

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING RIVER STREET ARCHITECTURE C/O TERRY BARKER, AGENT FOR THE PROPERTY OWNER, GARY IVEY, TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED ON HILLCREST ROAD ADJACENT TO 1692 RIVERVIEW ROAD DURING THE PENDING ABANDONMENT PROCESS, 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 RIVER STREET ARCHITECTURE C/O TERRY BARKER, AGENT FOR THE PROPERTY OWNER, GARY IVEY, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located on Hillcrest Road adjacent to 1692 Riverview Road during the pending abandonment process, 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. Temporary Use will be in effect until the abandonment becomes operative or for a maximum of one hundred eighty (180) days.

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 #** 8

A resolution authorizing Temporary Usage Request TU 2016-026 for Terry Barker (River Street Architecture) agent for the property owner Gary Ivey, for the temporary usage of the right-of-way on Hillcrest Road adjacent to 1692 Riverview Road during the pending abandonment process.

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 2016-026
Terry Barker (River Street Architecture) for Gary Ivey
1692 Riverview Road (District 2)

RECOMMENDATION: APPROVAL WITH CONDITIONS

This application was received on April 8, 2016, from Terry Barker (River Street Architecture), agent for the property owner, Gary Ivey. The agent has applied for the abandonment of eight feet (8') of right-of-way along the property's Hillcrest Road frontage.

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:***

- Temporary Use will be in effect until the abandonment becomes operative or for a maximum of 180 days.
- 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.

Click here to enter a 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

<p>For Office Use Only</p> <p><u>Klawman 4/8/16</u> Technician Signature / Date</p> <p><u>TU 2016-026</u> Request No.</p>

RE: Request for Temporary Usage

Dear Mr. Kuyrkendall:

This is a request for temporary usage of : **CONCRETE POOL DECK & RETAINING WALL ALONG HILLCREST ROAD FRONTAGE OF 1692 RIVERVIEW RD. TAX MAP NO. : 136B-13-019**

The reason for the request is as follows: **WALL PROTECTS PROPERTY OWNERS FROM VEERING TRAFFIC AT LEXINGTON ROAD INTERSECTION.**

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: Complete Mailing Address, including phone number and email address

TERRY W. BARKER
(Print) Applicant Name

Terry W. Barker
(Sign) Applicant Name

4/8/2016
Date

GARY IVEY & MARIE
(Print) Property Owner Name

[Signature]
(Sign) Property Owner Name

4/7/2016
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)

Temporary Usage Request # TU 2016-026
Terry Barker (River Street Architecture) for Gary Ivey
1692 Riverview Road (District 2)

