

RESOLUTION NO. 27255

A RESOLUTION AUTHORIZING LAMAR MCDANIEL TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED IN THE 4200 BLOCK OF BONNY OAKS DRIVE AND THE ORIGINAL YOUNGSTOWN ROAD RIGHT-OF-WAY TO RESTORE ACCESS TO THE LANDLOCKED PROPERTY, AS SHOWN ON THE MAPS 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 LAMAR MCDANIEL, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located in the 4200 block of Bonny Oaks Drive and the original Youngstown Road right-of-way to restore access to the landlocked property, as shown on the maps 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 encroachment onto property other than the City of Chattanooga requires the approval of the property owner.

ADOPTED: September 18, 2012

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and LAMAR MCDANIEL (hereinafter "Temporary User"), this 18th day of September, 2012.

For and in consideration of the granting of the temporary usage of the right-of-way located in the 4200 block of Bonny Oaks Drive and the original Youngstown Road right-of-way to restore access to the landlocked property, as shown on the maps attached hereto and made a part hereof by reference, the receipt of which is hereby acknowledged, Temporary User agrees as follows:

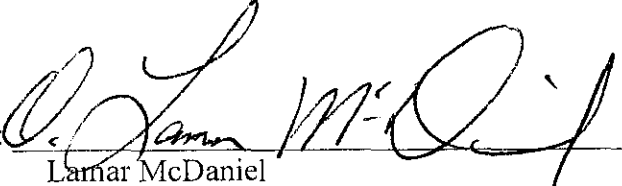
1. Temporary User shall defend, and hold harmless the City of Chattanooga, Tennessee, its officers, agents and employees from any and all claims for damages for injuries to persons or property related to or arising out of the aforementioned temporary use.

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.

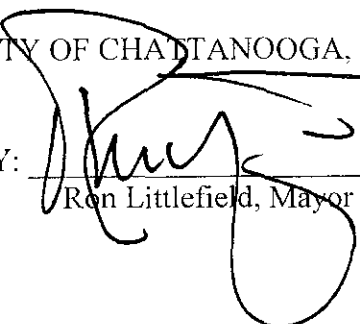
3. Temporary User shall provide adequate access for maintenance of any utilities located within the easement.

