

RESOLUTION NO. 26013

A RESOLUTION AUTHORIZING GARY GILBREATH TO USE TEMPORARILY THE RIGHT-OF-WAY AT 737 McCALLIE AVENUE TO INSTALL AN AWNING OVER THE DOOR ENTRANCE AND WINDOWS OF THE BUILDING, 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 Gary Gilbreath (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way at 737 McCallie Avenue to install an awning over the door entrance and windows of the building, 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 conditions:

1. The awning and signage are the only items recommended for approval and shall be constructed as per submitted plans. The planter and lamps do not meet City streetscape/landscape requirements and would minimize the usable sidewalk width for pedestrians.
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.
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: July 28, 2009

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and GARY GILBREATH, (hereinafter "Temporary User"), this 28th day of JULY, 2009.

For and in consideration of the granting of the temporary usage of the right-of-way at 737 McCallie Avenue to install an awning over the door entrance and windows of the building, 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. The awning and signage are the only items recommended for approval and shall be constructed as per submitted plans. The planter and lamps do not meet City streetscape/landscape requirements and would minimize the usable sidewalk width for pedestrians.

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

July 31, 2009
Date

BY: Eddie Wiseman
for: Gary Gilbreath

CITY OF CHATTANOOGA, TENNESSEE

7/31, 2009
Date

BY: Ron Littlefield
Ron Littlefield, Mayor