

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

A RESOLUTION AUTHORIZING ROBERT ROBERTS, LLC C/O ROBERT ROBERTS, AGENT FOR THE PROPERTY OWNER, CADAS C/O JAMES SHAW, TO USE THE RIGHT-OF-WAY LOCATED ON MINOR STREET AND MANNING STREET ADJACENT TO 216 MINOR STREET TO INSTALL BUILDING OVERHANGS, 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 ROBERT ROBERTS, LLC C/O ROBERT ROBERTS, AGENT FOR THE PROPERTY OWNER, CADAS C/O JAMES SHAW, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use the right-of-way located on Minor Street and Manning Street adjacent to 216 Minor Street to install building overhangs, 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 2016-019 for Robert Roberts (Robert Roberts LLC) agent for the property owner CADAS (James Shaw) for the temporary usage of the right-of-way on Minor Street and Manning Street adjacent to 216 Minor Street to install building overhangs.

### 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 20, 2016  
**Re:** Temporary Usage Request # TU 2016-019  
Robert Roberts (Robert Roberts LLC) for CADAS (James Shaw)  
216 Minor St. (District 1)

## RECOMMENDATION: APPROVAL WITH CONDITIONS

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This application was received on March 23, 2016, from the agent, Robert Roberts (Robert Roberts LLC), for the property owner, CADAS (James Shaw). The business is constructing a new building on the property and the overhangs of the new building will protrude into the right-of-way by approximately one foot six inches (1'-6") and will maintain a height of no less than twenty feet (20') above the sidewalk.

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.

3/18/16  
(DATE)

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**

Klawman 3/23/16  
Technician Signature / Date

TU 2016-09  
Request No.



**RE: Request for Temporary Usage**

Dear Mr. Kuyrkendall:

This is a request for temporary usage of Right of way at the corner of Manning and  
Minor - 216 Minor St.

The reason for the request is as follows: The overhangs of our new building will protrude  
past the property line by approximately 1'-6" at approximately 20'  
from the sidewalk at the lowest point

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:

2829 CALHOUN Ave Chattanooga, TN 37407  
423 551 9555  
Robert@RobertRoberts.net

Robert Roberts  
(Print) Applicant Name

Rob Roberts  
(Sign) Applicant Name

3/18/16  
Date

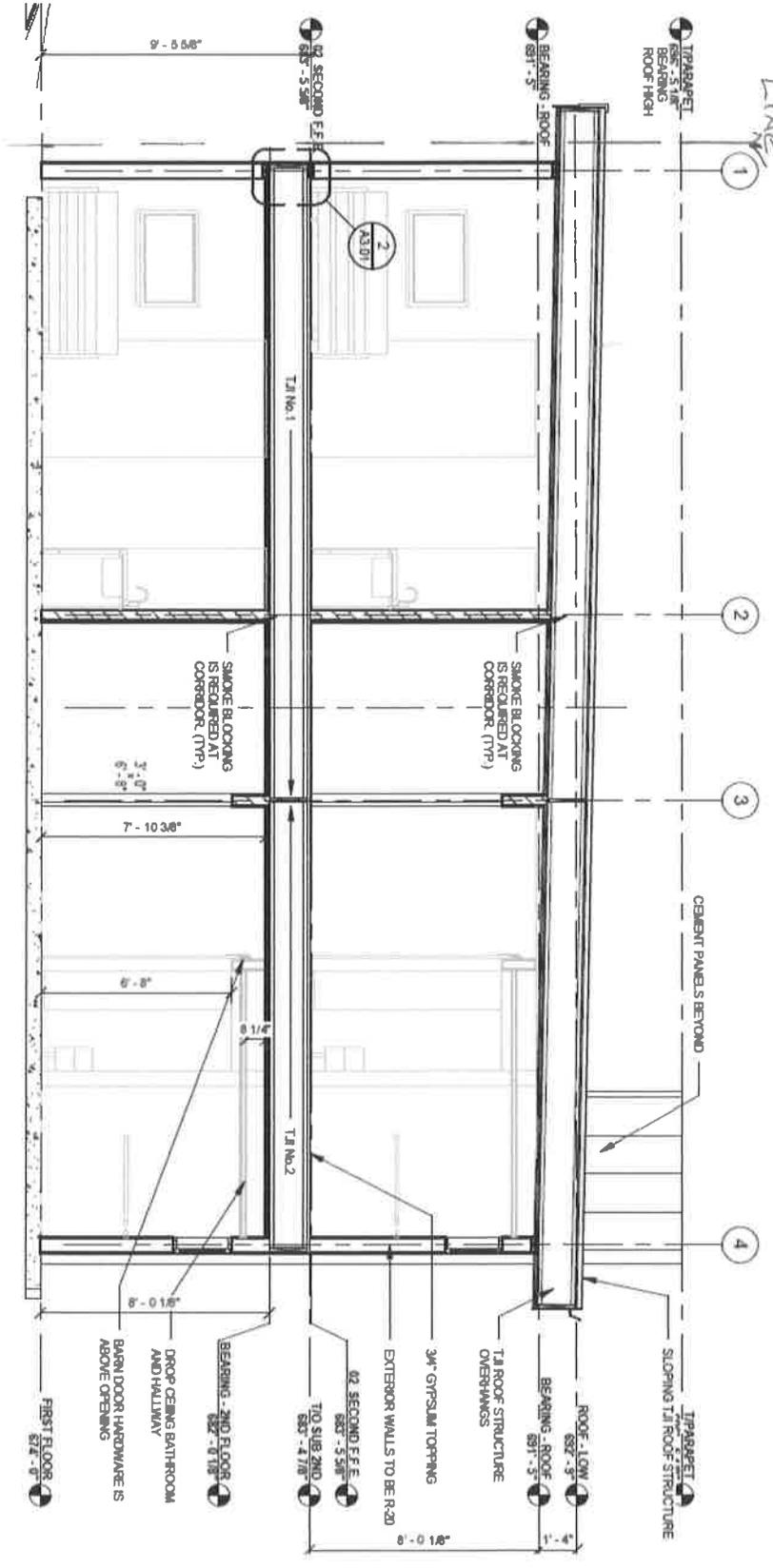
JAMES C. SHAW DIRECTOR OF BUSINESS + FINANCE  
(Print) Property Owner Name

James C Shaw  
(Sign) Property Owner Name

3/18/16  
Date

**This application must include property owner's signature, if different than applicant, and a site map of the reference location.**

PROPERTY LINE



1 BUILDING SECTION  
1/4" = 1'-0"