4. Any encroachment onto property other than the City of Chattanooga requires the approval of the property owner.

10/3/, 2012  
Date

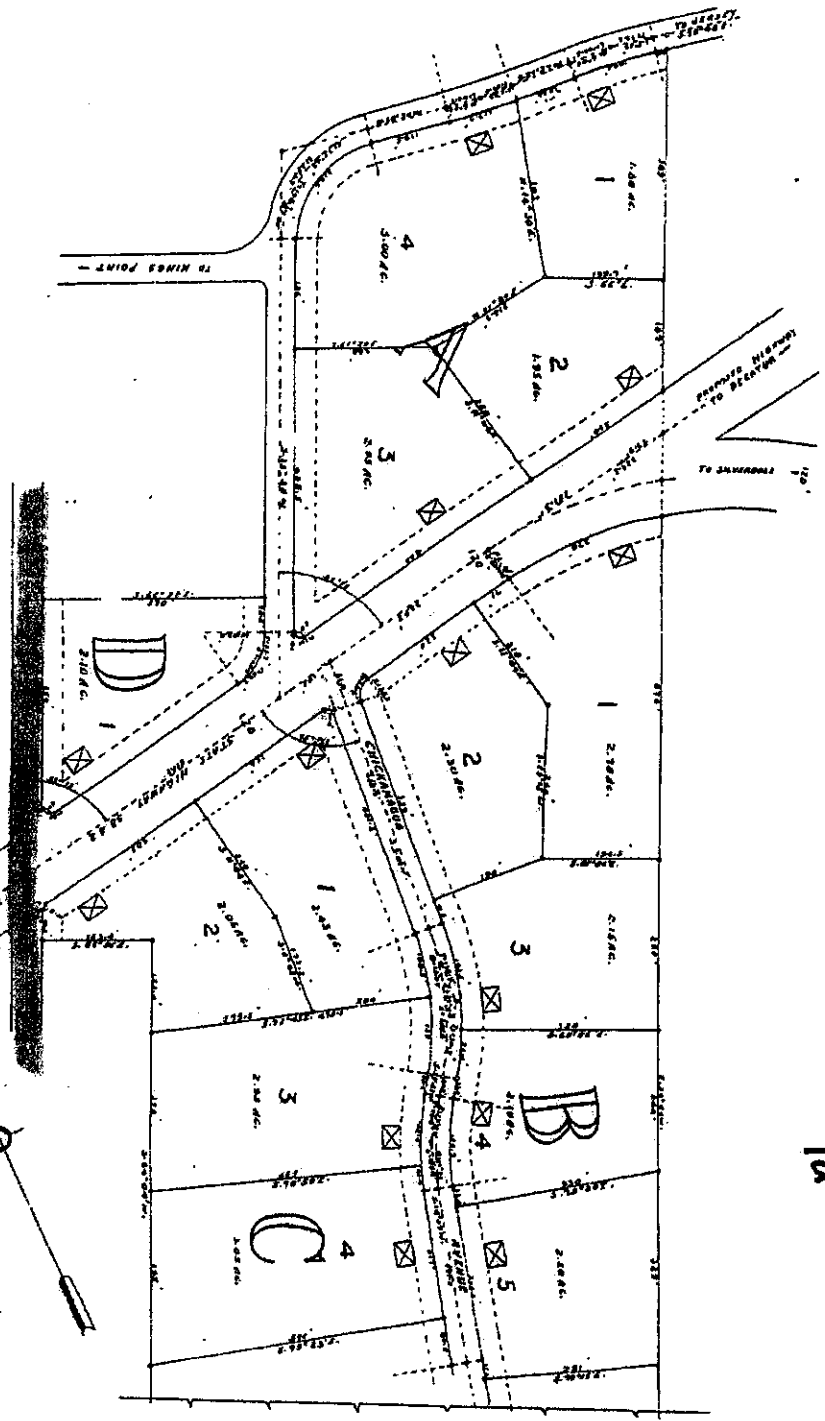
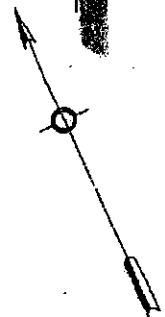
BY:   
Lamar McDaniel

