

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

A RESOLUTION AUTHORIZING CHATTANOOGA ENGINEERING GROUP C/O ROCKY CHAMBERS, AGENT FOR THE PROPERTY OWNER, CHATTEM CHEMICALS, INC., TO USE TEMPORARILY THE RIGHT-OF-WAY OF THE WEST SIDE OF ST. ELMO AVENUE ALONG THE PROPERTY LINE OF 1705 WEST 38<sup>TH</sup> STREET TO REPAIR AND MAINTAIN A RETAINING WALL, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That CHATTANOOGA ENGINEERING GROUP C/O ROCKY CHAMBERS, AGENT FOR THE PROPERTY OWNER, CHATTEM CHEMICALS, INC., (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way of the West Side of St. Elmo Avenue along the property line of 1705 West 38<sup>th</sup> Street to repair and maintain a retaining wall, 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. Temporary User shall obtain necessary permits and approvals from the City of Chattanooga Land Development Office.

5. 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: September 10, 2015

Preparer: Bertran Kuyrkendall

Department: Transportation

Brief Description of Purpose for Resolution/Ordinance: \_\_\_\_\_ Res./Ord. # \_\_\_\_\_ Council District # 7

A City Council Resolution is requested to authorize Temporary Usage Request #153315 for Rocky Chambers of Chattanooga Engineering group, agent for the property owner Chatterm Chemicals, Inc., for temporary usage of the right-of-way on the West side of St. Elmo Avenue along the property line of 1705 West 38th Street to repair and maintain a retaining wall.

### 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 <u>Fund</u> _____	N/A
City Amount Funded \$ _____	Provide <u>Cost Center</u> _____	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: \_\_\_\_\_

DESIGNATED OFFICIAL/ADMINISTRATOR

Reviewed by: FINANCE OFFICE

Please submit completed form to @budget, City Attorney and City Finance Officer

Revised: October, 2011

# Memorandum

**To:** Brandon Sutton <sup>BS</sup>  
**From:** Kari Lawman  
**cc:** Bert Kuyrkendall  
**Date:** September 9, 2015  
**Re:** Temporary Usage Request # 153315  
Rocky Chambers (Chattanooga Eng. Group) for Chattem Chemicals, Inc. (Brad Parr)  
1705 W. 38<sup>th</sup> St. (District 7)

## RECOMMENDATION: APPROVAL WITH CONDITIONS

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This application was received on July 21, 2015, from Rocky Chambers, Chattanooga Engineering Group, agent for the property owner, Chattem Chemicals, Inc. The business, Chattem Chemicals, Inc., intends to repair and maintain the retaining wall located on the eastern property line, along St. Elmo Avenue.

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.
- 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.

7/21/2015

Bertran Kuyrkendall, P.E.  
Transportation Engineer,  
Chattanooga Department of Transportation  
Development Resource Center  
1250 Market Street, Suite 3030  
Chattanooga, TN 37402  
(423) 643-5950

<p><b>For Office Use Only</b></p> <p><i>Klawman</i></p> <hr/> <p>Technician Signature / Date</p> <p><i>153315</i></p> <hr/> <p>Request No.</p>
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**RE: Request for Temporary Usage**

Dear Mr. Kuyrkendall:

This is a request for temporary usage of Retaining wall on St. Elmo Ave in front of 1705 W. 38<sup>th</sup> Street. Tax ID 155J D 009.

The reason for the request is as follows: The City has required this wall be rebuilt.

In making this request: Temporary User agrees as follows:

1. Temporary User shall 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 shall 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 shall vacate the property and temporary use upon thirty (30) days notice from the City to do so. Upon vacating the property, whether voluntarily or at the request of the City, the Temporary User shall restore the property to substantially the same condition that existed prior to granting the temporary use, including complying with any environmental regulations.
4. Temporary User shall provide full access for maintenance of any utilities located within the easement.
5. Temporary User shall obtain any and all other permits, variances, or approvals necessary to accommodate the temporary use.
6. Temporary User shall 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 Temporary User shall, upon satisfactory completion of use as determined by the Tennessee Department of Environment and Conservation, abandon the well 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: Chattem Chemicals, Inc., 3708 St. Elmo Ave, Chattanooga, TN 37409. 423-822-5037, Brad.Parr@sunpharma.com

*Brad Parr*  
\_\_\_\_\_  
(Print) Applicant Name

*Brad Parr*  
\_\_\_\_\_  
(Sign) Applicant Name

*7-21-15*  
\_\_\_\_\_  
Date

*Jason Paul Allen*  
\_\_\_\_\_  
(Print) Property Owner Name

*Jason Paul Allen*  
\_\_\_\_\_  
(Sign) Property Owner Name

*7-21-2015*  
\_\_\_\_\_  
Date

**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)

7/21/2015

Bertran Kuyrkendall, P.E.  
Transportation Engineer,  
Chattanooga Department of Transportation  
Development Resource Center  
1250 Market Street, Suite 3030  
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, Chattanooga Engineering Group , on my behalf.

Applicant Printed Name: Brad Parr

Applicant Signature: 

Date: 7-21-15

Agent Printed Name: Rocky Chambers

Agent Signature: 

Date: 7/22/15

Temporary Usage Request # 153315  
Rocky Chambers (Chattanooga Eng. Group) for Chattem Chemicals, Inc. (Brad Parr)  
1705 W. 38th St. (District 7)

