

1ST READING

4-28-09

2ND READING

5-5-09

INDEX NO.

2009-012

Provident Life and Accident
Insurance Company

ORDINANCE NO. 12238

AN ORDINANCE GRANTING UNTO PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY A FRANCHISE TO CONSTRUCT AND MAINTAIN A PEDESTRIAN BRIDGE OVER THE 100 BLOCK OF EAST FIFTH STREET IN THE CITY OF CHATTANOOGA AND ANY BELOW GRADE FOUNDATIONS AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That there be and is hereby granted unto Provident Life and Accident Insurance Company (hereinafter "Grantee") a franchise to construct and maintain a pedestrian bridge across the 100 block of East Fifth Street (Case No. 2009-012) and any below grade foundations as shown on the map attached hereto and made a part hereof by reference, in the City of Chattanooga.

SECTION 2. BE IT FURTHER ORDAINED, That this franchise is granted subject to the following terms and conditions:

1. All underground City utilities must maintain their respective easements. No structures may be placed over or within City utility easements which would impede access to such easements by the City except as approved in this franchise;
2. Tennessee-American Water Company, Chattanooga Gas Company, BellSouth, and Comcast shall retain their respective easements;
3. The bridge must meet current AASHTO Bridge Design Standards for height clearance;

4. That Grantee will comply with all applicable City ordinances and state laws.
5. That Grantee will comply with any special requirements of the City Engineer with respect to the specific location and construction of the pedestrian bridge;
6. That engineering design for the bridge be prepared by a competent engineering group and installation will be performed by a competent contractor;
7. That construction of the bridge will have no adverse effect on any adjacent properties;
8. That Grantee will assume full and complete responsibility for maintenance of the bridge and permanently maintain said bridge in a safe condition;
9. That the City of Chattanooga will suffer no costs of any kind as a result of granting this franchise;
10. That Grantee will defend, indemnify and hold harmless the City of Chattanooga, Tennessee, its officers, employees, successors, and assigns from any and all actions or claims for damages arising out of or related to the installation or maintenance of the bridge; and
11. That Grantee provide for approval evidence of insurance to further indemnify the City against losses whatever kind and nature during construction and as a result of the bridge being in the right-of-way.

SECTION 3. BE IT FURTHER ORDAINED, That the term of this franchise shall be for a period of forty (40) years and may be assignable by Franchisee. At the end of this term, Franchisee may apply for an additional forty (40) year franchise which will be granted by the City unless there are extraordinary development changes which would require additional consideration.

SECTION 4. BE IT FURTHER ORDAINED, That this ordinance shall not be operative, as distinguished from its effectiveness, unless and until the franchise herein granted is accepted by the Grantee by due execution of the acceptance attached hereto.

SECTION 5. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two weeks from and after its passage.

PASSED on Second and Final Reading

May 5, 2009.

W. Jacob Jensen
CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: May 7, 2009

[Signature]
MAYOR

PAN/kac

ACCEPTANCE

The foregoing Franchise and its terms and conditions are hereby accepted.

This 5th day of April, 2009.

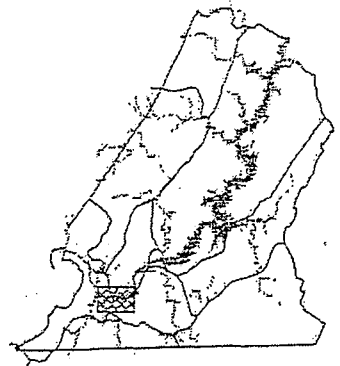
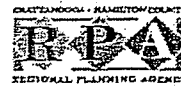
July

PROVIDENT LIFE AND ACCIDENT
INSURANCE COMPANY

By: *E. Michael Taylor*
E. MICHAEL TAYLOR
Vice President, Enterprise Facilities Management

WITNESS:

