

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING ARTECH DESIGN GROUP C/O RICK THOMPSON, AGENT FOR THE PROPERTY OWNER, CHOO CHOO PARTNERS C/O ADAM KINSEY, TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT EAST 14TH STREET ADJACENT TO 1400 MARKET STREET TO INSTALL OUTDOOR PATIO AREAS, FIVE (5) GREASE TRAPS, TWO (2) EGRESS STAIRS, ONE (1) ADA CHAIR LIFT, AND AN EXISTING SECONDARY FIRE ESCAPE TO COORDINATE WITH FORTHCOMING STREET ENHANCEMENTS TO EAST 14TH STREET, 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 ARTECH DESIGN GROUP C/O RICK THOMPSON, AGENT FOR THE PROPERTY OWNER, CHOO CHOO PARTNERS C/O ADAM KINSEY, (hereinafter referred to as “Temporary Users”) be and are hereby permitted to use temporarily the right-of-way located at East 14th Street adjacent to 1400 Market Street to install outdoor patio areas, five (5) grease traps, two (2) egress stairs, one (1) ADA chair lift, and an existing secondary fire escape to coordinate with forthcoming street enhancements to East 14th Street, 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 Users 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

applicants by the Chattanooga City Council. Temporary Users agree 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 Users agree to vacate the property and temporary use upon reasonable notice from the City to do so.

3. Temporary Users shall obtain all necessary permits and approvals from the City of Chattanooga Land Development Office.

4. Temporary Users and its requested items shall fully coordinate with the design of the upcoming street enhancement project, as well as subsequent construction efforts.

5. The existing fire escape shall solely be used for secondary egress from the facility. A primary escape shall be maintained in perpetuity exiting to the interior of the Choo Choo campus.

6. Temporary Users shall provide adequate access for maintenance of any utilities located within the easement, are 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: _____, 2016

/mem

City of Chattanooga



Resolution/Ordinance Request Form

Date Prepared: January 12, 2016

Preparer: Bertran Kuyrkendall

Department: Transportation

Brief Description of Purpose for Resolution/Ordinance: _____ Res./Ord. # _____ Council District # 8

A resolution authorizing Temporary Usage Request #150217 for Rick Thompson of Artech Design Group, agent for the property owner, Choo Choo Partners (Adam Kinsey), for the temporary usage of the right-of-way of East 14th Street adjacent to 1400 Market St. to install outdoor patio areas, five grease traps, two egress stairs, one ADA chair lift, and an existing secondary fire escape to coordinate with forthcoming street enhancements to East 14th Street.

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: 

Reviewed by: FINANCE OFFICE

DESIGNATED OFFICIAL/ADMINISTRATOR

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: January 12, 2016
Re: Temporary Usage Request # 150217
Rick Thompson (Artech Design Group) for Choo Choo Partners, LP (Adam Kinsey)
1400 Market St. (District 8)

RECOMMENDATION: APPROVAL WITH CONDITIONS

This application was received on May 21, 2015, from Rick Thompson of Artech Design Group, agent for the property owner, Choo Choo Partners (Adam Kinsey). The property owner has requested to install several items within the right-of-way along East 14th Street, including outdoor patio areas, five grease traps, two egress stairs, one ADA chair lift, and an existing secondary fire escape for the facility. The requested items would coordinate with the forthcoming street enhancements to East 14th Street and will work towards activating the existing public space with a multitude of uses.

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 all necessary permits and approvals from the City of Chattanooga Land Development Office.
- Temporary User and its requested items shall fully coordinate with the design of the upcoming street enhancement project, as well as subsequent construction efforts.
- The existing fire escape shall solely be used for secondary egress from the facility. A primary escape shall be maintained in perpetuity exiting to the interior of the Choo Choo campus.
- 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.
- 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.

05.21.15
(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



RE: Request for Temporary Usage

Dear Mr. Kuyrkendall:

This is a request for temporary usage of 14th STREET "ROW"

The reason for the request is as follows: THE INSTALLATION OF FIVE GREASE TRAPS AND TWO EGRESS STAIRS AND ONE ADA CHAIR LIFT, AND EXISTING FIRE ESCAPE.

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, phone number and email address is as follows:

RICK THOMPSON (423-432-6797(c))
1410 COWART ST.
CHATTANOOGA, TN. 37408

RICK THOMPSON Rick Thompson 05.21.15
(Print) Applicant Name (Sign) Applicant Name Date

ADAM KINSEY Adam Kinsey 05.21.15
CHOO CHOO PARTNERS, LPX (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.

(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

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 Right of Way application,
submitted by my Agent RICK THOMPSON, on my behalf.

x Applicant Printed Name: ADAM KINSEY

x Applicant Signature: Adam Kinsey

Date: 05.21.15

Agent Printed Name: RICK THOMPSON

Agent Signature: Rick Thompson

Date: 05.21.15

Request for Temporary Usage # 150217 (District 8)
Choo Choo Partners, LP (Adam Kinsey)
1400 Market St.

