

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING EMJ CORPORATION C/O ROSS WHITING, AGENT FOR THE PROPERTY OWNER, ECO PROPERTIES, LLC C/O BOB BHAGAT TO USE TEMPORARILY THE RIGHT-OF-WAYS LOCATED AT CHESTNUT STREET, WEST 5TH STREET, AND BROAD STREET ADJACENT TO 434 CHESTNUT STREET TO INSTALL CANOPIES ABOVE THE SIDEWALK, 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 EMJ CORPORATION C/O ROSS WHITING, AGENT FOR THE PROPERTY OWNER, ECO PROPERTIES, LLC C/O BOB BHAGAT (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-ways located at Chestnut Street, West 5th Street, and Broad Street adjacent to 434 Chestnut Street to install canopies above the sidewalk, 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. Any overhead projecting objects must meet the minimum height requirements as per the City of Chattanooga's Codes and Standards, *i.e.*, Section 32-8. Minimum height requirement is eight (8') feet above the sidewalk at all points and a maximum of eighteen (18") inches to the curb line. Stationary canopies shall be reviewed on an individual basis and shall be a minimum of nine (9') feet above the sidewalk at all points.

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

5. 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: _____, 2016

/mem

City of Chattanooga



Resolution/Ordinance Request Form

Date Prepared: February 19 2016

Preparer: Bertran Kuyrkendall

Department: Transportation

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

A resolution authorizing Temporary Usage Request TU 2016-001 for Ross Whiting of EMJ Corporation, agent for the property owner, ECO Properties LLC, Bob Bhagat, for the temporary usage for the right of way of Chestnut Street, West 5th Street, and Broad Street adjacent to 434 Chestnut Street to install canopies above the sidewalk.

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 % _____	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: _____

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 *BS*
From: Kari Lawman
cc: Bert Kuyrkendall
Date: February 3, 2016
Re: Temporary Usage Request # TU 2016-001
Ross Whiting (EMJ Corp.) for Bob Bhagat (ECO Properties LLC)
434 Chestnut Street (District 7)

RECOMMENDATION: APPROVAL WITH CONDITIONS

This application was received on December 8, 2015, from Ross Whiting of EMJ Corporation, agent for the property owner, ECO Properties LLC, Bob Bhagat. The application is requesting the usage of right-of-way of the Chestnut Street, W. 5th Street and Broad Street frontage of the building located at 434 Chestnut Street. The application states that there is a planned addition of canopies above the sidewalk on three sides of the building as shown on the attached site plan.

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:***

- Any overhead projecting objects must meet the minimum height requirements as per the City of Chattanooga's Codes and Standards. (Section 32-8) Minimum height requirement is eight (8) feet above the sidewalk at all points and a maximum of eighteen (18) inches to the curb line. Stationary canopies shall be reviewed on an individual basis and shall be a minimum of nine (9) feet above the sidewalk at all points.
- 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.

(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 Jerome Ross Whiting, on my behalf.

