

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING MARY J. MCSEARS TO USE TEMPORARILY THE UNOPENED RIGHT-OF-WAY LOCATED ON PEARL STREET AND NEAR 2528 OLIVE STREET FOR USE OF A DRIVEWAY, 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 MARY J. MCSEARS, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the unopened right-of-way located on Pearl Street and near 2528 Olive Street for use of a driveway, 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 MARY J. MCSEARS (hereinafter "Temporary User"), this ____ day of _____, 2013.

For and in consideration of the granting of the temporary usage of the unopened right-of-way located on Pearl Street and near 2528 Olive Street for use of a driveway, 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: _____
Mary J. McSears

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 13, 2013

Preparer: William C. Payne

Department: Transportation
Public Works - Engineering

Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council): _____

A City Council Action is requested to authorize Temporary Usage No. 124023 for Mary J. McSears for the unopened right-of-way of Pearl Street to have her driveway located as shown on the attached map.

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.

<u>Amount(s)</u>	<u>Grantor(s)</u>
_____	_____
_____	_____
_____	_____
\$ _____	_____

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: December 13, 2013
Re: Temporary Usage Request #124023
Mary McSears
2528 Olive Street
Recommendations Regarding Temporary Usage Request

I have completed my review of Ms. McSears' request regarding the Temporary Usage of the unopened right-of-way of Pearl Street to have her driveway located as shown on the attached map. My comments are as follows:

1. Ms. McSears now owns the lot between 2528 and 2536 Olive Street.
2. The city of Chattanooga has sanitary sewer infrastructure in the subject portion of the unopened street (Pearl Street).

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.***

Mary McSears
Temporary Usage: 2528 Olive Street
New driveway off unopened ROW





WO# 124023
SR# 788734
①

For Office Use Only
[Signature]
Technician Signature
11/6/13
Date

11/6/13
(DATE)

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

~~DRAFT~~
~~VOID PER BILL PAYNE~~
~~CITY ENGINEER~~
RESUBMIT AFTER REVIEW BP 11/7/13

Re: Request for Temporary Usage

Dear Mr. Payne:

This is a request for a temporary usage of the City Rightaway for my driveway

The reason for this request is as follows:

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:
M. J. McSears, 2528 Pine Hall, Ln 37406
423-313-5375 **(email address)**

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

Nancy J. McSears 11-6-13
(Print) Applicant Name **Date**

M. J. McSears 11-6-13
(Print) Owner's Name **Date**

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



CITY OF CHATTANOOGA
PUBLIC WORKS DEPARTMENT
SERVICE REQUEST

Date/Time Printed: 11/21/13 @ 8:42 AM

CityworksSR #: 788734

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:	11/21/2013 8:37:45 AM	Status:	O-OPEN
District:	9	Due Date:	2/19/2014
Location:	2528 OLIVE STREET 37406		

Question	Answer

Callers/Complainants

First Name	Last Name	Address	Apt.	Zip
MARY	MCSEARS	2528 OLIVE STREET		37406
Home Phone	Work Phone	Other Phone		
(423) 313-5375				

Additional Information

CSRID	13-00137073
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Additional Details/Comments:



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

Project/Funding:

Work Order Number: * 1 2 4 0 2 3 *

Address: 2528 OLIVE STREET

Tax Map/Grid: 136L

Required Work Type: ENG - Temporary Use		Category: ADMIN	Date Needed: 1/20/2014
WO Initiated: 11/21/2013 8:39:58 AM	Initiated By: KING, CAROL A	Requested By: BOWEN, EDWARD L	Priority: 3
		District: 9	Transferred To/Submitted to: BOWEN, EDWARD L - 11/21/2013 8:41:08 AM
			Status: UNDINV

Instructions:	
Comments:	<p>From: Request ID: 788734, 11/21/2013 8:39:20 AM Problem Details:</p> <p>By KING, CAROL A: 11/21/2013 8:42:17 AM Usage of city right-of-way for driveway</p>

