

RESOLUTION NO. 25574

A RESOLUTION AUTHORIZING ORANGE GROVE CENTER TO USE TEMPORARILY A SEWER EASEMENT RUNNING NORTH TO SOUTH ALONG THE SOUTH SIDE OF THE 2300 BLOCK OF BLACKFORD STREET AND THE EAST SIDE OF 460 DODSON AVENUE TO INSTALL A METAL SHELTER TO PROTECT THE RECYCLED MATERIALS DELIVERED BY THE CITY TO ORANGE GROVE, 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 Orange Grove Center (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily a sewer easement running north to south along the south side of the 2300 block of Blackford Street and the east side of 460 Dodson Avenue, 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 not build any columns or footings (point loads) over the top of the sewer located within the easement.
2. Temporary User shall build the subject metal structure with 35 feet or more clearance from the existing grade to the roofline.
3. 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.
4. Temporary User agrees to vacate the property and temporary use upon reasonable notice from the City to do so.

5. Temporary User shall provide adequate access for maintenance of any utilities located within the easement.

ADOPTED: June 24, 2008

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and ORANGE GROVE CENTER (hereinafter "Temporary User"), this 24th day of June, 2008.

For and in consideration of the granting of the temporary usage of a sewer easement running north to south along the south side of the 2300 block of Blackford Street and the east side of 460 Dodson Avenue, 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 not build any columns or footings (point loads) over the top of the sewer located within the easement.
2. Temporary User shall build the subject metal structure with 35 feet or more clearance from the existing grade to the roofline.
3. 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.
4. 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.
5. Temporary User will provide adequate access for maintenance of any utilities located within the easement.

ORANGE GROVE CENTER

_____, 2008
Date

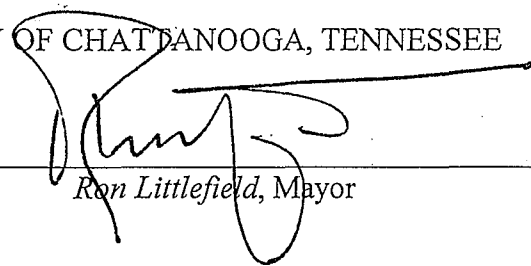
BY: _____

[Signatures continued on next page.]

