

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING TARA DANIELS, AGENT FOR THE LOCAL PROPERTY OWNER, CONTINENTAL 171 FUND LLC, TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED INSIDE THE EXISTING TRAFFIC CIRCLE AT GUNBARREL ROAD AND STANDIFER GAP ROAD TO INSTALL 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 TARA DANIELS, AGENT FOR THE LOCAL PROPERTY OWNER, CONTINENTAL 171 FUND LLC, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located inside the existing traffic circle at Gunbarrel Road and Standifer Gap Road to install 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. Proposed plantings shall be established according to the three (3) equally-sized concentric rings (+/- 10' wide each) in order to maintain adequate sight distances and to ensure motorist safety. Beginning at the roundabout's center point, the innermost third (+/- 20' diameter) shall have the least restriction. The middle third shall be limited to frangible plantings, such as trees with six (6") inch mature calipers and shrubs up to thirty (30") inches at mature height. The outermost ten (10') foot ring closes to the travel lane shall have material up to six (6") inches at maximum height. Any proposed trees shall have a minimum clear trunk of five (5') feet before the first branch.

6. Any and all trees shall be maintained to provide adequate site distance.

7. 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/Ordinance Request Form

Date Prepared: June 29, 2015

Preparer: Bert Kuyrkendall

Department: Transportation

Brief Description of Purpose for Resolution/Ordinance: Res./Ord. # _____ Council District # 4

A City Council Resolution is requested to authorize Temporary Usage Request #150215 for Tara Daniels, agent for the local property owner, Continental 171 Fund LLC, for the temporary usage of the right-of-way inside the existing traffic circle at Gunbarrel Road and Standifer Gap Road to install landscaping.

APPROVED WITH CONDITIONS

Name of Vendor/Contractor/Grant, etc. _____	New Contract/Project? (Yes or No) _____	N/A
Total project cost \$ _____	Funds Budgeted? (YES or NO) _____	N/A
Total City of Chattanooga Portion \$ _____	Provide Fund _____	N/A
City Amount Funded \$ _____	Provide Cost Center _____	N/A
New City Funding Required \$ _____	Proposed Funding Source if not budgeted _____	N/A
City's Match Percentage % _____	Grant Period (if applicable) _____	N/A

List all other funding sources and amount for each contributor.

<u>Amount(s)</u>	<u>Grantor(s)</u>
\$ _____	_____
\$ _____	_____
\$ _____	_____

Agency Grant Number _____

CFDA Number if known _____

Other comments: (Include contingency amount, contractor, and other information useful in preparing resolution)

Approved by: *Bert Kuyrkendall*

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: Bertran Kuyrkendall

Date: June 22, 2015

Re: Temporary Usage Request # 150215
Tara Daniels (agent for Continental 171 Fund LLC)
Gunbarrel Road @ Standifer Gap Road Traffic Circle (District 4)

RECOMMENDATION: APPROVAL WITH CONDITIONS

This application was received on May 29, 2015, from Tara Daniels, agent for the local property owner, Continental 171 Fund LLC. The application is requesting Temporary Usage of Right-of-Way for landscaping inside the existing traffic circle for aesthetic purposes.

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 Temporary User.
- Proposed plantings shall be established according to three equally-sized concentric rings (+/- 10' wide each) in order to maintain adequate sight distances and to ensure motorist safety. Beginning at the roundabout's center point, the innermost third (+/- 20' diameter) shall have the least restriction. The middle third shall be limited to frangible plantings, such as trees with 6-inch mature calipers and shrubs up to 30-inches at mature height. The outermost 10-foot ring closest to the travel lane shall have material up to 6-inches at maximum height. Any proposed trees shall have a minimum clear trunk of 5-feet before the first branch.
- Any and all trees shall be maintained to provide adequate site distance.
- 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.

4/24/2015

Bertran Kuyrkendall, P.E.
Transportation Engineer,
Chattanooga Department of Transportation
Development Resource Center
1250 Market Street, Suite 3000
Chattanooga, TN 37402
(423) 643-5950



For Office Use Only	
_____ Technician Signature / Date	
_____ Request No.	

RE: Request for Temporary Usage

Dear Mr. Kuyrkendall:

This is a request for temporary usage of the traffic circle median located at the intersection of Gunbarrel Road and Standifer Gap Road.

The reason for the request is as follows: To permit the Temporary User and/or its contractors, employees, or agents to landscape the traffic circle median in accordance with the attached "Traffic Circle 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, phone number and email address is as follows:

Continental 171 Fund LLC
C/O Continental Properties Company, Inc.
Attn: Legal Department
W134 N8675 Executive Parkway
Menomonee Falls, WI 53051-3310

Continental 171 Fund LLC
By: Continental Properties Company, Inc. its manager

Daniel J. McInahan 05.01.15

(Print) Applicant Name
Dara Daniels

(Print) Property Owner Name

(Sign) Applicant Name *Daniel J. McInahan, President* Date

(Sign) Property Owner Name *Dara Daniels* Date *05/11/15*

This application must include property owner's signature, if different than applicant, and a site map of the reference location.

