

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING BRIGHT SCHOOL C/O ORTHA JAMES MORGAN TO USE TEMPORARILY THE RIGHT-OF-WAY OF THE ISLAND LOCATED AT HIXSON PIKE AND McDADE LANE FOR THE INSTALLATION OF THE BRIGHT SCHOOL SIGN, PUBLIC ART DISPLAY, AND LANDSCAPING, AS SHOWN ON THE MAPS 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 BRIGHT SCHOOL C/O ORTHA JAMES MORGAN, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way of the island located at Hixson Pike and McDade Lane for the installation of the Bright School sign, public art display, and landscaping, as shown on the maps 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 and structures, including maintenance, demolition and/or removal as necessary, shall be the responsibility of the Temporary User.

5. Any and all landscaping at maturity shall reach a height of no more than thirty-six (36) inches to maintain adequate site distance.

6. Any and all signage must comply with all City of Chattanooga codes and standards.

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

8. Temporary User shall provide adequate access for maintenance of any utilities located within the easement, is responsible for verifying all utility locations within the subject area prior to initiating the agreed usage, as well as the protection of said utilities for the duration of this permit.

ADOPTED: _____, 2015

/mem

City of Chattanooga



Resolution Request Form

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

Date Prepared: March 20, 2015

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 Temporary Usage Request #144513 for Ortha James Morgan, Headmaster of the Bright School for the temporary usage of the right-of-way of the island located at Hixson Pike and McDade Lane for installation of the Bright School sign, public art display, and landscaping.

APPROVED WITH CONDITIONS

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 ^{BS}
From: Kari Lawman
CC: Bertran Kuyrkendall
Date: March 19, 2015
Re: Temporary Usage Request #144513
Ortha James Morgan, Bright School
Traffic Island - Hixson Pike and McDade Lane (District 2)

RECOMMENDATION: APPROVAL WITH CONDITIONS

This application was received on February 2, 2015, from Mr. Morgan, Headmaster of the Bright School. The application is requesting Temporary Usage of Right-of-Way for landscaping around the existing Bright School sign and Public Art display for aesthetic purposes. During a cursory investigation of the landscaping request, it was discovered that no temporary usage agreement exists for the signage located on the island, so the request was expanded to include this additional aspect.

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 the following conditions:***

- Any and all landscaping and structures, including maintenance, demolition and/or removal as necessary, shall be the responsibility of the applicant.
- Any and all landscaping at maturity shall reach a height of no more than thirty-six (36) inches to maintain adequate site distance.
- Any and all signage must comply with all City of Chattanooga codes and standards.
- The applicant shall obtain necessary permits and approvals from the city of Chattanooga Land Development Office.
- Temporary User shall provide adequate access for maintenance of any utilities located within the easement, is responsible for verifying all utility locations within the subject area prior to initiating the agreed usage, as well as the protection of said utilities for the duration of this permit.



WO# 144813

For Office Use Only

Hawman 2/2/15

Technician Signature

January 27, 2015
(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 parcel of land at juncture of Mason Pike and McJade lane

The reason for this request is as follows:
landscaping around Public Art sculpture and Bright School sign. School will also maintain property by regular mowing, trimming, and grass upkeep.

In making this request: Temporary User agrees as follows: REF: 127H H 010, PROPERTY IS SOUTH

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:
BRIGHT SCHOOL
1950 MCJADE LANE
CHATTANOOGA, TN 37405 423-267-8546 (email address) bjmorgan@brightschool.com

DETHA JAMES MORGAN (Print) Applicant Name
HEADMASTER

[Signature] (Sign) Applicant Name
January 27, 2015 Date

BRIGHT SCHOOL (Print) Owner's Name
[Signature] (Sign) Owner's Name
January 27, 2015 Date

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

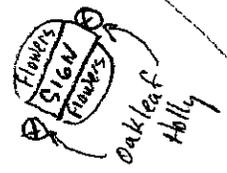
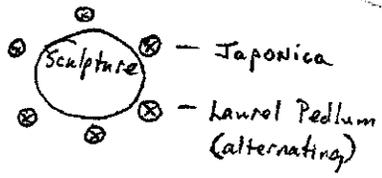
(Processing Fee of \$110.00 payable to: City of Chattanooga)

Request for Temporary Usage # 144513 (District 2)
Bright School c/o Ortha James Morgan, Headmaster
Hixson Pike @ McDade Lane (Traffic Island)



Bright School 2/9/15
landscaping Plans
1950 McBade Lane

MCBADA LANE



HIXSON PIKE