

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING JOSEPH SCHULTZ TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED IN THE 7600-7700 BLOCKS OF SHALLOWFORD ROAD FOR THE INSTALLATION OF A METAL COMMUNITY FENCE, 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 JOSEPH SCHULTZ, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located in the 7600-7700 blocks of Shallowford Road for the installation of a metal community fence, 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 fence and its rock columns will be behind the sidewalk and no closer than two feet to it.

ADOPTED: _____, 2013

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the “City”), and JOSEPH SCHULTZ (hereinafter “Temporary User”), this _____ day of _____, 2013.

For and in consideration of the granting of the temporary usage of the right-of-way located in the 7600-7700 blocks of Shallowford Road for the installation of a metal community fence, 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 fence and its rock columns will be behind the sidewalk and no closer than two feet to it.

_____, 2013
Date

BY: _____
Joseph Schultz

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: December 4, 2013

Preparer: William C. Payne

Department: Public Works - Engineering

Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council): DISTRICT 4

A City Council Action is requested to authorize Temporary Usage No. 122080 for Joseph Schultz for the right of way of 7600-7700 blocks of Shallowford Road for the installation of a metal community fence, as shown on the attached drawings. Also, subject to the condition stated on the attached Memorandum.

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: 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: December 2, 2013

Re: Temporary Usage Request # 122080
Joseph Schultz-2400 Baskette Way
Recommendations Regarding Temporary Usage Request

I have completed my review of Mr. Schultz's request regarding the Temporary Usage of the rights-of-way of 2400 Baskette Way for the installation of a metal community fence as shown on the attached drawing, photo, and map. My comments are as follows:

- This is for the Village of Ashwood, a PUD.

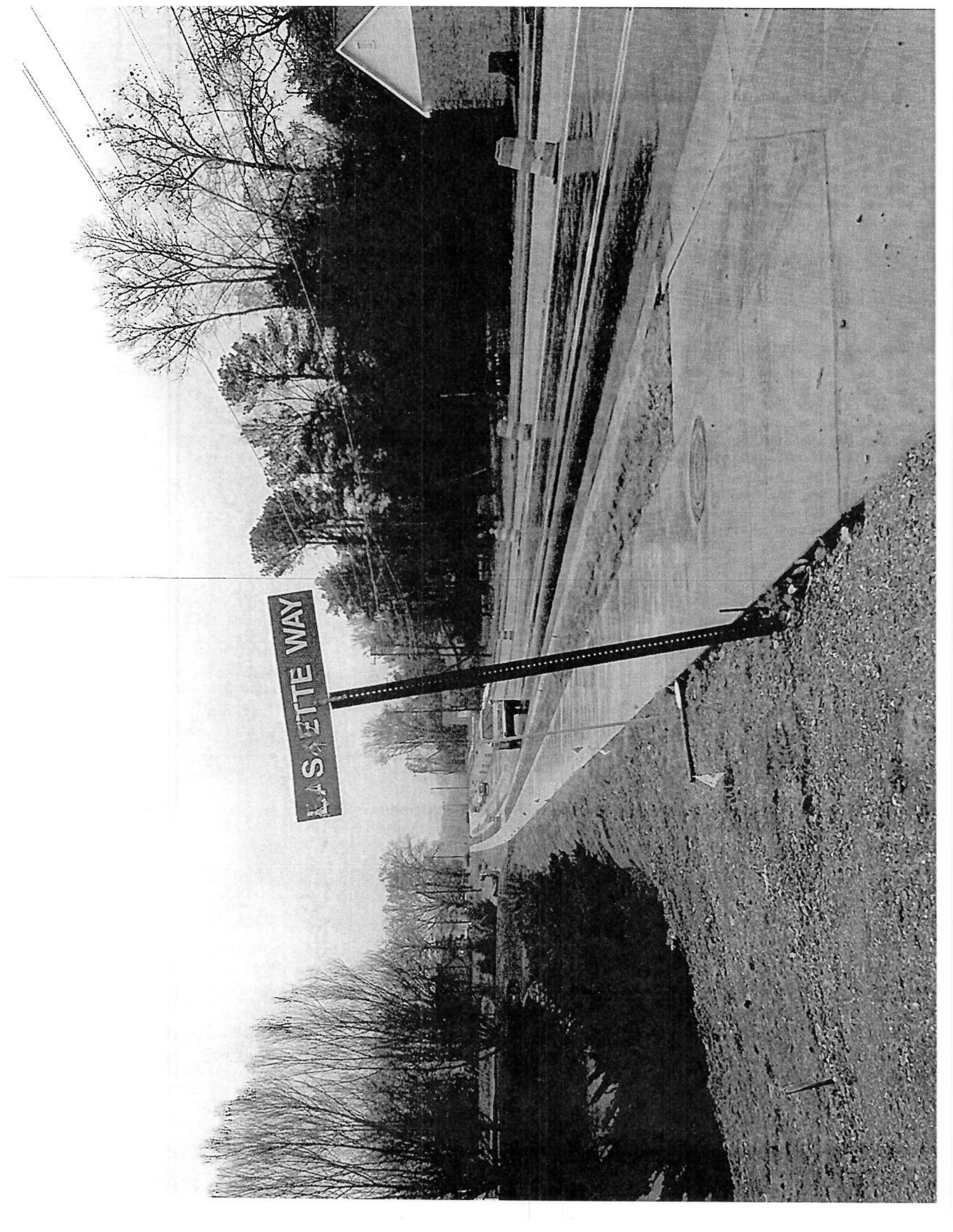
After review, granting this Temporary Usage does not conflict with the public's interest. Therefore, I recommend that the request for ***Temporary Usage be granted subject to the following condition:***

