

RESOLUTION NO. 26144

A RESOLUTION AUTHORIZING JOHN FELLERS TO USE TEMPORARILY 1419 WILLIAMS STREET AND SOUTHSIDE GALLERIES TO INSTALL A GATE, 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 John Fellers, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily 1419 Williams Street and Southside Galleries, 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. 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 adjoining property owners and all utilities cannot be restricted by the security gate.

ADOPTED: December 1, 2009

/mms

INDEMNIFICATION AGREEMENT

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

For and in consideration of the granting of the temporary usage of 1419 Williams Street and Southside Galleries to install a gate, 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.

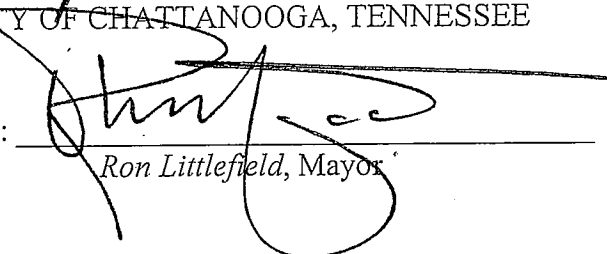
4. The adjoining property owners and all utilities cannot be restricted by the security gate.

1-11-10, 2009
Date

BY: 
John Fellers

CITY OF CHATTANOOGA, TENNESSEE

_____, 2009
Date

BY: 
Ron Littlefield, Mayor

Memorandum

To: Bill Payne
cc: Dennis Malone
From: Bill Cannon
Date: November 5, 2008
Re: Temporary Usage Request #39707
John A Fellers
1419 Williams Street
Recommendations Regarding Temporary Usage Request

I have completed my review of Mr. John Fellers request regarding the Temporary Usage of a portion of the right of way (alley) between the 1400 block of Cowart Street and the 1400 block of Williams Street (see attached map). The request is regarding Temporary Use of a portion of right of way for the installation of a security gate across said alley. My comments are as follows:

- As per the applicant there have been multiple burglaries along this alley and the applicant wishes to deter this type of activity while protecting his family and property.
- The proposed gate will be approximately 8' in elevation and 14' in width.
- The existing right of way is 14 feet \pm in width.

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 with the following condition:*

- *The adjoining property owners and all utilities can not be restricted by the security gate.*

8-31-09

Ref: Security Gate in Alley between 1419 Williams St and The Galleries at Southside

To: Marty Bass-Property Owner- The Galleries at Southside
CC: Becky Wilson-Business Owner-The Galleries at Southside

Dear Mr. Bass,

This letter is to ask your written permission to install a security gate between my home, 1419 Williams St. and your building, The Galleries at Southside at the rear entrance.

The security Gate will be a decorative gate that will provide Security to the rear alley and will be accessible by code in which you will have access to.

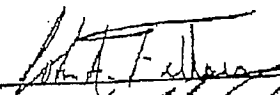
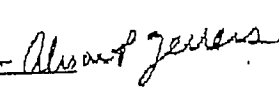
Recently, Niko's on the Southside has been broken into on approximately 4-5 different occasions in the last 1.5 months. Two of the times I happen to be in my back yard and heard the alarm and was able to provide info. to the police regarding some of the actual details per my witness.

I live in the building directly behind you with my wife and 2 children. I have reached a point where I feel it is necessary for the safety of my family to install this gate. You will see a similar gate that I installed several months ago in my alley on the front part of 1419 Williams St. between my home and the home of Cessna Decosimo.

Thank you for your consideration in the matter.

