

RESOLUTION NO. 28062

A RESOLUTION AUTHORIZING STURM HAUS BEER MARKET C/O MARSHA STURM TO USE TEMPORARILY A SIDEWALK LOCATED AT 1120 HOUSTON STREET FOR OUTDOOR PATIO SEATING, AS SHOWN ON THE PHOTOS 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 STURM HAUS BEER MARKET C/O MARSHA STURM, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily a sidewalk located at 1120 Houston Street for outdoor patio seating, as shown on the photos 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. Temporary User shall obtain necessary permits and approvals.

5. Any items (tables, chairs, railings) placed along the building and right-of-way must comply with ADA standards and minimum clearances for pedestrian traffic within said right-of-way.

ADOPTED: November 11, 2014

/mem

Memorandum

To: Fritz Brogdon *FB*
From: Ed Bowen
cc: Bertran Kuyrkendall; Brandon Sutton *BS*
Date: October 17, 2014
Re: Temporary Usage Request #138252
1120 Houston Street (District 8)
Marsha Sturm/Sturm Haus Beer Market

Recommendations Regarding Temporary Usage Request

I have completed my review of Ms. Sturm's request for Temporary Usage of the sidewalk at 1120 Houston Street for outdoor patio seating as shown on the attached photos. My comments are as follows:

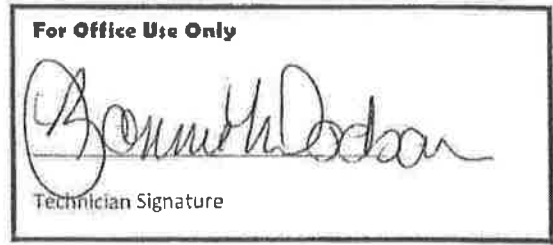
- The location is in front of Sturm Haus Beer Market.
- The landlord for Sturm Haus (Fleetwood Commons) requests that permission from the city of Chattanooga be obtained for outdoor patio seating.
- The city of Chattanooga has no sanitary sewer infrastructure in the subject portion of the area.

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 these conditions:*

- The applicant shall obtain necessary permits and approvals.
- Any items (tables, chairs, railings) placed along the building and right-of-way must comply with ADA standards and minimum clearances for pedestrian traffic within said right-of-way.



SR# 890393
WO# 138252



9-4-14
(DATE)

Bertran Kuyrkendall, P.E.
Transportation Engineer
Development Resource Center
1250 Market Street, Suite 3000
Chattanooga, Tennessee 37402

Re: Request for Temporary Usage

Dear Mr. Kuyrkendall:

This is a request for a temporary usage of sidewalk at 1120 Houston St. in front of
STURM HAUS BEER Market

The reason for this request is as follows:
STURM HAUS' LANDLORD, FLEETWOOD COMMONS, IS REQUESTING
WE GET PERMISSION FROM CITY FOR OUTDOOR PATIO SEATING

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 agrees to comply with any and all conditions recommended by the City Transportation Engineer and/or City Transportation Department and approved by the Chattanooga City Council during the review of this application. The failure to comply with any condition approved by the City Council may be grounds for revocation of this temporary use at any time after its approval
3. 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.
4. Temporary User will provide full access for maintenance of any utilities located within the easement.
5. Temporary User will obtain any and all other permits, variances, or approvals necessary to accommodate the temporary use.
6. 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.
7. 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.

