

A RESOLUTION AUTHORIZING BRUCE CASE, PRESIDENT OF CONSTRUCTION CONSULTANTS, TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY BETWEEN THE 7100 BLOCK OF LEE HIGHWAY AND SNOW HILL ROAD TO BUILD A CONCRETE RETAINING WALL WITH PILINGS THAT WILL EXTEND A MAXIMUM OF EIGHT FEET (8') IN THE CITY'S RIGHT-OF-WAY, AS SHOWN ON THE DRAWINGS 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 Bruce Case, President of Construction Consultants (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the City's right-of-way between the 7100 block of Lee Highway and Snow Hill Road to build a concrete retaining wall with pilings that will extend a maximum of eight feet (8') into the City's right-of-way, as shown on the drawings 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. Owner to make an application with the City Planning Agency for the abandonment of said right-of-way along with a plat for recording.
2. 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.
3. Temporary User agrees to vacate the property and temporary use upon reasonable notice from the City to do so.

24242

10-26-04

4. Temporary User shall provide adequate access for maintenance of any utilities located within the easement.

ADOPTED: October 26, 2004

/add

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and BRUCE CASE, President of Construction Consultants (hereinafter "Temporary User"), this the 26th day of OCTOBER, 2004.

For and in consideration of the granting of the temporary usage of the City's right-of-way between the 7100 block of Lee Highway and Snow Hill Road to build a concrete retaining wall with pilings that will extend a maximum of eight feet (8'), as shown on the drawings attached hereto and made a part hereof by reference, 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.

