

RESOLUTION NO. 24731

A RESOLUTION AUTHORIZING JIM ARMSTRONG OF THE ASHWOOD HOMEOWNERS ASSOCIATION TO USE TEMPORARILY THE RIGHTS-OF-WAY AT THE PINWOOD DRIVE ENTRANCE AND THE CUL-DE-SACS OF ASHWOOD SUBDIVISION TO INSTALL SHRUBBERY TO ENHANCE THE NEIGHBORHOOD, 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 Jim Armstrong of the Ashwood Homeowners Association (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the rights-of-way at the Pinewood Drive entrance and cul-de-sacs of Ashwood Subdivision to install and maintain shrubbery to enhance the neighborhood, 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. Approval of a planting plan by the City Urban Forester.
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: April 18, 2006

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and JIM ARMSTRONG OF THE ASHWOOD HOMEOWNERS ASSOCIATION (hereinafter "Temporary User"), this 18th day of April, 2006

For and in consideration of the granting of the temporary usage of the rights-of-way at the Pinewood Drive entrance and cul-de-sacs of Ashwood Subdivision to install shrubbery to enhance the neighborhood, 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. Approval of a planting plan by the City Urban Forester
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.

ASHWOOD HOMEOWNERS ASSOCIATION

Date 4/28, 2006

BY: Jim Armstrong
Jim Armstrong

CITY OF CHATTANOOGA, TENNESSEE

Date 4/26, 2006

BY: Ron Littlefield
Ron Littlefield, Mayor



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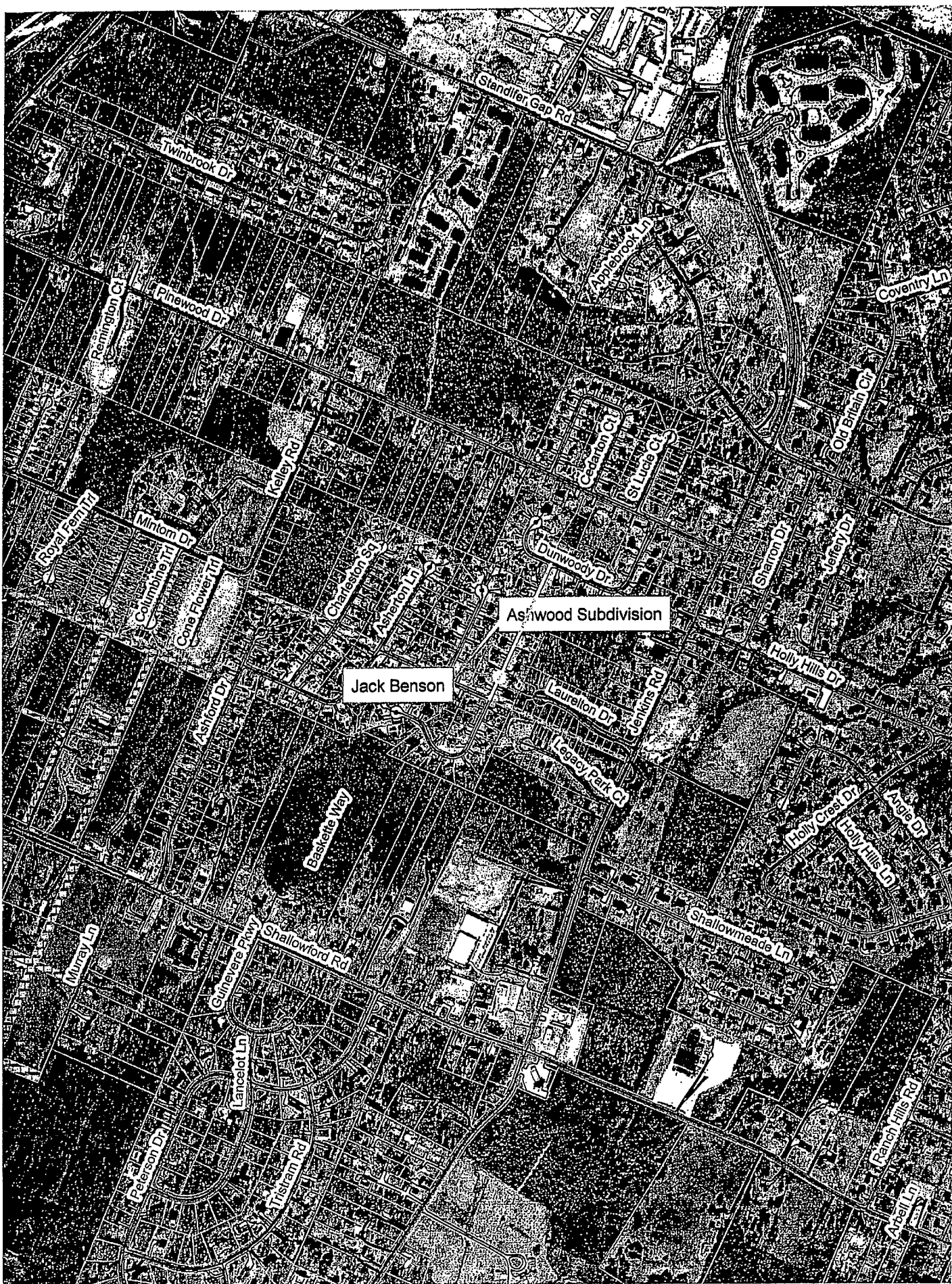
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A Street Drive

