

RESOLUTION NO. 24120

A RESOLUTION AUTHORIZING NICOLE BARCLAY TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED AT 334 MARKET STREET TO PLACE WROUGHT-IRON RAILS AROUND THE OUTSIDE SEATING TABLES AS SHOWN ON THE DRAWING 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 Nicole Barclay (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the City's right-of-way located at 334 Market Street to place wrought iron rails around the outside seating tables as shown on the drawing attached hereto and made a part hereof by reference, with said rails shall be a maximum of 36" high, black or City green, the top rail a minimum of 1" x 2" and vertical members at a 6" spacing.

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: June 8, 2004

/pm

## INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and NICOLE BARCLAY (hereinafter "Temporary User"), this the 8th day of June, 2004.

For and in consideration of the granting of the temporary usage of the City's right-of-way located at 334 Market Street to place wrought iron rails around the outside seating tables as shown on the drawing attached hereto and made a part hereof by reference, with said rails shall be a maximum of 36" high, black or City green, the top rail a minimum of 1" x 2" and vertical members at a 6" spacing, 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.

6/21/04, 2004  
Date

NICOLE BARCLAY

BY: CS

6/22/04, 2004  
Date

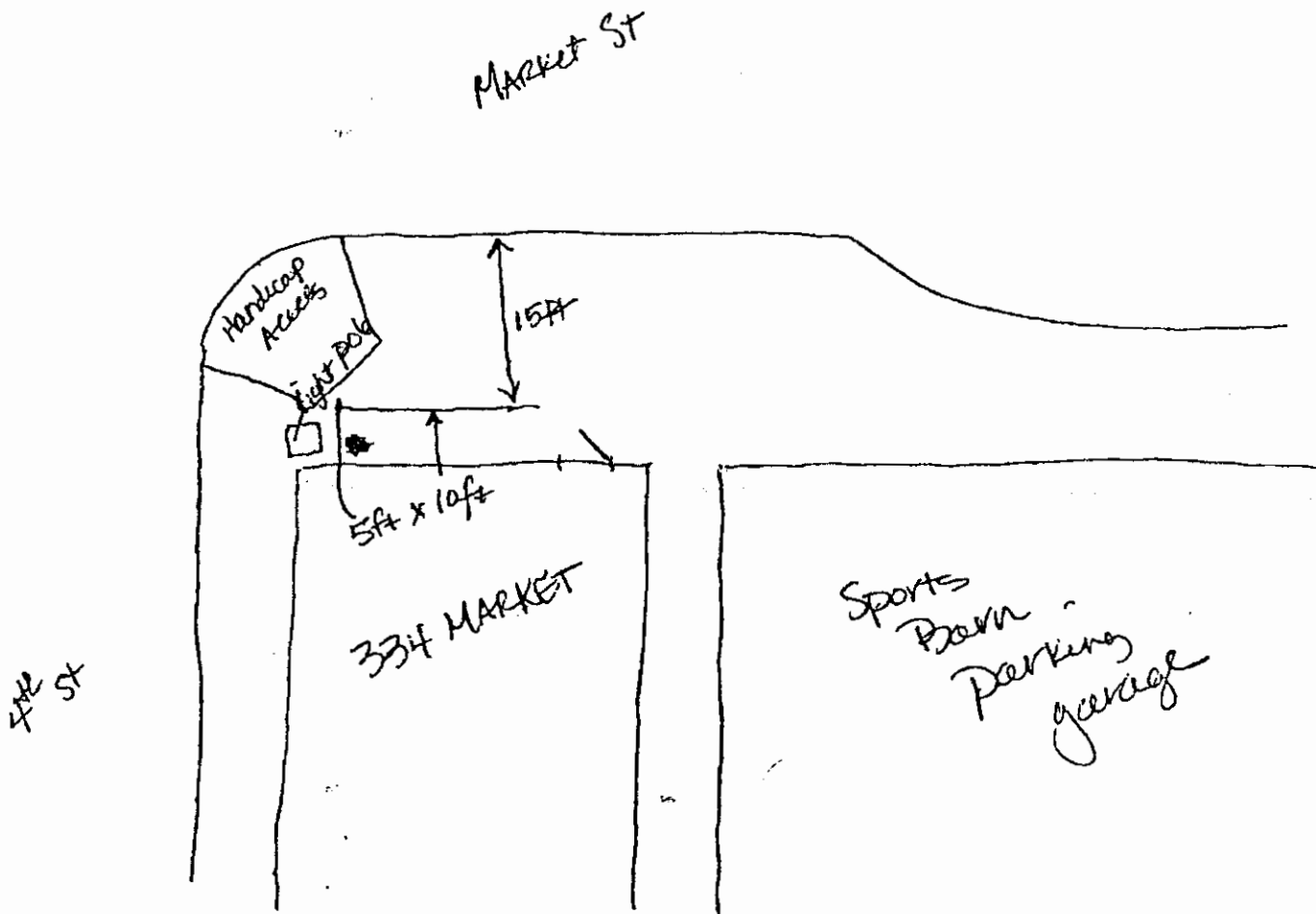
CITY OF CHATTANOOGA, TENNESSEE

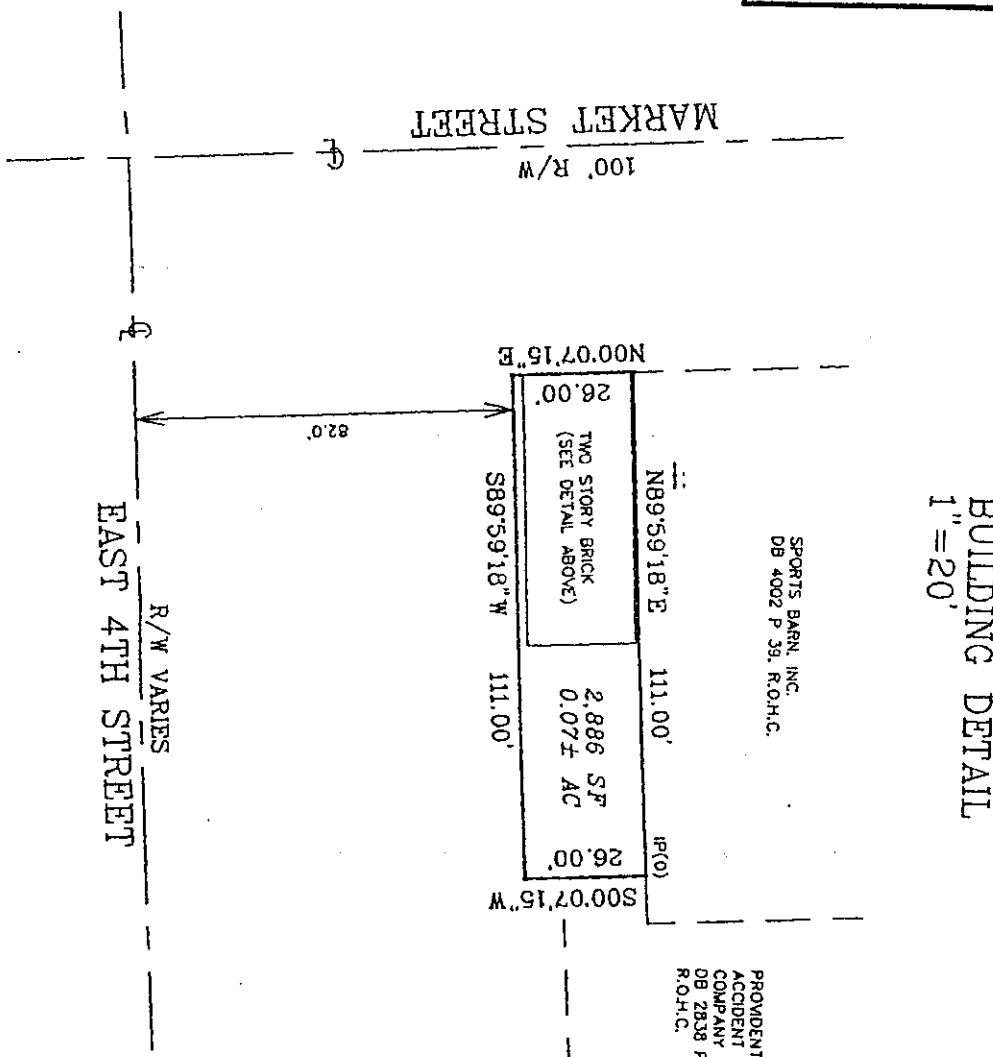
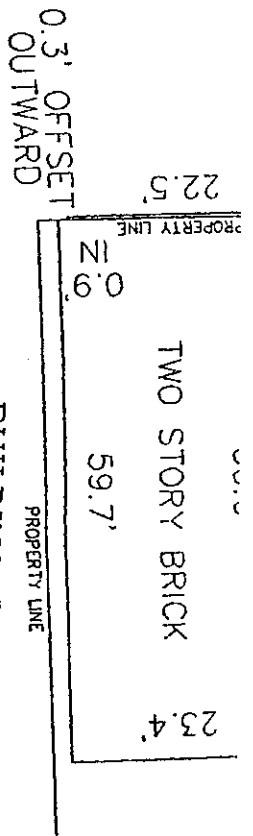
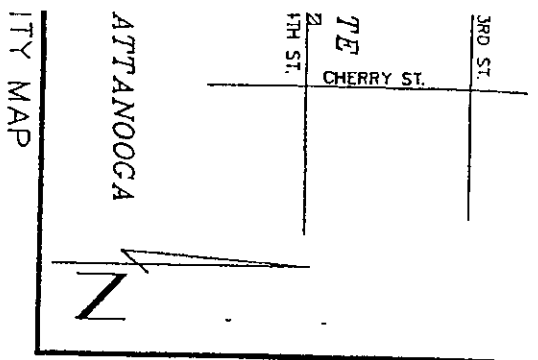
BY: Bob Corker  
Bob Corker, Mayor

