Temp Usage No. 2016-015

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING MAIN STREET APARTMENTS, LLC C/O JOHN WISE TO USE TEMPORARILY THE RIGHT-OF-WAY ALONG EAST MAIN STREET AND MARKET STREET ADJACENT TO 26 EAST MAIN STREET TO INSTALL RAILINGS, AWNINGS, AND SIGNAGE, 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 MAIN STREET APARTMENTS, LLC C/O JOHN WISE (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way along East Main Street and Market Street adjacent to 26 East Main Street to install railings, awnings, and signage, as shown on the maps attached hereto and made a part hereof by reference.

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 provide adequate access for maintenance of any utilities located within the easement.

4. Railing for the outdoor dining should not exceed forty-two (42”) inches in height and be located no closer than six (6’) feet from back of tree wells and ten (10’) feet from back of Main Street curbing.

5. Any overhead projecting objects must meet the minimum height requirements as per the City of Chattanooga’s Code 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.

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

7. 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: June 08, 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 2016-015 for property owner Main Street Apartments LLC (John Wise) for the temporary usage of the right-of-way along East Main Street and Market Street adjacent to 26 East Main Street to install railings, awnings, and signage.

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.

Amount(s)	Grantor(s)

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: June 6, 2016

Re: Temporary Usage Request # TU 2016-015
John Wise (Main Street Apartments LLC)
26 E. Main Street (District 7)

RECOMMENDATION: APPROVAL WITH CONDITIONS

This application was received on March 8, 2016, from the property owner, Main Street Apartments LLC (John Wise). The property owner has constructed the mixed-use building and plans to install a railing around a dining area along Main Street, as well as overhead awnings and signage across both street frontages.

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:***

- Railing for the outdoor dining should not exceed 42-inches in height, and be located no closer than 6-feet from back of tree wells and 10-feet from back of Main Street curbing.
- 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.

RECEIVED 3/8/16

PD# 110
CK 37039
REC 239064

(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

Klausman 3/8/2016
Technician Signature / Date

TU 2016-015 (7)
Request No.

RE: Request for Temporary Usage

Dear Mr. Kuyrkendall:

This is a request for temporary usage of ROW - 216 E. Main St. 145LA B 006

The reason for the request is as follows: need railing due to ABC laws for dinning outside
signage above sidewalk
awnings

In making this request: Temporary User agrees as follows:

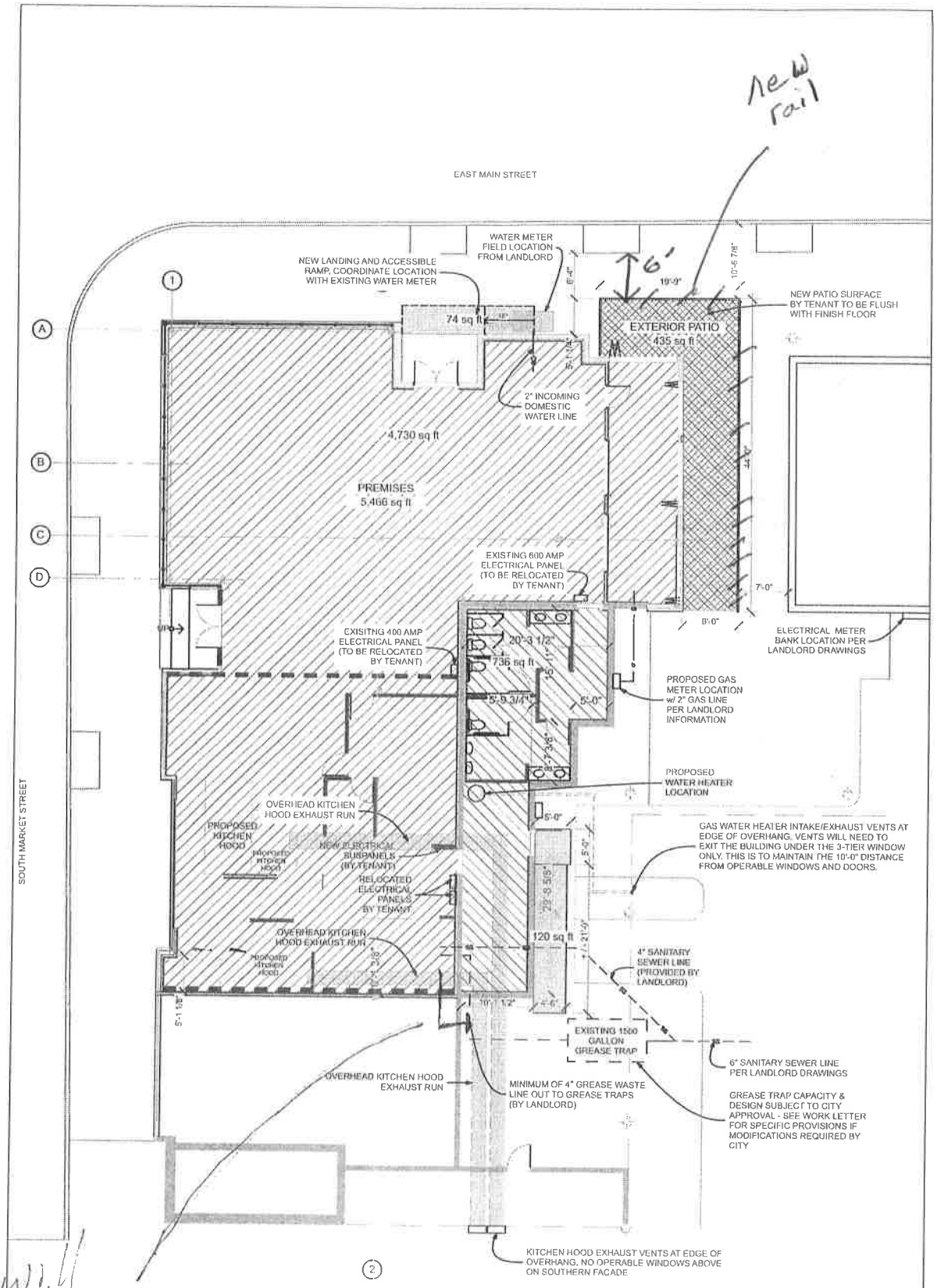
1. Temporary User shall defend, indemnify, and hold harmless the City of Chattanooga, Tennessee its officers, agents, and employees from any and all claims for damages for injuries to persons or property related to or arising out of the aforementioned temporary use.
2. Temporary User shall comply with 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: John Wise