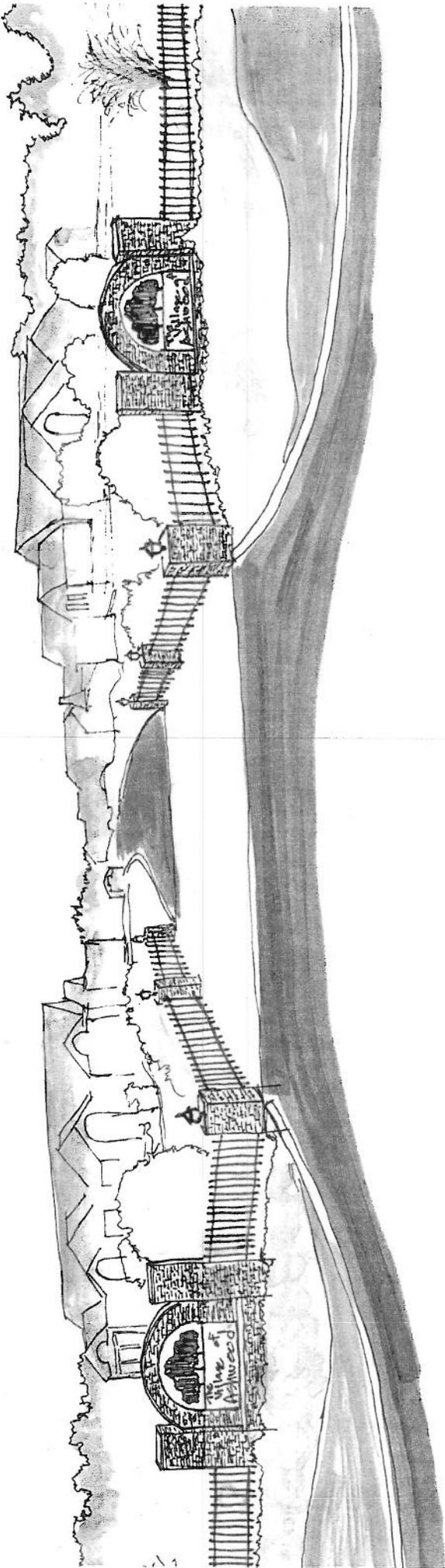
- The fence and its rock columns will be behind the sidewalk and no closer than two feet to it.

Joseph Shultz Millage of Ashwood Homeowners Assoc
Temp Usage: 2400 Baskette Way
Fence property along ROW



L.A. SIZETTE WAY







SR # 77 8330
WO # 122080

For Office Use Only	
<i>Garrett [Signature]</i>	
Technician Signature	
10/11/13	
Date	

(DATE)

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

⊗ FURTHER DRAWINGS COMING FROM DMS.

Re: Request for Temporary Usage

Dear Mr. Payne:

This is a request for a temporary usage of City R.O.W. for community fence
on Shallowford RD VILLAGE OF ASHWOOD

The reason for this request is as follows:
T-DOT R.O.W. PROHIBITS THE V.O.A. FENCE INSTALLATION
OUR NEW PROPERTY LINE IS INTO OUR DETENTION POND

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 is as follows:
JOSEPH SCHULTZ, 2533 BASKETTE WAY 423-883-2552

JRS 727@EPBFL.COM (email address)

(Processing Fee of \$110.00 payable to: City of Chattanooga)

JOSEPH SCHULTZ 10/11/13
(Print) Applicant Name Date

VILLAGE OF ASHWOOD 10/11/13
(Print) Owner's Name HOMEOWNERS ASSOCIATION Date

This application must include the owner's signature and a site map of the referenced location to complete processing.

