

RESOLUTION NO. 24019

A RESOLUTION AUTHORIZING BI-LO, LLC, TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY OF THE 5900 BLOCK OF SHALLOWFORD ROAD TO INSTALL THREE (3) GROUNDWATER MONITORING WELLS, 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 Bi-Lo, LLC (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the City's right-of-way of the 5900 block of Shallowford Road, to install 3 groundwater monitoring wells, as shown on the maps attached hereto and made a part hereof by reference.

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: January 27, 2004

/pm

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and BI-LO, LLC (hereinafter "Temporary User"), this the 27th day of January, 2004.

For and in consideration of the granting of the temporary usage of the City's right-of-way the 5900 block of Shallowford Road to install three (3) groundwater monitoring wells, 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.

BI-LO, LLC

_____, 2004
Date

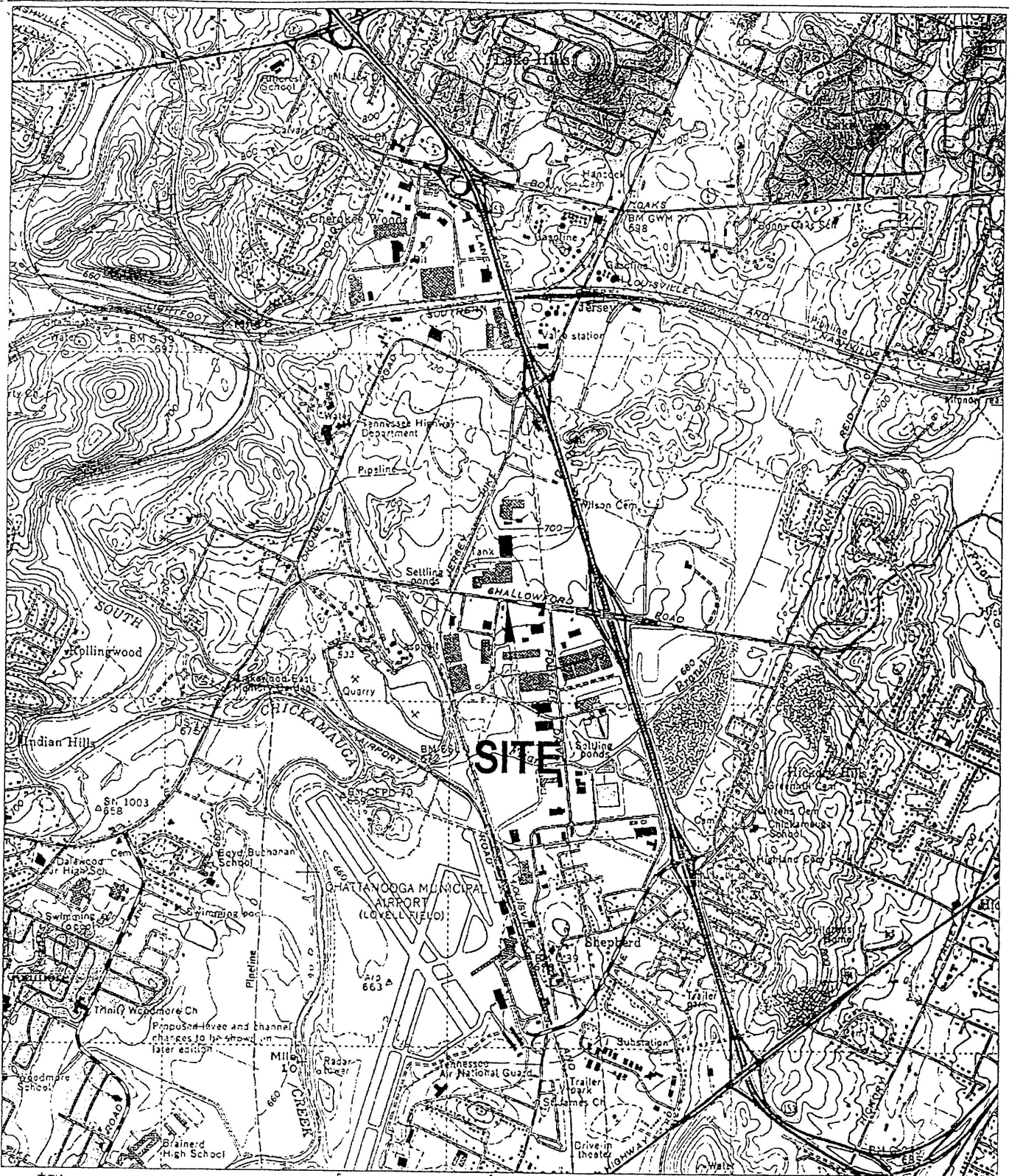
BY: _____

CITY OF CHATTANOOGA, TENNESSEE

January 30, 2004
Date

/pm

BY: S/ _____
Bob Corker, Mayor
Reviewed By: s/ _____
David Eichenthal



Map created with TOPOID ©2003 National Geographic (www.nationalgeographic.com/topo)

FIGURE 1. SITE LOCATION MAP

BI-LO, LLC. WAREHOUSE AND DISTRIBUTION FACILITY

5901 Shallowford Road
Chattanooga, Hamilton County, Tennessee
Facility ID. NO. 3-330586

DRAWN BY:
EPG

DATE:
May 2003

JOB NO.
BLI - 302

SCALE
1:48000

SOURCE: National Geographic
Holdings, Inc.; USGS 7.5
Minute Topographic Map,
Chattanooga Quad

