

RESOLUTION NO. 26850

A RESOLUTION AUTHORIZING FIVE GUYS CORPORATION TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 401 BROAD STREET FOR THE USE OF THE RIGHT-OF-WAY ALONG THE FRONT OF THE BUSINESS FOR THE PLACEMENT OF OUTDOOR SEATING AND THE INSTALLATION OF AWNINGS, AS SHOWN IN THE MAP AND 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 FIVE GUYS CORPORATION, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located at 401 Broad Street for the use of the right-of-way along the front of the business for the placement of outdoor seating and the installation of awnings, as shown in the map and 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. 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. Any items (tables, chairs, railing) placed along the subject building and right-of-way must comply with ADA Standards and minimum clearances for pedestrian traffic within said right-of-way.

5. The seating area must be delineated with a railing and it cannot be permanently attached to the existing pavers in the subject right-of-way. The seating area cannot impede motorist's views at the intersection of 4th Street and Broad Street.

ADOPTED: September 27, 2011

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and FIVE GUYS CORPORATION (hereinafter "Temporary User"), this 27th day of September, 2011.

For and in consideration of the granting of the temporary usage of the right-of-way located at 401 Broad Street for the use of the right-of-way along the front of the business for the placement of outdoor seating and the installation of awnings, as shown in the map and drawings 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. Any items (tables, chairs, railing) placed along the subject building and right-of-way must comply with ADA Standards and minimum clearances for pedestrian traffic within said right-of-way.

5. The seating area must be delineated with a railing and it cannot be permanently attached to the existing pavers in the subject right-of-way. The seating area cannot impede motorist's views at the intersection of 4th Street and Broad Street.

