Temp Usage No. 131520

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING LEGENDS HOMEOWNERS ASSOCIATION C/O DARYL F. MANN TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT LEGENDS SUBDIVISION WITH THE GOODWIN ROAD EXPANSION FOR THE INSTALLATION OF A SECURITY FENCE, AS SHOWN ON THE MAPS AND PHOTOS 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 LEGENDS HOMEOWNERS ASSOCIATION C/O DARYL F. MANN, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located at Legends Subdivision with the Goodwin Road Expansion for the installation of a security fence, as shown on the maps and photos 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 proposed fence shall be installed as shown on the revised fence location drawing.

5. The required gate will need to provide twenty-four (24) hour access to the sewer.

6. The proposed fence shall be placed a minimum of five (5) feet from the southern toe of the berm.

ADOPTED: _____, 2014

/mem

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and LEGENDS HOMEOWNERS ASSOCIATION C/O DARYL F. MANN (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 Legends Subdivision with the Goodwin Road Expansion for the installation of a security fence, as shown on the maps and photos 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 proposed fence shall be installed as shown on the revised fence location drawing.

5. The required gate will need to provide twenty-four (24) hour access to the sewer.

6. The proposed fence shall be placed a minimum of five (5) feet from the southern

toe of the berm.

LEGENDS HOMEOWNERS ASSOCIATION

_____, 2014 BY: _____
Date Daryl F. Mann, Chairman

CITY OF CHATTANOOGA, TENNESSEE

_____, 2014 BY: _____
Date Andy Berke, Mayor

City of Chattanooga

Resolution Request Form

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

Date: June 16, 2014

Preparer: Fritz Brogdon **Department:** **Transportation**

Brief Description of Purpose for Resolution: Resolution Number (if approved by Council): **District 5**

A City Council Action is requested to authorize Temporary Usage No. 131520, Mr. Daryl F. Mann, Chairman, Legends Homeowners Assn. for the right-of-way for the installation of a security fence as shown on the attached maps and photos.

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

Memorandum

To: Fritz Brogdon FB

From: Ed Bowen

cc: Bertran Kuyrkendall; Brandon Sutton BS

Date: June 6, 2014

Re: Temporary Usage Request # 131520 (District 5)
7705, 7700 Legends Way; 1937 Aviara Drive; 1909, 1912 and 1908 Stoney Creek Drive; 7827 Shinnecock Trail
Daryl F. Mann, Chairman, Legends Homeowners Association

Recommendations Regarding Temporary Usage Request

I have completed my review of Mr. Mann's request regarding the Temporary Usage to place a security fence on city land that adjoins Legends Subdivision with the Goodwin Road Expansion as shown on the attached maps and photo. My comments are as follows:

- The road expansion removed a natural tree buffer that provided security and separation of neighborhood and city streets.
- If approved, a security fence will be installed to create separation.
- New plantings will restore the natural tree buffer.

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 these conditions:***

- The proposed fence shall be installed as shown on the revised fence-location drawing.
- The required gate will need to provide 24 hour access to the sewer.
- The proposed fence shall be placed a minimum of 5 feet from the southern toe of the berm.

4/16/14 (Date)

For Office Use Only

Technician Signature

4/23/14

Date

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

SR #833859

WO # 131520

Re: Request for Temporary Usage

Dear Mr. Payne:

This is a request for a temporary usage of City land that adjoins Legends Subdivision with the Goodwin Road expansion.

The reason for this request is as follows:
The road expansion removed existing natural tree buffer which provided security and separation of neighborhood and City street. If approved, a security fence will be installed to create separation and new plantings will restore natural tree buffer. See Sheet L-1.0 for proposed plan.

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:
7705 & 7700 Legends Way; 1937 Aviara Drive; 1903, 1912 & 1908 Stoney Creek Drive; 7527 Shinnecock Trail Chattanooga, TN 37421 718-9822

(Non-Refundable Processing Fee $110.00)