Carol K. O'Neal
CAROL K. O'NEAL, Clerk of Council



1" = 70.0 feet

CHATTANOOGA

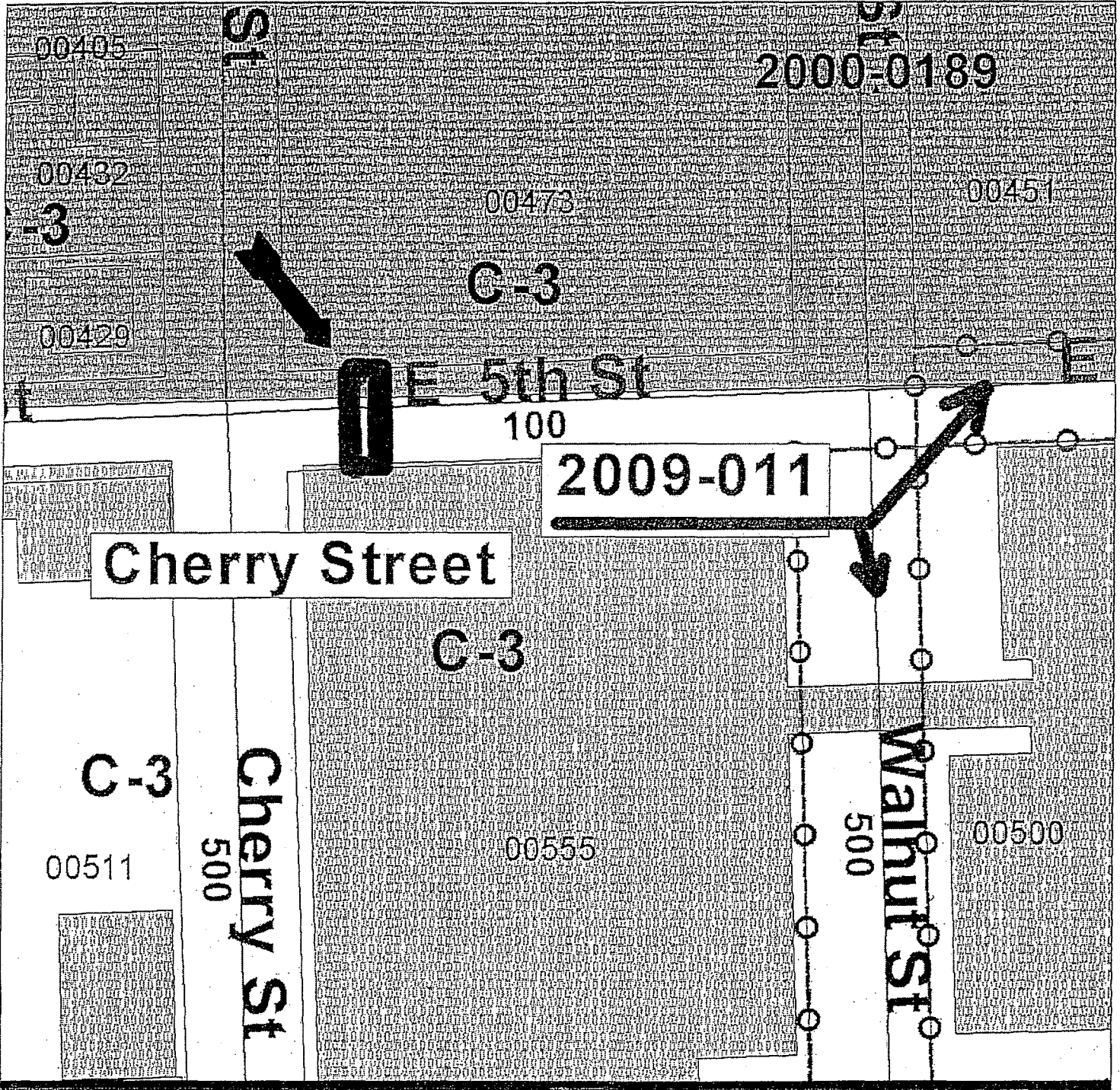
PC MEETING DATE: 1/12/2009 02/09/2009

CASE NO.: 2009-0012

FROM: C-3

ABANDON AIRRIGHTS AND GRANT A FRANCHISE FOR

PEDESTRIAN BRIDGE OVER THE 100 BLOCK OF E 5th STREET



PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2009-012: Approve

2009-012

GEORG

HIGH S

LOOKOUT GARAGE

LOOKOUT STREET