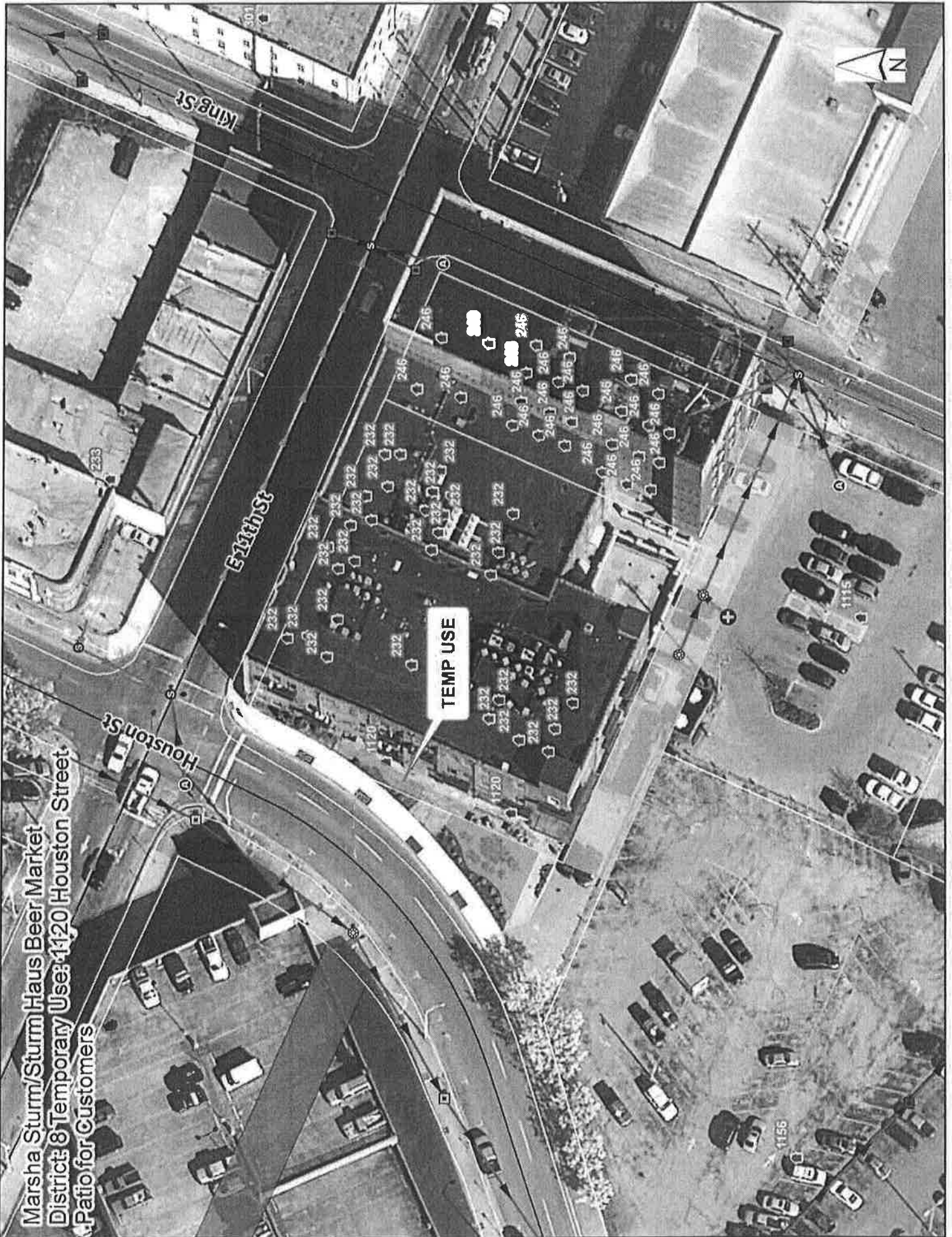
My address and phone number is as follows: MARSHA STURM STURM HAUS BEER Market
1120 HOUSTON ST CHATTANOOGA 37402
423-648-1120 / 423-645-2618 (email address) Marsha@sturm-haus.com

<u>MARSHA STURM</u> (Print) Applicant Name	<u>Marsha C Sturm</u> (Sign) Applicant Name	<u>9-4-14</u> Date
<u>Todd Phillips</u> (Print) Owner's Name	<u>[Signature]</u> (Sign) Owner's Name	<u>9-12-14</u> Date

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

(Processing Fee of \$110.00 payable to: City of Chattanooga)

Marsha Sturm/Sturm Haus Beer Market
District 8 Temporary Use: 1120 Houston Street
Patio for Customers