Date Completed:		Supervisor:		WO Closed :	
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Associated Service Request(s), If Any:

SR#	Date/Time Init.	Priority	Description	Problem Address
788734	11/21/2013 8:37:45 AM	3	ENG - Temporary Right-of-Way Use	2528 OLIVE STREET
Customer Name MCSEARS, MARY			Customer Work Phone (423) 313-5375	Customer Home Phone (423) 313-5375
			Customer Zip 37406	

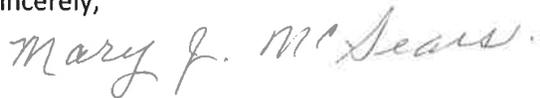
Work Comments/Results: _____

11/6/2013

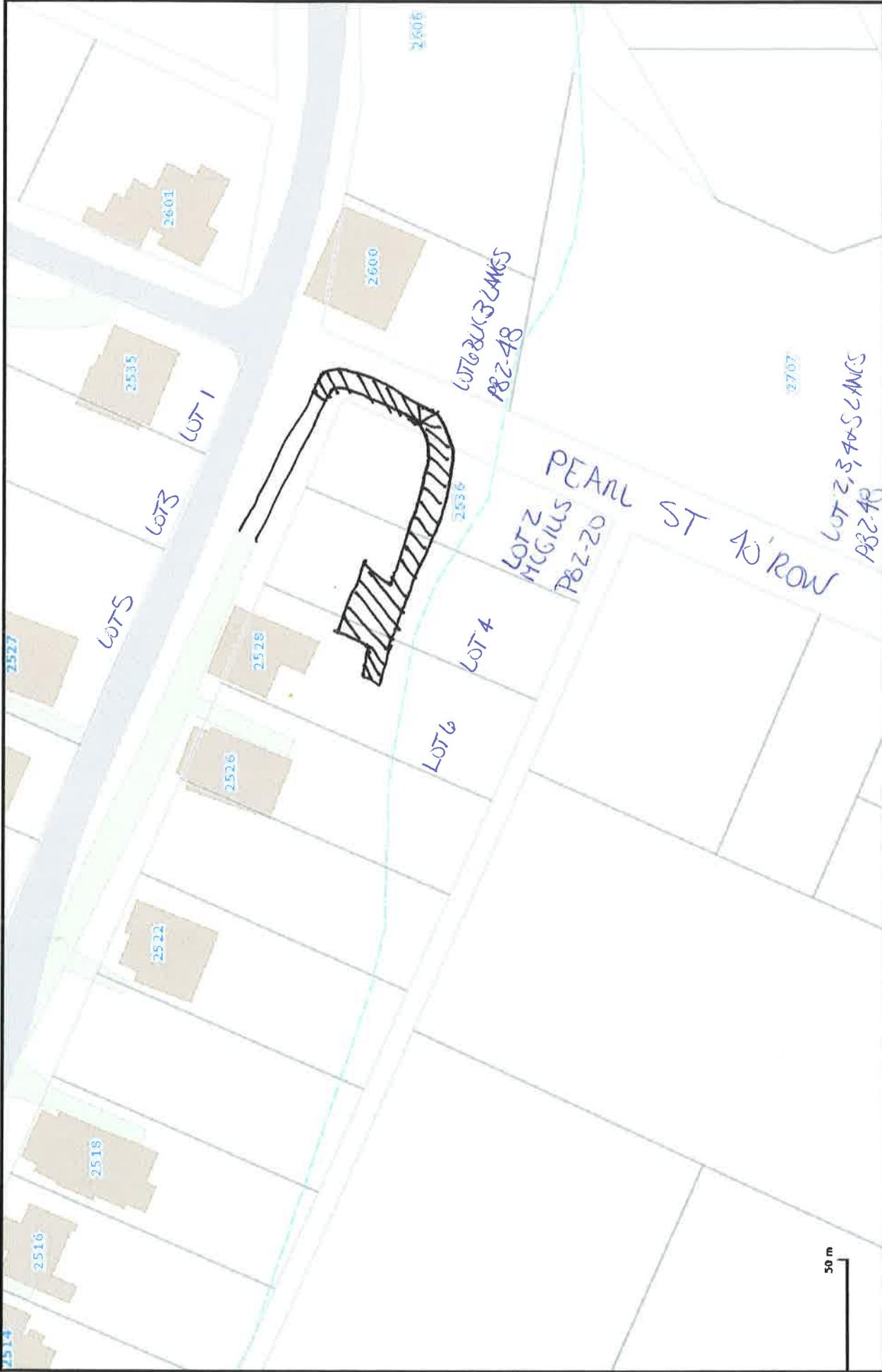
Mrs. McSears
2528 Olive Street
Chattanooga, TN 37406