STREET CLOSURE

LOTA

EAST BUILDING

HAMILTON COUNTY COURTHOUSE

ST. CLOSURE

CHERRY STREET GARAGE

E FIFTH STREET

WEST BUILDING

E SIXTH STREET

CHERRY STREET

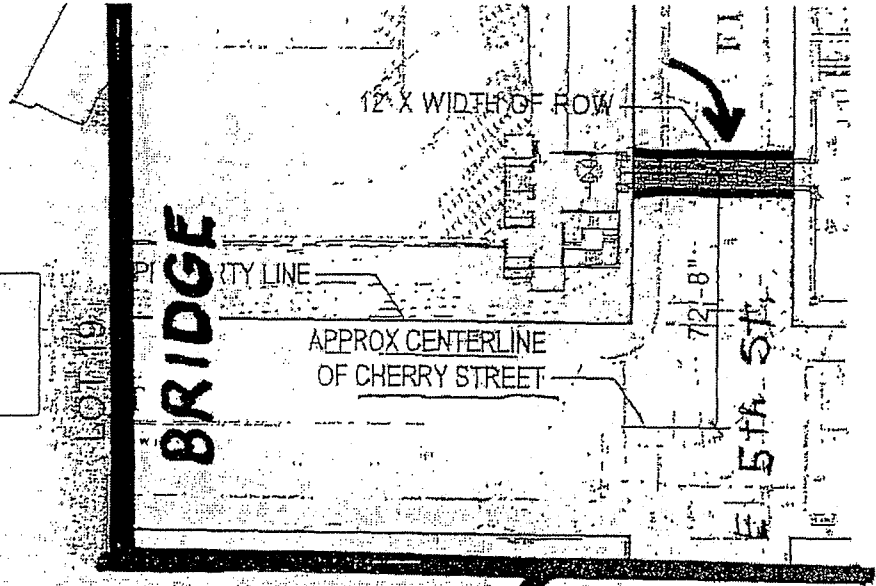
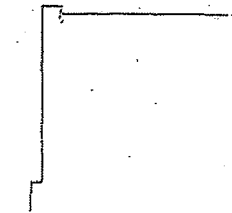
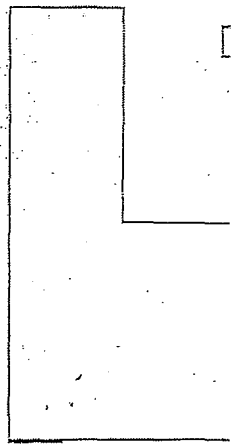
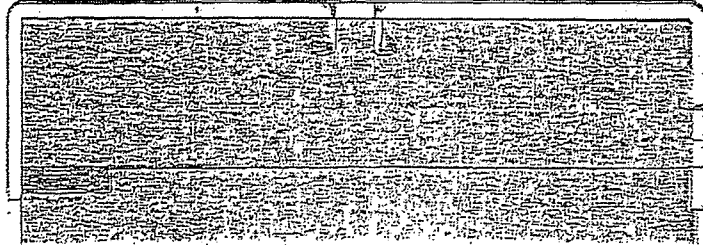
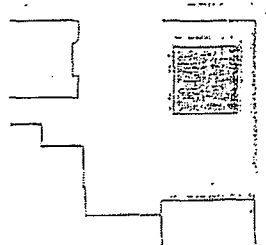
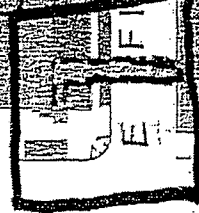
BRIDGE

