

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

A RESOLUTION AUTHORIZING MARIA TERESA FLANAGAN TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 3901 13<sup>TH</sup> AVENUE FOR THE INSTALLATION OF FENCING, 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 MARIA TERESA FLANAGAN, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located at 3901 13<sup>th</sup> Avenue for the installation of fencing, 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 is to be no higher than three (3) feet.

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

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the “City”), and MARIA TERESA FLANAGAN (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 3901 13<sup>th</sup> Avenue for the installation of fencing, 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 is to be no higher than three (3) feet.

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

BY: \_\_\_\_\_  
Maria Teresa Flanagan

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 7

A City Council Action is requested to authorize Temporary Usage No. 122054 for Maria Teresa Flanagan for the right-of-way of 3901 13th Avenue for the installation of fencing, as shown on the attached drawings. Also subject to the following condition 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:  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 #122054  
Ms. Maria Teresa Flanagan / 3901 13<sup>th</sup> Avenue  
Recommendations Regarding Temporary Usage Request

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I have completed my review of Ms. Flanagan's request regarding the temporary usage of the right-of-way for the fencing. Please refer to the attached map and photo. My comments are as follows:

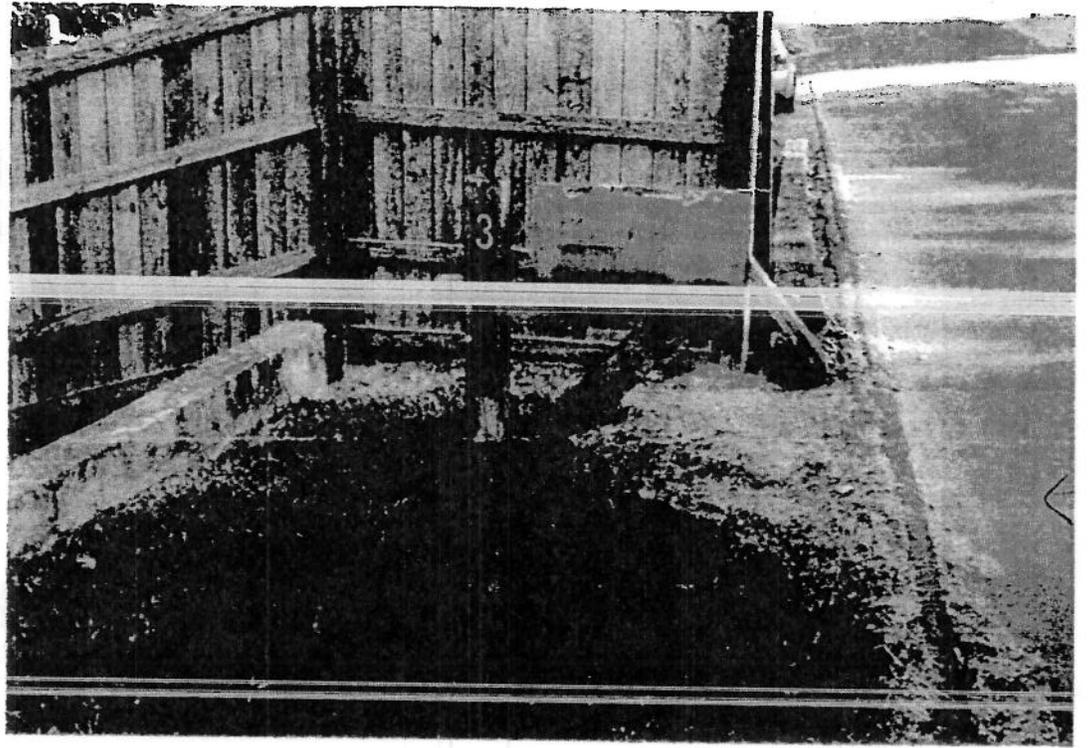
- Ms. Flanagan is willing to reduce the first panel to a height of three feet for sight distance.
- The fence was built two feet within her property.

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 is to be no higher than three feet.*

**Maria Flanagan**  
**Temp Usage: 3901 13th AVE**  
**Fence obstruction: City ROW**





I am willing to reduce the first  
panel to three feet for  
sight distance.

