

First Reading: _____
Second Reading: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING UNTO E. 10TH STREET RSD, LLC, A FRANCHISE TO MAINTAIN INSTALLED CONCRETE FOOTINGS EXTENDING ONE (1') FOOT INTO THE RIGHT-OF-WAY ALONG UNIVERSITY STREET, DOUGLAS STREET, AND AN UNNAMED TEN (10') FOOT ALLEYWAY, AND TO MAINTAIN A STORMWATER STRUCTURE AND WATER QUALITY UNIT WITHIN THE CITY RIGHT-OF-WAY ON EAST 10TH STREET, AS SHOWN ON THE MAPS AND DIAGRAMS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That there be and is hereby granted unto E. 10th Street RSD LLC (hereafter "Grantee"), c/o Chris Curtis, a franchise to maintain the existing concrete footings, each extending one (1') foot into the City of Chattanooga (hereafter "City") right-of-way along University Street, Douglas Street, and an unnamed ten (10') foot alleyway and to maintain a stormwater structure and water quality unit extending into the City right-of-way approximately five (5') feet for a distance of one hundred seventy-seven and nine-tenths (177.9') feet, more or less, along East 10th Street, as shown on the maps and diagrams attached hereto and incorporated herein by reference.

SECTION 2. BE IT FURTHER ORDAINED, That this franchise is granted upon the conditions as set forth below:

1. All underground City utilities must maintain their respective easements. No structures may be placed over or within City utility easements;

2. Grantee 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;
3. Grantee will comply with all applicable city ordinances, state and federal laws;
4. The existence of the features will have no adverse effect on any adjacent properties;
5. Grantee will comply with any special requirements of the City Transportation Engineer;
6. Grantee will be responsible shall comply with all necessary building and land disturbance permits and approvals from the City of Chattanooga Land Development Office;
7. Grantee will assume full responsibility for maintenance of all features and permanently maintain all features in a safe condition;
8. Grantee affirms that the installation of the franchised features and the maintenance thereof will not affect or alter the quality of streetscape configuration as reflected on the City's approved plans;
9. City will suffer no costs of any kind directly or indirectly resulting from the grant of this franchise;
10. Grantee will defend, indemnify and hold harmless the City, its officers, officials, employees, successors and assigns from any and all actions or claims for damages arising out of or related to the installation or maintenance of the entry features;

11. In the event that Grantee enters into an agreement to transfer its interest in the property, Grantee must immediately notify the Chattanooga Department of Transportation (CDOT) in writing. In no event shall notice be provided less than thirty (30) days prior to the closing date of the sale or transfer of interest;
12. Grantee's rights in this franchise agreement will terminate upon the sale, transfer, sublet or assignment of any portion of its interest in the property;
13. Grantee shall pay a one-time administrative fee of one thousand dollars (\$1,000.00);
14. Grantee shall provide, for approval, evidence of insurance, the limits of which are set forth in the City's Purchasing Standard Terms and Conditions and required to further indemnify the City against losses whatever kind and nature as a result of the franchised features being in the right-of-way; and
15. The above-stated conditions extend for the life of the franchise agreement for each item located in the right-of-way.

SECTION 3. BE IT FURTHER ORDAINED, That the term of this franchise shall be for a period of forty (40) years from the date of passage of this Ordinance.

SECTION 4. BE IT FURTHER ORDAINED, That this Ordinance applies to existing features and does not grant to right to construct any additional features not described herein.

SECTION 5. BE IT FURTHER ORDAINED, That this Ordinance shall become operative, only upon the execution by the Grantee of the Acceptance attached hereto.

SECTION 6. BE IT FURTHER ORDAINED, That this Ordinance shall take effective two (2) weeks after its passage.

Passed on second and final reading:_____

CHAIRPERSON

APPROVED:____ DISAPPROVED:____

MAYOR

/mem

City of Chattanooga



Resolution/Ordinance Request Form

Date Prepared: January 20, 2016

Preparer: Bertran Kuyrkendall

Department: Transportation

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

An ordinance granting to 10th Street RSD, LLC a franchise to install concrete footings, stormwater structure, and a water quality unit within City right-of-way of East 10th Street, Douglas Street, University Street and a portion of an unnamed alleyway at 411 East 10th Street as shown on the attached drawings.

