

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

A RESOLUTION AUTHORIZING JAMES FLEMING TO USE TEMPORARILY THE RIGHT-OF-WAY OF THE ALLEY ADJACENT TO 912 ENDICOTT STREET TO INSTALL FENCING, LANDSCAPING, AND PROPOSED DRIVEWAY MODIFICATIONS, 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 JAMES FLEMING, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way of the alley adjacent to 912 Endicott Street to install fencing, landscaping, and proposed driveway modifications, 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. The fence located within the right-of-way shall be placed per the attached map.

4. Adjustment to the existing driveway shall include a minimum of twenty (20') feet paved surface measured from the edge of Endicott Street.

5. Adjustment to the existing driveway apron shall follow the latest city standards.

6. Any and all landscaping shall be maintained to provide adequate sight distance along Endicott Street.

7. The alleyway from Endicott Street to the proposed fence line must remain clear and fully accessible at all times.

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

9. 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 # 2

A resolution authorizing Temporary Usage Request TU 2016-004 for property owner James Fleming for the temporary usage of the right-of-way of the alley adjacent to 912 Endicott Street to install fencing, landscaping, and proposed driveway modifications.

### 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: [Signature] 6/29/16.

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 <sup>BS</sup>  
**From:** Kari Lawman  
**cc:** Bert Kuyrkendall  
**Date:** June 6, 2016  
**Re:** Temporary Usage Request # TU 2016-004  
James Fleming  
912 Endicott Street (District 2)

## RECOMMENDATION: APPROVAL WITH CONDITIONS

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This application was received on December 11, 2015, from James Fleming, property owner. The property owner intends to install fencing around the perimeter of the property, including part of the alleyway adjacent to the south side of the property. The temporary usage will also include new landscape plantings and proposed modifications to the existing driveway.

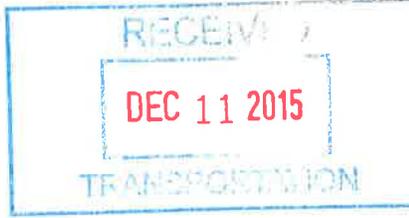
After review, granting this Temporary Usage does not conflict with the public's interest.

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

- The fence located within the right-of-way shall be placed per the attached map.
- Adjustment to the existing driveway shall include a minimum of 20-foot paved surface, measured from the edge of Endicott Street.
- Adjustment to the existing driveway apron shall follow the latest city standards.
- Any and all landscaping shall be maintained to provide adequate sight distance along Endicott Street.
- The alleyway from Endicott St. to the proposed fence line must remain clear and fully accessible at all times.
- 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.

11/27/2015

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**

*Kari Lawman*  
 Technician Signature / Date 12/11/15

*TU 2016-004*  
 Request No.

**RE: Request for Temporary Usage**

Dear Mr. Kuyrkendall:

This is a request for temporary usage of fence at 912 Endicott Avenue

The reason for the request is as follows: We recently closed on this property. The previous owners of our property have been maintaining the lawn up to the neighbor's property line for the last 5 years. The lawn includes a 10 foot alley that has never been opened. The neighbors do not presently access their yard from the unopened alley as they have closed it off with a fence on their property line. Their fence does not have a gate. We would like to put up a fence for our dog that will extend to the neighbor's fence, since we will be maintaining the unopened alley. We will install a gate, so the backyard is accessible by the city as necessary. I have enclosed a formal survey marking the fence.

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:  
912 Endicott Street, Chattanooga, TN 37405 , 615-944-9328, flemingjamesk@gmail.com

*James Fleming*  
\_\_\_\_\_  
(Print) Applicant Name

*James Fleming*  
\_\_\_\_\_  
(Sign) Applicant Name

*7-Dec-2015*  
\_\_\_\_\_  
Date

*same*  
\_\_\_\_\_  
(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)



Temporary Usage Request # TU 2016-004  
James Fleming  
912 Endicott Street (District 2)

