

RESOLUTION NO. 24420

A RESOLUTION AUTHORIZING KEN DEFOOR TO USE TEMPORARILY AN EXISTING SEWER EASEMENT AT 600 RIVER STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, TO ALLOW BALCONIES TO OVERHANG INTO THE SEWER EASEMENT, SUBJECT TO CERTAIN CONDITIONS.

---

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Ken DeFoor (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily an existing sanitary easement at 600 River Street, Tax Map No. 135E-N-022, to allow balconies to overhang into the sewer easement, as shown on the drawing attached hereto and made a part hercof by reference.

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

1. Owner shall record a plat deeding an additional ten feet (10') of sewer easement to the City.
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.
4. Temporary User shall provide adequate access for maintenance of any utilities located within the easement.

ADOPTED: May 10, 2005

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and KEN DEFOOR (hereinafter "Temporary User"), this 10<sup>th</sup> day of       MAY      , 2005.

For and in consideration of the granting of the temporary usage of an existing sanitary easement at 600 River Street, Tax Map No. 135E-N-022, to allow balconies to overhang into the sewer easement, as shown on the drawing 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.

KEN GARNER, SR.

\_\_\_\_\_, 2005  
Date

BY: \_\_\_\_\_

CITY OF CHATTANOOGA, TENNESSEE

  5/13  , 2005  
Date

BY:   
\_\_\_\_\_  
Ron Littlefield, Mayor

/add

EXISTING BUILDING

RIVERIA VILLAS

EXISTING 50' PUBLIC SANITARY SEWER EASEMENT

1' B.O.C. TO R. TYP.

EXISTING CONCRETE RETAINING WALL

25'R  
10'R  
PLANTE

DIRECTION OF FLOW

H.C. RAMP TYPE II 15 C-4

TENNESSEE RIVER

WATER LINE (BACK OF WALL) IS PROPERTY LINE

10' PROPOSED ADDITIONAL SEWER EASEMENT

H.C. RAMP TYPE IV 15 C-4

**PROPOSED BUILDING**

77,482 SF  
32 UNITS

SIDEWALK TYPICAL 12 C-4

PLANTER 9'6"

EXISTING CONCRETE RETAINING WALL

ENCROACHMENT INTO SEWER EASEMENT FOR BALCONIES

7'  
5'  
10'R  
25'R  
PLANTE

1' B.O.C. TO R. TYP.

