

RESOLUTION NO. 25153

A RESOLUTION AUTHORIZING WINDSOR AUGHTRY DEVELOPMENT TO USE TEMPORARILY THE CHERRY STREET RIGHT-OF-WAY BETWEEN 1<sup>ST</sup> STREET AND 2<sup>ND</sup> STREET TO CONSTRUCT A DOUBLE CHECK VALVE ASSEMBLY (DCVA) IN A VAULT IN THE SIDEWALK, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Windsor Aughtry Development (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the Cherry Street right-of-way between 1<sup>st</sup> Street and 2<sup>nd</sup> Street to construct a double check valve assembly (DCVA) in a vault in the sidewalk, as shown on the drawings 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: June 19, 2007

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and WINDSOR AUGHTRY DEVELOPMENT (hereinafter "Temporary User"), this 19th day of June, 2007.

For and in consideration of the granting of the temporary usage of the Cherry Street right-of-way between 1<sup>st</sup> Street and 2<sup>nd</sup> Street to construct a double check valve assembly (DCVA) in a vault in the sidewalk, 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:

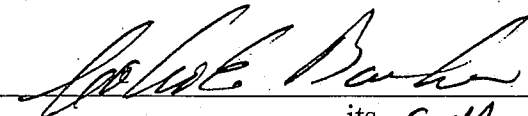
1. Temporary User will defend, and hold harmless the City of Chattanooga, Tennessee, its officers, agents and employees from any and all claims for damages for injuries to persons or property related to or arising out of the aforementioned temporary use.

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.

WINDSOR AUGHTRY DEVELOPMENT

6.26., 2007  
Date

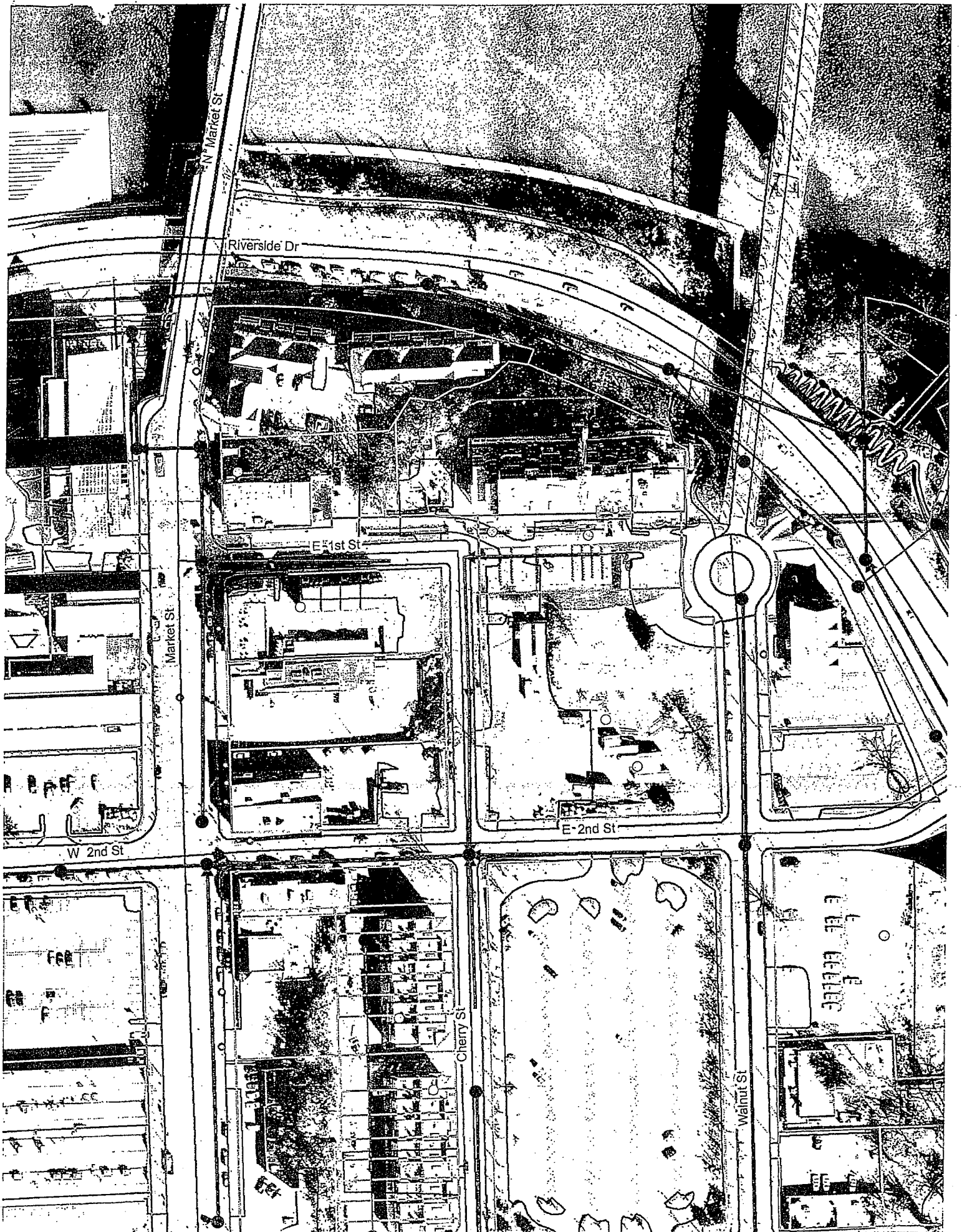
BY: , its C.M.

CITY OF CHATTANOOGA, TENNESSEE

\_\_\_\_\_, 2007  
Date

BY:   
Ron Littlefield, Mayor

/add



N Market St

Riverside Dr

E 1st St

E 2nd St

W 2nd St

Market St

Cherry St

Walnut St

