26:56 PM
			<b>Status:</b> UNDINV

**Instructions:**

**Comments:** From: Request ID: 782177, 10/28/2013 12:25:01 PMPProblem Details: Wants a gate permit.

**Date Completed:** Supervisor: WO Closed :

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

SR#	Date/Time Init.	Priority	Description	Problem Address
782177	10/28/2013 12:24:10 PM	3	ENG - Temporary Right-of-Way Use	388 SOMERVILLE AVENUE
<b>Customer Name</b> MEEKS, JOHN		<b>Customer Work Phone</b>	<b>Customer Home Phone</b>	<b>Customer Zip</b>
			(423) 400-4927	37405

**Work Comments/Results:**



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

Date/Time Printed: 10/28/13 @ 4:03 PM

**CityworksSR #: 782177**

<b>SR Type:</b>	<b>ENG - Temporary Right-of-Way Use</b>		
<b>Submitted to:</b>	<b>BOWEN, EDWARD L</b>	<b>Dispatched:</b>	<b>BOWEN, EDWARD L</b>
<b>Input By:</b>	<b>KING, CAROL A</b>	<b>Priority:</b>	<b>3</b>
<b>Create Date:</b>	<b>10/28/2013 12:24:10 PM</b>	<b>Status:</b>	<b>O-OPEN</b>
<b>District:</b>	<b>1</b>	<b>Due Date:</b>	<b>1/26/2014</b>
<b>Location:</b>	<b>388 SOMERVILLE AVENUE 37405</b>		

Question	Answer

**Callers/Complainants**

First Name	Last Name	Address	Apt.	Zip
JOHN	MEEKS	402 SOMERVILLE AVENUE		37405
Home Phone	Work Phone	Other Phone		
(423) 400-4927				

**Additional Information**

<b>CSRID</b>	13-00127543
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**Additional Details/Comments:**