

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING DONNY GARNER TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 401 SOUTH SAINT MARKS AVENUE FOR TWO PARKING SPACES, AS SHOWN ON THE MAP AND DRAWING 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 DONNY GARNER, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located at 401 South Saint Marks Avenue for two parking spaces, as shown on the map and drawing 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 sidewalk, curb, gutter, and driveway apron must be built to City of Chattanooga standards.

ADOPTED: _____, 2014

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and DONNY GARNER (hereinafter "Temporary User"), this ____ day of _____, 2014.

For and in consideration of the granting of the temporary usage of the right-of-way located at 401 South Saint Marks Avenue for two parking spaces, as shown on the map and drawing 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 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 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 sidewalk, curb, gutter, and driveway apron must be built to City of Chattanooga standards.

_____, 2014
Date

BY: _____
Donny Garner

CITY OF CHATTANOOGA, TENNESSEE

_____, 2014
Date

BY: _____
Andy Berke, Mayor

City of Chattanooga



Resolution Request Form

(This form is only required for resolutions requiring expenditure of City funds)

Date: January 27, 2013

Preparer: Fritz Brogdon

Department: Transportation

Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council):

District 6

A City Council Action is requested to authorize the request of Donny Garner for the Temporary Usage No. 125550 for the right of way of 401 South St. Marks Avenue for 2 parking spaces as shown on the attached map and drawing.

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: _____

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: January 21, 2014
Re: Temporary Usage Request #125550
Donny Garner
401 South St. Marks Avenue
Recommendations Regarding Temporary Usage Request

I have completed my review of Mr. Garner's request regarding the Temporary Usage of the right-of-way for 2 parking spaces as shown on the attached map and drawing. My comments are as follows:

- More parking spaces are needed for his customers. Mr. Garner, three employees, and a space for the handicapped require five of the eight spaces shown numbered on the drawing.

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 with this condition:***

- The sidewalk, curb and gutter, and driveway apron must be built to city of Chattanooga standards.