## Patton Angela

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**From:** Hague Linda  
**Sent:** Tuesday, December 03, 2013 8:30 AM  
**To:** Patton Angela  
**Subject:** RE: Amro Resignation

Ray S. Harrington  
PWD Water Quality Management  
Water Quality Specialist 1  
GS 14  
\$46,618.08  
Retirement ~ effective date: 12/26/13

*Linda Hague*  
*Administrative Support Assistant 2*  
*City of Chattanooga-Public Works*  
*423-643-6013*  
[hague\\_l@chattanooga.gov](mailto:hague_l@chattanooga.gov)

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**From:** Patton Angela  
**Sent:** Monday, December 02, 2013 11:31 AM  
**To:** Kinder, Tony; Hague Linda  
**Cc:** Helwa Amro  
**Subject:** RE: Amro Resignation

Linda,

Please send me your form and I will prepare the letter based on the information you provide.

Thanks,

Angela

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**From:** Kinder, Tony  
**Sent:** Monday, December 02, 2013 8:41 AM  
**To:** Hague Linda; Patton Angela ([patton\\_a@chattanooga.gov](mailto:patton_a@chattanooga.gov))  
**Cc:** Helwa Amro  
**Subject:** FW: Amro Resignation

Linda and Angela,

Good morning! I hope you had a great Thanksgiving!

As you will notice from the email below, last week Mr. Amro Helwa submitted his resignation to the City of Chattanooga. We are saddened by his departure, but wish him and his family all the best in the future.

After speaking with Amro, it is my understanding that his official last day will be January 3, 2014. However, he plans to take personal/vacation days for about one week. Therefore, his last day in the office is expected to be December 26 or

27, 2013 (not fully decided yet). I also understand that through COBRA, he will remain on the City of Chattanooga's health insurance for at least one additional month (and he has already spoken with HR about this).

I have already informed Bill Payne and Jim Luebbering of Amro's resignation. However, I understand Linda Hague processes the termination forms and Angela Patton prepares the letter for City Council. If there is anything else I need to do, please let me know and I will be glad to do so.

Thanks again! Please feel free to let me know if you have any questions or comments, or need any additional information. I hope you have a great week!

Tony Kinder, PE, RLS, CPESC, CPSWQ  
Engineering Manager – Drainage and Flood Control  
City of Chattanooga  
1250 Market Street, Suite 2100  
Chattanooga, TN 37402  
(423) 643-6022 – Office  
(423) 643-6008 – Fax  
[kinder\\_t@chattanooga.gov](mailto:kinder_t@chattanooga.gov)

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**From:** Helwa Amro  
**Sent:** Tuesday, November 26, 2013 9:34 AM  
**To:** Kinder, Tony  
**Subject:** Amro Resignature

Hello Mr. Kinder,  
As we discussed verbally yesterday my plans to resign of my current job with the Department of Public Works - City of Chattanooga.  
Please accept this email as a request to resign my current position as a Project Engineer with the City of Chattanooga starting January 3<sup>rd</sup>, 2014.  
Please take the necessary actions towards notify the Department Administrator and the Department of Human Resources as deemed necessary.

Thanks,  
Amro Helwa, PE, CFM  
Project Engineer – Drainage and Flood Control  
City of Chattanooga  
1250 Market Street, Suite 2100  
Chattanooga, TN 37402  
(423) 643-6048 – Office  
(423) 643-6008 – Fax  
[amro\\_helwa@chattanooga.gov](mailto:amro_helwa@chattanooga.gov)

10-10-2013 (Date)

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

For Office Use Only

Technician Signature

Date

November 11, 2013

\*Updated November 11, 2013

Re: Request for Temporary Usage

Dear Mr. Payne:

This is a request for a temporary usage of

~~of my fence to three feet~~ I am willing to reduce the first panel  
for sight distance.

The reason for this request is as follows:

~~This is a request to keep and maintain a wooden fence that I have built 2 feet within my property line, on the south west front corner of my frontage.~~

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:

3901-13th Avenue  
Chattanooga, TN, 37407

(Processing Fee \$110.00)

Ms. Maria Teresa Flanagan October 10, 2013  
Print Applicant Name Date

Ms. Maria Teresa Flanagan October 10, 2013  
Print Owner's Name Date

Maria Teresa Flanagan  
Owner's Signature (Required)

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

10-10-2013 (Date)

SR # 778127  
WO # 122054

For Office Use Only	
<i>Bonnie H. Dodson</i>	Technician Signature
10/14/13	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 I am willing to reduce the first panel of my fence to three feet for sight distance.

