

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING W. ERIC SCHWIETER TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 428 EAST M.L. KING BOULEVARD FOR THE INSTALLATION OF TWO (2) STANDARD FABRIC AWNINGS TO PROTECT ENTRY DOORS OF THE BUILDING, AS SHOWN ON THE MAP AND PHOTO 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 W. ERIC SCHWIETER, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located at 428 East M.L. King Boulevard for the installation of two (2) standard fabric awnings to protect entry doors of the building, as shown on the map and photo 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 may execute the Indemnification Agreement prior to the granting of a temporary use by the City Council provided that any obligation to Indemnify and hold the City of Chattanooga, its officers, agents and employees harmless for any claims for damages for injuries to persons or property shall be void if the Temporary Use is not granted to applicant by the Chattanooga City Council. Temporary User agrees to comply with all terms and conditions of the Indemnification Agreement in the event a temporary use is granted by the City Council.

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. Each awning from its base to the top of the existing surface/sidewalk is to meet the minimum elevation requirements per City Codes and Standards.

ADOPTED: _____, 2014

/mem

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the “City”), and W. ERIC SCHWIETER (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 428 East M.L. King Boulevard for the installation of two (2) standard fabric awnings to protect entry doors of the building, as shown on the map and photo attached hereto and made a part hereof by reference, the receipt of which is hereby acknowledged, Temporary User agrees as follows:

1. Temporary User may execute the Indemnification Agreement prior to the granting of a temporary use by the City Council provided that any obligation to Indemnify and hold the City of Chattanooga, its officers, agents and employees harmless for any claims for damages for injuries to persons or property shall be void if the Temporary Use is not granted to applicant by the Chattanooga City Council. Temporary User agrees to comply with all terms and conditions of the Indemnification Agreement in the event a temporary use is granted by the City Council.

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. Each awning from its base to the top of the existing surface/sidewalk is to meet the minimum elevation requirements per City Codes and Standards.

_____, 2014
Date

BY: _____
W. Eric Schwieter

CITY OF CHATTANOOGA, TENNESSEE

_____, 2014
Date

BY: _____
Andy Berke, Mayor

City of Chattanooga



Resolution Request Form

Date Prepared: April 8, 2014

Preparer: Bert Kuyrkendall

Department: Transportation

Brief Description of Purpose for Resolution/Ordinance:

Res./Ordinance # (if approved by Council)

District 2

A City Council Action is requested to authorize Temporary Usage No. 128282 for the temporary use of the right-of-way for installation of two (2) standard fabric awnings to protect entry doors of the building as shown on the attached map and photo.

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

Memorandum

To: Fritz Brogdon *FB*
From: Ed Bowen *EB*
cc: Bert Kuyrkendall; Brandon Sutton
Date: April 2, 2014
Re: Temporary Usage Request #128282
428 East M.L. King Blvd.
Victor R. Williams
c/o W. Eric Schwieter

Recommendations Regarding Temporary Usage Request

I have completed my review of Mr. Schwieter's request regarding the Temporary Usage of the right-of-way for installation of two (2) standard fabric awnings to protect entry doors of the building as shown on the attached map and photo. My comments are as follows:

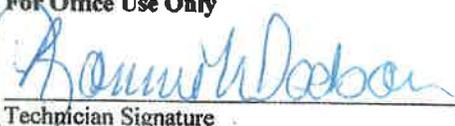
- Each proposed awning is approximately 3'- 4" in length and 3' in width and will project approximately 3' into the sidewalk's air space.

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:*

- Each awning from its base to the top of the existing surface/sidewalk is to meet the minimum elevation requirements per City Codes and Standards.

SR#806483
WO#128281

01/29/2014 (Date)

For Office Use Only  Technician Signature 2/11/14 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 428 E. ML King Blvd

The reason for this request is as follows:

Installation of (2) Standard fabric awnings to protect entry doors of building

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 are as follows:

PO Box 9183, 1001 S. Seminole Dr., Chattanooga, TN 37412

(Processing Fee \$110.00)

Custom Canvas Awnings, LLC.

