

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING BP CONSTRUCTION C/O JEFFREY GARNER, AGENT FOR THE PROPERTY OWNER, CITIPARK INVESTORS, LLC C/O BLAKE DEFOOR, TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED ALONG CHESTNUT STREET AND 8TH STREET ADJACENT TO 803 CHESTNUT STREET TO INSTALL PLANTERS AND MAINTAIN BUILDING OVERHANGS, 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 BP CONSTRUCTION C/O JEFFREY GARNER, AGENT FOR THE PROPERTY OWNER, CITIPARK INVESTORS, LLC C/O BLAKE DEFOOR, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located along Chestnut Street and 8th Street adjacent to 803 Chestnut Street to install planters and maintain 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. A minimum of eight (8') feet clear sidewalk shall be maintained along Chestnut Street as measured between the proposed planters and any existing obstructions.

5. A minimum of six (6') feet clear sidewalk shall be maintained along 8th Street as measured between proposed planters and back of curb.

6. Temporary User will coordinate new plantings with the Chattanooga Department of Transportation prior to adding landscape material to any planters.

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

8. 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 # 7

A resolution authorizing Temporary Usage Request TU 2016-022 for Jeffrey Garner (BP Construction) agent for the property owner Citipark Investors LLC (Blake Defoor) for the temporary usage of the right-of-way along Chestnut Street and 8th Street adjacent to 803 Chestnut Street to install planters and maintain 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 2016-022
Jeffrey Garner (BP Construction) for Citipark Investors LLC (Blake Defoor)
803 Chestnut St. (District 7)

RECOMMENDATION: APPROVAL WITH CONDITIONS

This application was received on March 24, 2016, from the agent, Jeffrey Garner (BP Construction), for the property owner, Citipark Investors LLC (Blake Defoor). The business is renovating the building on the property and intends to install planters along the rights-of-way along Chestnut and 8th Streets. Also, the renovation will maintain the current overhangs, but will install planters on those overhangs.

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.
- A minimum of 8-foot clear sidewalk shall be maintained along Chestnut Street as measured between the proposed planters and any existing obstructions.
- A minimum of 6-foot clear sidewalk shall be maintained along 8th Street as measured between proposed planters and back of curb.
- Applicant will coordinate new plantings with the Chattanooga Department of Transportation prior to adding landscape material to any planters.
- 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.

3/2/16
(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	
<u>Klawman</u>	<u>3/24/16</u>
Technician Signature / Date	
<u>TU 2016-022</u>	
Request No.	

RE: Request for Temporary Usage

Dear Mr. Kuyrkendall:

This is a request for temporary usage of SIDEWALK PLANTERS AND AWNINGS 803 Chestnut St.

The reason for the request is as follows: BUILDING IMPROVEMENTS AND BEAUTIFICATION

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:

<u>9453 BRADMORE LN, SUITE 201</u>	<u>801 Broad St</u>
<u>DALTON, TN 37317</u>	<u>Chattanooga, TN 37402</u>
<u>jeff@bpconstruct.com 423-355-5950</u>	<u>Blake@VFocusTN.com 423-240-1884</u>

JEFFREY W. GAERGE
(Print) Applicant Name

[Signature]
(Sign) Applicant Name

3/2/16
Date

Blake DeFoor
(Print) Property Owner Name

[Signature]
(Sign) Property Owner Name

3/2/16
Date

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

3/2/16
(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

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 Right of Way application,
submitted by my Agent JEFFREY W. GARNER, on my behalf.

Applicant Printed Name: Blake DeFoor

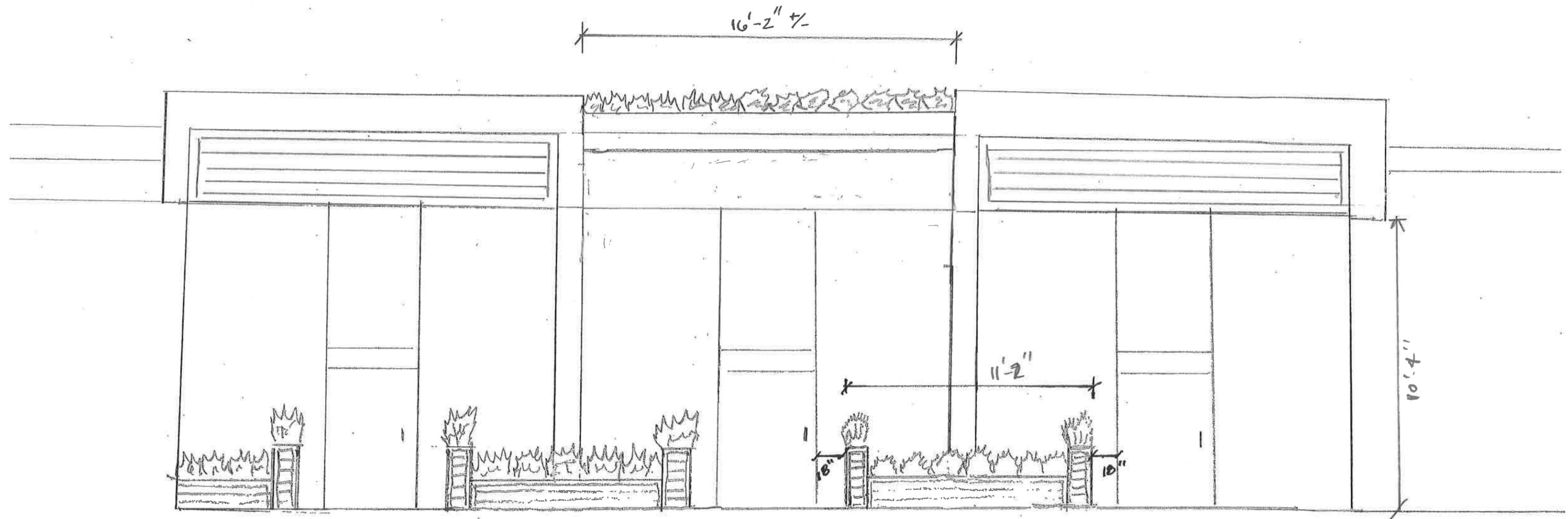
Applicant Signature: 

