

RESOLUTION NO. 26152

A RESOLUTION AUTHORIZING NEW HORIZON BAPTIST CHURCH TO USE TEMPORARILY THE 2700 BLOCK OF 2ND AVENUE DURING CHURCH ACTIVITIES, AS SHOWN ON THE DRAWING 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 New Horizon Baptist Church (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the 2700 block of 2nd Avenue during church activities, as shown on the drawing 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. Access for ingress and egress shall be maintained for other property owners adjacent to the street.
2. Temporary User shall execute the Indemnification Agreement attached hereto in favor of the City of Chattanooga, its officers, agents and employees for any and all claims for damages for injuries to persons or property related to or arising out of the temporary usage.
3. Temporary User agrees to vacate the property and temporary use upon reasonable notice from the City to do so.
4. Temporary User shall provide adequate access for maintenance of any utilities located within the easement.

ADOPTED: December 1, 2009

/add

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and NEW HORIZON BAPTIST CHURCH (hereinafter "Temporary User"), this 1st day of December, 2009.

For and in consideration of the granting of the temporary usage of the 2700 block of 2nd Avenue during church activities, 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 shall 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.

2. Temporary User shall 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 shall restore the property to its original condition when it is returned to the City.

3. Temporary User shall provide adequate access for maintenance of any utilities located within the easement.

4. Access for ingress and egress shall be maintained for other property owners adjacent to the street.

NEW HORIZON BAPTIST CHURCH

12-2-09, 2009
Date

BY: Willie Paul Pastor

CITY OF CHATTANOOGA, TENNESSEE

12-4, 2009
Date

BY: Ron Littlefield, Mayor

APPLICATION NO: 2009-118

JURISDICTION: Chattanooga Dist. #8
Hamilton County Dist. #4

APPLICANT: New Horizon Baptist Church, c/o Wendell Morgan

DATE OF PLANNING COMMISSION MEETING: September 14, 2009 (Deferred)
November 9, 2009 (Action Taken)

LOCATION: 2700 Block of 2nd Avenue

REQUEST FOR: Abandonment

STAFF RECOMMENDATION: Deny Planning Commission Recommendation:
Approve, subject to certain conditions

REASONS FOR RECOMMENDATION: as stated in the resolution.

This is not in keeping with policies to keep street network intact in urban areas.

This is a functioning street within the residential neighborhood. Closure of Second Avenue at this location would cut off access and create extensively long blocks and barriers to pedestrian and vehicular traffic. Other means for patrolling and monitoring crime activities will need to be pursued.

This was deferred in September to allow the applicant time to obtain a Temporary Use Permit.

Applicant met with Chattanooga Engineering Department. They may pursue two options:

1. They could apply to the Neighborhood Traffic Program for traffic calming devices.
2. They could apply for Temporary Use for certain sections and pay to install crosswalks within those specified sections.

