

RESOLUTION NO. 25114

A RESOLUTION AUTHORIZING TOWER PLACE, LLC TO USE TEMPORARILY WEST 17TH STREET TO EXTEND STEPS FROM FOUR (4) CONDOMINIUMS INTO THE RIGHT-OF-WAY, 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 Tower Place, LLC (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily West 17th Street to extend steps from four (4) condominiums into the right-of-way, as shown on the drawing attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED, 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: May 1, 2007

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and TOWER PLACE, LLC (hereinafter "Temporary User"), this 1st day of May, 2007.

For and in consideration of the granting of the temporary usage of West 17th Street to extend steps from four (4) condominiums into the right-of-way, 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.

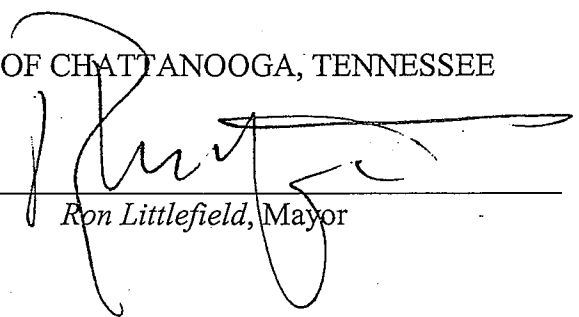
TOWER PLACE, LLC

_____, 2007
Date

BY: _____
_____, its _____

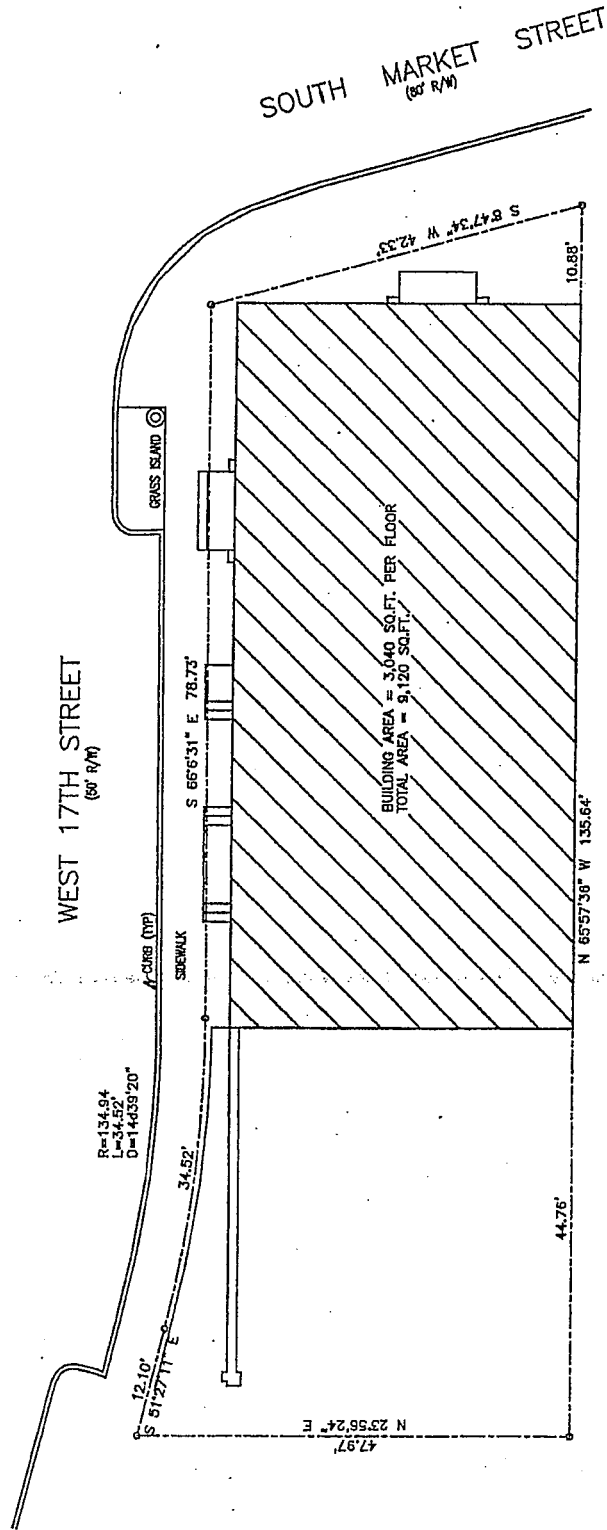
CITY OF CHATTANOOGA, TENNESSEE

_____, 2007
Date

BY: 

Ron Littlefield, Mayor

/add



R=134.94
L=34.52'
D=14d39'20"

1701 MARKET STREET
PARCEL 145LD - B - 002
PART OF LOTS 3, 4, 5, BLK D, CENTRAL REALTY CO. SUBDIVISION
PB. 13, PG. 10
NO. BK 6983, PG 0743
LOT AREA = 5,413 SQ.FT.