John Wise		3/6/2016
(Print) **Applicant** Name	(Sign) **Applicant** Name	Date
Mission on Main Apt, llc		3/6/2016
(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)



NOTE:
REFER TO WORK LETTER FOR EXACT REQUIREMENTS

We will stub into your space 1' up @ ceiling

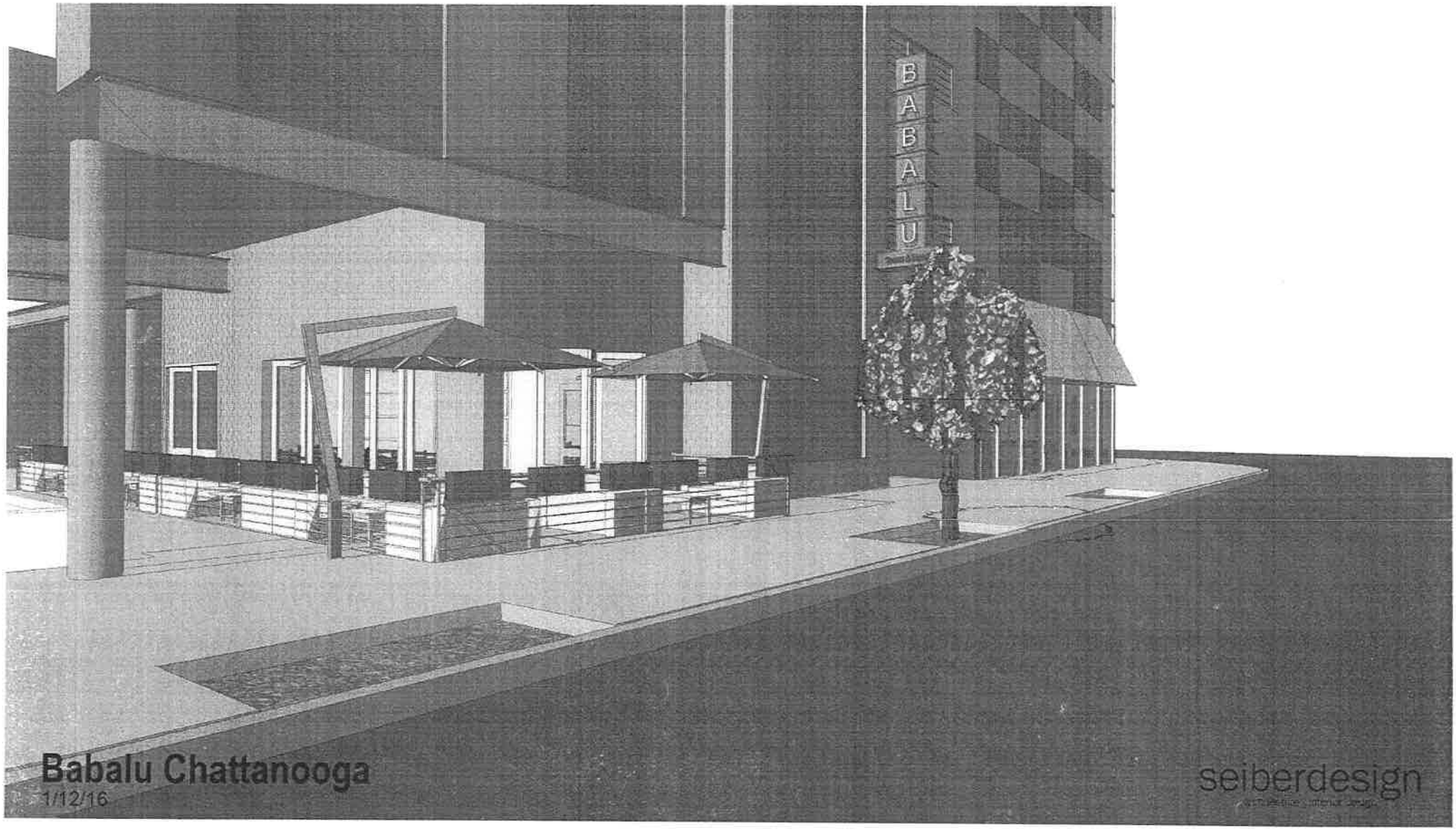
Babalu Chattanooga
1/29/16

PRELIMINARY LANDLORD COORDINATION PLAN
SCALE 1/16" = 1'-0"

seiberdesign

Babalu Chattanooga
1/12/16

seiberdesign



Babalu Chattanooga
1/12/16

seiberdesign

Temporary Usage Request # TU 2016-015
John Wise (Main Street Apartments LLC)
26 E. Main Street (District 7)