

RESOLUTION NO. 26423

A RESOLUTION AUTHORIZING DONNA McCONNICO ON BEHALF OF SIGNAL CENTERS TO USE TEMPORARILY A PORTION OF THE SOUTH SIDE OF MONTVIEW DRIVE AT ITS INTERSECTION WITH GERMANTOWN ROAD, 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 Donna McConnico, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily a portion of the south side of Montview Drive at its intersection with Germantown Road, 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 cannot block ingress/egress and/or through access of Montview Drive.
5. Temporary User must re-design the current parking lanes subject to approval of the City Traffic Engineer.

ADOPTED: August 31, 2010

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and DONNA McCONNICO on behalf of SIGNAL CENTERS (hereinafter "Temporary User"), this 31st day of August, 2010.

For and in consideration of the granting of the temporary usage of a portion of the south side of Montview Drive at its intersection with Germantown Road, 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 cannot block ingress/egress and/or through access of Montview Drive.

5. Temporary User must re-design the current parking lanes subject to approval of the City Traffic Engineer.

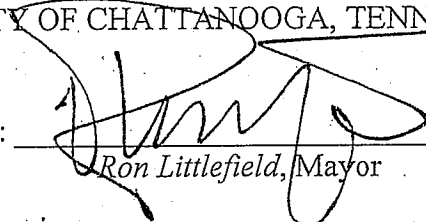
SIGNAL CENTERS

_____, 2010
Date

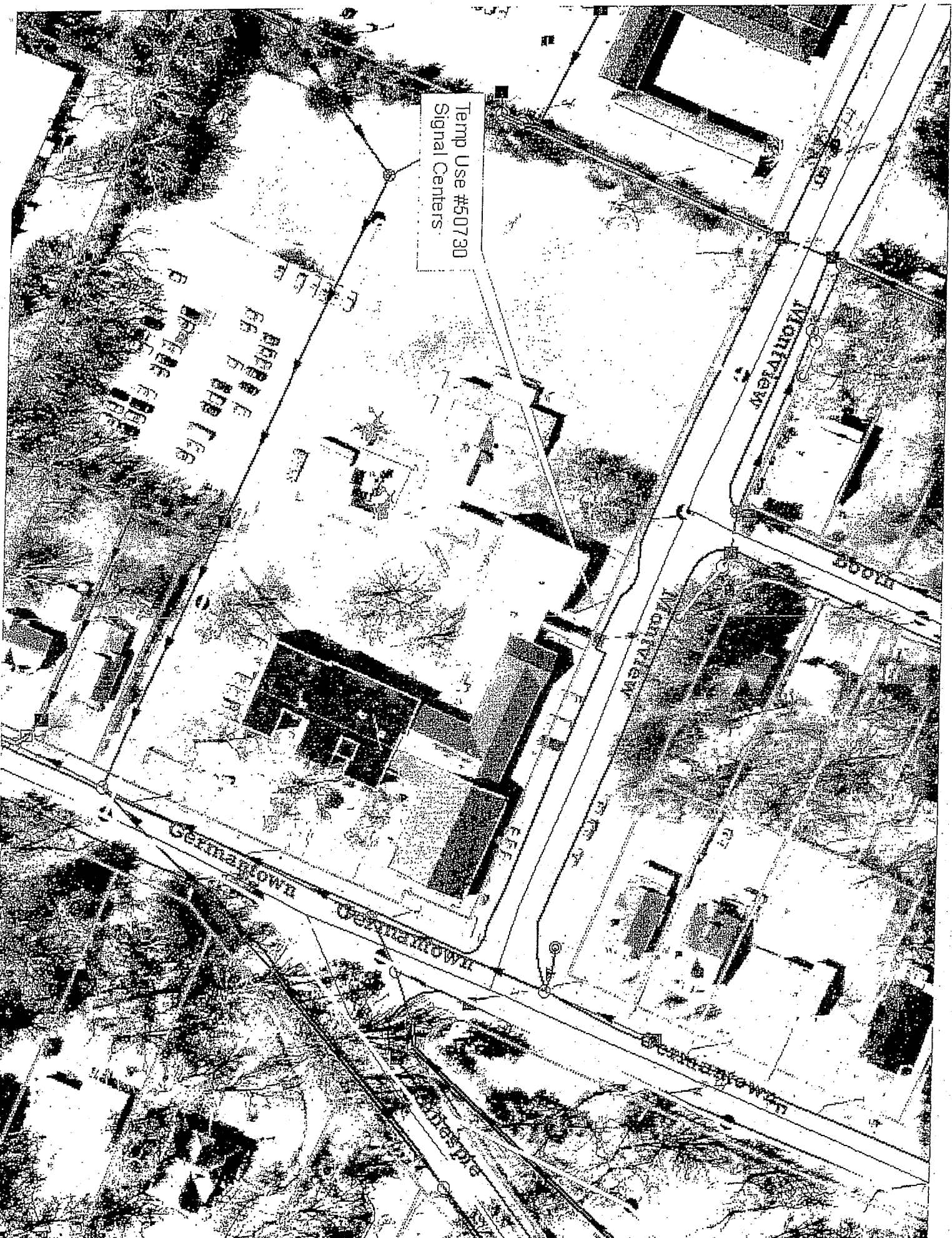
BY: _____
Donna McConnico

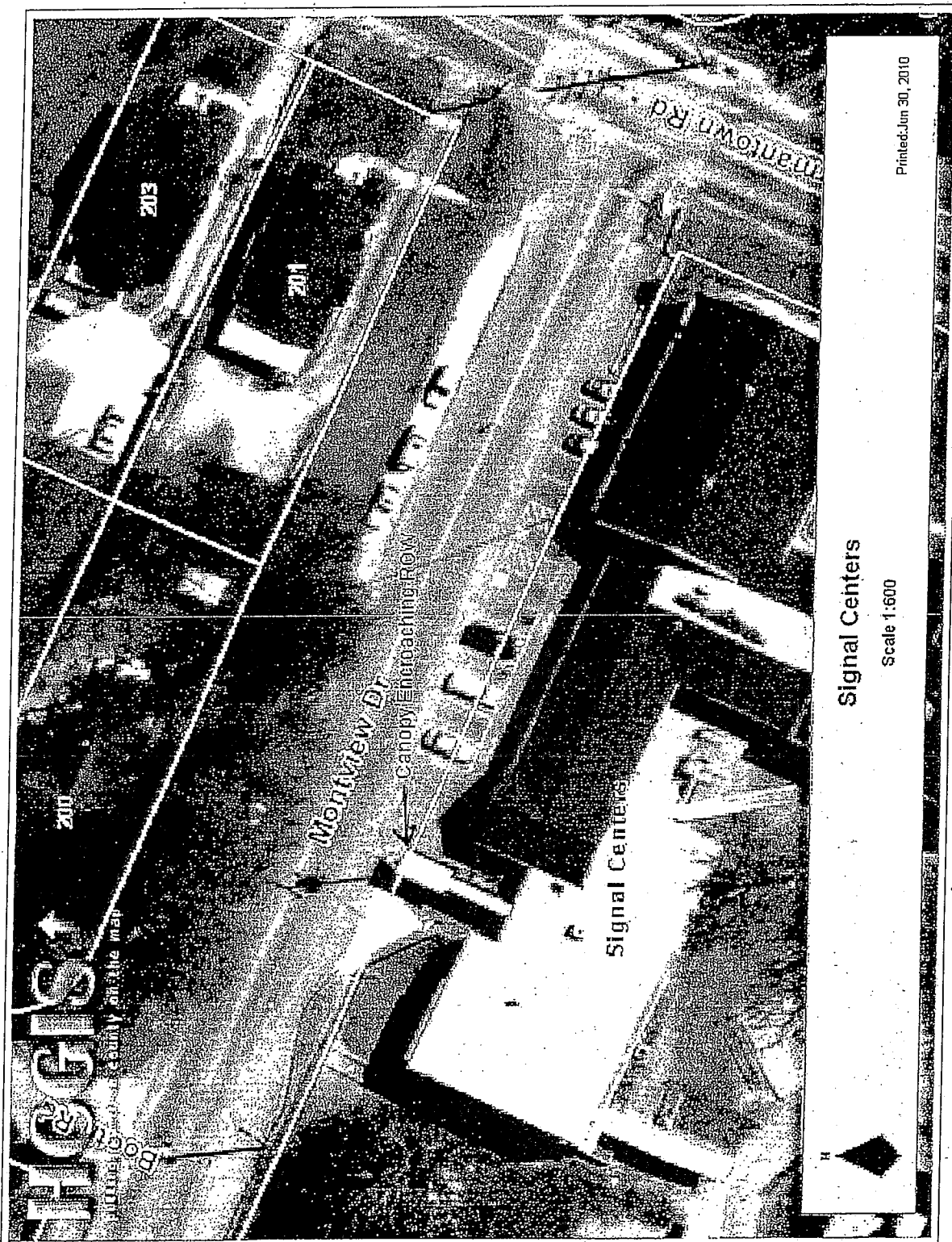
CITY OF CHATTANOOGA, TENNESSEE

_____, 2010
Date

BY:  _____
Ron Littlefield, Mayor

Temp Use #50730
Signal Centers.





