

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING MAGNOLIA INVESTORS, LLC C/O MARCUS JONES TO USE TEMPORARILY A RIGHT-OF-WAY LOCATED ALONG MERONEY STREET FOR THE INSTALLATION OF A PRIVATE SANITARY SEWER LATERAL FOR A NEW RESIDENTIAL HOME, 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 MAGNOLIA INVESTORS, LLC C/O MARCUS JONES, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily a right-of-way located along Meroney Street for the installation of a private sanitary sewer lateral for a new residential home, 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. Temporary User shall obtain excavation and restoration/street cut permits as per Section 32-63 of the City Code.

5. Temporary User cannot restrict the neighboring property owner's access to the subject right-of-way, and Temporary User is responsible for maintaining the subject right-of-way in the condition equal to or better than the condition at the time the temporary use is granted.

ADOPTED: _____, 2012

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the “City”), and MAGNOLIA INVESTORS, LLC C/O MARCUS JONES (hereinafter “Temporary User”), this _____ day of _____, 2012.

For and in consideration of the granting of the temporary usage of a right-of-way located along Meroney Street for the installation of a private sanitary sewer lateral for a new residential home, 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. Temporary User shall obtain excavation and restoration/street cut permits as per Section 32-63 of the City Code.

5. Temporary User cannot restrict the neighboring property owner’s access to the subject right-of-way, and Temporary User is responsible for maintaining the subject right-of-way in the condition equal to or better than the condition at the time the temporary use is granted.

MAGNOLIA INVESTORS, LLC

_____, 2012
Date

BY: _____
Marcus Jones

CITY OF CHATTANOOGA, TENNESSEE

_____, 2012
Date

BY: _____
Ron Littlefield, Mayor

City of Chattanooga



Resolution Request Form

(This form is only required for resolutions requiring expenditure of City funds)

Date: November 6, 2012

Preparer: William C. Payne

Department: Public Works - Engineering

Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council): _____ District 1

A City Council Action is requested to approve the request for Temporary Usage No. 102075 for Magnolia Investors LLC c/o Marcus Jones of right-of-way along Meroney Street for the installation of a private sanitary sewer lateral for a new residential home, as shown on the attached drawing.

| | | | |
|---------------------------------------|------------|---|------------|
| Name of Vendor/Contractor/Grant, etc. | <u>N/A</u> | New Contract/Project? (Yes or No) | <u>N/A</u> |
| Total project cost \$ | <u>N/A</u> | Funds Budgeted? (YES or NO) | <u>N/A</u> |
| Total City of Chattanooga Portion \$ | <u>N/A</u> | Provide Fund | <u>N/A</u> |
| City Amount Funded \$ | <u>N/A</u> | Provide Cost Center | <u>N/A</u> |
| New City Funding Required \$ | <u>N/A</u> | Proposed Funding Source if not budgeted | <u>N/A</u> |
| City's Match Percentage % | <u>N/A</u> | Grant Period (if applicable) | <u>N/A</u> |

List all other funding sources and amount for each contributor.

| <u>Amount(s)</u> | <u>Grantor(s)</u> |
|------------------|-------------------|
| | |
| | |
| | |
| \$ | |

Agency Grant Number _____

CFDA Number if known _____

Other comments: (Include contingency amount, contractor, and other information useful in preparing resolution)

Approved by: 

Reviewed by: FINANCE OFFICE

DESIGNATED OFFICIAL/ADMINISTRATOR

Please submit completed form to @budget, City Attorney and City Finance Officer

Memorandum

To: Bill Payne
From: Bill Cannon
cc: Dennis Malone
Date: November 05, 2012
Re: Temporary Usage Request #102075
Marcus Jones c/o Magnolia Investors LLC
1020 Meroney Street
Recommendations Regarding Temporary Usage Request

I have completed my review of Mr. Jone's request for Temporary Usage of the right of way along Meroney Street for the installation of a private sanitary sewer lateral for a new residential home. Please refer to the attached map. My comments are as follows:

- The applicant is requesting temporary usage of the subject right of way for approximately 150' parallel to Meroney Street in a south westerly direction as this is the nearest point for connection to the main sanitary sewer.
- The only issue I see is the applicant will have to cross a neighboring residential driveway that is in the path of the proposed private sanitary sewer tap. (see attached map).