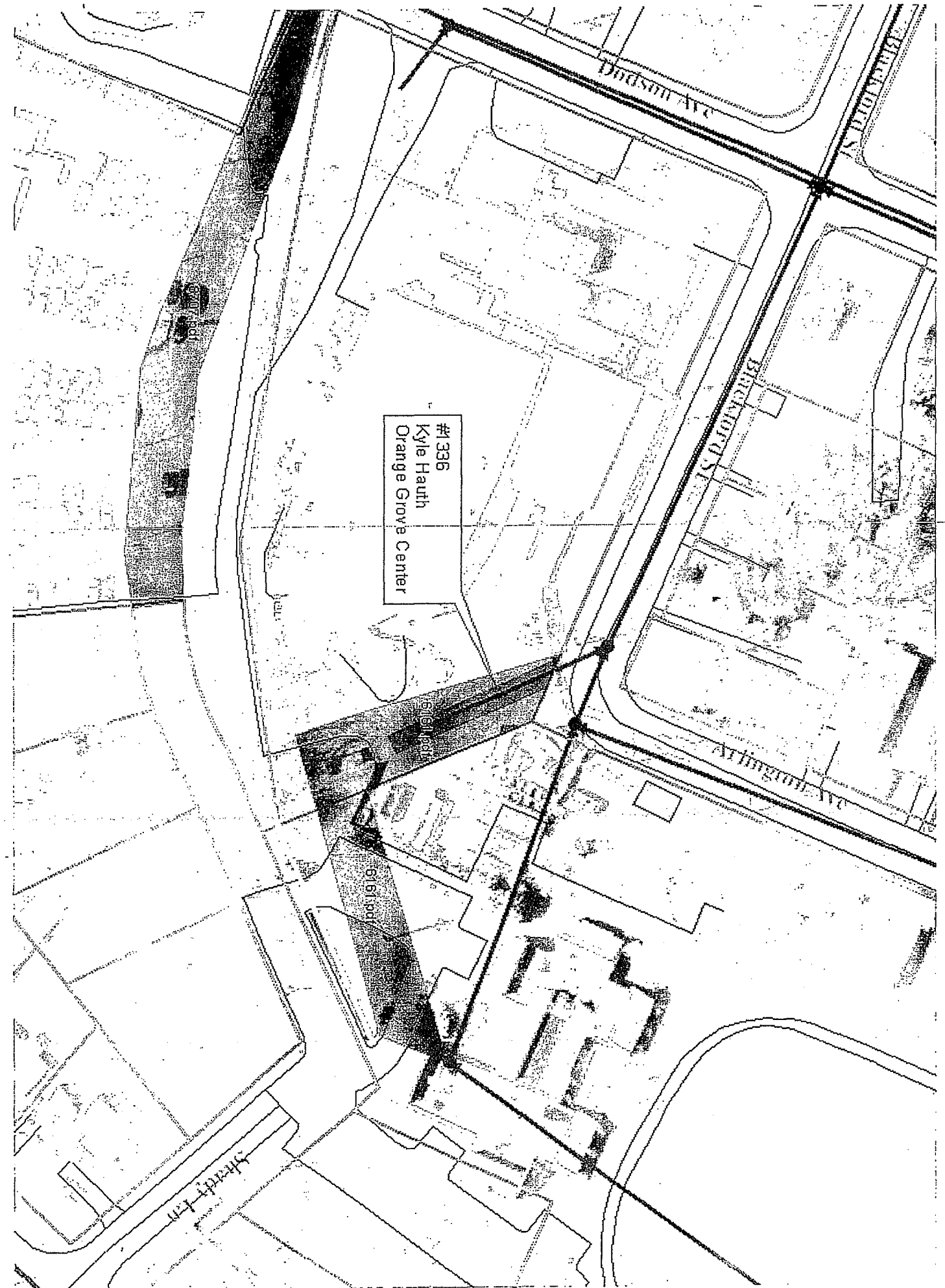
CITY OF CHATTANOOGA, TENNESSEE

June 26, 2008
Date

BY:


Ron Littlefield, Mayor

/add



#1336
Kyle Hauth
Orange Grove Center

Dodson Ave

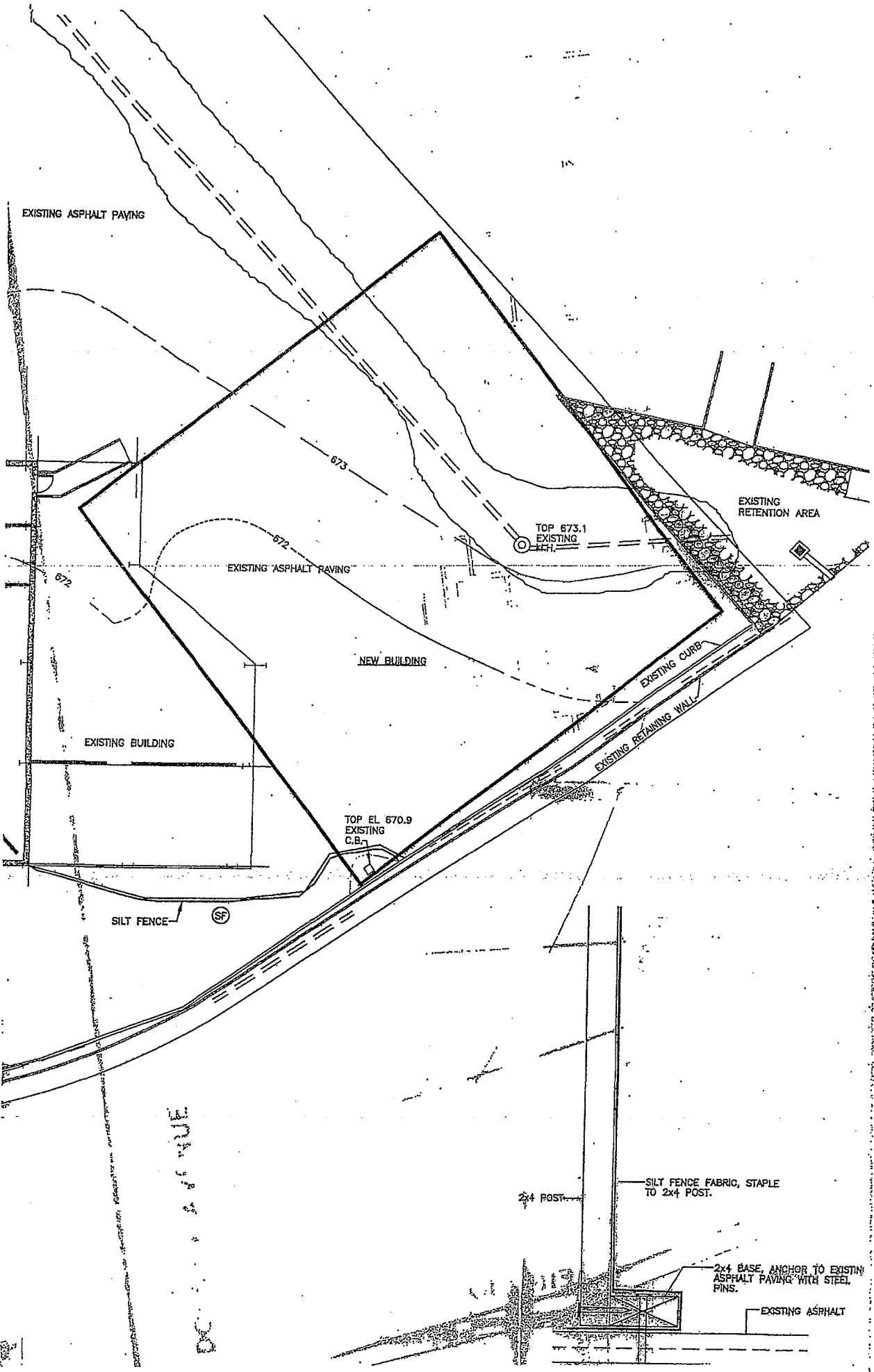
BRIDGEPORT ST

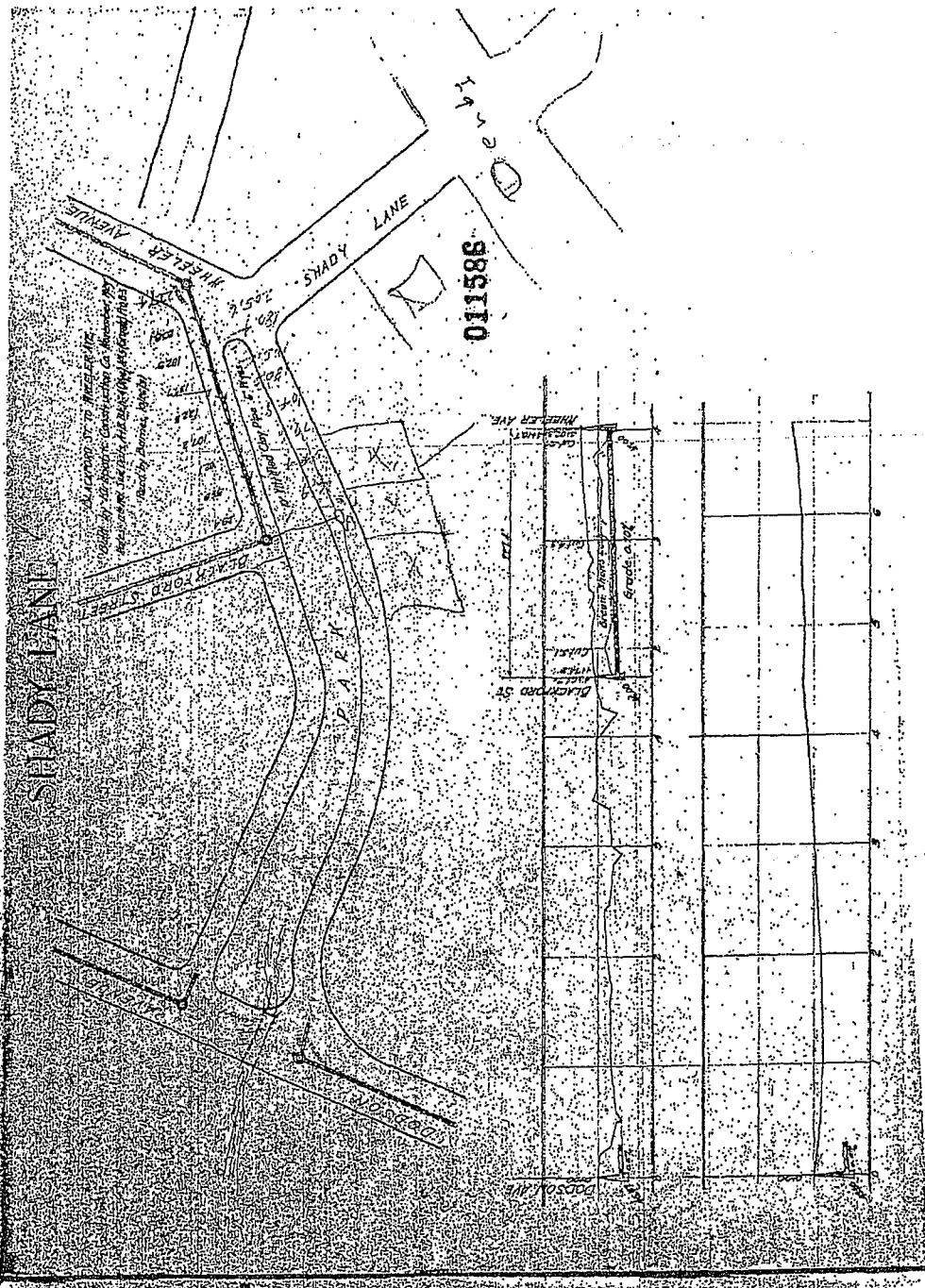
ATTERIDGE AVE

Shedd Ln

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SHADY LANE

WHEELER AVENUE

MAYBOND STREET

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