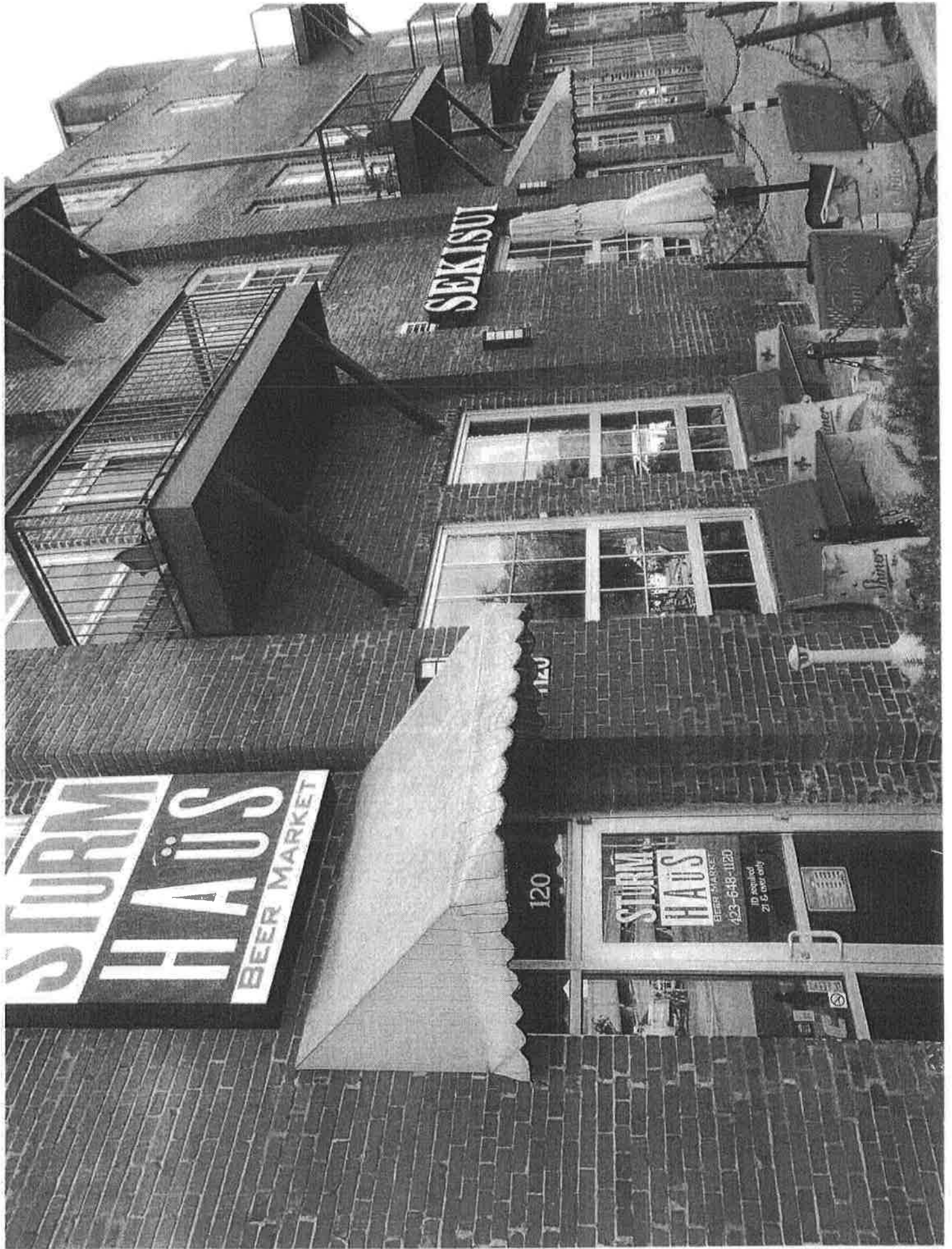


**STURM
HAUS**
REISE-PLANBUCHER

SEKISUI

1120

**STURM
HAUS**



STURM HAÜS
BEER MARKET

SEKISUJI

120

STURM HAÜS
BEER MARKET
423-648-1120
ID required
21 & over only

Purina

Purina