This is concerning the Temporary Usage Permit Application for the driveway at 2528 Olive Street. The driveway extends into City Right-of-way. As recommended since my contractor has already begun work, I acknowledge my responsibility for removing any work in the event the City Council should deny the permit.

Sincerely,

A handwritten signature in cursive script that reads "Mary J. McSears". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mrs. McSears



Printed: Nov 07, 2013

*Area Disturbed
For New Drive*

The Map Title

The Subtitle

2528 Olive St

Permit 13-40478

Property owner Mary Shepherd McSears



Disclaimer: This map is to be used for reference only, and no other use or reliance on the same is authorized. Parcel lines are shown for reference only and are not intended for conveyances, nor is it intended to substitute for a legal survey or property abstract.

HGGIS



CITY OF CHATTANOOGA

DATE 11/6/13

RECEIPT NO. 221719

Received from MARY J MC SEARS

Amount of ONE HUNDRED

Dollars and TEN Cents 00

For TEMPORARY USAGE - 2528 MC SEAR OLIVE ST

Cash \$ _____

#5490

TIC
Department/Division

Check \$ 110

Collection Report No.

BONNIE
Signature



MARY J. MCSEARS
(423) 493-0246
2125 MCCALLIE AVE.
CHATTANOOGA, TN 37404

5490

67-7568/2613
(BRCH60)

