

RESOLUTION NO. 27654

A RESOLUTION AUTHORIZING J. STROUD WATSON TO USE TEMPORARILY A PORTION OF THE SIDEWALK AT 1431 MARKET STREET FOR THE INSTALLATION OF OUTDOOR SEATING, PLANTERS, AND A CANOPY AT THE ENTRANCE TO A STUDIO SPACE ALONG A PORTION OF SAID SIDEWALK, AS SHOWN ON THE MAPS, PHOTOS, AND DRAWINGS 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 J. STROUD WATSON, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily a portion of the sidewalk at 1431 Market Street for the installation of outdoor seating, planters, and a canopy at the entrance to a studio space along a portion of said sidewalk, as shown on the maps, photos, and drawings 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 canopy from its base to the top of the existing surface/sidewalk must meet the minimum elevation requirements per City Codes and Standards.

5. All items (tables, chairs, railing) placed along the building and right-of-way must comply with ADA Standards and minimum clearances for pedestrian traffic within said right-of-way.

ADOPTED: September 24, 2013

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the “City”), and J. STROUD WATSON (hereinafter “Temporary User”), this _____ day of _____, 2013.

For and in consideration of the granting of the temporary usage of a portion of the sidewalk at 1431 Market Street for the installation of outdoor seating, planters, and a canopy at the entrance to a studio space along a portion of said sidewalk, as shown on the maps, photos, and drawings 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 canopy from its base to the top of the existing surface/sidewalk must meet the minimum elevation requirements per City Codes and Standards.

5. All items (tables, chairs, railing) placed along the building and right-of-way must comply with ADA Standards and minimum clearances for pedestrian traffic within said right-of-way.

_____, 2013
Date

BY: _____
J. Stroud Watson

CITY OF CHATTANOOGA, TENNESSEE

_____, 2013
Date

BY: _____
Andy Berke, Mayor