RESOLUTION NO. _____

A RESOLUTION AUTHORIZING NEW WORLD BEER C/O FRANK HUDSON TO USE TEMPORARILY THE FRONT SIDEWALK FOR OUTDOOR SEATING/DINING LOCATED AT THE NEW WORLD BEER ESTABLISHMENT ON 412 MARKET STREET, AS SHOWN ON THE PHOTO AND DRAWING 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 NEW WORLD BEER C/O FRANK HUDSON, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the front sidewalk for outdoor seating/dining located at the New World Beer establishment on 412 Market Street, as shown on the photo and drawing 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. Each awning from its base to the top of the existing surface/sidewalk is to meet the minimum elevation requirements per City Codes and Standards.

ADOPTED: _____, 2014

/mem

City of Chattanooga

Resolution Request Form

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

Date Prepared: August 4, 2014

Preparer: Bert Kuyrkendall **Department:** Transportation

Brief Description of Purpose for Resolution: Resolution Number (if approved by Council): ***District 7***

A City Council Action is requested to authorize, Mr. Frank Hudson's request for Temporary Usage No. 131630, of the front sidewalk for outdoor seatin / dining for New World Beer establishment at 412 Market Street as shown on the photo and drawing.

Total project cost	$ n/a	New Contract/Project? (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	n/a
City's Match Percentage	% n/a	Grant Period (if applicable)	n/a

List all other funding sources and amount for each contributor.

Grantor(s)

Agency Grant Number

CFDA Number if known

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

Approved by:

DESIGNATED OFFICIAL/ADMINISTRATOR

Reviewed by: FINANCE OFFICE

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 #131630
412 Market Street (District 7)
Frank Hudson / Carol Landing

Recommendations Regarding Temporary Usage Request

I have completed my review of Mr. Hudson's request regarding the Temporary Usage of the front sidewalk for outdoor seating / dining for New World Beer establishment at 412 Market Street as shown on the photo and drawing. My comments are as follows:

- The metal rail will be removed, and a new one will be put in the same line.
- This request includes two awnings on the storefront, with each being approximately 3'- 4" high and projecting approximately 3'- 4" from the building's face.

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 this condition:***

- Each awning from its base to the top of the existing surface / sidewalk is to meet the minimum elevation requirements per City Codes and Standards.

SR# 834922
WO# 131630

For Office Use Only
Bonnie Dodson
4/25/14

Mar. 14, 2014
(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 front sidewalk for outdoor seating/dining for New World of Beer establishment @ 412 Market St. Chattanooga, TN 37402

The reason for this request is as follows:
To allow for outdoor seating for patrons of World of Beer Establishment. Similar to restaurant on opposite side of same building.

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:
Frank Hudson
8823 Van Fleet Rd
Riverview, FL 33578 813-210-6461 (email address) frank@4ffi.com

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

James Hudson
(Print) Applicant Name

4/25/14
Date

James Hudson
(Print) Owner's Name

4/25/14
Date

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 Moda 4 Design on my behalf.

Applicant Printed Name: 412 MARKET STREET TRUST

Applicant Signature: By Beverly B Henry, Trustee by [illegible] Henry, Attorney Date: 3/14/14

Agent Printed Name: Carol Landing

Agent Signature: Carol Landing Date: 3/14/14
Moda 4 Design

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and NEW WORLD BEER C/O FRANK HUDSON (hereinafter "Temporary User"), this 1 day of Aug, 2014.

For and in consideration of the granting of the temporary usage of the front sidewalk for outdoor seating/dining located at the New World Beer establishment on 412 Market Street, as shown on the photo and drawing 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. Each awning from its base to the top of the existing surface/sidewalk is to meet the minimum elevation requirements per City Codes and Standards.