HOGIST
Signal Centers

2100

2013

2011

Mentview Dr
← canopy Eheroaching ROW

Signal Centers
P

PGA

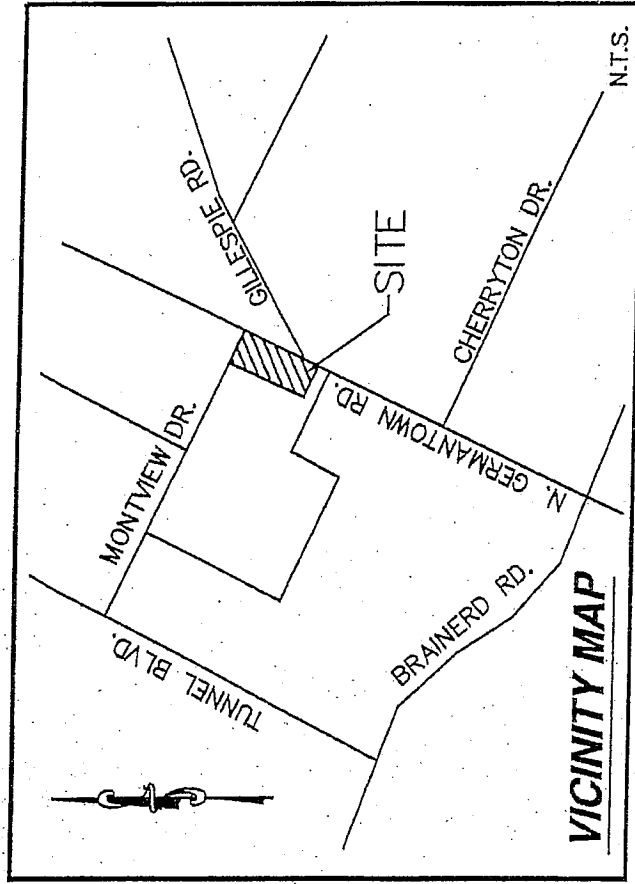
Mantown Rd



Signal Centers

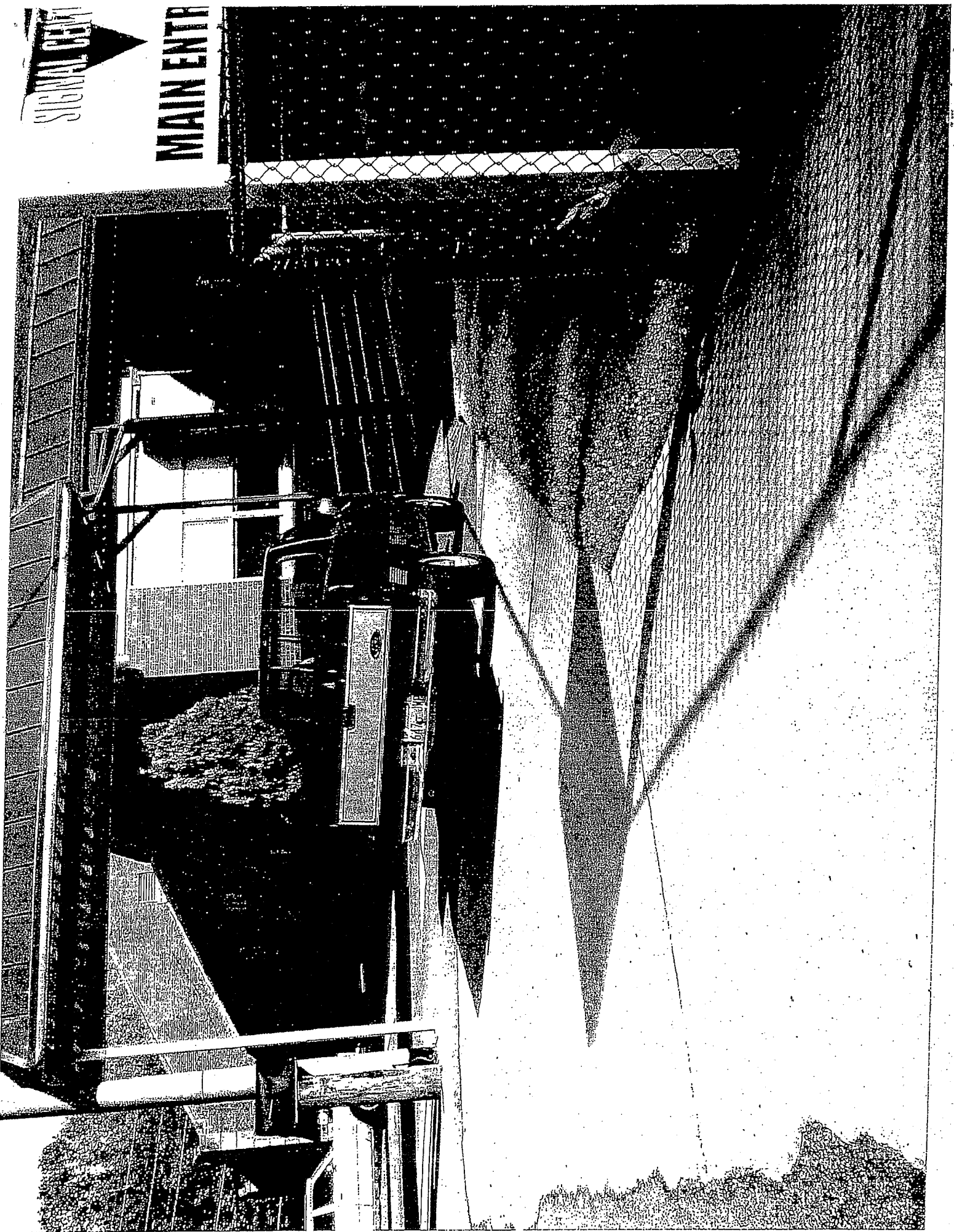
Scale 1:600

Printed: Jun 30, 2010



SIGNAL CENTER

MAIN ENTRANCE



Memorandum

To: Bill Payne
cc: Dennis Malone
From: Bill Cannon
Date: August 2, 2010
Re: Temporary Usage Request #50730
Donna McConnico for Signal Centers
109 North Germantown Road
Recommendations Regarding Temporary Usage Request

I have completed my review of Ms. McConnico's request regarding the Temporary Usage of a portion of the right of way, more particularly along a portion of the south side of Montview Drive at its intersection with Germantown Road. (see attached map). The request is regarding Temporary Use of the portion of right of way where a covered structure (Portico) was built projecting into said right of way (Montview Dr.). My comments are as follows:

- The non-profit organization utilizes a portion of the right of way for access and parking for their business (90° parking, backing straight out into Montview Dr.).
- There are Land Disturbing Permits on file for year 2000, 2009, & 2010, but the parking or canopy is not addressed in any of them.
- The existing right of way is 80 feet ± in width along the subject portion of Montview Drive.
- Applicant should be required to redesign the parking from current 90° parking with 13 stalls, to Option A Parallel parking, which would give them 6 stalls or Option B 45° parking, which would give them 10 stalls.
- There is no infrastructure in the subject right of way.

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 the following conditions:***

- ***Applicant can not block ingress / egress and or through access of Montview Drive.***
- ***Applicant must redesign the current parking lanes as per (parallel or angled 45° parking) Traffic Engineering.***