

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

A RESOLUTION AUTHORIZING DAN CANNON TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 7420 STANDIFER GAP ROAD TO TIE EXISTING RIGHT-OF-WAY GRADE INTO PROPOSED DEVELOPMENT GRADE AND TO IMPROVE RIGHT-OF-WAY BY FILLING IN AN EXISTING DROP-OFF AREA, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That DAN CANNON, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located at 7420 Standifer Gap Road to tie existing right-of-way grade into proposed development grade and to improve right-of-way by filling in an existing drop-off area, as shown on the drawings 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. The slope and proposed ground are to be constructed as shown on the attached drawings and in conjunction with the grading plans approved by the Land Development Office.

ADOPTED: \_\_\_\_\_, 2014

/mem

# City of Chattanooga



## Resolution Request Form

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

Date: April 25, 2014

Preparer: Fritz Brogdon

Department: Transportation

### Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council):

District 4

A City Council Action is requested to authorize Temporary Usage No. 130753, Mr. Dan Cannon, Miller-McCoy, Inc. for the right of way to fill in an existing drop-off area adjacent to Standifer Gap Road as shown on the attached photo and drawings.

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

## INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and DAN CANNON (hereinafter "Temporary User"), this 14<sup>TH</sup> day of May, 2014.

For and in consideration of the granting of the temporary usage of the right-of-way located at 7420 Standifer Gap Road to tie existing right-of-way grade into proposed development grade and to improve right-of-way by filling in an existing drop-off area, as shown on the drawings 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. The slope and proposed ground are to be constructed as shown on the attached drawings and in conjunction with the grading plans approved by the Land Development Office.

14<sup>TH</sup> DAY OF MAY, 2014  
Date

BY:   
Dan Cannon

CITY OF CHATTANOOGA, TENNESSEE

\_\_\_\_\_, 2014  
Date

BY: \_\_\_\_\_  
Andy Berke, Mayor

# Memorandum

To: Fritz Brogdon   
From: Ed Bowen  
cc: Bertran Kuyrkendall; Brandon Sutton    
Date: April 24, 2014  
Re: Temporary Usage Request #130753  
7420 Standifer Gap Road  
Dan Cannon, Miller-McCoy, Inc.

## Recommendations Regarding Temporary Usage Request

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I have completed my review of Mr. Cannon's request regarding the Temporary Usage of the right-of-way to fill in an existing drop-off area adjacent to Standifer Gap Road as shown on the attached photo and drawings. My comments are as follows:

- Filling in the drop-off area will improve that portion of right-of-way adjacent to Standifer Gap Road.
- This will tie the existing right-of-way grade to the proposed development grade along Standifer Gap Road.

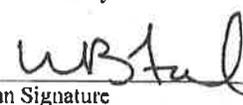
After review, granting this Temporary Usage does not conflict with the public's interest. Therefore, I recommend that the request for **Temporary Usage be granted with this condition:**

- The slope and proposed ground are to be constructed as shown on the attached drawings and in conjunction with the grading plans approved by the Land Development Office.

SR# 836957  
NO# 130753

4/7/14 \_\_\_\_\_ (Date)

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

For Office Use Only	
	
Technician Signature	
4-8-2014	
Date	

**Re: Request for Temporary Usage**

Dear Mr. Payne:

This is a request for a temporary usage of City Right-of-Way located at 7420 Standifer Gap Road

The reason for this request is as follows:

- 1) Tie existing right-of-way grade into proposed development grade along 7420 Standifer Gap Road.
- 2) Improve right of way by filling in an existing drop-off area adjacent to Standifer Gap Road.

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:

915 Creekside Road  
Chattanooga, Tennessee 37406  
(423)698-2661

( Non-Refundable Processing Fee \$110.00)

