

A RESOLUTION AUTHORIZING TOP IT OFF/ZACH SMITH, TO USE TEMPORARILY THE RIGHT-OF-WAY ALONG 401 BROAD STREET FOR THE INSTALLATION OF OUTDOOR SEATING, AS SHOWN IN THE DRAWING, PHOTOGRAPH, AND 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 TOP IT OFF/ZACH SMITH, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way along 401 Broad Street for the installation of outdoor seating, as shown in the drawing, photograph, and 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 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. Temporary User shall comply with ADA standards and minimum clearances for pedestrian traffic within said right-of-way as to any items (tables, chairs, railing) placed along the subject building and right-of-way.
5. Temporary User shall delineate the seating area with a railing, which cannot be permanently attached to the existing pavers in the subject right-of-way.

6. Temporary User shall not impede motorists' views at the intersection of 4th Street and Broad Street by the seating area.

ADOPTED: June 7, 2011

/add

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and TOP IT OFF/ZACH SMITH (hereinafter "Temporary User"), this 7th day of JUNE, 2011.

For and in consideration of the granting of the temporary usage of the right-of-way along 401 Broad Street for the installation of outdoor seating, as shown in the drawing, photograph, and maps 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. Temporary User shall comply with ADA standards and minimum clearances for pedestrian traffic within said right-of-way as to any items (tables, chairs, railing) placed along the subject building and right-of-way.

5. Temporary User shall delineate the seating area with a railing, which cannot be permanently attached to the existing pavers in the subject right-of-way.

6. Temporary User shall not impede motorists' views at the intersection of 4th Street and Broad Street by the seating area.

TOP IT OFF

_____, 2011
Date

BY: _____
Zach Smith

4/13, 2011
Date

CITY OF CHATTANOOGA, TENNESSEE

BY: _____
Ron Littlefield, Mayor

Memorandum

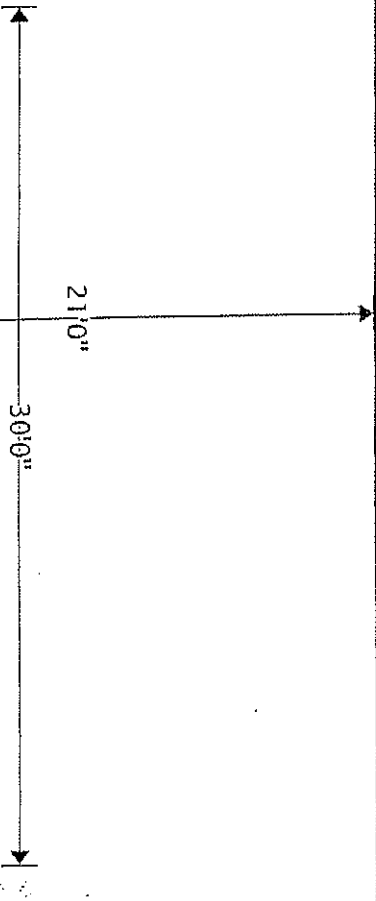
To: Bill Payne
cc: Dennis Malone
From: Bill Cannon
Date: June 6, 2011
Re: Temporary Usage Request #68228
Zach Smith
401 Broad Street
Recommendations for Temporary Usage

I have completed my review of Mr. Smith's request regarding the Temporary Usage of the Right of Way along 401 Broad Street (see attached map). The request is regarding the temporary use of a portion of right of way along the front of the business for the placement of outdoor setting. (see attached Map). My comments are as follows:

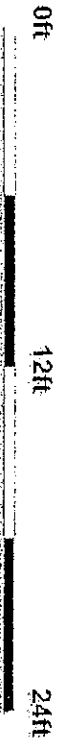
- The requested portion of sidewalk / right of way is 8 feet ± in width by 30 feet ± in length.
- The existing portion of sidewalk / right of way in front of the applicants business is 21feet ± in width by 30 feet ± in length.
- Based on the submitted design drawing and field measurements the tables and chairs will not encroach on minimum ADA Clearances.

After review, granting a portion of 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 conditions:***

