RESOLUTION NO. _____

A RESOLUTION AUTHORIZING ADRIAN L. SMITH TO USE TEMPORARILY AN UNDEVELOPED PORTION OF MIXON STREET FOR ACCESS TO A FUTURE GARAGE TO BE LOCATED AT THE REAR OF PROPERTY AT 819 SPEARS AVENUE, AS SHOWN ON THE MAP 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 ADRIAN L. SMITH, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily an undeveloped portion of Mixon Street for access to a future garage to be located at the rear of property at 819 Spears Avenue, as shown on the map 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 installation of a fence or gate will not be allowed because of the presence of sanitary sewer infrastructure.

5. Temporary User may only clear the temporary use area of vegetation and obstructions to allow vehicular access.

ADOPTED: _____, 2014

/mem

City of Chattanooga

Resolution Request Form

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

Date: June 27, 2014

Preparer: Fritz Brogdon **Department:** Transportation

Brief Description of Purpose for Resolution: Resolution Number (if approved by Council): **District 1**

A City Council Action is requested to authorize Temporary Usage No. 132762, for Adrian L. Smith, of an undeveloped portion of Mixon Street for access to a future garage to be located at the rear of property at 819 Spears Avenue as shown on the map.

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

From: Ed Bowen

cc: Bertran Kuyrkendall; Brandon Sutton

Date: July 1, 2014

Re: Temporary Usage Request #132762
819 Spears Avenue (District 1)
Adrian L. Smith

Recommendations Regarding Temporary Usage Request

I have completed my review of Mr. Adrian Smith's request regarding the Temporary Usage of an undeveloped portion of Mixon Street for access to a future garage to be located at the rear of property at 819 Spears Avenue as shown on the map. My comments are as follows:

- The owner wants to have access to a future garage to be located at the rear of property at 819 Spears Avenue.

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:***

- Installation of a fence or gate will not be allowed because of the presence of sanitary sewer infrastructure.

- Applicant may only clear the temporary use area of vegetation and obstructions to allow vehicular access.

SR # 844707
WO# 132762

For Office Use Only
Technician Signature
5/16/14
Date

5-16-14
(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 Undeveloped portion of Mixon Street.

The reason for this request is as follows:
For access to future garage to be located at rear of property at 819 Spears Ave.

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:
819 Spears AVE Chattanooga TN. 37405
(423) 266-2618 Home (423) 635-8536
(email address) ACE 81727 @ YAHOO.COM

Processing Fee of $110.00 payable to: City of Chattanooga

Adrian L. Smith
(Print) Applicant Name

5-16-14
Date

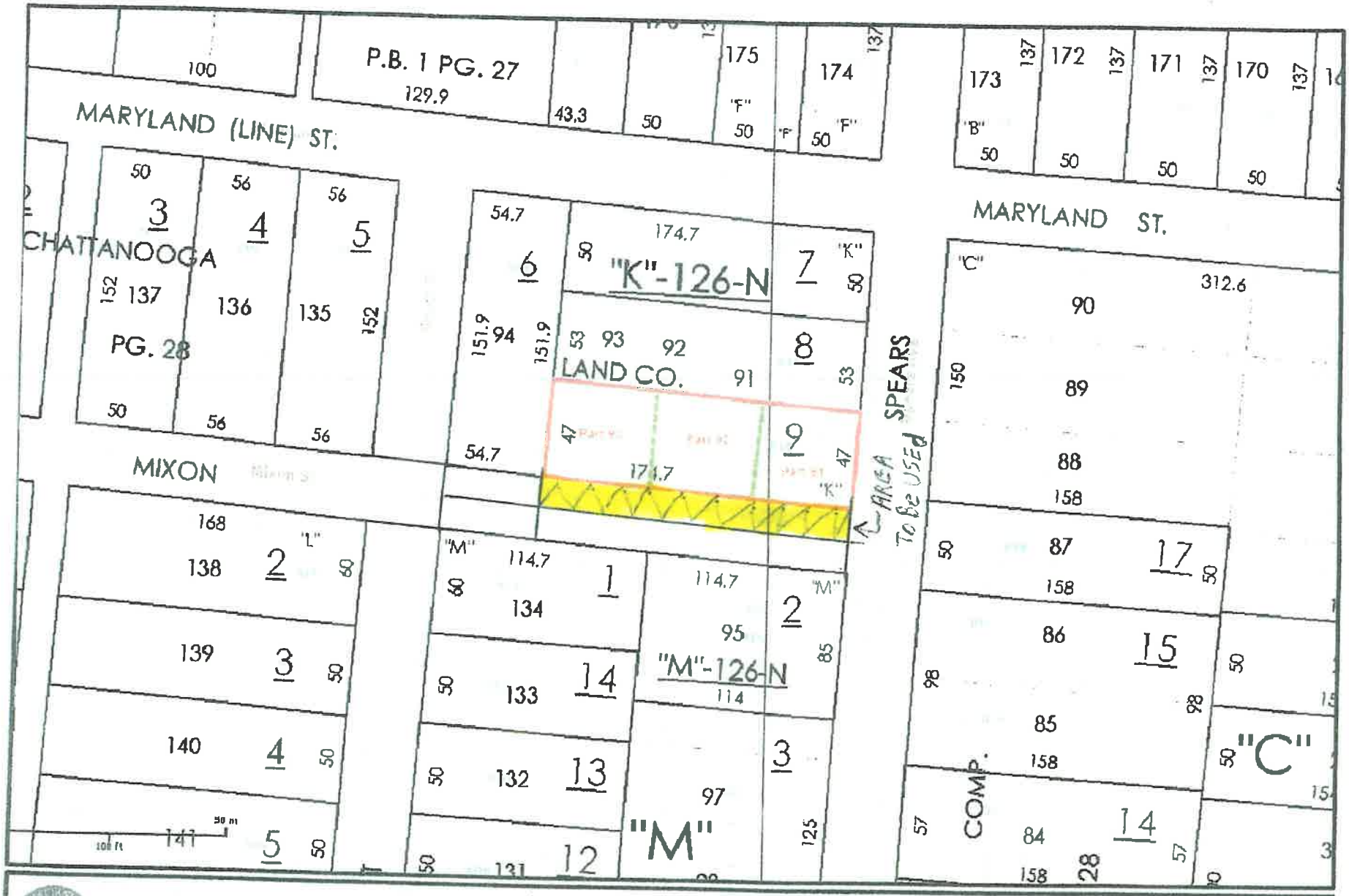
Lillie M. Smith
(Print) Owner's Name

5-16-14
Date

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

Adrian Smith/Lillie Smith
Temporary Usage: 819 Spears Avenue
Access to future garage.
Maryland St
Mixon St
Snow St
Spears Ave
UNOPEN
TEMPUSE
205
109
107
105
103
101
31
29
27
25
204
202
200
108
823
821
819
818
816
815
814
813
812
811
810
809
808
N

Maryland St
Maryland St
Mixon St
Snow St
Spears Ave
N Market St
Hamilton Ave
Peak St
Peak St
Dallas Rd



Walter Smith - property

#819 Spears Avenue

Printed: Apr 09, 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.

HCGIS