

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING JODY SHEA TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED BETWEEN 25TH AND 26TH STREET AND SOUTH HAWTHORNE STREET TO COMPLY WITH LANDSCAPE BUFFER REQUIREMENT AND TO BEAUTIFY THE NEIGHBORHOOD, 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 JODY SHEA, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located between 25th and 26th Street and South Hawthorne Street to comply with landscape buffer requirement and to beautify the neighborhood, 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 JODY SHEA (hereinafter “Temporary User”), this ____ day of _____, 2013.

For and in consideration of the granting of the temporary usage of the right-of-way located between 25th and 26th Street and South Hawthorne Street to comply with landscape buffer requirement and to beautify the neighborhood, 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: _____
Jody Shea

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 23, 2013

Preparer: Blythe Bailey

Department: Transportation

Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council):

District 8

A City Council Action is requested to authorize Temporary Usage No. 122299 to Mr. Jody Shea for the right-of-way of S. Hawthorne Street between 25th and 26th Street 156J-A-031 & 156H-F-012. To comply with landscape buffer requirement and to beautify the neighborhood.

Name of Vendor/Contractor/Grant, etc. N/A
Total project cost \$ N/A
Total City of Chattanooga Portion \$ N/A
City Amount Funded \$ N/A
New City Funding Required \$ N/A
City's Match Percentage % N/A

New Contract/Project? (Yes or No) N/A
Funds Budgeted? (YES or NO) N/A
Provide Fund N/A
Provide Cost Center N/A
Proposed Funding Source if not budgeted 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:

Reviewed by: FINANCE OFFICE

DESIGNATED OFFICIAL/ADMINISTRATOR

Please submit completed form to @budget, City Attorney and City Finance Officer

Jody Shea
Case: MR 2013-124
Landscape buffer needed



OPEN

OPEN

UNOPEN

UNOPEN

25TH

S

1711

1713

1715

1717

1716

1716

1800

1804

1801

26TH

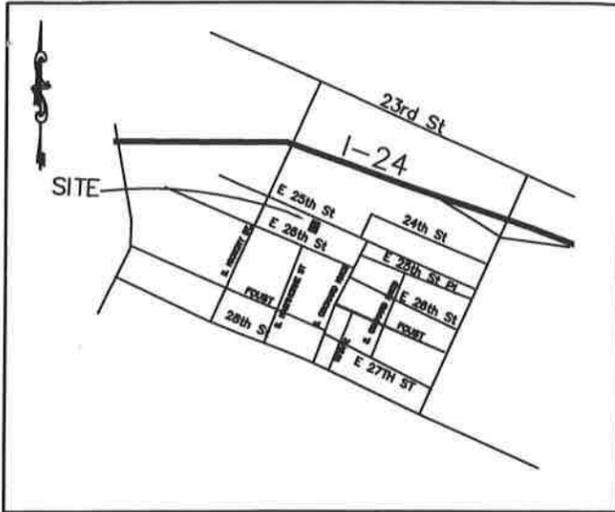


Memorandum

To: Bill Payne
CC: Dennis Malone, Ed Bowen
From: Blythe Bailey
Date: 12/23/2013
Re: Case No. 2013-124 – S Hawthorne St

Based on our recommendation to deny the proposed abandonment of Right of Way, we have initiated the alternative Temporary Use Permit application. It is our opinion that a temporary use is preferred for the city because it allows the rights to use the property for the present-day need of this property owner but does not permanently abandon a right of way that could one day have a further use for secondary connection or other valuable shared function.

We have discussed this alternative with the property owner who is agreeable that this approach is a suitable alternative to accomplishing the original intent for which a Right of Way abandonment was pursued.



If Zoning line is located in center of 40' R/W, then lots are adjacent to M-2 zoning, then no screening needed.

SHEA PROPERTIES LLC
 LOTS 309-310 FOUST LAND CO ADDN/S/D
 PB 6 PG 35 ROHC
 TM# 156J A 031
 ZONED M-2

SITE ANALYSIS:
 (2) LOTS - ACRES= 0.30±
 13,095sf
 USAGE: STORAGE LOT
 PROJECT CONTACT PERSON:
 JODY SHEA
 1522 DUGDALE ST.
 Chattanooga Tn 37405
 (423) 987-1896

LOCATION MAP n.t.s.
 LANDSCAPE VARIANCE REQUEST:

Lots 309,310 FOUST LAND CO ADDN.
 S/D recorded in P.B. 6 Pg. 35
 R.O.H.C. has a size of 13,095 sf
 (0.30 Acres±).