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

4/24/2015

Bertran Kuyrkendall, P.E.
Transportation Engineer,
Chattanooga Department of Transportation
Development Resource Center
1250 Market Street, Suite 3000
Chattanooga, TN 37402
(423) 643-5950

RE: Acting Agent Letter – Temporary Usage of Right of Way

Dear Mr. Kuyrkendall:

I am formally requesting the City of Chattanooga accept the attached Temporary Usage of Right of Way application, submitted by my Agent, Tara Daniels, on my behalf.

Continental 171 Fund LLC
By: Continental Properties Company, Inc.,
its Manager

Applicant Printed Name: Daniel J. Minahan, President

Applicant Signature: Daniel Minahan *DM*

Date: 05-01-15

Agent Printed Name: Tara Daniels

Agent Signature: Tara Daniels

Date: 05/11/15

ADDENDUM

This Addendum is made as of this ___ day of May, 2015, by and between Continental 171 Fund LLC (the "Applicant") and the City of Chattanooga (the "City").

WHEREAS, the Applicant has made a Request for Temporary Usage, dated _____, 2015, and addressed to Mr. Bertran Kuyrkendall, P.E. (the "Request"), using the City's standard form for such requests.

WHEREAS, the Applicant and the City desire to clarify the terms and conditions of the Request.

NOW THEREFORE, in consideration of the mutual agreements of the parties set forth herein, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Applicant and the City agree as follows.

1. The indemnity and hold harmless provisions of Item 1 of the Request shall not apply to the extent such damage or injury arises out of the negligent acts or willful misconduct of the City, its agents, employees or contractors.

2. The City and the Applicant agree that the Request and the terms, conditions and obligations thereof are personal to the Applicant, and shall not be assignable to any of Applicant's successors or assigns, nor shall they run with the land which Applicant owns.

IN WITNESS WHEREOF, the parties have executed this Addendum to be effective as of the date first written above.