Print Applicant Name

01/29/2014

Date

W. Eric Schwieter

Print Owner's Name

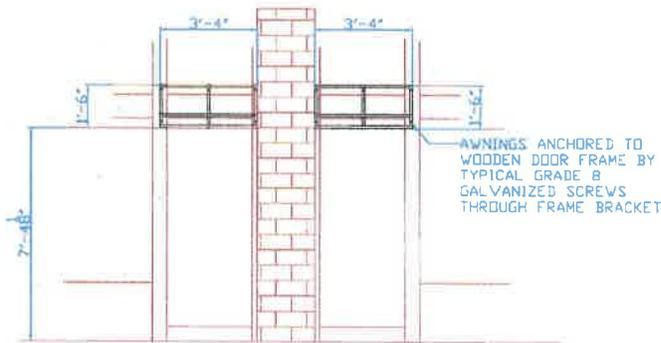
01/29/2014

Date

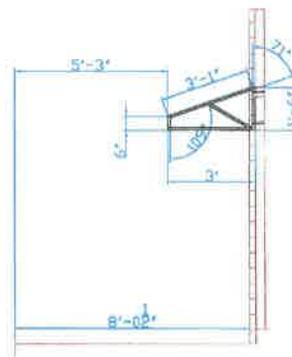

Owner's Signature (Required)

NOTE: This application will not be processed without the owner's signature and a site map/drawing of the location.





1 FABRIC AWNINGS (2)
ELEVATION



2 FABRIC AWNINGS (2)
SECTION



3 FABRIC AWNINGS (2)
ISOMETRIC

Office - 629-5105
Cell - 384-9903

I.M.L. King Blvd
(Newer in Grill)

GENERAL A
1.) COMPOUND
FRAME: IR BLACK
COVER: AND 1" STEELSTITCH STAPLE-IN EXTRUSION
AWNING ENDS: CLOSED DESIGN, FABRIC COVERING ENDS OF FRAME
FASTNER: TYPICAL SCREW INTO WOOD DOOR FRAMING



2.) CHECK TO ENSURE DIMENSIONS SHOWN ARE CORRECT WITH FIELD MEASUREMENTS. ONE SET OF APPROVED SHOP DRAWINGS MUST BE RETURNED PRIOR TO RELEASE OF AWNING FOR FABRICATION.

3.) THE STRUCTURE IS NOT DESIGNED TO BE ENCLOSED IN ANY WAY. THE STRUCTURE HAS NOT BEEN DESIGNED TO RESIST LATERAL LOADS WHICH SHOULD BE IMPOSED BY WIND LOADS ON ENCLOSURE WALL.

4.) DISSIMILAR METALS MUST BE SEPARATED BY PAINTING WITH BITUMINOUS PAINT OR OTHER ACCEPTABLE COATING OR NEOPRENE GASKET MATERIAL TO PREVENT GALVANIC ACTION.

5.) IT IS THE RESPONSIBILITY OF OTHERS TO CHECK THE ADEQUACY OF THE EXISTING BUILDING WALLS TO ASSURE THAT IT WILL RESIST IMPOSED LOADS.

6.) SNOW DRIFT AND/OR SLIDING SNOW LOADS HAVE NOT BEEN TAKEN INTO CONSIDERATION. IF THERE IS ANY CHANCE OF SNOW DRIFT AND/OR SLIDING SNOW LOADS ON THE AWNING, CUSTOMER WILL HAVE TO PROVIDE REQUIRED INFORMATION (BUILDING DIMENSIONS) AND RETURN DRAWINGS FOR REDUOTE AND REDESIGN.



428 E. M.L. KING
428 EAST M.L. KING BLVD
CHATTANOOGA, TN 37403
CHATTANOOGA, TENNESSEE
I.M.L. ASSOCIATES, PC
428 E. M.L. KING BLVD
CHATTANOOGA, TN 37403

PROJECT NUMBER	066 595
SCALE	NONE
DESIGNED BY	JPL/ML/SL/CL/SH
DATE DRAWN	22-JAN-2014
DESIGN BY	SCHAEFER
DESIGNED BY/TITLE	FABRIC AWNINGS - DETAILS
DESIGNED BY/TITLE	AWNING-100



CITY OF CHATTANOOGA

PUBLIC WORKS DEPARTMENT

WORK ORDER

Project/Funding:

Work Order Number: 128282

Address: 428 East M.L. King Blvd.