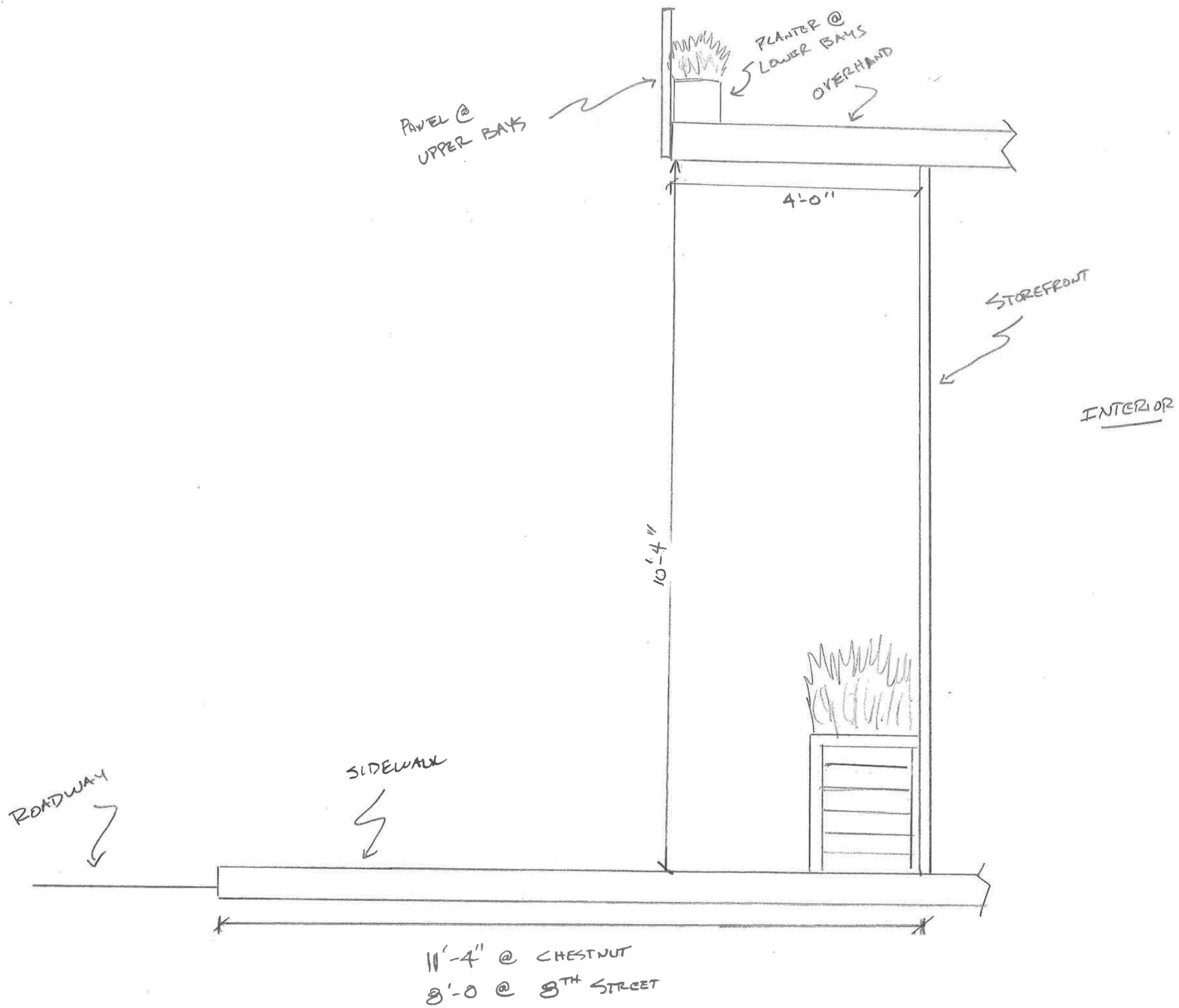
Date: 3/2/16

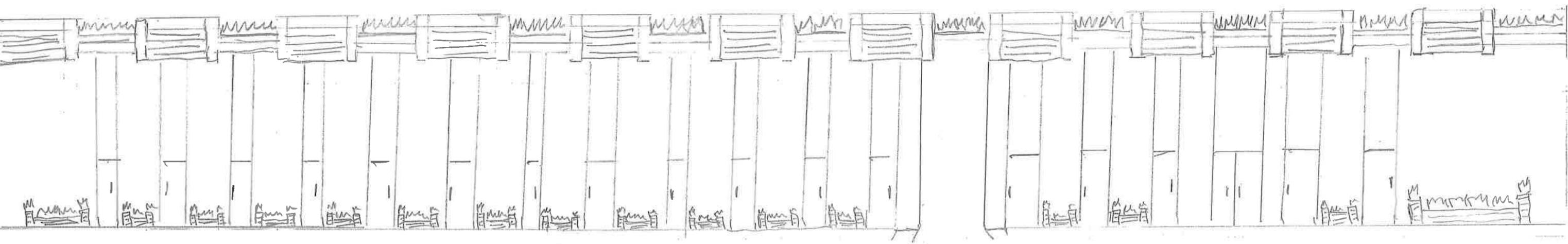
Agent Printed Name: JEFFREY W. GARNER

Agent Signature: 

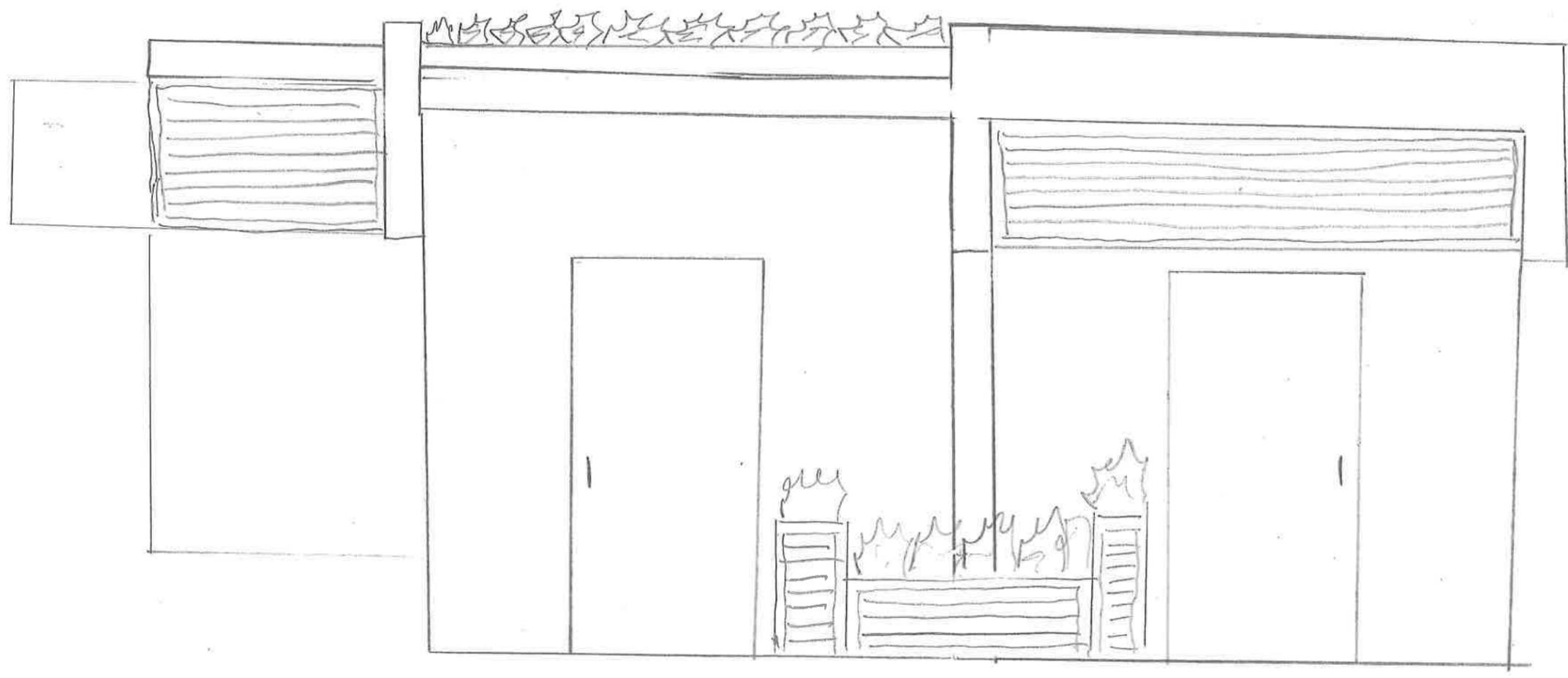
Date: 3/2/16







CHESTNUT ST. ELEVATION



← 8th St →

Temporary Usage Request # TU 2016-022
Jeffrey Garner (BP Construction) for Citipark Investors LLC (Blake Defoor)
803 Chestnut St. (District 7)

