

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING MILLER-MCCOY, INC. C/O RICHARD MCCOY, AGENT FOR THE PROPERTY OWNER, KOCH FOODS C/O LANCE BUCKERT, TO USE TEMPORARILY THE TWENTY-THREE (23') FOOT ALLEYWAY ALONG THE WEST SIDE OF PROPERTIES AT 1701 ROSSVILLE AVENUE AND 301 18TH STREET TO IMPROVE THE RE-GRADE OF THE ALLEYWAY FOR ACCESS AND STORAGE, 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 MILLER-MCCOY, INC. C/O RICHARD MCCOY, AGENT FOR THE PROPERTY OWNER, KOCH FOODS C/O LANCE BUCKERT (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the twenty-three (23') foot alleyway along the west side of properties at 1701 Rossville Avenue and 301 18th Street to improve the re-grade of the alleyway for access and storage, 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 fencing installed shall not be within the twenty-five (25') foot sight triangle.

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: _____, 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 2016-002 for Richard McCoy of Miller-McCoy, Inc., agent for the property owner, Koch Foods, Lance Buckert for the temporary usage of the twenty-three foot alleyway along the west side of properties at 1701 Rossville, Avenue and 301 18th Street to improve and re-grade the alleyway for access and storage.

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 2016-002
Richard McCoy (Miller-McCoy, Inc.) for Lance Buckert (Koch Foods)
1701 Rossville Avenue (District 7)

RECOMMENDATION: APPROVAL WITH CONDITIONS

This application was received on December 9, 2015, from Richard McCoy of Miller-McCoy, Inc., agent for the property owner, Koch Foods, Lance Buckert. The application is requesting the usage of the twenty-three foot (23') alleyway along the west side of properties at 1701 Rossville Avenue and 301 18th Street. The application states that the applicant owns the property on both sides of the road and wishes to clean up and re-grade the alleyway for access and storage.

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 fencing installed shall not be within the 25' sight triangle.
- 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.

9/23/2015

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>Kaula Lawman</i>	
Technician Signature / Date	12/9/15
TU 2016-002	
Request No.	

RE: Request for Temporary Usage

Dear Mr. Kuyrkendall:

This is a request for temporary usage of a 23' wide alley way/street. Koch Foods owns the property on both sides and wishes to clean up and re-grade. Tax Map No. 145M-H-021.01.

The reason for the request is as follows: Request to clean up and re-grade area to make it compatible with adjacent property.

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: Miller-McCoy, Inc. - 915 Creekside Road - Chattanooga, TN 37406. Phone : 423-698-2661. Email - wmccoy@millerMcCoy.com.

Lance Bucker
(Print) Applicant Name

Lance Bucker CFO
(Sign) Applicant Name

10-28-15
Date

Lance Bucker
(Print) Property Owner Name

Lance Bucker CFO
(Sign) Property Owner Name

10-28-15
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)

9/23/3015

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 of Right of Way application, submitted by my Agent, Richard Wayne McCoy , on my behalf.

Applicant Printed Name: Lance Buckert

Applicant Signature: 

Date: 10-30-15

Agent Printed Name: RICHARD WAYNE MCCOY

Agent Signature: 

Date: 10/30/15

Temporary Usage Request # TU 2016-002
Richard McCoy (Miller-McCoy, Inc.) for Lance Buckert (Koch Foods)
1701 Rossville Avenue (District 7)

