

RESOLUTION NO. 24328

A RESOLUTION AUTHORIZING CHARLES EICH (CHEEBURGER CHEEBURGER) TO USE TEMPORARILY 138-A MARKET STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, TO PLACE SEATS AND TABLES ON THE SIDEWALKS DURING SUMMER TO INCREASE DINING SPACE, SUBJECT TO CERTAIN CONDITIONS.

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Charles Eich (Cheeburger Cheeburger) (hereinafter referred to as "Temporary Users") be and are hereby permitted to use temporarily 138-A Market Street, to place seats and tables on the sidewalks during summer to increase dining space, as shown on the drawing 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. A minimum of six feet (6') shall be left clear of all obstructions for pedestrians.
2. No railing shall be allowed.
3. Only the area in front of the subject property shall be used.
4. Temporary Users 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.
5. Temporary Users agree to vacate the property and temporary use upon reasonable notice from the City to do so.
6. Temporary Users shall provide adequate access for maintenance of any utilities located within the easement.

ADOPTED: February 15, 2005

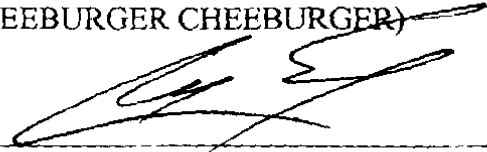
## INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and CHARLES EICH (Cheeburger Cheeburger) (hereinafter "Temporary Users"), this 15<sup>th</sup> day of FEBRUARY, 2005.

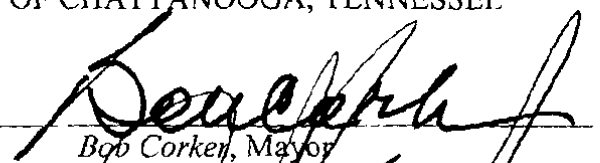
For and in consideration of the granting of the temporary usage of 138-A Market Street to place seats and tables on the sidewalks during the summer to increase dining space, as shown on the attached drawing, the receipt of which is hereby acknowledged, Temporary Users agree as follows:

1. A minimum of six feet (6') shall be left clear of all obstructions for pedestrians.
2. No railing shall be allowed.
3. Only the area in front of the subject property shall be used.
4. Temporary Users 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.
5. Temporary Users 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.
6. Temporary Users will provide adequate access for maintenance of any utilities located within the easement.

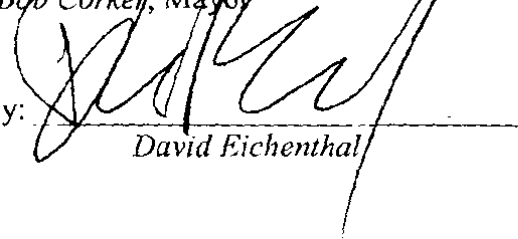
Date 3/18/05, 2005

CHARLES EICH  
(CHEEBURGER CHEEBURGER)  
BY: 

Date 2/24, 2005

CITY OF CHATTANOOGA, TENNESSEE  
BY:   
Bob Corkey, Mayor

/add

Reviewed By:   
David Eichenthal