Continental 171 Fund LLC

By: Continental Properties Company, Inc., its manager

By: _____

David G. Nielsen
his PRESIDENT *AG*

City of Chattanooga

By: _____

ENTRANCE FROM HIGHWAY

71 Dwarf Yaupon Holly, Carolina Yew, Halesi Holly
(3 SAU)

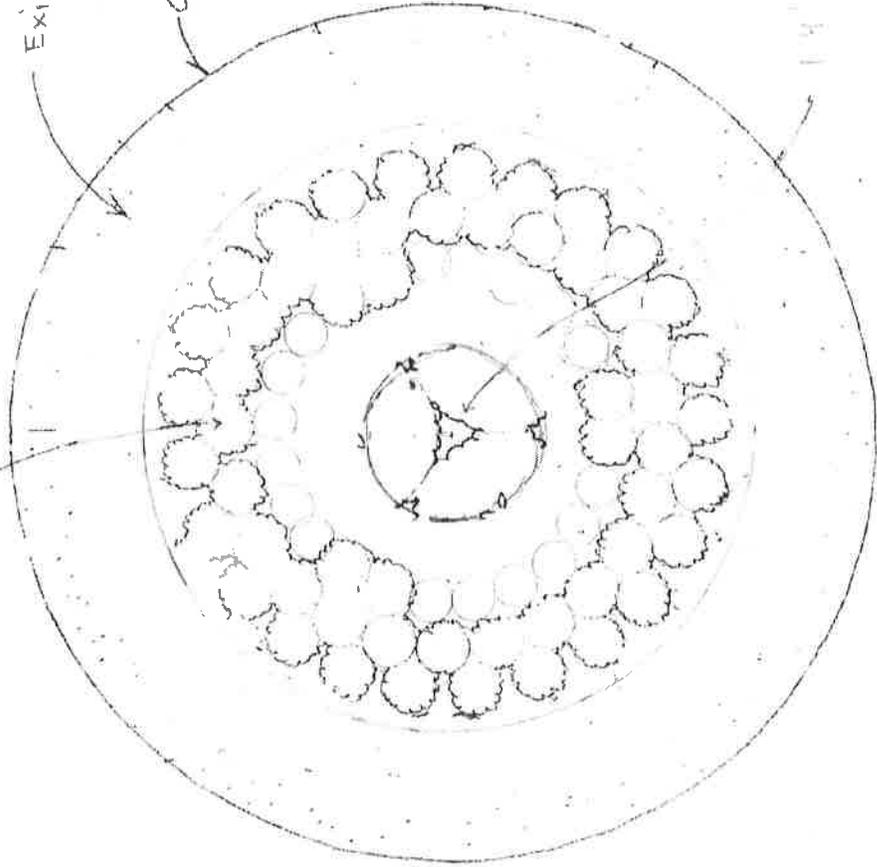
Existing Griss

CURB

SIDE ENTRANCE

SIDE ENTRANCE

14" Oak, Maple, Elm

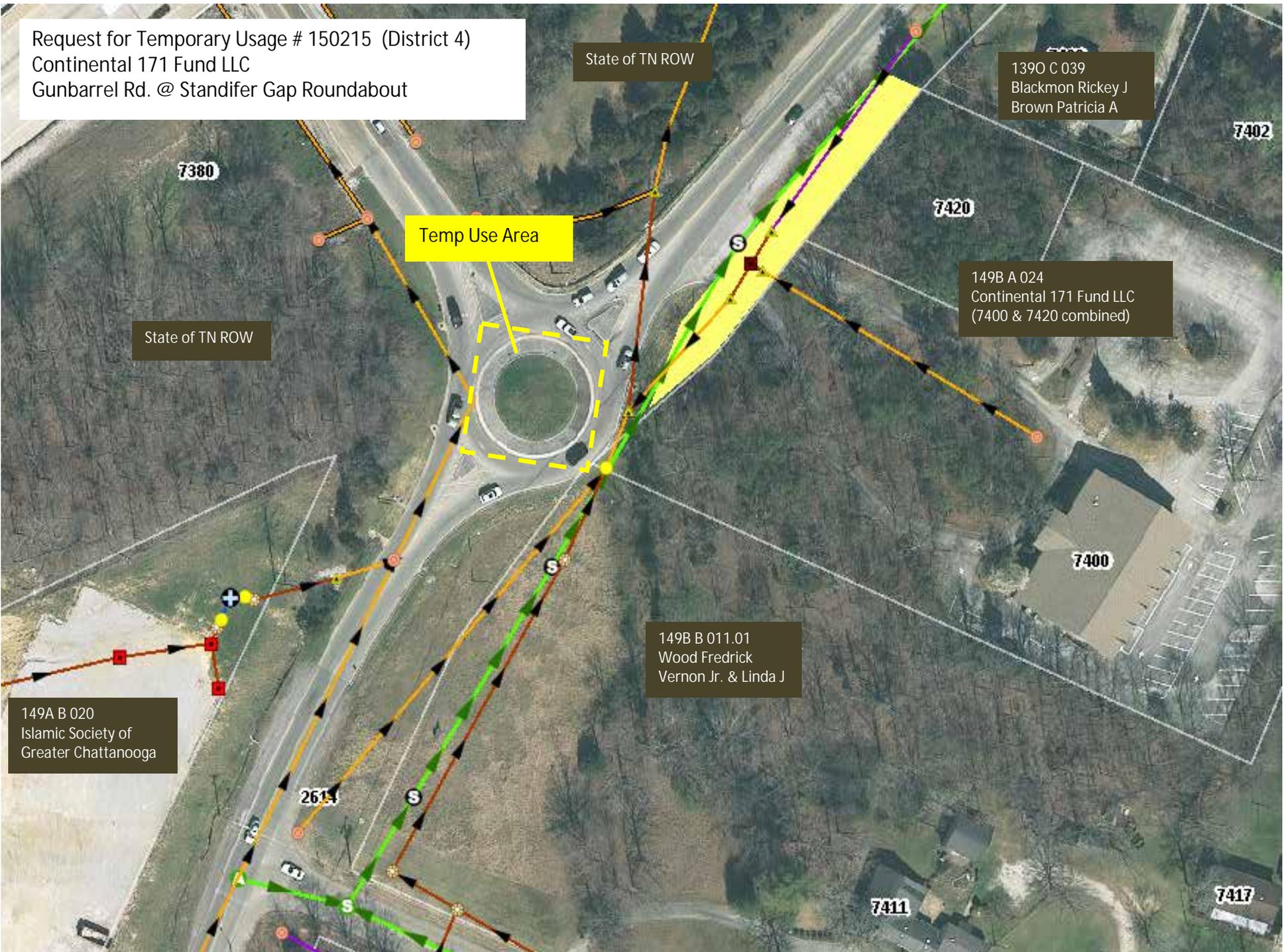


THE SPRINGS AT
CHATTANOOGA

APARTMENT HOMES - TRAFFIC CIRCLE PLANTING PLAN

SCALE: 1/8" = 10'

Request for Temporary Usage # 150215 (District 4)
Continental 171 Fund LLC
Gunbarrel Rd. @ Standifer Gap Roundabout



State of TN ROW

1390 C 039
Blackmon Rickey J
Brown Patricia A

7402

7380

Temp Use Area

7420

State of TN ROW

149B A 024
Continental 171 Fund LLC
(7400 & 7420 combined)

7400

149B B 011.01
Wood Fredrick
Vernon Jr. & Linda J

149A B 020
Islamic Society of
Greater Chattanooga

2614

7411

7417