The reason for this request is as follows:  
This is a request to keep and maintain a wooden fence that I have built 2 feet within my property line, on the south-west front corner of my frontage.

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:  
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(Processing Fee \$110.00)

Ms. Maria Teresa Flanagan October 10, 2013  
Print Applicant Name Date

Ms. Maria Teresa Flanagan October 10, 2013  
Print Owner's Name Date

Maria Teresa Flanagan  
Owner's Signature (Required)

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

**Maria Flanagan**  
**Temp Usage: 3901 13th AVE**  
**Fence obstruction City ROW**



UNO N I

13TH

39TH

40TH

TEMP USE

CLOSED

CLOSED

OPEN

3902

2910

2916

3905

2905

2907

3900

3902

3904

2903

3901



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

Project/Funding:

Work Order Number: \* 1 2 2 0 5 4 \*

**Address: 3901 13TH AVENUE**

Tax Map/Grid: 168G

<b>Required Work Type:</b> ENG - Temporary Use		<b>Category:</b> ADMIN	<b>Date Needed:</b> 12/13/2013
<b>WO Initiated:</b> 10/14/2013 11:17:39 AM	<b>Initiated By:</b> KING, CAROLA	<b>Requested By:</b> BOWEN, EDWARD L	<b>Priority:</b> 3
		<b>District:</b> 7	<b>Transferred To/Submitted to:</b> BOWEN, EDWARD L - 10/14/2013 11:18:38 AM
			<b>Status:</b> UNDINV

**Instructions:**

**Comments:**

From: Request ID: 778127, 10/14/2013 11:02:40 AM Problem Details:

This request is to keep and maintain a wooden fence that was built 2 feet within the property line on the south west front corner of the frontage.

**Date Completed:**

**Supervisor:**

**WO Closed :**

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

SR#	Date/Time Init.	Priority	Description	Problem Address
778127	10/14/2013 10:52:38 AM	3	ENG - Temporary Right-of-Way Use	3901 13TH AVENUE
<b>Customer Name</b> FLANAGAN, MARIA			<b>Customer Work Phone</b>	<b>Customer Zip</b> 37407
			<b>Customer Home Phone</b>	

**Work Comments/Results:**



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

Date/Time Printed: 10/14/13 @ 11:00 AM

**CityworksSR #: 778127**

<b>SR Type:</b>	ENG - Temporary Right-of-Way Use		
<b>Submitted to:</b>	BOWEN, EDWARD L		<b>Dispatched:</b> BOWEN, EDWARD L
<b>Input By:</b>	KING, CAROL A		<b>Priority:</b> 3
<b>Create Date:</b>	10/14/2013 10:52:38 AM		<b>Status:</b> O-OPEN
<b>District:</b>	7		<b>Due Date:</b> 1/12/2014
<b>Location:</b>	3901 13TH AVENUE 37407		

Question	Answer

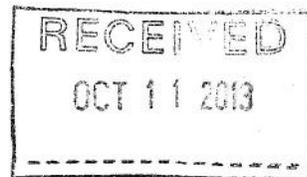
**Callers/Complainants**

First Name	Last Name	Address	Apt.	Zip
MARIA	FLANAGAN	3901 13TH AVENUE		37407
Home Phone	Work Phone	Other Phone		

**Additional Information**

<b>CSRID</b>	13-00121618
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**Additional Details/Comments:** This request if to keep and maintain a wooden fence that was built 2 feet within the property line on the south west front corner of the frontage.



3901 13<sup>th</sup> Avenue

Chattanooga, TN 37407

October 10, 2013

Mr. William C. Payne, P.E.

City Engineer

Development Resource Center

1250 Market Street, Suite 2100

Chattanooga, TN 37402

Dear Mr. Payne, P.E. City Engineer,

Hello. My name is Maria Flanagan. I am requesting your approval and permission, please. I am building a privacy fence on my property. The fence is two feet behind my property line on my side of the property. The traffic inspector, Mr. Randall Gardenhire notified me that the first panel section has to be reduced to three feet in height to accommodate sight distance.