* Applicant Printed Name: BOB BHAGAT

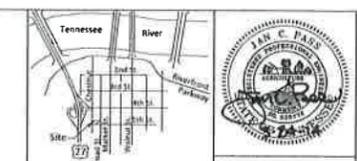
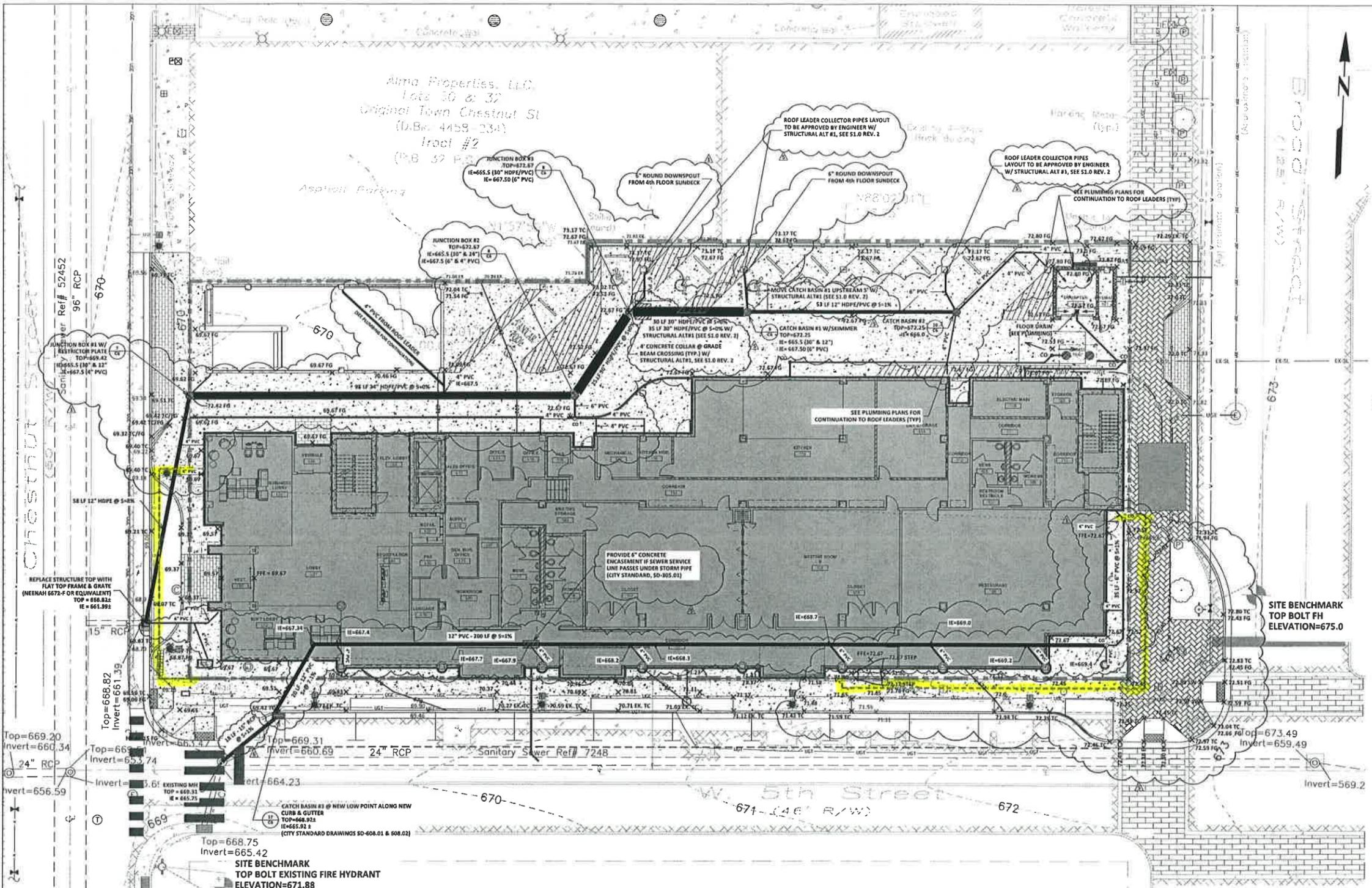
Applicant Signature: 

Date: 12-8-15

Agent Printed Name: Ross Whiting

Agent Signature: 

Date: 12/08/2015



SITE & CONTACT NOTES

1. Site Address: 434 Chestnut Street, Chattanooga, TN 37402
2. Owner: EGO Properties, LLC
3. Contact: Brad Folsom, EMI Construction, Phone: (423) 490-3225
4. Parcel Number: 135NC.A.006
5. Zoning: C-3
6. Parcel Area: 0.58 ± acres
7. Area Disturbed: 0.58 ± acres
8. Pre-Const. Impervious: 0.58 ± acres
9. Post-Const. Impervious: 0.58 ± acres
10. Flood Elevation (100yr): Property does not appear to be in the 100 yr flood zone as per FIRM Map No. 47065C0341F, dated November 7, 2002.
11. TOPO SURVEY: Topographic Survey provided by River Street Architects and performed by The R.S.S. Group on 10/1/2013 (Map No. 131351). The Contractor is responsible for verifying control/benchmarks shown on Topographic Survey before construction begins.
12. EROSION CONTROL: Owner's representative: EMI Construction, Phone: (423) 855-1550

