

1<sup>ST</sup> READING 6/12/12  
2<sup>ND</sup> READING 6/19/12

ORDINANCE NO. 12613

AN ORDINANCE GRANTING UNTO LIBERTY TOWER, LLC A FRANCHISE TO CONSTRUCT AND MAINTAIN A PEDESTRIAN WALKWAY LOCATED ACROSS THE 200 BLOCK OF 6<sup>TH</sup> STREET (CASE NO. 2012-037), AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

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SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That there be and is hereby granted unto Liberty Tower, LLC (hereinafter "Grantee") a franchise to construct and maintain a pedestrian walkway located across the 200 block of 6<sup>th</sup> Street (Case No. MR-2012-037), in the City of Chattanooga, as shown on the map attached hereto and made a part hereof by reference.

SECTION 2. An administrative fee of \$3,000.00 shall be paid by Grantee upon acceptance of this franchise to cover the City's administrative costs of processing the franchise application. An administrative fee of \$3,000.00 per year shall be paid to the City throughout the term of the franchise for ongoing administrative monitoring services provided by the City. The annual administrative fee may be adjusted from time to time by the City utilizing the most analogous provisions of the Consumer Price Index or any substitute index of similar character to update the cost of providing the annual monitoring and oversight of this franchise.

SECTION 3. BE IT FURTHER ORDAINED, That this franchise is granted upon the conditions as set forth below:

1. All underground City utilities must maintain their respective easements;
2. Tennessee-American Water Company, Chattanooga Gas Company, AT&T, and Comcast to retain their respective easements;

3. Grantee will comply with all applicable City ordinances and state laws;
4. Grantee will comply with any special requirements by City Engineer with respect to the specific location of the pedestrian walkway;
5. Engineering design for the pedestrian walkway will be prepared by a competent engineering group and installation will be performed by a competent contractor;
6. Construction and placement of the pedestrian walkway will have no adverse effect on any adjacent properties;
7. Grantee will assume full and complete responsibility for maintenance of the pedestrian walkway and permanently maintain said pedestrian walkway in a safe condition;
8. City of Chattanooga will suffer no costs of any kind as a result of granting this franchise;
9. Grantee will defend, indemnify and hold harmless the City of Chattanooga, Tennessee, its officers, employees, successors, and assigns from any and all actions or claims for damages arising out of or related to the installation or maintenance of the pedestrian walkway; and
10. Grantee provides for approval of evidence of insurance to further indemnify the City against losses whatever kind and nature during construction and as a result of the pedestrian walkway being constructed and placed in the right-of-way.

SECTION 4. BE IT FURTHER ORDAINED, That the term of this franchise shall be for a period of forty (40) years.

SECTION 4. BE IT FURTHER ORDAINED, That this ordinance shall not be operative, as distinguished from its effectiveness, unless and until the franchise herein granted is accepted by the Grantee by due execution of the acceptance attached hereto.

SECTION 5. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two

(2) weeks from and after its passage.

PASSED on Second and Final Reading

\_\_\_\_\_ June 19 \_\_\_\_\_, 2012.

  
\_\_\_\_\_  
CHAIRPERSON

APPROVED:  DISAPPROVED:

DATE: June 22, 2012

  
\_\_\_\_\_  
MAYOR

MAM/mms

ACCEPTANCE

The foregoing franchise and its terms and conditions are hereby accepted.

This the \_\_\_\_ day of \_\_\_\_\_, 2012.