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 % _____ 0%	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 BS
From: Kari Lawman
cc: Bert Kuyrkendall
Date: January 19, 2016
Re: Franchise Agreement Request
411 East 10th Street (District 8)
10th Street RSD, LLC (Chris Curtis)

RECOMMENDATION: APPROVAL WITH CONDITIONS

This application was received on January 30, 2014, from Chris Curtis of 10th Street RSD, LLC. The applicant installed concrete footings, stormwater structure and a water quality unit within City right-of-way located along E. 10th Street, Douglas Street, University Street and a portion of an unnamed 10' alleyway. Each footing extends approximately one (1) foot into the right-of-way of University Street and Douglas Street, as well as the unnamed alleyway. A seven (7) foot by thirteen (13) foot water quality unit and a stormwater structure each extend approximately five (5) feet into the right-of-way along East 10th Street. See attached drawings and temporary usage agreement for additional details.

After review, granting this Franchise Agreement does not conflict with the public's interest.

Therefore, I recommend the request for ***Franchise Agreement be granted with the following conditions:***

- Utility access will be the responsibility of the applicant.
- All necessary permits and approvals from the City of Chattanooga Land Development Office shall be attained.
- Adequate access shall be provided for maintenance of any utilities located within the easement.
- Applicant 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.
- Installation of each franchised feature and their respective maintenance must not affect or alter the quality of streetscape configuration as reflected on the City of Chattanooga approved permit plans. This condition extends to the life of the franchise agreement for each item located within the right-of-way.

RESOLUTION NO. 27988

A RESOLUTION AUTHORIZING E. 10TH STREET RSD, LLC C/O CHRIS CURTIS TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED ON DOUGLAS AND UNIVERSITY STREETS AND AN UNNAMED TEN FOOT (10') ALLEY FOR A PORTION OF THE CONCRETE FOOTINGS; AND ON DOUGLAS STREET FOR THE CANOPY/AWNINGS/ROOF OVERHANG AREAS FOR THE APARTMENT BUILDING ON EAST 10TH STREET, AS SHOWN ON THE PHOTO AND DRAWINGS 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 E. 10TH STREET RSD, LLC C/O CHRIS CURTIS, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located on Douglas and University Streets and an unnamed ten foot (10') alley for a portion of the concrete footings; and on Douglas Street for the canopy/awnings/roof overhang areas for the apartment building on East 10th Street, as shown on the photo and drawings 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. Temporary User shall provide adequate access for maintenance of any utilities located within the easement.

4. The granting of temporary use shall be subject to any restrictions, limitations, or conditions stipulated in the Resolution adopted by City Council granting temporary usage.

5. The canopy/awnings from base to the top of the existing surface/sidewalk are to meet the minimum elevation requirements per city codes and standards.

6. Temporary User agrees that the irrigation system will conform to the design, operation, and maintenance stipulations as specified in the City's "Maintenance Conditions for Right-of-Way Irrigation Facilities", attached herein as a requirement of this temporary use.

7. The Temporary Usage for the 7' x 13' water quality unit, stormwater structure, and concrete footings will expire 180 days after council approval.

ADOPTED: August 19, 2014

/mem

Memorandum

To: Fritz Brogdon *FB*
From: Ed Bowen *EB*
cc: Bertran Kuyrkendall; Brandon Sutton *BS*
Date: July 31, 2014
Re: Temporary Usage Request #127811
411 East 10th Street (District 8)
Chris Curtis

Recommendations Regarding Temporary Usage Request

I have completed my review of Mr. Curtis's request regarding the Temporary Usage of city of Chattanooga right-of-way on Douglas and University streets and an unnamed 10' alley for a portion of the concrete footings; and on Douglas Street for the canopy/awnings/roof overhang areas for the apartment building on East 10th Street as shown on the attached photo and drawings. My comments are as follows:

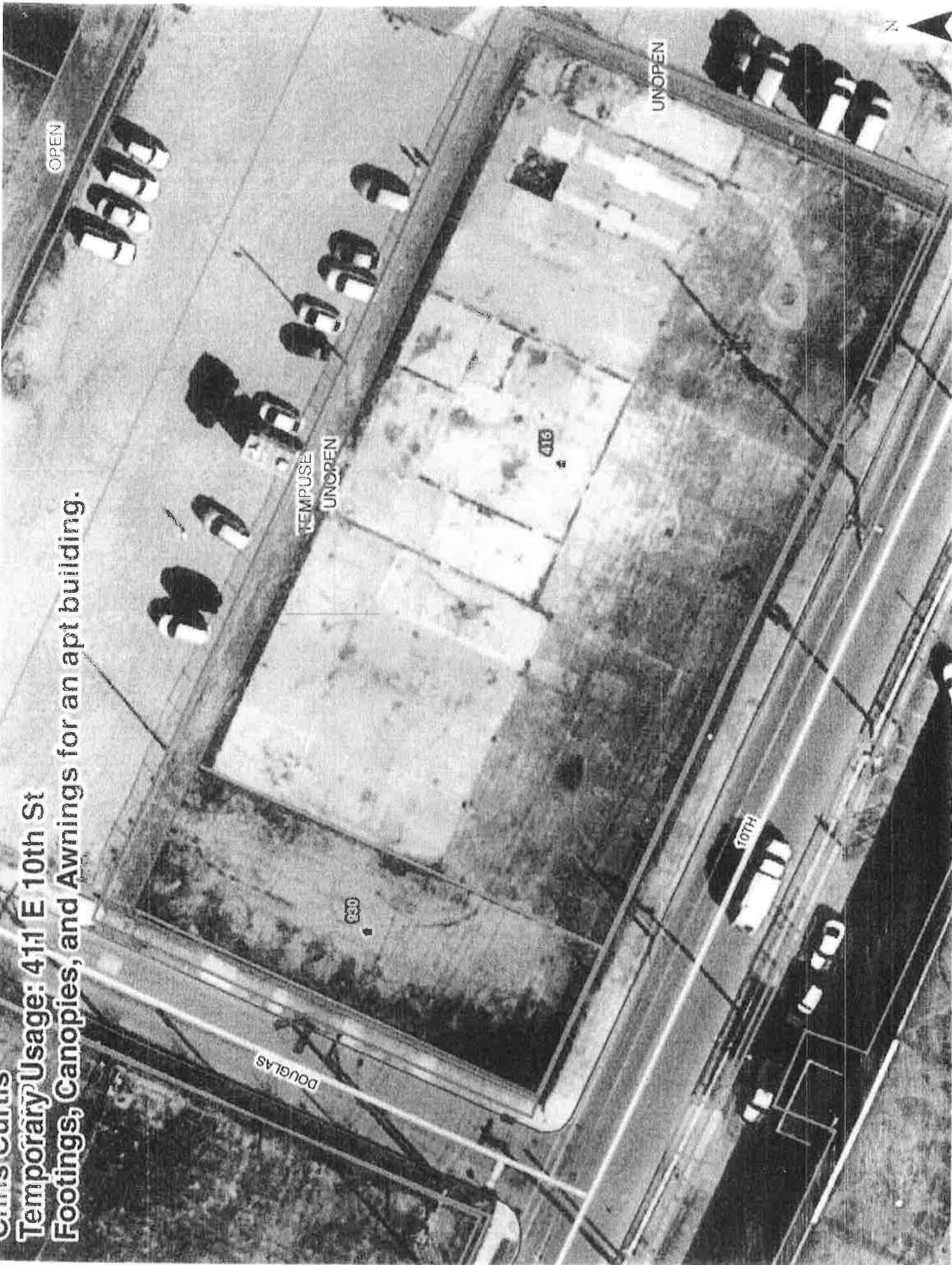
- C-3 zoning requires the building setback to be as close to the right-of-way as possible. Therefore, the concrete footings and canopy/awnings will need to extend into the right-of-way.
- The roof overhang extends approximately 2'-6" beyond the property line.
- Three canopy/awnings extend approximately 2'-6" beyond the property line and one extends approximately 1'-0" beyond it.
- Each footing extends approximately 1' into the right-of-way.
- A rampwell along University Street extends a maximum of approximately 3.2' into the right-of-way.
- An irrigation system will be installed as shown on the attached irrigation plan.
- A 7' x 13' water quality unit will extend approximately 4.7' into the right-of-way along East 10th Street.
- A stormwater structure will extend approximately 4.7' into the right-of-way along East 10th Street.

After review, granting this Temporary Usage does not conflict with the public's interest. Therefore, I recommend that the request for *Temporary Usage be granted with these conditions:*

- The canopy/awnings from base to the top of the existing surface/sidewalk are to meet the minimum elevation requirements per city codes and standards.
- The applicant agrees that the irrigation system will conform to the design, operation and maintenance stipulations as specified in the city's "Maintenance Conditions for Right-of-Way Irrigation Facilities", attached herein as a requirement of this temporary use.
(See attached for a copy of that document.)
- The Temporary Usage for the 7'x 13' water quality unit, stormwater structure, and concrete footings will expire 180 days after council approval.

CLINT CURRIS

Temporary Usage: 411 E 10th St
Footings, Canopies, and Awnings for an apt building.



OPEN

TEMP USE
UNOPEN

UNOPEN

416

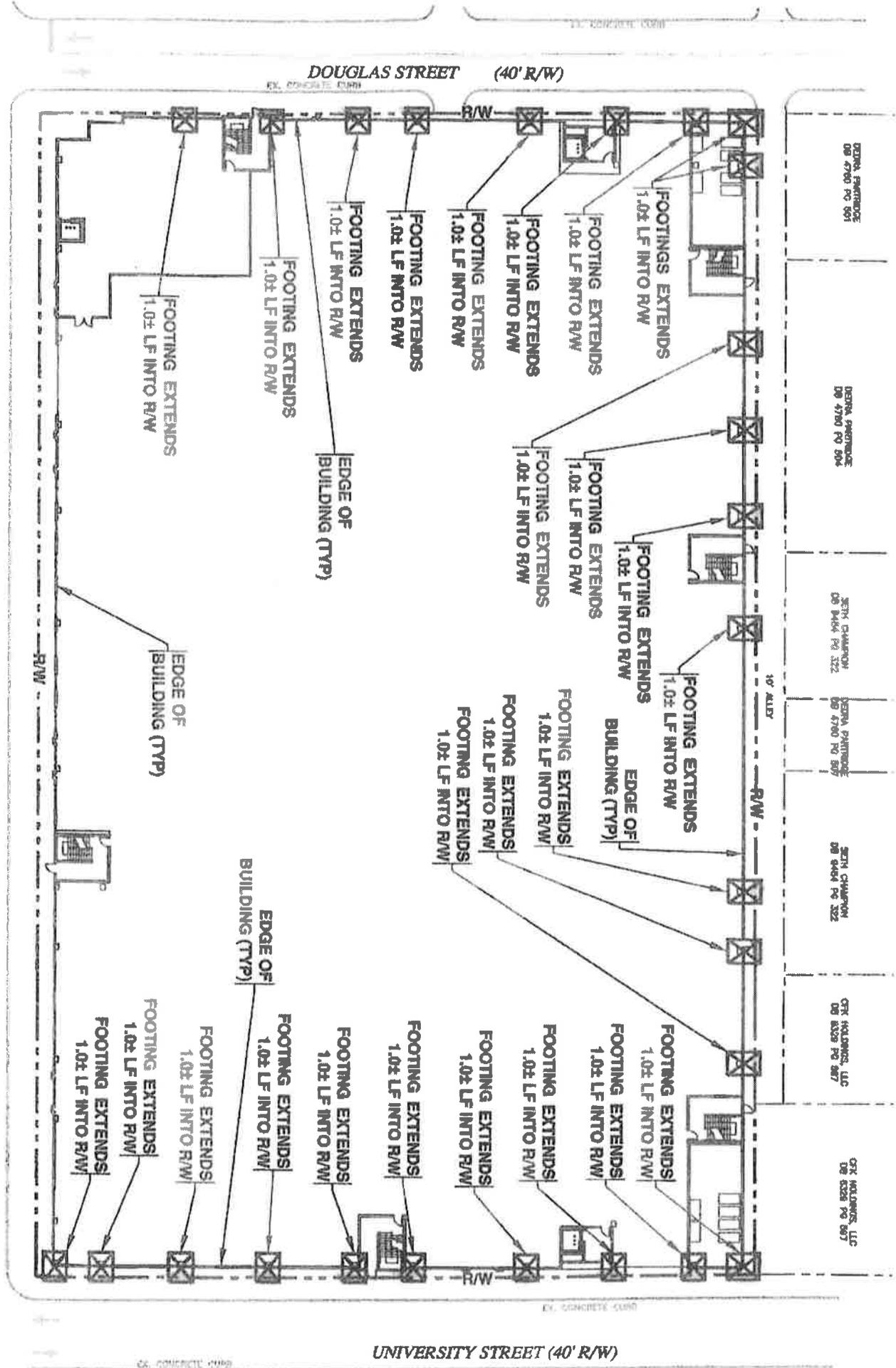
430

DOUGLAS

10TH



E. 10TH STREET (50' R/W)



DENA PARTNERS
DB 4760 PO 505

DENA PARTNERS
DB 4760 PO 504