Donny Garner
401 S St Marks Ave
Temp Usage: Driveway and Parking for Office

EB ON RAMP 124 @ MOORE RD

S TERRACE

TEMP USE

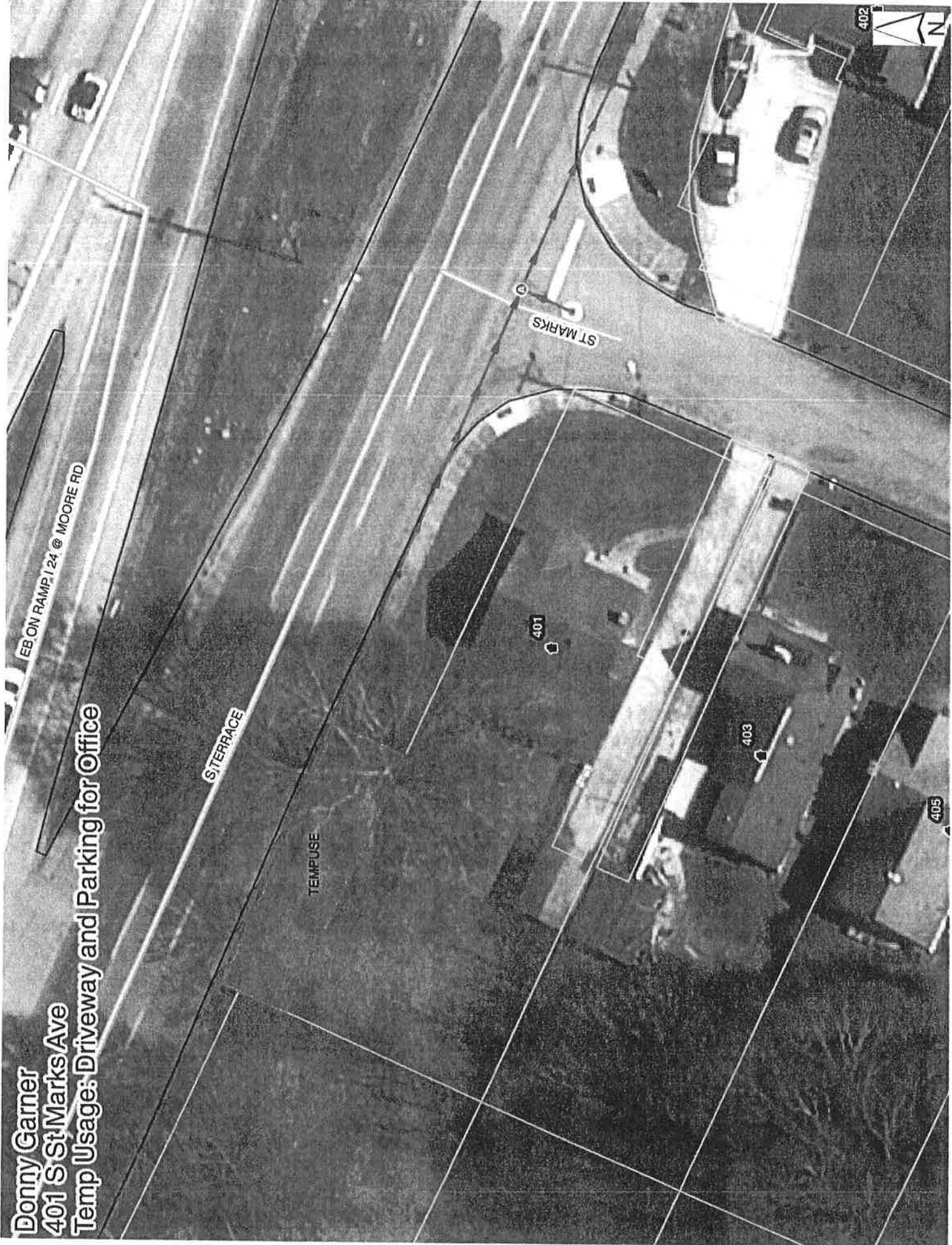
ST MARKS

401

403

405

402





SR # 793891
WO # 125550

For Office Use Only	
WBH	
Technician Signature	
12/17/2013	
Date	

12-17-13

(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 PARKING

The reason for this request is as follows: 2 PARKING SPACES IN CITY RIGHTS OF WAY BESIDE 401 S. ST. MARKS AVE. CHATTANOOGA TN. 37412

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: 533 PINE TOP CT. CHATTANOOGA, TN. 37412
423-902-5512
(email address)

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

Donny GARNER
(Print) Applicant Name
12-17-13
Date

SAME
(Print) Owner's Name
12-17-13 423-902-5512
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: 12/18/13 @ 1:35 PM

CityworksSR #: 793891

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:	12/18/2013 1:26:03 PM	Status:	CLOSED
District:		Due Date:	3/18/2014
Location:	401 SOUTH ST. MARKS AVENUE 37412		

Question	Answer

Callers/Complainants

First Name	Last Name	Address	Apt.	Zip
DONNY	GARNER	533 PINE TOP COURT		37412
Home Phone	Work Phone	Other Phone		
(423) 902-5512				

Additional Information

CSRID	13-00144753
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Additional Details/Comments:



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

Project/Funding:

Work Order Number: *125550*

Address: 401 SOUTH ST. MARKS AVENUE

Tax Map/Grid: 1570

Required Work Type: ENG - Temporary Use		Category: ADMIN	Date Needed: 2/16/2014	Status: UNDINV
WO Initiated: 12/18/2013 1:27:49 PM	Initiated By: KING, CAROLA	Requested By: BOWEN, EDWARD L	Priority: 3	Transferred To/Submitted to: BOWEN, EDWARD L - 12/18/2013 1:28:34 PM

Instructions:

Comments: From: Request ID: 793891, 12/18/2013 1:27:19 PM
Problem Details:
By KING, CAROL A: 12/18/2013 1:29:44 PM
2 parking spaces in city right-of-way

Date Completed: **Supervisor:** **WO Closed :**

Associated Service Request(s), If Any:

SR#	Date/Time Init.	Priority	Description	Problem Address
793891	12/18/2013 1:26:03 PM	3	ENG - Temporary Right-of-Way Use	401 SOUTH ST. MARKS AVENUE
Customer Name GARNER, DONNY			Customer Work Phone	Customer Zip
			(423) 902-5512	37412

