

RESOLUTION NO. 27663

A RESOLUTION AUTHORIZING STEPHEN R. DILLARD TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 1404 RIVERVIEW ROAD FOR THE INSTALLATION OF A LOW, STONE RETAINING WALL ALONG A PORTION OF SAID RIGHT-OF-WAY, 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 STEPHEN R. DILLARD, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located at 1404 Riverview Road for the installation of a low, stone retaining wall along a portion of said right-of-way, 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 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 proposed wall must meet the minimum requirements per City Codes and Standards.

ADOPTED: October 1, 2013

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and STEPHEN R. DILLARD (hereinafter "Temporary User"), this 1st day of OCTOBER, 2013.

For and in consideration of the granting of the temporary usage of the right-of-way located at 1404 Riverview Road for the installation of a low, stone retaining wall along a portion of said right-of-way, as shown on the maps attached hereto and made a part hereof by reference, the receipt of which is hereby acknowledged, Temporary User agrees as follows:

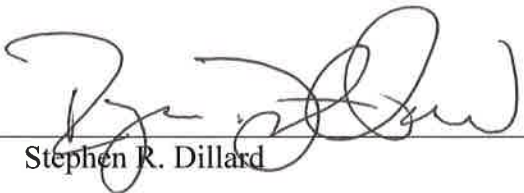
1. Temporary User shall defend, and hold harmless the City of Chattanooga, Tennessee, its officers, agents and employees from any and all claims for damages for injuries to persons or property related to or arising out of the aforementioned temporary use.

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. The proposed wall must meet the minimum requirements per City Codes and Standards.

OCTOBER 1, 2013
Date

BY: 
Stephen R. Dillard

CITY OF CHATTANOOGA, TENNESSEE


OCTOBER 1st, 2013
Date

BY: 
Andy Berke, Mayor

6-6-2013 (Date)

SR # 729558

WO # 114841

For Office Use Only

Technician Signature
6/6/13
Date

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

Re: Request for Temporary Usage

Dear Mr. Payne:

This is a request for a temporary usage of FRONTAGE STREET RIGHTS OF WAY
1404 RIVERVIEW RD, CHATT, TN 37405, TAX MAP # 127PT 004

The reason for this request is as follows:

LOW STONE RETAINING WALL INSTALLED AT STEEP ROAD CUT TO
RETAIN YARD AREA AND SIDEWALK. WALL IS SIMILAR TO OTHER
WALLS IN THIS AREA. WALL IS 10' OFF STREET EDGE, AREA BETWEEN STREET
AND WALL SHOULD ACCOMMODATE ALL UTILITIES. (SEE ENCLOSED SITE PLAN)
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:

(423) 595-1563

NON REFUNDABLE

(Processing Fee \$110.00) CHECK TO 'CITY OF CHATTANOOGA'

GLEN L. CRAIG
Print Applicant Name

6-6-2013
Date

STEPHEN RYAN DILLARD
Print Owner's Name

6-6-2013
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.



Stephen Ryan Dillard
Temporary Usage #1404
Status: Riverview Road - Public ROW

UNOPEN

SUNSET

RIVERVIEW

1414

1412

1410

1408

1406

1404

62568

1314

1400

1404

1408

1412

1405

1409



RETAINING WALL BEHIND SIDEWALK



#114841
INCLUDE
with
Plan View

Stephen Ryan Dillard
Temporary Usage #1404
Status: Riverview Road Public ROW

UNOPEN

52588