

RESOLUTION NO. 24529

A RESOLUTION AUTHORIZING KEN DEFOOR TO USE TEMPORARILY A RIGHT-OF-WAY ALONG THE 600 BLOCK OF RIVER STREET TO PLANT NINETEEN (19) TREES AND SEVENTY-SIX (76) BUSHES TO ENHANCE THE PROPOSED DEVELOPMENT AND TO MEET THE LANDSCAPE ORDINANCE REQUIREMENTS, 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 Ken DeFoor (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily a right-of-way along the 600 block of River Street to plant nineteen (19) trees and seventy-six (76) bushes to enhance the proposed development and to meet the landscape ordinance requirements, 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. 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 16, 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 16<sup>th</sup> day of AUGUST, 2005.

For and in consideration of the granting of the temporary usage of a right-of-way along the 600 block of River Street to plant nineteen (19) trees and seventy-six (76) bushes to enhance the proposed development and to meet the landscape ordinance requirements, 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.

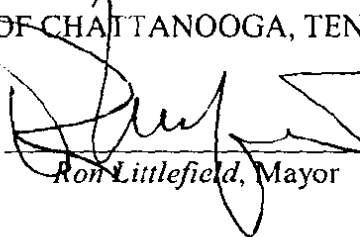
3. Temporary User will provide adequate access for maintenance of any utilities located within the easement.

KEN DEFOOR

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

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

Aug 17, 2005  
Date

CITY OF CHATTANOOGA, TENNESSEE  
BY:   
Ron Littlefield, Mayor

/add

# Landscape Plan

SCALE: 1" = 30'

