

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING COLLIER CONSTRUCTION C/O GABE THOMAS, AGENT FOR THE FUTURE HOMEOWNER'S ASSOCIATION FOR THE 100 @ S. BROAD SUBDIVISION, TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED ADJACENT TO 3100 ST. ELMO AVENUE TO INSTALL FREIGHT CONTAINERS TO BE USED AS STORAGE UNITS AND BUFFERS TO THE ADJACENT RAILROAD, 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 COLLIER CONSTRUCTION C/O GABE THOMAS, AGENT FOR THE FUTURE HOMEOWNER'S ASSOCIATION FOR THE 100 @ S. BROAD SUBDIVISION, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located adjacent to 3100 St. Elmo Avenue to install freight containers to be used as storage units and buffers to the adjacent railroad, 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. Freight containers shall be located a minimum of five (5') feet from back of curb of the new Sinclair Road as identified in attachments, and a minimum of three (3') feet from the adjacent railroad right-of-way.

4. Units shall coordinate with street tree plan and provide connecting walkways per the attached site plan.

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

6. 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 2016-017 for Gabe Thomas (Collier Construction), agent for the future Homeowner's Association for the 100 @ S. Broad Subdivision, for the temporary usage of the right-of-way adjacent to 3100 St. Elmo Avenue to install freight containers to be used as storage units and buffers to adjacent rail road.

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 Fund _____	N/A
City Amount Funded \$ _____	Provide Cost Center _____	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 2016-017
Gabe Thomas (Collier Construction) for the future HOA of 100 @ S Broad Subdivision
3100 St. Elmo Ave. (District 7)

RECOMMENDATION: APPROVAL WITH CONDITIONS

This application was received on March 17, 2016, from the agent, Gabe Thomas (Collier Construction), for the development's future Homeowner's Association for the 100 @ S. Broad Subdivision. The agent intends to install freight containers within the right-of-way that can be used as storage units for residents of the new development. The units will also be utilized and placed as a buffer between the rail road and the new homes.

After review, granting this Temporary Usage does not conflict with the public's interest.

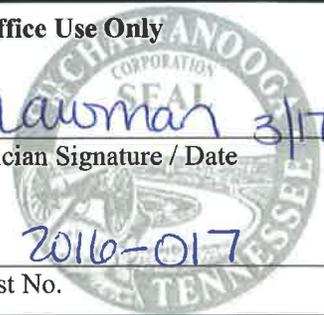
Therefore, I recommend the request for ***Temporary Usage be granted with the following conditions:***

- Freight containers shall be located a minimum of 5-feet from back of curb of the new Sinclair Road as identified in attachments, and a minimum of 3-feet from the adjacent railroad right-of-way.
- Units shall coordinate with street tree plan and provide connecting walkways per the attached site plan.
- 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.

rec'd 3/17/16

3/17/2016

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

For Office Use Only	
	<u>Klawman</u> 3/17/16
Technician Signature / Date	
<u>TU 2016-017</u>	
Request No.	

RE: Request for Temporary Usage

Dear Mr. Kuyrkendall:

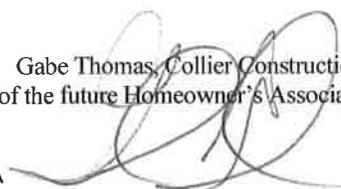
This is a request for temporary usage of Tax map 155F A Lot 009, 3100St. Elmo Avenue, placement of storage boxes for use by development within the new right of way established by One Hundred at South Broad Subdivision.

The reason for the request is as follows: Triangular shape of property in this area adjacent to the railroad provides either a very small, disconnected parcel or a wider, irregular shaped right-of-way for the new road. Area to be used for storage boxes for development

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: Gabe Thomas, Collier Construction, 423-265-0110, 1161 E. Main Street, Chattanooga, TN 37408, gabe@collierbuild.com on behalf of the future Homeowner's Association to be established.

<u>Gabe Thomas, Collier Construction for future HOA</u>		<u>3/18/16</u>
(Print) Applicant Name	(Sign) Applicant Name	Date
<u>ASTIR, LLC</u>		
(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)

3/17/2016

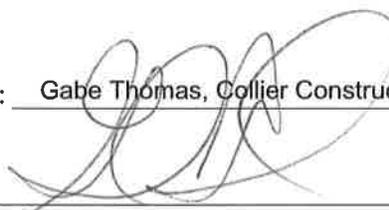
Bertran Kuyrkendall, P.E.
Transportation Engineer,
Chattanooga Department of Transportation
Development Resource Center
1250 Market Street, Suite 3030
Chattanooga, TN 37402
(423) 643-5950

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 of Right of Way application, submitted by my Agent, A.D. Engineering Services, Inc. , on my behalf.

