

RESOLUTION NO. 24190

A RESOLUTION AUTHORIZING McCALLIE SCHOOL TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY OF A PORTION OF ANDERSON STREET, KYLE STREET, AND LEWIS STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, TO PROVIDE SECURITY FOR THE McCALLIE SCHOOL HOUSING IN THE AREA, SUBJECT TO CERTAIN CONDITIONS.

---

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That McCallie School (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the City's right-of-way of a portion of Anderson Street, Kyle Street, and Lewis Street to provide security for the McCallie School housing in the area as shown on the map attached hereto and made a part hereof by reference.

BE IT FURTHER ORDAINED, That said temporary usage shall be subject to the following additional 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: August 31, 2004

/pm/add

24190

8-31-04

## INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and McCALLIE SCHOOL (hereinafter "Temporary User"), this the 31 day of August, 2004.

For and in consideration of the granting of the temporary usage of the City's right-of-way a portion of Anderson Street between Kyle Street and Lewis Street to provide security for the McCallie School housing in the area, 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.

McCALLIE SCHOOL

Date 9/13, 2004

BY: Jay V. Alfal, BUSINESS OFFICER

CITY OF CHATTANOOGA, TENNESSEE

Date \_\_\_\_\_, 2004

BY: Bob Corker  
Bob Corker, Mayor

/pm/add

Reviewed By: David Eichenhal