

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING PASSPOINTE ENGINEERING C/O JAN PASS, AGENT FOR THE PROPERTY OWNER, SHAILESH PATEL, TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT THE WEST SIDE OF 6804 SHALLOWFORD ROAD TO MAINTAIN THE TOP OF THE BANK OF AN EXISTING DETENTION POND, AS SHOWN ON THE MAPS 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 PASSPOINTE ENGINEERING C/O JAN PASS, AGENT FOR THE PROPERTY OWNER, SHAILESH PATEL (hereinafter referred to as “Temporary Users”) be and are hereby permitted to use temporarily the right-of-way located at the west side of 6804 Shallowford Road to maintain the top of the bank of an existing detention pond, as shown on the maps 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 existing slope and proposed ground are to be constructed as shown on the attached drawings and in conjunction with the grading plans approved by the Land Development Office. Any and all landscaping and structures, including maintenance, demolition and/or removal as necessary, shall be the responsibility of the Temporary Users.

6. Temporary Users 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/Ordinance Request Form

Date Prepared: May 22, 2015

Preparer: Bert Kuyrkendall

Department: Transportation

Brief Description of Purpose for Resolution/Ordinance: Res./Ord. # _____ Council District # 6

A City Council Action is requested to authorize Temporary Usage Request #148343 for Jan Pass of Passpointe Engineering, agent for the property owner Shailesh Patel, for the temporary usage of the right-of-way west side of the property at 6804 Shallowford Road to maintain the top of the bank of an existing detention pond.

APPROVED WITH CONDITIONS

Name of Vendor/Contractor/Grant, etc. _____
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
Funds Budgeted? (YES or NO) N/A
Provide Fund N/A
Provide Cost Center N/A
Proposed Funding Source if not budgeted N/A
Grant Period (if applicable) N/A

List all other funding sources and amount for each contributor.

Amount(s)	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

Revised: October, 2011

Memorandum

To: Brandon Sutton BS
From: Kari Lawman
cc: Bert Kuyrkendall
Date: May 8, 2015
Re: Temporary Usage Request # 148343
Jan Pass (Passpointe Eng.) for Chattanooga Wine & Spirits (Shailesh Patel)
6804 Shallowford Road (District 6)

RECOMMENDATION: APPROVAL WITH CONDITIONS

This application was received on May 7, 2015, from Jan Pass of Passpointe Engineering, agent for the property owner, Shailesh Patel. The business, Chattanooga Wine & Spirits, intends to build on the property, as shown in the attached drawing. The application is requesting the usage of right-of-way on the west side of the property facing Hickory Valley Road. The application states that there is an existing detention pond on the western side of the property and it is requesting usage of the right-of-way to maintain the top of the bank.

After review, granting this Temporary Usage does not conflict with the public's interest.

Therefore, I recommend the request for ***Temporary Usage be granted with the following conditions:***

- The applicant shall obtain necessary permits and approvals from the City of Chattanooga Land Development Office.
- The existing slope and proposed ground are to be constructed as shown on the attached drawings and in conjunction with the grading plans approved by the Land Development Office. Any and all landscaping and structures, including maintenance, demolition and/or removal as necessary, shall be the responsibility of the applicant.
- 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.



For Office Use Only

Klawman

Technician Signature 148 343

RECEIVED
MAY 07 2015
TRANSPORTATION

(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 1) 3' of ROW starting ~49' North of the southwest property thence along Hickory Valley Road North to the northwest property corner.

The reason for this request is as follows:
1) To maintain top of bank of existing detention pond.

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:
~~2719 Hickory Valley Rd, Ste B, Chattanooga, TN 37421 (423-451-6601)~~
6804 SHALLOWFORD RD., CHATTANOOGA, TN 37421

(email address) janpass@passpointe.com

Passpointe Engineering/Jan Pass
(Print) Applicant Name
Shailesh Patel
(Print) Owner's Name

Jan Pass
(Sign) Applicant Name
Shailesh Patel
(Sign) Owner's Name

4/30/15
Date
4/30/15
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)

April 30, 2015 (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 Passpointe Engineering/Jan Pass, on my behalf.

Applicant Printed Name: Shailesh Patel

Applicant Signature: 

Date: 4/30/15

Agent Printed Name: Passpointe Engineering/Jan Pass

Agent Signature: 

Date: 4/30/15

Request for Temporary Usage # 148344 (District 6)
Chattanooga Wine & Spirits (Shailesh Patel)
6804 Shallowford Road

6801

148D E 009
Cornerstone Auto
Brokers LLC

148D E 008
AMG International

148D D 019
Speedway LLC

Temp Use Area

6800

148D G 001.04
Dev Krupa Inc

6812

148D G 002
Williams Michael
Marks Sandra

6816

148D G 003
Patel Shailesh & Dhaval

148D G 001.03
Patel Shailesh

6804

6808

148D G 001.05
Patel Shailesh

6818

148D G 001
Bi-Lo

