

RESOLUTION NO. 25298

A RESOLUTION AUTHORIZING BRAGG POINT PROPERTIES, LLC TO USE TEMPORARILY A PORTION OF THE UNOPENED UNIT BLOCK OF LAUREL DRIVE NORTH OF THE CLOSURE AND ABANDONMENT REFERENCED IN CASE NO. MR-2007-110 TO RECONFIGURE ACCESS TO THEIR PROPERTY, MORE PARTICULARLY DESCRIBED IN CASE NO. MR-2007-110 AND 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 Bragg Point Properties, LLC (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily a portion of the unopened unit block of Laurel Drive north of the closure and abandonment referenced in Case No. MR-2007-110 to reconfigure access to their property, more particularly described in Case No. MR-2007-110 and 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. The conditions stated on the attached Memorandum.
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: October 9, 2007

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and BRAGG POINT PROPERTIES, LLC (hereinafter "Temporary User"), this 9th day of October 2007.

For and in consideration of the granting of the temporary usage of a portion of the unopened unit block of Laurel Drive north of the closure and abandonment referenced in Case No. MR-2007-110 to reconfigure access to their property, more particularly described in Case No. MR-2007-110 and 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. The conditions stated on the attached Memorandum.
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.

BRAGG POINT PROPERTIES, LLC

BY: Rebecca F. Browder  
Rebecca F. Browder, its Vice Pres.