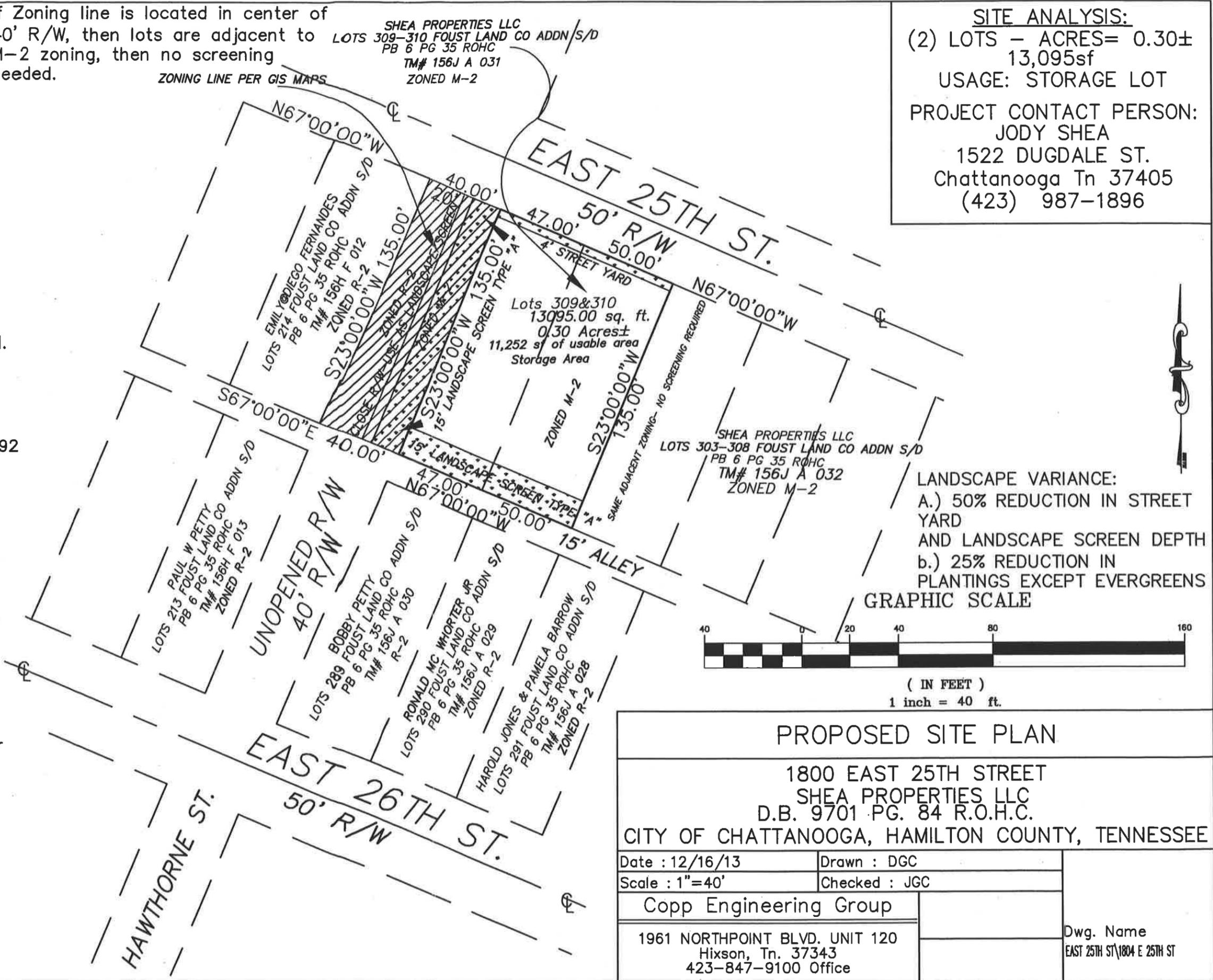
Per City of Chattanooga ordinance 10692
 Landscaping provisions to establish
 general regulations for landscaping
 requirements.