CANYON SPRINGS, LLC.
859 McCallie Avenue, Suite 301
Chattanooga, TN 37403

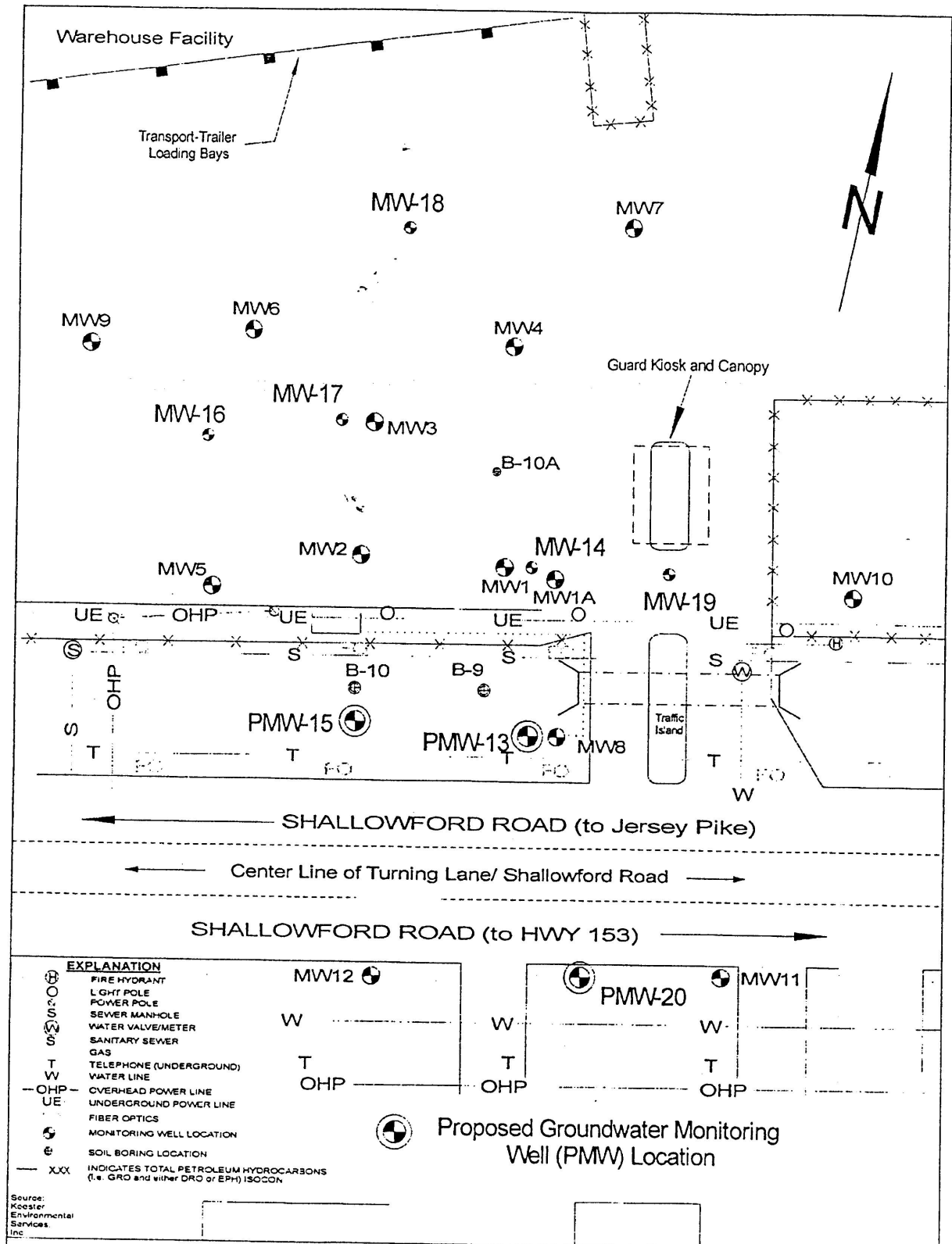
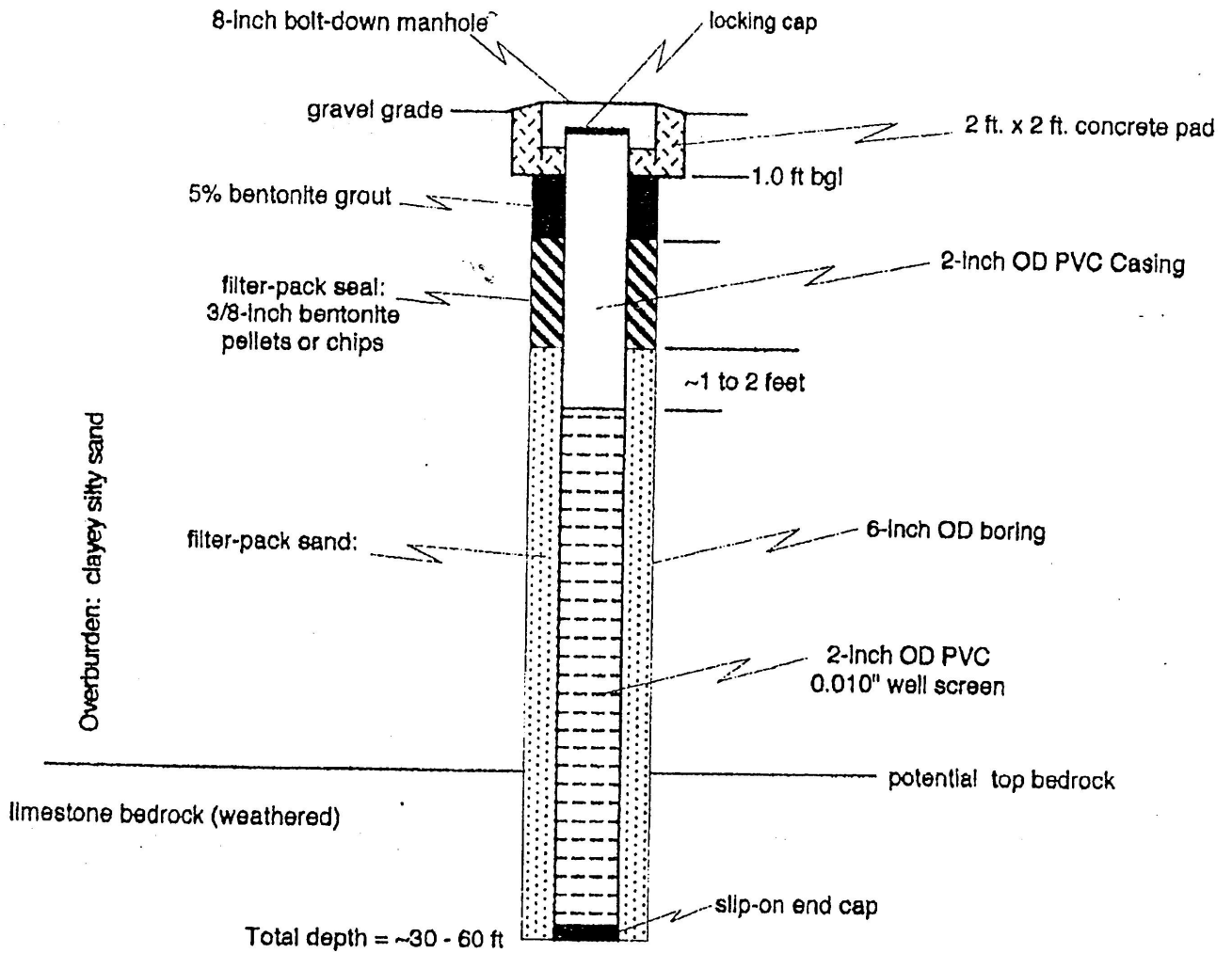