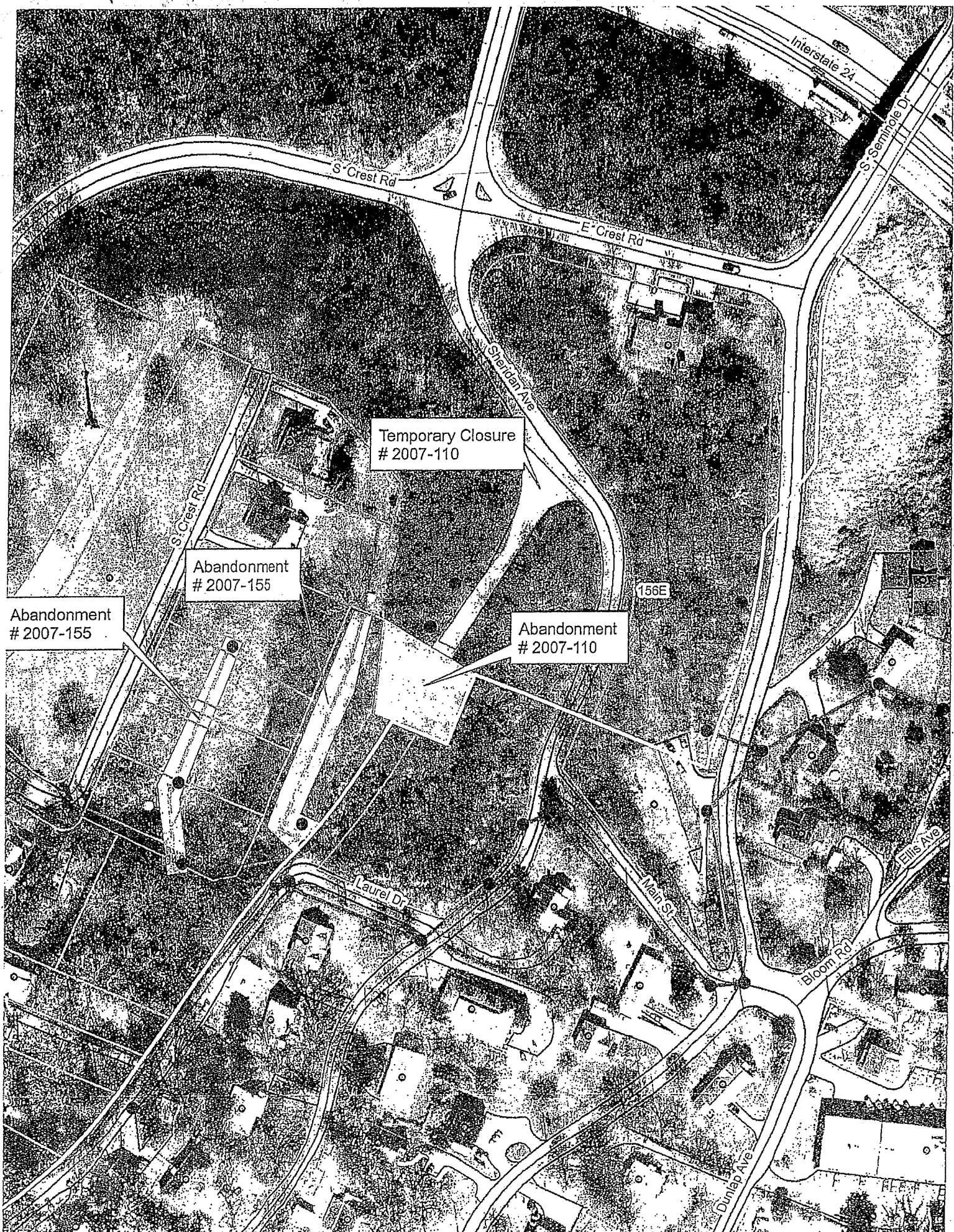
CITY OF CHATTANOOGA, TENNESSEE

BY: [Signature]  
Rox Littlefield, Mayor

November 7, 2007  
Date

10/12, 2007  
Date  
/add





Temporary Closure  
# 2007-110

Abandonment  
# 2007-155

Abandonment  
# 2007-155

Abandonment  
# 2007-110

156E

Laurel Dr

Main St

Duniap Ave

Bloom Rd

Ellis Ave

Interstate 24

S Seminole Dr

S Crest Rd

E Crest Rd

Sheridan Ave

# THE BROWNSTONES & CARRIAGE HOME AT BRAGG POINT

BROWNSTONES : PHASE I

2007-110 #114

964.7 +

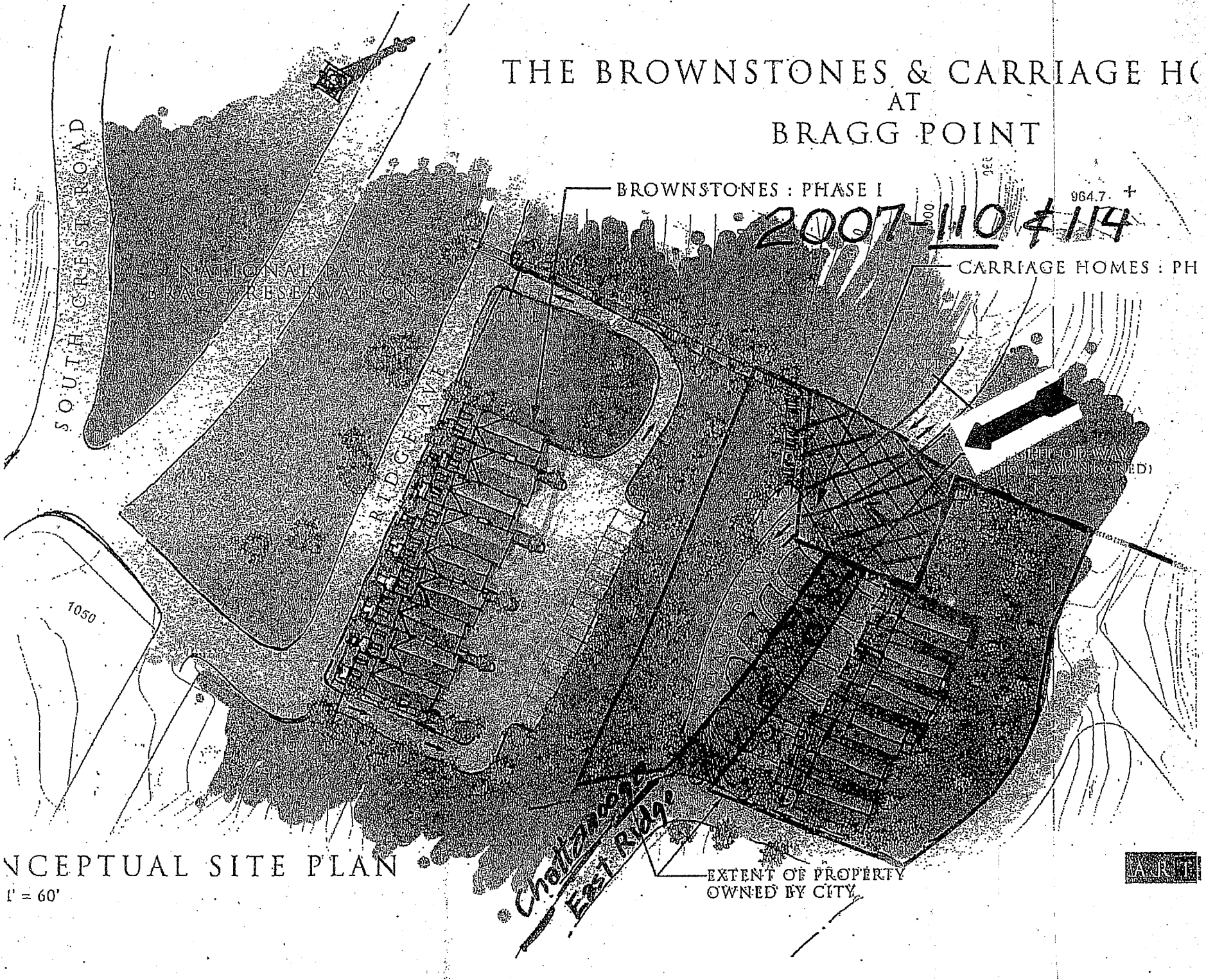
CARRIAGE HOMES : PH

THE TOP WAY  
(UNAPPROVED)

CONCEPTUAL SITE PLAN

1" = 60'

EXTENT OF PROPERTY  
OWNED BY CITY



# Memorandum

To: Bill Payne

From: Bill Cannon

Date: September 11, 2007

Re: Bragg Point Properties, LLC - Case No. 2007-110  
(Unit block of Laurel Drive)  
Recommendations for Requested Unopened ROW Abandonment

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I have completed the review of Bragg Point Properties request regarding the abandonment of the unopened ROW beginning at the northeast corner of Tax Map 156E A 025 thence southwest along the east line of said parcel 105' ± thence 88' ± southeast to a point in the west line of Tax Map 156E A 001 thence northeast along the west line of said parcel some 80 feet to its northwest corner, thence northwest some 121 feet to the northeast corner of Tax Map 156E A 025, the point of beginning. In addition it is recommended that temporary closure be obtained for a portion of the unopened unit block of Laurel Drive beginning at its northern boundary to be abandoned above thence northeastwardly 220' ± to the south line of the unit block of Sheridan Ave. as shown on the attached map. My comments are as follows:

1. The ROW for this unopened ROW is 105' ± in width. This was verified by the Plat dated August 10, 1907 (Plat Book 5, Page 56) and a land survey conducted by Surveying Group, Inc. dated October 31, 1993 (Plat Book 50, Page 263).
2. The existing ROW is not open to traffic, is not surfaced, is not used as a service road or parking.
3. At this time, there are plans to develop this property (Bragg Point Land Company). The requested use for this land is to construct town homes / garden homes.
4. The following Public interest and Utility Owners noted objections to the Abandonment.
  - AT&T Southeast (formerly BellSouth)
5. AT&T Southeast (formerly BellSouth) has addressed its objection in written format stating they would not object if arrangements were made to maintain existing easements in the proposed abandonment area.

After review of the Abandonment and Temporary Closure request, maintaining the existing Rights-of-Way does not serve the Public's interest on Laurel Drive.

*Therefore, I recommend that the request for abandonment of the ROW be approved pending retention of all utility easements, routing rights, and right of ingress/egress for the full width and length of the existing ROW. In addition the temporary closure of the above referenced portion of ROW should be approved with the understanding that no permanent structures can be built on the property, but fencing, gates, or similar appurtenances could be placed in the area. In addition, the City of Chattanooga reserves the right to remove any appurtenances, at anytime for ingress/egress to City utilities. The cost of repair or replacement of such items will be at the expense of the owner.*