Required Work Type: ENG - Temporary Use						
WO Initiated: 2/18/2014 2:48:27 PM	Initiated By: KING, CAROL A	Requested By: BOWEN, EDWARD L	Priority: ROUTINE	District:	Transferred To/Submitted to:	Status: Under Investigation

Instructions:

Comments: From Request 806483:
Code: Tmp Right-of-Way Use
Description: ENG - Temporary Right-of-Way Use
Details: Installation of (2) standard fabric awnings to protect entry door of building
Comments: Caller: UNKNOWN, :
Q: What type of usage are you requesting?
A: Awning Over ROW

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

Associated Service Requests(s), If Any:

Request ID	Problem Code	Request Description	Request Priority	Incident Address		
806483	Tmp Right-of-Way Use	ENG - Temporary Right-of-Way Use	ROUTINE	428 E Martin Luther King Blvd		
Customer Call #	Customer Title	First Name	Middle Initial	Last Name	Address	Apt. #
838335		W. ERIC		SCHWIETER	P. O. Box 9183, 1001 S. Seminole Drive	

City	Zip	Address Type	Home Phone	Work Phone	Other Phone	Date & Time Of Call
Chattanooga	37412	Streets	423-629-5105			2/18/2014 2:38:46 PM

02/11/2014 (Date)

City of Chattanooga
City Engineer
Development Resource Center
1250 Market Street, Suite 2100
Chattanooga, Tennessee 37402

Re: Acting Agent Letter - Temporary Usage of Right of Way

Dear City Engineer,

I am formally requesting the City of Chattanooga accept the attached Temporary Usage of Right of Way Application submitted by my Agent Eric Schwieter - Custom Canvas Awnings, LLC on my behalf.

Applicant Printed Name: Victor R. Williams

Applicant Signature: Victor R. Williams

Date: 2/17/14

Agent Printed Name: Eric Schwieter - Owner

Agent Signature: Eric Schwieter

Date: 02/11/2014

16922

CUSTOM DESIGN AWNINGS
1001 S. SEMINOLE DR., P.O. BOX 9183
CHATTANOOGA, TN 37412
423-629-5105

FSG BANK
ACH RT
061308592
87-858-642

DATE 02/11/14 AMOUNT \$110.00

PAY TO THE ORDER OF The City of Chattanooga

[Signature]
AUTHORIZED SIGNATURE

⑈016922⑈ ⑆064208589⑆ 042 192 5⑈



CITY OF CHATTANOOGA

RECEIPT NO. 221731

DATE 2/11/14
Received from Custom Canvas Awnings
Amount of One Hundred Ten and No/100 Dollars and Cents \$110.00
For Yearly Garage - 4485 ML King Blvd.

Cash \$ _____
 Check \$ 110.00 # 12922
Department/Division
[Signature]
Signature

Hamilton County, Tennessee

Unofficial Property Card

Location 428 E M L KING BLVD	Property Account Number 70256	Parcel ID 145E E 005
Property Type 08	Land Use 580	District CITY

Current Property Mailing Address

Owner WILLIAMS RICHARD H & CORA R
IRREVOCABLE LIVING TRUST
Address 5020 MIMOSA CIR

City CHATTANOOGA
State TN
Zip 37416

Current Property Sales Information

Sale Date 10/14/2011
Sale Price \$0

Legal Reference 9558-0709
Grantor(Seller) WILLIAMS RICHARD H & CORA R

Current Property Assessment

Building Value \$47,800
Xtra Features Value \$0
Land Value \$17,900
Total Value \$65,700
Assessed Value \$26,280

Narrative Description

This property is classified as **COMMERCIAL** with a(n) **WAREHOUSE-STORAGE** style structure on this card, built about 1915 with 1,690 square feet. Total square footage for all structures on this property is 3,380.

