

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

A RESOLUTION AUTHORIZING MARK BALDWIN, ON BEHALF OF RICHARD KRAUSE, TO USE TEMPORARILY THE RIGHT-OF-WAY FOR USE OF THE SIDEWALK LOCATED IN FRONT OF 100 MARKET STREET TO INSTALL A RAIL AND PUT TABLES AND CHAIRS WITHIN ALIGNMENT AS SHOWN ON THE PHOTO AND DRAWINGS 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 MARK BALDWIN, ON BEHALF OF RICHARD KRAUSE, (hereinafter referred to as “Temporary User”) be and are hereby permitted to use temporarily the right-of-way for use of the sidewalk located in front 100 Market Street to install a rail and put tables and chairs within the alignment, as shown on the photo and drawings 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 Users 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 Users agree 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 Users agree to vacate the property and temporary use upon reasonable

notice from the City to do so.

3. Temporary Users shall provide adequate access for maintenance of any utilities located within the easement.

4. Temporary Users shall obtain necessary permits and approvals from the City of Chattanooga Land Development Office.

5. The temporary usage must not restrict or interfere with pedestrian space.

ADOPTED: \_\_\_\_\_, 2015

/vmm

# City of Chattanooga



## Resolution Request Form

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

Date Prepared: February 02, 2015

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 Temporary Usage Request #130354 for Mr. Mark Baldwin, representing Richard Krause the temporary usage of the right-of-way for use of the sidewalk in front of 100 Market Street to install a rail and put tables and chairs within the alignment as shown on the attached photo.

### APPROVED 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:** Brandon Sutton <sup>BS</sup>  
**From:** Ed Bowen <sup>EB</sup>  
**cc:** Bertran Kuyrkendall, Brent Derrick  
**Date:** January 27, 2015  
**Re:** Temporary Usage Request #130354  
100 Market Street (District 7)  
Mark Baldwin for Richard Krause

## Recommendations Regarding Temporary Usage Request

---

I have completed my review of Mr. Baldwin's request regarding the Temporary Usage of the right-of-way for use of the sidewalk in front of 100 Market Street as shown on the attached photo and drawings. My comments are as follows:

- He wants to install a rail as shown and put tables and chairs within the alignment.
- There will be a gate with egress hardware.

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:**

- This must not restrict / interfere with pedestrian space.

SR # 824105  
WO # 130354



For Office Use Only	
<i>J. Prantree</i>	
Technician Signature	
Date	<i>4/2/14</i>

4-2-2014  
(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 side walk in front of 100 market street

The reason for this request is as follows:  
Food and Beverage

**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:  
7211 AVENTINE WAY Apt 110 Chattanooga, TN 37421  
423-350-5808 (email address)  
(Processing Fee of \$110.00 payable to: City of Chattanooga)

Mark Baldwin  
(Print) Applicant Name                      4-2-14  
Date

Richard Krause  
(Print) Owner's Name                      4-1-14  
Date

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

Mark Baldwin/Richard Krause/Darlene Brown  
Temporary Usage: 100 Market Street  
Outside seating for diners

CLOSED

Market St

TEMP/PUSE

E 1st St

CLOSED