9/19, 2012  
Date

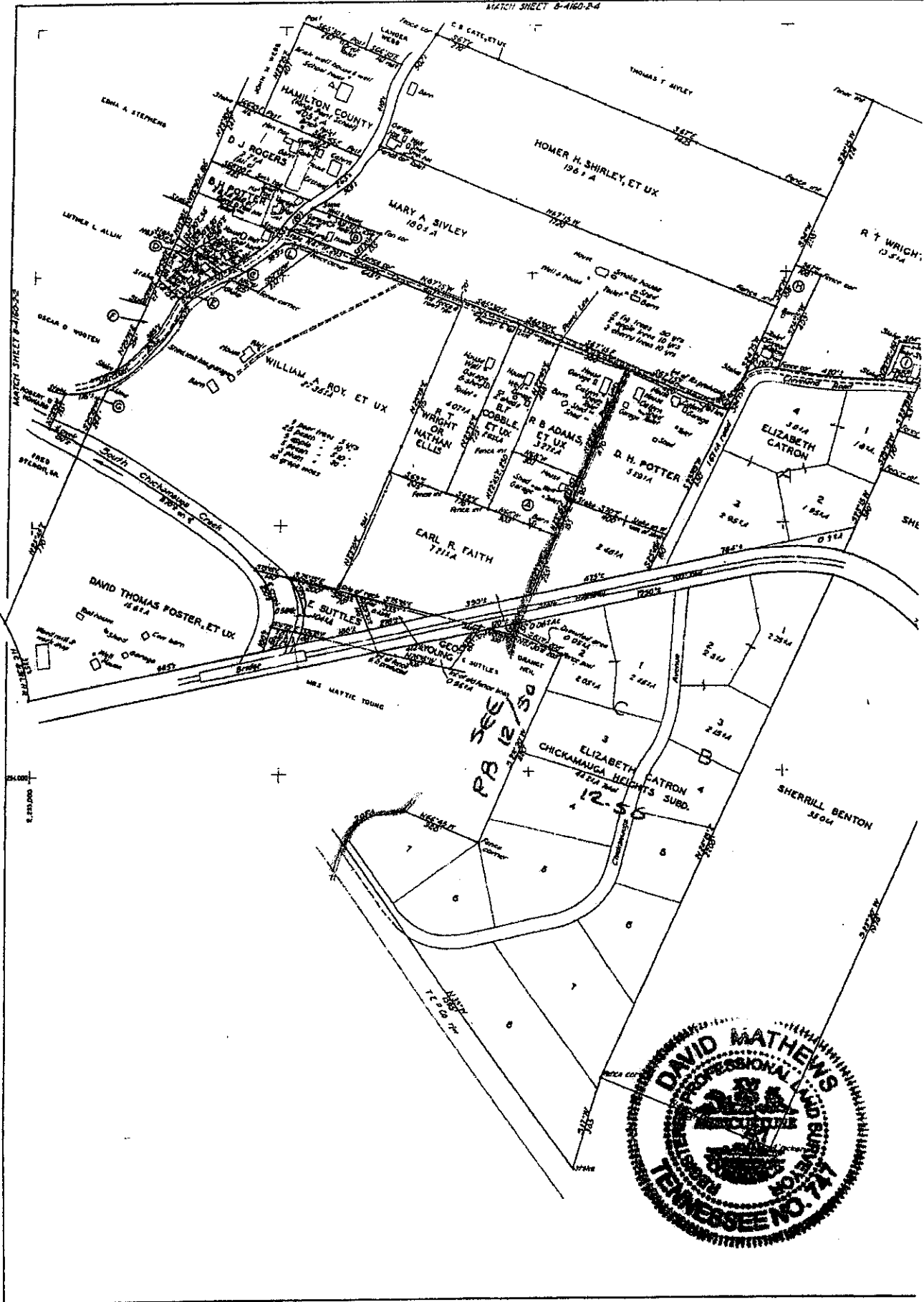
CITY OF CHATTANOOGA, TENNESSEE  
BY:   
Ron Littlefield, Mayor

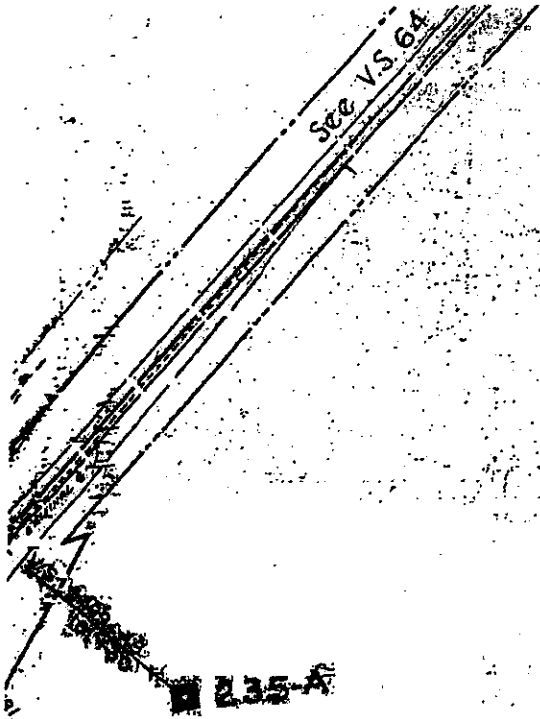
6.5.1930  
Chickamauga  
7-17-30

**CHICKAMAUGA HEIGHTS**  
SUBDIVIDED BY MARK H. WILSON  
HAMILTON COUNTY TENNESSEE  
SCALE 1"=100' FEBRUARY 1930  
WILLIAM A. SWANICK  
REGISTERED ENGINEER  
FILED FOR REGISTRATION JUNE 28 1930 AT 8:00 A.M.



