

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE PERFECT FIT, LLC C/O TONJA PERKINS, TENANT OF THE PROPERTY OWNER, JAMES KEEF, JR., TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED ON CHEROKEE BOULEVARD ADJACENT TO 440 CHEROKEE BOULEVARD TO INSTALL SIGNAGE AND EXTERIOR LIGHTS, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That THE PERFECT FIT, LLC C/O TONJA PERKINS, TENANT OF THE PROPERTY OWNER, JAMES KEEF, JR., (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located on Cherokee Boulevard adjacent to 440 Cherokee Boulevard to install signage and exterior lights, as shown on the maps attached hereto and made a part hereof by reference, subject to certain conditions.

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 overhead projecting objects must meet the minimum height requirements as per the City of Chattanooga's Codes and Standards. (Section 32-8) Minimum height requirement is eight (8') feet above the sidewalk at all points and a maximum of eighteen (18") inches to the curb line.

4. Temporary User shall obtain necessary permits and approvals from the City of Chattanooga Land Development Office.

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 22, 2016

Preparer: Bertran Kuyrkendall

Department: Transportation

Brief Description of Purpose for Resolution/Ordinance: Res./Ord. # \_\_\_\_\_ Council District # 1

A resolution authorizing Temporary Usage Request TU 2016-020 for Tonja Perkins (The Perfect Fit, LLC) tenant of the property owner James Keef Jr. for the temporary usage of the right-of-way on Cherokee Boulevard adjacent to 440 Cherokee Boulevard to install signage and exterior lights.

### 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   
**From:** Kari Lawman  
**cc:** Bert Kuyrkendall  
**Date:** April 20, 2016  
**Re:** Temporary Usage Request # TU 2016-020  
Tonja Perkins (The Perfect Fit, LLC) for James Keef Jr.  
440 Cherokee Blvd. (District 1)

## RECOMMENDATION: APPROVAL WITH CONDITIONS

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This application was received on March 23, 2016, from Tonja Perkins (The Perfect Fit, LLC), tenant of the property owner, James Keef Jr. The business is renovating a building on the property and intends to install signage and wall-mounted exterior light fixtures within the right-of-way along Cherokee Blvd.

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 overhead projecting objects must meet the minimum height requirements as per the City of Chattanooga's Codes and Standards. (Section 32-8) Minimum height requirement is eight (8) feet above the sidewalk at all points and a maximum of eighteen (18) inches to the curb line.
- 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.

2/17/2016

Bertran Kuyrkendall, P.E.  
Transportation Engineer,  
Chattanooga Department of Transportation  
Development Resource Center  
1250 Market Street, Suite 3030  
Chattanooga, TN 37402  
(423) 643-5950

<b>For Office Use Only</b>	
<u>Klawman</u>	<u>3/23/16</u>
Technician Signature / Date	
<u>TU 2016-020</u>	
Request No.	

**RE: Request for Temporary Usage**

Dear Mr. Kuyrkendall:

This is a request for temporary usage of air space above sidewalks for a hanging sign on exterior of building at 440 Cherokee Blvd.

The reason for the request is as follows: New sign would hang over public sidewalk in front of building.

(TAX ID :  
135C P 006)

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: 1000 E. ML King Blvd. #103, Chattanooga, TN 37403, 423-762-3524,

[tonja@thepperfectfit-apparel.com](mailto:tonja@thepperfectfit-apparel.com)

TONJA PERKINS FOR  
THE PERFECT FIT, LLC  
(Print) Applicant Name

[Signature]  
(Sign) Applicant Name

2/17/2016  
Date

[Signature]  
(Print) Property Owner Name

JAMES WILLARD KEEF JR.  
(Sign) Property Owner Name

2-17-2016  
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)

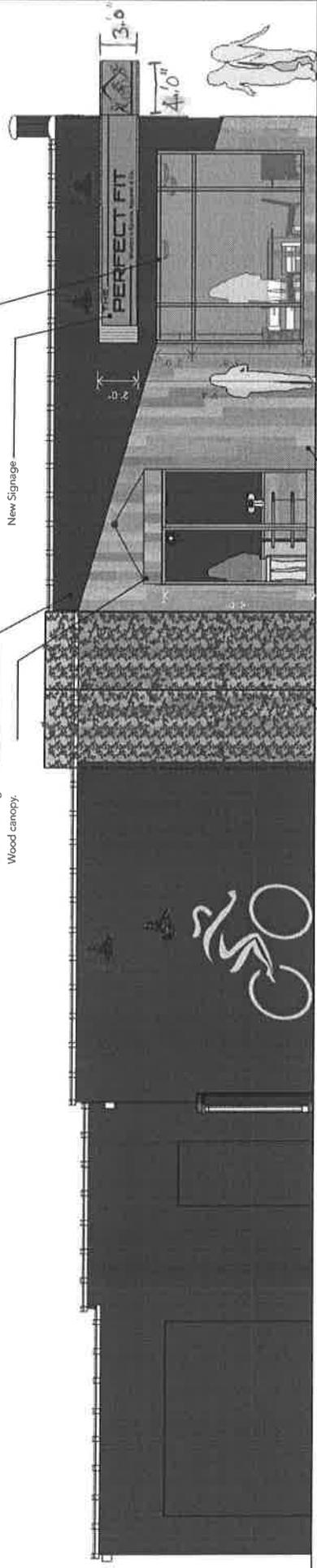


Front Elevation

Exterior painted block SW 7076  
Cyber Space w/ accent striping  
in 2x2 natural finished lumber,  
bolt to existing block  
Wood canopy

Anodized aluminum  
storefront frame  
New Signage

Green Wall  
reclaimed pallet wood,  
see air side



Temporary Usage Request # TU 2016-020  
Tonja Perkins (The Perfect Fit, LLC) for James Keef Jr.  
440 Cherokee Blvd. (District 1)