CONSTRUCTION CONSULTANTS

_____, 2004
Date

BY: _____
Bruce Case, *President*

10/28, 2004
Date

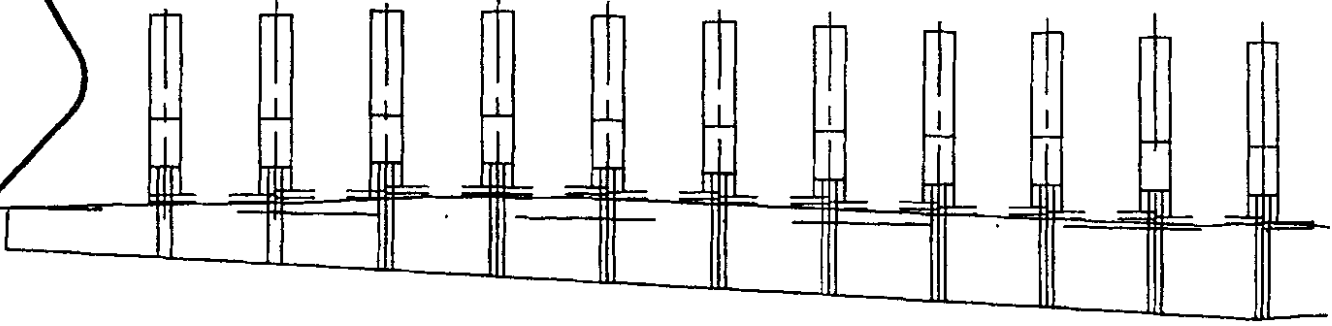
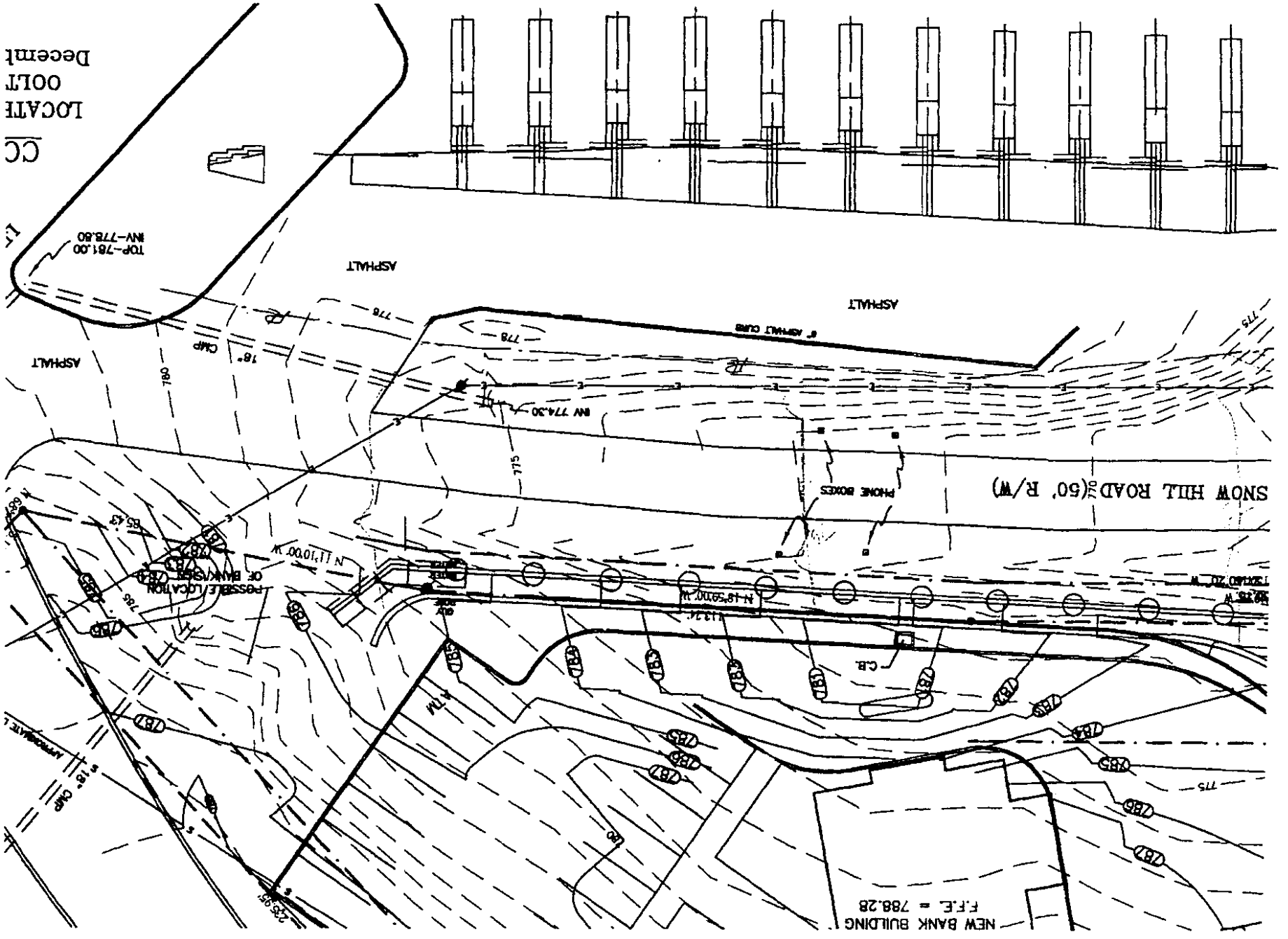
CITY OF CHATTANOOGA, TENNESSEE

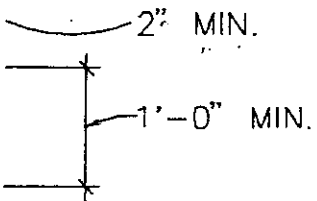
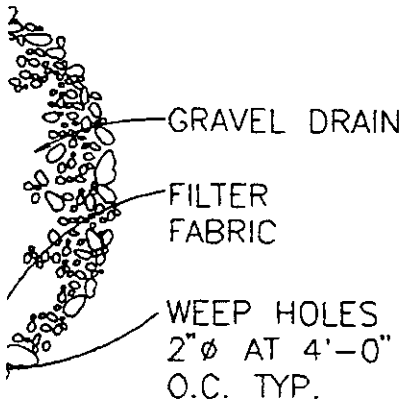
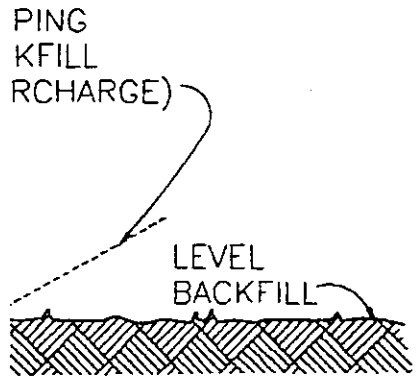
BY: _____
Bob Corker
Bob Corker, Mayor

/add

Reviewed By: _____
David Eidenenthal
David Eidenenthal

CC
LOCATE
OOIT
Decemtl





LEVEL BACKFILL
SLOPING BACKFILL