APPROX CENTERLINE OF CHERRY STREET

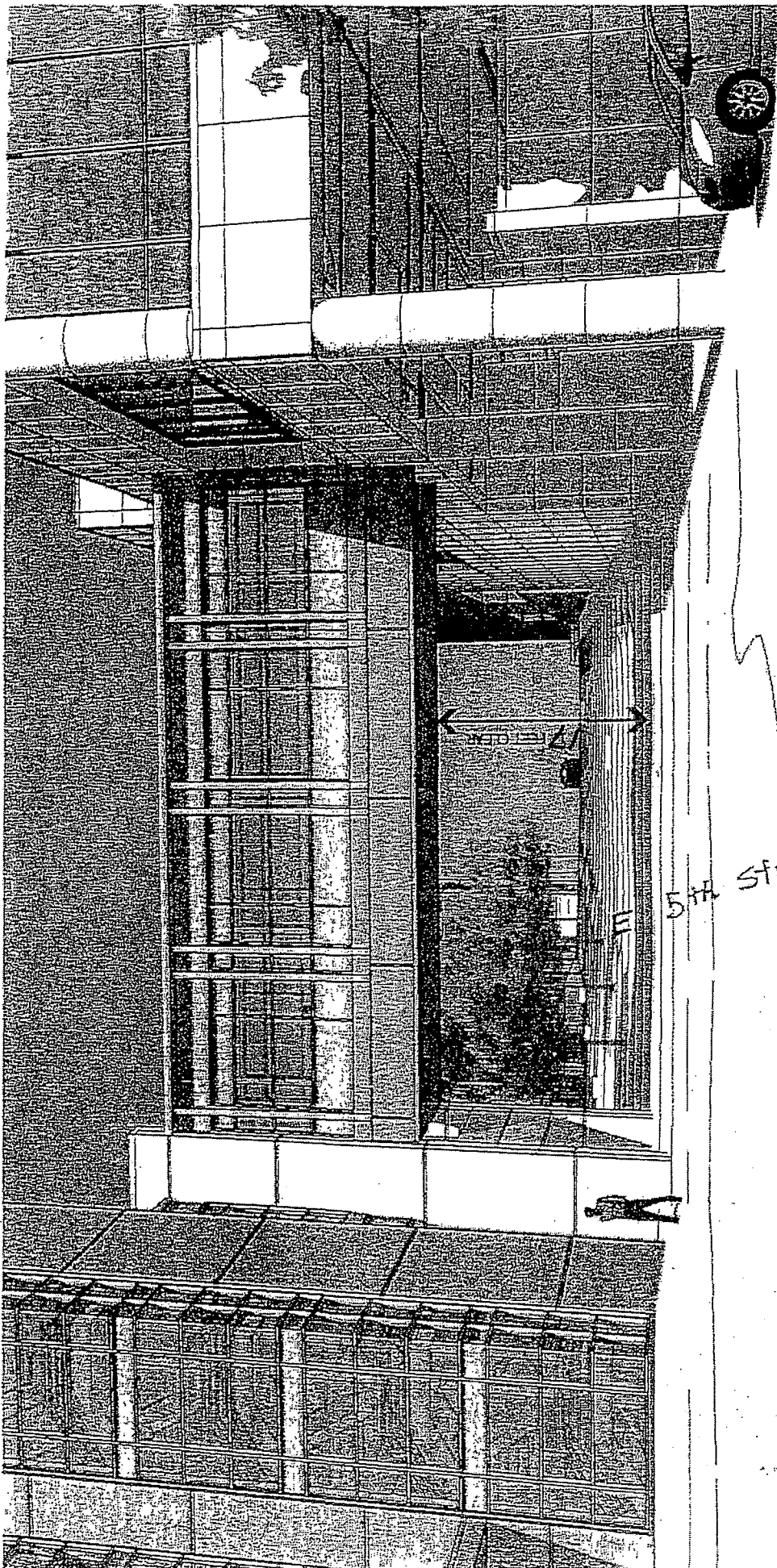
12' X WIDTH OF ROW

72'-8"

