

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING FIAMMA PIZZA, LLC C/O JIM RICHARDS, TENANT OF THE PROPERTY OWNER, M STREET CHATT, LLC, TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED ON NORTH MARKET STREET ADJACENT TO 405 NORTH MARKET STREET TO INSTALL AWNINGS, 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 FIAMMA PIZZA, LLC C/O JIM RICHARDS, TENANT OF THE PROPERTY OWNER, M STREET CHATT, LLC, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located on North Market Street adjacent to 405 North Market Street to install awnings, 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 2016-024 for Jim Richards (Fiamma Pizza LLC), tenant of the property owner M Street Chatt, LLC, for the temporary usage of the right-of-way on North Market Street adjacent to 405 North Market Street to install awnings.

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 2016-024
Jim Richards (Fiamma Pizza LLC) for M Street Chatt, LLC
405 N. Market St. (District 1)

RECOMMENDATION: APPROVAL WITH CONDITIONS

This application was received on April 15, 2016, from Jim Richards (Fiamma Pizza LLC), tenant of the property owner, M Street Chatt, LLC. The business is renovating the building on the property and intends to install awnings in the right-of-way along N. Market Street.

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.

4/6/2016

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	
<i>Klawman</i>	<i>4/15/16</i>
Technician Signature / Date	
<i>TU 2016 - 024</i>	
Request No.	

RE: Request for Temporary Usage

Dear Mr. Kuyrkendall:

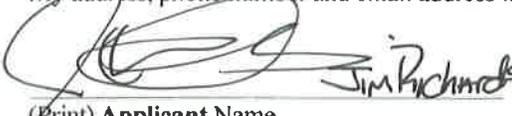
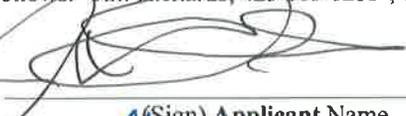
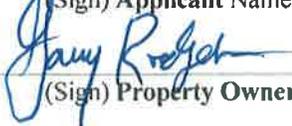
This is a request for temporary usage of Awnings at 405 North Market Street, Chattanooga TN 37405

The reason for the request is as follows: Installation of Exterior Features Per Design Review Approval

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: Jim Richards; 423-605 1253 ; 7663 Harrier Hill Ln, Signal Mtn TN 37377

		<i>4/7/16</i>
(Print) Applicant Name	(Sign) Applicant Name	Date
<i>M. Street Chatt, LLC.</i>		<i>4/7/16</i>
(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)

March 22, 2016

Re: 405 N Market Street, Chattanooga TN 37405 ; Lot 2 William's Addition No. 1 to Hill City Plat Book 2, Page 26, Revised Plat Book 64 Page 230, as described in ROHC Deed Book 10629 Page 458 ("Property"), Application for Right of Way Abandonment

To Whom it May Concern:

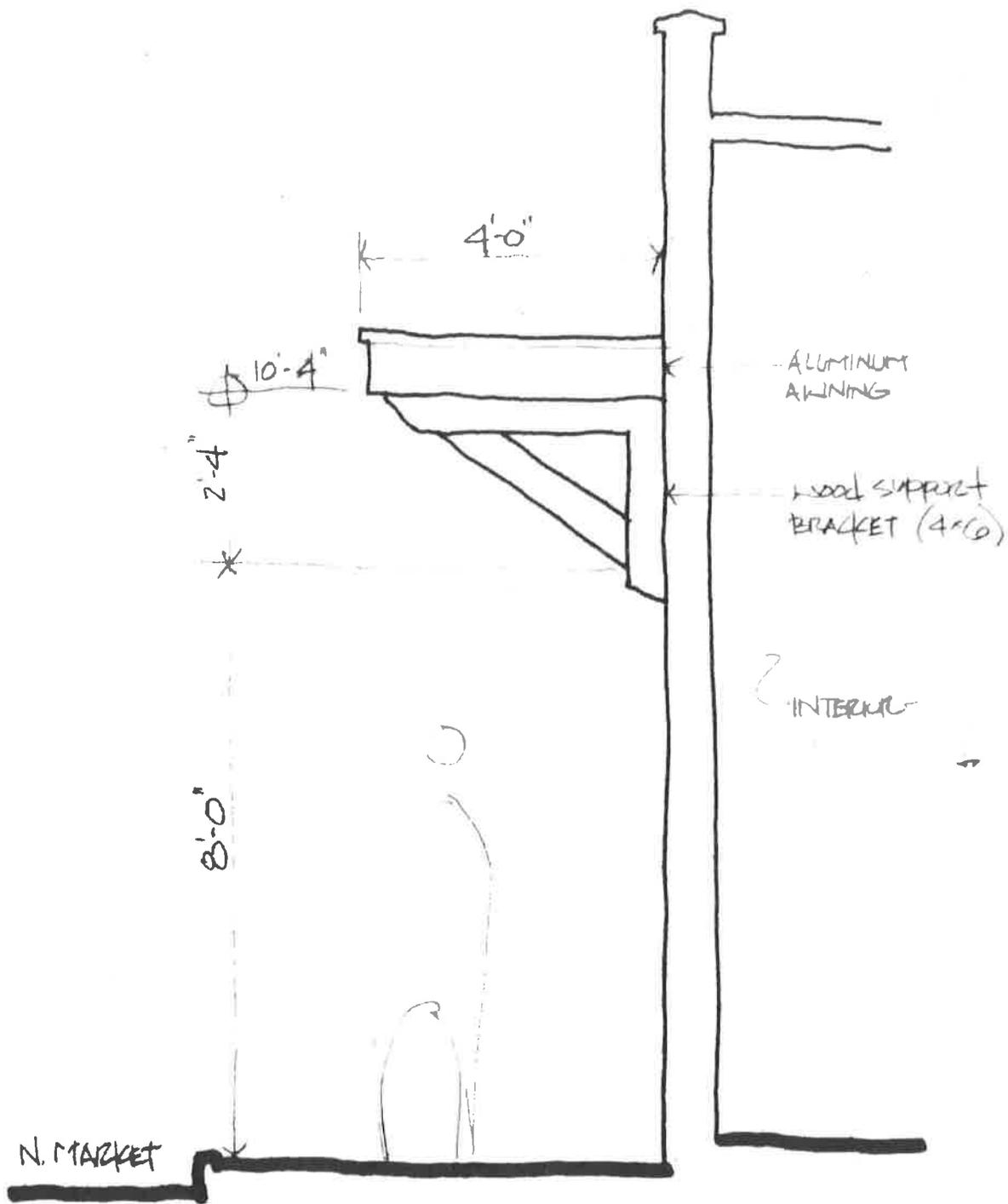
M Street Chatt, LLC ("M Street") is the Property Owner of the above referenced address. This letter is intended to notify the City of Chattanooga, and any other concerned party, of M Street's permission to allow Fiamma Pizza, LLC, Jim Richards as its Owner, or its agents to submit application for Right of Way Abandonment at the Property.

Sincerely,



J. Steen Watson
Manager

405 N Market St Chattanooga TN 37405



FIAMMA PIZZA - SECTION
1/2" = 1'-0"

Temporary Usage Request # TU 2016-024
Jim Richards (Fiamma Pizza LLC) for M Street Chatt, LLC
405 N. Market St. (District 1)

