

RESOLUTION NO. 26974

A RESOLUTION AUTHORIZING JOHN WISE TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 103 CHEROKEE BOULEVARD FOR SIGNAGE ALONG A PORTION OF SAID RIGHT-OF-WAY, AS SHOWN IN THE MAPS AND PHOTO 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 JOHN WISE, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located at 103 Cherokee Boulevard for signage along a portion of said right-of-way, as shown in the maps and photo 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 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.
2. Temporary User agrees to vacate the property and temporary use upon reasonable notice from the City to do so.
3. Temporary User shall provide adequate access for maintenance of any utilities located within the easement.
4. The signage must meet the minimum elevation requirements as per City codes and standards.

ADOPTED: February 7, 2012

/meb

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), JOHN WISE, (hereinafter "Temporary User"), this 7th day of February, 2012.

For and in consideration of the granting of the temporary usage of the right-of-way located at 103 Cherokee Boulevard for signage along a portion of said right-of-way, as shown in the maps and photo 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. The signage must meet the minimum elevation requirements as per City codes and standards.

_____, 2012
Date

BY: _____
John Wise

2/10, 2012
Date

CITY OF CHATTANOOGA, TENNESSEE
BY: _____
Ron Littlefield, Mayor

Memorandum

To: Bill Payne
From: Bill Cannon
cc: Dennis Malone
Date: January 12, 2012
Re: Temporary Usage Request #77873
John Wise
103 Cherokee Blvd
Recommendations Regarding Temporary Usage Request

I have completed my review of Mr. Wise's request regarding the Temporary Usage of the right of way at 103 Cherokee Blvd for the installation of signage along a portion of said right-of-way. Please refer to the attached map. My comments are as follows:

- As per the submitted image and communications, the proposed signage dimensions are approximately 5' by 6' and will meet the minimum height requirements above existing grade (sidewalk).
- The sign projects approx. 6 feet into the subject ROW and is not a line of sight issue provided it is installed as per submitted image.

After review, granting this Temporary Usage does not conflict with the Public's interest. Therefore, I recommend that the request for ***Temporary Usage be granted subject to the following condition.***

- ***The Signage must meet the minimum elevation requirements as per City Codes and Standards.***

