

RESOLUTION NO. 25271

A RESOLUTION AUTHORIZING KEN DEFOOR TO USE TEMPORARILY PART OF SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FOR PARKING AND INSTALLATION OF DECORATIVE LIGHTING, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Ken Defoor (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way beginning at the point of intersection between the present of way line of Shallowford Road and the east property line of Tax Map No. 183J-A-001.02 running with the property west 285'± for parking and installation of decorative lighting, 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 restore any and all damage to the existing roadway, driving surface, or other public appurtenances as indicated in and by the City of Chattanooga's Standard Drawings, and/or as directed by the City Engineer.
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: September 25, 2007

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and KEN DEFOOR (hereinafter "Temporary User"), this 25 day of September 2007.

For and in consideration of the granting of the temporary usage of the right-of-way beginning at the point of intersection between the present of way line of Shallowford Road and the east property line of Tax Map No. 183J-A-001.02 running with the property west 285'± for parking and installation of decorative lighting, 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 shall restore any and all damage to the existing roadway, driving surface, or other public appurtenances as indicated in and by the City of Chattanooga's Standard Drawings, and/or as directed by the City Engineer.
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.

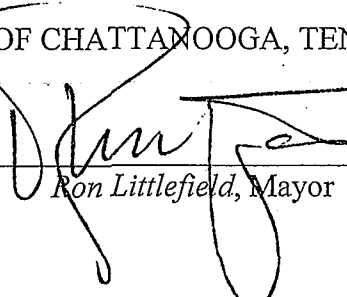
KEN DEFOOR

_____, 2007
Date

CITY OF CHATTANOOGA, TENNESSEE

_____, 2007
Date
/add

BY: _____


Ron Littlefield, Mayor

138J

138K

138JA 001.01

138JA 001.02

Shallowford Rd

138O

138N

Olan Mills Dr

