

RESOLUTION NO. 26684

A RESOLUTION AUTHORIZING LEE ANN CHESNUTT TO USE TEMPORARILY THE RIGHTS-OF-WAY LOCATED AT 516 BECK AVENUE FOR THE INSTALLATION OF WOODEN STAIRS OVER DETERIORATING CONCRETE, ALONG A PORTION OF THE BECK AVENUE RIGHT-OF-WAY, AND THE CONSTRUCTION OF A PARKING PAD, ALONG A PORTION OF MOONHOLLOW LANE, 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 LEE ANN CHESNUTT, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the rights-of-way located at 516 Beck Avenue for the installation of wooden stairs over deteriorating concrete, along a portion of the Beck Avenue right-of-way, and the construction of a parking pad, along a portion of Moonhollow Lane, 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. Retaining walls over four feet in elevation must be designed by a Geotechnical Engineer or licensed Civil Engineer and meet requirements as per City Codes and Standards.

ADOPTED: April 26, 2011

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and LEE ANN CHESNUTT (hereinafter "Temporary User"), this 26th day of APRIL, 2011.

For and in consideration of the granting of the temporary usage of the rights-of-way located at 516 Beck Avenue for the installation of wooden stairs over deteriorating concrete, along a portion of the Beck Avenue right-of-way, and the construction of a parking pad, along a portion of Moonhollow Lane, 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.

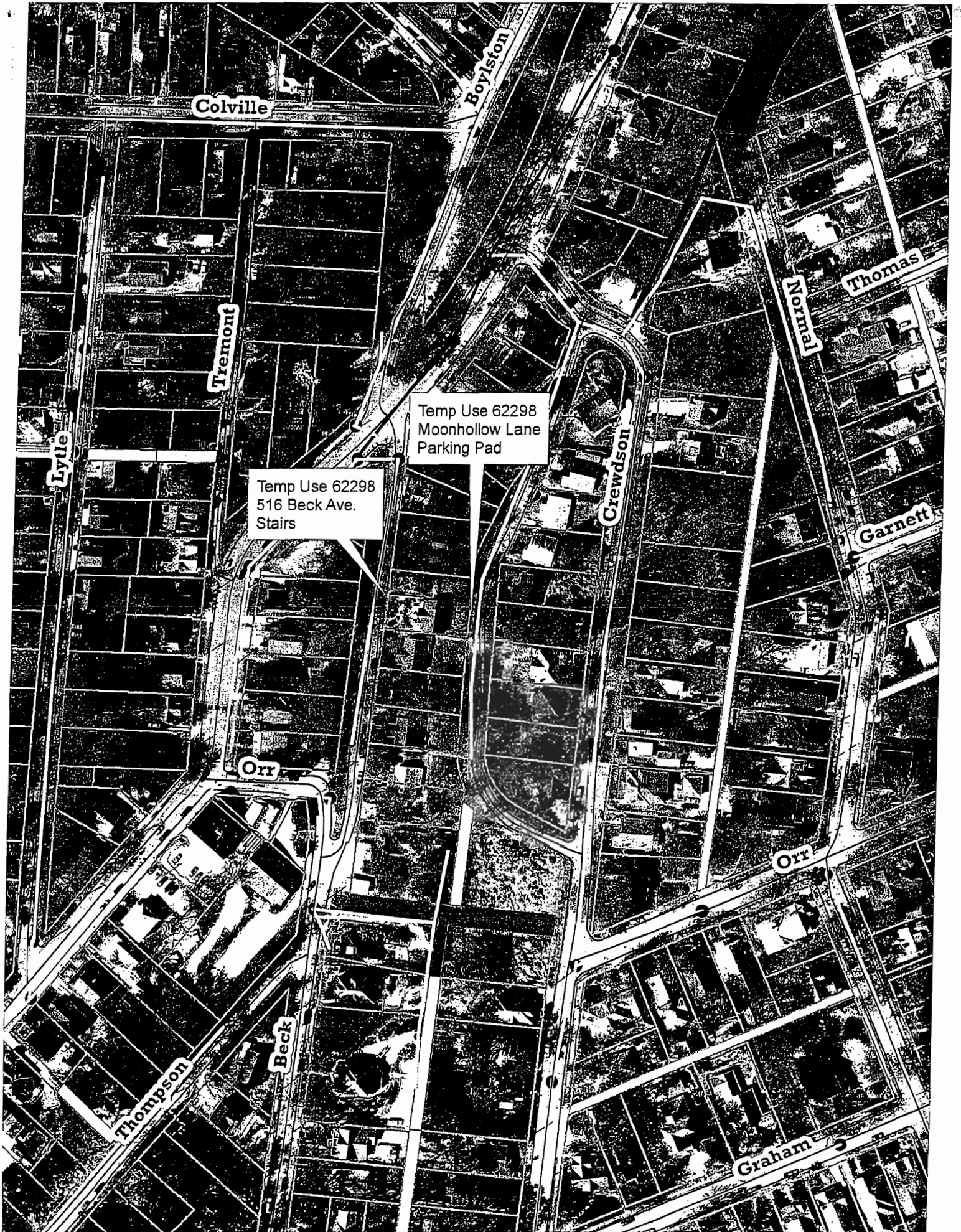
4. Retaining walls over four feet in elevation must be designed by a Geotechnical Engineer or licensed Civil Engineer and meet requirements as per City Codes and Standards.

5-05-2011, 2011
Date

BY: Lee Ann Chesnutt By [Signature]
Lee Ann Chesnutt

5/2/11, 2011
Date

CITY OF CHATTANOOGA, TENNESSEE
BY: [Signature]
Ron Littlefield, Mayor



Temp Use 62298
516 Beck Ave.
Stairs

Temp Use 62298
Moonhollow Lane
Parking Pad