/pm

Reviewed By: David Eichenhal  
David Eichenhal

Temporary Usage Request for  
 Nicole Barclay @ 334 Market St  
 4/13/04  
 755-8889





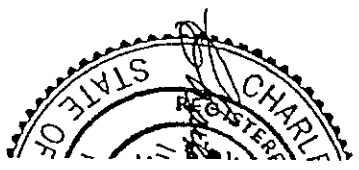
DEED BOOK: 6878, PAGE: 639 R.O.H.C.  
 PURCHASER(S): NICOLE BARCLAY

This plot was made at the instance of: GATEWAY  
 Sent to: GATEWAY BANK & TRUST  
 Is this property (per Department of H.U.D. inform  
 Yes  No  If yes, what zone  Map No.

NOTE: THERE WAS A DEED OF CORRECTION PRIOR  
 DEED BOOK 6478 PAGE 405, R.O.H.C. THAT CORRECTS  
 SHOWN HEREON. THE CURRENT DEED DOES NOT  
 STILL MAKES REFERENCE TO THE DIMENSIONS SHOWN  
 PROPERTY SHOWN HEREON REFLECTS THE CORRECTIONS  
 SHOULD BE. IT IS THE OPINION OF THIS SURVEYOR  
 SHOULD BE PRODUCED AND RECORDED REFLECTING

SPORTS BARN, INC.  
 DB 4002 P 39, R.O.H.C.

CERTIFICATE OF SURVEY  
 I hereby certify: that the land surveyed by me, or under my supervision, is correct to the best of my knowledge and that the ratio of preciseness of this plot and survey are based on the following:



GRAPHIC SCALE

BOUNDARY SURVEY  
 PRODUCED BY PROCEEDING

FB: \_\_\_\_\_  
 SCALE: 1"=40' DATE: \_\_\_\_\_  
 ANTONI CITTINI