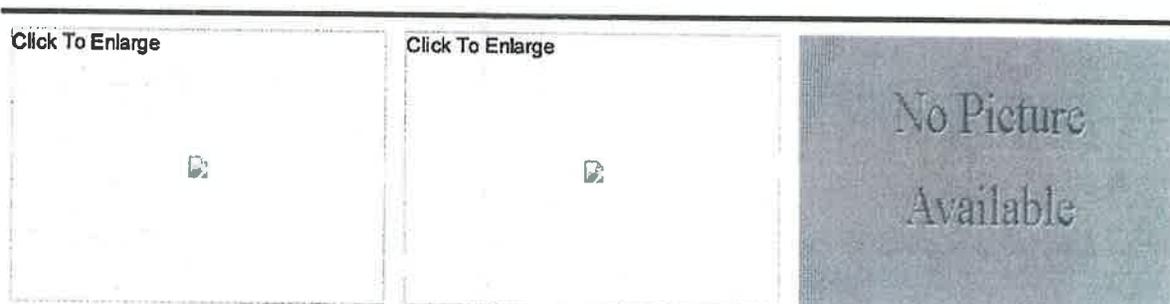
Land Description

The total land area of this property is 1 acres (23.5X115).

Legal Description

PT LT 13 BLK 18 PARKS FOSTERS SUB DB Z-1 PG1 0087 14 05

Property Images



Hamilton County, Tennessee

Unofficial Property Card

Location 428 E M L KING BLVD	Property Account Number 70258	Parcel ID 145E E 006.01
Property Type 08	Land Use 530	District CITY

Current Property Mailing Address

Owner WILLIAMS RICHARD JR & CORA R
City CHATTANOOGA
State TN
Address 5020 MIMOSA CIR
Zip 37416

Current Property Sales Information

Sale Date 10/31/1985
Sale Price \$28,250
Legal Reference 3142-0001
Grantor(Seller)

Current Property Assessment

Building Value \$46,600
Xtra Features Value \$0
Land Value \$11,700
Total Value \$58,300
Assessed Value \$23,320

Narrative Description

This property is classified as **COMMERCIAL** with a(n) **WAREHOUSE-STORAGE** style structure on this card, built about **1915** with **1,560** square feet. Total square footage for all structures on this property is **3,120**.

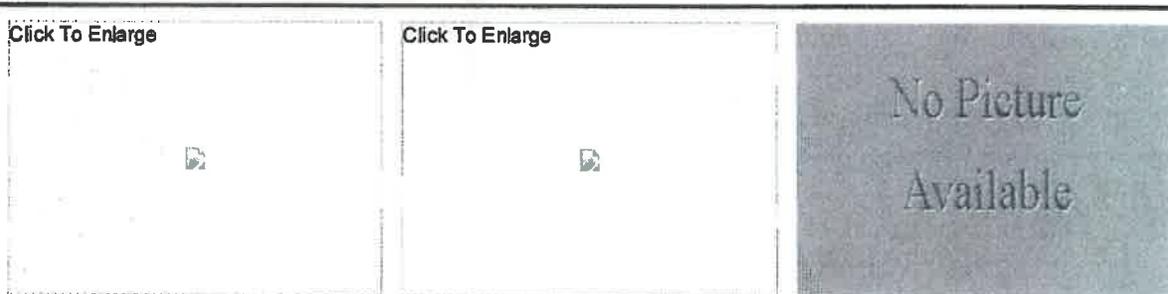
Land Description

The total land area of this property is 1 acres (23.9X72.7IRR).

