

RESOLUTION NO. 25453

A RESOLUTION TO APPROVE THE REQUEST OF THE 700 BLOCK DEVELOPMENT PARTNERS, LLC FOR THE TEMPORARY USAGE OF A PORTION OF THE 700 BLOCK OF MARKET STREET AND AN UNNAMED ALLEY FROM 7TH STREET TO THE DEAD END TO TEMPORARILY INSTALLED A SAFETY FENCING TO REMAIN FOR A PERIOD OF APPROXIMATELY EIGHTEEN (18) MONTHS DURING THE DEMOLITION AND RECONSTRUCTION OF STRUCTURES, AS DESCRIBED ON THE ATTACHED EXHIBIT "A" AND "B", SUBJECT TO APPLICANT PROVIDING COPIES OF A WRITTEN AGREEMENT WITH THE OTHER USERS OF THE ALLEY FOR ALTERNATE PROVISIONS FOR THEIR SERVICES, EXCLUDING PARKING.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That 700 Block Development Partners, LLC (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily a portion of the 700 block of Market Street and an unnamed alley from 7th Street to the Dead End to temporarily installed a safety fencing to remain for a period of approximately 18 months during the demolition and reconstruction of structures, as described on the attached Exhibit "A" and "B", subject to applicant providing copies a written agreement with the other users of the alley for alternate provisions for their services, excluding parking.

ADOPTED: March 11, 2008

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and 700 BLOCK DEVELOPMENT PARTNERS, LLC (hereinafter "Temporary User"), this 11th day of March, 2008.

For and in consideration of the granting of the temporary usage of a portion of the 700 block of Market Street and an unnamed alley from 7th Street to the Dead End to temporarily installed a safety fencing to remain for a period of approximately 18 months during the demolition and reconstruction of structures, as described on the attached Exhibit "A" and "B", as shown on the drawing attached hereto and made a part hereof by reference, the receipt of which is hereby acknowledged, Temporary User agrees as follows:

1. Temporary User to provide copies of a written agreement with the other users of the alley for alternate provisions for their services, excluding parking.
2. Temporary User will defend, 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.
3. Temporary User will vacate the property and temporary use upon reasonable notice from the City to do so; the parties hereto agree that "reasonable notice" shall be deemed to be thirty (30) days. Temporary User will restore the property to its original condition when it is returned to the City.
4. Temporary User will provide adequate access for maintenance of any utilities located within the easement.

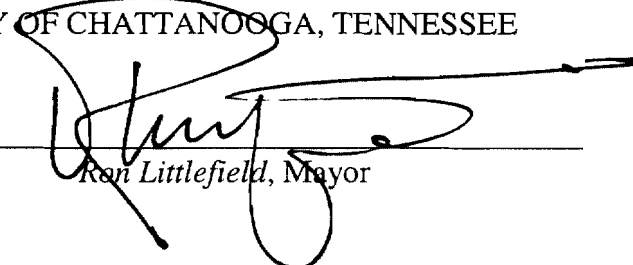
700 BLOCK DEVELOPMENT PARTNERS,-LLC

MARCH 28, 2008
Date

BY: 

CITY OF CHATTANOOGA, TENNESSEE

March 24, 2008
Date

BY: 
Ron Littlefield, Mayor

/add

EXHIBIT A

This is a request for a temporary usage of:

1. The eastern sidewalk , the eastern row of parallel parking spaces and the easternmost lane of traffic on the northbound side of Market Street in the 700 Block immediately west of Lot 1 of Trafalgar on Market as recorded in Plat Book 88, Page 172 located in the Registrar's Office in Hamilton County , Tennessee.
2. The Alley to east of the 700 Block of Market Street. The applicant will direct its contractor(s) to maintain at **all times** an emergency egress pathway for the occupied buildings adjoining the alley and fronting on Cherry Street.

A map/drawing of the site is attached as Drawing 1. Drawing 1 details the proposed approximate location of the temporary construction barricade/fencing. It is the intent of the Applicant to fence no more than is necessary to safely carry-out the demolition/construction of the project, but we will need to fence a portion of the eastern most north bound lane of Market Street to allow for vehicular access to the site and to the deliver and removal of materials.

