

RESOLUTION NO. 24153

A RESOLUTION AUTHORIZING DANNY PATEL TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED IN THE 2300 BLOCK OF SHALLOWFORD VILLAGE DRIVE AT THE INTERSECTION OF SHALLOWFORD ROAD TO PLANT CREPE MYRTLES, 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 Danny Patel (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the City's right-of-way located in the 2300 block of Shallowford Village Drive at the intersection of Shallowford Road to plant crepe myrtles, as shown on the attached drawing, subject to the following conditions:

1. Property owner shall be responsible for pruning/maintenance of trees so as to not cause visibility problems; and
2. Layout of the trees as per the drawing attached hereto.

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: July 13, 2004

/pm

## INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and DANNY PATEL (hereinafter "Temporary User"), this the 13th day of July, 2004.

For and in consideration of the granting of the temporary usage of the City's right-of-way located in the 2300 block of Shallowford Village Drive at the intersection of Shallowford Road to plant crepe myrtles, 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.

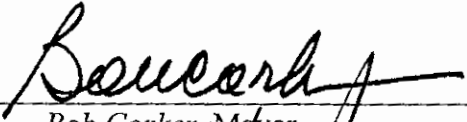
7/19/04, 2004  
Date

DANNY PATEL

BY: 

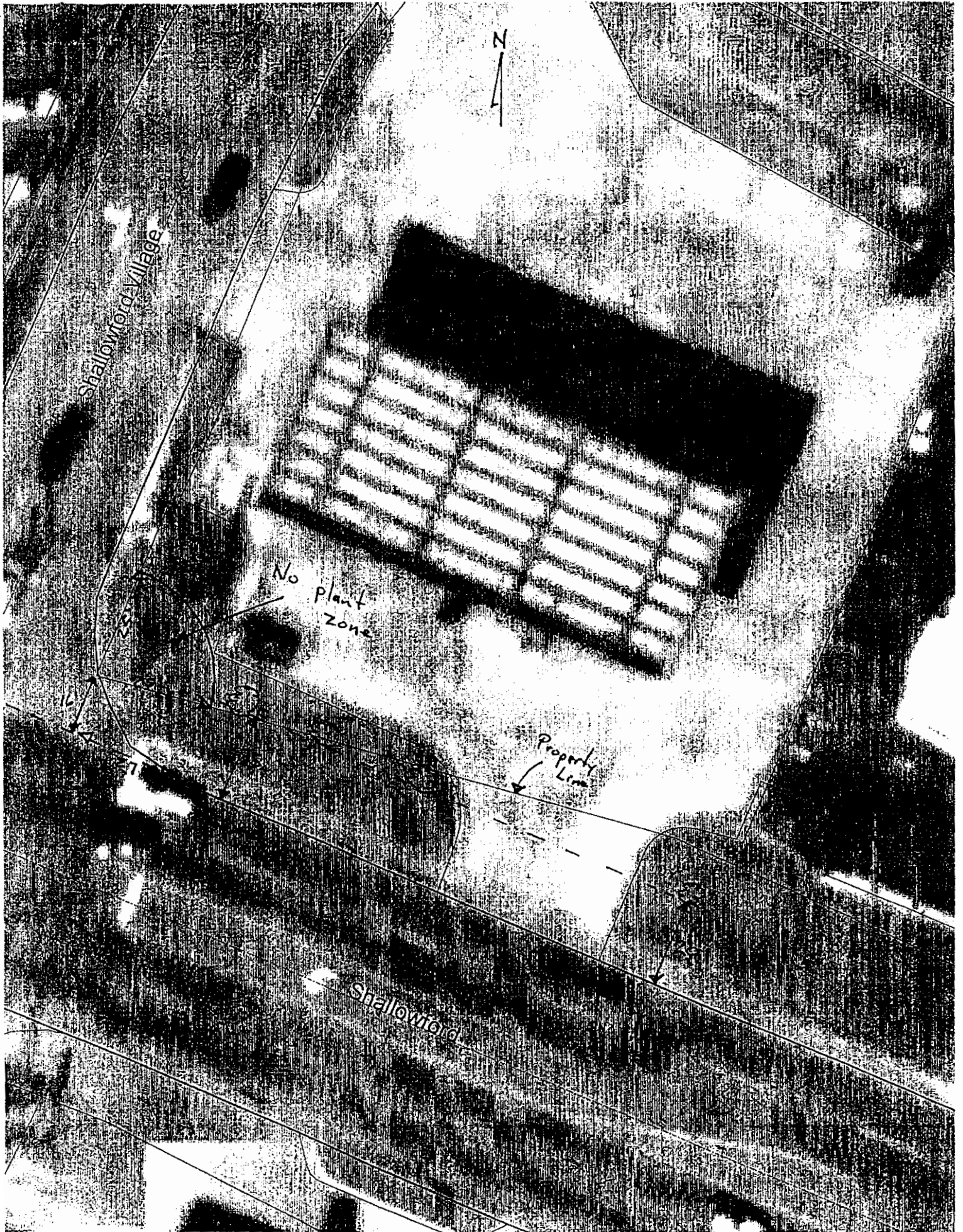
7/14, 2004  
Date

CITY OF CHATTANOOGA, TENNESSEE

BY:   
Bob Corker, Mayor

/pm

Reviewed By:   
David Eichenthal



Shallowford Village



No plant zone

Property Line

Shallowford

