

RESOLUTION NO. 24690

A RESOLUTION AUTHORIZING THE KRYSTAL COMPANY TO USE TEMPORARILY AN UNNAMED ALLEY LOCATED ON THE SOUTH LINE OF THE 1600 BLOCK OF EAST 37TH STREET, 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 The Krystal Company (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily an unnamed alley located on the south line of the 1600 block of East 37th Street, 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: March 7, 2006

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and THE KRYSTAL COMPANY (hereinafter "Temporary User"), this 7th day of March, 2006.

For and in consideration of the granting of the temporary usage of an unnamed alley located on the south line of the 1600 block of East 37th Street, 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.

THE KRYSTAL COMPANY

3-16- _____, 2006
Date

BY: [Signature]

CITY OF CHATTANOOGA, TENNESSEE

3/10 _____, 2006
Date

BY: [Signature]

Ron Littlefield, Mayor

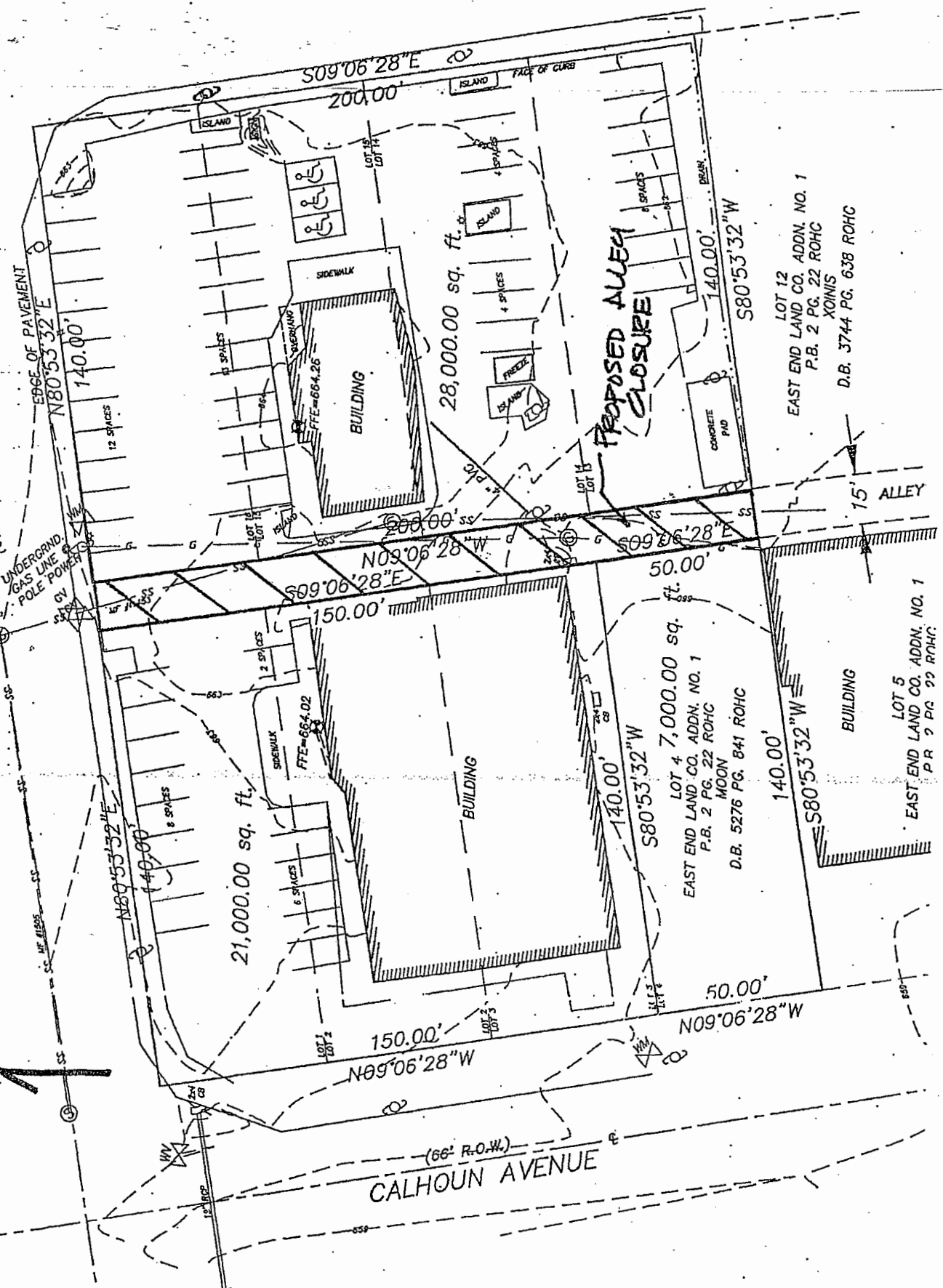
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N 2005-225

E 37TH STREET
(60' R.O.W.)

ROSSVILLE BLVD.
(100' R.O.W.)

CALHOUN AVENUE
(66' R.O.W.)



EDGE OF PAVEMENT
UNDERGRND GAS LINE
POLE POWER

BUILDING

BUILDING

PROPOSED ALLEY
CLOSURE

BUILDING

LOT 12
EAST END LAND CO. ADDN. NO. 1
P.B. 2 PG. 22 ROHC
XONIS
D.B. 3744 PG. 638 ROHC

LOT 4 7,000.00 sq. ft.
EAST END LAND CO. ADDN. NO. 1
P.B. 2 PG. 22 ROHC
MOON
D.B. 5276 PG. 841 ROHC

LOT 5
EAST END LAND CO. ADDN. NO. 1
P.R. 2 PG. 22 ROHC

12 SPACES

6 SPACES

2 SPACES

28,000.00 sq. ft.

140.00'

140.00'

140.00'

509'06"28"E

509'06"28"E

509'06"28"E

N09'06"28"W

N09'06"28"W

140.00'

580'53"32"W

N80'53"32"E

N80'53"32"E

S80'53"32"W

S80'53"32"W

580'53"32"W

140.00'

140.00'

140.00'

140.00'

140.00'

200.00'

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ALLEY

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