

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

A RESOLUTION AUTHORIZING EVELYN COOPER TO USE TEMPORARILY THE RIGHT-OF-WAY FOR A PORTION OF THE ALLEY AND TO PLACE A FENCE AT THE CORNER OF FOUST AND HAWTHORNE STREETS, AS SHOWN ON THE MAP AND PHOTO 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 EVELYN COOPER, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way for a portion of the alley and to place a fence at the corner of Foust and Hawthorne Streets, 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. Fencing will be outside of the twenty-five foot (25') sight triangle.
5. A gate across the alley and parallel to Hawthorne Street will need to provide twenty-four (24) hour access to the alley.
6. Any damage done to the gate while gaining access to the sewer will not be the responsibility of the City of Chattanooga.
7. Any fence placement must be on the right-of-way line that runs parallel to Hawthorne Street and to Foust Street. It cannot project into the right-of-way.

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

/mem

## INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the “City”), and EVELYN COOPER (hereinafter “Temporary User”), this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

For and in consideration of the granting of the temporary usage of the right-of-way for a portion of the alley and to place a fence at the corner of Foust and Hawthorne Streets, 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. Fencing will be outside of the twenty-five foot (25’) sight triangle.

5. A gate across the alley and parallel to Hawthorne Street will need to provide twenty-four (24) hour access to the alley.

6. Any damage done to the gate while gaining access to the sewer will not be the responsibility of the City of Chattanooga.

7. Any fence placement must be on the right-of-way line that runs parallel to

Hawthorne Street and to Foust Street. It cannot project into the right-of-way.

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

BY: \_\_\_\_\_  
Evelyn Cooper

CITY OF CHATTANOOGA, TENNESSEE

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

BY: \_\_\_\_\_  
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 8

A City Council Action is requested to authorize Temporary Usage No. 131508, Ms. Evelyn J. Cooper for the right-of-way for a portion of the alley and to place a fence at the corner of Foust and Hawthorne streets both 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

# Memorandum

**To:** Fritz Brogdon *FB*  
**From:** Ed Bowen *EB*  
**cc:** Bertran Kuyrkendall; Brandon Sutton *BS*  
**Date:** May 29, 2014  
**Re:** Temporary Usage Request #131508  
1733 Foust Street (District 8)  
Evelyn J. Cooper

## Recommendations Regarding Temporary Usage Request

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I have completed my review of Ms. Cooper's request regarding the Temporary Usage of a portion of the alley and to place a fence at the corner of Foust and Hawthorne streets both as shown on the attached map and photo. My comments are as follows:

- Applicant wants to put a fence 2' from the curb along Hawthorne Street and close the alley entrance.
- The alley is always full of debris, and having the fence closer to the curb should deter drivers from tossing their bottles and garbage onto her property when they approach to stop.

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 the following conditions:***

- Fencing will be outside of the 25' sight triangle.
- A gate across the alley and parallel to Hawthorne Street will need to provide 24 hour access to the alley.
- Any damage done to the gate while gaining access to the sewer will not be the responsibility of the city of Chattanooga.
- Any fence placement must be on the right-of-way line that runs parallel to Hawthorne Street and to Foust Street. It cannot project into the right-of-way.



SR# 833794  
WO# 131508

**For Office Use Only**  
*Barbara Jackson*  
 Technician Signature  
 4/22/14  
 Date

4/18/14  
(DATE)

⊕AWAITING PAYMENT 4/22/14

Bertran Kuyrkendall, P.E.  
Transportation Engineer  
Development Resource Center  
1250 Market Street, Suite 3000  
Chattanooga, Tennessee 37402

**Re: Request for Temporary Usage**

Dear Mr. Kuyrkendall:

This is a request for a temporary usage of Right of way at 1733 Foust St SE end of Hawthorne, Requesting To place Fence 2ft From Curb along The Hawthorne side and Close off The Alley entrance.