Applicant Printed Name: Gabe Thomas, Collier Construction on behalf of future Homeowner's Association

Applicant Signature: 

Date: 3/18/16

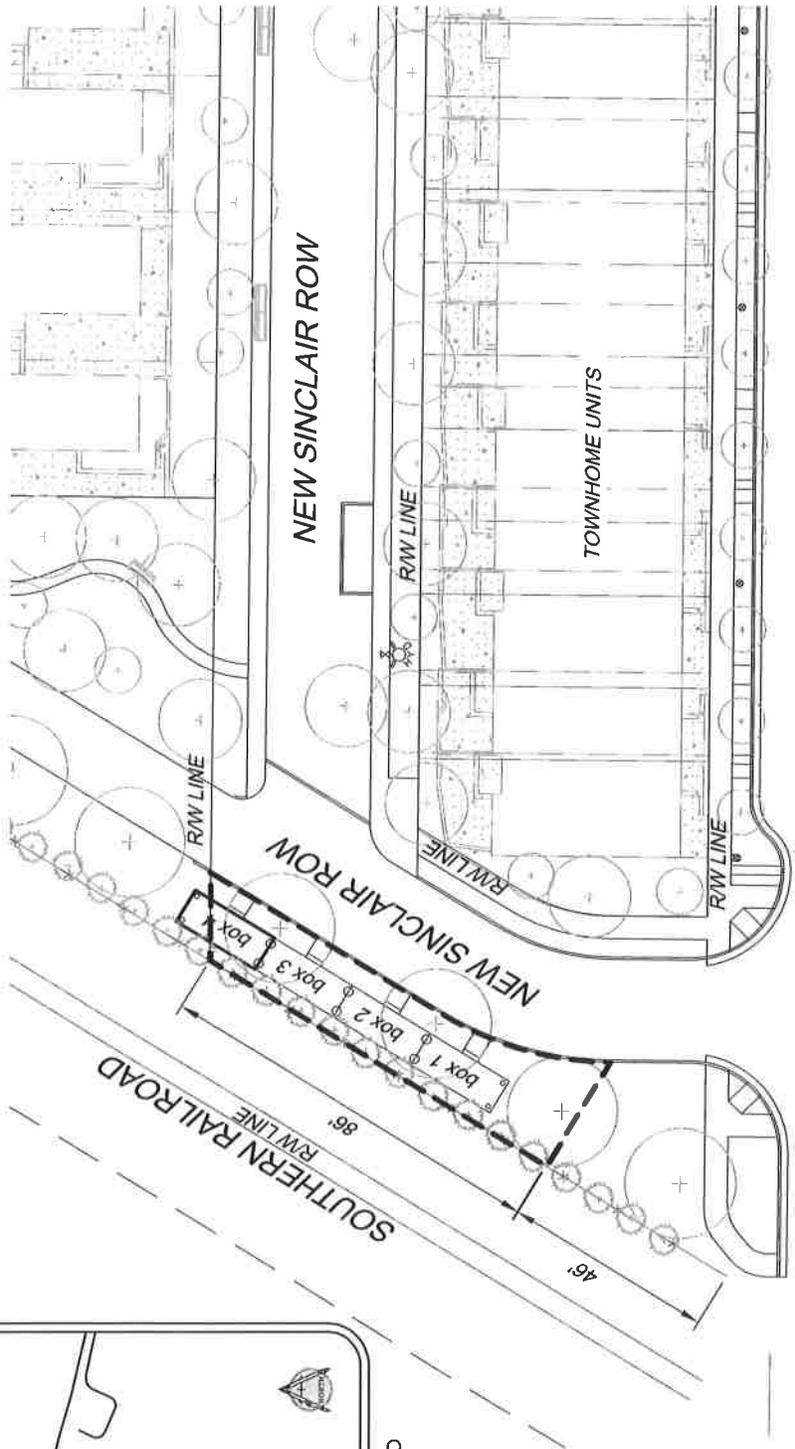
Agent Printed Name: Donna Shepherd, A.D. Engineering Services, Inc.

Agent Signature: 

Date: 3/17/16



Vicinity Map
N.T.S.



