

RESOLUTION NO. 28526

A RESOLUTION AUTHORIZING ARTECH DESIGN GROUP C/O RICK THOMPSON, AGENT FOR THE PROPERTY OWNER, CHOO CHOO PARTNERS C/O ADAM KINSEY, TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT EAST 14TH STREET ADJACENT TO 1400 MARKET STREET TO INSTALL OUTDOOR PATIO AREAS, FIVE (5) GREASE TRAPS, TWO (2) EGRESS STAIRS, ONE (1) ADA CHAIR LIFT, AND AN EXISTING SECONDARY FIRE ESCAPE TO COORDINATE WITH FORTHCOMING STREET ENHANCEMENTS TO EAST 14TH STREET, 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 ARTECH DESIGN GROUP C/O RICK THOMPSON, AGENT FOR THE PROPERTY OWNER, CHOO CHOO PARTNERS C/O ADAM KINSEY, (hereinafter referred to as “Temporary Users”) be and are hereby permitted to use temporarily the right-of-way located at East 14th Street adjacent to 1400 Market Street to install outdoor patio areas, five (5) grease traps, two (2) egress stairs, one (1) ADA chair lift, and an existing secondary fire escape to coordinate with forthcoming street enhancements to East 14th Street, 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 Users 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

applicants by the Chattanooga City Council. Temporary Users agree 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 Users agree to vacate the property and temporary use upon reasonable notice from the City to do so.

3. Temporary Users shall obtain all necessary permits and approvals from the City of Chattanooga Land Development Office.

4. Temporary Users and its requested items shall fully coordinate with the design of the upcoming street enhancement project, as well as subsequent construction efforts.

5. The existing fire escape shall solely be used for secondary egress from the facility. A primary escape shall be maintained in perpetuity exiting to the interior of the Choo Choo campus.

6. Temporary Users shall provide adequate access for maintenance of any utilities located within the easement, are responsible for verifying all utility locations within the subject area prior to initiating the agreed usage, as well as the protection of said utilities for the duration of this permit.

ADOPTED: February 9, 2016

/mem

Request for Temporary Usage # 150217 (District 8)
Choo Choo Partners, LP (Adam Kinsey)
1400 Market St.