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 subject to the following condition.***

- ***Subject to the applicant obtaining excavation and restoration / street cut permits as per Sec. 32-63 of the City Code.***
- ***Applicant cannot restrict the neighboring property owner's access to the subject right of way and applicant is responsible for maintaining the subject right of way in the condition equal to or better than the condition at the time the temporary use is granted.***



11/2/12 (Date)

ENTERED CCF

For Office Use Only
Technician Signature
Date

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

SR# 669569
WO# 102075

SR.
CLOSED
11-2-2012
RECEIVED
NOV 2 - 2012
STORM WATER

Re: Request for Temporary Usage

Dear Mr. Payne:

This is a request for a temporary usage of the Meroney Street right of way located west of 1020 Meroney St.

The reason for this request is as follows:

I plan to build my private residence on the property directly north of 1020 Meroney street. Meroney Street extends to my property however the nearest sewer manhole is 150' away. I am requesting temporary use of the right of way to connect my private sewer line to the city sewer.

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:

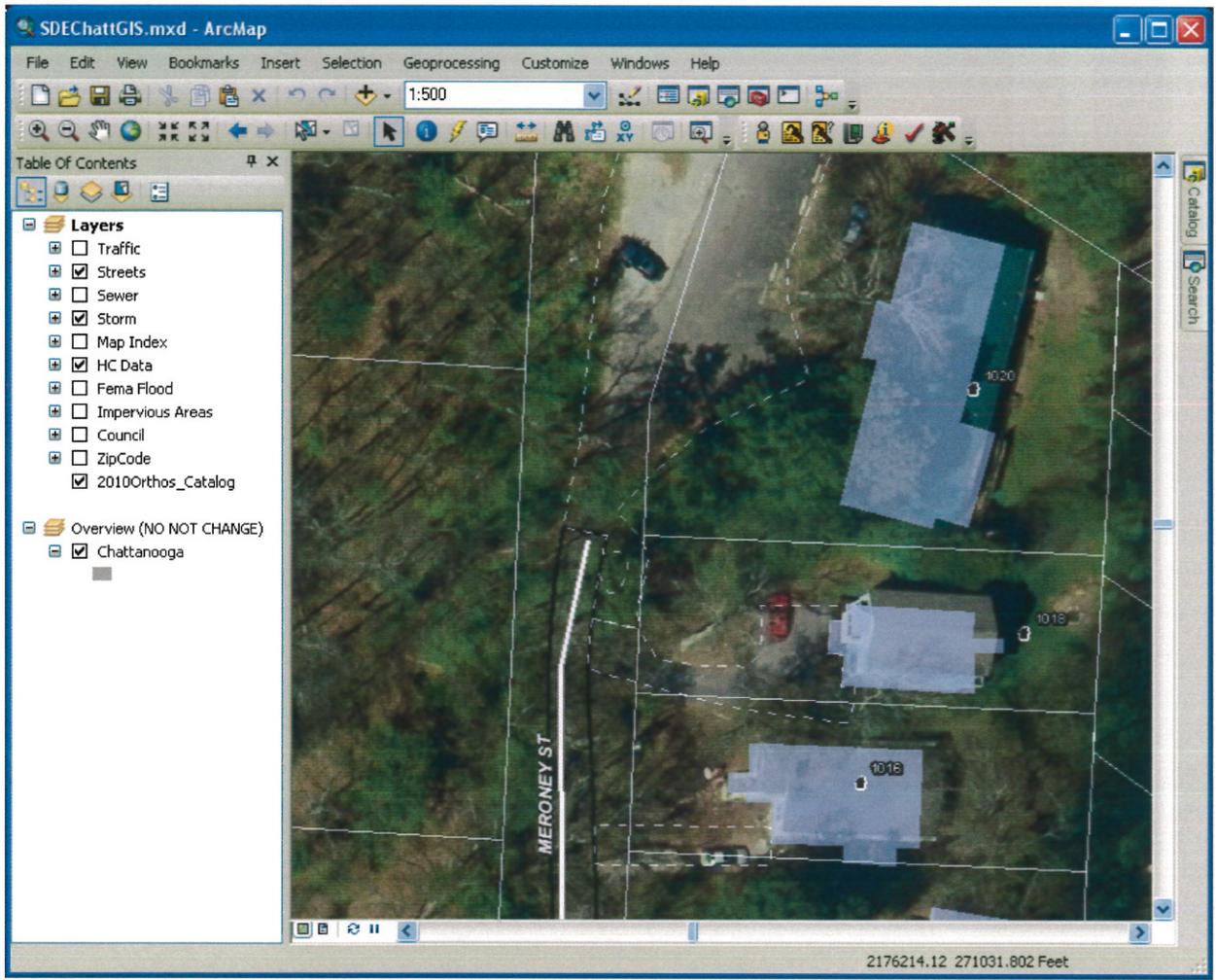
6812 Village Lake Circle Chattanooga, TN 37412
423-505-2556