FIVE GUYS CORPORATION

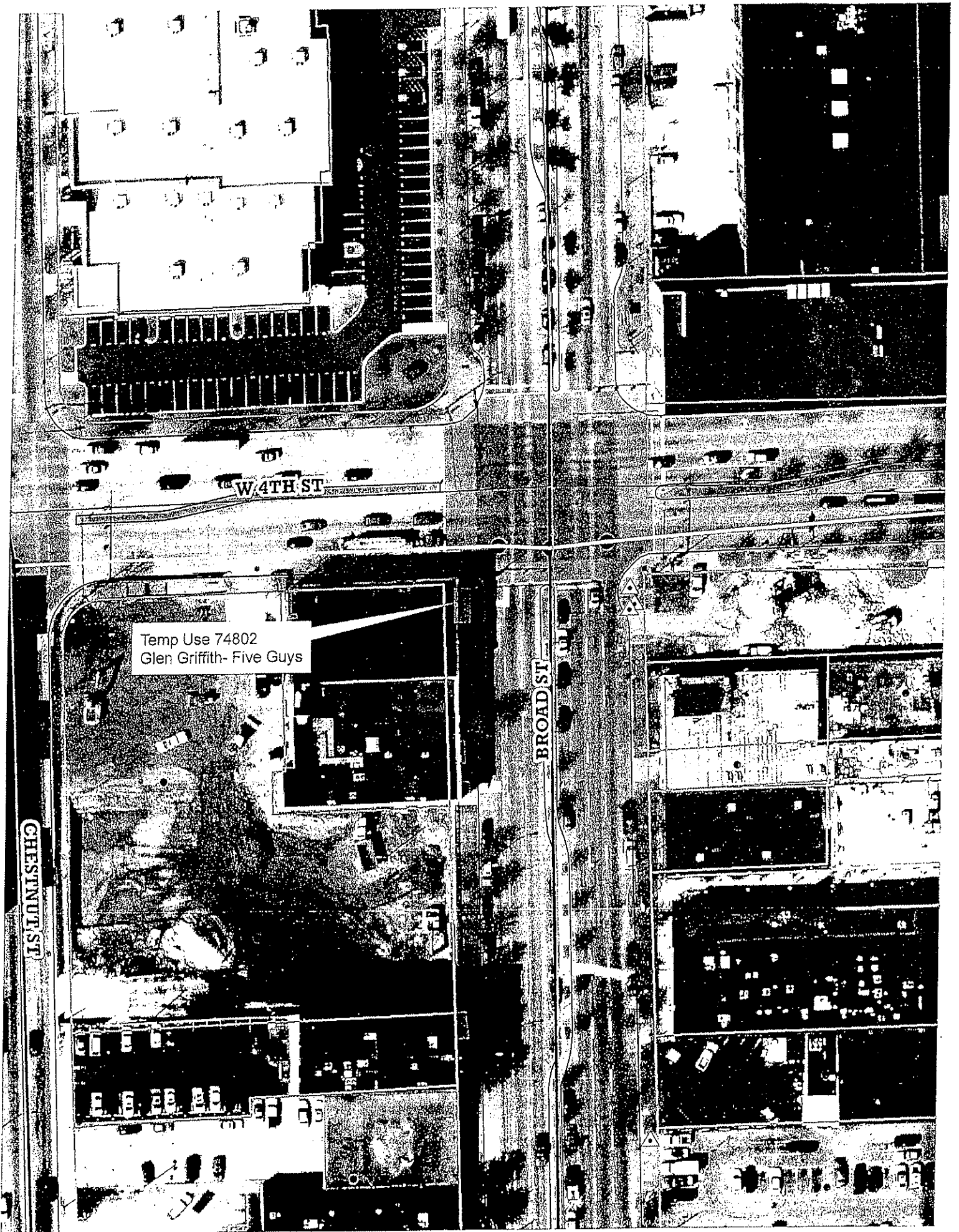
10/6/11, 2011
Date

BY: Rick Drake for Glen Griffith
Glen Griffith

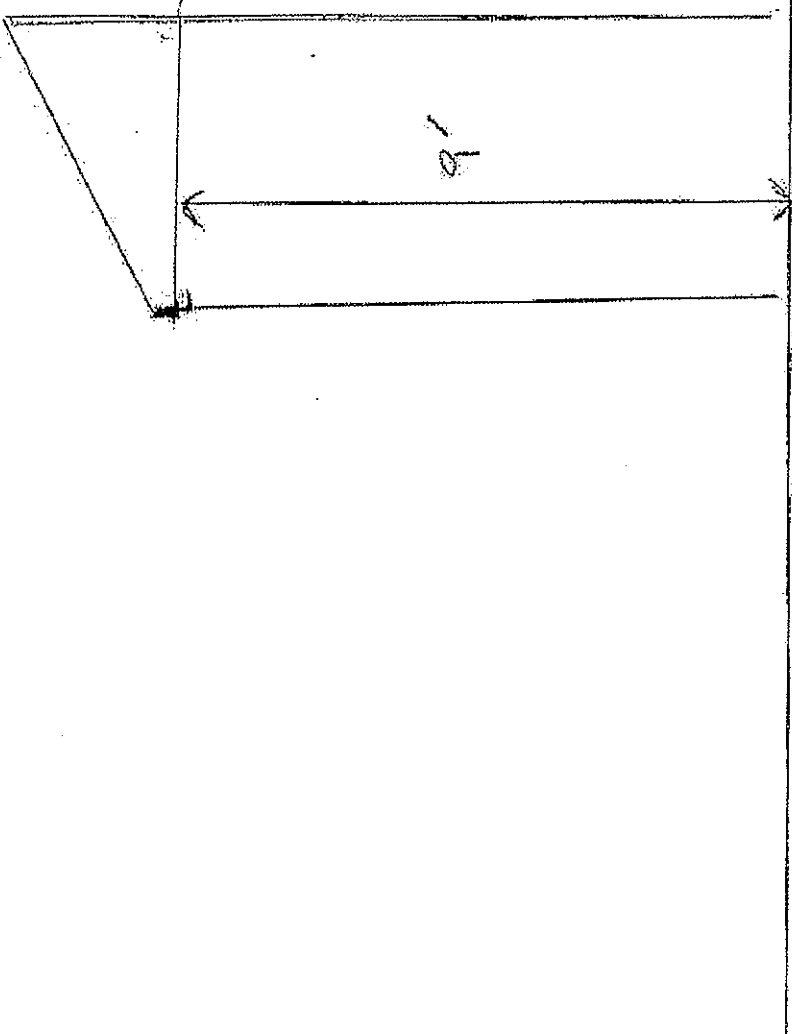
CITY OF CHATTANOOGA, TENNESSEE

_____, 2011
Date

BY: [Signature]
Ron Littlefield, Mayor



Temp Use 74802
Glen Griffith- Five Guys



FIVE BAYS
401 BROAD ST of
4th street
ALL AWNINGS
9' From bottom of
Awning to Sidewalk
grade

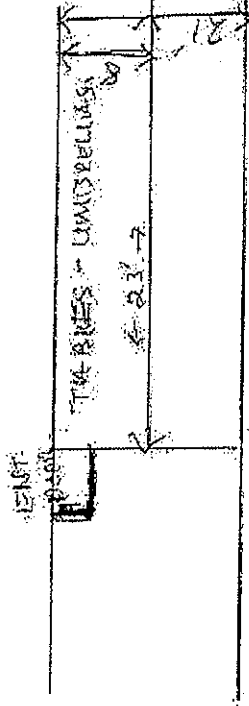
SIDEWALK GRADE

Location of Umbrellas Area of ROW
Sidewalk + HOV Broad St.

23' 6" x 8' W

Sidewalk ~~21~~' W

FIVE GUYS
HOV BROAD ST.



BROAD ST.

1 N 2 + 1