GRADING KEY TERMS

FG FINISHED GRADE ELEVATIONS
 FFE FINISHED FLOOR ELEVATION
 BM SITE BENCHMARK
 SW TOP OF SIDEWALK ELEVATION
 TC TOP OF CURB ELEVATION
 CO CLEAN OUT

**SITE BENCHMARK
 TOP BOLT FH
 ELEVATION=675.0**



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river street architecture
 architecture planning interiors

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**EMJ HOSPITALITY CONSTRUCTIONS
 HOLIDAY INN & SUITES**
 434 Broad Street, Chattanooga, Tennessee 37402

Item No.	Description	Quantity	Unit
1	Excavation	100	cu yd
2	Backfill	100	cu yd
3	Grading	100	sq ft
4	Stormwater	100	sq ft

paapointe ENGINEERING
 2719 Hickory Valley Road
 Chattanooga, TN 37421
 423-451-6660
 jpaap@paapointe.com
 PPE 413-057

1st Floor Grading & Stormwater Plan

C4

Notes

Plant and Discrepancies

1. Contractor shall immediately notify the engineer of any discrepancies on the drawing or in the field before beginning work or during construction.
2. Deviation from these plans & notes without the prior consent of the Engineer may be cause for the work to be unacceptable.

Dimensions and Levels

1. Dimensions on buildings are for grading purposes only and are not to be used to layout footings. Refer to the structural drawings for foundation information.
2. All dimensions shown are to edge of pavement or edge of sidewalk unless noted otherwise.
3. Contractor shall verify all dimensions prior to beginning construction.
4. An AutoCAD base plan may be provided to the Contractor for construction purposes upon request.

Codes, Permits, and Fees

1. All work shall comply with applicable state, federal, and local codes, & all necessary licenses & permit shall be obtained by the Contractor at his expense unless previously obtained by the owner/developer.
2. Contractor shall obtain all permits prior to beginning construction.

City and State ROW and Regulations

1. For the work on the State or City right-of-way, the Contractor shall:
 - a. Not store material, excess dirt or equipment on the shoulders of pavement, or in case of multi-lane highways, in the median strips. The pavement shall be kept free from any mud or excavation waste from trucks or other equipment. On completion of the work all excess material shall be removed from the ROW.
 - b. Provide all necessary and adequate safety precautions such as signs, flags, lights, barricades and flagmen as required by the local authorities and in accordance with the manual of uniform traffic control devices. The Contractor will be solely responsible for and hold harmless the State of Tennessee Department of Transportation, the City of Chattanooga, and the Owner from any claims for damage done to existing private property, public utilities, or to the traveling public.
 - c. Complete the work to the satisfaction of the City of Chattanooga and obtain a letter from the appropriate agency stating that the work is acceptable.
2. Post necessary signs as required by the City and/or State.
3. All work and materials shall comply with the City of Chattanooga regulations and codes of O.S.H.A. Standards.

Safety and Cleanliness

1. Necessary and sufficient barricades, lights, signs and other traffic control measures as may be necessary for the protection and safety of the public shall be provided and maintained throughout the construction period.

Damage

1. The contractor shall repair or replace in-kind any damage resulting from his work that occurs to property or items not designated for removal.

Erosion Prevention and Sediment Control (See Erosion Control Sheet also)

1. Contractor shall be responsible during construction for the continuous maintenance of sediment & erosion control measures as called for on the drawings.
2. Erosion control measures are to be maintained during all phases of construction.
3. All areas not otherwise surfaced are to be seeded, landscaped, mulched, watered and maintained until adequately stabilized.