(Non-Refundable Processing Fee \$110.00)

Marcus Jones
Print Applicant Name
(Magnolia Investors LLC)
Owning representative Marcus Jones
Print Owner's Name
Magnolia
Owner's Signature (Required)

11/2/12
Date
11/2/12
Date

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





**CITY OF CHATTANOOGA
PUBLIC WORKS DEPARTMENT
UNIFIED WORK ORDER**

Project/Funding:

Work Order Number: * 1 0 2 0 7 5 *



Address: 1020 MERONEY ST

Tax Map/Grid: 126M

| | | | |
|--|--|---|---|
| Required Work Type: ENG - Temporary Use | | Category: ADMIN | Date Needed: 1/1/2013 |
| WO Initiated: 11/2/2012 11:58:33 AM | Initiated By: FISHER, CAROLYN C | Requested By: CANNON, WILLIAM E | Priority: 3 |
| | | District: 1 | Transferred To/Submitted to: CANNON, WILLIAM E - 11/2/2012 11:58:45 AM |
| | | | Status: UNDINV |

Instructions:

Comments:

From: Request ID: 669569, 11/2/2012 11:58:23 AM Problem Details:

REQUEST FOR TEMPORARY USAGE OF THE MERONEY STREET R-O-W. REASON: I PLAN TO BUILD PRIVATE RESIDENCE ON PROPERTY DIRECTLY NORTH OF 1020 MERONEY STREET.

By FISHER, CAROLYN C: 11/2/2012 12:02:02 PM

REQUEST FOR TEMPORARY USAGE OF THE MERONEY STREET R-O-W. REASON: I PLAN TO BUILD MY PRIVATE RESIDENCE ON PROPERTY DIRECTLY NORTH OF 1020 MERONEY STREET. MERONEY STREET EXTENDS TO MY PROPERTY, HOWEVER, THE NEAREST SEWER MANHOLE IS 150' AWAY. I AM REQUESTING TEMPORARY USE OF THE RIGHT-OF-WAY TO CONNECT MY PRIVATE SEWER LINE TO THE CITY SEWER

Date Completed:

Supervisor:

WO Closed :

Associated Service Request(s), If Any:

| SR# | Date/Time Init. | Priority | Description | Problem Address |
|---------------------------------------|--|----------------------------|----------------------------------|-----------------|
| 669569 | 11/2/2012 11:56:28 AM | 3 | ENG - Temporary Right-of-Way Use | 1020 MERONEY ST |
| Customer Name JONES, MARCUS | Customer Work Phone (423) 505-2556 | Customer Home Phone | Customer Zip 37412 | |