The reason for this request is as follows:

My drive way is located RT on the corner of Foust and Hawthorne, I have no other access to off street parking. The alley is always full of debris the people drop off parking on the street blocks the view of cross traffic and unsafe. Having the fence closer to the curb would deter drivers from tossing their empty bottles and garbage into my driveway when they pull up to the stop sign

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:

1733 Foust Street Chatt TN 37407  
(423) 624-0959 Home Phone  
(423) 304-0537 Cell Phone  
 (email address) Utahke58@yahoo.com  
 (Processing Fee of \$110.00 payable to: City of Chattanooga)

Evelyn J Cooper 4/18/14  
(Print) Applicant Name Date

Evelyn J. Cooper Utah 4/18/14  
(Print) Owner's Name Date

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

**Evelyn J Cooper**  
**Temporary Usage: 1733 Foust Street**  
**Fencing in ROW**

UNOPEN

UNOPEN

TEMP USE

S Hawthorne St

Foust St



1800

1800

1803

1801

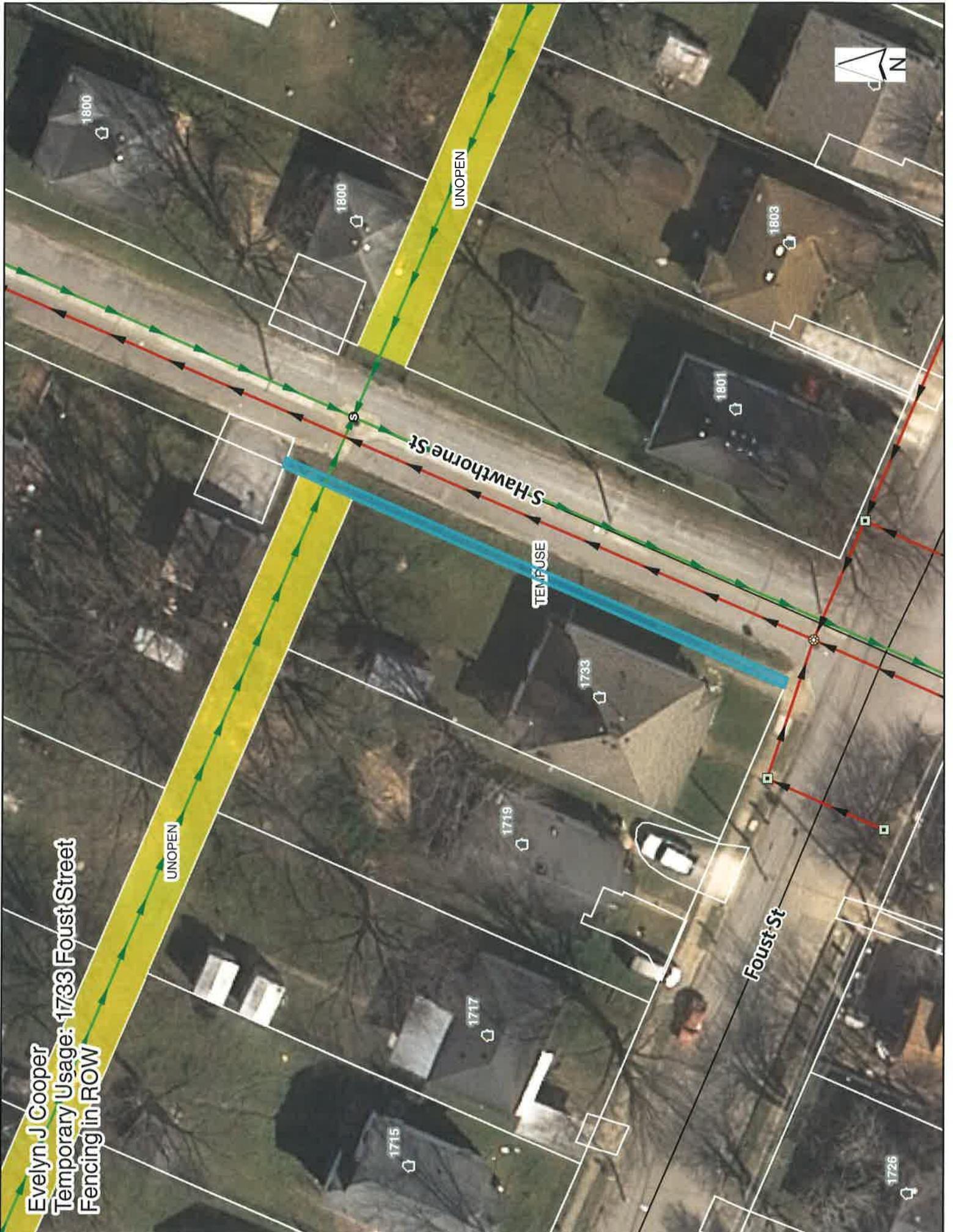
1733

1719

1717

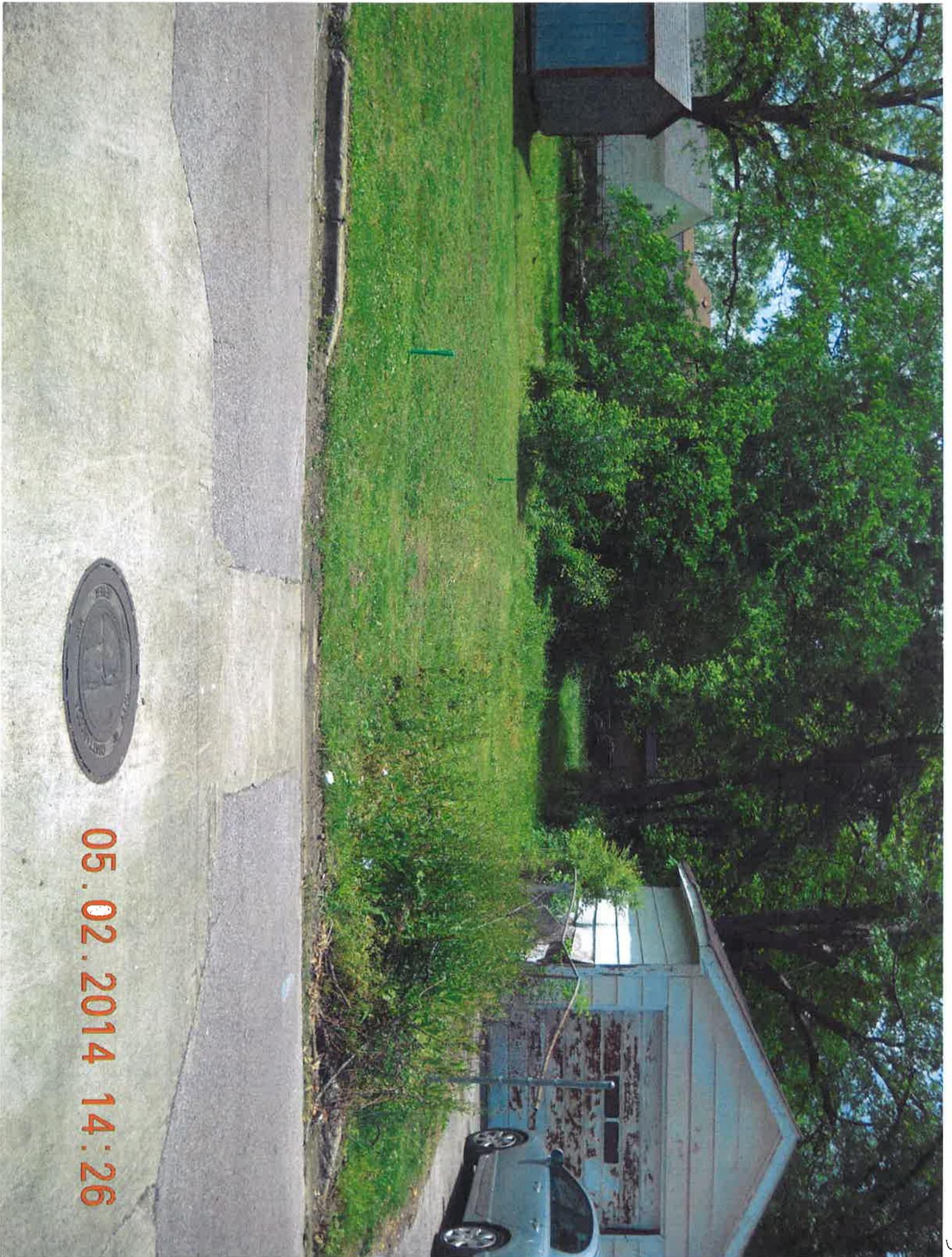
1715

1726





05.02.2014 14:20



05.02.2014 14:26



05.02.2014 14:28



05.02.2014 14:29



05.02.2014 14:22