

RESOLUTION NO. 25315

A RESOLUTION AUTHORIZING 3H GROUP HOTELS, INC. TO USE TEMPORARILY THE RIGHT-OF-WAY AT 7051 McCUTCHEON ROAD TO KEEP EXISTING FENCE AROUND THE PROPERTY FOR SECURITY PURPOSES, 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 3H Group Hotels, Inc. (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way at 7051 McCutcheon Road to keep existing fence around the property for security purposes, 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: October 30, 2007

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and 3H GROUP HOTELS, INC. (hereinafter "Temporary User"), this 30th day of October, 2007.

For and in consideration of the granting of the temporary usage of the right-of-way at 7051 McCutcheon Road to keep existing fence around the property for security purposes, 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.

12/27, 2007
Date

3H GROUP HOTELS, INC.

BY: Muhred [Signature] representing 3H Group
_____, its _____

11/3, 2007
Date

CITY OF CHATTANOOGA, TENNESSEE

BY: [Signature]

Ron Littlefield, Mayor

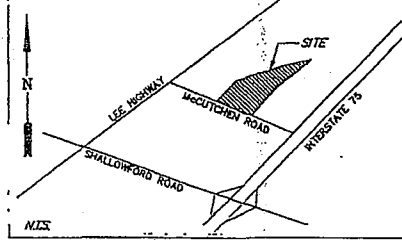
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50-209

NOTES:

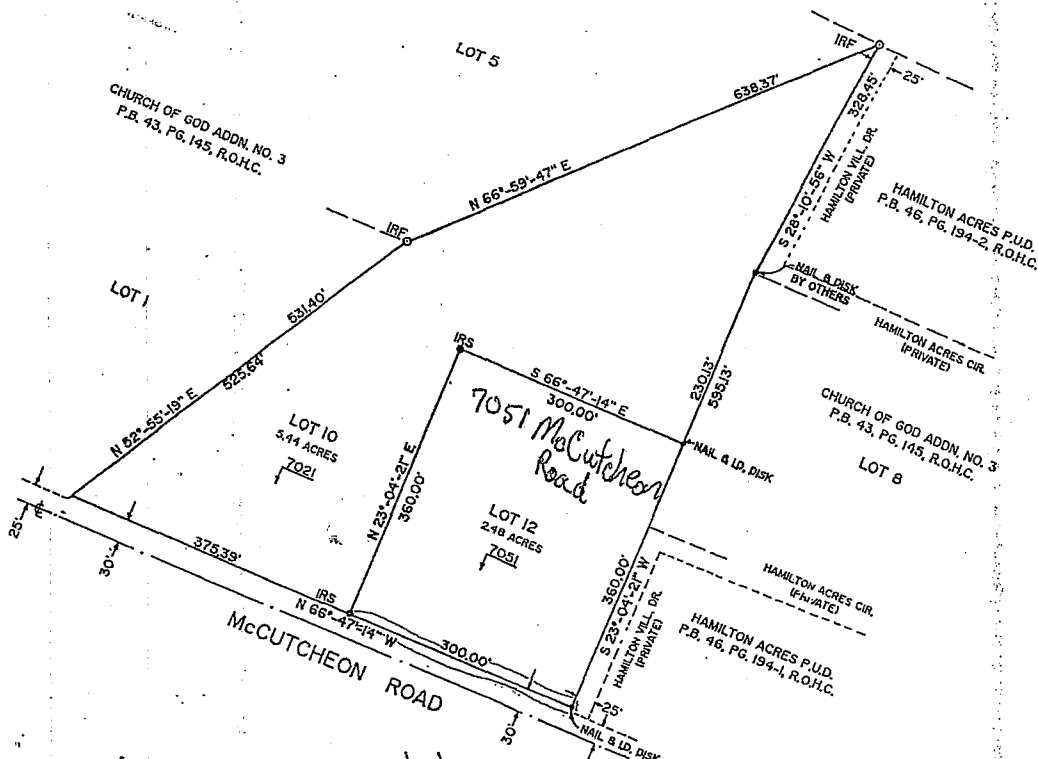
1. Zoning: R-4.
2. This plat subdivides property recorded in P.B. 43, Pg. 145 R.O.H.C.
3. This plat has been developed in accordance with the standard design regulations for subdivisions within Chattanooga, TN.
4. The Government of the City of Chattanooga is not responsible for providing desired services beyond the R/W of Lee Highway or McCutcheon Road.
5. Water service by: Tennessee American Water Company. There is a 6" water line along the eastern R/W of Lee Highway extending +/- 500' north from the R/W intersection of Lee Highway and McCutcheon Road. There is a 12" water line along the western R/W of Lee Highway. There is a 6" water line in the southern R/W of McCutcheon Road.
6. Total Subdivided Acreage: 7.92 Acres.
7. Dwd 3637-656.
8. Sewers Available.
9. 7021 & 7031 - Property Address.

PER PLAT BK. 43-145 R.O.H.C.