Legal Description

LT 13-A BLK 18 PARKS FOSTERS SUB IN GRIFFINS ADDN 41-75

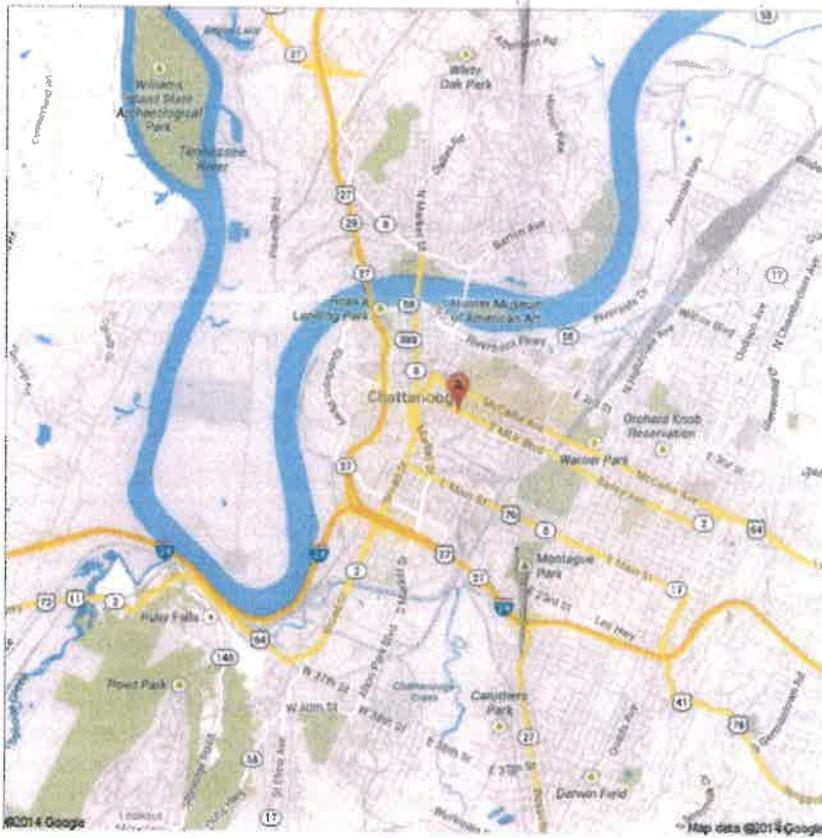
Property Images





Address **428 E MLK Blvd**
Chattanooga, TN 37403

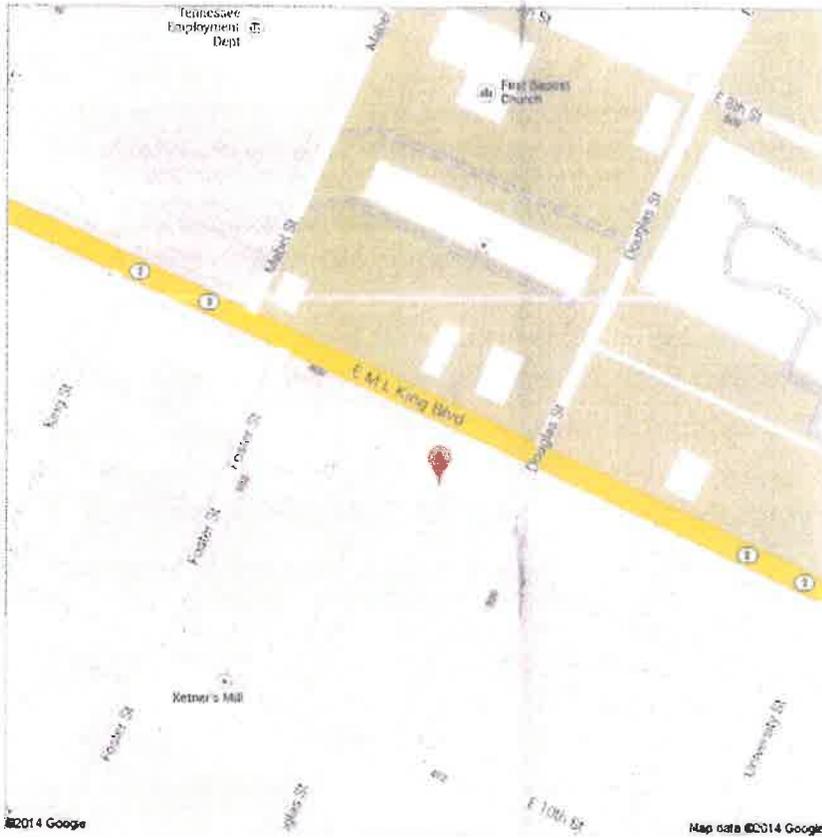
Parcel ID: 145E E 006.01
Property Type: 08
Zoned: Commercial