115.02 General Provisions
 Sub Section (5) Hardships
 (a)

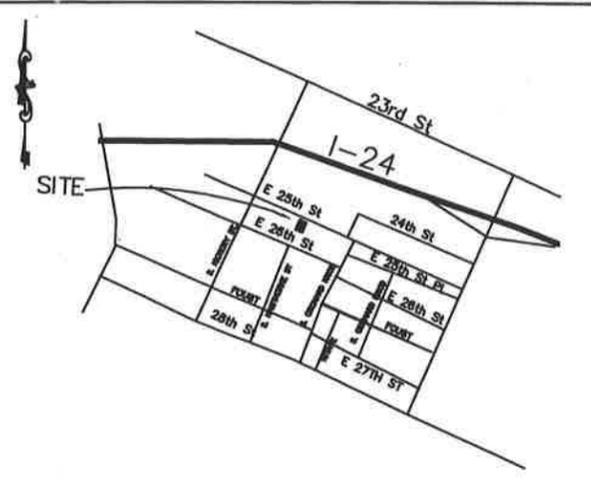
1. Lots with a depth of 150' feet or less, or an area of 15,000 sf have the following special remedies:
 - a. an automatic 50% reduction in landscape yard depth requirements for screening, street yard, and parking lot landscaping sections
 - b. a 25% reduction in planting requirements for all sections except for the required evergreen plantings for screening.

This provision does apply to this Lot.

* These Lots needs a variance on the reduction of Landscape screening and Street Yard



PROPOSED SITE PLAN	
1800 EAST 25TH STREET SHEA PROPERTIES LLC D.B. 9701 PG. 84 R.O.H.C.	
CITY OF CHATTANOOGA, HAMILTON COUNTY, TENNESSEE	
Date : 12/16/13	Drawn : DGC
Scale : 1"=40'	Checked : JGC
Copp Engineering Group	
1961 NORTHPOINT BLVD. UNIT 120 Hixson, Tn. 37343 423-847-9100 Office	
Dwg. Name EAST 25TH ST\1804 E 25TH ST	



If Zoning line is located in center of 40' R/W, then lots are adjacent to M-2 zoning, then no screening needed.

SHEA PROPERTIES LLC
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 PB 6 PG 35 ROHC
 TM# 156J A 031
 ZONED M-2