Work Comments/Results:

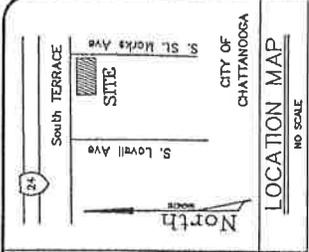
DRAWN BY: MGF
 CHECKED BY: MGF
 DATE: 10/10/2013
 SCALE: 1"=20'
 SHEET NO. 1 OF 1
 JOB NO. TN-1335

TOPOGRAPHIC PLAN
 401 S. SAINT MARK'S AVE
 CHATTANOOGA, HAMILTON CO. TN
 PREPARED FOR
 DONNY GARNER

BEGINNING POINT SURVEYS, INC.
 Consulting Land Surveyors
 101 Tuxedo Circle, Chattanooga TN 37411
 (423) 624-0020

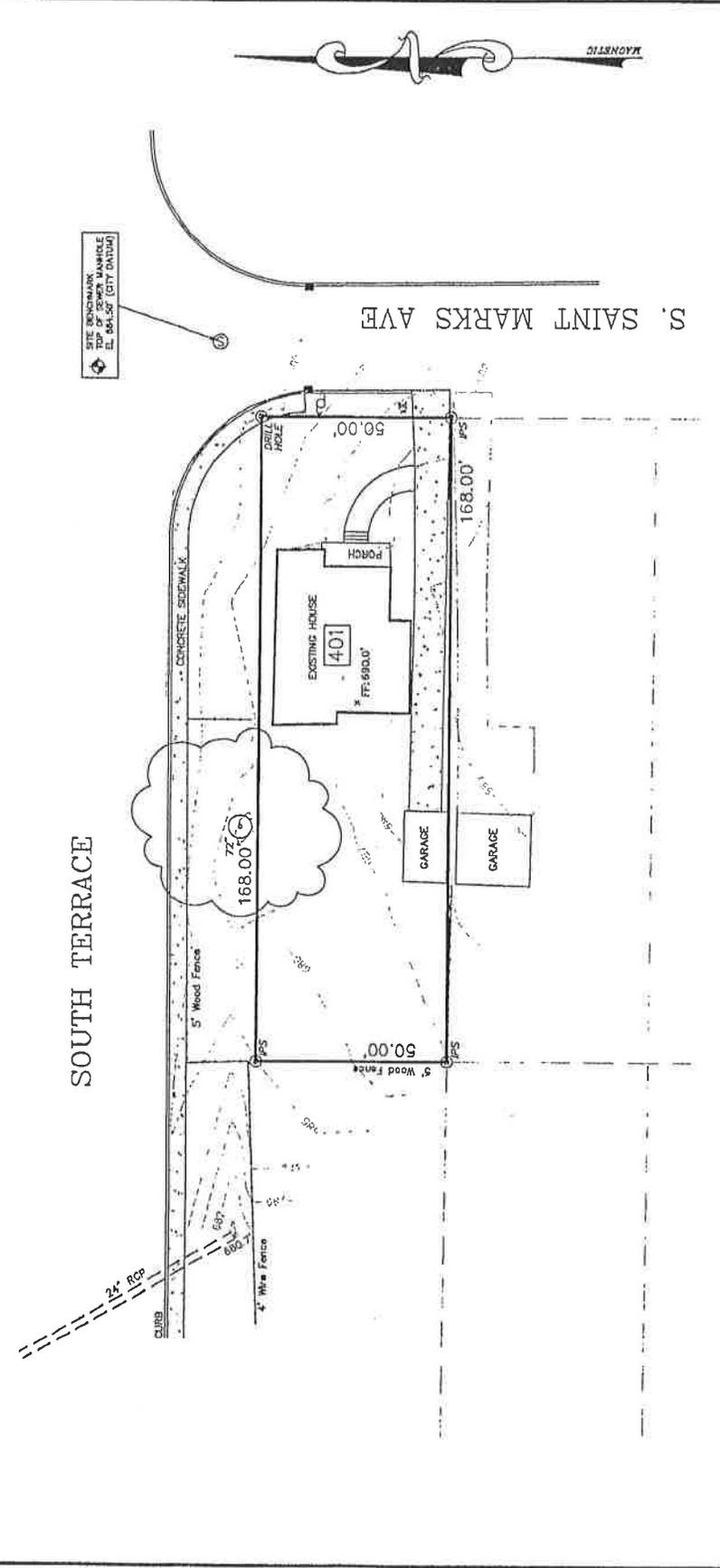
SURVEYOR'S CERTIFICATION:
 I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY AND THAT THE PART OF PRECISION OF THE UNADJUSTED SURVEY IS GREATER THAN 1/250,000 AS SHOWN HEREON. I FURTHER CERTIFY THAT I HAVE SURVEYED THIS PROJECT SHOWING THAT THE SURVEY IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SURVEYOR
 TENN. REG # 1959