NEW WORLD BEER

1 Aug, 2014
Date

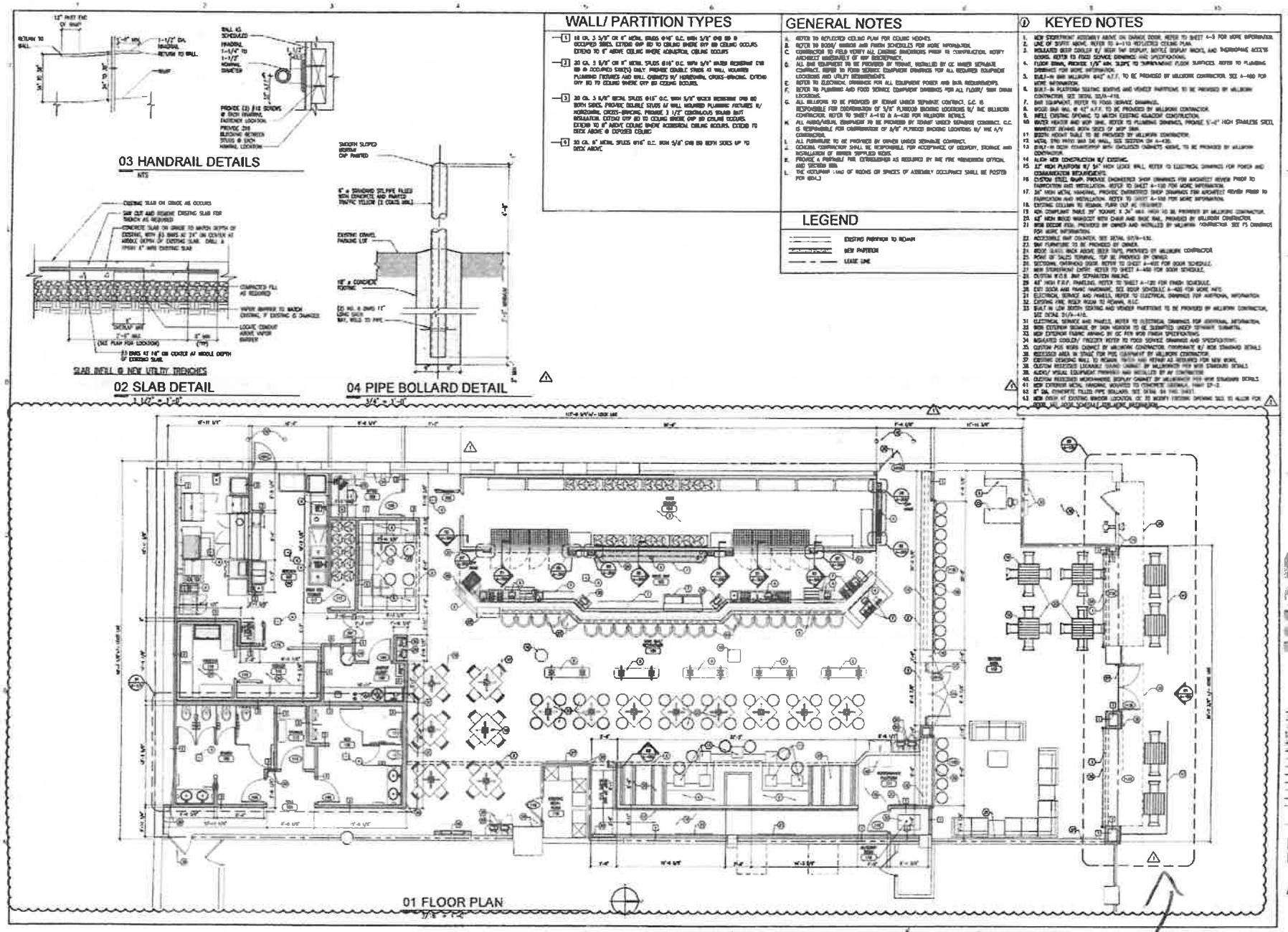
BY: _____
Frank Hudson

CITY OF CHATTANOOGA, TENNESSEE

_____, 2014
Date

BY: _____
Andy Berke, Mayor

Frank Hudson/Carol Landing
Temporary Usage: 412 Market Street
Outdoor seating on sidewalk
408
410
410
412
414
405
415
426
423
427
417
419
TEMPUSE
TEMPUSE
TEMPUSE
Market St
N



