

RESOLUTION NO. 28342

A RESOLUTION AUTHORIZING TARA DANIELS, AGENT FOR THE LOCAL PROPERTY OWNER, CONTINENTAL 171 FUND LLC, TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED INSIDE THE EXISTING TRAFFIC CIRCLE AT GUNBARREL ROAD AND STANDIFER GAP ROAD TO INSTALL LANDSCAPING, AS SHOWN ON THE MAPS 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 TARA DANIELS, AGENT FOR THE LOCAL PROPERTY OWNER, CONTINENTAL 171 FUND LLC, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located inside the existing traffic circle at Gunbarrel Road and Standifer Gap Road to install landscaping, as shown on the maps 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 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. Temporary User shall provide adequate access for maintenance of any utilities located within the easement.

4. Any and all landscaping and structures, including maintenance, demolition and/or removal as necessary, shall be the responsibility of the Temporary User.

5. Proposed plantings shall be established according to the three (3) equally-sized concentric rings (+/- 10' wide each) in order to maintain adequate sight distances and to ensure motorist safety. Beginning at the roundabout's center point, the innermost third (+/- 20' diameter) shall have the least restriction. The middle third shall be limited to frangible plantings, such as trees with six (6") inch mature calipers and shrubs up to thirty (30") inches at mature height. The outermost ten (10') foot ring closes to the travel lane shall have material up to six (6") inches at maximum height. Any proposed trees shall have a minimum clear trunk of five (5') feet before the first branch.

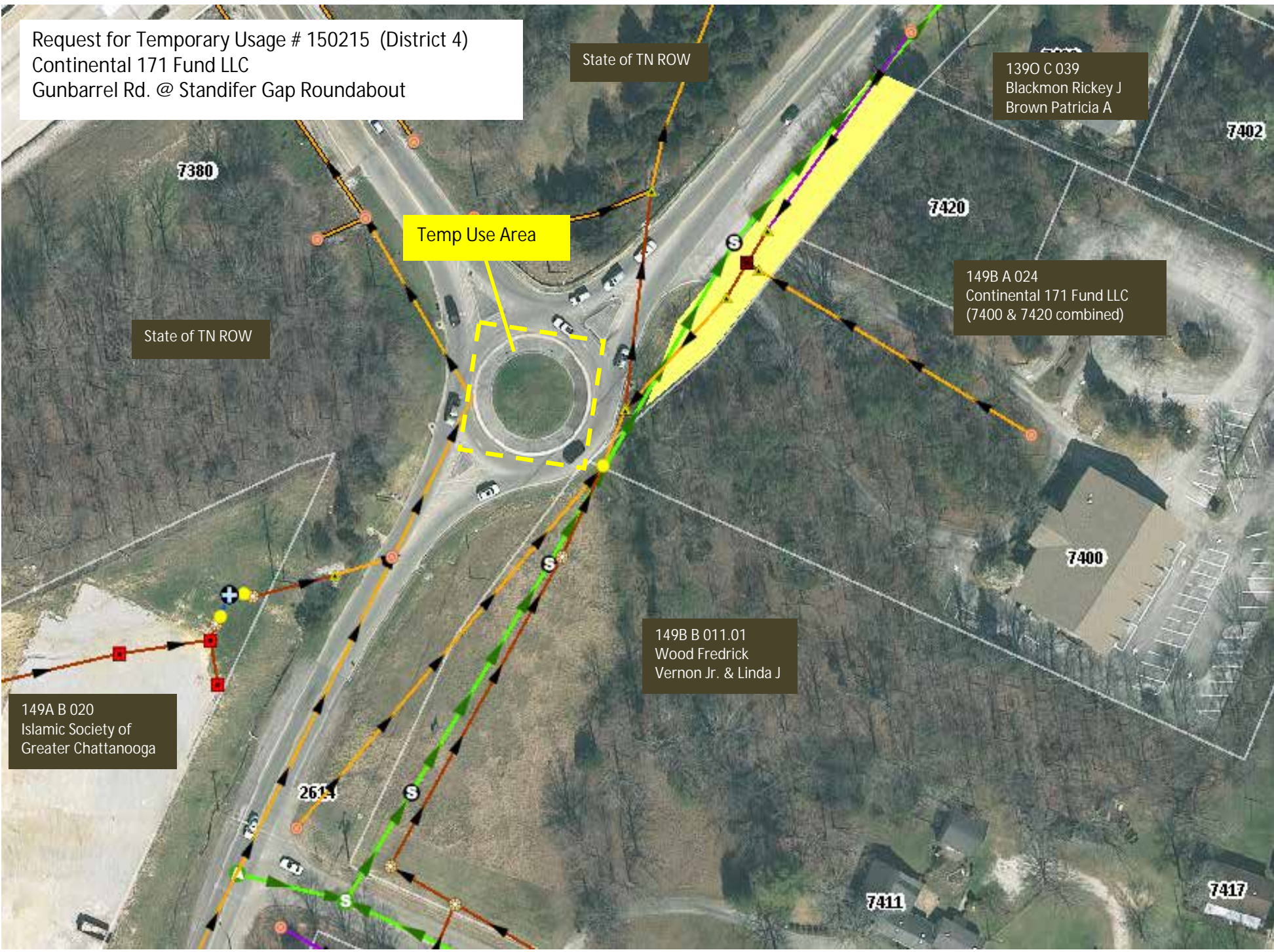
6. Any and all trees shall be maintained to provide adequate site distance.

7. 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: July 21, 2015

/mem

Request for Temporary Usage # 150215 (District 4)
Continental 171 Fund LLC
Gunbarrel Rd. @ Standifer Gap Roundabout



State of TN ROW

1390 C 039
Blackmon Rickey J
Brown Patricia A

7402

7380

Temp Use Area

7420

State of TN ROW

149B A 024
Continental 171 Fund LLC
(7400 & 7420 combined)

7400

149B B 011.01
Wood Fredrick
Vernon Jr. & Linda J

149A B 020
Islamic Society of
Greater Chattanooga

2614

7411

7417