

RESOLUTION NO. 27581

A RESOLUTION AUTHORIZING WATERS HOLLAND, LLC C/O ALAN HANISZEWSKI TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 1000 WESTWOOD AVENUE TO CONNECT TO A SANITARY SEWER MANHOLE, AS SHOWN ON 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 WATERS HOLLAND, LLC C/O ALAN HANISZEWSKI, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located at 1000 Westwood Avenue to connect to a sanitary sewer manhole, 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. The proposed work must be done per City Codes and Standards.

5. All work must be permitted, inspected, and approved by the Land Development Office.

ADOPTED: July 23, 2013

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and WATERS HOLLAND, LLC C/O ALAN HANISZEWSKI (hereinafter "Temporary User"), this 23rd day of JULY, 2013.

For and in consideration of the granting of the temporary usage of the right-of-way located at 1000 Westwood Avenue to connect to a sanitary sewer manhole, 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. The proposed work must be done per City Codes and Standards.

5. All work must be permitted, inspected, and approved by the Land Development Office.

WATERS HOLLAND, LLC

July 18, 2013
Date

BY: 
Alan Haniszewski

CITY OF CHATTANOOGA, TENNESSEE

July 23, 2013
Date

BY: 
Andy Berke, Mayor