11-6-13

DATE

221720

PAY TO THE ORDER OF

City of Chatt
One Hundred Ten

\$ 110.00

DOLLARS



Cents NO



FOR

Processing fee M. J. McSears

⑆ 26 1375684⑆ 000064342108⑈ 5490

Division

Harland Clarke

Signature



CITY OF CHATTANOOGA

DATE 11/20/13

RECEIPT NO. 221721

Received from MARY J McSEARS

Amount of ONE HUNDRED

Dollars and TEN Cents NO

For TEMPORARY USAGE - 2528 OLIVE ST

Cash \$ _____

#5490

TIC
Department/Division

Check \$ 110.00

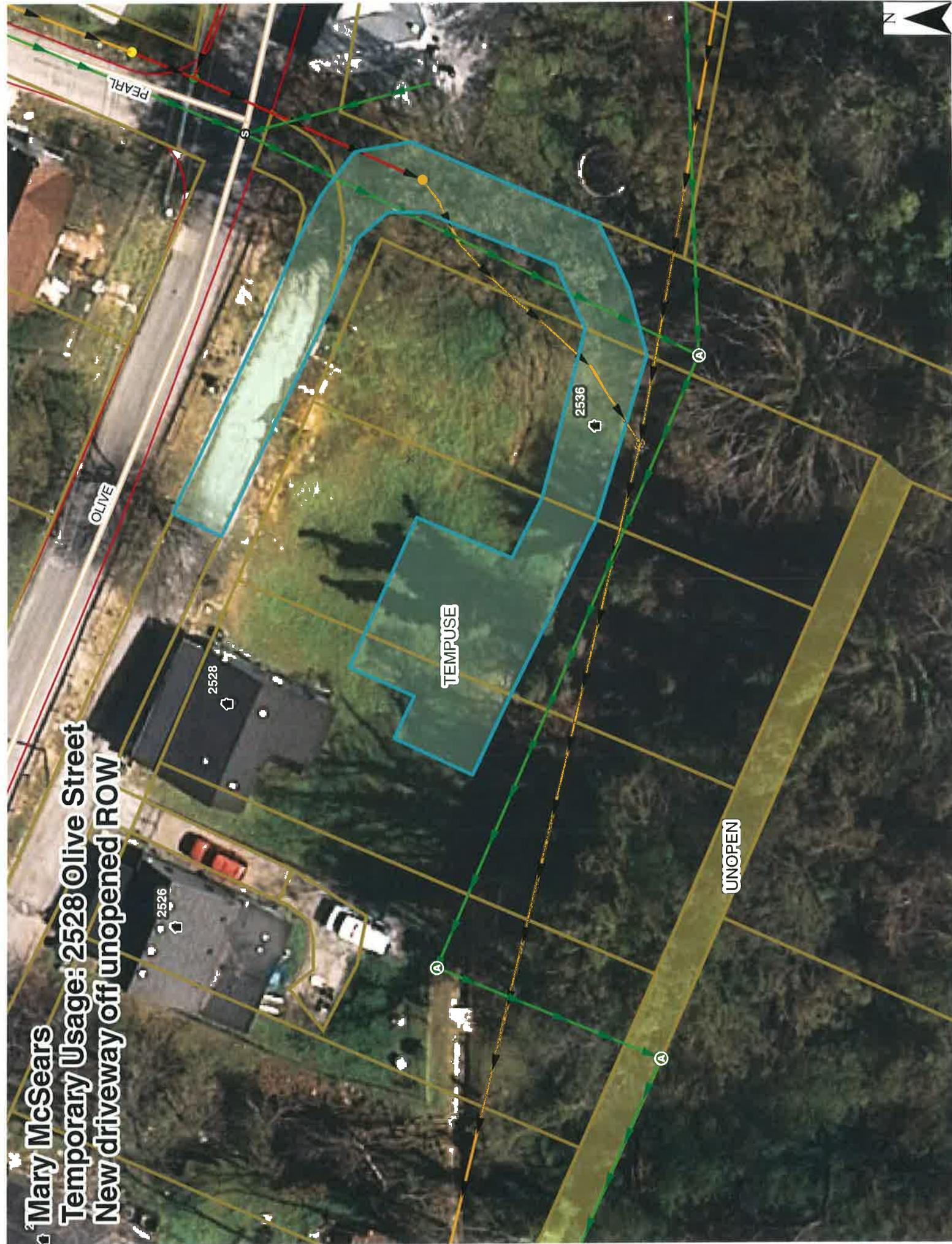
Collection Report No.

BONNIE
Signature

Mary McSears

Temporary Usage: 2528 Olive Street

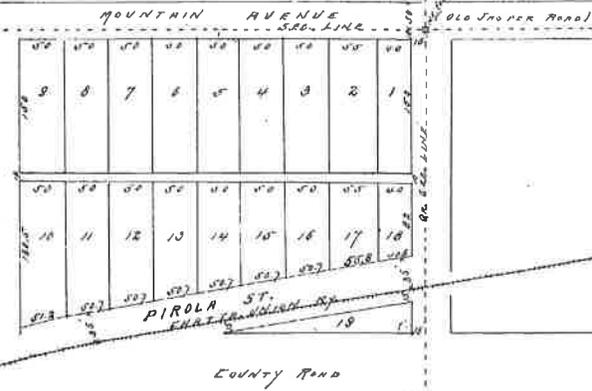
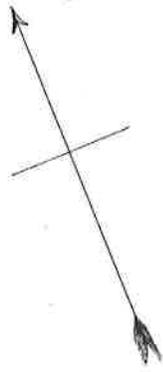
New driveway off unopened ROW