LIBERTY TOWER, LLC

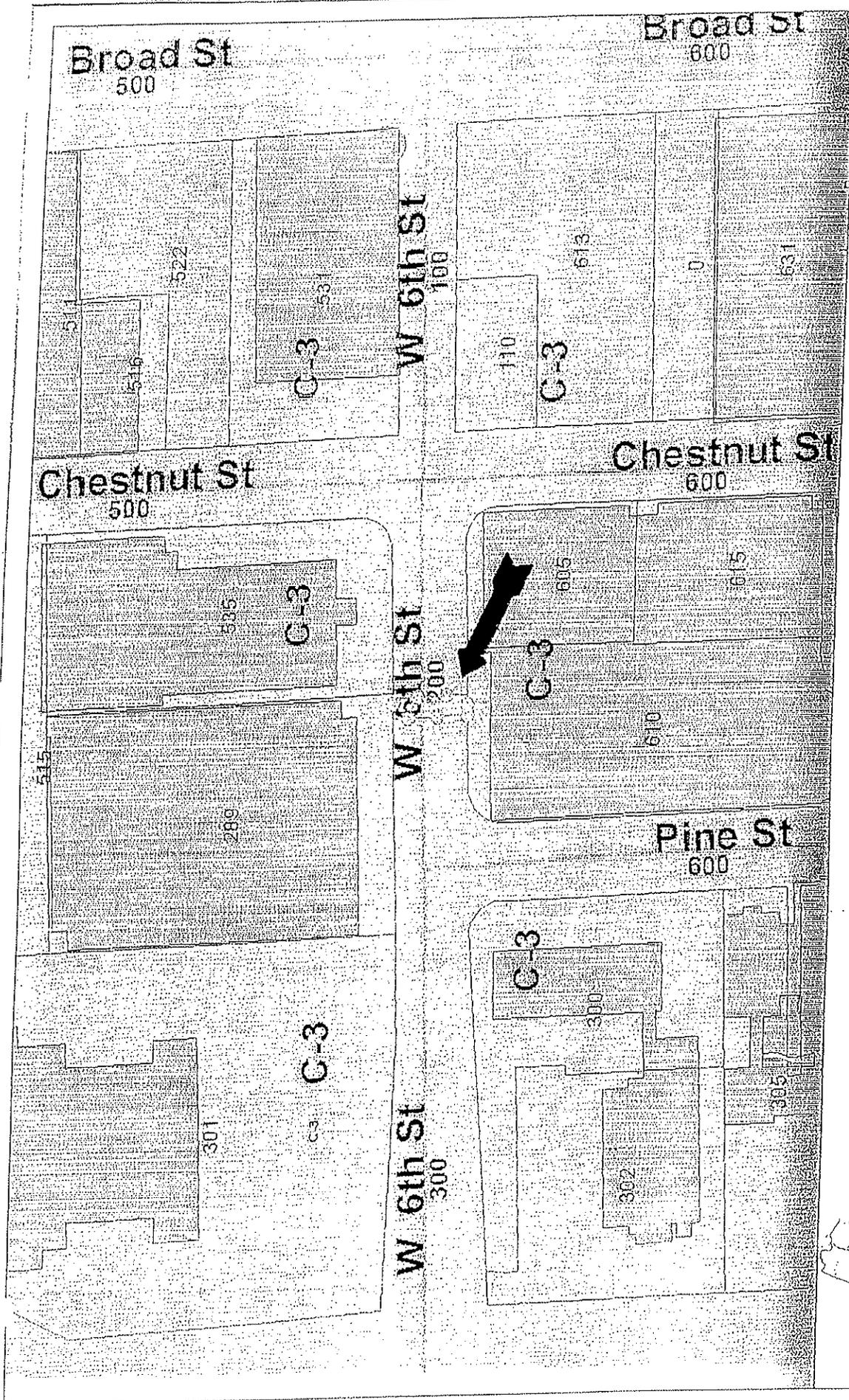
BY: \_\_\_\_\_

\_\_\_\_\_  
Print Name

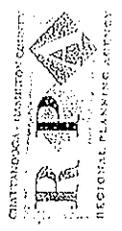
\_\_\_\_\_  
Title

WITNESS:

