

RESOLUTION NO. 28614

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.

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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: May 10, 2016

/mem

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)