Address **428 E MLK Blvd**
Chattanooga, TN 37403

Parcel ID: 145E E 006.01
Property Type: 08
Zoned: Commercial



©2014 Google

Map data ©2014 Google

1ST READING 1-7-03
2ND READING 1-14-03
3RD READING 1-14-03
INDEX NO. _____

2002-132
City of Chattanooga

ORDINANCE NO. 11363

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE THE MARTIN LUTHER KING BOULEVARD AREA, MORE PARTICULARLY DESCRIBED HEREIN, FROM THE FOLLOWING SIX (6) ZONES: R-3 RESIDENTIAL ZONE, R-3MD MODERATE DENSITY ZONE, C-2 CONVENIENCE COMMERCIAL ZONE, C-3 CENTRAL BUSINESS ZONE, M-1 MANUFACTURING ZONE AND M-2 LIGHT INDUSTRIAL ZONE TO THE FOLLOWING FIVE (5) ZONES: R-1 RESIDENTIAL ZONE, R-4 SPECIAL ZONE, C-3 CENTRAL BUSINESS ZONE, M-1 MANUFACTURING ZONE AND M-2 LIGHT INDUSTRIAL ZONE, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Ordinance No. 6958, as amended, known as the Zoning Ordinance, be and the same hereby is amended so as to rezone:

The Martin Luther King Area being bounded on the north by McCallie Avenue, on the south by East 11th Street, on the east by the Southern Railroad and on the west by Lindsay Street. Part of Tax Maps 145 and 146.

from the following six (6) zones: R-3 Residential Zone, R-3MD Moderate Density Zone, C-2 Convenience Commercial Zone, C-3 Central Business Zone, M-1 Manufacturing Zone and M-2 Light Industrial Zone to the following five (5) zones: R-1 Residential Zone, R-4 Special Zone,

C-3 Central Business Zone, M-1 Manufacturing Zone and M-2 Light Industrial Zone, subject to certain conditions.

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be subject to the following conditions for the area recommended for C-3 Central Business Zone:

C-3 Central Business Zone for all new construction and major renovations affecting the building exteriors:

1. **Review:**

To promote compliance with the Downtown Plan, to help ensure that new development complements the existing urban fabric, and to promote the preservation of historically or architecturally significant structures, all site plans, landscaping, and building elevations shall be reviewed by the Planning and Design Studio.

Historically or architecturally significant structures should be preserved.

2. **Setbacks and street frontage:**

For commercial buildings a zero setback is required along a minimum of 80 percent of all street frontage.

To accommodate outdoor activities such as a park, plaza, or outdoor dining, up to a fifteen-foot setback may be permitted if an edge delineating the public and private space is provided.

This edge shall have a minimum height of three feet and a maximum height of four feet above grade and shall consist of brick, stucco, or stone walls (concrete block can only be used when faced with said materials), decorative metal fences, cast iron, or composite material, or landscaped hedges. Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.

3. Building facades and access:

At least one pedestrian entrance shall be provided from the primary street.

Ground floor openings (doors and windows) shall constitute a minimum of 50 percent of the ground floor facade area for commercial buildings.

Upper story windows for "new construction" shall have a vertical or square orientation, windows in existing structures shall be replaced with in kind windows.

No security-type roll up metal doors shall be permitted to front streets other than interior block alleys.

The height of new buildings shall be 2 stories minimum and 6 stories maximum.

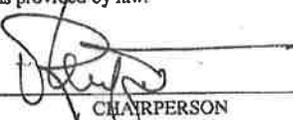
4. Placement of equipment:

All dumpsters and mechanical equipment shall be placed to the rear of the property and shall be screened from all public rights-of-way.

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage, as provided by law.

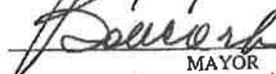
PASSED on Third and Final Reading

January 14, 2003.


