

RESOLUTION NO. 23949

A RESOLUTION AUTHORIZING DEVAN NORMAN OF DESIGN BUILDERS OF CHATTANOOGA, INC. TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED IN THE 5700 BLOCK OF FISK AVENUE TO PLANT TREES AND SHRUBS WITHIN THE RIGHT-OF-WAY, SUBJECT TO CERTAIN CONDITIONS.

---

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Devan Norman of Design Builders of Chattanooga, Inc. (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the City's right-of-way located in the 5700 block of Fisk Avenue to plant trees and shrubs within the City's right-of-way.

BE IT FURTHER ORDAINED, 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.

ADOPTED: October 28, 2003

/pm

## INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and DEVAN NORMAN OF DESIGN BUILDERS OF CHATTANOOGA, INC. (hereinafter "Temporary User"), this the 28<sup>th</sup> day of October, 2003.

For and in consideration of the granting of the temporary usage of the City's right-of-way located in the 5700 block of Fisk Avenue to plant trees and shrubs within the City's right-of-way, the receipt of which is hereby acknowledged, Temporary User agrees as follows:

1. Temporary User will 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 will 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 will restore the property to its original condition when it is returned to the City.
3. Temporary User will provide adequate access for maintenance of any utilities located within the easement.

DEVAN NORMAN  
DESIGN BUILDERS OF CHATTANOOGA, INC.