EXHIBIT B

The reason for the request is as follows:

The Applicant is engaging contractor(s) to demolish the existing buildings, which are in various states of disrepair. The current buildings cover the entire site owned by the Applicant and range in size from two to four stories. For the buildings to be safely removed, the Applicant's contractor(s) will need unencumbered access to the site which is bound to the north and south by existing buildings (not owned by the applicant) and accessible to the east and west via City of Chattanooga property.

The access from the alley to the east of the site is insufficient to allow for demolition equipment and access to the alley is limited so as to prohibit debris removal vehicles from gaining access to the site from this area. However given the nature of demolition and construction the applicants' contractors will need to ensure that the public is not proximal to the construction/demolition site.

The applicant's contractor will only be able to gain access to the site from the western side of the site via Market Street and the sidewalk. The applicant therefore request that City approve closure of the sidewalk, adjacent on street (parallel) parking, as well as the eastern most north bound lane of Market Street in front of the demolition/construction site.

Demolition work will commence upon City of Chattanooga approval of the Temporary Usage of the City of Chattanooga property and will continue through the construction of Mayfair on Market. This entire process will take approximately eighteen (18) months.

DRAWING 1

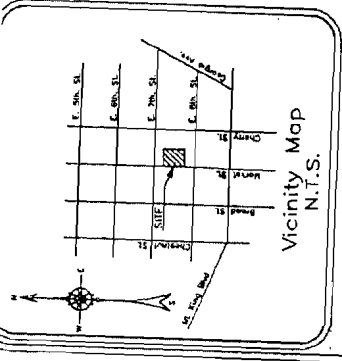
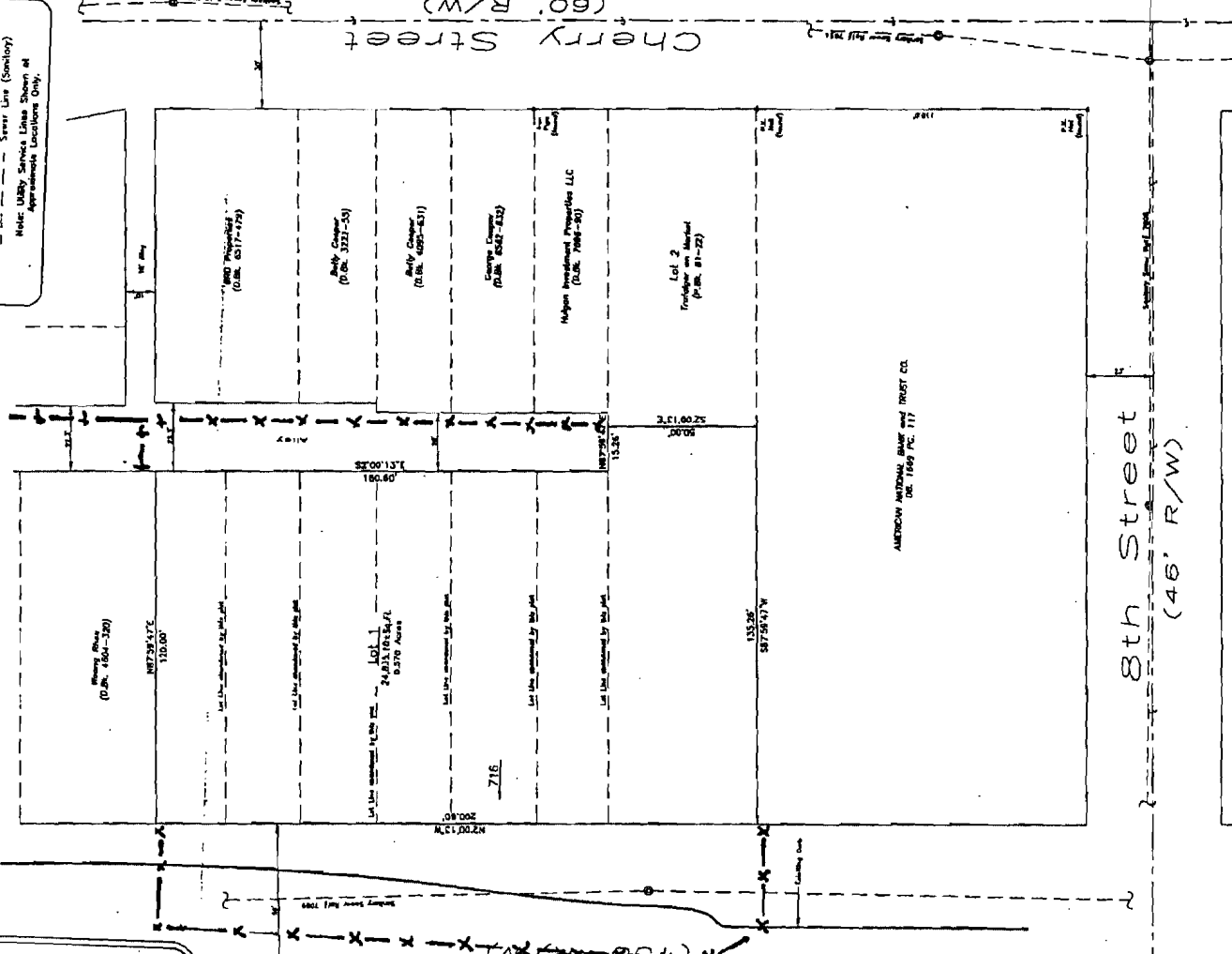
OWNER CERTIFICATION:
I/We, the undersigned owner(s) (or, for service) of the property indicated herein, do hereby adopt this plan of subdivision.