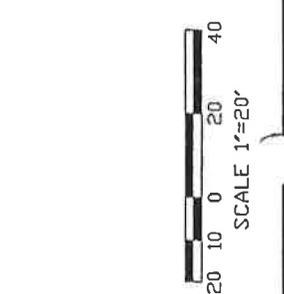



LEGEND

ROD PIN FOUND	POURED/JOIST POLE
WATER METER	SEWAGE/SEWER MANHOLE
SITE BENCHMARK	STORM DRAINAGE INLET
CUT WIRE	BELL SOUTH MANHOLE
C&G LINE	WATER LINE
OVERHEAD POWER	REINFORCED CONCRETE PIPE



- REFERENCE MATERIAL & NOTES:
- ELEVATION DATA: WIRE (CITY DATUM)
 - PLAN BOOK & PAGE 32, HAMILTON CO., TN
 - LOT 47, BLOCK 11, CHATTANOOGA, TN
 - LOCAL JURISDICTION DOES NOT CERTIFY THAT UTILITIES OR UTILITY CONNECTIONS ARE AVAILABLE
 - CITY ORDINANCE # 2002-0010, CHATTANOOGA, TN
 - EROSION CONTROL SHALL APPLY TO ANY DISCHARGE OF THE SAME FROM THE PROPERTY
 - ZONE R-1
 - AREA = 0.190 ACRES
 - ALL UTILITIES OF RECORD ARE EXEMPT



THE UTILITIES AND STRUCTURES AS SHOWN ON THIS PLAN WERE FOUND PER ABOVE GROUND EXAMINATION OF THE SITE, BASED ON VISIBLE INDICATIONS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL EXACT LOCATIONS AND ELEVATIONS OF ALL UNDERGROUND UTILITIES AND OTHER STRUCTURES BEFORE THE START OF CONSTRUCTION ON THIS PROJECT. THIS NOTICE APPLIES TO INFORMATION SHOWN ON THIS PLAN OR ANY ASSOCIATED PLAN FOR THIS PROJECT - INCLUDING PLANS OF THE SAME PREPARED BY OTHERS. CALL BEFORE 761 GA (800)-282-7411, TN (800)-351-1111



CITY OF CHATTANOOGA

DATE 12/11/13 RECEIPT NO. 221722
 Received from CART ENTERPRISES LLC / TED GRIFFIN
 Amount of ONE HUNDRED Dollars and TEN Cents NO-
 For TEMPORARY USAGE - 1912 S WILLOW STREET

Cash \$ _____
 Check \$ 110⁰⁰ # 1076 Department/Division TIC
 Collection Report No. BUNNIE Signature

87-1-640 401
 DONNY R. GARNER
 533 PINE TOP COURT
 EAST RIDGE, TN 37412
 DATE 12-17-13
 PAY TO THE ORDER OF CITY OF CHATTANOOGA \$ 110.00
ONE HUNDRED TEN DOLLARS ⁰⁰/₁₀₀ DOLLARS
 REGIONS BANK TENNESSEE
 MEMO PERMIT
 00640000170 006664978 040