Legends HOA
Print Applicant Name

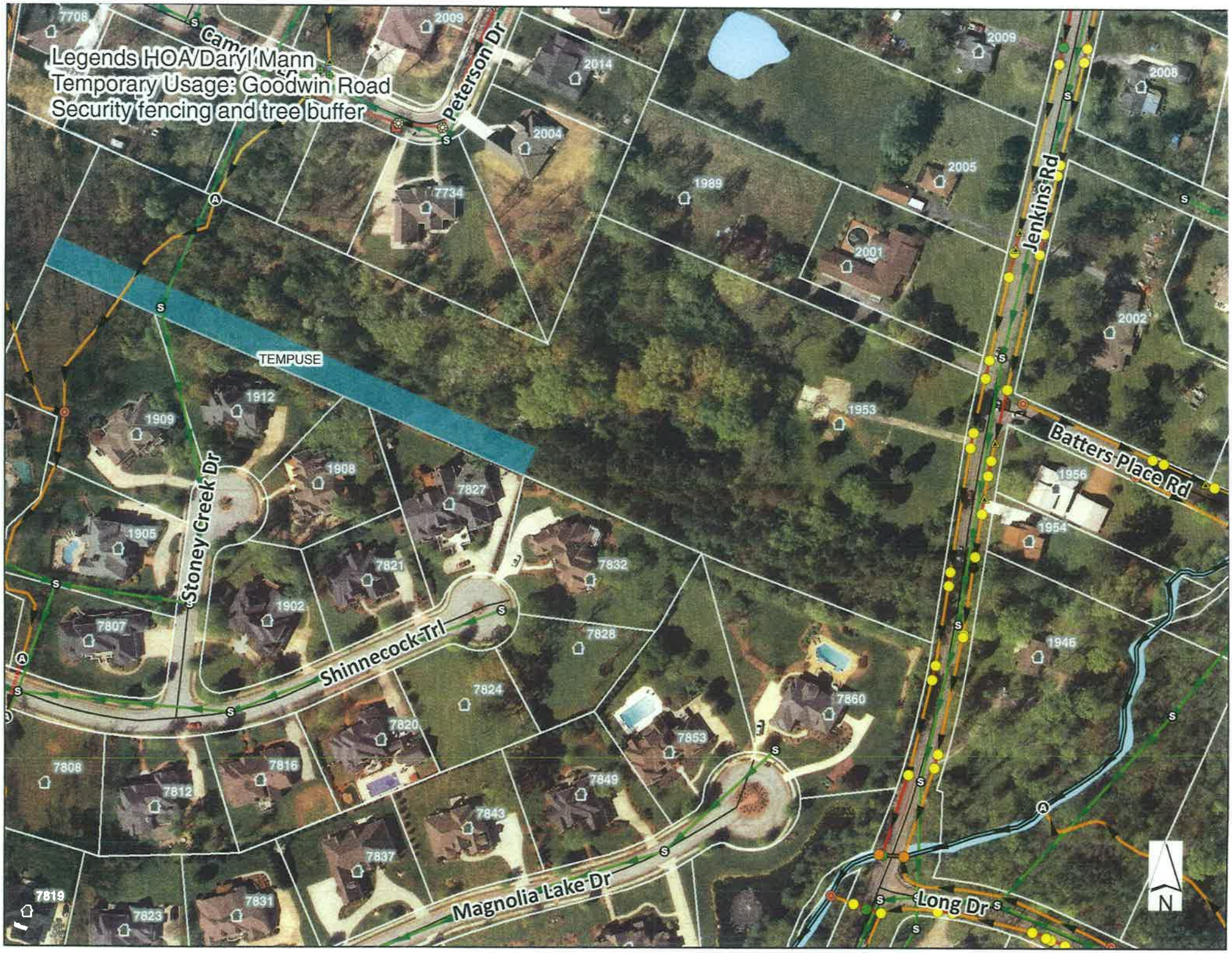
4-16-14
Date

Daryl F. Mann Chairman
Print Owner's Name

4-16-14
Date

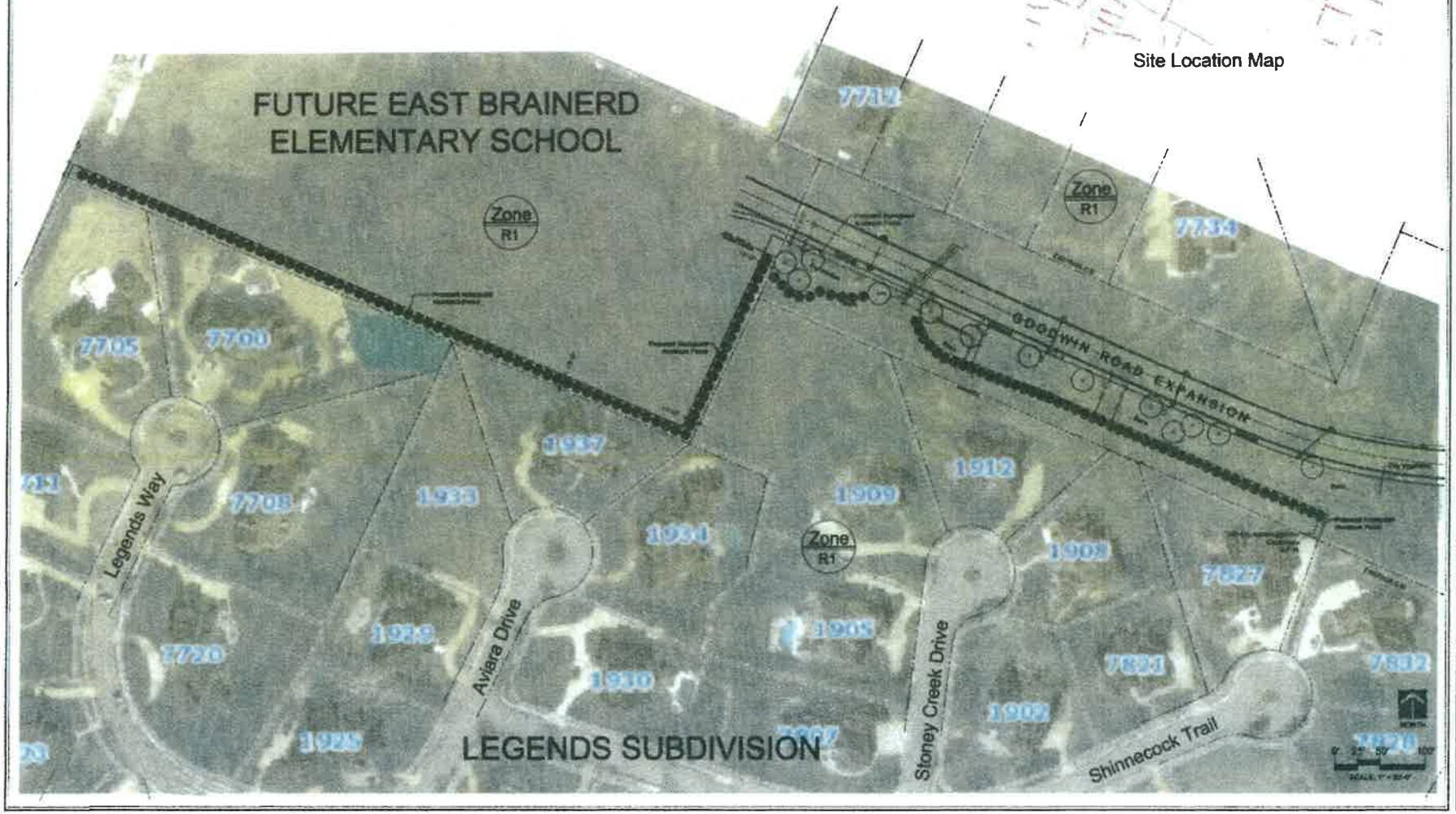
Owner's Signature (Required)

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


Legends HOA/Daryl Mann
Temporary Usage: Goodwin Road
Security fencing and tree buffer
TEMPUSE
Peterson Dr
Jenkins Rd
Batters Place Rd
Stoney Creek Dr
Shinnecock Trl
Magnolia Lake Dr
Long Dr
7708
2009
2014
2004
7734
1989
2005
2001
2008
2002
1953
1956
1954
1946
1912
1909
1908
7827
1905
7821
7832
1902
7807
7828
7824
7860
7820
7853
7808
7816
7812
7849
7843
7837
7819
7823
7831
N