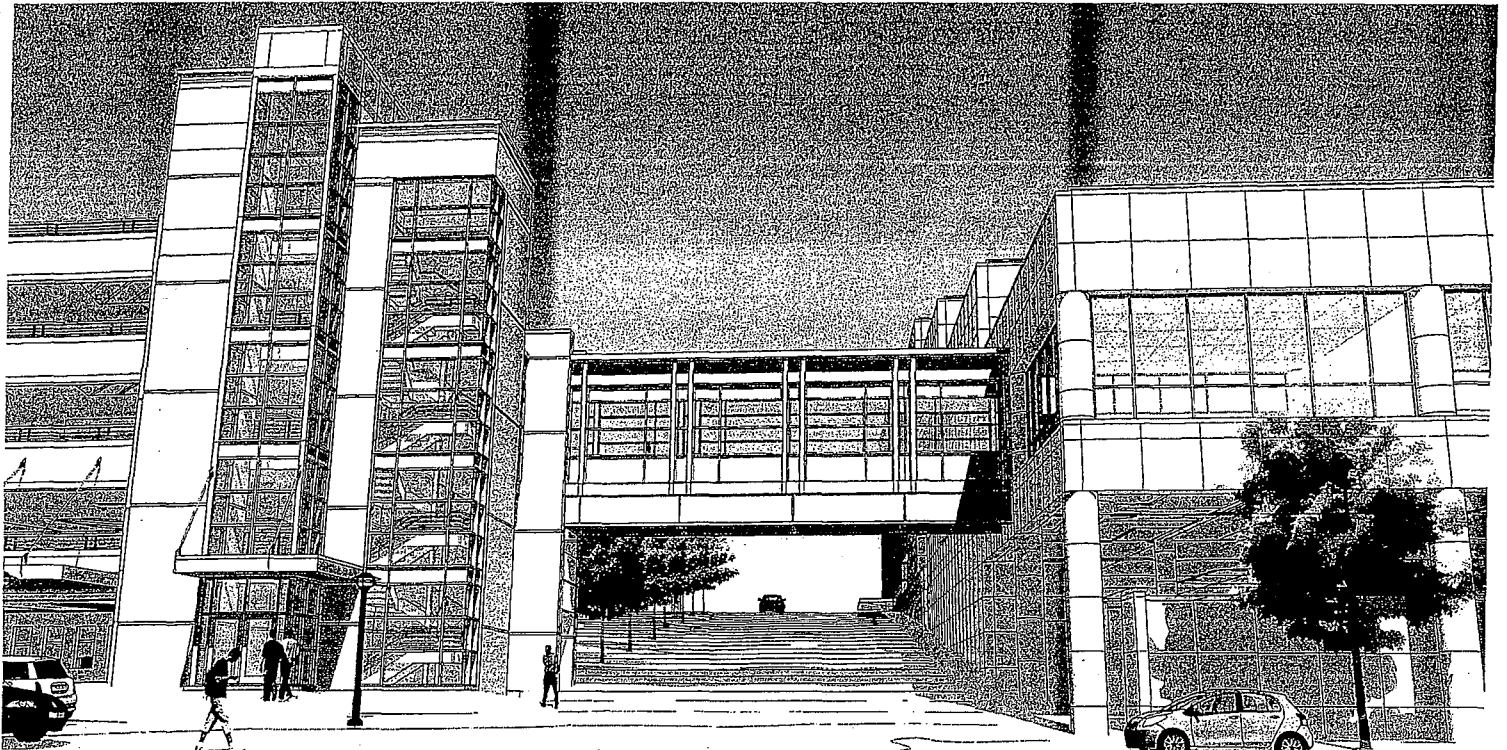
E 5th St



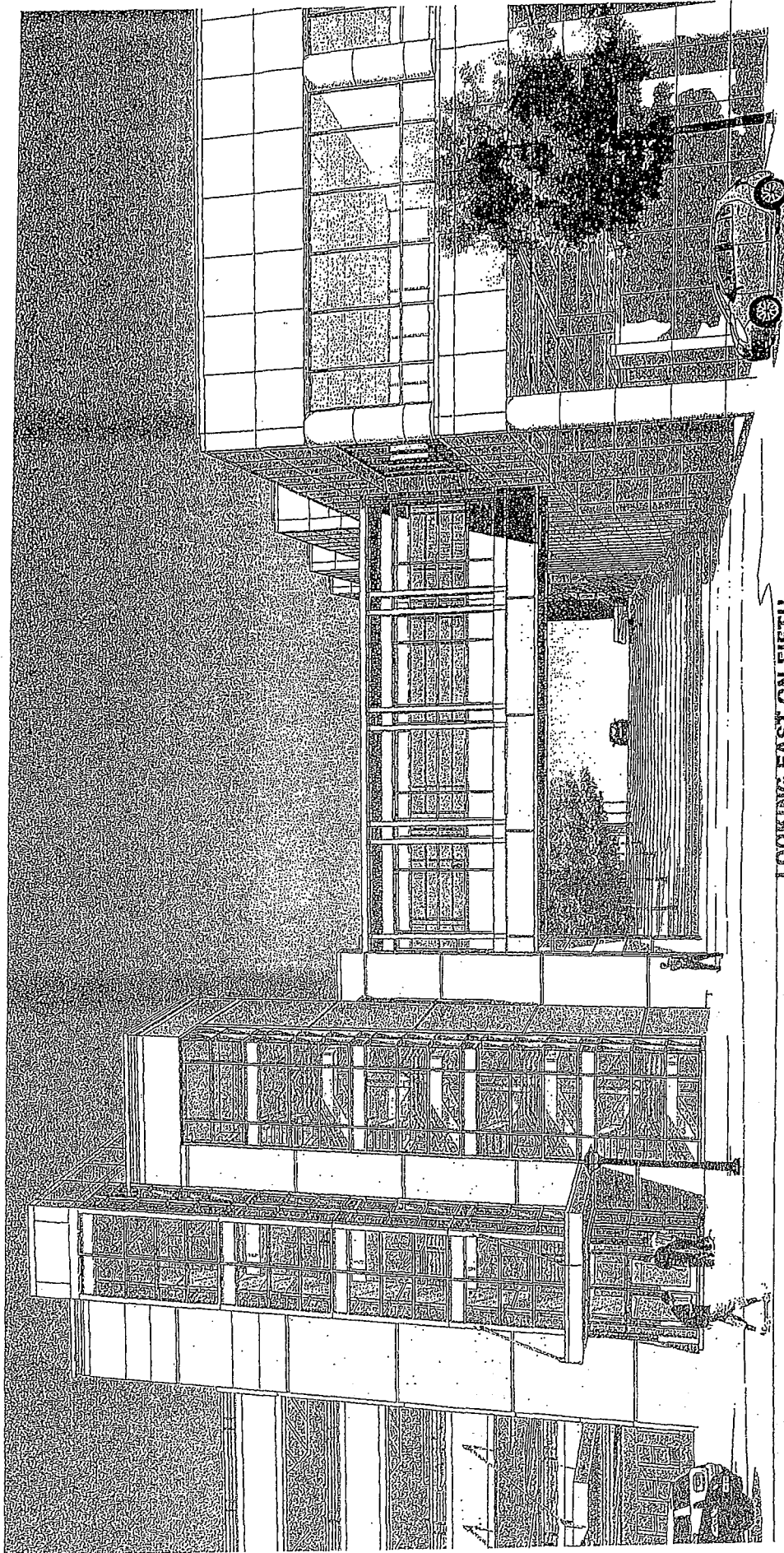
2009-012



5th Street



LOOKING EAST ON FIFTH
STREET FROM CHERRY STREET



LOOKING EAST ON FIFTH
STREET FROM CHERRY STREET

