

RESOLUTION NO. 27421

A RESOLUTION AUTHORIZING IBI POWER COMPANY C/O TOM WESSENBUEHLER TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 6203 THROUGH 6207 JIM SNOW WAY (DEAD END ROAD) FOR THE USE OF DAY TO DAY OPERATIONS BY IBI POWER, AS SHOWN ON THE DRAWING AND 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 IBI POWER COMPANY C/O TOM WESSENBUEHLER, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located at 6203 through 6207 Jim Snow Way (Dead End Road) for the use of day to day operations by IBI Power, as shown on the drawing and 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. The existing Jim Snow Way cul-de-sac is to remain open and unobstructed for Emergency Responders.

5. The existing vegetation along the west side of the subject right-of-way is to remain and will be groomed and/or supplemented by the Temporary User.

ADOPTED: February 19, 2013

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and IBI POWER COMPANY C/O TOM WESSENBUEHLER (hereinafter "Temporary User"), this 19th day of February, 2013.


For and in consideration of the granting of the temporary usage of the right-of-way located at the intersection of Old Hunter and Mountain View Road regarding the installation of a Goodwill attended trailer/donation center to receive donations from the public, as shown on the drawing and 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. The existing Jim Snow Way cul-de-sac is to remain open and unobstructed for Emergency Responders.

5. The existing vegetation along the west side of the subject right-of-way is to remain and will be groomed and/or supplemented by the Temporary User.

IBI POWER COMPANY

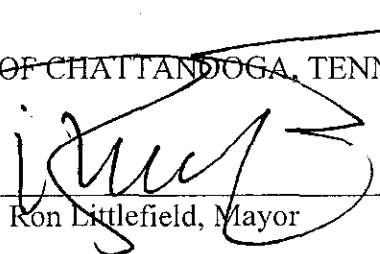
_____, 2013
Date

BY: 

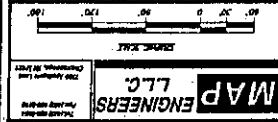
Tom Wessenbuehler

CITY OF CHATTANOOGA, TENNESSEE

2/10, 2013
Date

BY: 