Proposed Alumi-Guard
Aluminum Fence

Site Location Map

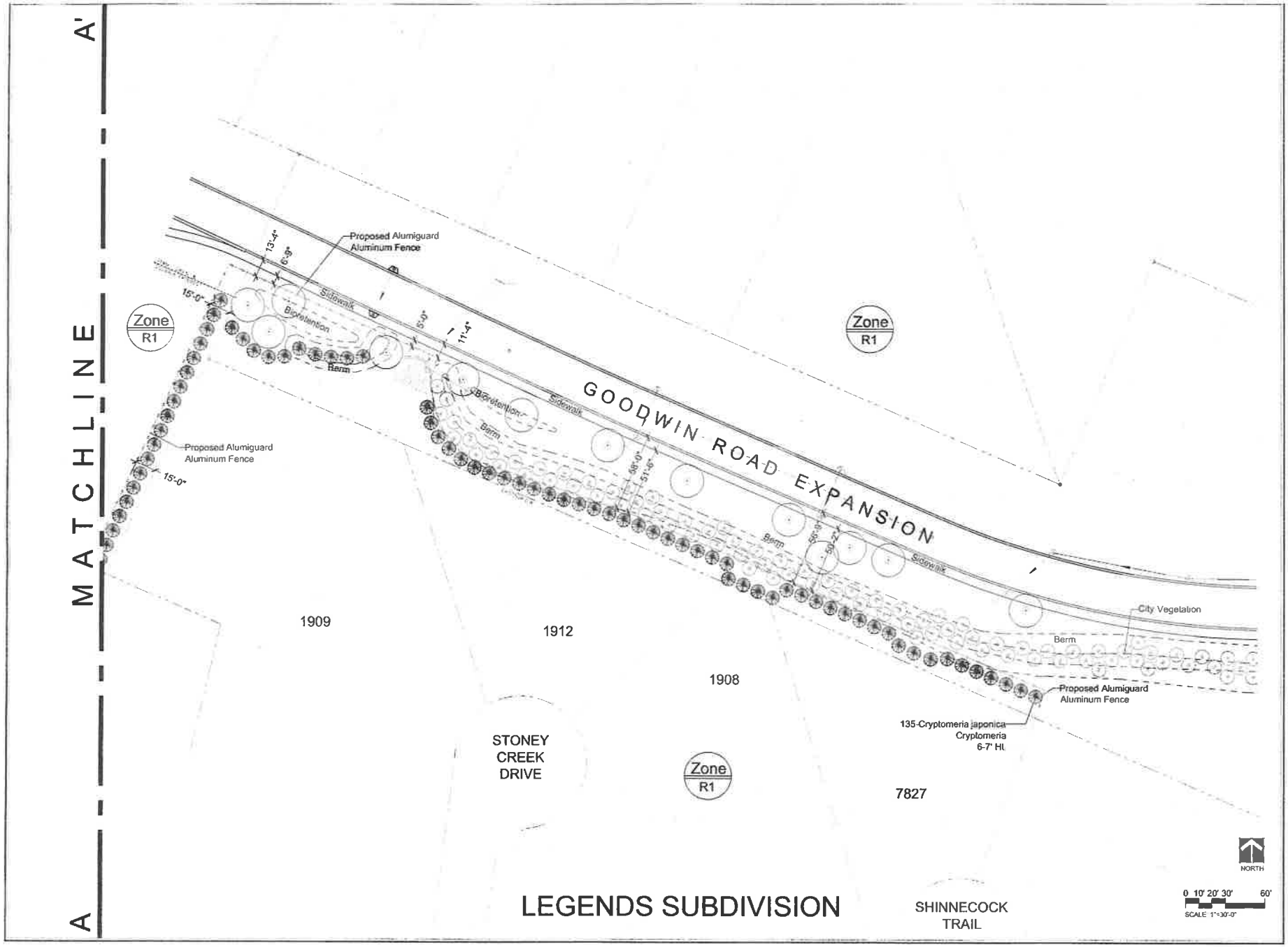


DATE
REVISION

cdg DESIGN GROUP

PROJECT:
LEGENDS HOME OWNER'S ASSOCIATION
TEMPORARY USE OF RIGHT OF WAY
CHATTANOOGA, TN

JOB #: 14-Legends HOA
DATE: 04-11-2014
DRAWN: KEP
CHK: GLC
Sheet Title:
SITE PLAN
Sheet No:
L-1.0