205 Road Development Partners
633 Chestnut Street
Chattanooga, TN 37450
(423) 432-4324

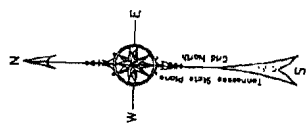
APPROVED FOR RECORDING
DATE: _____ BY: _____
JURISDICTIONAL AUTHORITY
DATE: _____ BY: _____
SHERWOOD HAMILTON CO.
REGIONAL PLANNING COMM.

LEGEND

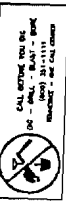
- Iron Pipe (Found)
- Manhole
- P.K. Nail (Found)
- Centerline
- Property Line
- Street Line (Sanitary)
- Water Utility Service Lines Shown at Approximate Locations Only.



- NOTES**
1. Present zoning identification is C-3.
 2. This subdivision is 0.570 acres.
 3. The subdivision is located in Block 7352-524.
 4. The subdivision has been approved according to the Subdivision Regulations of the City of Chattanooga.
 5. Local Government does not certify that utility or utility connections are available.
 6. Sanitary sewer lines are available by gravity line.
 7. City Ordinance 7065, 7066, 7054, & 7058.
 8. No fire hydrant is located within the subdivision.
 9. The City of Chattanooga is not responsible for the installation of fire hydrants.
 10. The City of Chattanooga is not responsible for the installation of fire hydrants.
 11. The City of Chattanooga is not responsible for the installation of fire hydrants.
 12. The City of Chattanooga is not responsible for the installation of fire hydrants.
 13. The City of Chattanooga is not responsible for the installation of fire hydrants.



Scale 1" = 20'
X - X - X TEMPORARY SAFETY FENCING



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www.rlsurveying.com

Revised Plot 1
Trafalgar on Market
Being the Property described in
Deed Book 7757, Page 524
Chattanooga, Hamilton County
Tennessee

Draft of Lot 1
Date of Survey 02/28/2008
Drawn by 086
Checked by 086
The Map No. 720 Regd. H-641 Street
086/07535
Drawing No. 080210

Draft of Lot 2
Date of Survey 02/28/2008
Drawn by 086
Checked by 086
The Map No. 720 Regd. H-641 Street
086/07535
Drawing No. 080210

Draft of Lot 3
Date of Survey 02/28/2008
Drawn by 086
Checked by 086
The Map No. 720 Regd. H-641 Street
086/07535
Drawing No. 080210