Site Preparation

1. All vegetation, topsoil, roots, stumps, and any debris shall be stripped and removed from the site.
2. The depth of topsoil encountered in the site geotechnical soil borings ranged from 8 to 18 inches.
3. The soil subgrade shall be tested by the geotechnical engineer or his representative to identify any areas of instability.
4. Subgrade stabilization requirements may be refined by the geotechnical engineer during the grading process based on the performance of the subgrade during proof-rolling.
5. The soil subgrade should be covered and sloped to drain toward the perimeter of the building. Provide positive drainage from the site to reduce infiltration of surface water around the perimeter of the building and beneath the floor slab and pavement areas.
6. Surface drainage should be collected and discharged such that water is not permitted to infiltrate the bedrock and floor slab.
7. Avoid working the on-site soils when the soils are wet. The on-site soils are moisture sensitive and will be softened by rubber-tired construction traffic when wet.

Due to the nature of the on-site soils:

- a. Surface water should not be allowed to pond or saturate on-site soils during or after construction;
- b. High plasticity clays (PI>50) should not be used for backfill materials;
- c. Floor slab and pavement subgrades should not be allowed to become excessively wet or dry prior to floor slab and pavement construction;
- d. Slab soils should be isolated from heat sources to prevent drying of the underlying soils.

Materials

Fill

1. Fill soils should consist of low to moderately plastic clay or silt with PI<30 and standard Proctor maximum dry density greater than 95 pcf.
2. Soil fill operations should not begin until representative samples of proposed fill soils are collected, tested, and confirmed acceptable. Allow 3-5 days for testing before fill operations begin.

Grading

1. The Contractor shall coordinate with the project Engineer for any field grade adjustments needed due to actual topography varying from the topographic survey, or due to any other circumstances.
2. New finished contours shown are to top of new paving in areas to receive pavement, and to top of soil in areas to be seeded or landscaped. Proposed contour intervals are as labeled. All proposed contours are finished grade.
3. All disturbed areas are to be stabilized per the SWPPP during construction.
4. Unusable excavated materials and all waste resulting from clearing and grubbing shall be disposed of off-site by Contractor.
5. The Contractor shall insure that positive and adequate drainage is maintained at all times within the project limits. This may include, but not be limited to, replacement or reconstruction of existing drainage structures that have been damaged or removed or reconstructed as required by the Engineer, except for those drainage items shown at specific locations & having specific pay items in the detailed estimate. No separate payment will be made for any costs incurred to comply with this requirement.

Compaction

1. After demolition, existing "B" soils shall be scarified and re-compacted prior to the placement of structural fill or the slab's aggregate base.
2. Structural areas that are to receive fill should be thoroughly proof-rolled after the completion of demolition. Proof-rolling should be performed using a fully loaded tandem axle dump truck or a similar piece of equipment. Areas deflecting under the weight of the proof-roll should generally be undercut to suitable soil or a maximum of 3 feet below planned grade, at which time the geotechnical engineer shall evaluate options for additional underpinning.
3. Due to the presence of variable consistency undocumented fill, it is expected that the undercutting of some soft soils will be required.
4. Compaction of the backfill of all trenches shall be compacted to the density of 98% of theoretical maximum dry density (ASTM D998). Backfill material shall be free from roots, stumps, or other foreign debris and shall be placed at or near optimum moisture.

5. All fill material to be utilized on the project shall be free of organic or otherwise deleterious materials, and contain no rock fragments larger than 4 inches.

6. Fill shall be placed in 8 inch lifts and compacted to minimum dry densities corresponding to 98% of maximum dry density as obtained by Standard Proctor, ASTM D698 within 2 feet below pavement subgrade. Light-duty pavement and sidewalk subgrade shall be compacted at the same specifications for the top 1 foot.

7. Soil moisture shall be maintained within 2% of optimum moisture (ASTM D698) at time of compaction, depending on the shape of the Proctor curve.

