

RESOLUTION NO. 24559

A RESOLUTION AUTHORIZING EMJ CORPORATION TO USE TEMPORARILY THE CITY RIGHT-OF-WAY ALONG CHERRY STREET FROM EAST 1ST STREET TO EAST 2ND STREET RELATIVE TO CONSTRUCTION OF THE WINDSOR AUGHTRY/MUSEUM BLUFF VILLAGE CONDOMINIUMS, AS SHOWN ON THE DRAWING 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 EMJ Corporation (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the City right-of-way along Cherry Street from East 1st Street to East 2nd Street relative to construction of the Windsor Aughtry/Museum Bluff Village Condominiums, 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: September 27, 2005

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and EMJ CORPORATION (hereinafter "Temporary User"), this 27 day of September, 2005.

For and in consideration of the granting of the temporary usage of the City right-of-way along Cherry Street from East 1st Street to East 2nd Street relative to construction of the Windsor Aughtry/Museum Bluff Village Condominiums, 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.

EMJ CORPORATION

_____, 2005
Date

BY: _____

Oct 3, 2005
Date

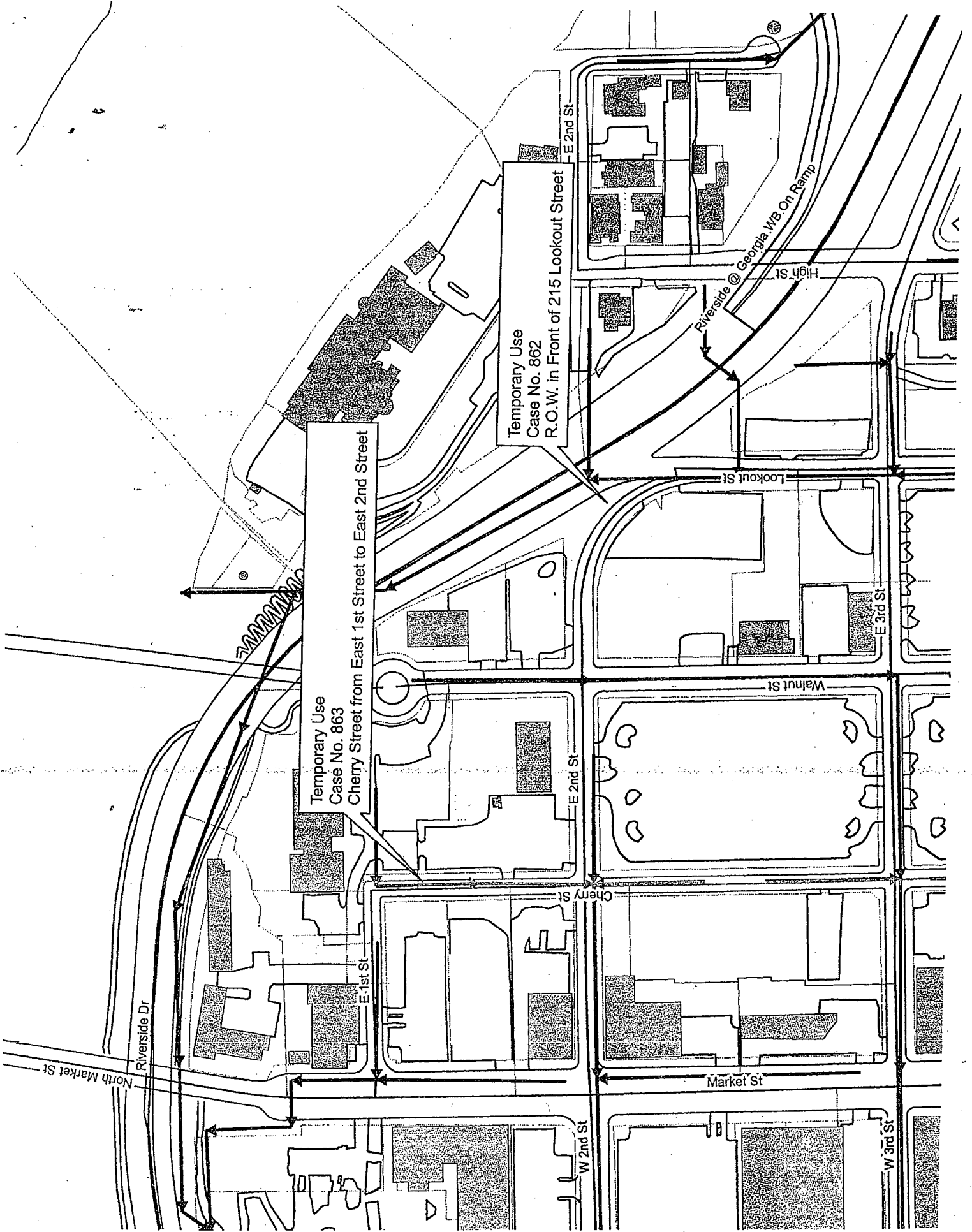
BY: _____

CITY OF CHATTANOOGA, TENNESSEE

Ron Littlefield

Ron Littlefield, Mayor

/add



Temporary Use
Case No. 863
Cherry Street from East 1st Street to East 2nd Street

Temporary Use
Case No. 862
R.O.W. in Front of 215 Lookout Street

North Market St

Riverside Dr

E 1st St

E 2nd St

E 3rd St

Market St

Walnut St

Lookout St

High St

Riverside @ Georgia MB On Ramp

E 2nd St

W 2nd St

W 3rd St