CHATTANOOGA - HAMILTON COUNTY REGIONAL
PLANNING AGENCY



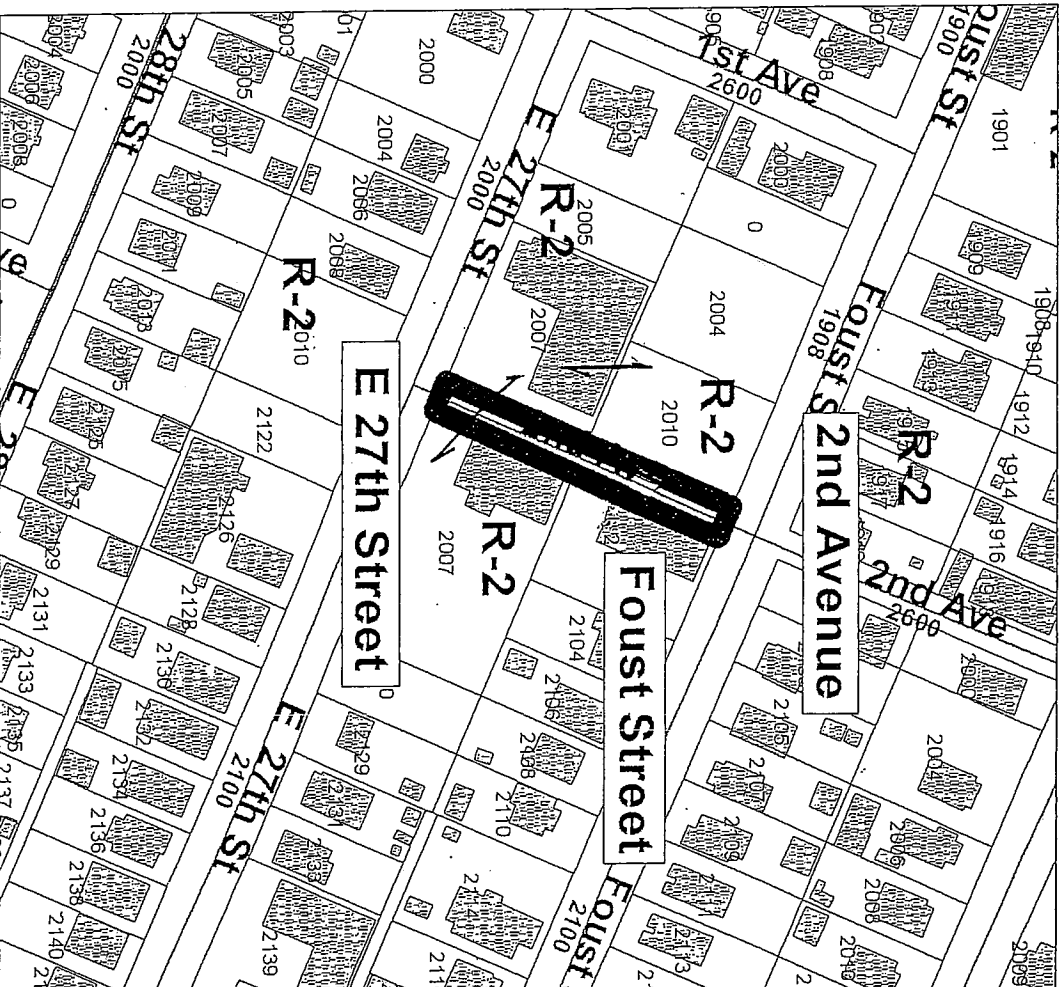
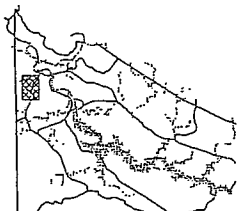
CHATTANOOGA

CASE NO.: 2009-0118

PC MEETING DATE: 9/14/2009 11/09/2009

MR ABANDON STREET R-O-W

1 in. = 100.0 feet



Mandatory Referral: Abandonment
 2009-118 City of Chattanooga
 September 14, 2009 (Deferred)
 November 9, 2009 (Action Taken)

RESOLUTION

WHEREAS, New Horizon Baptist Church, c/o Wendell Morgan, petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga the rezoning from of the 2700-block of 2nd Avenue.

Abandonment of the 2700 block of 2nd Avenue beginning at its intersection with the north line of the 2000 block of East 27th Street thence northeast some 252 feet to the south line of the 1900 block of Foust Street. Said avenue separates Lots 6 and 19 from Lots 7 and 18, Block 4, Edgewood Subdivision, Plat Book 5, Page 39, ROHC. Tax Map 156J-D-006, 007, 025 and 026 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on September 14, 2009, at which time action was deferred until the November 9, 2009 Planning Commission meeting to allow time for the applicant to obtain a Temporary Use Permit.

AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

AND WHEREAS, no one was present in opposition to the petition,

AND WHEREAS, the Planning Commission has studied the existing pattern of development.

