

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

A RESOLUTION AUTHORIZING JOHN SILLERY, PROPERTY OWNER, TO USE TEMPORARILY THE RIGHT-OF-WAY OF THE UNOPENED ALLEY ALONG THE EAST SIDE OF AN UNADDRESSED PROPERTY LOCATED ON WEST 57<sup>TH</sup> STREET, DETAILED HEREIN, TO INSTALL FENCING, 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 JOHN SILLERY, PROPERTY OWNER, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way of the unopened alley along the East Side of an unaddressed property located on West 57<sup>th</sup> Street, detailed herein, to install fencing, 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. The fence is not to be within the twenty-five (25') foot sight triangle.

5. The driveway will be paved for its first ten (10') feet behind the driveway apron.

6. The driveway apron shall follow the latest city 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/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 #153023 for John Sillery, property owner, for temporary usage of the right-of-way of the unopen alley along the East side of an unaddressed property located on West 57th Street, detailed herein, to install fencing.

### 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 <sup>BS</sup>

From: Kari Lawman

cc: Bert Kuyrkendall

Date: September 9, 2015

Re: Temporary Usage Request # 153023  
John Sillery (Property Owner)  
Unaddressed W. 57<sup>th</sup> St. Tax Map # 167P D 013(District 7)

## RECOMMENDATION: APPROVAL WITH CONDITIONS

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This application was received on August 3, 2015, from John Sillery, property owner, of an unaddressed property located on W. 57<sup>th</sup> Street. The property owner intends to install fencing around the perimeter of the property, utilizing access of the alleyway adjacent to the south and east side of the property.

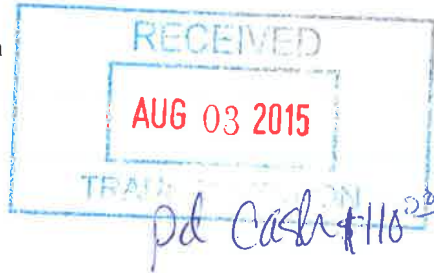
After review, granting this Temporary Usage does not conflict with the public's interest.

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

- The fence is not to be within the 25' sight triangle.
- The driveway will be paved for its first 10' behind the driveway apron.
- The driveway apron shall follow the latest city 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.

08/03/2015  
(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	
<u>Klawman</u>	<u>8/3/15</u>
Technician Signature / Date	
<u>153023</u>	<u>①</u>
Request No.	

RE: Request for Temporary Usage

Dear Mr. Kuyrkendall:

This is a request for temporary usage of The alleyway next to the parcel of my land.

The reason for the request is as follows: For egress & ingress to the property. I would like to fence the entire property. There is a fence on the back end of the alley.

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:

John J. Sillery Phone # (309) 826-1351  
1502 W. 48th St. Email: spidersillery@hotmail.com  
Chattanooga TN 37409

John J. Sillery  
(Print) Applicant Name

[Signature]  
(Sign) Applicant Name

08/03/2015  
Date

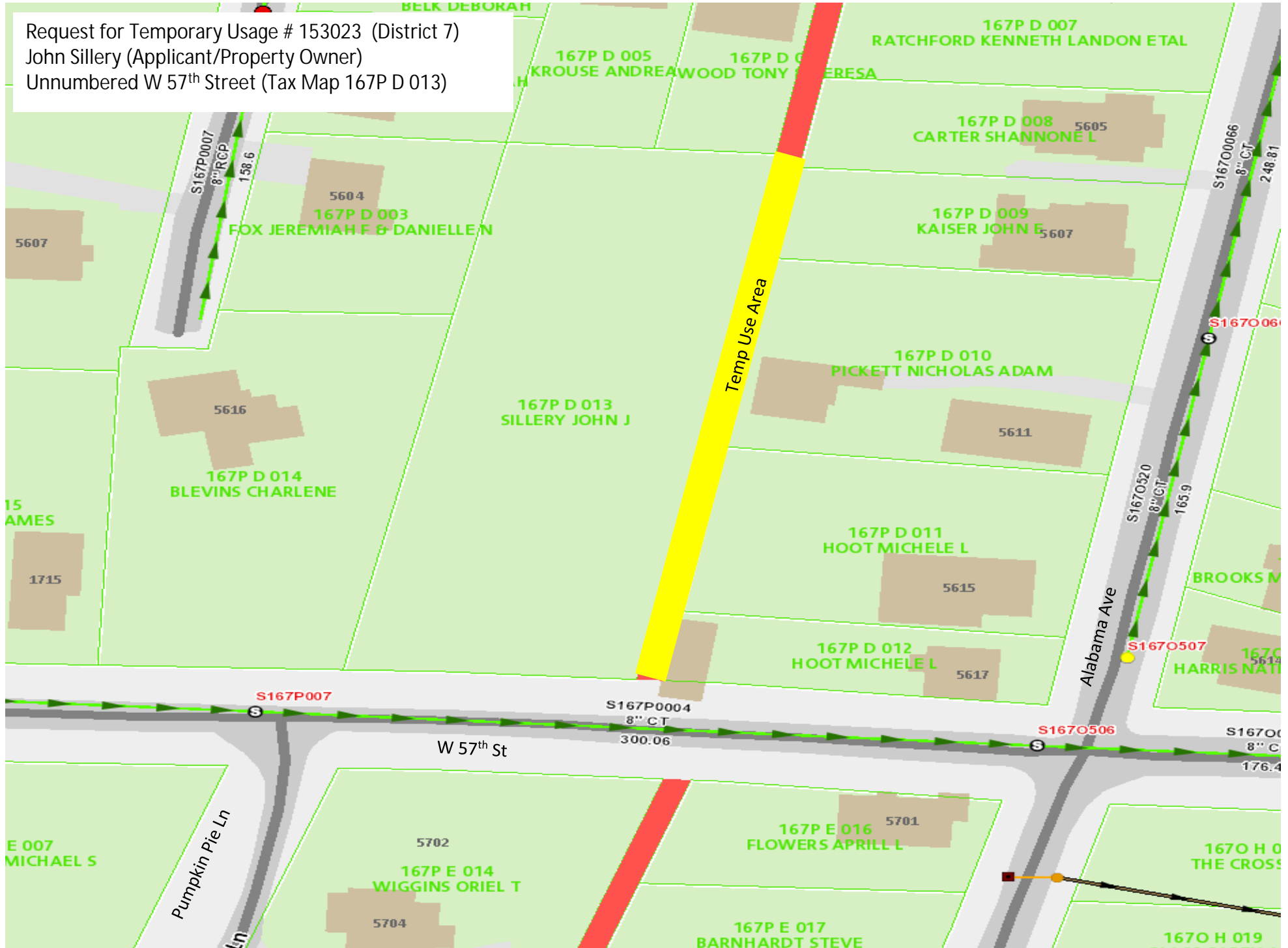
John J. Sillery  
(Print) Property Owner Name