WORLD OF BEER
412 Market St. Suite 103 & 104
Chattanooga, TN 37402

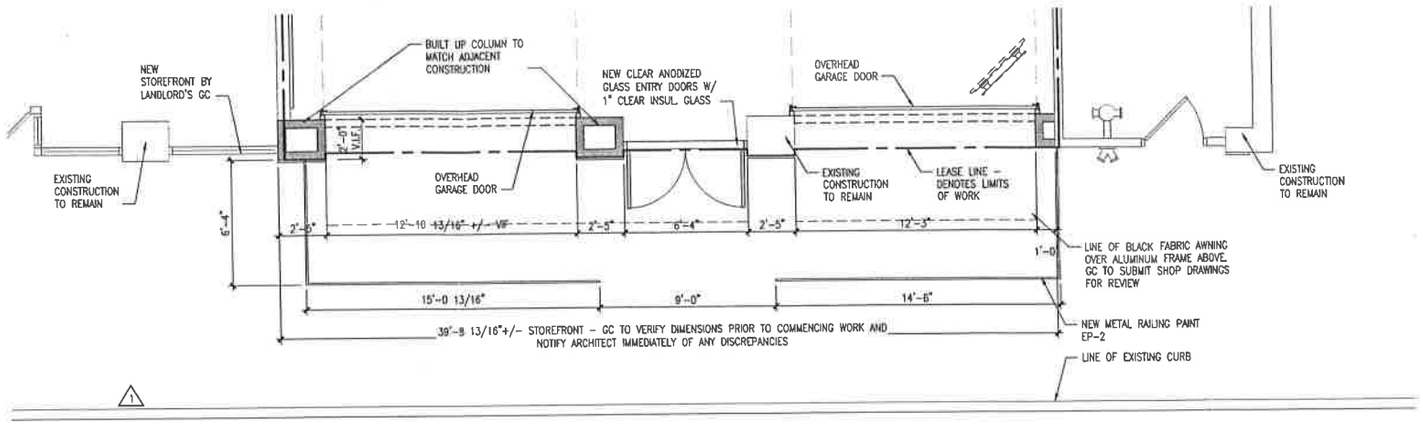
FLOOR PLAN

A-100

— Using same railing that is already in place from prior occupant.