Joseph Shultz/Village of Ashwood Homeowners Assoc
Temp Usage: 2400 Baskette Way
Fence property along ROW





CITY OF CHATTANOOGA

DATE 9/10/13 RECEIPT NO. 221713
Received from D+B CARPENTRY, LLC
Amount of ONE HUNDRED Dollars and TEN Cents 00
For TEMPUSAGE - 154 INTERMONT CIRCLE

CASH ONLY IF ALL CheckLock™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

The Village of Ashwood
821 Houston Street
Chattanooga, TN 37403
(423) 490-9797

REGIONS BANK
87-001/640

2768

10/11/2013

Pay to the
Order of

City of Chattanooga

\$ **110.00

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

City of Chattanooga
1250 Market Street Suite 1000
Chattanooga, TN 37402

VOID AFTER 90 DAYS

Bonnie West
Marlene West MP

⑈002768⑈ ⑆064000017⑆ 0050975765⑈

Cash \$ _____
 Check \$ 110⁰⁰

#1031
Collection Report No.

TIC
Department/Division
BONNIE
Signature



CITY OF CHATTANOOGA

DATE 10/11/13 RECEIPT NO. 221715
Received from VILLAGE OF ASHWOOD
Amount of ONE HUNDRED Dollars and TEN Cents 00
For TEMPORARY USAGE - 2400 BASKETTE WAY

Cash \$ _____
 Check \$ 110⁰⁰

#2768
Collection Report No.

TIC
Department/Division
BONNIE
Signature



CITY OF CHATTANOOGA
PUBLIC WORKS DEPARTMENT
SERVICE REQUEST

Date/Time Printed: 10/14/13 @ 2:39 PM

CityworksSR #: 778330

SR Type:	ENG - Temporary Right-of-Way Use		
Submitted to:	BOWEN, EDWARD L	Dispatched:	BOWEN, EDWARD L
Input By:	KING, CAROL A	Priority:	3
Create Date:	10/14/2013 2:29:56 PM	Status:	O-OPEN
District:	4	Due Date:	1/12/2014
Location:	2400 BASKETTE WAY		

Question	Answer

Callers/Complainants

First Name	Last Name	Address	Apt.	Zip
JOSEPH	SCHULTZ	2533 BASKETTE WAY		
Home Phone	Work Phone	Other Phone		
(423) 883-2552				

Additional Information

CSRID	13-00121884
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Additional Details/Comments:

By KING, CAROL A: 10/14/2013 2:37:48 PM

City r.o.w. for community fence on Shallowford Road Village of Ashwood/per Homeowners Association



CITY OF CHATTANOOGA
PUBLIC WORKS DEPARTMENT
UNIFIED WORK ORDER

Project/Funding:

Work Order Number: * 1 2 2 0 8 0 *

Address: 2400 BASKETTE WAY

Tax Map/Grid: 149J

Required Work Type: ENG - Temporary Use	Category: ADMIN	Date Needed: 12/13/2013	Status: UNDINV
WO Initiated: 10/14/2013 2:32:24 PM	Initiated By: KING, CAROL A	Requested By: BOWEN, EDWARD L	Priority: 3
		Priority: 4	District: BOWEN, EDWARD L - 10/14/2013
		Transferred To/Submitted to: BOWEN, EDWARD L	Date: 10/14/2013 2:33:07 PM

Instructions:

Comments: From: Request ID: 778330, 10/14/2013 2:31:59 PM Problem Details:

By KING, CAROL A: 10/14/2013 2:45:27 PM
Wants usage of city r.o.w for community fence on Shallowford Road, Village of Ashwood/per Homeowners Association.

Date Completed:

Supervisor:

WO Closed :

Associated Service Request(s), If Any:

SR#	Date/Time Init.	Priority	Description	Problem Address
778330	10/14/2013 2:29:56 PM	3	ENG - Temporary Right-of-Way Use	2400 BASKETTE WAY
Customer Name SCHULTZ, JOSEPH		Customer Work Phone (423) 883-2552		Customer Home Phone
				Customer Zip

Work Comments/Results: