

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING RICHARD HUTSELL, AGENT FOR THE PROPERTY OWNER, MILLER INDUSTRIES C/O WILLIAM G. MILLER, TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED ON HILLTOP DRIVE ADJACENT TO 8489, 8501, AND 8503 HILLTOP DRIVE TO REVISE THE EXISTING TEMPORARY USAGE PERMIT (RESOLUTION NO. 24689) TO INCLUDE THE PREVIOUSLY PERMITTED ITEMS AND THE INSTALLATION OF LANDSCAPING, SIGNAGE, AND A PRIVATE SEWER LINE, 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 RICHARD HUTSELL, AGENT FOR THE PROPERTY OWNER, MILLER INDUSTRIES C/O WILLIAM G. MILLER (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located on Hilltop Drive adjacent to 8489, 8501, and 8503 Hilltop Drive to revise the existing temporary usage permit (Resolution No. 24689) to include the previously permitted items and the installation of landscaping, signage, and a private sewer line, 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. Temporary User shall obtain necessary permits and approvals from the City of Chattanooga Land Development Office.

4. Temporary User shall obtain necessary permits and approvals from the Tennessee Department of Transportation and/or the State of Tennessee.

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: April 4, 2016

Preparer: Bertran Kuyrkendall

Department: Transportation

Brief Description of Purpose for Resolution/Ordinance: Res./Ord. # _____ Council District # 6

A resolution authorizing Temporary Usage Request TU 2016-012 for Richard Hutsell, agent for the property owner Miller Industries (William G. Miller) for the temporary usage of the right-of-way on Hilltop Drive adjacent to 8489, 8501, and 8503 Hilltop Drive to revise the existing Temporary Usage Permit (Resolution 24689) to include the previously permitted items and the installation of landscaping, signage, and a private sewer line.

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 <u>Fund</u> _____	N/A
City Amount Funded \$ _____	Provide <u>Cost Center</u> _____	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: April 4, 2016
Re: Temporary Usage Request # TU 2016-012
Miller Industries (William G. Miller)
8489, 8501 and 8503 Hilltop Dr. (District 6)

RECOMMENDATION: APPROVAL WITH CONDITIONS

This application was received on February 24, 2016, from Richard Hutsell, agent for the property owner, Miller Industries (William G. Miller). The application is requesting the usage of right-of-way along Hilltop Drive. Resolution 24689, adopted March 7, 2006, permitted the use of the Hilltop Drive right-of-way for installation of a fence and parking lot. This new application is to revise the existing permit to include all of the previous items and to add new items. The new items include landscaping, a monument sign, a billboard sign, directional traffic signage and installation of a new eight inch (8") private sewer line for the expansion of the business to be located on the adjacent property, 8489 Hilltop Dr.

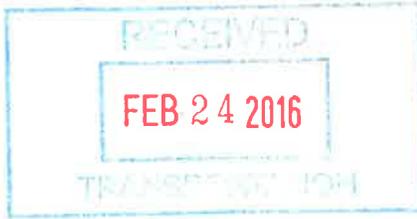
During the review, it was determined that the requested usage area is Tennessee Department of Transportation right-of-way and jurisdiction. While the City of Chattanooga recognizes the granting of this Temporary Usage does not appear to conflict with the public's interest, the Request for Temporary Usage does not constitute consent or authorization from TDOT.

Therefore, I recommend the request for ***Temporary Usage be granted with the following conditions:***

- The applicant shall obtain necessary permits and approvals from the City of Chattanooga Land Development Office.
- The applicant shall obtain necessary permits and approvals from Tennessee Department of Transportation and/or the State of TN.
- 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.

2/16/2016

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
_____ Technician Signature / Date
_____ Request No.

RE: Request for Temporary Usage

Dear Mr. Kuyrkendall:

This is a request for temporary usage of Right of Way along 8501 and 8503 Hilltop Dr. for the installation of an 8" private sewer for the property located at 8489 Hilltop Dr. Also existing items that were not included in the original resolution 24689, Fences, Signs (monument, billboard type, traffic directional), landscaping and truck scales.

The reason for the request is as follows: The right of way is exceptionally wide and moves along this section of Hilltop Dr. This is old Hamilton County right of way with no City or County utilities located in this portion of the ROW. Miller Ind. Ooltewah campus is built out with very little room for expansion. The current private sewer easement is in the rear of Miller's property, if it can't be relocated in the front ROW a #12 million expansion project that will create 30 jobs in addition to the 104 jobs created in the last 12 months will go to another one of the Miller plants in the US or will be unfeasible. The other existing items listed were installed many years ago before Miller Ind. staff realized it was ROW and should have been included in the 2006 temp. use resolution (24689)?

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: 8503 Hilltop Dr. Ooltewah, TN. 37363, dhutsell@millerind.com, © 423-421-3636

<u>William G. Miller</u>	<u></u>	<u>2/23/16</u>
(Print) Applicant Name	(Sign) Applicant Name	Date
<u>Miller Industries</u>	<u></u> President/Co-CEO	<u>2/23/16</u>
(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)

2/15/2016

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 D. Hutsell , on my behalf.

Applicant Printed Name: William G. Miller

Applicant Signature: 

Date: 2/23/16

Agent Printed Name: Richard D. Hutsell

Agent Signature: 

Date: 2/23/16

Temporary Usage Request # TU 2016-012
Miller Industries (William G. Miller)
8501 & 8503 Hilltop Dr. (District 6)



131 042.01
Miller Industries Towing

131 055
Miller Industries Towing

131 040
Miller Industries Towing

131 041
Miller Industries Towing

131 044
Lynch David R ETAL

Temp Use Area

2,241,537.768 Feet

RESOLUTION NO. 24689

A RESOLUTION AUTHORIZING MILLER INDUSTRIES c/o JEFF BADGLEY TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY ALONG 8501 AND 8503 HILLTOP DRIVE TO INSTALL A FENCE AND A PARKING LOT THAT WILL ENCROACH INTO THE CITY RIGHT-OF-WAY, AS SHOWN ON THE DRAWING 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 Industries (hereinafter referred to as "Temporary User") c/o Jeff Badgley be and is hereby permitted to use temporarily the City's right-of-way along 8501 and 8503 Hilltop Drive to install a fence and a parking lot that will encroach into the City right-of-way, as shown on the drawing attached hereto and made a part hereof by reference.

BE IT FURTHER ORDAINED, That said temporary usage shall be subject to the following additional conditions:

1. Temporary User shall execute the Indemnification Agreement attached hereto in favor of the City of Chattanooga, its officers, agents and employees for any and all claims for damages for injuries to persons or property related to or arising out of the temporary usage.
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.

ADOPTED: March 7, 2006

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and MILLER INDUSTRIES (hereinafter "Temporary User") c/o Jeff Badgley, this 7th day of March, 2006.

For and in consideration of the granting of the temporary usage of the City's right-of-way along 8501 and 8503 Hilltop Drive to install a fence and a parking lot that will encroach into the City right-of-way, as shown on the drawing attached hereto and made a part hereof by reference, the receipt of which is hereby acknowledged, Temporary User agrees as follows:

1. Temporary User will defend, 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 will vacate the property and temporary use upon reasonable notice from the City to do so; the parties hereto agree that "reasonable notice" shall be deemed to be thirty (30) days. Temporary User will restore the property to its original condition when it is returned to the City.

3. Temporary User will provide adequate access for maintenance of any utilities located within the easement.

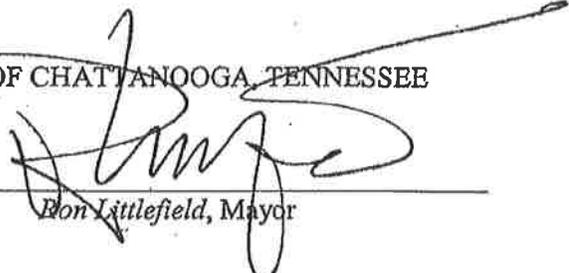
MILLER INDUSTRIES

_____, 2006
Date

BY: _____

3/10, 2006
Date

CITY OF CHATTANOOGA, TENNESSEE

BY: 

Ron Littlefield, Mayor

/add

