

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING LEGENDS HOMEOWNERS ASSOCIATION C/O DARYL F. MANN TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT LEGENDS SUBDIVISION WITH THE GOODWIN ROAD EXPANSION FOR THE INSTALLATION OF A SECURITY FENCE, AS SHOWN ON THE MAPS AND PHOTOS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That LEGENDS HOMEOWNERS ASSOCIATION C/O DARYL F. MANN, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located at Legends Subdivision with the Goodwin Road Expansion for the installation of a security fence, as shown on the maps and 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. The proposed fence shall be installed as shown on the revised fence location drawing.

5. The required gate will need to provide twenty-four (24) hour access to the sewer.

6. The proposed fence shall be placed a minimum of five (5) feet from the southern toe of the berm.

ADOPTED: \_\_\_\_\_, 2014

/mem

## INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the “City”), and LEGENDS HOMEOWNERS ASSOCIATION C/O DARYL F. MANN (hereinafter “Temporary User”), this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

For and in consideration of the granting of the temporary usage of the right-of-way located at Legends Subdivision with the Goodwin Road Expansion for the installation of a security fence, as shown on the maps and photos and made a part hereof by reference, the receipt of which is hereby acknowledged, Temporary User agrees as follows:

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 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 fence shall be installed as shown on the revised fence location drawing.

5. The required gate will need to provide twenty-four (24) hour access to the sewer.

6. The proposed fence shall be placed a minimum of five (5) feet from the southern

toe of the berm.

LEGENDS HOMEOWNERS ASSOCIATION

\_\_\_\_\_, 2014  
Date

BY: \_\_\_\_\_  
Daryl F. Mann, Chairman

CITY OF CHATTANOOGA, TENNESSEE

\_\_\_\_\_, 2014  
Date

BY: \_\_\_\_\_  
Andy Berke, Mayor



# Memorandum

To: Fritz Brogdon *FB*

From: Ed Bowen

cc: Bertran Kuyrkendall; Brandon Sutton *BS*

Date: June 6, 2014

Re: Temporary Usage Request # 131520 (District 5)  
7705, 7700 Legends Way; 1937 Aviara Drive; 1909, 1912 and 1908 Stoney Creek Drive;  
7827 Shinnecock Trail  
Daryl F. Mann, Chairman, Legends Homeowners Association

## Recommendations Regarding Temporary Usage Request

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I have completed my review of Mr. Mann's request regarding the Temporary Usage to place a security fence on city land that adjoins Legends Subdivision with the Goodwin Road Expansion as shown on the attached maps and photo. My comments are as follows:

- The road expansion removed a natural tree buffer that provided security and separation of neighborhood and city streets.
- If approved, a security fence will be installed to create separation.
- New plantings will restore the natural tree buffer.

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 proposed fence shall be installed as shown on the revised fence-location drawing.
- The required gate will need to provide 24 hour access to the sewer.
- The proposed fence shall be placed a minimum of 5 feet from the southern toe of the berm.

4/16/14 (Date)

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

SR # 833859

WO # 131520

For Office Use Only	
	Technician Signature
<u>4/23/14</u>	Date

Re: Request for Temporary Usage

Dear Mr. Payne:

This is a request for a temporary usage of City land that adjoins Legends Subdivision with the Goodwin Road expansion.

The reason for this request is as follows:

The road expansion removed existing natural tree buffer which provided security and separation of neighborhood and City street. If approved, a security fence will be installed to create separation and new plantings will restore natural tree buffer. See Sheet L-1.0 for proposed 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:

7705 & 7700 Legends Way; 1937 Aviara Drive; 1903, 1912 & 1908 Stonely Creek Drive; 7827 Shinnecock Trail Chattanooga, TN 37421 718-9822

( Non-Refundable Processing Fee \$110.00)

Legends HOA  
Print Applicant Name

4-16-14  
Date

Daryl F. Mann Chairwoman  
Print Owner's Name

4-16-14  
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.



Legends HOA/Daryl Mann  
Temporary Usage: Goodwin Road  
Security fencing and tree buffer



Jenkins Rd

Batters Place Rd

Long Dr

Magnolia Lake Dr

Shimecock Trl

Stoney Creek Dr

Peterson Dr

TEMPUSE

Cam

7708

2009

2014

1989

2005

2009

2008

2001

2005

2002

1953

1812

1908

7827

7832

7828

7860

7853

7849

7824

7820

7816

7812

1909

1905

7807

7821

7824

7843

7837

7831

7823

7808

7819

1946

1954

1956



Proposed Alumni-Guard  
Aluminum Fence



Site Location Map

Scale: 1" = 40'  
 Date: 11/11/14  
 Project: 14-11-14  
 City: CD  
 State: TN  
 Drawing Title: SITE PLAN  
 Drawing No: L-1.0

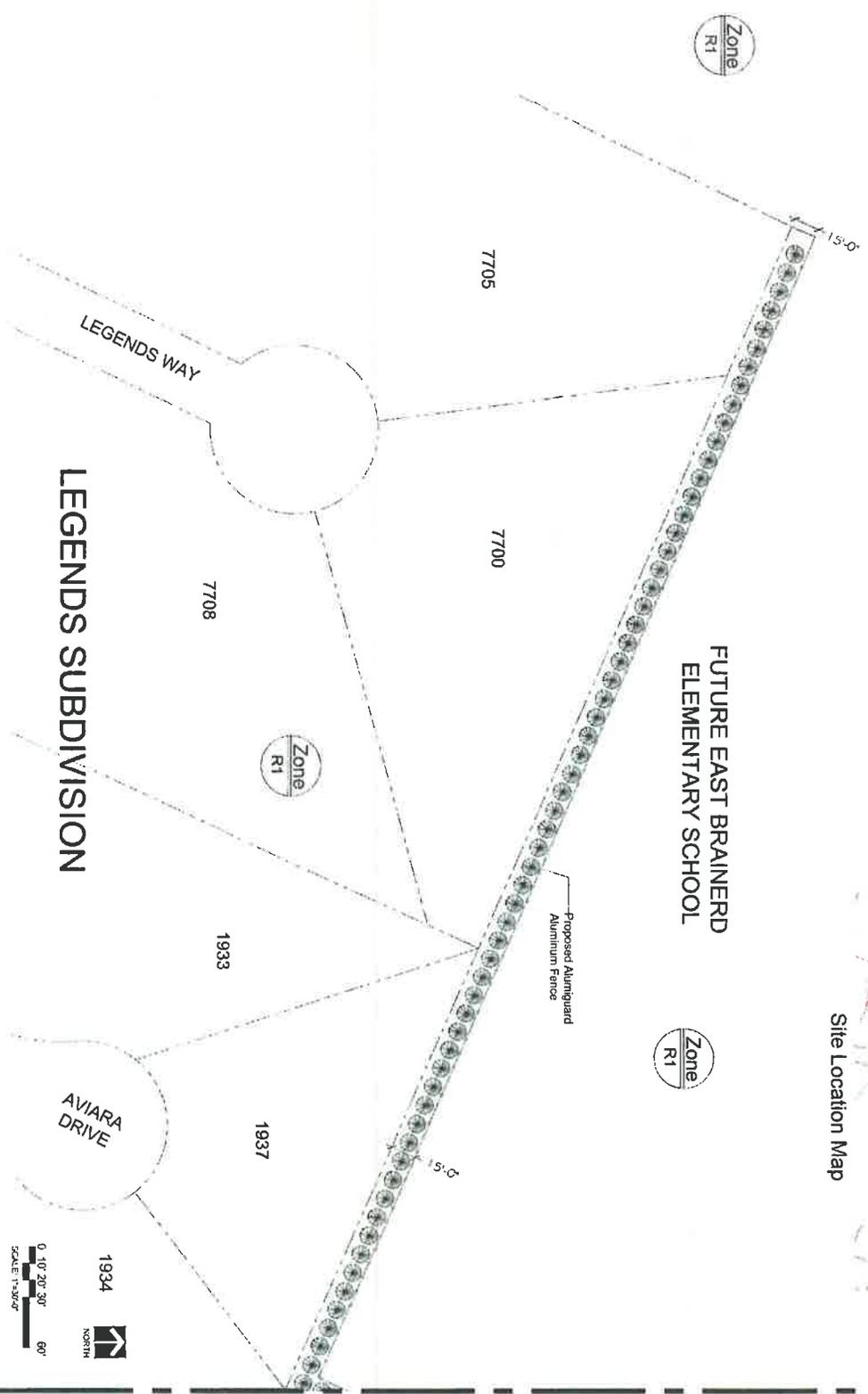


PROJECT: LEGENDS HOME OWNER'S ASSOCIATION  
 TEMPORARY USE OF RIGHT OF WAY  
 CHATTANOOGA, TN



NO.	REVISION	DATE
1		
2		
3		
4		
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A MATCHLINE A'

SHEET NO. L-1.0	SITE PLAN		<p>PROJECT: LEGENDS HOME OWNER'S ASSOCIATION TEMPORARY USE OF RIGHT OF WAY CHATTANOOGA, TN</p> <p>DATE: 04-11-2014 DRAWN BY: KCP CHECKED BY: CJC</p>	
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