

RESOLUTION NO. 29804

A RESOLUTION AUTHORIZING MARK WYNNEMER, ON BEHALF OF PROPERTY OWNER, KEVIN C. BOEHM, TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 1010 MARKET STREET FOR THE PURPOSE OF INSTALLING FABRIC AWNINGS AND OUTDOOR SEATING, AS SHOWN ON THE MAPS 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 MARK WYNNEMER, ON BEHALF OF PROPERTY OWNER, KEVIN C. BOEHM, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located at 1010 Market Street for the purpose of installing fabric awnings and outdoor seating, 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 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. Any overhead projecting objects must meet the minimum height requirements as per the City of Chattanooga's Codes and Standards (Section 32-8). Installation shall maintain a minimum height requirement of nine (9') feet above the sidewalk and a minimum clearance of eighteen (18") inches from the curb line at all points.

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

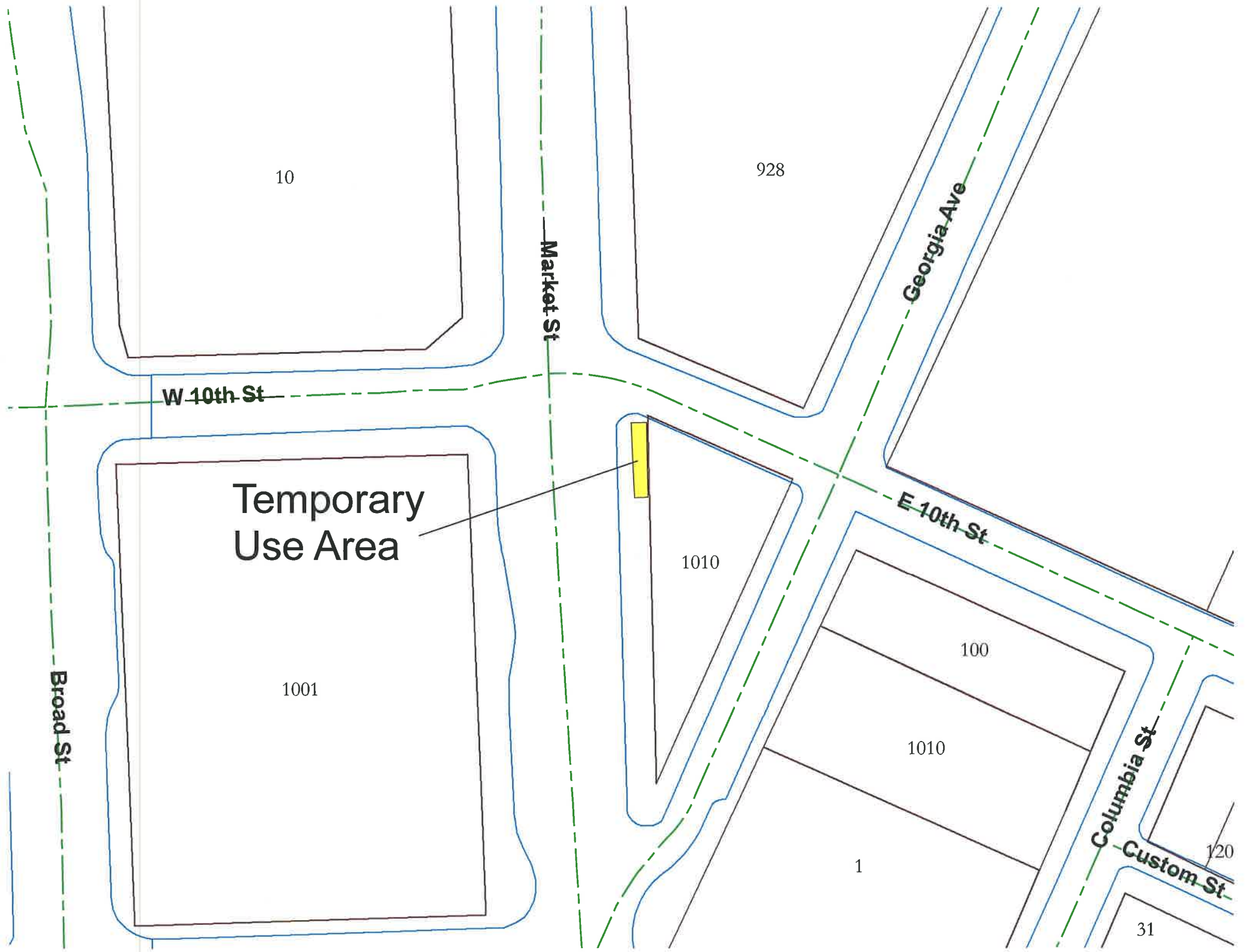
4. Temporary User agrees to vacate the property and temporary use upon reasonable notice from the City to do so.

5. Temporary User shall obtain any and all necessary permits and approvals from the City of Chattanooga Land Development Office.

6. Temporary User shall provide adequate access for maintenance of any utilities located within the easement and is 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 12, 2019

/mem



10

928

Market St

Georgia Ave

W 10th St

Temporary Use Area

1010

E 10th St

1001

100

1010

Broad St

Columbia St

1

Custom St

120

31