

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

A RESOLUTION AUTHORIZING WATERS-HOLLAND, LLC C/O MITCH HOLLAND TO USE TEMPORARILY AN UNOPENED ALLEY CONNECTING FEDERAL STREET AND 923 ENDICOTT STREET, AS SHOWN ON THE PHOTO AND DRAWING 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 WATERS-HOLLAND, LLC C/O MITCH HOLLAND, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily an unopened alley connecting Federal Street and 923 Endicott 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. The granting of temporary use shall be subject to any restrictions, limitations, or conditions stipulated in the Resolution adopted by City Council granting temporary usage.

5. Temporary User should maintain a full-width utility easement.

6. Construct a City of Chattanooga standard driveway apron at the Federal Street end of the alley.

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 2

A City Council Action is requested to authorize, Mr. Mitch Holland/Waters -Holland, LLC for Temporary Usage No. 135039, of an unopened alley connecting Federal Street and 923 Endicott Street as shown on the photo and drawing.

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  
Provide Fund n/a  
Provide Cost Center n/a  
Proposed Funding Source 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  
**cc:** Bertran Kuyrkendall; *BK* Brandon Sutton *BS*  
**Date:** July 17, 2014  
**Re:** Temporary Usage Request #135039  
923 Endicott Street (District 2)  
Mitch Holland/Waters-Holland, LLC

## Recommendations Regarding Temporary Usage Request

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I have completed my review of Mr. Holland's request regarding Temporary Usage of an unopened alley connecting Federal Street and 923 Endicott Street as shown on the attached photo. My comments are as follows:

- 923 Endicott Street is two lots combined.
- The applicant wants to build a house on the southeast side, but it is too steep for access from Endicott Street.
- The applicant wants access from the rear of the property.
- He expects to remove a few trees and maybe add some gravel near the entrance at Federal Street.
- The city of Chattanooga has sanitary sewer infrastructure in the subject portion of the alley.

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:***

- Maintain a full-width utility easement.
- Construct a city of Chattanooga standard driveway apron at the Federal Street end of the alley,



SR# 864729  
WO# 135039

For Office Use Only  
*Rennith Oakes* 7/8/14  
Technician Signature

07/03/2014  
(DATE)

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 an unopened alley connecting Federal St. and 923 Endicott St.

The reason for this request is as follows:  
To access the rear of the property to suit the site 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 agrees to comply with any and all conditions recommended by the City Transportation Engineer and/or City Transportation Department and approved by the Chattanooga City Council during the review of this application. The failure to comply with any condition approved by the City Council may be grounds for revocation of this temporary use at any time after its approval
3. 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.
4. Temporary User will provide full access for maintenance of any utilities located within the easement.
5. Temporary User will obtain any and all other permits, variances, or approvals necessary to accommodate the temporary use.
6. 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.
7. 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: 912 Endicott St. Chattanooga, TN 37405

(email address) mitch.holland79@gmail.com

Mitch Holland (Print) Applicant Name      *Mitch Holland* (Sign) Applicant Name      07/03/14 Date

~~Same~~ (Print) Owner's Name      *Mitch Holland* (Sign) Owner's Name      7/3/14 Date

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

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

03/07/14 (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 Mitch Holland, on my behalf.

Applicant Printed Name: Waters-Holland, LLC

Applicant Signature:  Date: 7/3/2014

Agent Printed Name: Mitch Holland

Agent Signature:  Date: 7/3/2014

**Mitch Holland/Waters-Holland, LLC**

**District 2**  
**Temporary Usage: 923 Endicott Street**  
**Driveway via an unopened unmaintained alley.**