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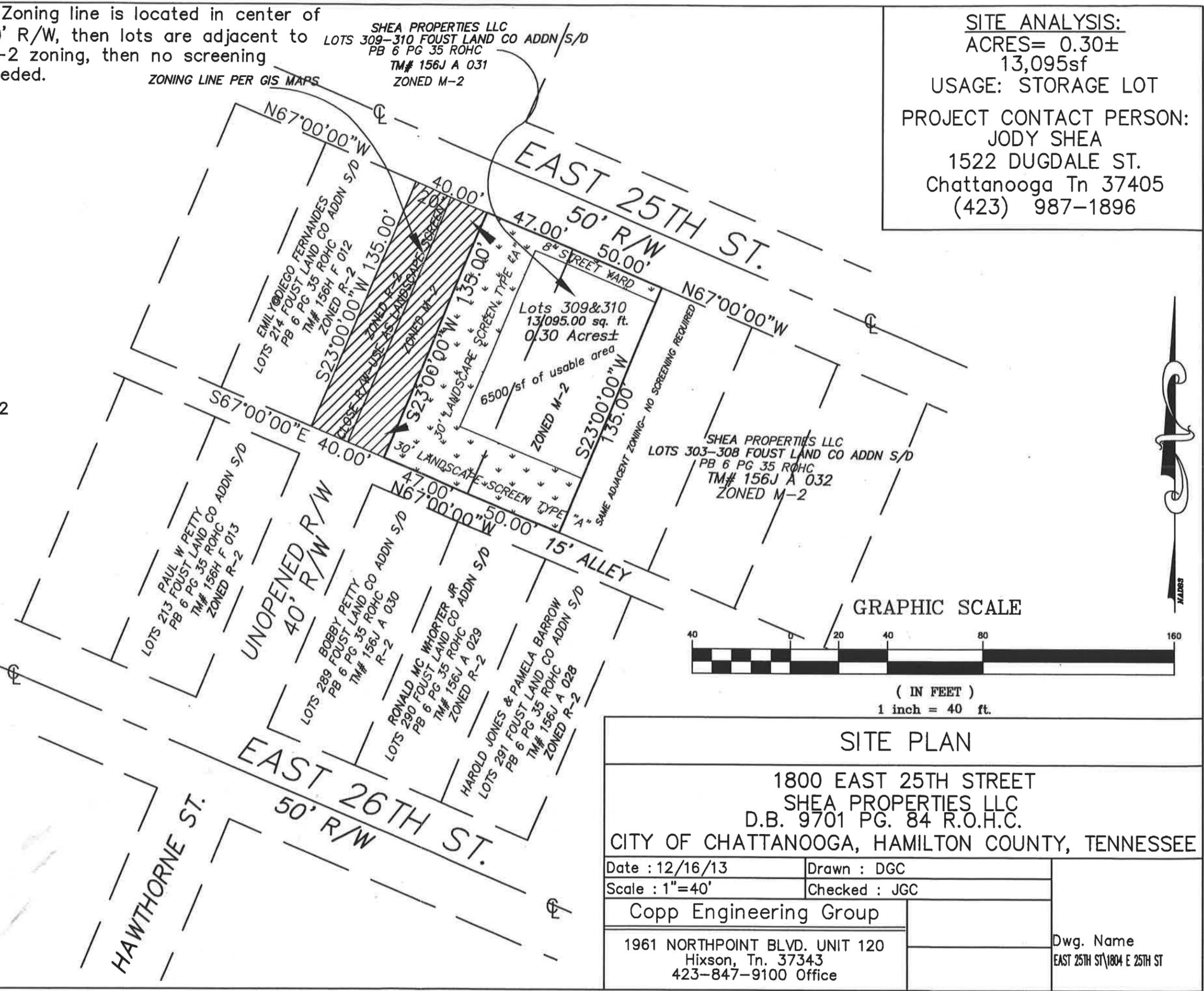
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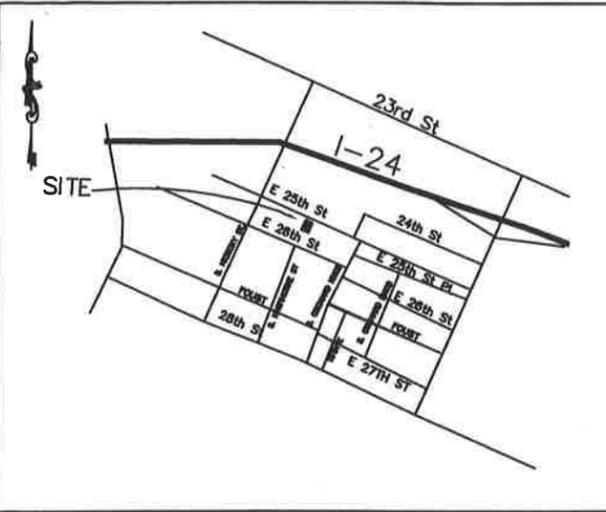
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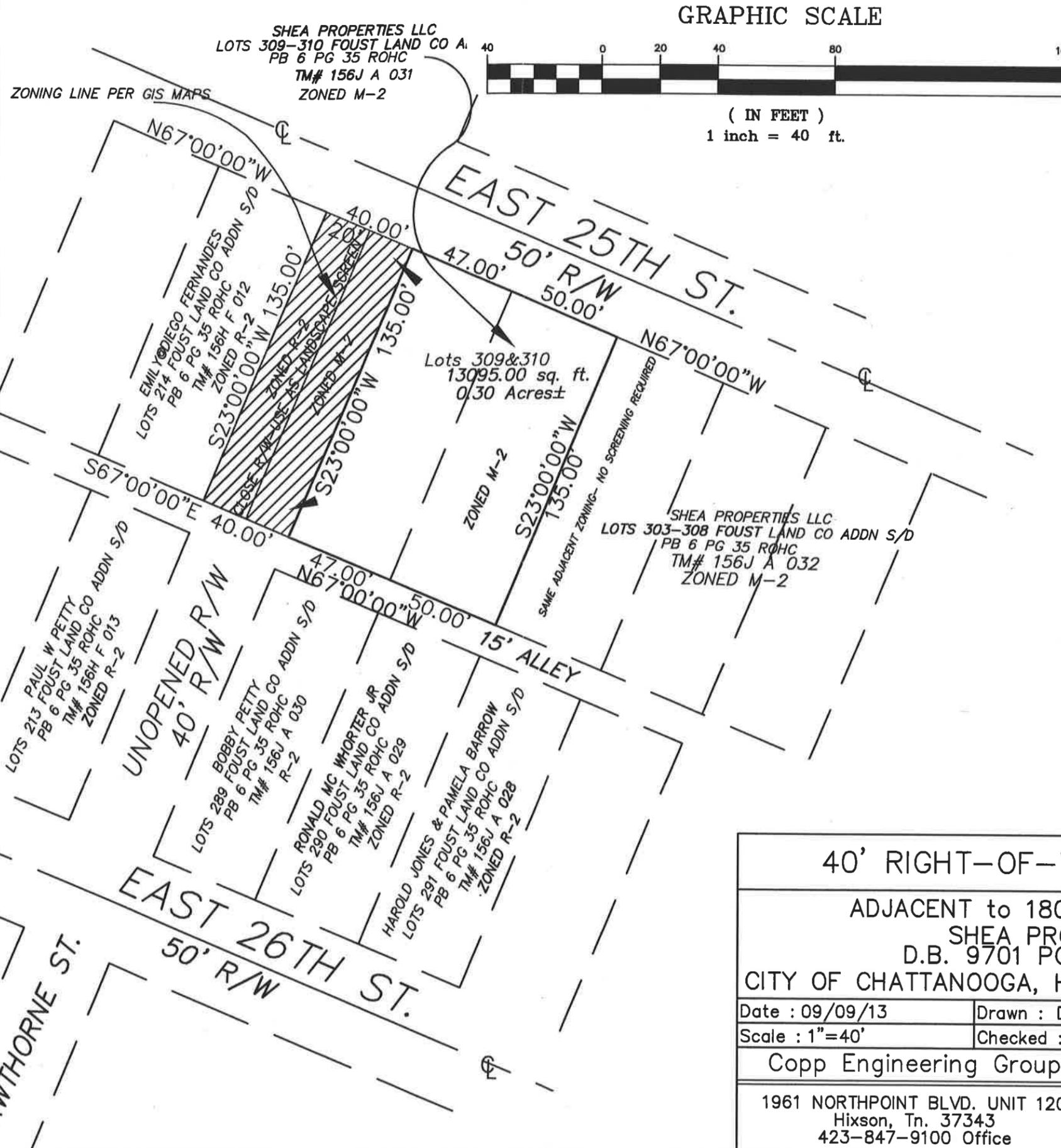
SEE LANDSCAPE MANUAL
 FOR STREET YARD AND TYPE "A"
 SCREENING DETAILS