32TH CHANNON
DB 9464 PO 322

DENA PARTNERS
DB 4760 PO 507

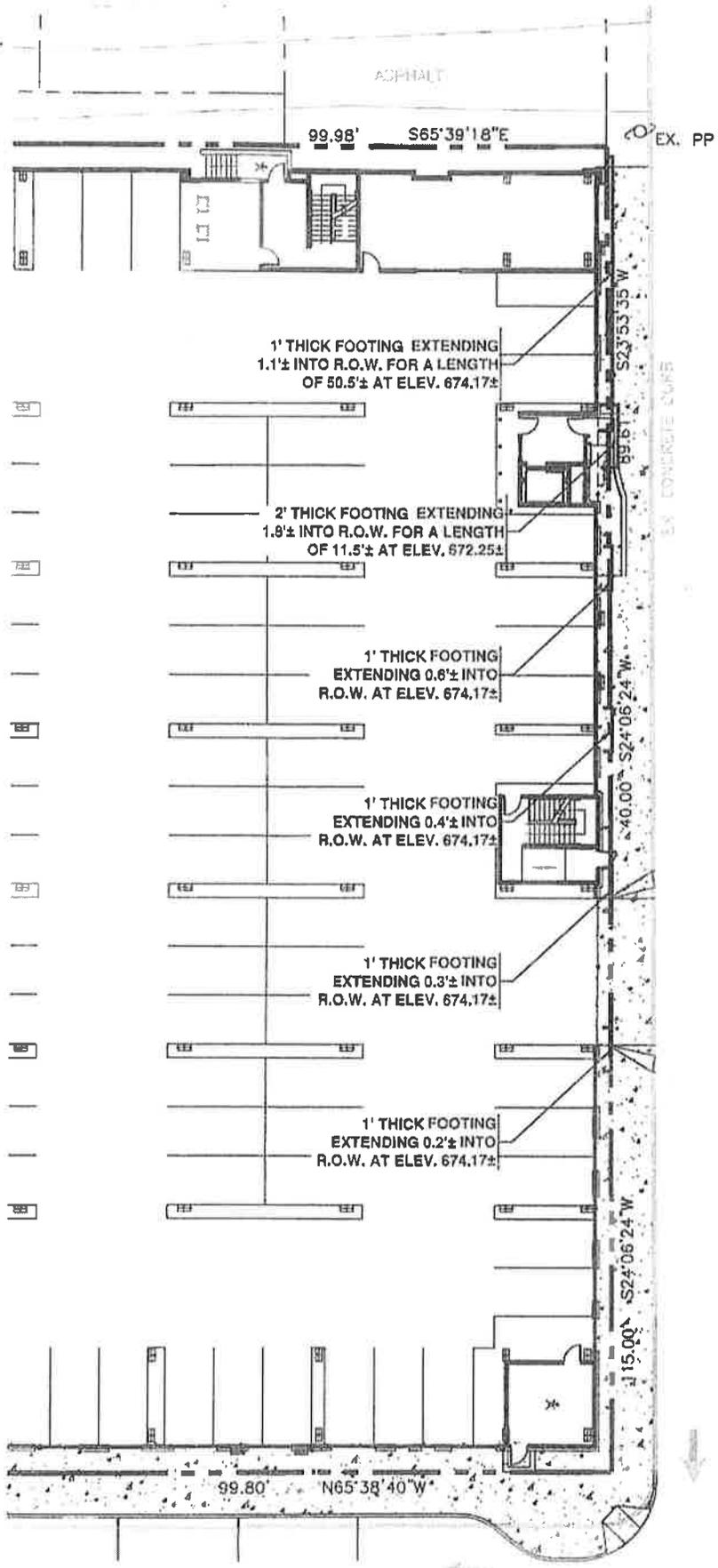
32TH CHANNON
DB 9464 PO 322

GR HOLDINGS, LLC
DB 8328 PO 907

GR HOLDINGS, LLC
DB 8328 PO 907

UNIVERSITY STREET (40' R/W)

CONCRETE FOOTINGS



UNIVERSITY STREET (40' R/W)