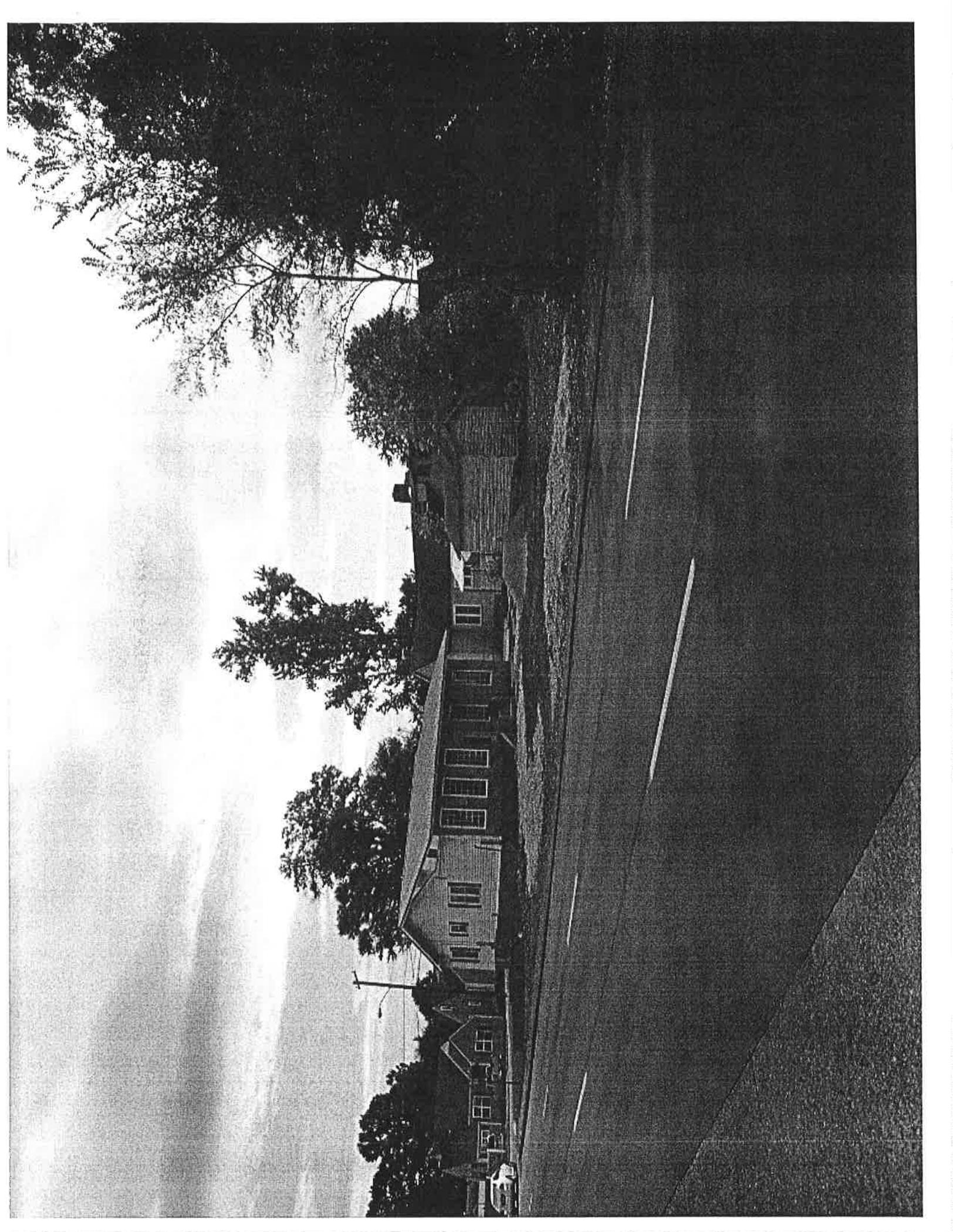
Check \$ 110 Collection Report No. BUNNIE Signature