SITE PLAN	
1800 EAST 25TH STREET SHEA PROPERTIES LLC D.B. 9701 PG. 84 R.O.H.C. CITY OF CHATTANOOGA, HAMILTON COUNTY, TENNESSEE	
Date : 12/16/13	Drawn : DGC
Scale : 1"=40'	Checked : JGC
Copp Engineering Group	
1961 NORTHPOINT BLVD. UNIT 120 Hixson, Tn. 37343 423-847-9100 Office	
Dwg. Name EAST 25TH ST\1800 E 25TH ST	



LOCATION MAP n.t.s.



GRAPHIC SCALE



(IN FEET)
 1 inch = 40 ft.

SITE ANALYSIS:
 ACRES= 0.124
 5400 Sq.Ft.±
 R.O.W. ABANDONMENT
 PROJECT CONTACT PERSON:
 JODY SHEA
 1522 DUGDALE ST.
 Chattanooga Tn 37405
 (423) 987-1896

40' RIGHT-OF-WAY ABANDONMENT

ADJACENT to 1800 EAST 25TH STREET
 SHEA PROPERTIES LLC
 D.B. 9701 PG. 84 R.O.H.C.
 CITY OF CHATTANOOGA, HAMILTON COUNTY, TENNESSEE

Date : 09/09/13 Drawn : DGC
 Scale : 1"=40' Checked : JGC

Copp Engineering Group

1961 NORTHPOINT BLVD. UNIT 120
 Hixson, Tn. 37343
 423-847-9100 Office

Dwg. Name
 EAST 25TH ST\1804 E 25TH ST