1a-50





**RIGHT OF WAY AND TRACK MAP**

**C. N. O. & T. P. R. Y. CO.**

Operated by

**THE CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RY. CO.**

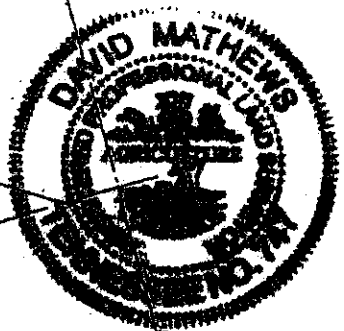
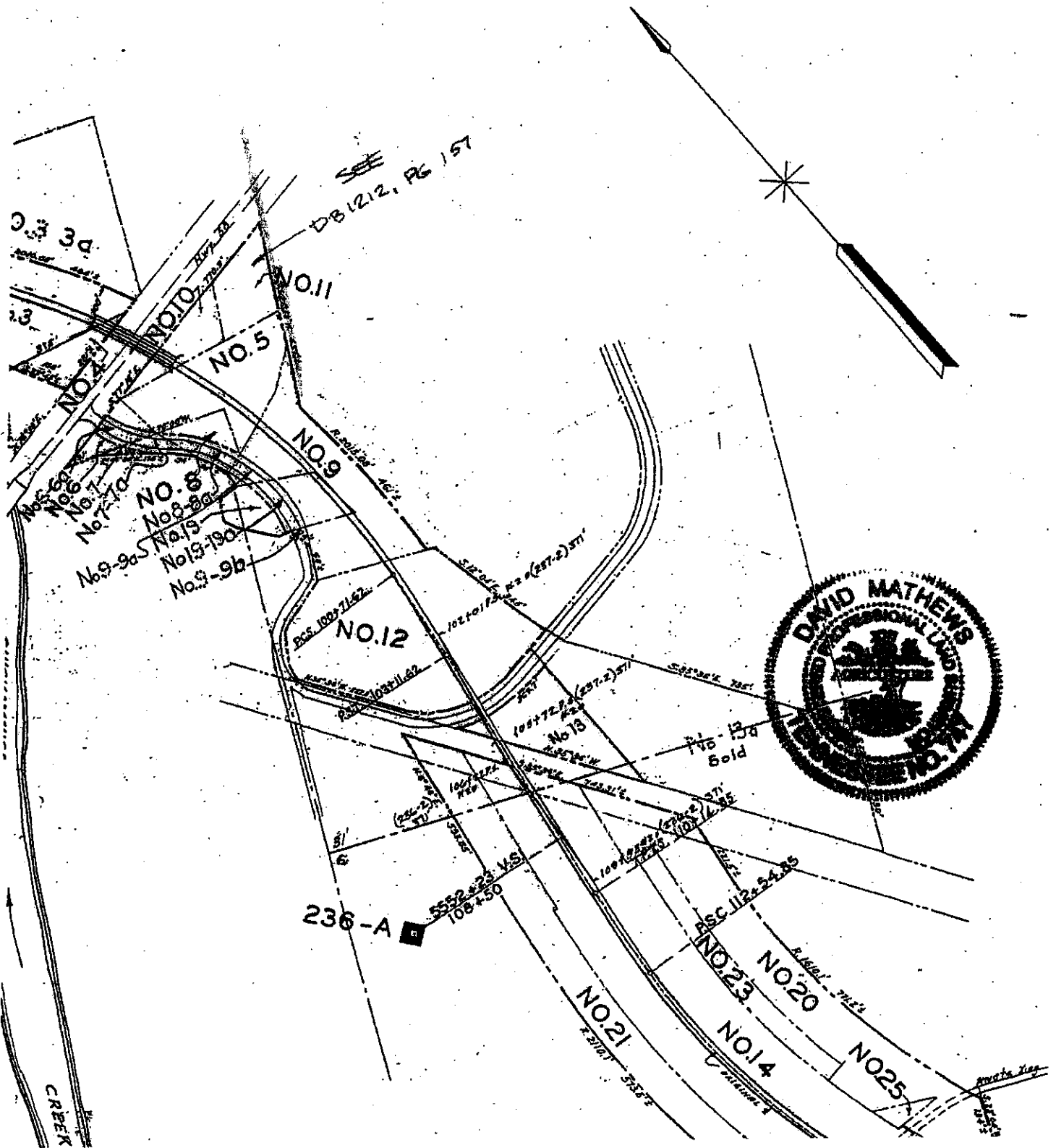
STATION 75+03 TO STATION 161+50  
SCALE: 1 IN. = 200 FT. FEBRUARY 3, 1957.