Work Comments/Results:



CITY OF CHATTANOOGA
PUBLIC WORKS DEPARTMENT
SERVICE REQUEST

Date/Time Printed: 11/2/12 @ 12:06 PM

Wo# 102075

CityworksSR #: 669569

| | | | |
|----------------------|---|--------------------|--------------------------|
| SR Type: | ENG - Temporary Right-of-Way Use | | |
| Submitted to: | CANNON, WILLIAM E | Dispatched: | CANNON, WILLIAM E |
| Input By: | FISHER, CAROLYN C | Priority: | 3 |
| Create Date: | 11/2/2012 11:56:28 AM | Status: | CLOSED |
| District: | 1 | Due Date: | 1/31/2013 |
| Location: | 1020 MERONEY ST 37405 | | |

| Question | Answer |
|----------|--------|
| | |

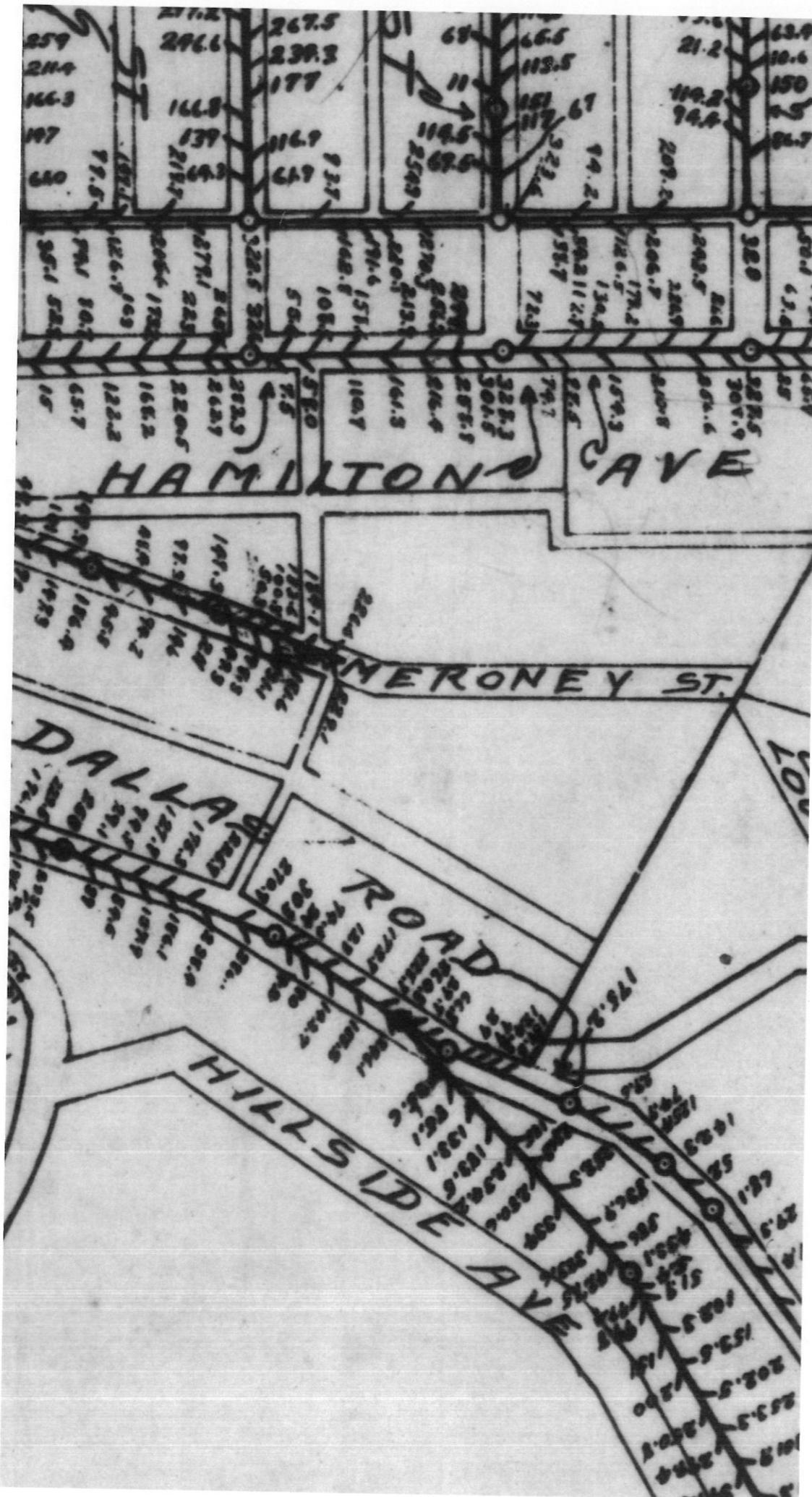
Callers/Complainants

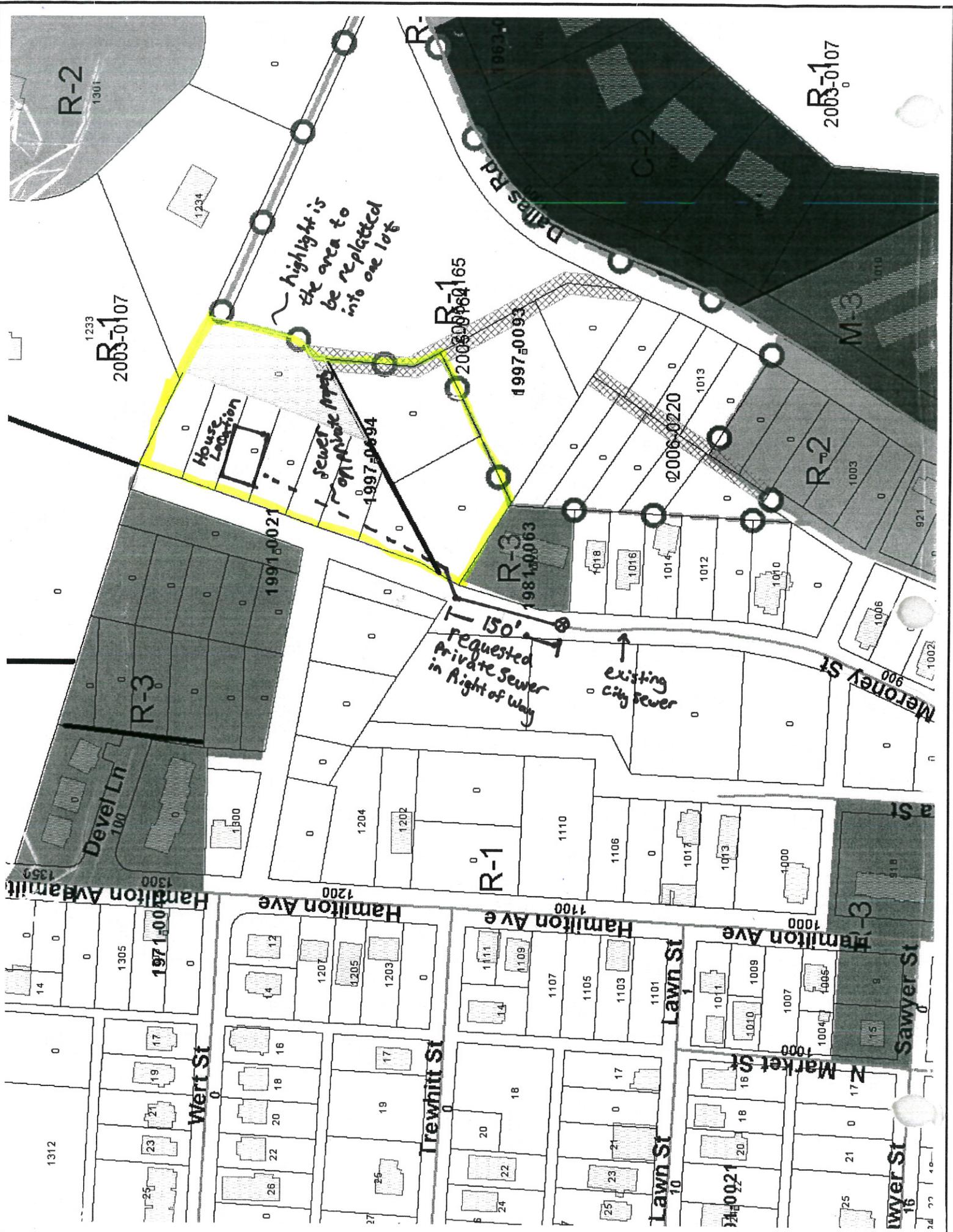
| First Name | Last Name | Address | Apt. | Zip |
|------------|----------------|--------------------------|------|-------|
| MARCUS | JONES | 6812 VILLAGE LAKE CIRCLE | | 37412 |
| Home Phone | Work Phone | Other Phone | | |
| | (423) 505-2556 | | | |