Vicinity Map

APPROVED FOR RECORDING
 CHATT. HAMILTON CO. LOCAL HEALTH DEPT.
 DATE: 9/18/93
 9-24-93
 MIC: 4-20-93
 Fred Paul



CERTIFICATION OF OWNERSHIP

I hereby certify that I am the owner (in fee simple) of this property and I hereby adopt this plan of subdivision. I dedicate the R.O.W. of McCutcheon Road as shown to the public use forever.

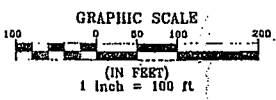
C.O. Rade
 LEE HIGHWAY CHURCH OF GOD
 7120 LEE HIGHWAY
 CHATTANOOGA, TN 37421
 (615) 894-6582

CERTIFICATE OF SURVEY

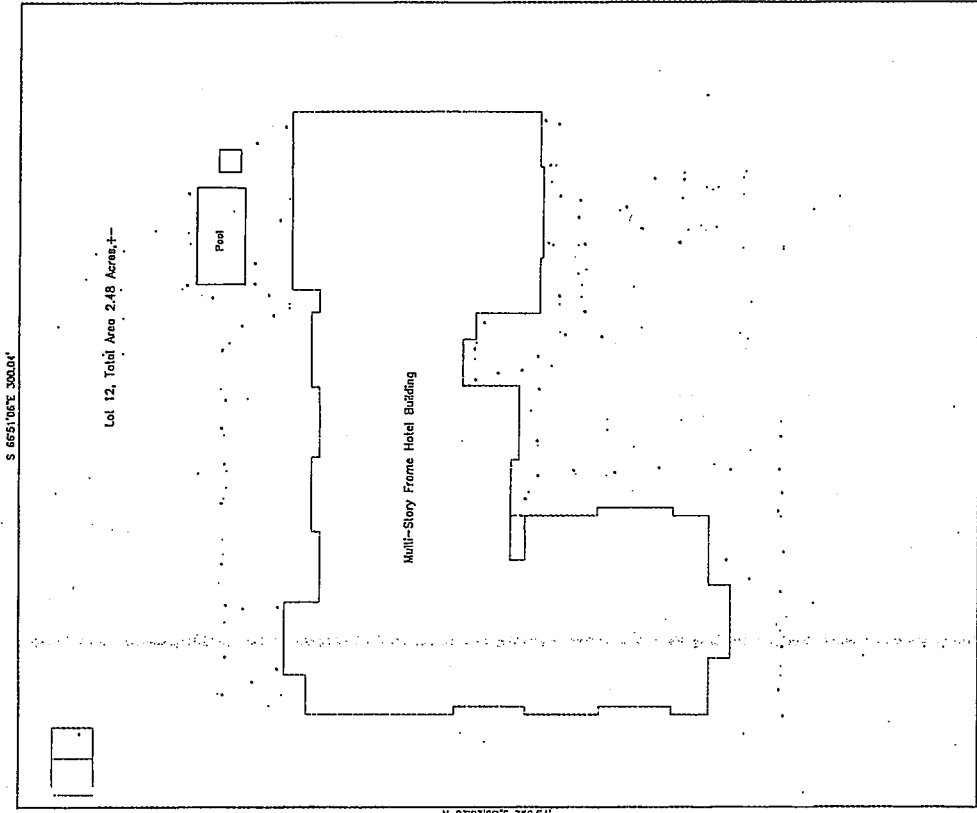
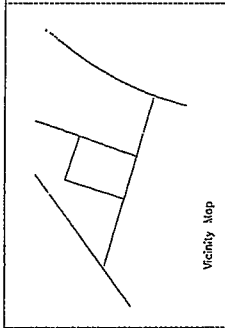
I HEREBY CERTIFY: THAT THE BOUNDARIES OF THIS PROPERTY WERE SURVEYED BY ME, OR UNDER MY DIRECT SUPERVISION, THAT THIS SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THE RATIO OF PRECISION OF THE FIELD DATA UPON WHICH THIS PLAT AND THIS CATEGORY II SURVEY IS BASED, EXCEEDS ONE FOOT PER 7,500 FEET.



Fence is approximately 1 foot over + into the ROW.



FINAL PLAT OF THE RESUBDIVISION OF LOT 10, CHURCH OF GOD-ADDN. NO. 3, AS RECORDED IN P.B. 43, PG. 145, R.O.H.C., CHATTANOOGA, HAMILTON COUNTY, TENNESSEE			
66	1" = 100'	P.D.H.	
39	APRIL 22, 1993	R.S.A.	
Cook & Spencer Consultants, Inc. engineers & surveyors			935-032
			11
			1 OF 1



S 66°51'06" E 300.04'

Lot 12, Total Area 2.48 Acres, ±

N 23°03'20" E 359.54'

S 88°56'42" E 425.02' ±

N 66°47'26" W 300.02'

Hamilton Village Drive

McCutcheon Road

ALTA/ACSM Land Title Survey
Country Inn and Suites

Clemons Surveying