

RESOLUTION NO. _____

A RESOLUTION TO EXTEND THE EXPIRATION DATE RELATED TO TEMPORARY USE CASE NUMBER 118789, JOHN W. WILCOX, III, FOR AN ADDITIONAL SIXTY (60) DAYS, FOR A TOTAL TIME OF ONE HUNDRED EIGHTY (180) DAYS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That it hereby extends the expiration date related to Temporary Use Case Number 118789, John W. Wilcox, III, for an additional sixty (60) days, for a total time of one hundred eighty (180) days.

ADOPTED: _____, 2014

/mms

City of Chattanooga



Resolution Request Form

Date Prepared: February 10, 2014

Preparer: Blythe Bailey

Department: Transportation

Brief Description of Purpose for Resolution/Ordinance:

Res./Ordinance # (if approved by Council) _____

A resolution for extending the expiration date related to the Temporary Use case number 118789

for an additional sixty (60) days for a total time of one hundred and eighty (180) days.

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

Revised: 1/26/09

RESOLUTION NO. 27682

A RESOLUTION AUTHORIZING JOHN W. WILCOX TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT HAMILTON AVENUE AND WOODLAND AVENUE FOR THE INSTALLATION OF A RETAINING WALL, 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 JOHN W. WILCOX, III, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located at Hamilton Avenue and Woodland Avenue to build a retaining wall, 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. Subject to permit, there is approval by the Land Development Office.

5. Temporary usage will be in effect until the franchise becomes operative or for a maximum of 120 days.

ADOPTED: October 22, 2013

/mms

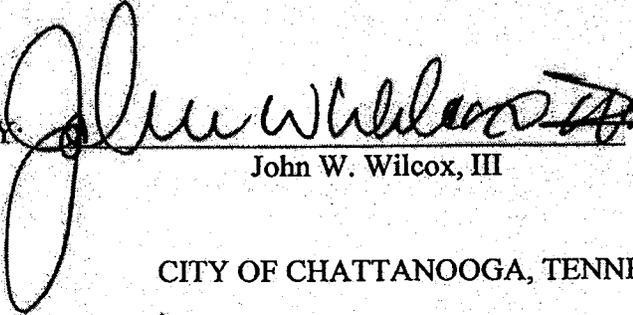
INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and JOHN W. WILCOX, III (hereinafter "Temporary User"), this 22nd day of October, 2013.

For and in consideration of the granting of the temporary usage of the right-of-way ~~located at Hamilton Avenue and Woodland Avenue to build a retaining wall, 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:

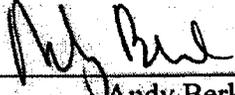
1. Temporary User shall defend, and hold harmless the City of Chattanooga, Tennessee, its officers, agents and employees from any and all claims for damages for injuries to persons or property related to or arising out of the aforementioned temporary use.
2. Temporary User shall vacate the property and 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. Subject to permit, there is approval by the Land Development Office.
5. Temporary usage will be in effect until the franchise becomes operative or for a maximum of 120 days.

October 22, 2013
Date 10-22-13

BY: 
John W. Wilcox, III

CITY OF CHATTANOOGA, TENNESSEE

October 22, 2013
Date

BY: 
Andy Berke, Mayor



September 25, 2013

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

Re: North Market Publix
MAP Engineers Project No.: 12-152

Dear Mr. Payne,

On behalf of Publix Tennessee LLC c/o John W. Wilcox III, please consider this letter a request to apply for a franchise agreement with the City for the installation, repair, and maintenance of retaining wall tie back anchors under a portion of the right-of-ways of Hamilton Avenue and Woodland Avenue, as part of the construction of the proposed Publix on North Market Street. Please consider this request in conjunction with the previously submitted temporary usage permit request for the above mentioned work.

Please contact me at 423-855-5554 with any questions regarding this request.

Sincerely, -

A handwritten signature in black ink, appearing to read "M. Price", written over a horizontal line.

Michael A. Price, P.E.
President, MAP Engineers LLC