\_\_\_\_\_



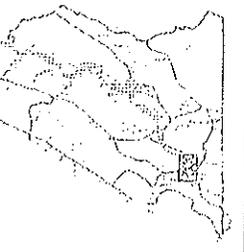
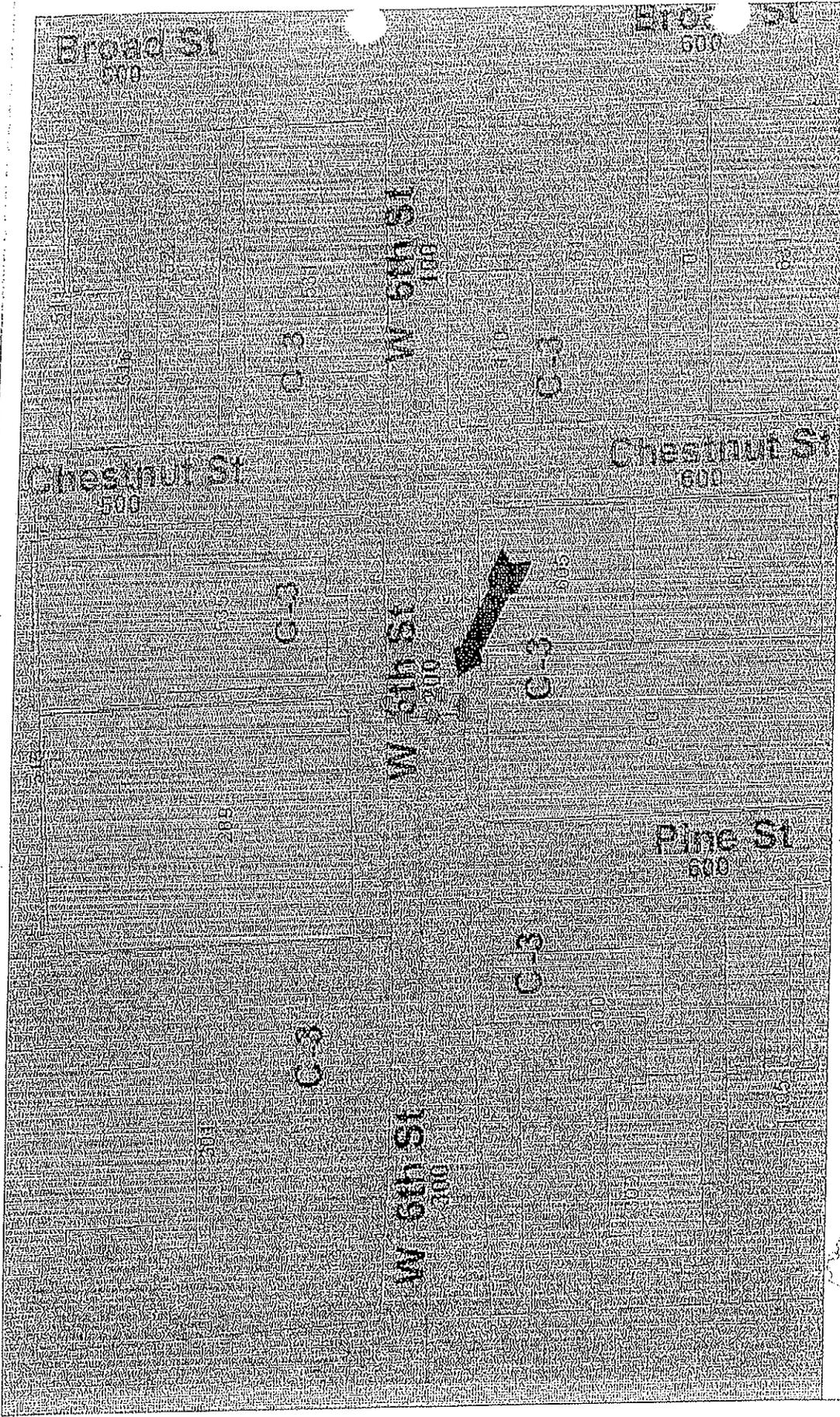
1 in. = 100.0 feet



