

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

A RESOLUTION AUTHORIZING SHERRY CAGLE AND COLLEEN SMITH TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 918 EAST MAIN STREET FOR THE INSTALLATION OF A FENCE FACING MAIN STREET AND THE CORNER OF FAGAN STREET, AS SHOWN ON THE MAPS 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 SHERRY CAGLE and COLLEEN SMITH, (hereinafter referred to as “Temporary Users”) be and is hereby permitted to use temporarily the right-of-way located at 918 East Main Street for the installation of a fence facing Main Street and the corner of Fagan Street, as shown on the maps 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 Users 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 Users agree 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 Users agree to vacate the property and temporary use upon reasonable notice from the City to do so.

3. Temporary Users shall provide adequate access for maintenance of any utilities located within the easement.

4. All fence setbacks shall meet “minimum fence setbacks” plan.

5. Location and design of the fencing will need to be approved by Traffic Engineering before it is installed.

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

/mem

# City of Chattanooga



## Resolution Request Form

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

Date: May 14, 2014

Preparer: Bert Kuyrkendall *BK*

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. 129548, Ms. Sherry Cagle and Colleen Smith for the right of way for the installation of a fence facing Main Street and the corner of Fagan Street as shown on the attached maps.

Name of Vendor/Contractor/Grant, etc.	<u>N/A</u>	New Contract/Project? (Yes or No)	<u>N/A</u>
Total project cost \$	<u>N/A</u>	Funds Budgeted? (YES or NO)	<u>N/A</u>
Total City of Chattanooga Portion \$	<u>N/A</u>	Provide <u>Fund</u>	<u>N/A</u>
City Amount Funded \$	<u>N/A</u>	Provide <u>Cost Center</u>	<u>N/A</u>
New City Funding Required \$	<u>N/A</u>	Proposed Funding Source if not budgeted	<u>N/A</u>
City's Match Percentage %	<u>N/A</u>	Grant Period (if applicable)	<u>N/A</u>

### List all other funding sources and amount for each contributor.

<u>Amount(s)</u>	<u>Grantor(s)</u>
_____	_____
_____	_____
_____	_____
\$ _____	_____

Agency Grant Number \_\_\_\_\_

CFDA Number if known \_\_\_\_\_

Other comments: (Include contingency amount, contractor, and other information useful in preparing resolution)

Approved by: *[Signature]*

DESIGNATED OFFICIAL/ADMINISTRATOR

Reviewed by: FINANCE OFFICE

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 SHERRY CAGLE and COLLEEN SMITH (hereinafter "Temporary Users"), this 19<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 918 East Main Street for the installation of a fence facing Main Street and the corner of Fagan Street, as shown on the maps attached hereto and made a part hereof by reference, the receipt of which is hereby acknowledged, Temporary Users agree as follows:

1. Temporary Users 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 Users agree 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 Users 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 Users shall restore the property to its original condition when it is returned to the City.

3. Temporary Users shall provide adequate access for maintenance of any utilities located within the easement.

4. ~~Fencing will be outside of the twenty-five (25') foot sight triangle.~~ *SCS*

5. All fence setbacks shall meet "minimum fence setbacks" plan.

6. Location and design of the fencing will need to be approved by Traffic

Engineering before it is installed.

5/19, 2014  
Date

BY:   
Sherry Cagle

5/19, 2014  
Date

BY:   
Colleen Smith

CITY OF CHATTANOOGA, TENNESSEE

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

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

# Memorandum

To: Fritz Brogdon

From: Ed Bowen

BK

BS

Cc: Bertran Kuyrkendall; Brandon Sutton

Date: May 14, 2014

RE: Temporary Usage request #129548  
918 East Main Street  
Sherry Cagle/Colleen Smith

Recommendations regarding temporary usage request

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I have completed my review of Ms. Cagle's and Ms. Smith's request regarding the Temporary Usage of the right-of-way for installation of a fence facing Main Street and the corner of Fagan Street as shown on the attached maps. My comments are as follows:

- The applicants want to provide a secure area for owners to walk their dogs.
- Wooden post with wrought-iron-style fencing will be used to provide adequate visibility.
- The fence will be 4' high and will be beside the sidewalk on the inside facing the sidewalk from the enclosed area.
- There will be no interference with the sidewalk.

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 conditions:**

- Fencing will be outside of the 25' sight triangle.
- \*• All fence setbacks shall meet "minimum fence setbacks" plan.



SR# 818231  
WO# 129548

For Office Use Only  
*Ronnie Dodson*  
Deputy Mayor  
3/14/14

CANNOT EDIT GIS 3/18/14

3/14/14

(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 Mulched Area facing Main Street and the corner of Fagan Street not to interfere with sidewalk belonging to City.

The reason for this request is as follows:

We need a secure area for owners to walk their dogs. The project would use wooden posts and wrought iron style fencing so visibility would be easily possible. There will be no interference with the sidewalk. All fencing would be on the business side of the sidewalk.