Mr. Gardenhire gave me the enclosed form, in order to request your approval for the first panel of my fence to be reduced to three feet in height. I have until November 8, 2013 to alternate the first panel to three feet. The traffic inspector, Mr. Gardenhire told me that he will come back out to inspect the fence around November 08, 2013. This is an urgent matter. Thank you for your response.

Sincerely,

*Maria Flanagan*



**CITY OF CHATTANOOGA  
DEPARTMENT OF PUBLIC WORKS  
TRAFFIC ENGINEERING DIVISION**

1250 Market Street, Suite 3030  
Chattanooga, TN 37402  
(423) 643-5950

\* \*

**Correction Notice**

For the job located at 3901 13<sup>th</sup> Ave  
Chattanooga, TN 37407

I have this day inspected this project and have found the following violations of City Code and laws governing same:

Work Zone Traffic Control Deficiencies  
(Chattanooga City Code Section 24-161)

Traffic Control Device Deficiencies  
(Chattanooga City Code Appendix B, Article IV, 111)

Obstruction to Visibility at Intersection  
(Chattanooga City Code Section 32-34)

Obstruction of Visibility at Access Points  
(Chattanooga City Code Appendix B, Article V, 608)

Obstruction on or over any City right-of-way  
(Chattanooga City Code Section 32-44)

Handicapped Parking Deficiencies  
(Chattanooga City Code Appendix B, Article V, 1704)