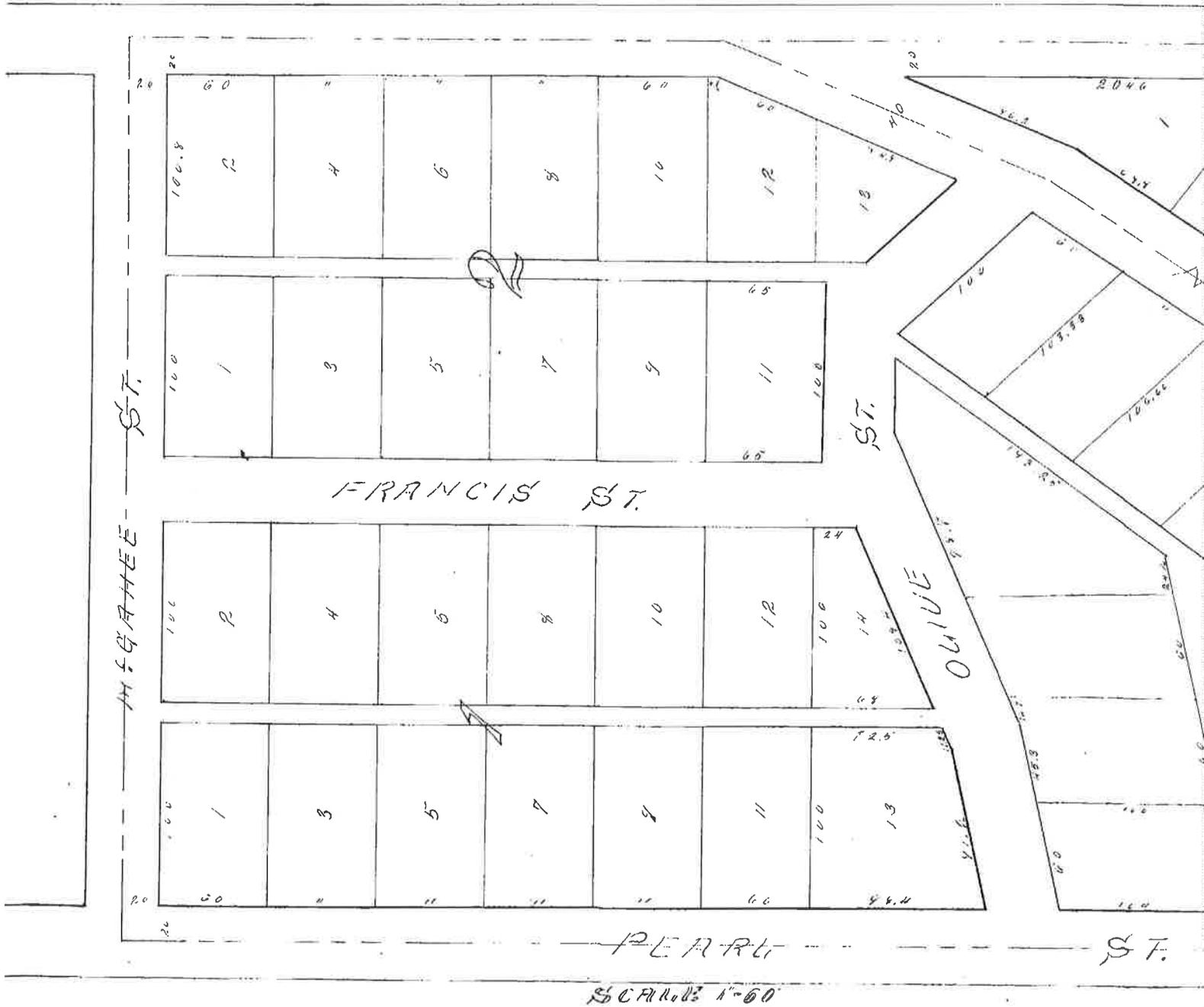
HARRIS
NEW SUBDIVISION
BLOCKS 1, 2, & 3



HARRIS' ADDITION
TO
OAK HILLS.
SCALE - 100 FT. = 1 IN.



