

RESOLUTION NO. 27037

A RESOLUTION AUTHORIZING W. ERIC SCHWIETER TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 803 CHERRY STREET FOR THE INSTALLATION OF AN AWNING WITH GRAPHICS FOR THE PURPOSE OF SOLAR AND RAIN PROTECTION, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That W. ERIC SCHWIETER, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located at 803 Cherry Street for the installation of an awning with graphics for the purpose of solar and rain protection, as shown on the map 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. Awning must meet the minimum elevation requirements as per City Codes and Standards.

ADOPTED: March 20, 2012

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and W. ERIC SCHWIETER (hereinafter "Temporary User"), this 20th day of March, 2012.

For and in consideration of the granting of the temporary usage of the right-of-way located at 803 Cherry Street for the installation of an awning with graphics for the purpose of solar and rain protection, as shown on the map attached hereto and made a part hereof by reference, the receipt of which is hereby acknowledged, Temporary User agrees as follows:

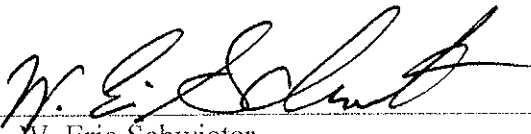
1. Temporary User shall defend, and hold harmless the City of Chattanooga, Tennessee, its officers, agents and employees from any and all claims for damages for injuries to persons or property related to or arising out of the aforementioned temporary use.

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.

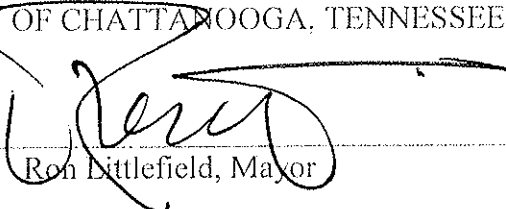
3. Temporary User shall provide adequate access for maintenance of any utilities located within the easement.

4. Awning must meet the minimum elevation requirements as per City Codes and Standards.

6/25, 2012  
Date

BY:   
W. Eric Schwieter

3/22, 2012  
Date

CITY OF CHATTANOOGA, TENNESSEE  
BY:   
Ron Littlefield, Mayor

Market

Temp Use #84081  
803 Cherry Street

Cherry

8th

Georgia

Patten