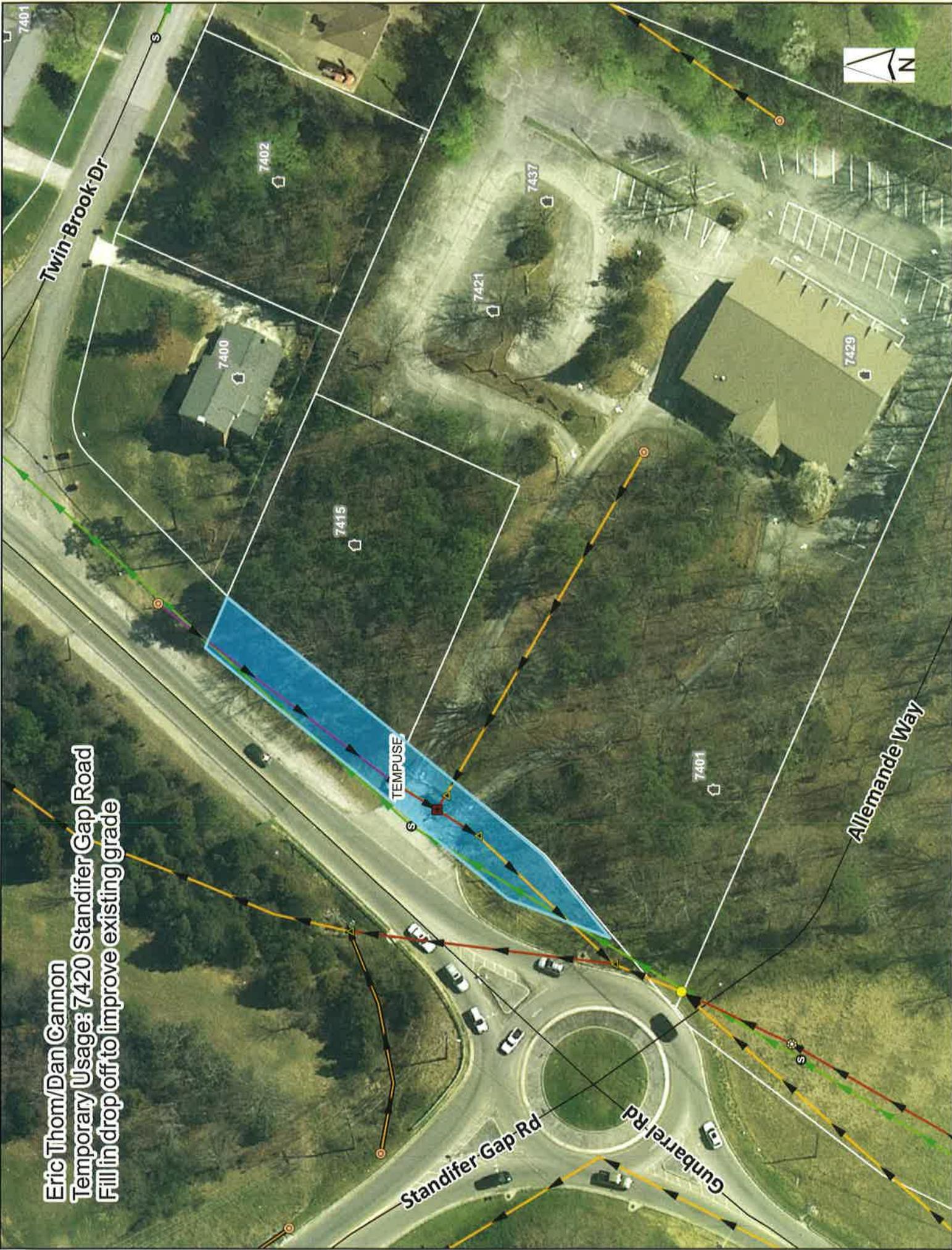
Dan Cannon \_\_\_\_\_ 4-7-14 \_\_\_\_\_  
Print Applicant Name Date

Eric Thom \_\_\_\_\_ 4-7-14 \_\_\_\_\_  
Print Owner's Name Date

CONTINENTAL 171 FUND LLC BY: Continental Properties Inc, its manager

\_\_\_\_\_  
Owner's Signature (Required)

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



Eric Thom/Dan Cannon  
Temporary Usage: 7420 Standifer Gap Road  
Fill in drop off to improve existing grade

