

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING JAMES FLEMING, PROPERTY OWNER, TO USE TEMPORARILY THE RIGHT-OF-WAY OF THE ALLEY ADJACENT TO 912 ENDICOTT STREET TO INSTALL FENCING, 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 JAMES FLEMING, PROPERTY OWNER, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way of the alley adjacent to 912 Endicott Street 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. The fence is not to be within the twenty-five (25') foot sight triangle.

4. The driveway will be paved for a minimum of ten (10') feet behind the driveway apron.

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

6. The alleyway from Endicott Street to the proposed fence must remain clear and fully accessible at all times.

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: _____, 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 # 2

A resolution authorizing Temporary Usage Request TU 2016-004 for property owner James Fleming for the temporary usage of the right-of-way of the alley adjacent to 912 Endicott Street to install fencing.

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 2016-004
James Fleming
912 Endicott Street (District 2)

RECOMMENDATION: APPROVAL WITH CONDITIONS

This application was received on December 11, 2015, from James Fleming, property owner. The property owner intends to install fencing around the perimeter of the property, including part of the alleyway adjacent to the south side of the property.

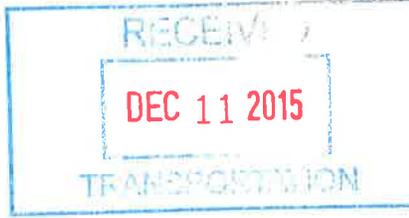
After review, granting this Temporary Usage does not conflict with the public's interest.

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 a minimum of 10' behind the driveway apron.
- The driveway apron shall follow the latest city standards.
- The alleyway from Endicott St. to the proposed fence must remain clear and fully accessible at all times.
- 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.

11/27/2015

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	
<i>Kari Lawman</i>	Technician Signature / Date <i>12/11/15</i>
<i>TU 2016-004</i>	
Request No.	

RE: Request for Temporary Usage

Dear Mr. Kuyrkendall:

This is a request for temporary usage of fence at 912 Endicott Avenue

The reason for the request is as follows: We recently closed on this property. The previous owners of our property have been maintaining the lawn up to the neighbor's property line for the last 5 years. The lawn includes a 10 foot alley that has never been opened. The neighbors do not presently access their yard from the unopened alley as they have closed it off with a fence on their property line. Their fence does not have a gate. We would like to put up a fence for our dog that will extend to the neighbor's fence, since we will be maintaining the unopened alley. We will install a gate, so the backyard is accessible by the city as necessary. I have enclosed a formal survey marking the fence.

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:
912 Endicott Street, Chattanooga, TN 37405 , 615-944-9328, flemingjamesk@gmail.com

James Fleming
(Print) Applicant Name

James Fleming
(Sign) Applicant Name

7-Dec-2015
Date

same
(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.

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



Temporary Usage Request # TU 2016-004
James Fleming
912 Endicott Street (District 2)