Ron Littlefield, Mayor

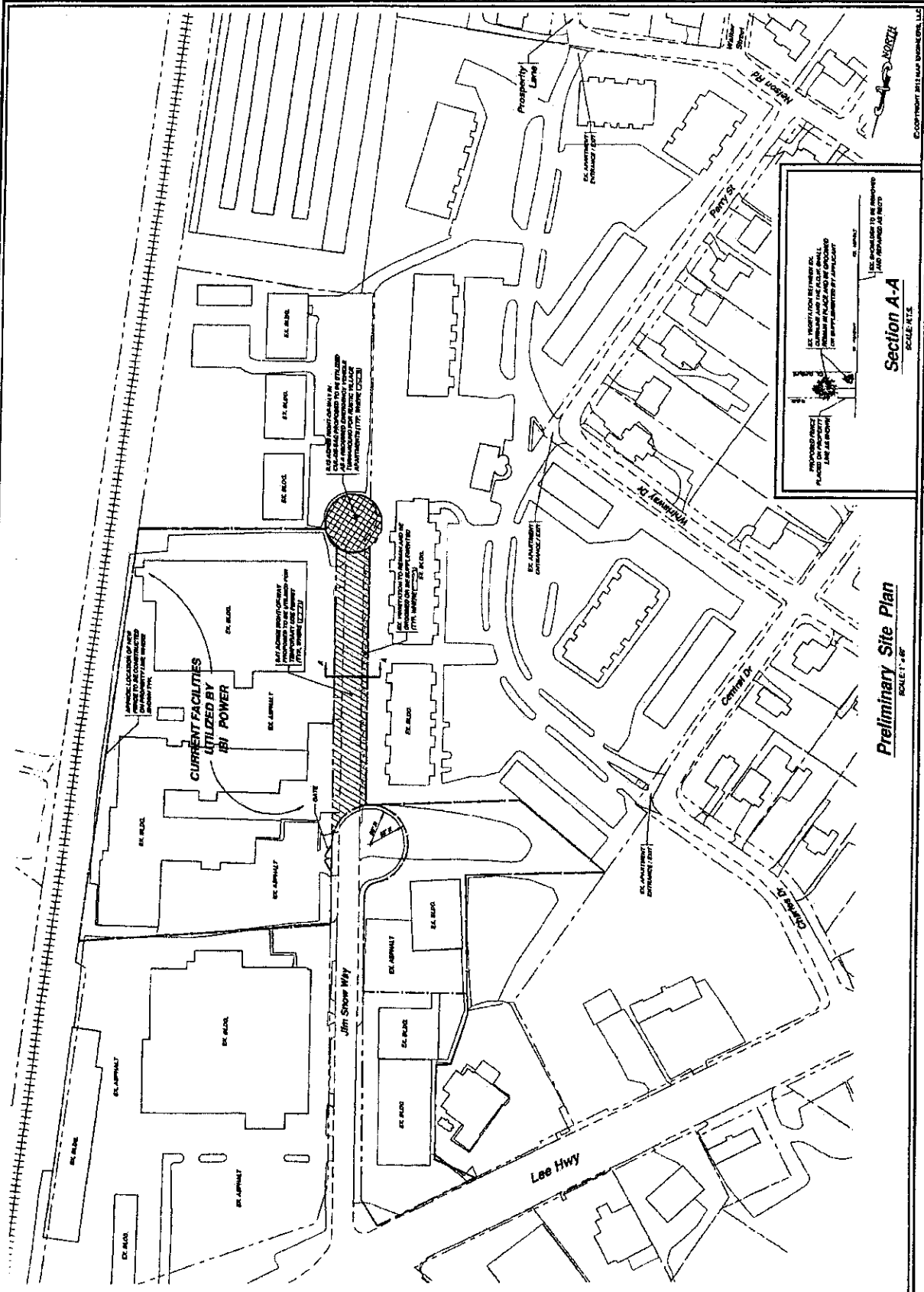


JIM SNOW WAY TEMPORARY USE PERMIT APPLICATION PLAN
 FOR
IBI POWER
 20394 Pine Lane
 Caldwell, ID 83807

PRELIMINARY SITE PLAN

NO.	DATE	REVISIONS

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 DATE: 04/29/12
 DRAWN BY: SP
 CHECKED BY: MAP
 PERM. NUMBER: 11-147
 SHEET NUMBER: PS-2

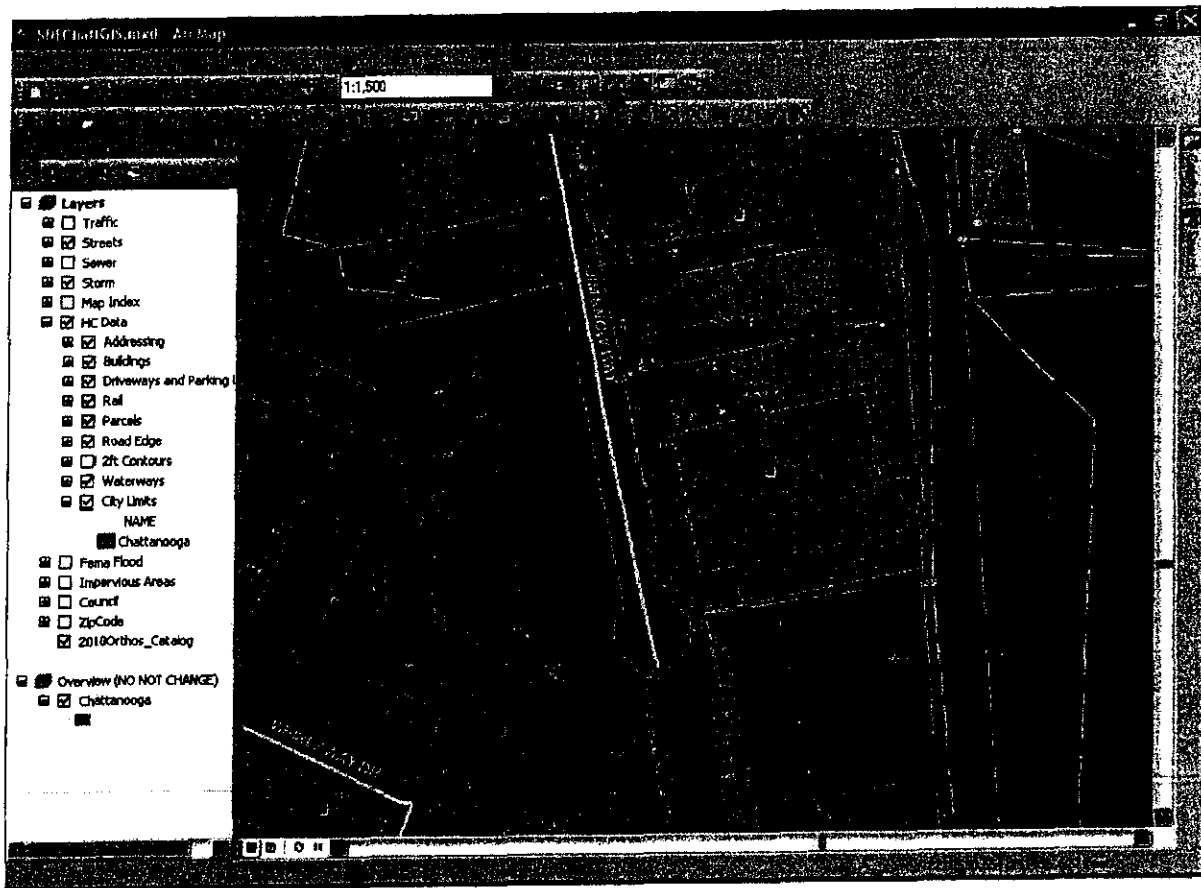


Section A-A
 SCALE: N.T.S.

DE. INDICATES THE PROPOSED DE. FOR THE PERMITS OF THE PROJECT.
 DE. INDICATES THE PROPOSED DE. FOR THE PERMITS OF THE PROJECT.
 DE. INDICATES THE PROPOSED DE. FOR THE PERMITS OF THE PROJECT.

Preliminary Site Plan
 SCALE: 1" = 40'

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6207 Jim Snow Way