

RESOLUTION NO. 24691

A RESOLUTION AUTHORIZING DUKE STONE TO USE TEMPORARILY 2201 HICKORY VALLEY ROAD TO ENCROACH AND GRADE WITHIN IN THE RIGHT-OF-WAY OF BOTSFORD DRIVE FOR THE PROPOSED SOCCER FIELD FOR HICKORY VALLEY COMMUNITY CHURCH, AS SHOWN ON THE DRAWINGS 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 Duke Stone (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily 2201 Hickory Valley Road to encroach and grade within in the right-of-way of Botsford Drive for the proposed soccer field for Hickory Valley Community Church, as shown on the drawings 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. No grading activities are permitted within 10 feet of the edge of pavement.
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: March 7, 2006

INDEMNIFICATION AGREEMENT

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

For and in consideration of the granting of the temporary usage of 2201 Hickory Valley Road to encroach and grade within in the right-of-way of Botsford Drive for the proposed soccer field for Hickory Valley Community Church, 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. No grading activities are permitted within 10 feet of the edge of pavement.
2. 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.
3. 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.
4. Temporary User will provide adequate access for maintenance of any utilities located within the easement.

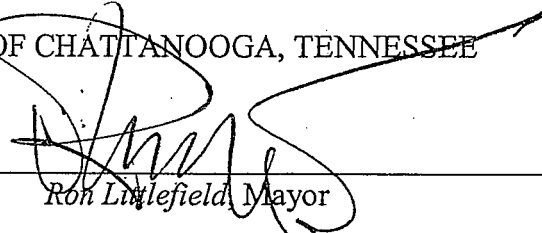
DUKE STONE

_____, 2006
Date

BY: _____

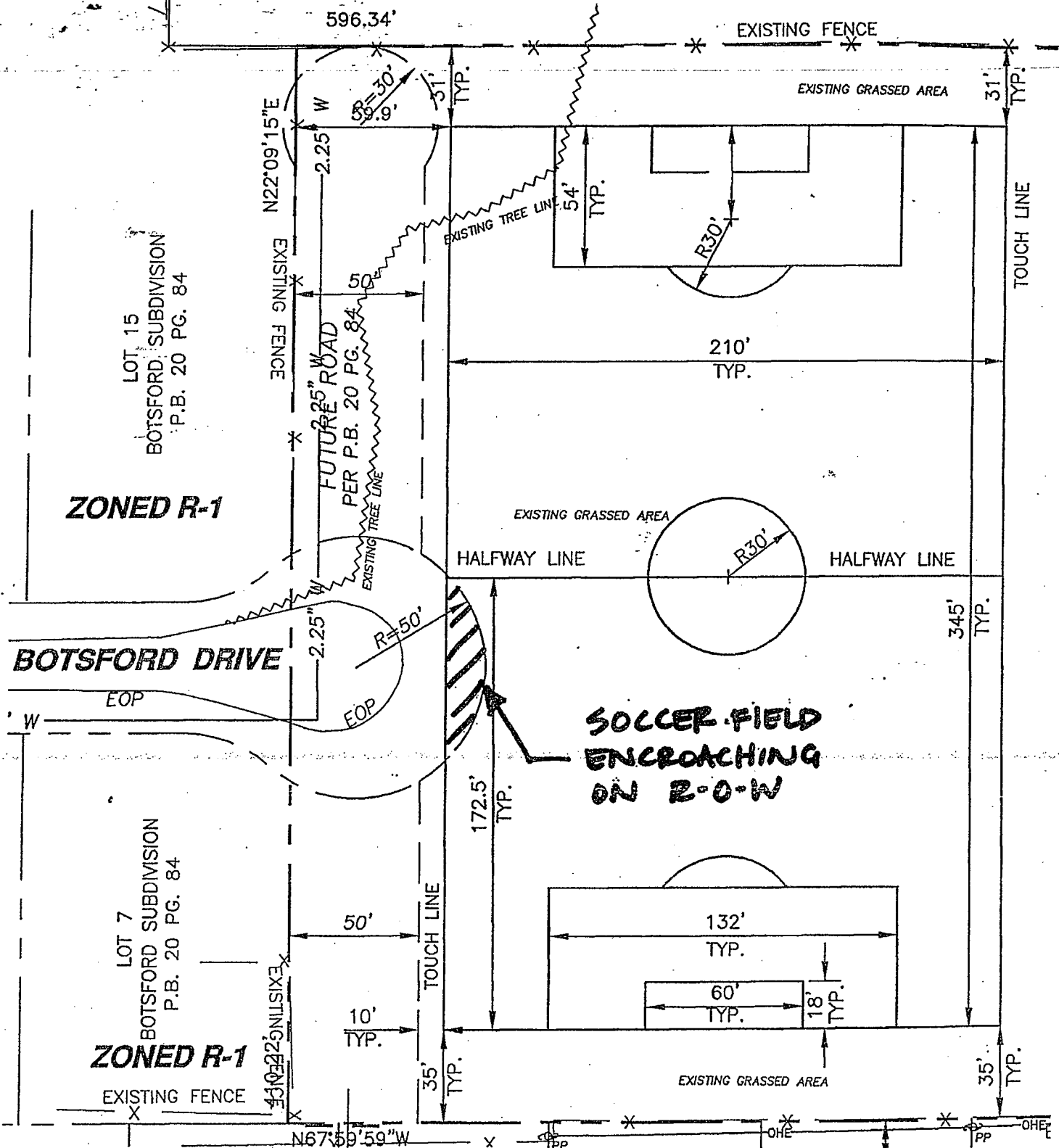
3/10, 2006
Date

CITY OF CHATTANOOGA, TENNESSEE

BY: 

Ron Littlefield, Mayor

ZONED R-1



SCALE: 1" = 50'

SILT FENCE
(TYPICAL) $\frac{2}{C-2}$

SEDIMENT
TRAP #1
TOP=699.5 $\frac{3}{C-2}$
BOTTOM=696.0
UME=37,098 CF

BOTSFORD DRIVE

EOP

W

3:1
TYP

**GRADING ON
R-O-W**

SEDIMENT
TRAP #1
TOP=699.5 $\frac{3}{C-2}$
BOTTOM=696.0
UME=37,098 CF