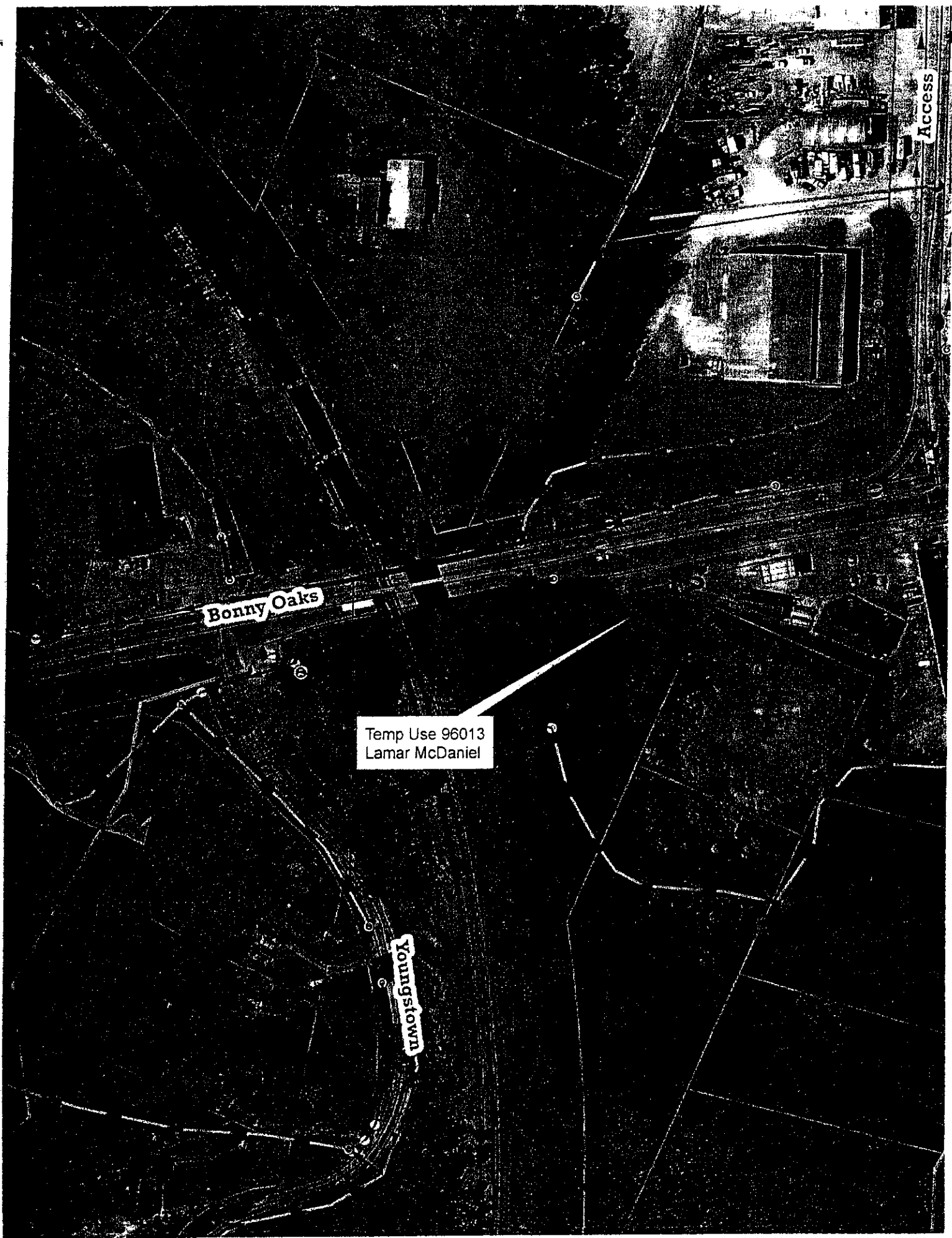
Office of Chief Engineer  
Washington, D. O.



09-08-06 Gen

# HAMILTON





Bonny Oaks

Access

Temp Use 96013  
Lamar McDaniel

Youngstown