LANES
 NEW SUBDIVISION
 Blocks 1, 2, and 3



HARRIS' ADDITION
 TO
 OAK HILLS.

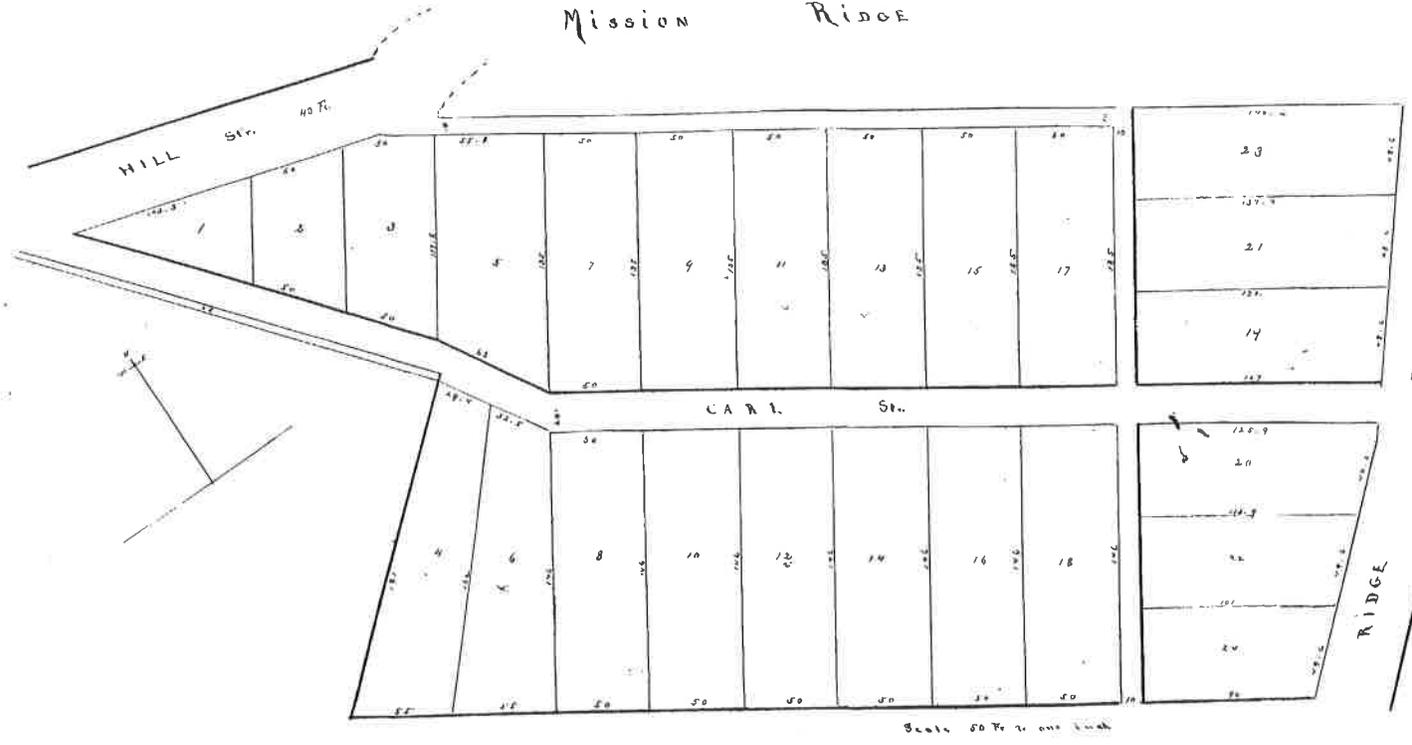




Subdivision of Blocks 3, 14 & 15 Glass Farm



PLAT OF
WOOLSON'S SUBDIVISION
Mission Ridge



D.F. SHAUFF'S ADDITION TO ST. E.

Scale: 1 in. to 100 ft. U.A.D.
FOR CORRECTED MAP SEE PLAT BOOK 4

