

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

A RESOLUTION AUTHORIZING BENTON C. TORRENCE, PROPERTY OWNER, TO USE TEMPORARILY THE RIGHT-OF-WAY OF THE UNOPENED PORTION LOCATED ON BELMONT AVENUE FOR SECONDARY ACCESS TO 1619 WEST 54<sup>TH</sup> STREET, 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 BENTON C. TORRENCE, PROPERTY OWNER, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way of the unopened portion located on Belmont Avenue for secondary access to 1619 West 54<sup>th</sup> Street, 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 User shall obtain necessary permits and approvals from the City of Chattanooga Land Development Office.

4. 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 2016-021 for property owner Benton C. Torrence for the temporary usage of the right-of-way of the unopened portion of Belmont Avenue for secondary access 1619 West 54th Street.

### 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 2016-021  
Benton C. Torrence  
1619 W. 54<sup>th</sup> St. (District 7)

## RECOMMENDATION: APPROVAL WITH CONDITIONS

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This application was received on March 23, 2016, from the property owner, Benton C. Torrence. The application is requesting the usage of the unopened portion of Belmont Avenue for secondary access to the property.

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:***

- 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.

3/12/2016

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

<b>For Office Use Only</b>
<u>Klawman 3/23/16</u> Technician Signature / Date
<u>TU 2016-021</u> Request No.

**RE: Request for Temporary Usage**

Dear Mr. Kuyrkendall:

This is a request for temporary usage of The end of Belmont Avenue (see included city GIS map)

The reason for the request is as follows: We desire access to the rear of our property in order to build a driveway. In keeping with the Historical Guidelines for St. Elmo, driveways "which are new, should be located at the rear with access from the alley." (see included St. Elmo Guidelines)

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: 1619 West 54<sup>th</sup> Street Chattanooga, TN 37409, 601-842-9690, bcrisler Torrence@hotmail.com

Bentow Crisler Torrence  
(Print) Applicant Name

B. Crisler Torrence  
(Sign) Applicant Name

3/12/16  
Date

\_\_\_\_\_  
(Print) Property Owner Name

B. Crisler Torrence  
(Sign) Property Owner Name

3/12/16  
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)



Printed: Mar 11, 2016

# The Map Title

## The Subtitle

Disclaimer: This map is to be used for reference only, and no other use or reliance on the same is authorized. Parcel lines are shown for reference only and are not intended for conveyances, nor is it intended to substitute for a legal survey or property abstract.



## Belmont Ave.

This picture is looking from the end of the paved portion of Belmont Ave.

This is one end of the area of Belmont Avenue that pertains to the request for temporary usage of night-duty.

Our desire is to clear out the brush and build a driveway from this end of Belmont Ave to the rear of the property at 1619 W 54th St.



Belmont Ave

1619 W 54th St.

This picture is looking from  
the rear of 1619 W 54th St  
toward Belmont ~~Street~~ Ave.

This is one end of the area  
of Belmont Ave that  
pertains to the request for  
temporary usage of  
right-of-way.

Our desire is to clear out the  
brush, ~~and~~ install a gate  
and a driveway to connect  
to Belmont Ave.



not for

top

Temporary Usage Request # TU 2016-021  
Benton C. Torrence  
1619 W. 54<sup>th</sup> St. (District 7)