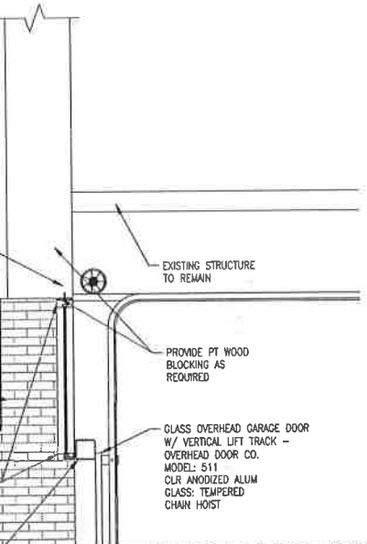
GENERAL NOTES

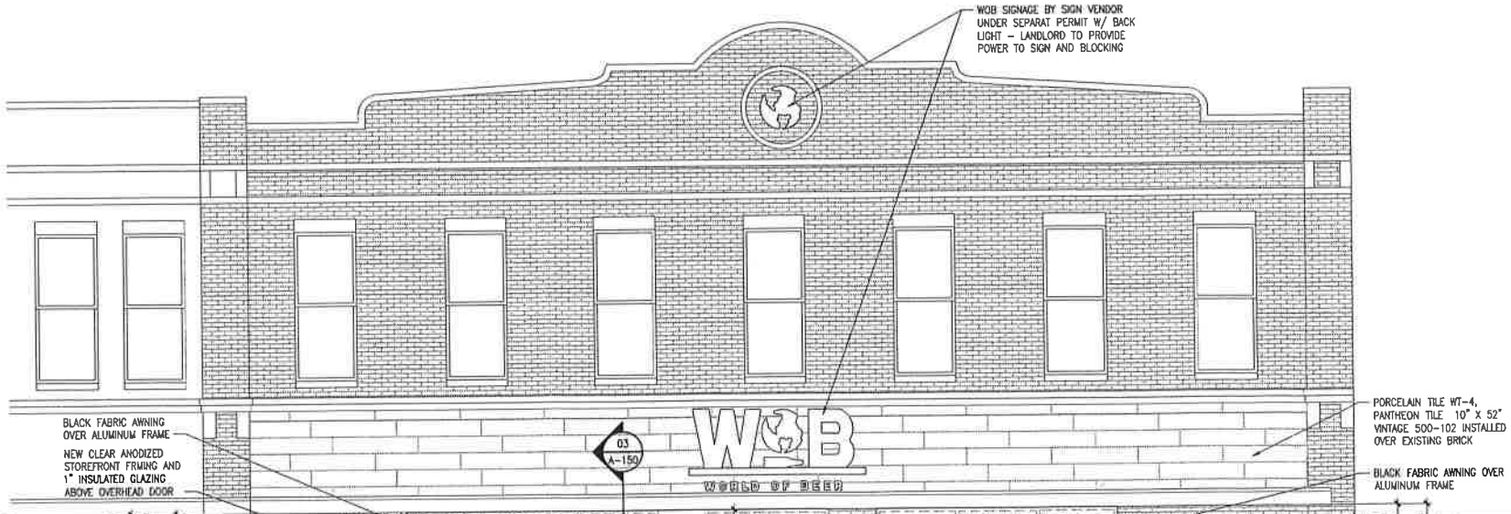
A. G.C. TO FIELD VERIFY ALL EXISTING BUILDING CONDITIONS PRIOR TO CONSTRUCTION. NOTIFY ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES.
B. MECHANICAL AND ELECTRICAL DEVICES ARE SHOWN FOR COORDINATION PURPOSES ONLY, REFER TO MECHANICAL AND ELECTRICAL DRAWINGS FOR MORE INFORMATION.



02 STOREFRONT PLAN

1/4" = 1'-0"





