

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

A RESOLUTION AUTHORIZING MATTHEW COLE TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 717 LIBERTY STREET FOR THE INSTALLATION OF A RETAINING WALL, AS SHOWN ON THE MAP AND 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 MATTHEW COLE, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located at 717 Liberty Street for the installation of a retaining wall, as shown on the map and 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.

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

/mem



# Memorandum

**To:** Fritz Brogdon   
**From:** Ed Bowen  
**cc:** Bertran Kuyrkendall , Brandon Sutton   
**Date:** April 22, 2014  
**Re:** Temporary Usage Request #129547  
717 Liberty Street  
Matthew Cole  
Recommendations Regarding Temporary Usage Request

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I have completed my review of Mr. Cole's request regarding the Temporary Usage of the right-of-way for installation of a retaining wall at 717 Liberty Street as shown on the attached map and photos. My comments are as follows:

- The wall is needed to allow for raised soil elevation of the front yard.
- The wall will be approximately 25' long when measured parallel to the roadway.
- It will be below 4' in height.
- It will project approximately 10' into the right-of-way.

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 no conditions.*



SR# 818216  
WO# 129547

<b>For Office Use Only</b>
<i>Z. Crutcher</i>
Technician Signature
<i>3/14/14</i>
Date

Ⓢ (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 a rightaway in front of a new residential home that is under construction at 917 Liberty St.

The reason for this request is as follows:

we have raised the dirt level on the property, resulting in a need for a retaining wall. We have put this wall in approx. 10 ft in the rightaway we need this request so we can keep this wall in place.

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:

6309 Celtic Dr, Chattanooga, TN 37416 316-209-2667

(email address) matthew\_cole03@yahoo.com

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

Matthew Cole  
(Print) Applicant Name

3/14/14  
Date

Matthew Cole  
(Print) Owner's Name

3/14/14  
Date

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

Matthew Cole

Temp Usage: 717 Liberty Street

Retaining Wall to hold in fill dirt extending 10' into ROW



