Temp Usage No. 2016-008

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING LEWIN BROS, LLC, PROPERTY OWNER, TO USE TEMPORARILY THE RIGHT-OF-WAY OF THE ALLEY ADJACENT TO 4905 AND 4907 FLORIDA AVENUE TO INSTALL A DRIVEWAY, 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 LEWIN BROS, LLC, 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 4905 and 4907 Florida Avenue to install a driveway, 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 driveway will be paved for its first ten (10') feet behind the driveway apron.

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

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: _____, 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 2016-008 for property owner Lewin Bros LLC for the temporary usage of the right-of-way of alley adjacent to 4095 and 4907 Florida Avenue to install a driveway.

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.

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: _____

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 BS

From: Kari Lawman

cc: Bert Kuyrkendall

Date: February 3, 2016

Re: Temporary Usage Request # TU 2016-008
LLD Series 1 of the Lewin Bros LLC (William Lewin)
4907 Florida Avenue (District 7)

RECOMMENDATION: APPROVAL WITH CONDITIONS

This application was received on February 1, 2016, from LLD Series 1 of the Lewin Bros LLC (William Lewin), property owner. The applicant intends to install a driveway in order to access a the rear of the properties located at 4905 and 4907 Florida Avenue.

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 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.

1-29-16
(DATE)

For Office Use Only

K Lawman 2-1-2016
Technician Signature TU2016-008

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

Re: Request for Temporary Usage

Dear Mr. Kuyrkendall:

This is a request for a temporary usage of unopened alleyway that runs on the North side of 4905 FL Ave and continues South behind to ~~to~~ 4907 FL Ave

The reason for this request is as follows:
In order to access the 2 properties behind the lots.

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.

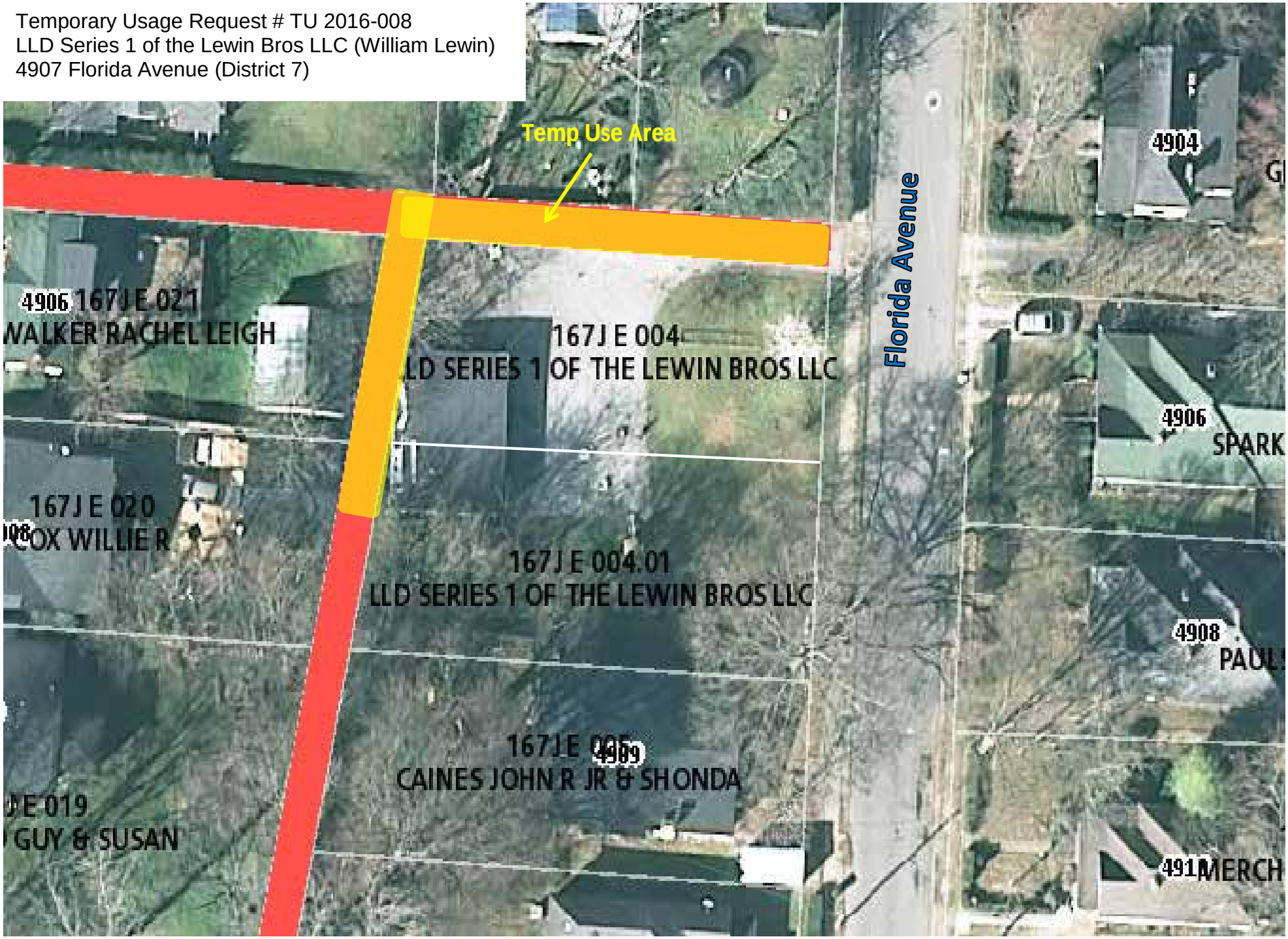
7. If this request is for maintaining wells the applicant will upon satisfactory completion of use as determined by the Tennessee Department of Environment and Conservation, the wells will be abandoned using standard and acceptable practices, which shall include grouting from the bottom to top with a 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: 2114 Fort St Chattanooga, TN 37408

Jason Craven 423-285-5798 (email address) Jason@levinhomes.com

William S Levin		1-29-16
(Print) Applicant Name	(Sign) Applicant Name	Date
William S Levin		1-29-16
(Print) Owner's Name	(Sign) Owner's Name	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)

Temporary Usage Request # TU 2016-008
LLD Series 1 of the Lewin Bros LLC (William Lewin)
4907 Florida Avenue (District 7)