

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

A RESOLUTION AUTHORIZING DWYTE WINNINGHAM TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED IN THE 1900 BLOCK OF MAE DELL ROAD FOR A NEW METAL CARPORT, AS SHOWN ON THE MAP 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 DWYTE WINNINGHAM, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located in the 1900 block of Mae Dell Road for a new metal carport, as shown on the map 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 DWYTE WINNINGHAM (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 1900 block of Mae Dell Road for a new metal carport, as shown on the map 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: \_\_\_\_\_  
Dwyte Winningham

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. 122294 for Mr. Dwyte Winningham, Senior VP for the right-of-way of 1900 block of Mae Dell Road 148F-A-001 & 148F-A-012. Original structure may be determined to encroach over right-of-way line. New metal carport that has been built recently may also encroach. This temporary use would allow this encroachment until such time as the city needs this right-of-way.

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

Dwyte Washington, Senior VP  
Case: MR 2013-125

To accommodate variance or structural setback requirements



# Memorandum

**To:** Bill Payne  
**CC:** Dennis Malone, Ed Bowen  
**From:** Blythe Bailey  
**Date:** 12/23/2013  
**Re:** Case No. 2013-125- Mae Dell Rd

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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.

Note, an application for the Board of Zoning appeals is scheduled for January 8 which will request a variance for the side setback.