8. Utility trenches may require lifts of 3 to 4 inches to achieve compaction, or shall be backfilled with #57 or #67 stone. A representative of the geotechnical engineer shall test the density and moisture content of each lift before placing additional lifts.

Sewer and Drainage

1. Existing drainage structures are to be inspected, repaired as needed and cleaned out to remove all silt and debris.
2. All pipe lengths & distances between structures are measured from center of structure to center of structure along a horizontal plane.
3. The Contractor shall provide all the materials & appurtenances necessary for the complete installation of the storm drainage, sewer, water and utility systems. All pipe & fittings shall be inspected by the utility department Inspector prior to being covered.

Utilities

1. These drawings do not purport to locate all utilities.
2. All utility locations to be field verified by proper agencies before beginning construction. Underground utilities are not field located nor are they purported to be shown. Information shown should be considered approximate. Contractor to contact all utility companies to have utilities field located before excavation or demolition work begins.
3. The locations of existing underground utilities shown have not been independently verified by the owner or his representative. The Contractor shall determine the exact location of all existing utilities within the working area before commencing work and agrees to be fully responsible for any and all damages which might be occasioned by the Contractor's failure to exactly locate and preserve any and all underground utilities.
4. The Contractor shall coordinate location & installation of all underground utilities and appurtenances to minimize disturbing curb & gutter, paving, existing utilities & compacted sub-grade, and shall coordinate all work with other utility installations not covered in these plans. (Electric, telephone, gas, cable, etc. and allow for their operations & construction to be prepared).

5. The Contractor shall make arrangements with the local utility authorities for connection to the existing mains and pay all applicable fees.

6. Utility coordination and costs shall be included in the project schedule, and it is the explicit responsibility of the Contractor to ensure that the project schedule includes any necessary relocation. The Contractor will not be paid additionally for this coordination. The Contractor should seek assistance from all utility companies to locate and protect their facilities.

7. Contractor shall notify and cooperate with all utility companies or firms having facilities on or adjacent to the site before disturbing, altering, removing, relocating, adjusting, or connecting to said facilities.

8. Contractor shall pay all costs in connection with the alteration of or reduction of the facilities.

Concrete Work

1. Expansion/contraction and construction joints shall be used to isolate concrete pavements and floor slabs from load bearing walls and isolated columns, and shall conform to ACI guidelines.
2. Concrete joints or seams must be to be sharp and clean without showing edges of joint tool.
3. Maximum control joint spacing shall be approximately 30 times slab thickness. Maximum expansion joint spacing approximately 50 feet.

Testing

1. A qualified soils testing laboratory shall determine the suitability of the existing sub-grade and existing site material prior to beginning any fillery operation.
2. The contractor shall provide any excavations and material samples necessary to conduct required soil and concrete tests. All arrangements and scheduling for the testing shall be the contractor's responsibility.

Project Closeout Documentation

Prior to final acceptance by the Owner/City Engineer and/or issuance of any Certificate of Occupancy, the Contractor shall:

1. Submit an inventory of the constructed stormwater drainage system, whether public or private, to the City of Chattanooga in electronic format. Electronic as-built drawings shall be submitted in AutoCAD and pdf format, and shall show clearly the approved and constructed layout of the stormwater systems. The as-built drawing shall include all stormwater features, whether new or existing, including the outfall to the City drainage system (see catch basins, conduits, hydrologic features including ponds, streams, culvert inlets and outfalls, and all pervious surfaces, etc.). See Specification Section 01.78.00 Closeout Submittals for details.
2. Comply with all permanent landscaping requirements, and shall schedule a landscape inspection with the City's Landscape Architect, Ms. Kara Lovett, R.L.A. She may be reached at 423-643-5665.

Temporary Usage Request # TU 2016-001
Ross Whiting (EMJ Corp.) for Bob Bhagat (ECO Properties LLC)
434 Chestnut Street (District 7)