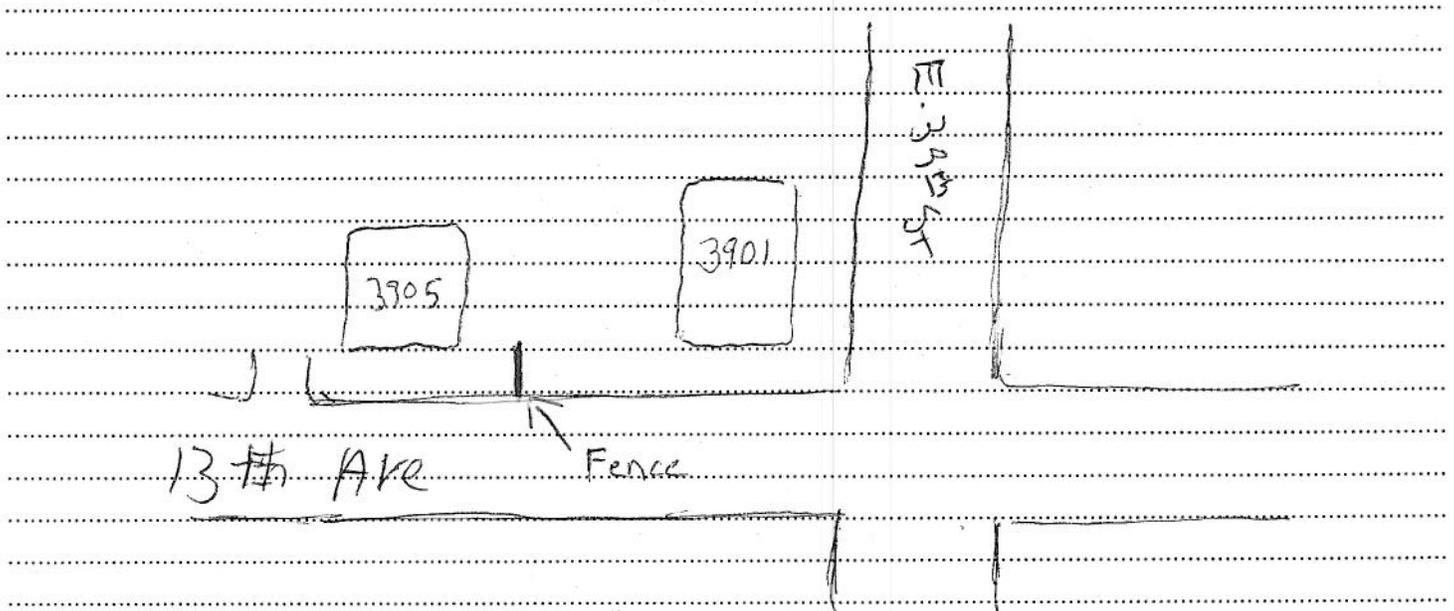
**YOU ARE HEREBY NOTIFIED THAT THE ABOVE CORRECTIONS ARE TO BE MADE:**

Before proceeding with additional work

Within 1 hour

Within 30 days

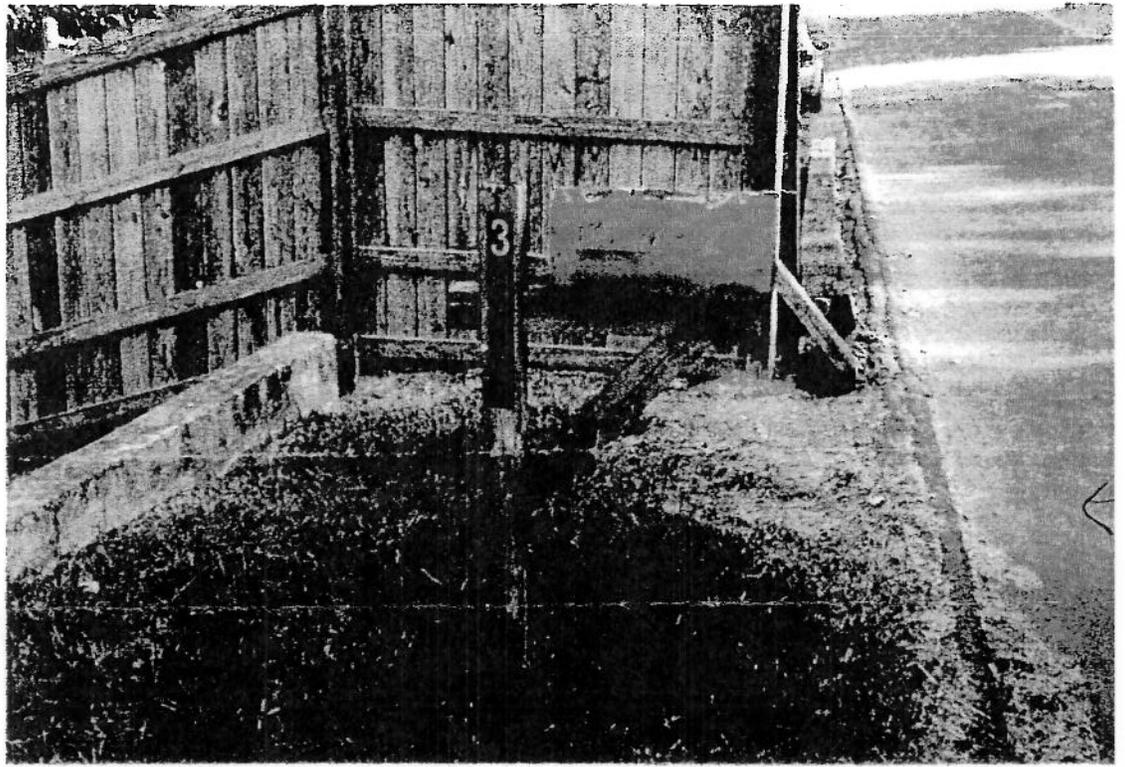
See sketch below or attachment for specific corrections needed:



**NON-COMPLIANCE CAN RESULT IN A COURT CITATION AND  
A FINE OF UP TO \$50.00 PER CITATION AND COURT COSTS.**

Date: 9 11 2013

Inspector: Ronald Colson



I am willing to reduce the first panel to three feet for sight distance.



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 AVG

Cash \$ \_\_\_\_\_

Check \$ 100.00

TTC

BOUNIE

Department/Division

Signature



POSTAL MONEY ORDER

Serial Number

20933392353

Year, Month, Day

2013-10-10

U.S. Dollars and Cents

\$110.00

Pay to Development Resource Center

Mr. William C. Payne,

PE City Engineer

1250 Market Street

Suite 2100

Chattanooga, TN 37402

Money Processing Fee

From Maria Flanagan

Address 3901-13th Avenue

Chattanooga, TN 37407

Clerk BOUNIE

POSTNET barcode

POSTNET barcode

SEE REVERSE WARNING • NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS

20933392353