modA4 DESIGN

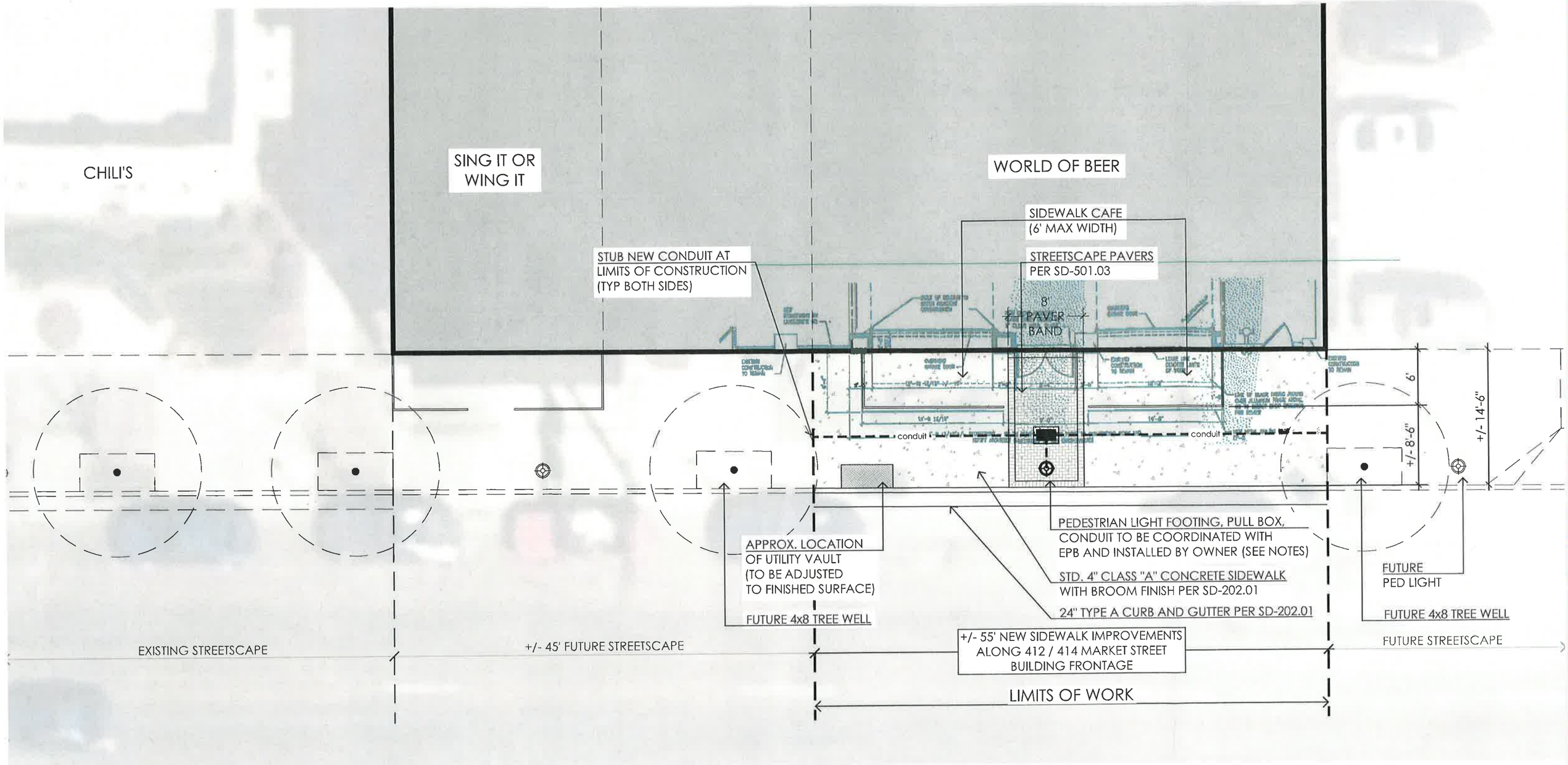
23 Wayne Ave., Dayton, OH 45402 | p 888.886.8324 | info@moda4.com

JASON C. SHEETS
REGISTERED ARCHITECT
AGRICULTURE
COMMERCE
NO. 103600
STATE OF TENNESSEE

WOB
WORLD OF BEER
412 Market St., Suite 103 & 104
Chattanooga, TN 37402

MODA4 PROJECT NUMBER: 13102

ISSUED / REVISED	DATE
OWNER REVIEW SET	01.28.14
ISSUED FOR PERMIT	02.26.14



412 MARKET STREET SIDEWALK IMPROVEMENTS

SCALE :1"=10'-0"

NOTES:

1. CONTRACTOR SHALL INSTALL THE STREETSCAPE, INCLUDING ALL CONDUIT AND FOUNDATIONS PER CITY OF CHATTANOOGA STANDARD SD-507.01. CONTRACTOR SHALL ALSO INSTALL PULL BOXES WHICH ARE PROVIDED BY EPB. AFTER THE CONTRACTOR HAS INSTALLED PULL BOXES, CONDUIT AND FOUNDATIONS, EPB WILL THEN INSTALL THE POLES, FIXTURES AND PULL THE WIRE.
2. CONTRACTOR SHALL REFER TO THE CITY OF CHATTANOOGA STANDARD DETAILS FOR ALL APPLICABLE CONSTRUCTION STANDARDS. SD-200 SERIES SHOULD BE USED FOR ALL ROADWAY AND DRIVEWAY RELATED DETAILS. SD-500 SERIES SHOULD BE USED FOR ALL STREETSCAPE STANDARDS.
3. CONTRACTOR SHALL MATCH EXISTING SIDEWALK AND GUTTER GRADES WHEREVER PROPOSED CONSTRUCTION MEETS EXISTING.