

RESOLUTION NO. 27213

A RESOLUTION AUTHORIZING MIKE AND TAYLOR MONEN C/O BLYTHE BAILEY TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 850 MARKET STREET FOR THE INSTALLATION OF PLANTERS BELOW THE EXISTING WINDOWS OF THE BUSINESS AND SMALL STOOP FOR ACCESS TO THE BUSINESS ALONG PORTION OF SAID RIGHT-OF-WAY, AS SHOWN IN THE MAP 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 MIKE AND TAYLOR MONEN C/O BLYTHE BAILEY, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located at 850 Market Street for the installation of planters below the existing windows of the business and small stoop for access to the business along portion of said right-of-way, as shown in 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. Any proposed items 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.

ADOPTED: August 21, 2012

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and MIKE AND TAYLOR MONEN C/O BLYTHE BAILEY (hereinafter "Temporary User"), this 21st day of AUGUST, 2012.

For and in consideration of the granting of the temporary usage of the right-of-way located at 850 Market Street for the installation of planters below the existing windows of the business and small stoop for access to the business along portion of said right-of-way, as shown in 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. Any proposed items 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.

_____, 2012
Date

BY: _____
Mike Monen

_____, 2012
Date

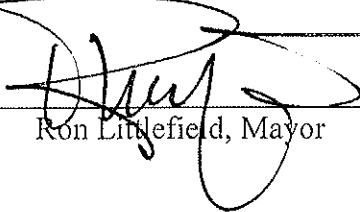
BY: _____
Taylor Monen

_____, 2012
Date

BY: _____
Blythe Bailey

CITY OF CHATTANOOGA, TENNESSEE

_____, 2012
Date

BY: _____

Ron Littlefield, Mayor

8th

Temp Use 93308
Mike & Taylor Monen

Market

Martin Luther King

Georgia