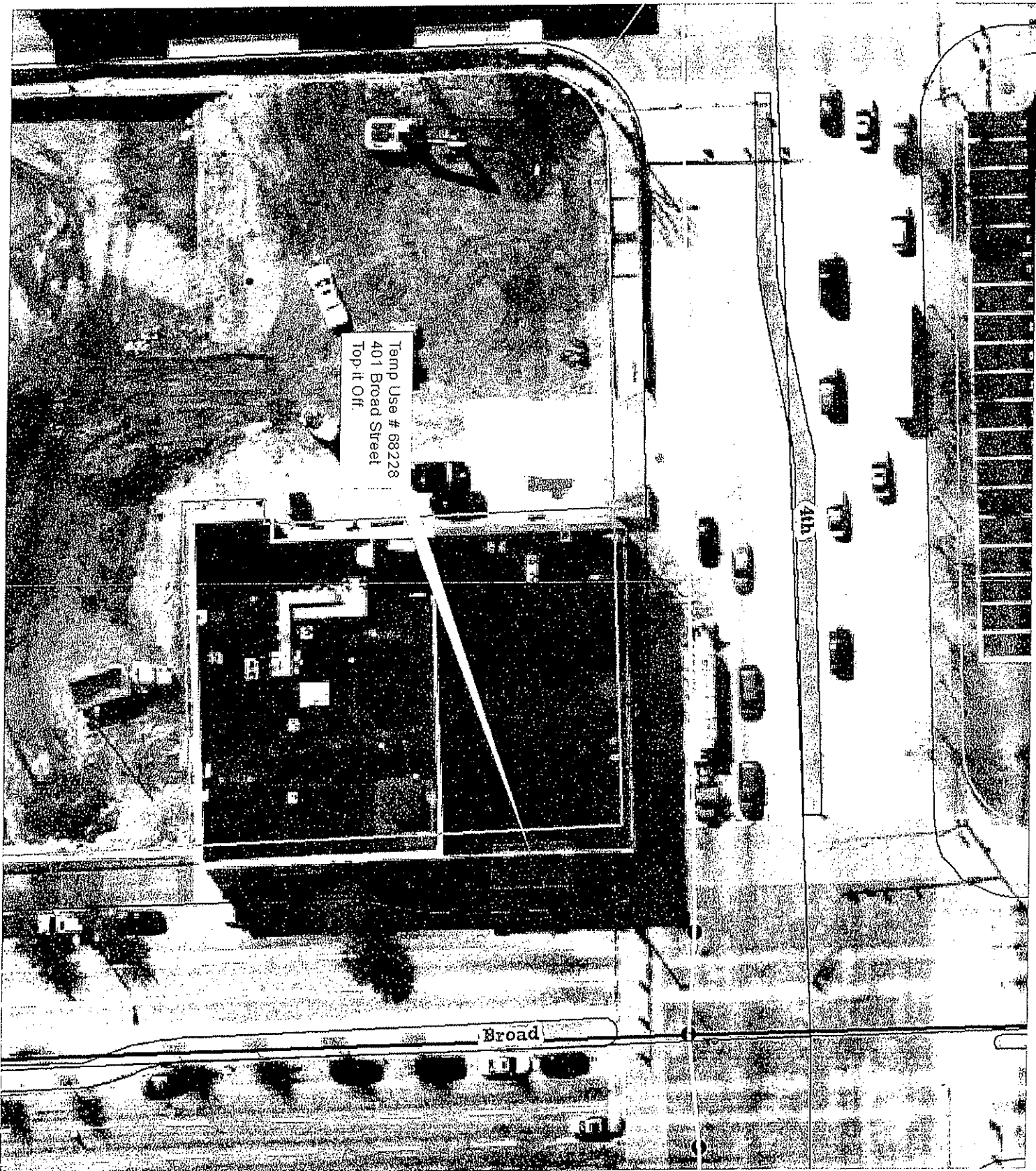
- ***Any items (tables, chairs, railing) placed along the subject building and right of way must comply with ADA Standards and minimum clearances for pedestrian traffic within said right of way.***
- ***The seating area must be delineated with a railing and it cannot be permanently attached to the existing pavers in the subject right of way.***
- ***The seating area can not impede motorist's views at the intersection of 4th Street and Broad Street.***



Top it Off
401 Broad Street Ste 105







Temp Use # 68228
401 Broad Street
Top It Off.

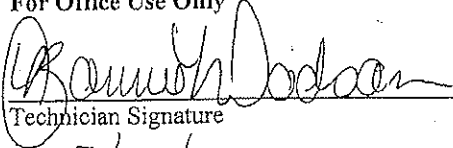
Broad

4th

5/20/11 (Date)

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

W/O # 68228
S/R # 514220

For Office Use Only	
	
Technician Signature	
5/20/11	
Date	



Re: Request for Temporary Usage

Dear Mr. Payne:

This is a request for a temporary usage of placing tables and chairs in front of 401 Broad Street Ste 105 (Top it Off) on the side walk.

The reason for this request is as follows:
We would like for our customers to enjoy outdoor seating as they can at other downtown locations.

RECEIVED
MAY 20 2011
STORM WATER

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.

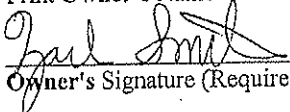
My address and phone number are as follows:

Top it Off (423)260-5347
401 Broad Street Ste 105
Chattanooga, TN 37402

(Processing Fee \$110.00)

Zach Smith 5/20/11
Print Applicant Name Date

Zach Smith (Lesse) 5/20/11
Print Owner's Name Date


Owner's Signature (Required)

NOTE: This application will not be processed without the owner's signature and a site map/drawing of the location.

Maps related to the Mississippi River floods
Maps related to the recent tornadoes

Recent floods and tornadoes