MR-2012-0037 FRANCHISE EASEMENT; Elevated Pedestrian Walkway Over Road ROW

Chattanooga - Hamilton County Regional Planning Agency





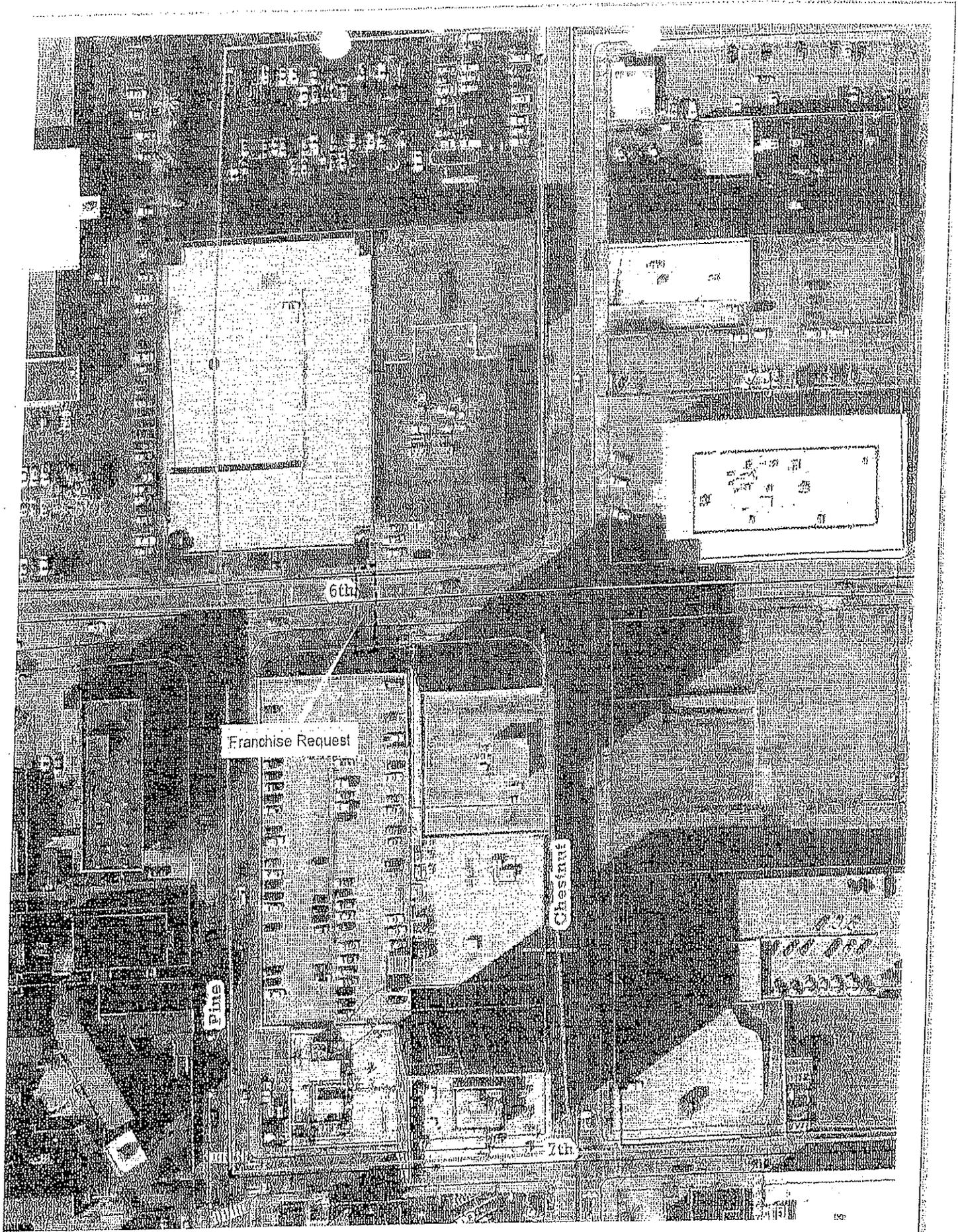
MR-2012-0037 FRANCHISE EASEMENT; Elevated Pedestrian Walkway Over Road ROW