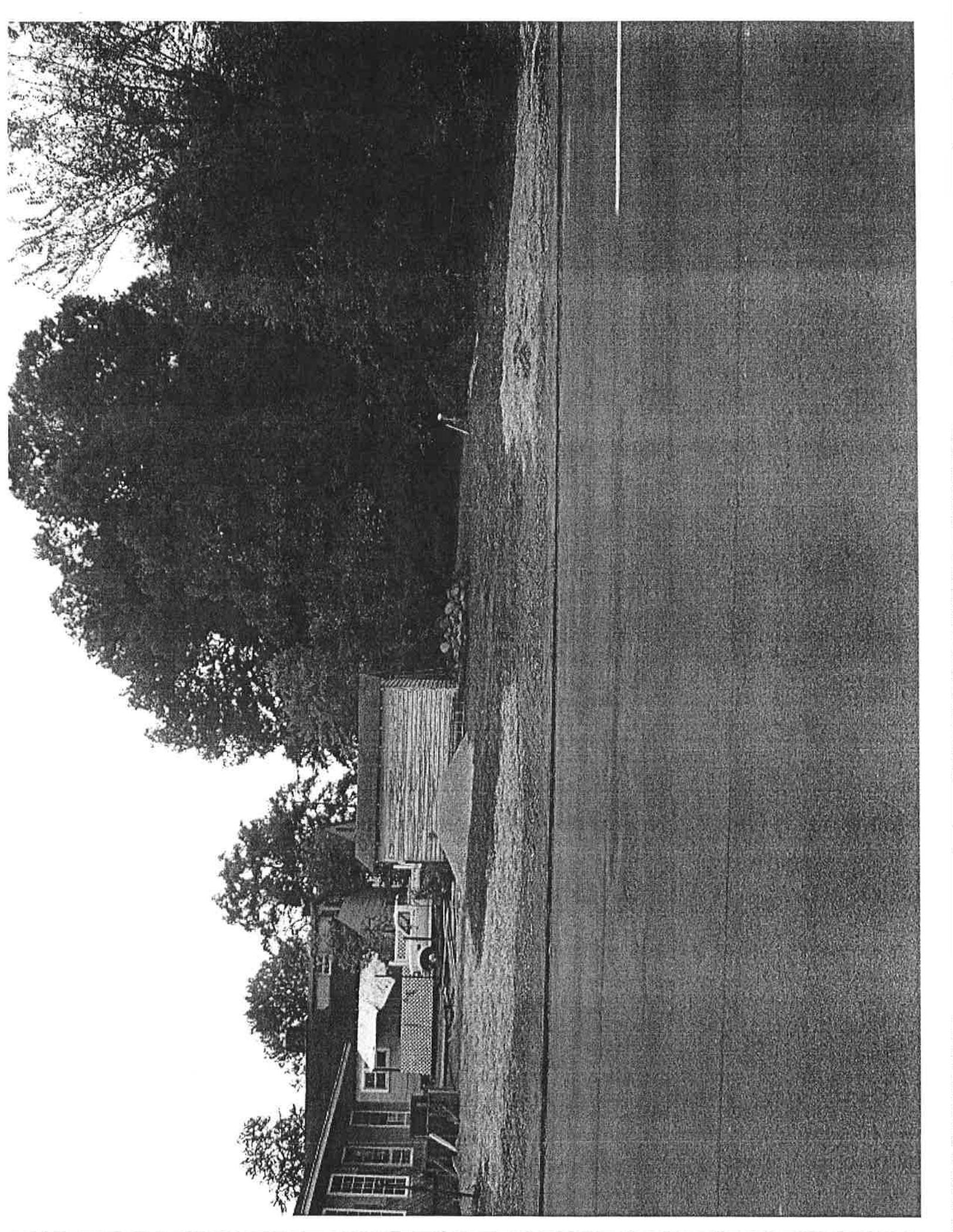


CITY OF CHATTANOOGA

DATE 12/17/2013 RECEIPT NO. 221724
 Received from DONNY R GARNER
 Amount of ONE HUNDRED TEN Dollars and TEN Cents NO
 For TEM-USAGE 401 S ST MARKS AVE

Cash \$ _____
 Check \$ 110 Department/Division TIC
 Collection Report No. WBS Signature





Donny Garner
401 S St Marks Ave
Temp Usage: Driveway and Parking for Office

EB ON RAMP 124 @ MOORE RD

TEMP USE

S TERRACE

ST MARKS

403

401

405

402