100

Memorial
North Shore

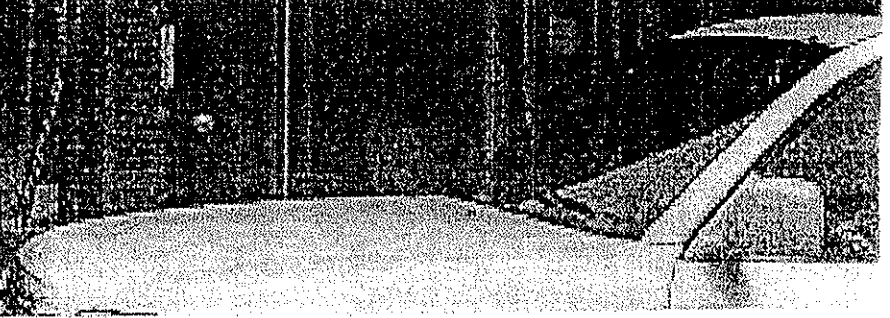
RE/MAX

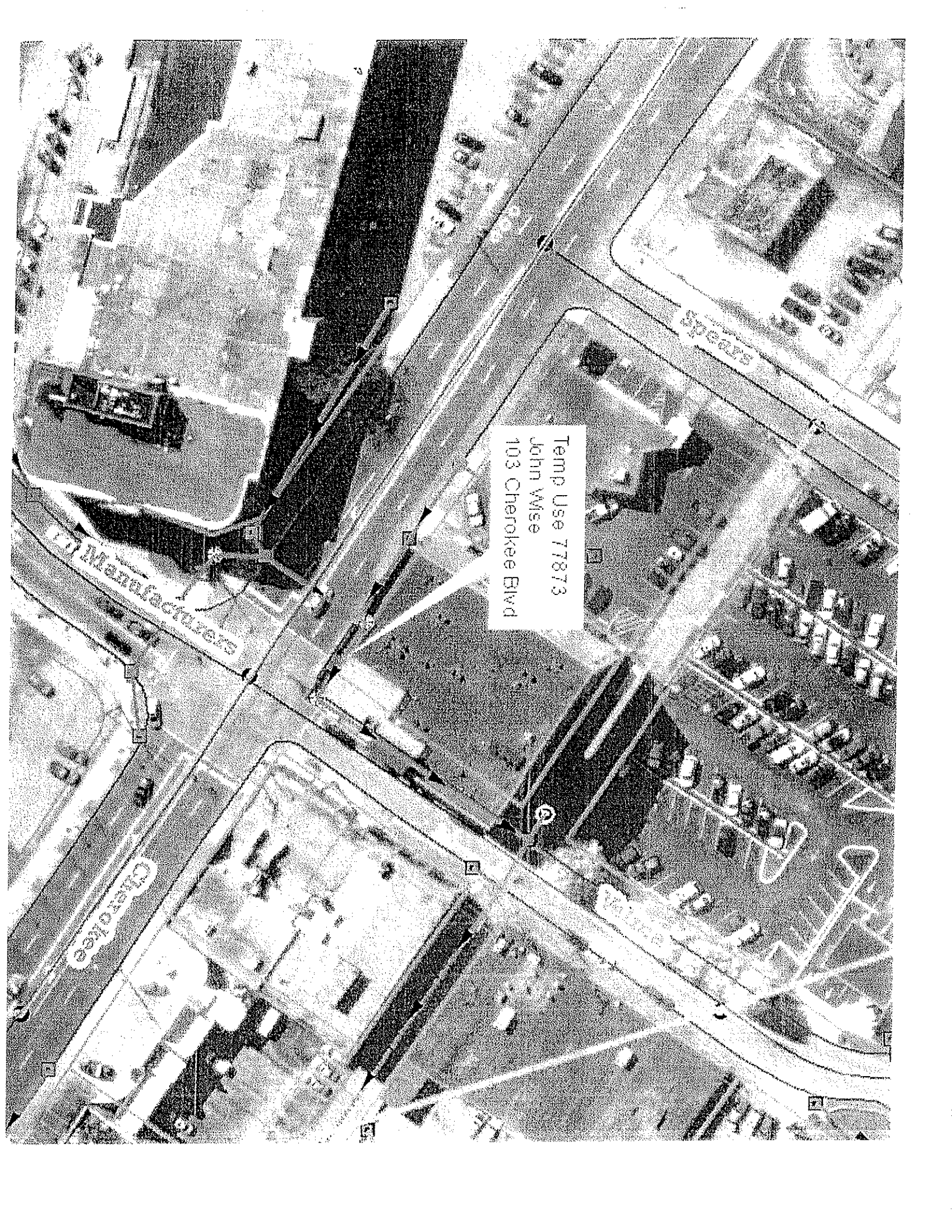
REALTY

NORTSHORE

FAMILY DENTISTRY, p.c.
411-500-5777
Cecilia Chianetti, p.c.
John Smith, p.c.

NORTSHORE
FAMILY
DENTISTRY, p.c.
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Cecilia Chianetti, p.c.
John Smith, p.c.





Temp Use 77873
John Wise
103 Cherokee Blvd

Manufacturers

Spears

Cherokee

Cherokee



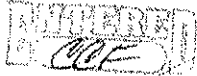
W/O# 77873
S/R# 557617

Groundwater
10/21/11

11/11/2011

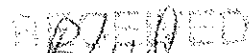
(DATE)

William C. Payne, P. E.
City Engineer
Development Resource Center
1250 Market Street, Suite 2100
Chattanooga, Tennessee 37402



location

103 Cherokee Blvd



10/24/2011

Re: Request for Temporary Usage

CLOSED

10/24/2011

SEWAGE WATER

Dear Mr. Payne:

This is a request for a temporary usage of

~~above~~ above side walk space for (2) signs

The reason for this request is as follows:

zero setback + place for sign

In making this request: Temporary User agrees as follows:

1. Temporary User will 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 will vacate the property and temporary use upon reasonable notice from the City to do so; the parties have to agree that reasonable notice shall be deemed to be thirty (30) days to restore the property to substantially the same condition that existed prior to granting the temporary use, including complying with any environmental regulations upon the request of the city to vacate the property and temporary use.
3. Temporary User will provide full access for maintenance of any utilities located within the easement.
4. Temporary User will obtain any and all other permits, variances, or approvals necessary to accommodate the temporary use.
5. Temporary user agrees to maintain the property in the condition equal to or better than the condition at the time the temporary use is granted.
6. If this request is for maintaining wells the applicant will upon satisfactory completion of use as determined by the Tennessee Department of Environment and Conservation, the wells will be abandoned 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 and phone number is as follows:

1610 Carroll Lane
Chatt 37408

(email address)

wise@wiseliving.com
on line.com

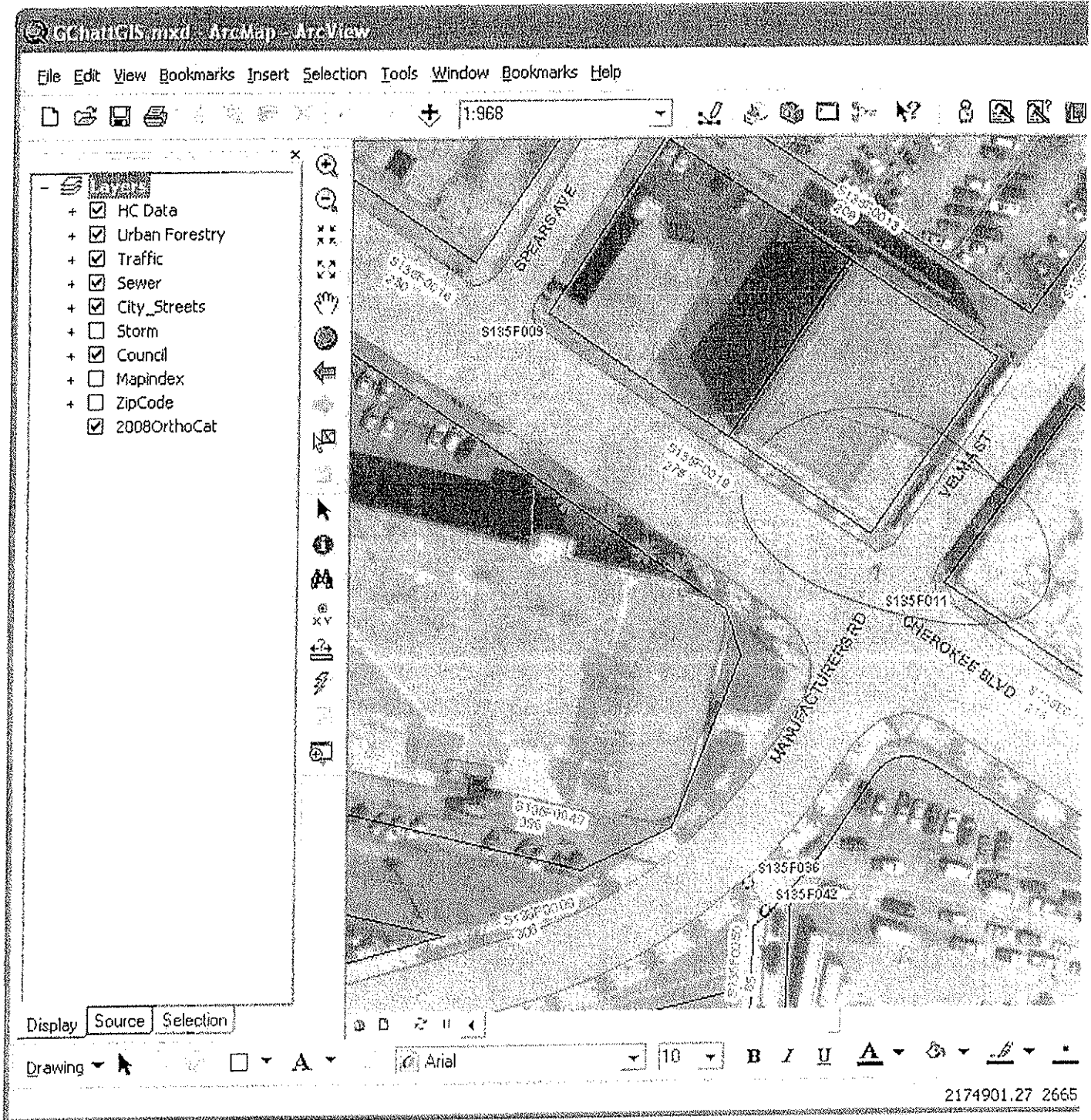
John Wise
(Print) Applicant Name

11/11/2011
Date

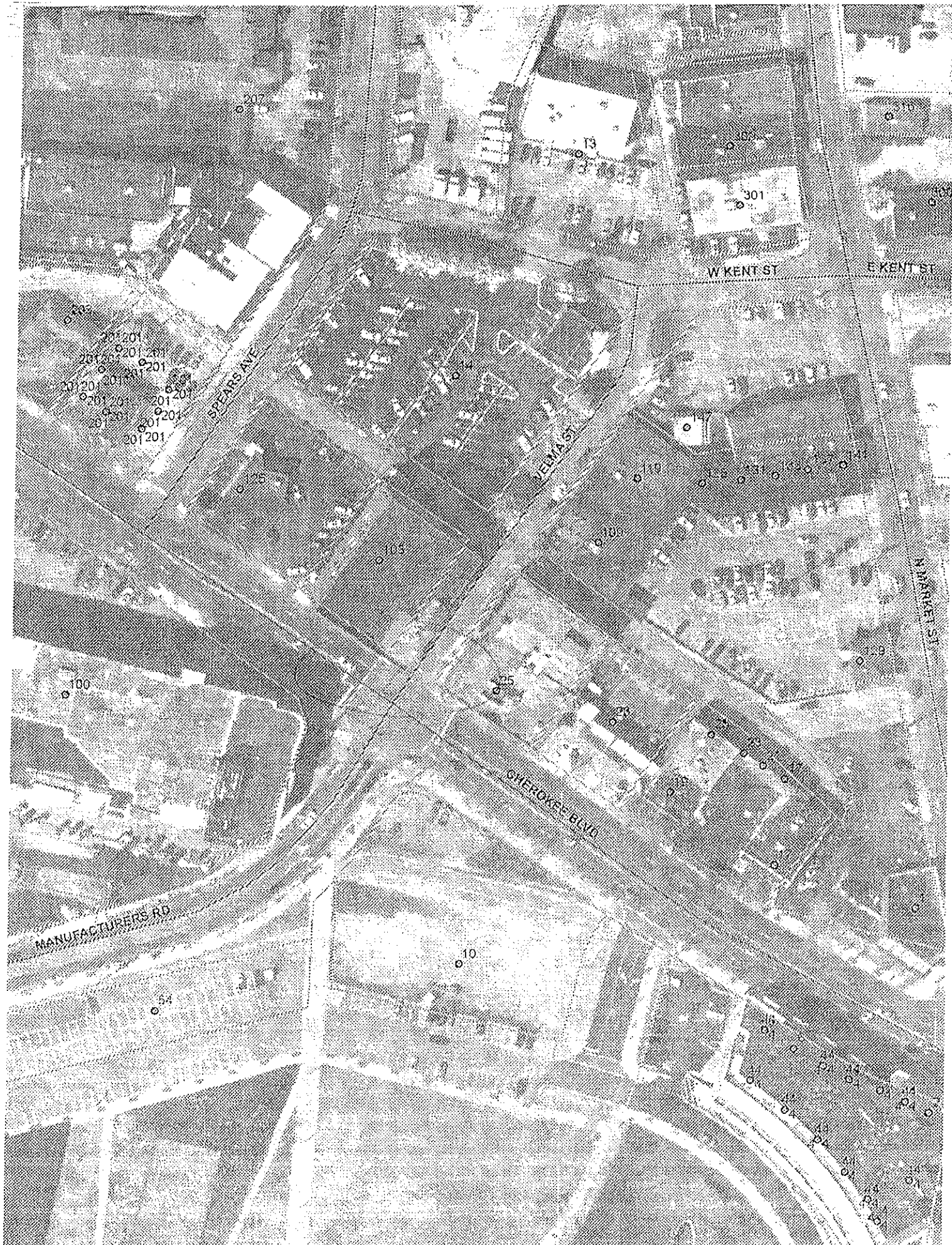
John Wise
(Print) Owner's Name

11/11/2011
Date

This application must include the owner's signature and a site map of the referenced location to complete processing.



Carolyn Fisher
City of Chattanooga
Administrative Assistant II
Water Quality and Drainage
(423) 643-5877
fax: 645-5862



W KENT ST

E KENT ST

SPEARS AVE

VEDA ST

CHEROKEE BLVD

MANUFACTURERS RD

N MARKET ST

100

100

201 201
201 201
201 201
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201 201
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201 201
201 201
201 201

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