

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING VINCENT PROPERTIES C/O MACK B. MCCARLEY, P.E. TO USE TEMPORARILY A PORTION OF 221 RIVER STREET TO COMPLETE LANDSCAPING WORK TO IMPROVE APPEARANCE AND STABILIZATION, AS SHOWN ON THE ATTACHED MAP, DRAWING, 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 VINCENT PROPERTIES C/O MACK B. MCCARLEY, P.E., (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily a portion of 221 River Street to complete landscaping work to improve appearance and stabilization, as shown on the attached map, drawing, 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. Any and all landscaping shall be the responsibility of the Temporary User.

ADOPTED: _____, 2014

/mem

City of Chattanooga



Resolution Request Form

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

Date Prepared: October 24, 2014

Preparer: Blythe Bailey

BB

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. Mack B. McCarley, P.E./Vincent Properties for a request for Temporary Usage No. 139028, at 221 River Street to complete landscaping work to improve appearance and stabilize this area as shown on the attached map, drawing and photos.

RECOMMENDATION: GRANTED WITH CONDITION

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: _____

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: October 15, 2014
Re: Temporary Usage Request #139028
221 River Street (District 2)
Mack B. McCarley, P.E./Vincent Properties

Recommendations Regarding Temporary Usage Request

I have completed my review of Mr. McCarley's request for Temporary Usage of a portion of 221 River Street to complete landscaping work to improve appearance and stabilize this area as shown on the attached map, drawing, and photos. My comments are as follows:

- The city of Chattanooga has sanitary sewer infrastructure in the subject area.

After review, granting this Temporary Usage does not conflict with the public's interest. Therefore, I recommend that the request for *Temporary Usage be approved with this condition:*

- Any and all landscaping shall be the responsibility of the applicant.



For Office Use Only

SALLY CRABTREE 9/24/14

Technician Signature

WO# 139028
SH 895459

(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 A portion of The N. ROW of River St.
at 221 River St.

The reason for this request is as follows:
To complete landscaping work At This location To Improve
appearance and stabilize This area.
See Attached sketch.

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.

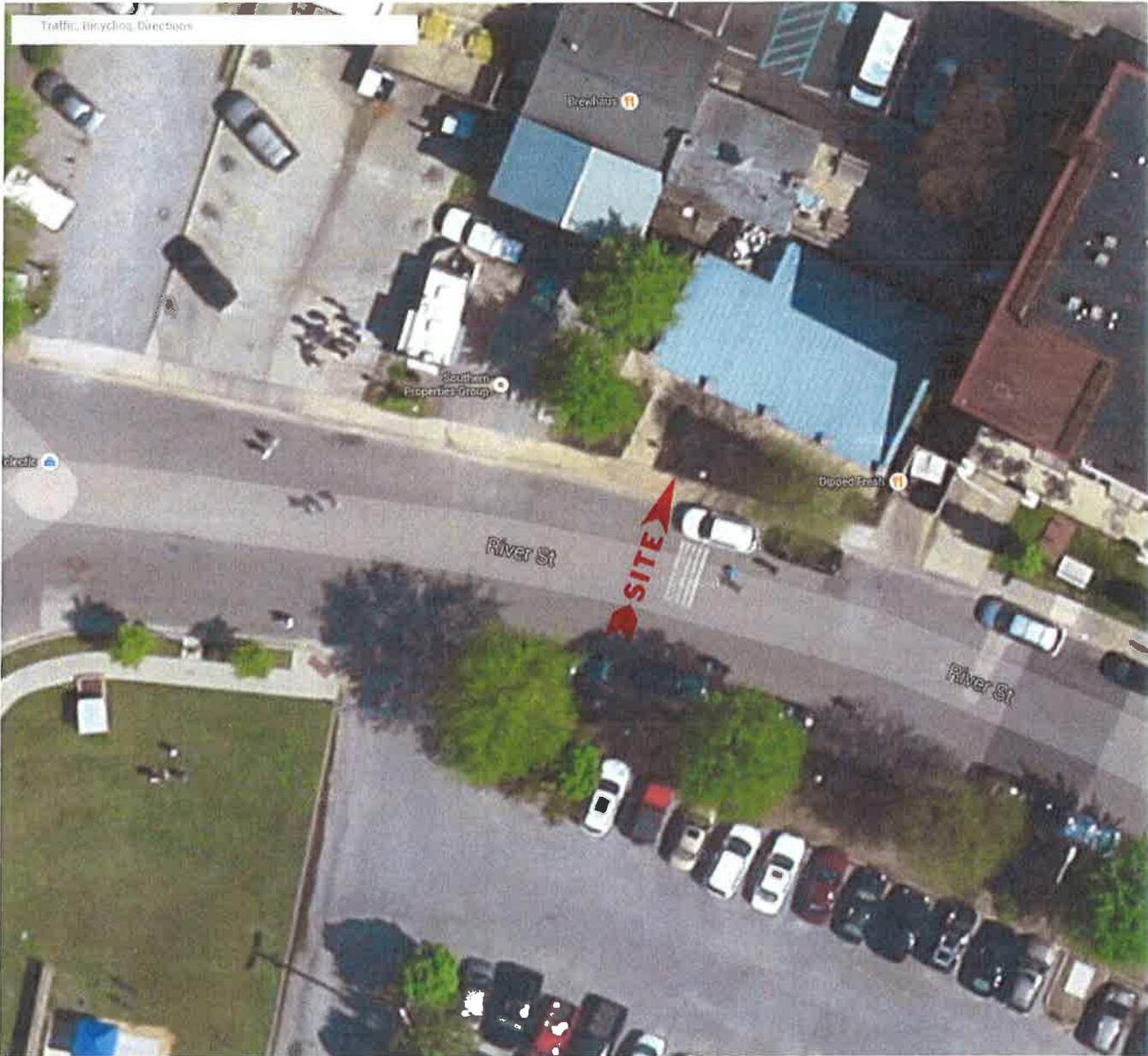
My address and phone number is as follows:
832 Georgia Ave Chattanooga TN 423-667-5294
Suite 350 37402
(email address) mmccarley@pdmeng.com

<u>Mack B McCarley PE</u> (Print) Applicant Name	<u>Mack B McCarley</u> (Sign) Applicant Name	<u>9.23.14</u> Date
<u>Vicent Properties - Parkway Center</u> (Print) Owner's Name	<u>Collin Sexton</u> (Sign) Owner's Name	<u>9.23.14</u> 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)





Map data ©2014 Google 20 ft

221 RIVER STREET