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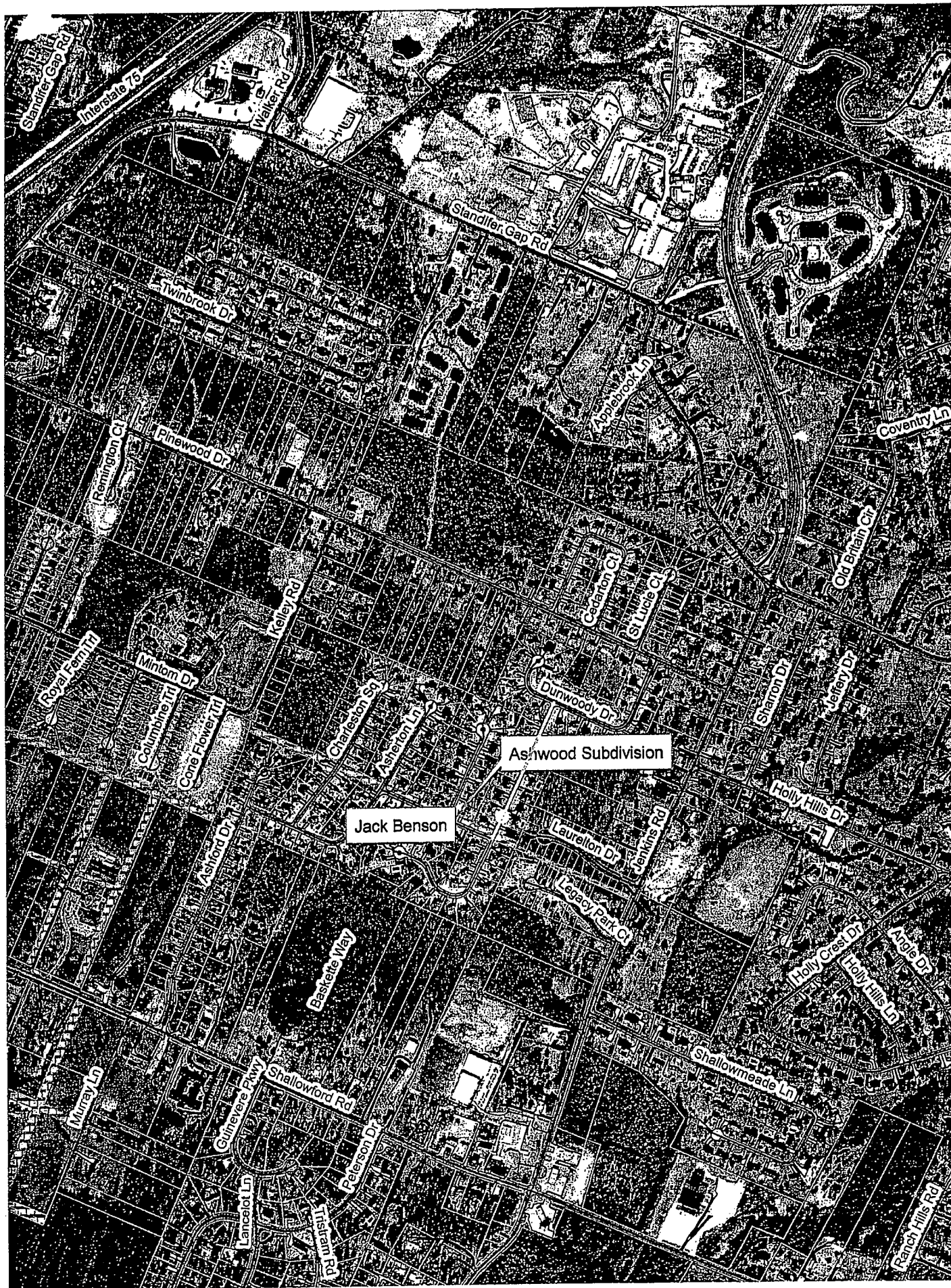
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Ashwood Subdivision

Jack Benson



Ashwood Subdivision

Jack Benson