E. 10TH STREET (50' R/W)

EX. PP/LP

IRRIGATION LEGEND

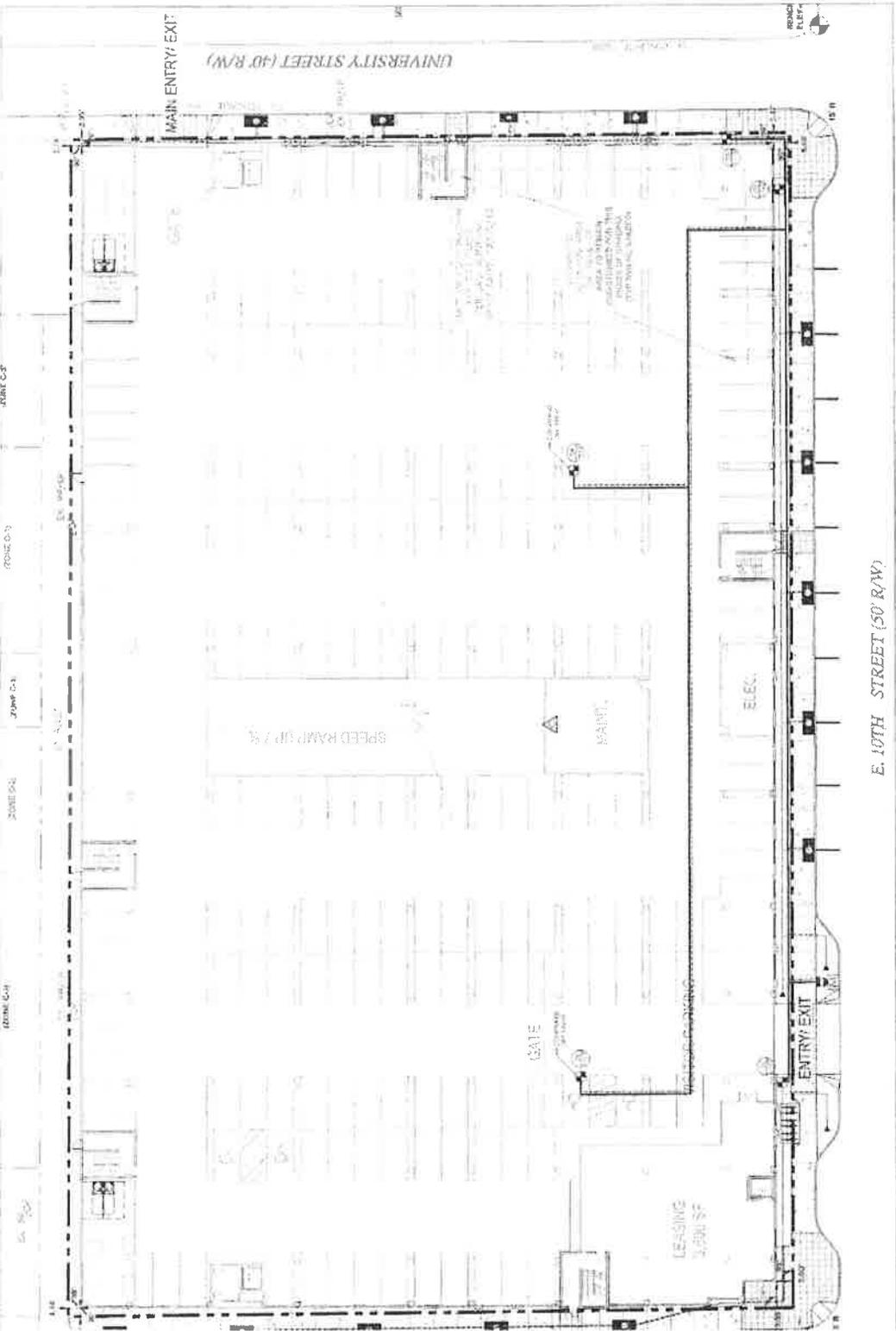
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NOTE:
 1. ALL EMISSION POINTS TO BE LOCATED ON THE UPPER SIDE OF EACH RESPECTIVE EMISSION POINTS TO BE LOCATED AT THE PLATE PAUL WITH THE ADDITIONAL POINT WITHIN PLANT REPAIR.
 2. SCHEDULES SUBJECT TO BE SUBMITTED AS PART OF THE SUBMITTALS TO THE CITY OF DENVER FOR APPROVAL. APPROVED SCHEDULES SHALL BE COLOR CODED. FINISH POWDER COAT COLOR DRESS (A) PROVIDE 4" THICK CONCRETE SLAB FOR EMISSION FOUNDATION.