[Signature]  
(Sign) Property Owner Name

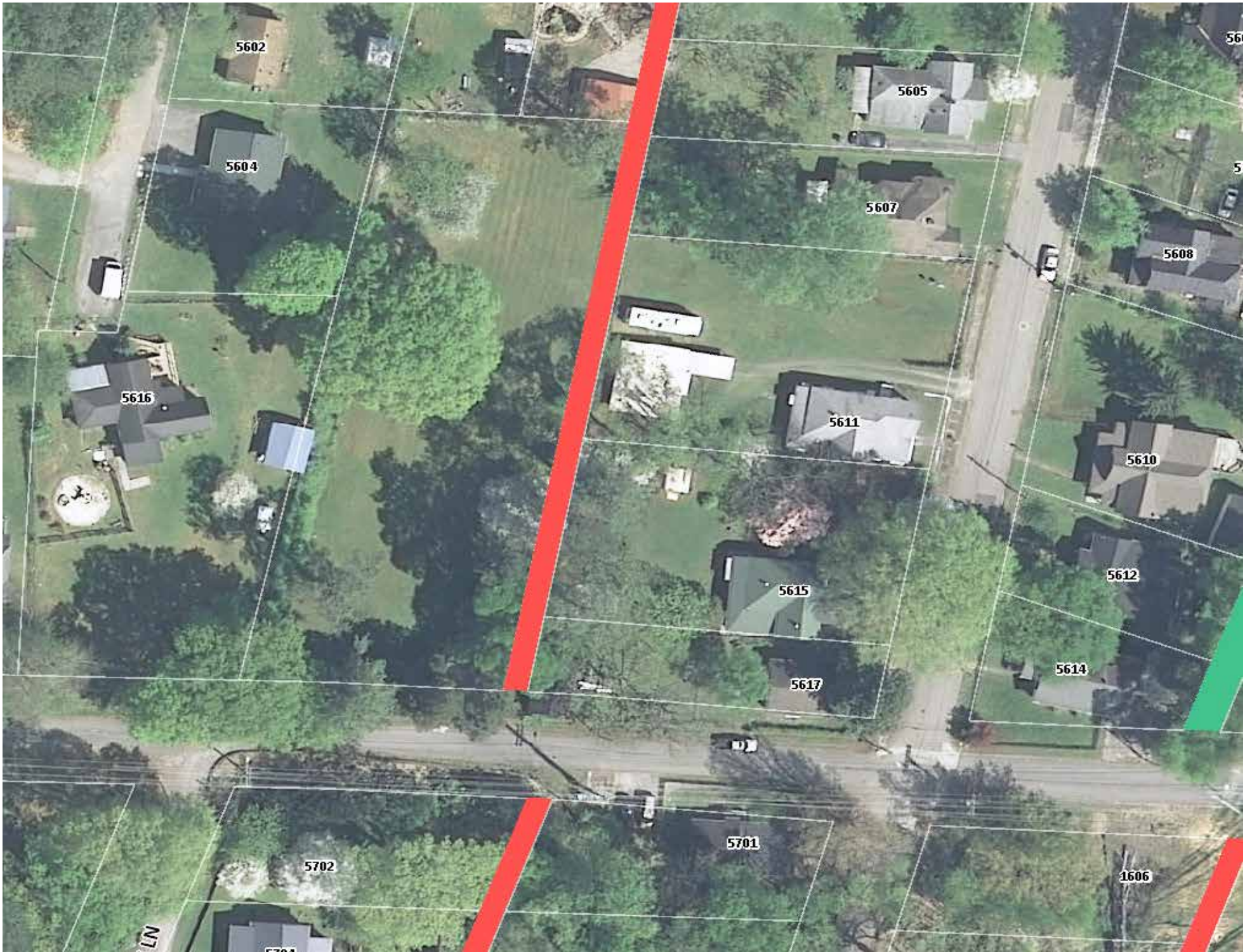
08/03/2015  
Date

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

Request for Temporary Usage # 153023 (District 7)  
John Sillery (Applicant/Property Owner)  
Unnumbered W 57<sup>th</sup> Street (Tax Map 167P D 013)







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