LEGENDS SUBDIVISION

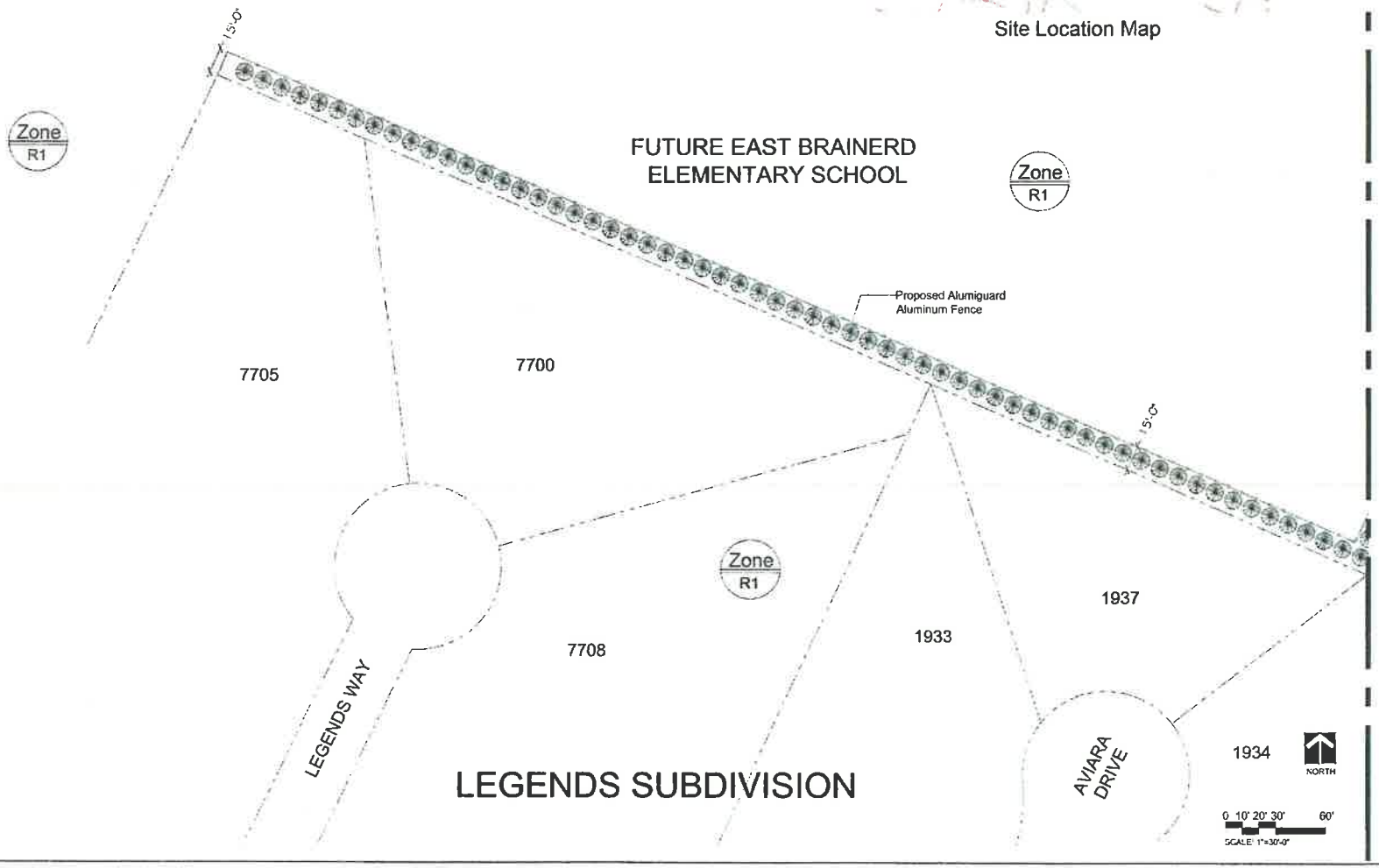
CRAIG DESIGN GROUP

PROJECT:
LEGENDS HOME OWNER'S ASSOCIATION
TEMPORARY USE OF RIGHT OF WAY
CHATTANOOGA, TN

JOB #: 14-Legends HOA
DATE: 04-11-2014
DRAWN: KEP
CHK: GLC
Sheet Title:
SITE PLAN
Sheet No:
L-1.1

Proposed Alumi-Guard
Aluminum Fence

Site Location Map



A MATCHLINE A'

cdg CRAIG DESIGN GROUP

PROJECT:
LEGENDS HOME OWNER'S ASSOCIATION
TEMPORARY USE OF RIGHT OF WAY
CHATTANOOGA, TN

JOB#: 14-Legends HOA
DATE: 04-11-2014
DRAWN: KEP
CHK: GLC

Sheet Title:
SITE PLAN

Sheet No:
L-1.0