Additional Information

| | |
|--------------|--------------------|
| CSRID | 12-00112717 |
|--------------|--------------------|

Additional Details/Comments: REQUEST FOR TEMPORARY USAGE OF THE MERONEY STREET R-O-W.
REASON: I PLAN TO BUILD PRIVATE RESIDENCE ON PROPERTY DIRECTLY NORTH OF 1020 MERONEY STREET.





R-2
1301

1233
R-1
2003-0107

R-22
2003-0107

highlight is
the area to
be replatted
into one lot

House
Location

Sewer Pipe
17' on Block 1994

150'
Requested
Private Sewer
in Right of Way

existing
city sewer

Devel Ln
100

R-3

R-1

R-2

Meroney St
900

Wertheim St

Irewhitt St

Lawn St
10

Hamilton Ave
1000

N Market St

Sawyer St

Iwyer St
16

1971-0001

R-1
2003-0164
165

1997-0093

2006-0220

R-3
1981-0063

1305

1305

1305

1305

1305

1305

1305

1305

1305

1305

1305

1305

1305

1305

1305

1305

1305

1305

1305

1305

1305

1305

1305

1305

1305

1305

1305

17

17

17

17

17

17

17

17

17

17

17

17

17

17

17

17

17

17

17

17

17

17

17

17

17

17

17

19

19

19

19

19

19

19

19

19