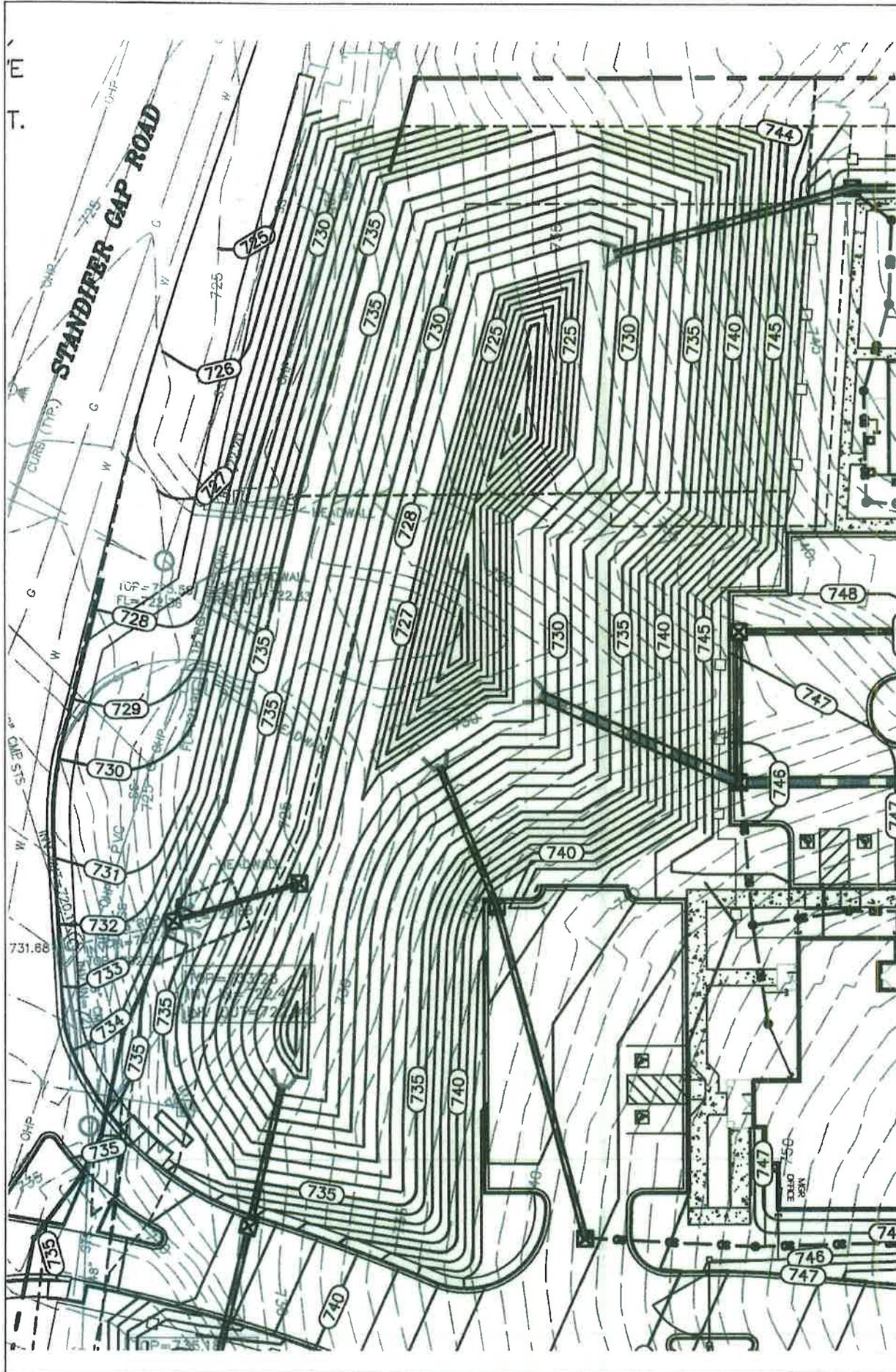
Standifer Gap Rd

Gunbarrel Rd

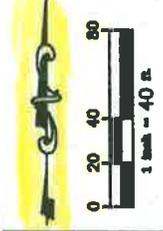
Allemande Way

TEMPUSE





DATE: 4/8/14
DRAWN BY: DPC
CHECKED BY: RWM
PROJECT NUMBER: 13-057



SHEET NAME:  
**TEMPORARY USE EXHIBIT**

PROJECT:  
**SPRINGS AT CHATTANOOGA**  
 7420 STANDIEFFER GAP ROAD  
 CHATTANOOGA, TENNESSEE

**MILLER-MCCOY, INC.**  
 CONSULTING ENGINEERS  
 918 CREEKSIDE ROAD CHATTANOOGA, TENNESSEE 37406  
 PHONE (423) 898-2661 FAX (423) 898-2661

4/7/14 (Date)

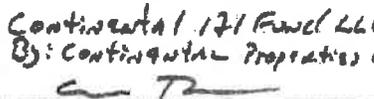
City of Chattanooga  
City Engineer  
Development Resource Center  
1250 Market Street, Suite 2100  
Chattanooga, Tennessee 37402