FIGURE 2. Proposed Groundwater Monitoring Well Location Map

BI-LO, LLC. WAREHOUSE AND DISTRIBUTION FACILITY 5901 Shallowford Road Chattanooga, Hamilton County, Tennessee Facility ID. NO. 3-330566	DRAWN BY: EPG	SCALE 1" = 30 feet	FILE: C:\Programs\QuickCad\Projects\2ccc\BLI002
	DATE: 9/98/ KES Modified: 11/98 LAW 5/00 and 4/02 CSL	CANYON SPRINGS, LLC. 859 McCallie Avenue, Suite 301 Chattanooga, TN 37403	
	JOB NO. BLI - 302		

PMW



Note: Materials, depths and thicknesses may vary based upon geologic and hydrologic conditions encountered during drilling.

Monitoring Well Construction Diagram

FIGURE 3: Proposed Monitoring Well PMW

DRAWN BY
CSL-EPG

SCALE
NTS

DRAWING NO.
BLI 302-003

BI-LO, LLC. Warehouse & Distribution Facility
5901 Shallowford Road
Chattanooga, Tennessee
TDEC Facility ID # 3-330586

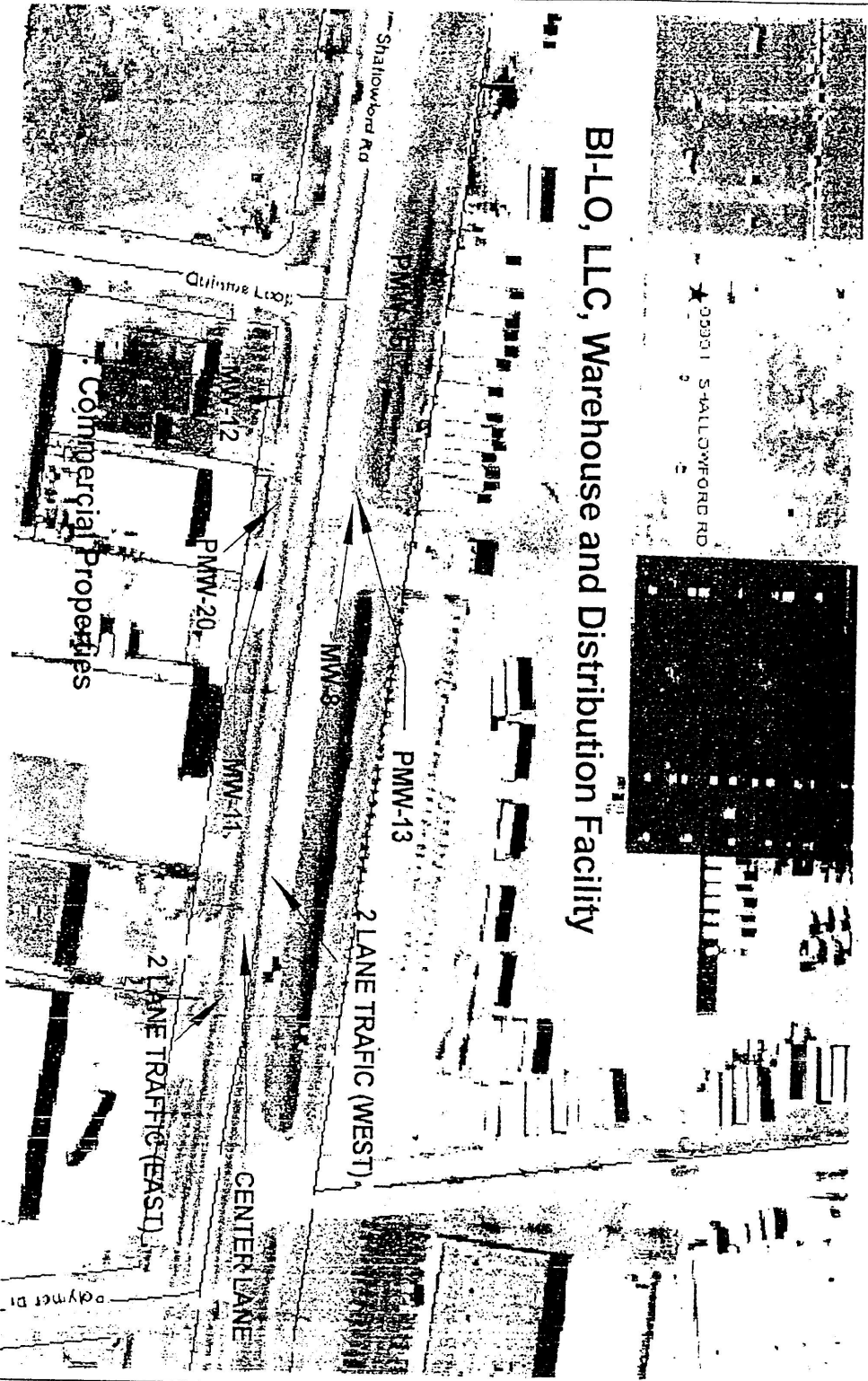
DATE
12/02
PROJ. NO.
BLI-302

Canyon Springs, LLC.
Earth Science Consultants
Chattanooga, Tennessee



FIGURE 4.
Proposed
Groundwater Monitoring
Well Locations in
the Shallowford Road
Easement

BI-LO, LLC, Warehouse and Distribution Facility



EXPLANATION

- MW-x - Existing Groundwater Monitoring Well
- PMW-x - Proposed Groundwater Monitoring Well
- 225'

BI-LO, LLC
WAREHOUSE AND
DISTRIBUTION FACILITY

5901 SHALLOWFORD ROAD
CHATTANOOGA, HAMILTON COUNTY,
TENNESSEE
FACILITY ID 3-330586

Base Map Source:
HAMILTON COUNTY,
GEOGRAPHIC INFORMATION
SYSTEM ("GIS") DEPARTMENT

Drawn By: EPG
Revision 1
Date: 7/15/03

CANYON SPRINGS, LLC.
859 McCallie Ave., Suite 301
Chattanooga, Tennessee