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:

918 East Main Street 423-531-8899

Sherril Cagle  
Colleen Smith  
(Print) Applicant Name

Processing Fee of \$105.00 payable to City of Chattanooga

(email address) Chaibolisticvet@gmail.com

3/14/14  
Date

Colleen Smith  
(Print) Owner's Name

3/14/14  
Date

*Sherril Cagle*

This application must include the owner's signature and a site map of the referenced location to complete processing.

3/14/14 (Date)

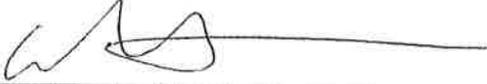
City of Chattanooga  
City Engineer  
Development Resource Center  
1250 Market Street, Suite 2100  
Chattanooga, Tennessee 37402

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 Sherry Cagle, on my behalf.

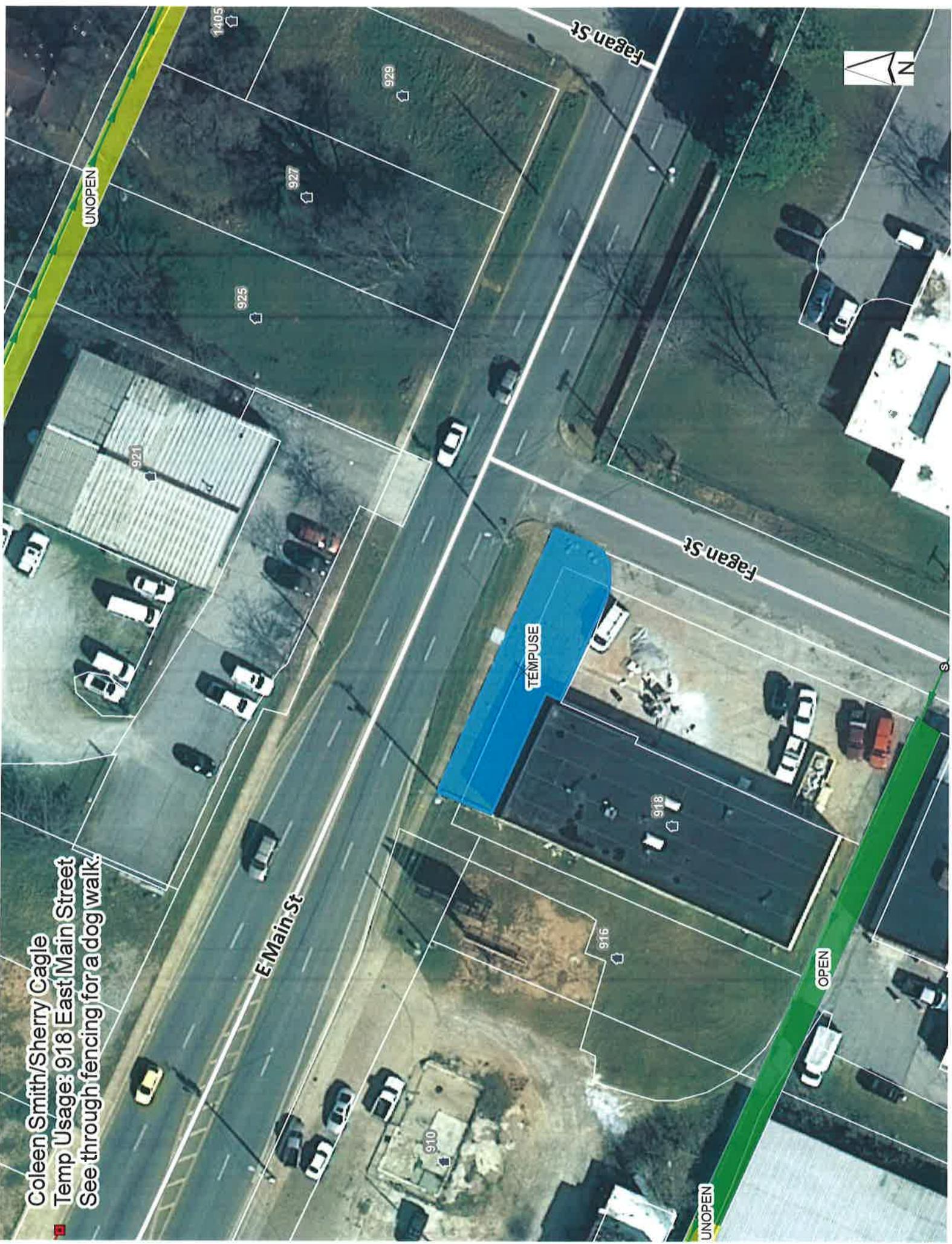
Applicant Printed Name: COLLEEN SMITH

Applicant Signature:  Date: 3/14/14

Agent Printed Name: Sherry Cagle

Agent Signature:  Date: 3/14/14

Coleen Smith/Sherry Cagle  
Temp Usage: 918 East Main Street  
See through fencing for a dog walk.





# 918 E. Main St

Chattanooga, TN

Printed: Mar 13, 2014

Disclaimer: This map is to be used for reference only, and no other use or reliance on the same is authorized. Parcel lines are shown for reference only and are not intended for conveyances, nor is it intended to substitute for a legal survey or property abstract.

HCCGIS



*MINIMUM FENCE SETBACKS*



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