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

Dear City Engineer,

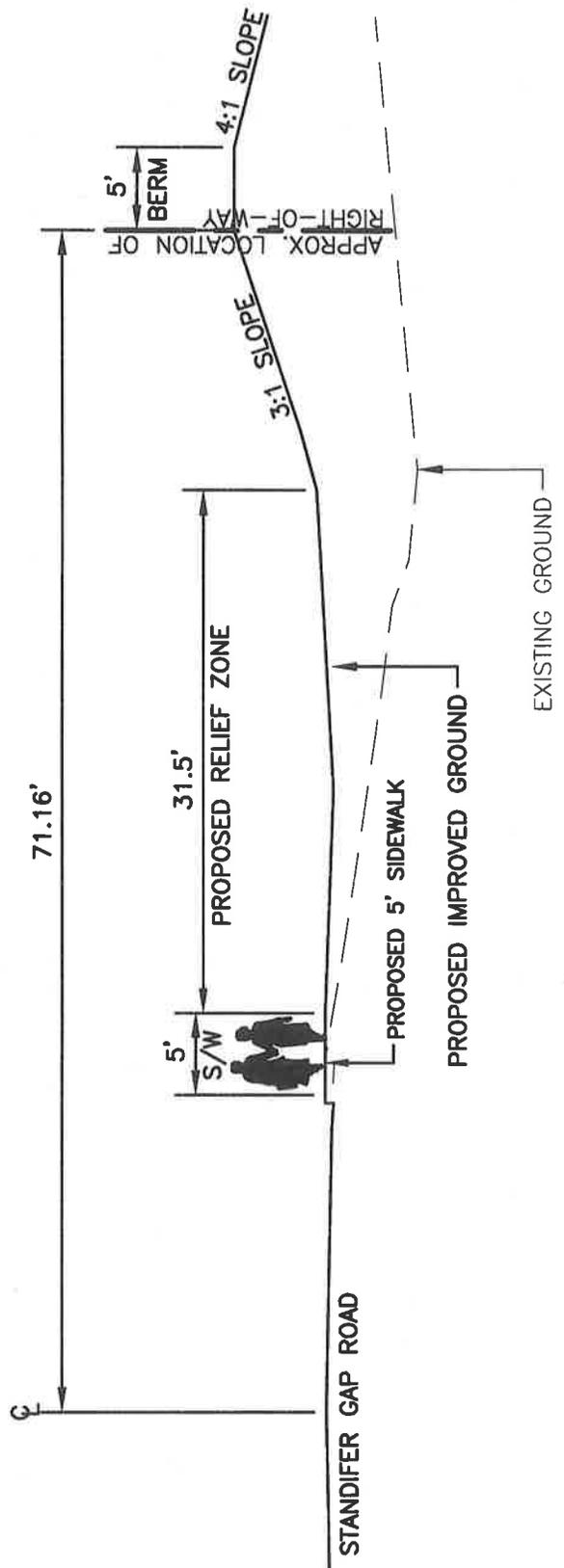
I am formally requesting the City of Chattanooga accept the attached Temporary Usage of Right of Way Application submitted by my Agent Dan Cannon of Miller-McCoy, Inc. on my behalf.

Applicant Printed Name: ERIC THOM

Applicant Signature:  Date: 4/7/14  
*Continental 171 Fuel LLC  
By: Continental Properties Company, Inc, its authorized agent*

Agent Printed Name: Dan Cannon  
Miller-McCoy, Inc.

Agent Signature:  Date: 4/7/14



DATE:	4/16/14
PROJECT NO.:	13-057
DRAWN BY:	DPC
CHECKED BY:	RWM

SHEET NAME:  
**TEMPORARY USE PERMIT**  
**TYPICAL CROSS SECTION EXHIBIT**  
 SCALE: 3/32"=1'-0"

PROJECT:  
**SPRINGS AT**  
**CHATTANOOGA**  
 7420 STANDIFER GAP ROAD  
 CHATTANOOGA, TENNESSEE

**MILLER MCCOY, INC.**  
**CONSULTING ENGINEERS**  
 915 CREEKSIDE ROAD CHATTANOOGA, TENNESSEE 37406  
 PHONE (423) 898-2661 FAX (423) 898-2664