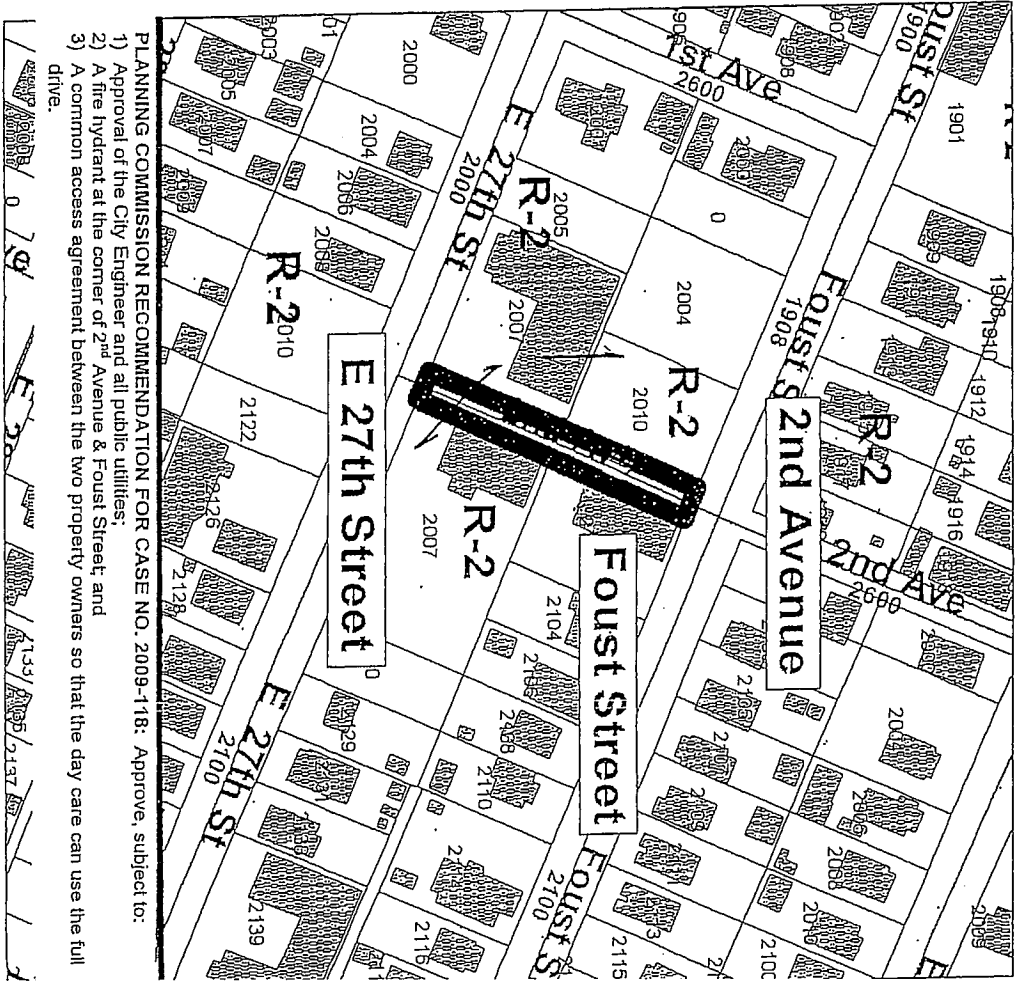
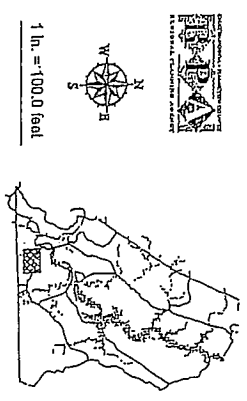
NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on November 9, 2009, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to:

- 1) Approval of the City Engineer and all public utilities;
- 2) A fire hydrant at the corner of 2nd Avenue & Foust Street; and
- 3) A common access agreement between the two property owners so that the day care can use the full drive.

Respectfully submitted,
Barry M. Bennett
 Barry M. Bennett
 Secretary

CHATTANOOGA - HAMILTON COUNTY REGIONAL
 PLANNING AGENCY

CHATTANOOGA
 CASE NO.: 2009-0118
 PC MEETING DATE: 9/14/2009 11/09/2009
 MR ABANDON STREET R-O-W



PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2009-118: Approve, subject to:
 1) Approval of the City Engineer and all public utilities;
 2) A fire hydrant at the corner of 2nd Avenue & Foust Street; and
 3) A common access agreement between the two property owners so that the day care can use the full drive.