

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING TIRE CENTERS, INC. C/O MICHAEL ANDREW TO USE TEMPORARILY THE RIGHT-OF-WAY OF THE ALLEY ADJACENT TO THE SOUTH SIDE OF THE PROPERTY LOCATED AT 1148 EAST 23RD STREET TO INSTALL FENCING AND ACCESS THE ALLEYWAY, 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 TIRE CENTERS, INC. C/O MICHAEL ANDREW, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way of the alley adjacent to the South side of the property located at 1148 East 23rd Street to install fencing and access the alleyway, 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. Temporary User shall obtain necessary permits and approvals from the City of Chattanooga Land Development Office.

6. 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 #156313 for Michael Andrew, representative for the property owner, Tire Centers, Inc. for the temporary usage of the right-of-way of the alley adjacent to the south side of the property at 1148 East 23rd Street to install fencing and access the alleyway.

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 %	_____ 0%	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: Blythe Bailey

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: October 30, 2015

Re: Temporary Usage Request # 156313
Tire Centers, Inc. (Michael Andrew)
1148 E. 23rd St. (District 8)

RECOMMENDATION: APPROVAL WITH CONDITIONS

This application was received on September 25, 2015, from Michael Andrew, representative for property owner, Tire Centers, Inc., of 1148 E. 23rd Street. The property owner intends to install fencing around the perimeter of the property to utilize and access the alleyway adjacent to the south side of the property. The alleyway will include storage areas and a turning radius for trucks to eliminate the need to back out into E. 23rd St.

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 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.



9/12/15

For Office Use Only
 Klawner
 #156313
 Technician Signature

(DATE)
 Bertran Kuyrkendall, P.E.
 Transportation Engineer
 Development Resource Center
 1250 Market Street, Suite 3000
 Chattanooga, Tennessee 37402

RECEIVED
 SEP 25 2015
 TRANSPORTATION

Re: Request for Temporary Usage

Dear Mr. Kuyrkendall:

This is a request for a temporary usage of THE UNOPENED ALLEYWAY FROM POLK ST. TO BURNETT ST. PROPERTY ID'S 1144 & 1148

The reason for this request is as follows:
UTILIZE SPACE TO IMPROVE TURNING RADIUS FOR DRIVE THROUGH TRUCK SERVICE & REPAIR. IMPROVES BUSINESS OPERATION & EFFICIENCY.

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 and phone number is as follows:
CORPORATE OFFICE - 310 INGLEBY PARKWAY DUNCAN, SC 29384
OWNED PROPERTY IN QUESTION: 1148 EAST 23RD STREET CHATTANOOGA, TN 37408
 o: 864-329-2877 c: 864-243-1641 (email address) Michael.Anderson@tirecenters.com

Michael Anderson (Print) Applicant Name Michael Anderson (Sign) Applicant Name 4/24/15 Date
MATT COONEY (CFO FOR TCI) (Print) Owner's Name [Signature] (Sign) Owner's Name 9-16-15 Date

This application must include the owner's signature and a site map of the referenced location to complete processing.

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

Request for Temporary Usage # 153024 (District 8)
Tire Centers, Inc. (Michael Andrew)
1148 E. 23rd St. (District 8)