ST ELMO AVENUE



REQUEST: TEMP USE OF RIGHT OF WAY FOR 4 STORAGE BOXES FOR USE BY DEVELOPMENT. TEMP USE TO BE OWNED AND MAINTAINED BY HOME OWNER'S ASSOCIATION



651 E. 4th Street, Suite 407
Chattanooga, TN 37403
PH: (423) 266-3501 FAX: (423) 266-3286

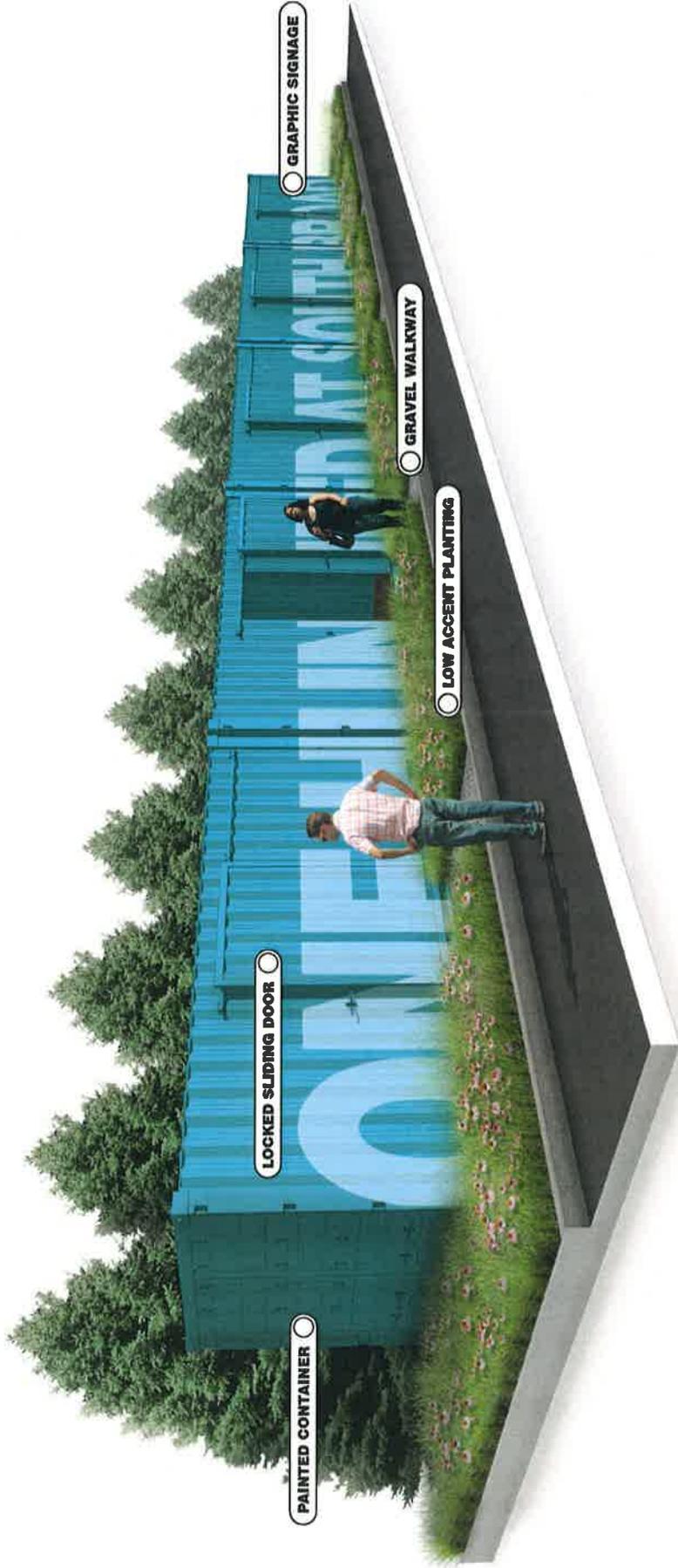
Temporary Use Application
Storage Boxes in New Right-of-Way
at the
100 South Broad Project
3100 ST ELMO AVENUE
CHATTANOOGA, TENNESSEE

SCALE: 1"=40'
DATE: 03/17/15
DRAWN BY: DJS
CHECKED BY: ASD
JOB NO: 14226



GRAPHIC SCALE





STORAGE PERSPECTIVE

One Hundred at South Broad
Chattanooga, Tennessee

Temporary Usage Request # TU 2016-017
Gabe Thomas (Collier Construction) for the future HOA of 100 @ S Broad Subdivision
3100 St. Elmo Ave. (District 7)

