

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

A RESOLUTION AUTHORIZING DAMAR PROPERTIES, LLC C/O MARTIN KLINGHARD TO USE TEMPORARILY THE RIGHT-OF-WAY OF THE ALLEY LOCATED ON THE WEST OF 1713 WEST 56<sup>TH</sup> STREET TO INSTALL DRIVEWAY ACCESS TO PROPERTY, 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 DAMAR PROPERTIES, LLC C/O MARTIN KLINGHARD, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way of the alley located on the West of 1713 West 56<sup>th</sup> Street to install driveway access to property, 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 driveway will be paved for its first ten (10') feet behind the driveway apron.

5. The driveway apron shall follow the latest city standards.

6. Temporary User shall obtain necessary permits and approvals from the City of Chattanooga Land Development Office.

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: November 12, 2015

Preparer: Bertran Kuyrkendall

Department: Transportation

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

A resolution authorizing Temporary Usage Request #156742 for Damar Properties LLC for temporary usage of the right-of-way of the alley on the West of 1713 West 56th Street to install driveway access to property.

### APPROVED WITH CONDITIONS

Name of Vendor/Contractor/Grant, etc. \_\_\_\_\_  
Total project cost \$ \_\_\_\_\_ -  
Total City of Chattanooga Portion \$ \_\_\_\_\_ -  
City Amount Funded \$ \_\_\_\_\_ -  
New City Funding Required \$ \_\_\_\_\_ -  
City's Match Percentage % 0%

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   
**From:** Kari Lawman  
**cc:** Bert Kuyrkendall  
**Date:** November 9, 2015  
**Re:** Temporary Usage Request # 156742  
DAMAR Properties LLC (Martin Klinghard)  
1713 W. 56<sup>th</sup> St. (District 7)

## RECOMMENDATION: APPROVAL WITH CONDITIONS

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This application was received on October 23, 2015, from Damar Properties LLC. The applicant intends to install a driveway in order to access a new dwelling on the narrow 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 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.

10-24-15  
(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	
<u>Klawns</u>	
Technician Signature / Date	
<u>1510742</u>	(7)
Request No.	

RE: Request for Temporary Usage

Dear Mr. Kuyrkendall:

This is a request for temporary usage of DIXIE AVE. AT THE INTERSECTION  
OF 56th ST. - 1713 W. 56th ST.

The reason for the request is as follows: BUILDING A SMALL HOME ON A  
SMALL LOT. THE ROAD USAGE WOULD ALLOW FOR A  
GRAVEL DRIVEWAY

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:

MARTIN KLINGHARD / DANIEL PROPERTIES  
1961 NORTH POINT Blvd.  
CHATTANOOGA, TN 37343

MARTIN KLINGHARD  
(Print) Applicant Name

[Signature]  
(Sign) Applicant Name

10-22-15  
Date

Same  
(Print) Property Owner Name

(Sign) Property Owner Name

10-22-15  
Date

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



Temporary Usage Request # 156742  
Damar Properties LLC (Martin Klinghard)  
1713 W. 56<sup>th</sup> St. (District 7)

