

RESOLUTION NO. 26020

A RESOLUTION AUTHORIZING WADE R. VERBLE TO USE TEMPORARILY AN UNPAVED RIGHT-OF-WAY LOCATED AT THE REAR OF 4374 GUILD TRAIL (A/K/A FORTY-FOURTH STREET), AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, DURING CONSTRUCTION ON 4374 GUILD TRAIL, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Wade R. Verble (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the unpaved right-of-way located at the rear of 4374 Guild Trail (a/k/a Forty-Fourth Street), as shown on the maps attached hereto and made a part hereof by reference, during construction on 4374 Guild Trail.

BE IT FURTHER RESOLVED, That said temporary usage shall be subject to the following conditions:

1. The approved portion of said unpaved right-of-way for temporary usage shall begin at its intersection with Michigan Avenue, thence 170' northwest.
2. Temporary User shall verify the location of all natural channels and all underground utilities (Tennessee One Call) in said right-of-way and may not disturb these utilities, channels, and surface/soil (no cut or fill and no change of grade).
3. Temporary User shall be responsible for a roadway drainage tile per City standards along the right-of-way and its intersection with Michigan Avenue.
4. 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.
5. Temporary User agrees to vacate the property and temporary use upon reasonable notice from the City to do so.

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

ADOPTED: August 4, 2009

/add

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and WADE R. VERBLE (hereinafter "Temporary User"), this 4th day of August, 2009.

For and in consideration of the granting of the temporary usage of the unpaved right-of-way located at the rear of 4374 Guild Trail (a/k/a Forty-Fourth Street), as shown on the maps attached hereto and made a part hereof by reference, during construction on 4374 Guild Trail, Temporary User agrees as follows:

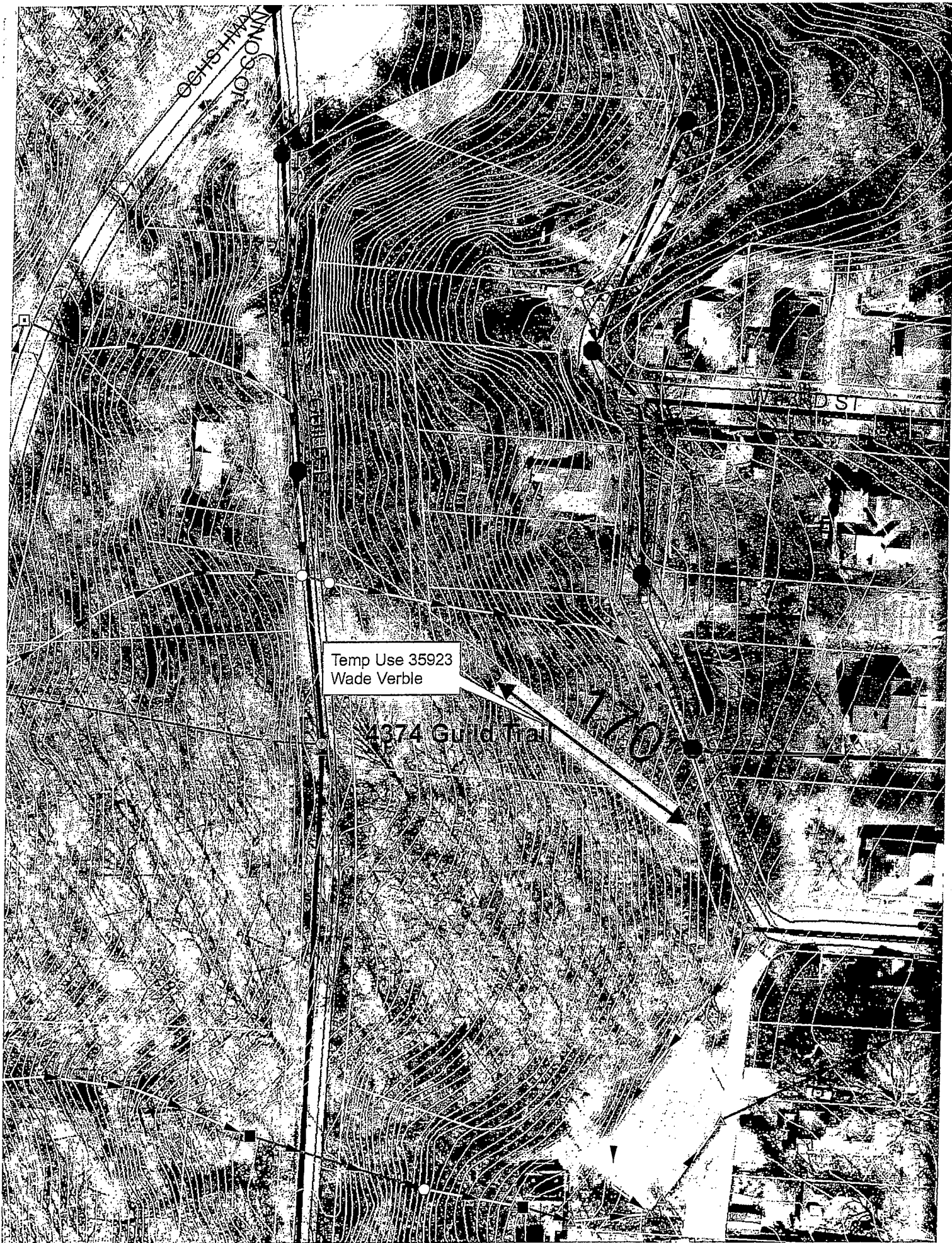
1. The approved portion of said unpaved right-of-way for temporary usage shall begin at its intersection with Michigan Avenue, thence 170' northwest.
2. Temporary User shall verify the location of all natural channels and all underground utilities (Tennessee One Call) in said right-of-way and may not disturb these utilities, channels, and surface/soil (no cut or fill and no change of grade).
3. Temporary User shall be responsible for a roadway drainage tile per City standards along the right-of-way and its intersection with Michigan Avenue.
4. 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.
5. 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.
6. Temporary User will provide adequate access for maintenance of any utilities located within the easement.

8-17, 2009
Date

Wade R. Verble
Wade R. Verble

Aug 10, 2009
Date

CITY OF CHATTANOOGA, TENNESSEE
Ron Littlefield
BY: Ron Littlefield, Mayor



Temp Use 35923
Wade Verble

4374 Guld Trail