19

19

19

19

19

19

19

19

19

19

19

19

19

19

19

19

19

19

21

21

21

21

21

21

21

21

21

21

21

21

21

21

21

21

21

21

21

21

21

21

21

21

21

21

21

23

23

23

23

23

23

23

23

23

23

23

23

23

23

23

23

23

23

23

23

23

23

23

23

23

23

23

25

25

25

25

25

25

25

25

25

25

25

25

25

25

25

25

25

25

25

25

25

25

25

25

25

25

25

27

27

27

27

27

27

27

27

27

27

27

27

27

27

27

27

27

27

27

27

27

27

27

27

27

27

27

29

29

29

29

29

29

29

29

29

29

29

29

29

29

29

29

29

29

29

29

29

29

29

29

29

29

29

31

31

31

31

31

31

31

31

31

31

31

31

31

31

31

31

31

31

31

31

31

31

31

31

31

31

31

33

33

33

33

33

33

33

33

33

33

33

33

33

33

33

33

33

33

33

33

33

33

33

33

33

33

33

35

35

35

35

35

35

35

35

35

35

35

35

35

35

35

35

35

35

35

35

35

35

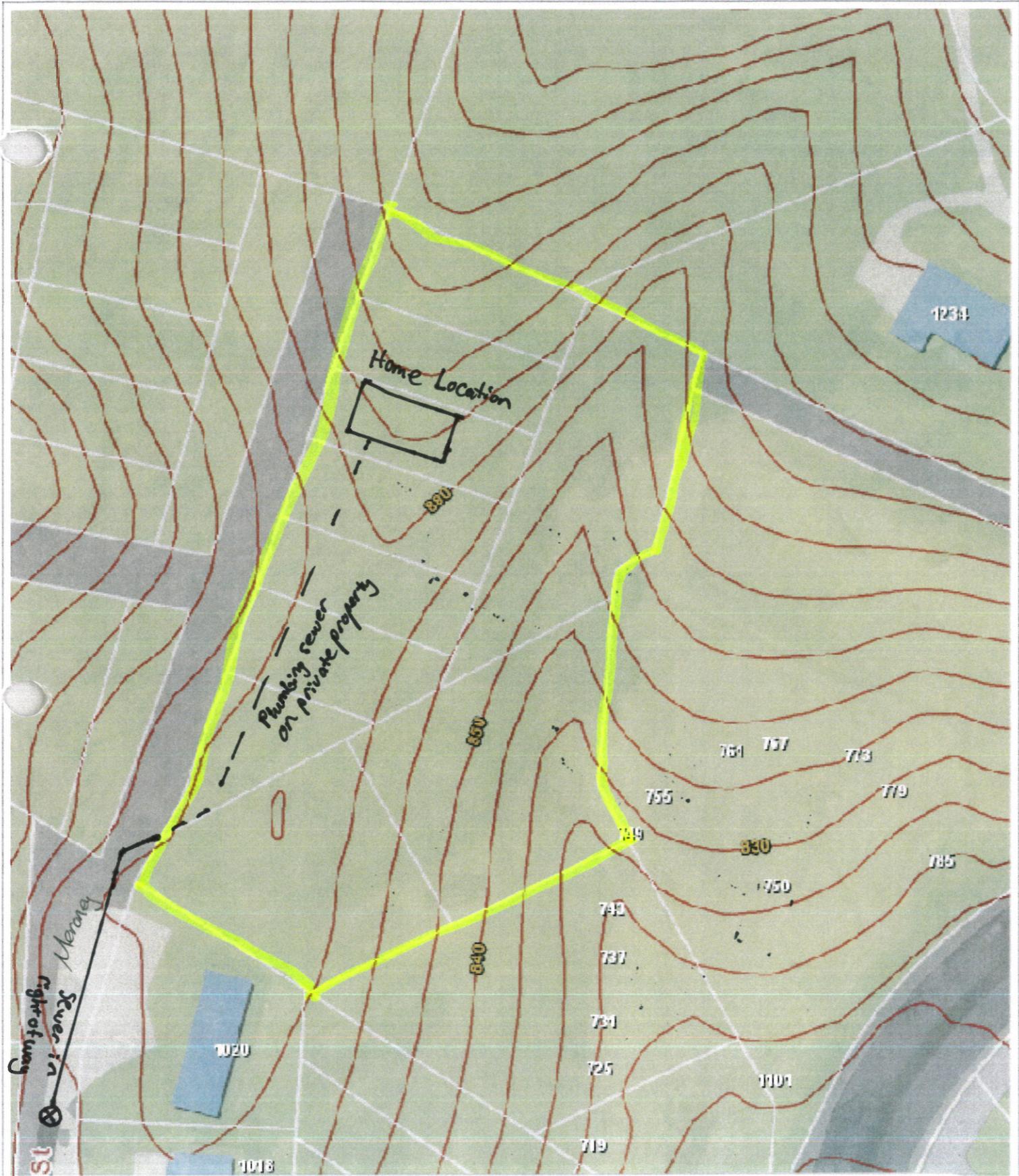
35

35

35

35

35



HCGIS Mapping Online

Printed: Jun 21, 2011

Scale 1:1200