\_\_\_\_\_, 2003  
Date

BY: \_\_\_\_\_

CITY OF CHATTANOOGA, TENNESSEE

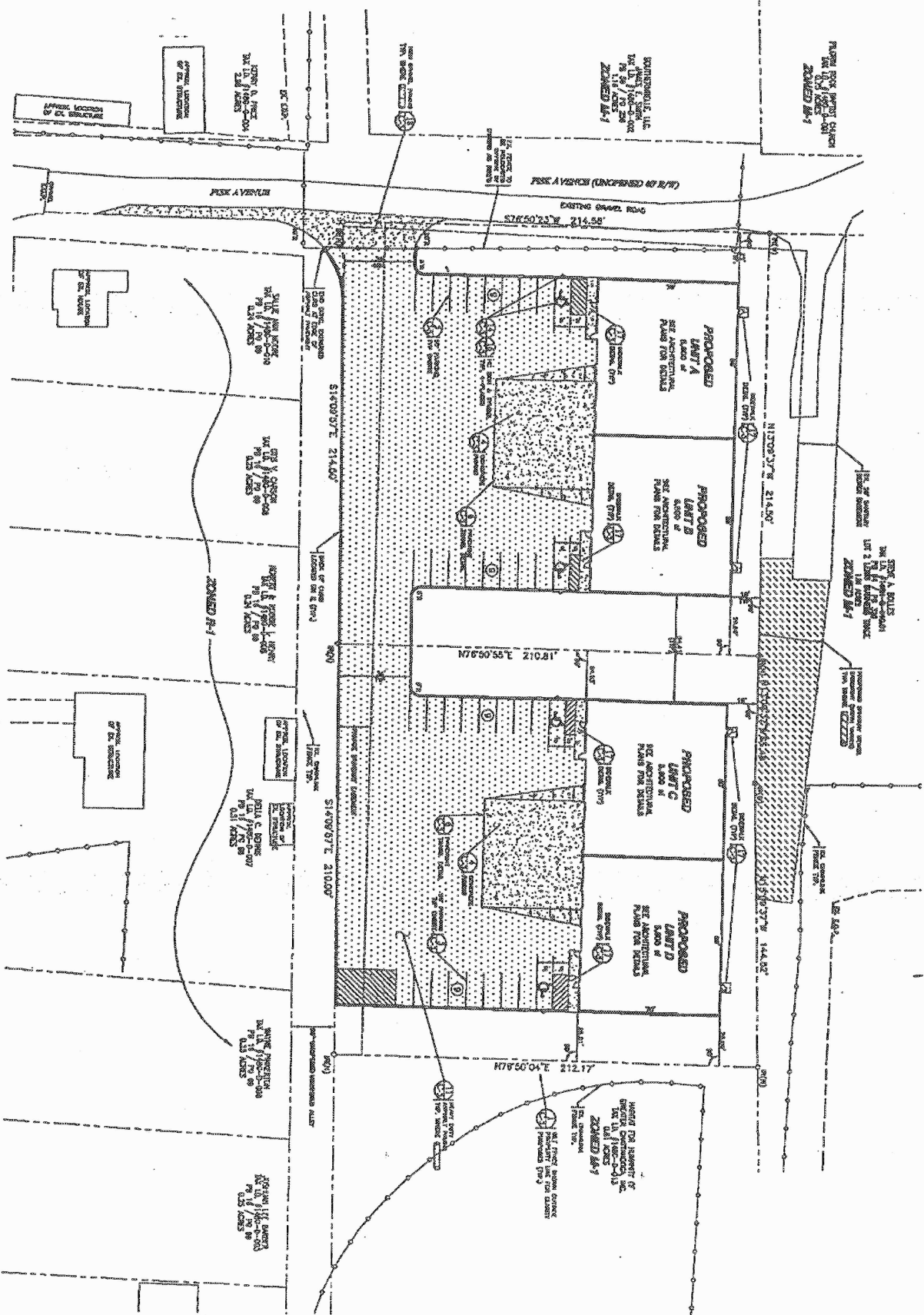
October 29 \_\_\_\_\_, 2003  
Date

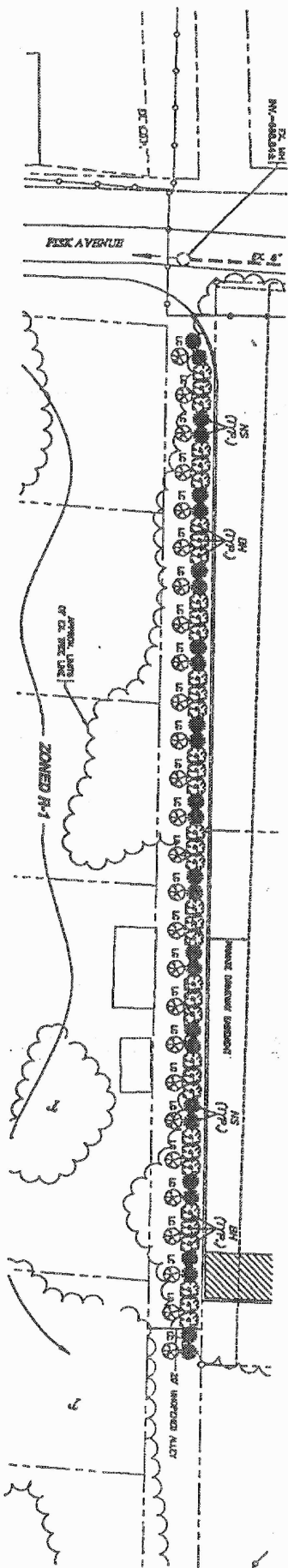
BY: S/ \_\_\_\_\_  
*Bob Corker, Mayor*

/pm

Reviewed By: s/ \_\_\_\_\_  
*David Eichenthal*

SITE PLAN



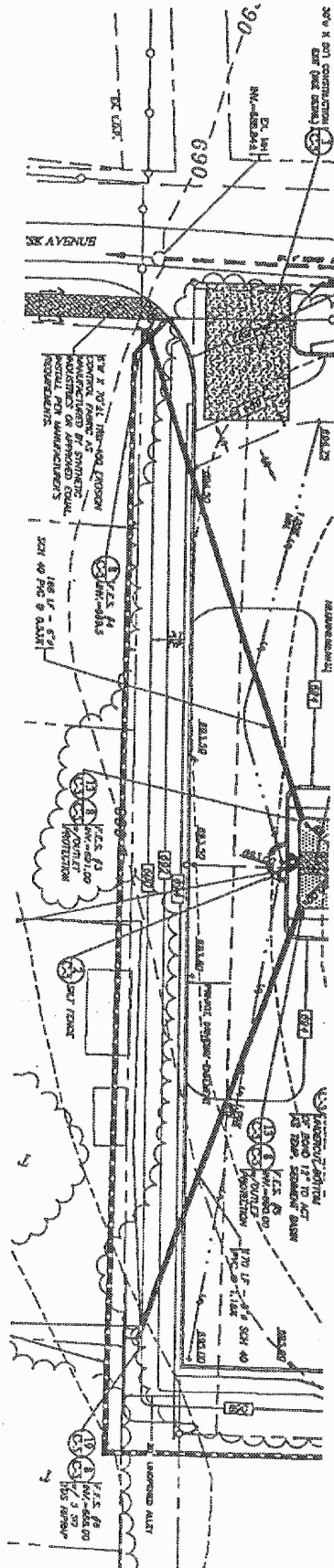


LANDSCAPE

PLANT SPECIFICATIONS

SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
NS	19	LEX CORNUTA 'BURBONDI'	BURBON HOLLY	3 GALLON	6' O.C.
BM	28	LEX CORNUTA 'HELLE R. STEIN'	HELLE R. STEIN'S HOLLY	3 GALLON	6' O.C.
LC	2	ACER RUBRA AND CALYMAS	RED MAPLE	2" CALIPER	SEE PLANS
RW	27	CYPRESSACYPHUS LETYANII	LETYAN CYPRESS	2" CALIPER	19' O.C.
RW	2	SALIX BABINGTONIA	WEEDING WILLOW	2" CALIPER	SEE PLANS

# GRADING PLAN



CHURCH ROAD

FISK AVENUE

NOXID

SITE

RANKIN

AIRPORT CONNECTOR ROAD

CLARK

SHAW

HWY 153

SHEPHERD ROAD

NORTH

