

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING TYLER GRAY, PROPERTY OWNER, TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED ON THE EAST SIDE OF TENNESSEE AVENUE IN FRONT OF THE PROPERTY LOCATED AT 3924 TENNESSEE AVENUE TO INSTALL OUTDOOR DINING, 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 TYLER GRAY, PROPERTY OWNER, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located on the East Side of Tennessee Avenue in front of the property located at 3924 Tennessee Avenue to install outdoor dining, 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. Any items (tables, chairs, railings, etc.) placed along the building and right-of-way must comply with ADA Standards and minimum clearances for pedestrian traffic within said right-of-way.

6. Any objects within the right-of-way must maintain a four (4) foot minimum clearance behind the pedestrian ramp and a six (6) foot minimum clearance from the street furniture to the back or curb.

7. Any overhead projecting objects must meet the minimum height requirements as per the City of Chattanooga's Codes and Standards.

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/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 #153026 for Tyler Gray, the property owner, for temporary usage of the right-of-way on the East side of Tennessee Avenue in front of the property located at 3924 Tennessee Avenue to install outdoor dining.

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: 
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 ^{BS}
From: Kari Lawman
cc: Bert Kuyrkendall
Date: September 9, 2015
Re: Temporary Usage Request # 153026
Tyler Gray (Property Owner)
3924 Tennessee Avenue (District 7)

RECOMMENDATION: APPROVAL WITH CONDITIONS

This application was received on June 18, 2015, from Tyler Gray, property owner. The business, Mr. T's Pizza, intends to install outdoor dining along the western frontage of the business. The application is requesting the usage of right-of-way along Tennessee 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.
- Any items (tables, chairs, railings, etc.) placed along the building and right-of-way must comply with ADA Standards and minimum clearances for pedestrian traffic within said right-of-way.
- Any objects within the right-of-way must maintain a four (4) foot minimum clearance behind the pedestrian ramp and a six (6) foot minimum clearance from the street furniture to the back of curb.
- Any overhead projecting objects must meet the minimum height requirements as per the City of Chattanooga's Codes and Standards.
- 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.

8-6-15

(DATE)

Bertran Kuyrkendall, P.E.
Transportation Engineer,
Chattanooga Department of Transportation
Development Resource Center
1250 Market Street, Suite 3030
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 Picnic tables on the sidewalk 3924 Tennessee Ave.

The reason for the request is as follows: _____

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:

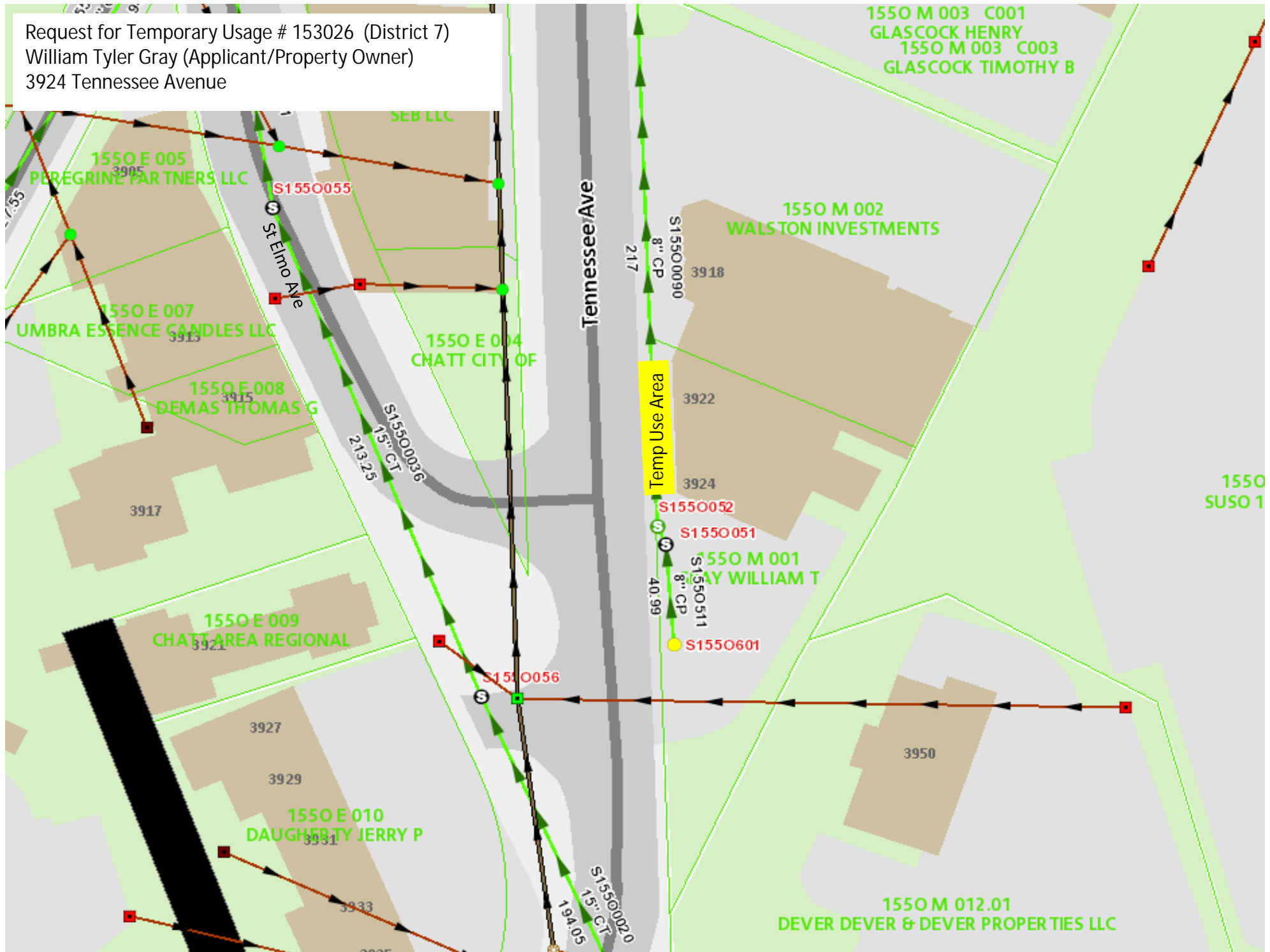
Tyler Gray	_____
P O Box 2394	WGray4@EPBBI.com
Chatt TN 37409	_____

Tyler Gray		8-6-15
(Print) Applicant Name	(Sign) Applicant Name	Date
Tyler Gray		8-6-15
(Print) Property Owner Name	(Sign) Property Owner Name	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)

Request for Temporary Usage # 153026 (District 7)
William Tyler Gray (Applicant/Property Owner)
3924 Tennessee Avenue





3924 Tennessee Ave. Mr. T's Temp Use Diagram

