

RESOLUTION NO. 26549

A RESOLUTION AUTHORIZING STEVEN W. HOLT ON BEHALF OF DIBBLE DABBLE DEVELOPMENT, LLC TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 901 CHEROKEE BOULEVARD TO USE AND RE-CONDITION THE EXISTING PARKING AREA, PLANT BOX, AND SIGN POLE IN ORDER TO FACILITATE BUILDING, AS SHOWN ON THE DRAWING 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 Steven W. Holt (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located at 901 Cherokee Boulevard to use and re-condition the existing parking area, plant box, and sign pole in order to facilitate building, as shown on the drawing 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. 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.
4. Temporary User shall be subject to any reconditioning along the subject right-of-way and building must comply with City of Chattanooga Codes and Regulations, in particular obstructions to visibility at intersections.

ADOPTED: January 4, 2011

/mms

INDEMNIFICATION AGREEMENT

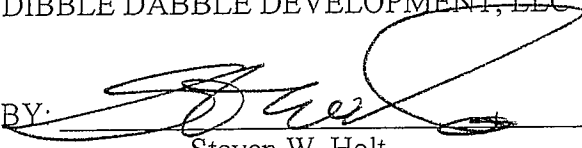
This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and STEVEN W. HOLT on behalf of DIBBLE DABBLE DEVELOPMENT, LLC (hereinafter "Temporary User"), this 4th day of JANUARY, 2011.

For and in consideration of the granting of the temporary usage the right-of-way located at 901 Cherokee Boulevard to use and re-condition the existing parking area, plant box, and sign pole in order to facilitate building, as shown on the drawing 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 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 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 shall restore the property to its original condition when it is returned to the City.
3. Temporary User shall provide adequate access for maintenance of any utilities located within the easement.
4. Temporary User shall be subject to any reconditioning along the subject right-of-way and building must comply with City of Chattanooga Codes and Regulations, in particular obstructions to visibility at intersections.

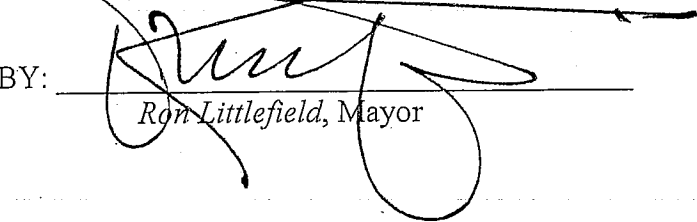
DIBBLE DABBLE DEVELOPMENT, LLC

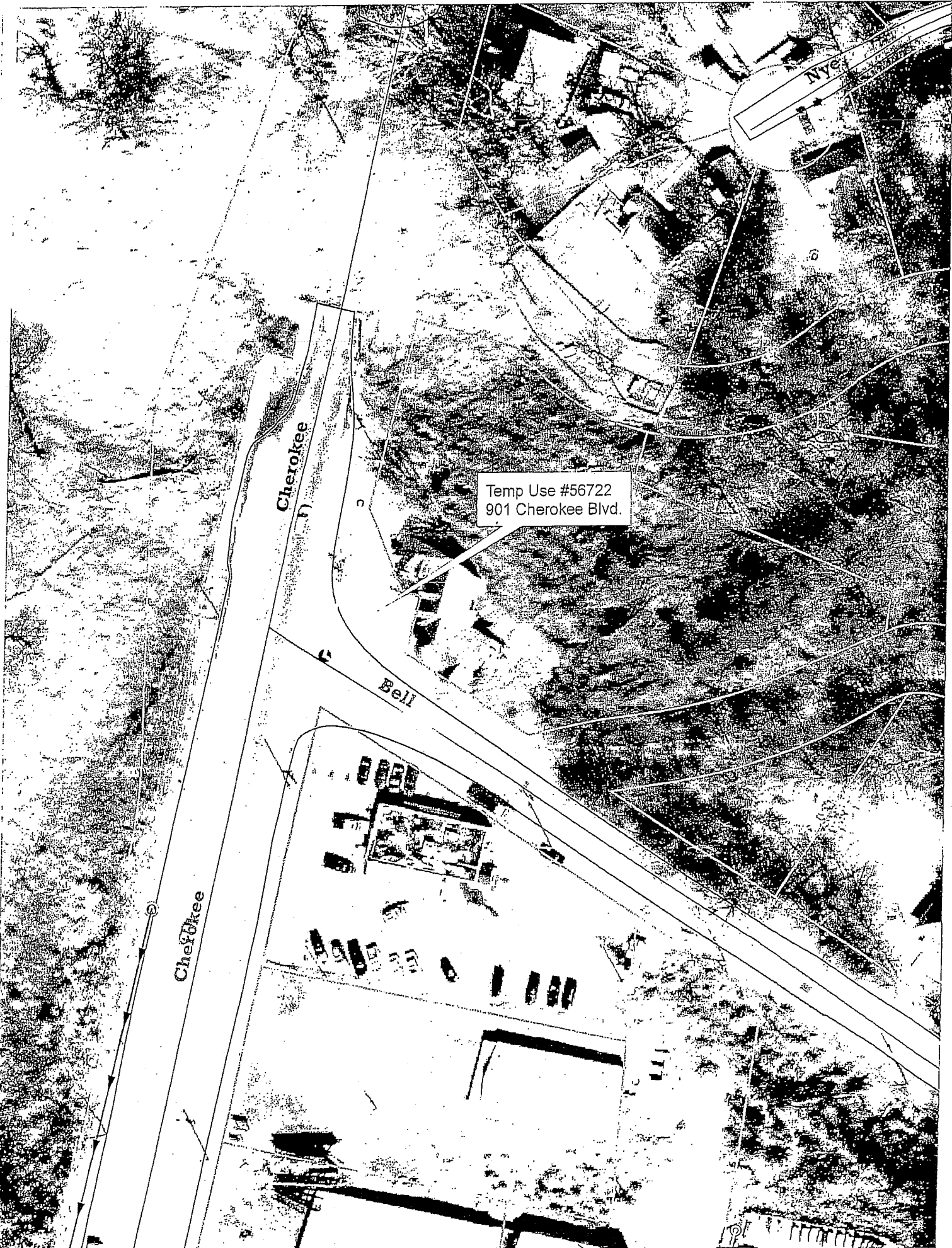
1-18, 2011
Date

BY: 
Steven W. Holt

CITY OF CHATTANOOGA, TENNESSEE

1/5, 2011
Date

BY: 
Ron Littlefield, Mayor



Temp Use #56722
901 Cherokee Blvd.