Sincerely,

John and Alison Fellers

John Fellers  Alison Fellers 

Marty Bass 

W 14TH ST

W 15TH ST

1400 Cowart St
Southside Restaurant Group LLC

REC
1401 Williams St.
CFS Properties

1403 Williams St
Michael & Carol Mackinnon

1410 Cowart St
William M. Bar...

Temp Use Request
John Fellers
#89707

1405 Williams St
Dariusz A. K...

1419 Williams St.
John Fellers

1410 Cowart St
1944 Roberts LP &
Bayfield Boys Inc.

1417 Williams St
Cecilia Elizabeth Derosimo

1433 Williams St
John Fellers

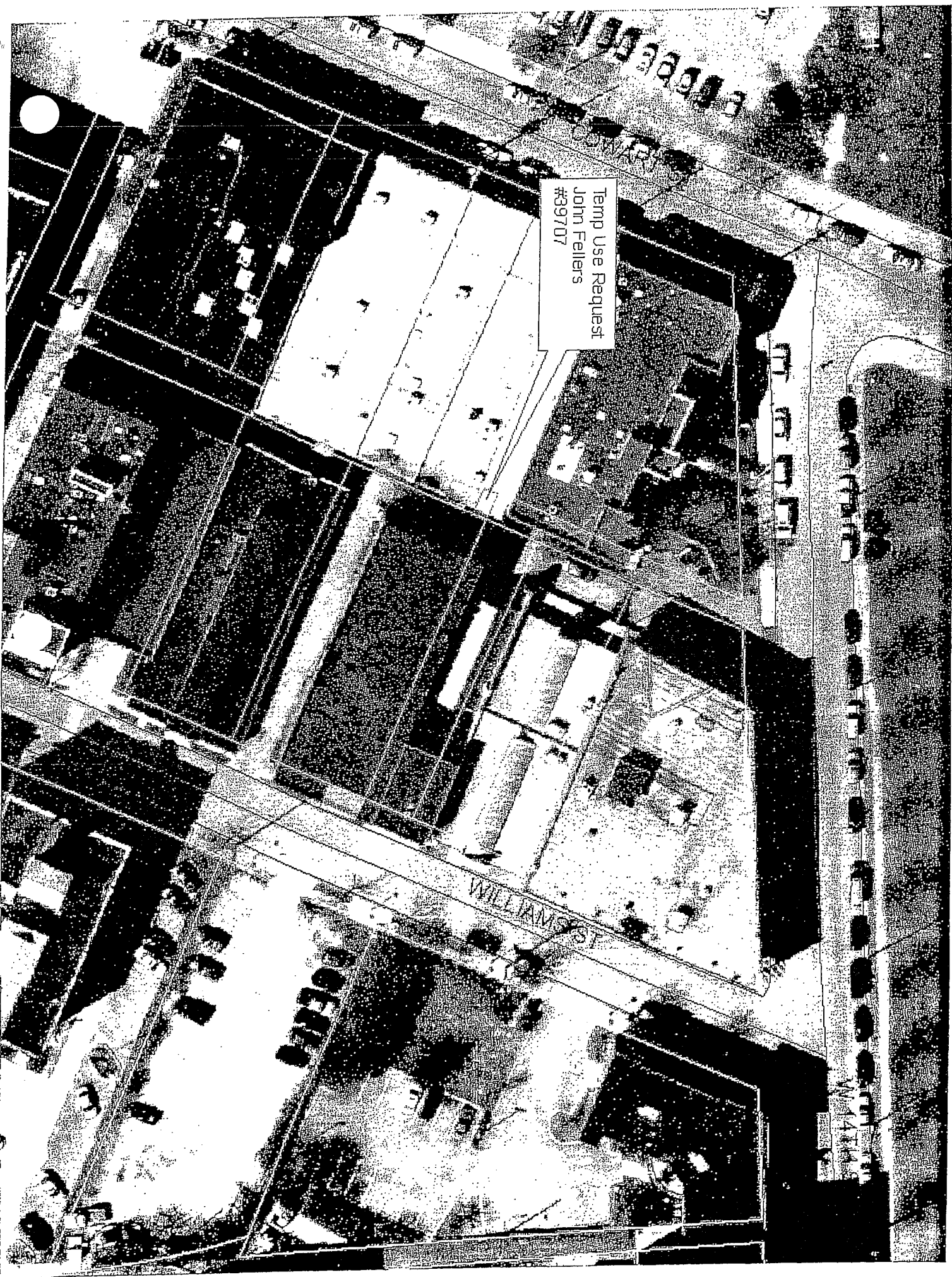
W 16TH ST

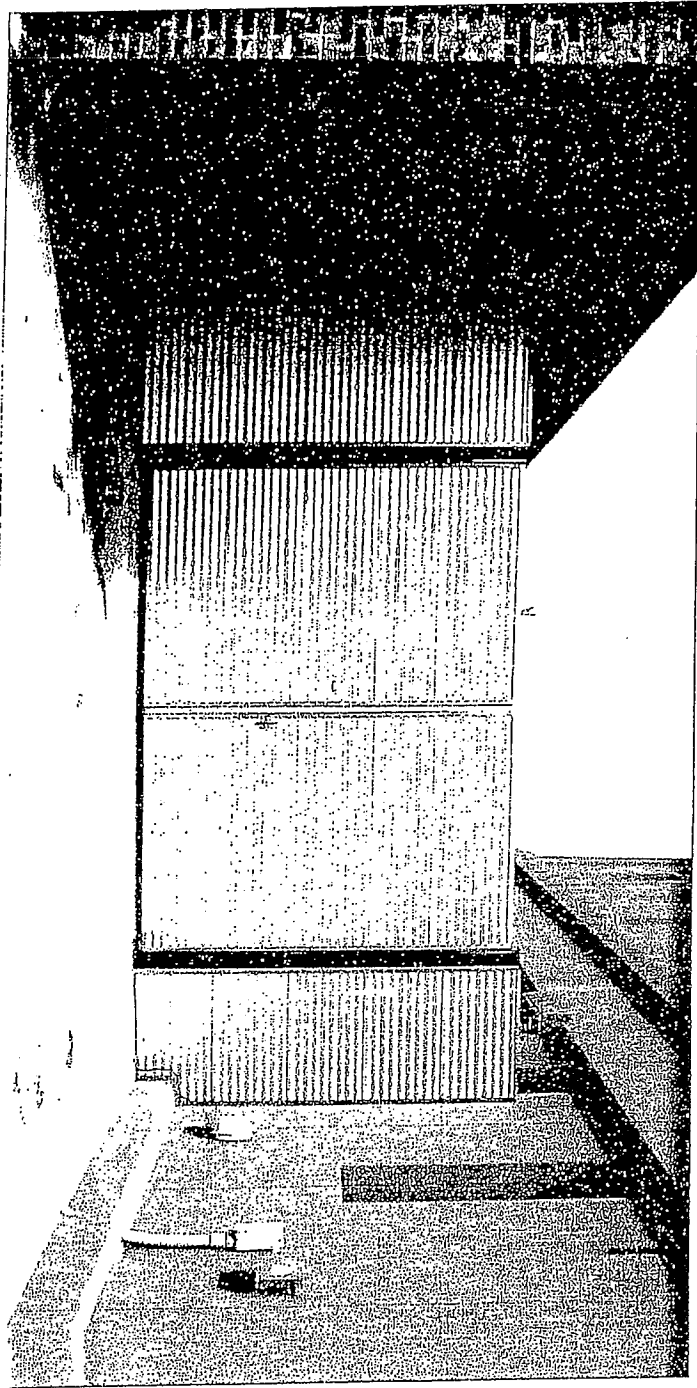
Temp Use Request
John Fellers
#39707

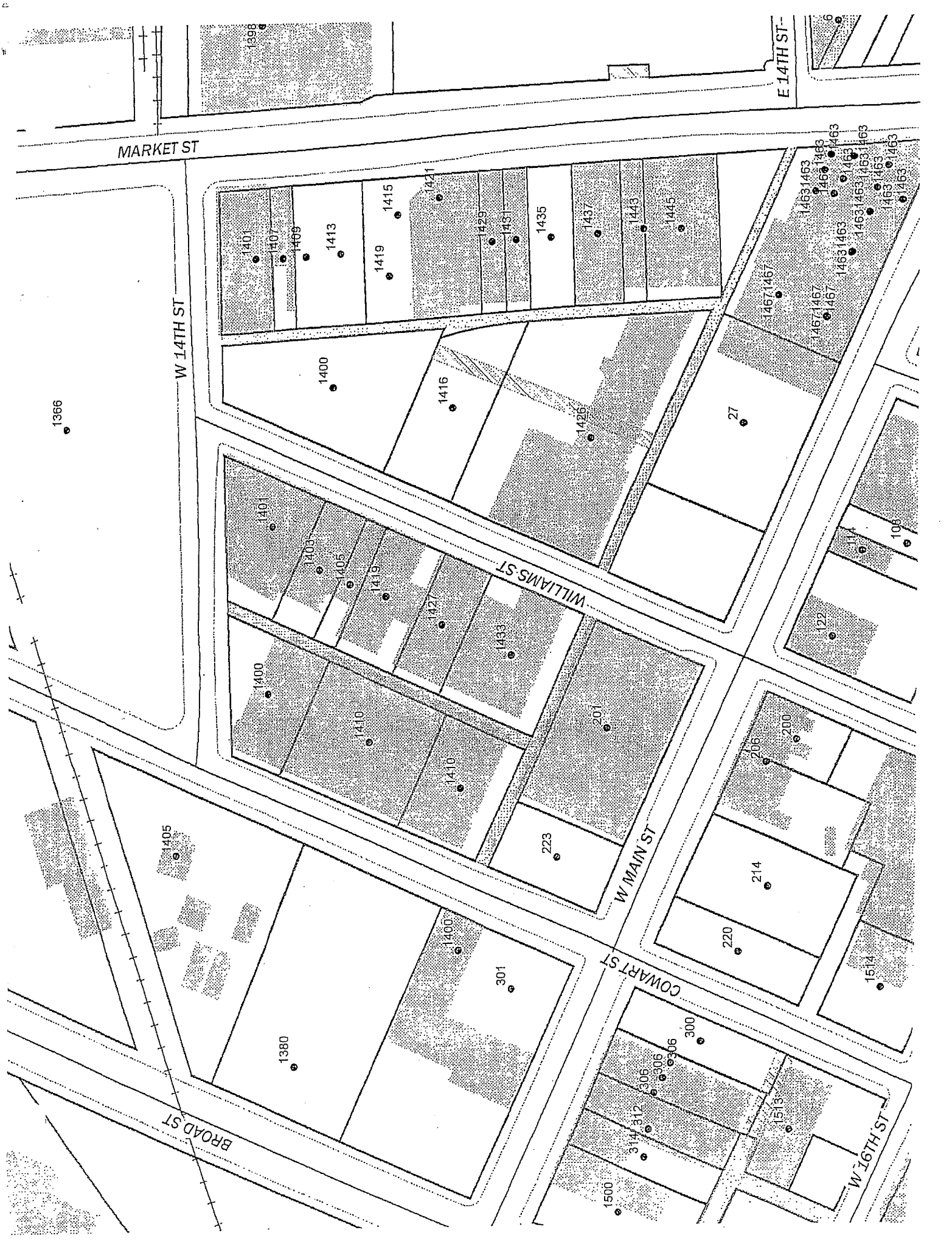
WILLIAMS ST

WILLIAMS ST

WILLIAMS ST







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MARKET ST

E 14TH ST

W 14TH ST

WILLIAMS ST

W MAIN ST

BROAD ST

COWART ST

W 16TH ST

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