

RESOLUTION NO. 25971

A RESOLUTION AUTHORIZING KEN J. DEFOOR TO USE TEMPORARILY THE RIGHT-OF-WAY AT THE CENTER OF THE ROUND-ABOUT AT THE NEW PHASE OF NORTH POINT BOULEVARD TO INSTALL A SPRINKLER LINE UNDER THE ROADWAY FOR LANDSCAPING, AS SHOWN ON THE MAP 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 Ken J. Defoor, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way at the center of the round-about at the new phase of North Point Boulevard to install a sprinkler line under the roadway for landscaping, as shown on the map 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 roadway (North Point Boulevard) cannot be cut; the piping is to be installed prior to the pavement being placed in the right-of-way.
2. Landscaping shall be subject to the approval of the City Traffic Engineer and the City Forester.
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 23, 2009

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and KEN J. DEFOOR (hereinafter "Temporary User"), this 23 day of June, 2009.

For and in consideration of the granting of the temporary usage of the right-of-way located at the center of the round-about at the new phase of North Point Boulevard to install a sprinkler line under the roadway for landscaping, as shown on the map attached hereto and made a part hereof by reference, the receipt of which is hereby acknowledged, Temporary User agrees as follows:

1. The roadway (North Point Boulevard) cannot be cut: the piping is to be installed prior to the pavement being placed in the right-of-way.
2. Landscaping shall be subject to the approval of the City Traffic Engineer and the City Forester.
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.

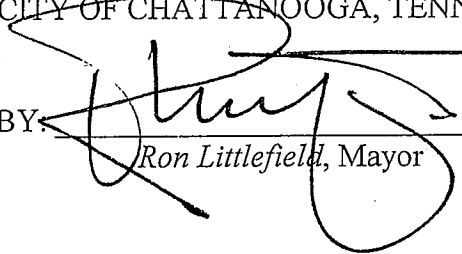
5. Temporary User will provide adequate access for maintenance of any utilities located within the easement.

_____, 2009
Date

BY: _____
Ken J. Defoor
(Print Name)

6/26/09, 2009
Date

CITY OF CHATTANOOGA, TENNESSEE

BY: 
Ron Littlefield, Mayor