1 in = 100.0 feet



Chattanooga - Hamilton County Regional Planning Agency



Franchise Request

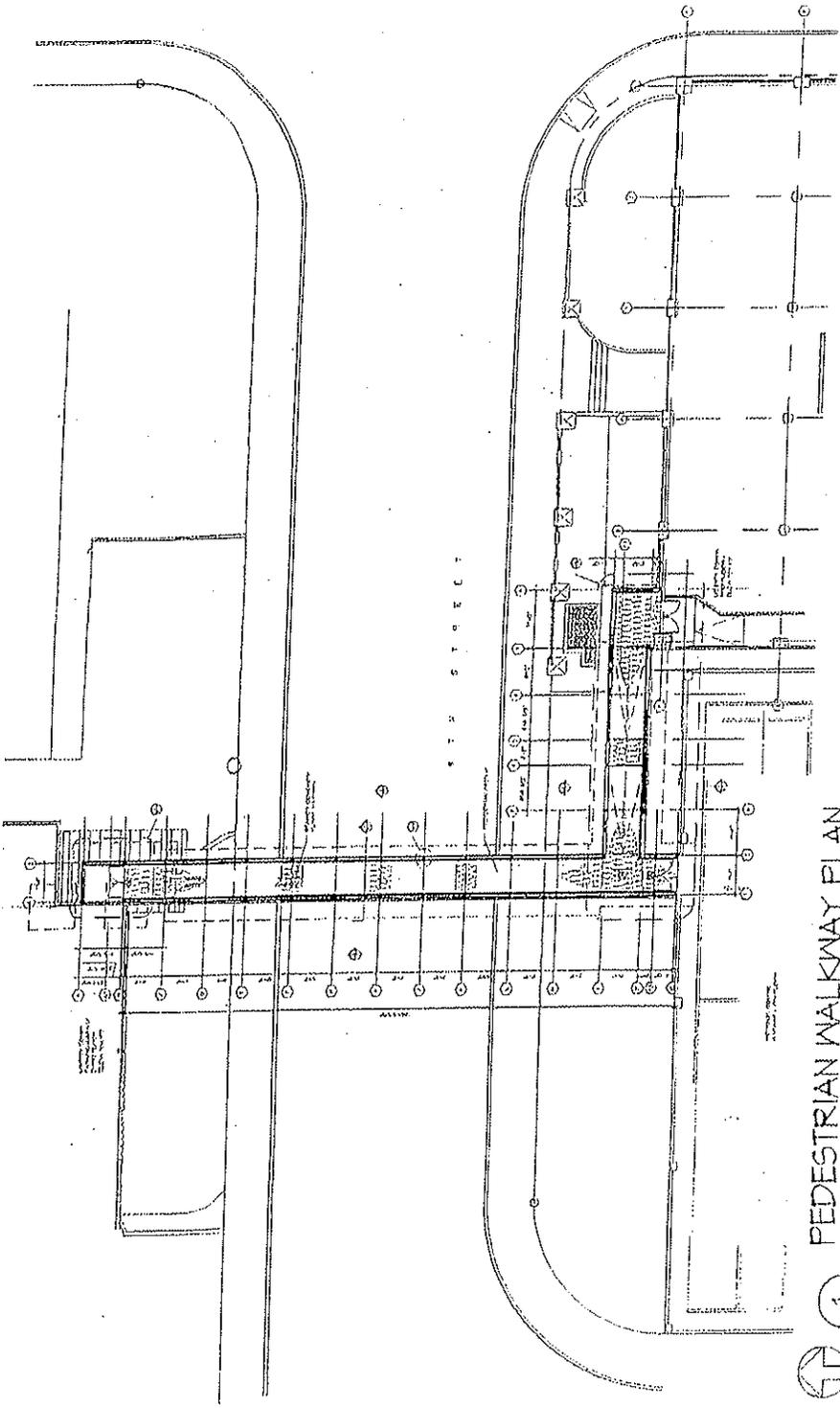
6th

Pine

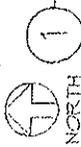
Chestnut

7th

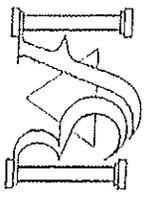
Z:\11-11 Liberty Tower Pedway\CONSTRUCTION\00C5VSH5E15V11-11 - A-2L, 2.2, 2.3.dwg, 11 x 17 Temporary Use Permit, 2/29/2012 2:53:04 PM, 11



PEDESTRIAN WALKWAY PLAN  
SCALE: 1/8" = 1'-0"



LIBERTY TOWER  
PEDESTRIAN WALKWAY  
LIBERTY TOWER LLC  
605 CHESTNUT STREET  
CHATTANOOGA, TENNESSEE 37450  
FEBRUARY 22, 2012



BILLINGSLEY / ARCHITECTURE  
PLANNING  
ARCHITECTURE  
REPUBLIC CENTER BUILDING  
605 CHESTNUT STREET  
CHATTANOOGA, TENNESSEE 37450  
ATTENDANCE  
P: 423.262.1570  
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EXHIBIT B