SITE IRRIGATION PLAN

SCALE: 1" = 20'-0"

DATE: 11/23/21

PROPOSED BUILDING

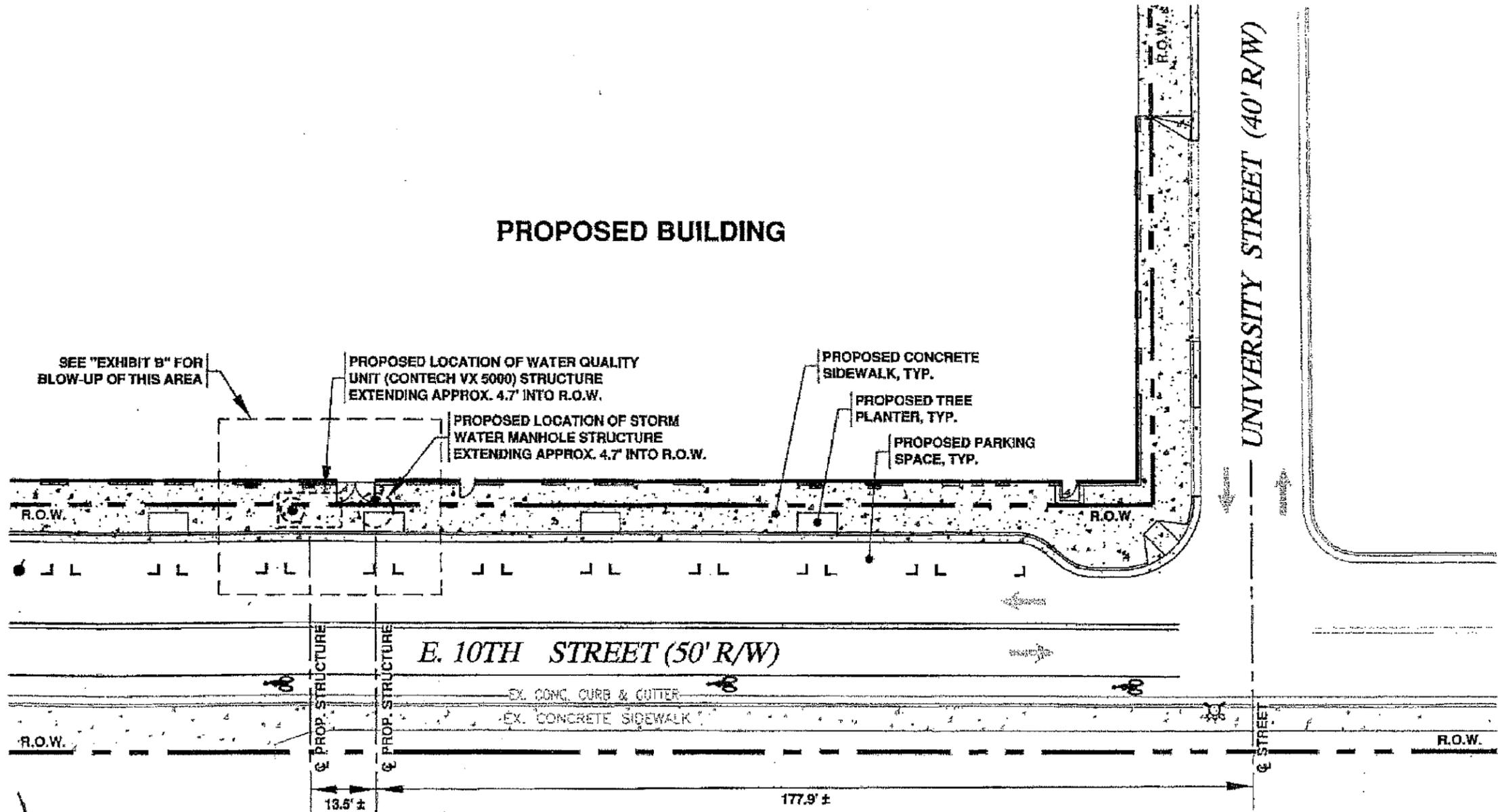
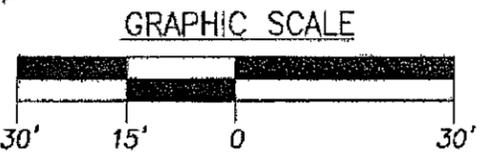


Exhibit A

SCALE: 1" = 30'



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 This drawing is the property of M.A.P. Engineers, LLC and shall not be reproduced in whole or in part. This drawing shall not be used for the construction of any other project without the written permission of the Engineer.