CHAIRPERSON

APPROVED: DISAPPROVED:

DATE: 1/14/03, 2003


MAYOR

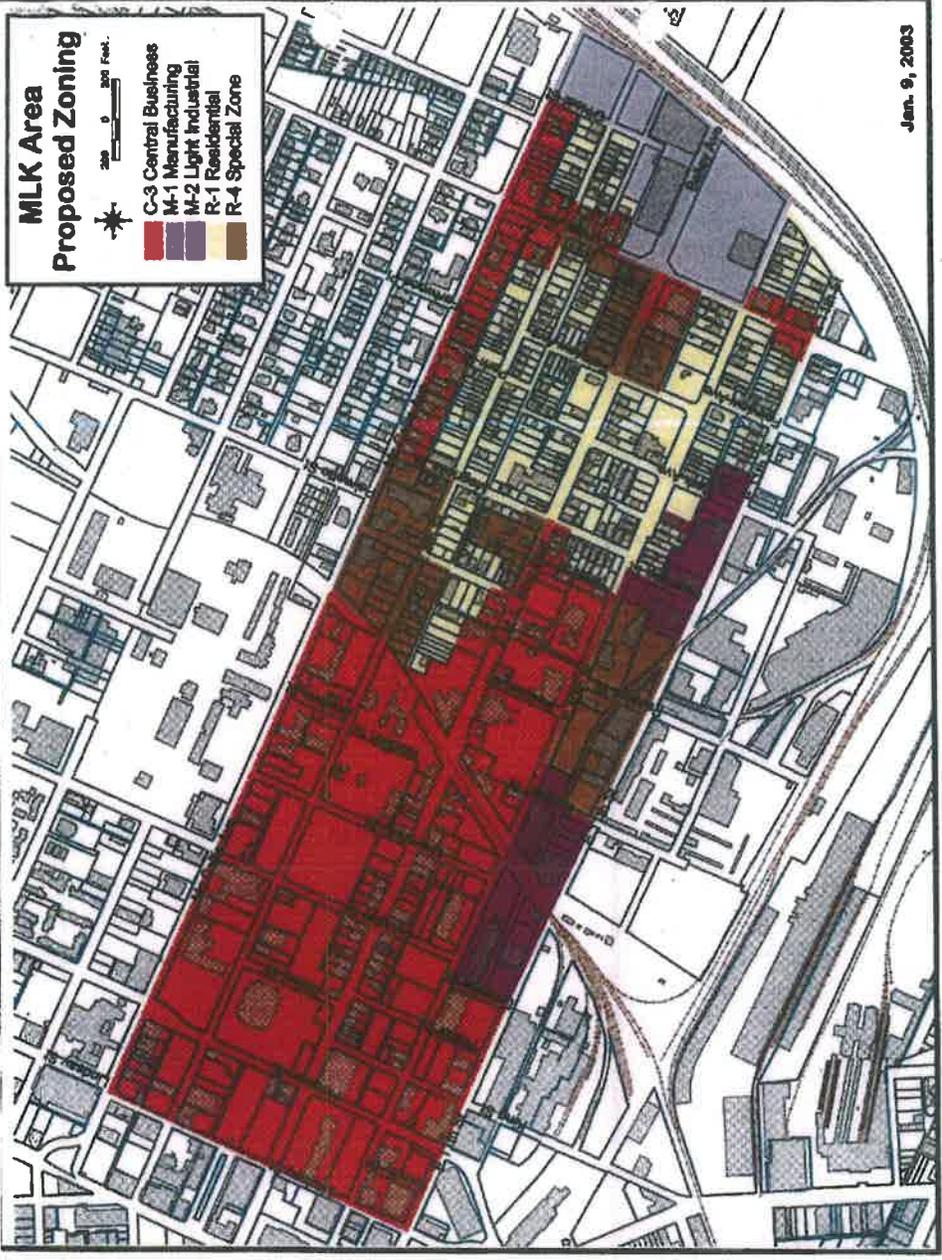
Reviewed By: 
James S. Boney

AKS/pm

MLK Area Proposed Zoning



- C-3 Central Business
- M-1 Manufacturing
- M-2 Light Industrial
- R-1 Residential
- R-4 Special Zone



Jan. 9, 2003