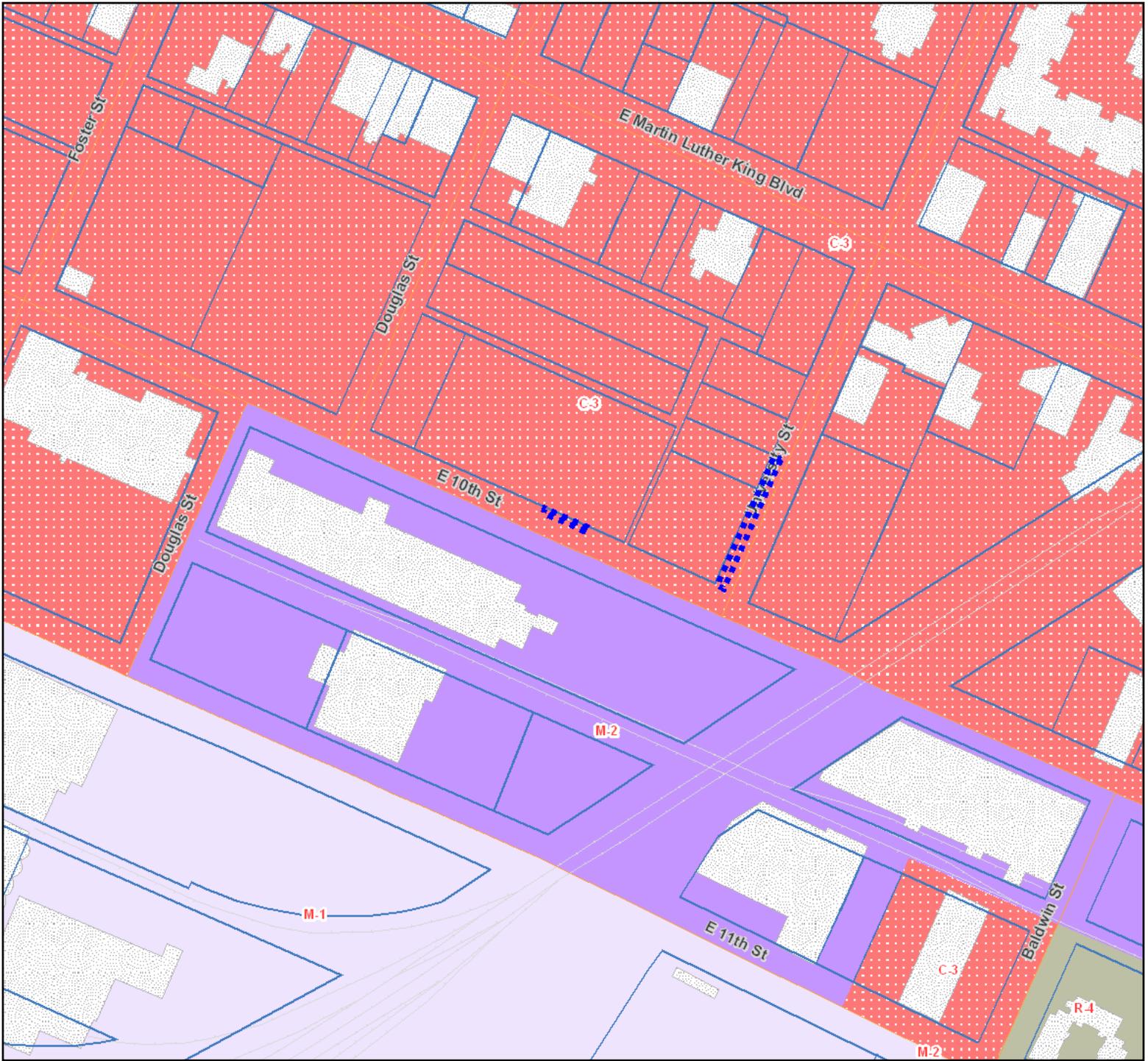
DRAWN	SBT
CHECKED	MAP
DATE	07/14/14
SCALE	1" = 30'
MAP PROJECT:	13-151



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 Tel. (423) 855-5554
 Fax. (423) 485-8110
 7380 Applegate Ln.
 Chattanooga, TN 37421

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2014-114



MR 2014-114 Franchise Agreement

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. MR-2014-114:
 Approve



150 ft



Chattanooga Hamilton County Regional Planning Agency

