

RESOLUTION NO. 27682

A RESOLUTION AUTHORIZING JOHN W. WILCOX TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT HAMILTON AVENUE AND WOODLAND AVENUE FOR THE INSTALLATION OF A RETAINING WALL, AS SHOWN ON THE MAP AND DRAWING 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 JOHN W. WILCOX, III, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located at Hamilton Avenue and Woodland Avenue to build a retaining wall, as shown on the map and drawing 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. Subject to permit, there is approval by the Land Development Office.

5. Temporary usage will be in effect until the franchise becomes operative or for a maximum of 120 days.

ADOPTED: October 22, 2013

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and JOHN W. WILCOX, III (hereinafter "Temporary User"), this 22nd day of October, 2013.

For and in consideration of the granting of the temporary usage of the right-of-way located at Hamilton Avenue and Woodland Avenue to build a retaining wall, as shown on the map and drawing 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.

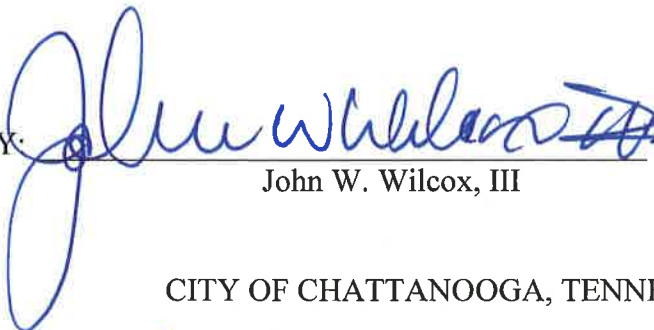
2. Temporary User shall vacate the property and temporary use upon reasonable notice from the City to do so; the parties hereto agree that "reasonable notice" shall be deemed to be thirty (30) days. Temporary User shall restore the property to its original condition when it is returned to the City.

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

4. Subject to permit, there is approval by the Land Development Office.

5. Temporary usage will be in effect until the franchise becomes operative or for a maximum of 120 days.

October 22, 2013
Date 10-22-13

BY: 
John W. Wilcox, III

CITY OF CHATTANOOGA, TENNESSEE

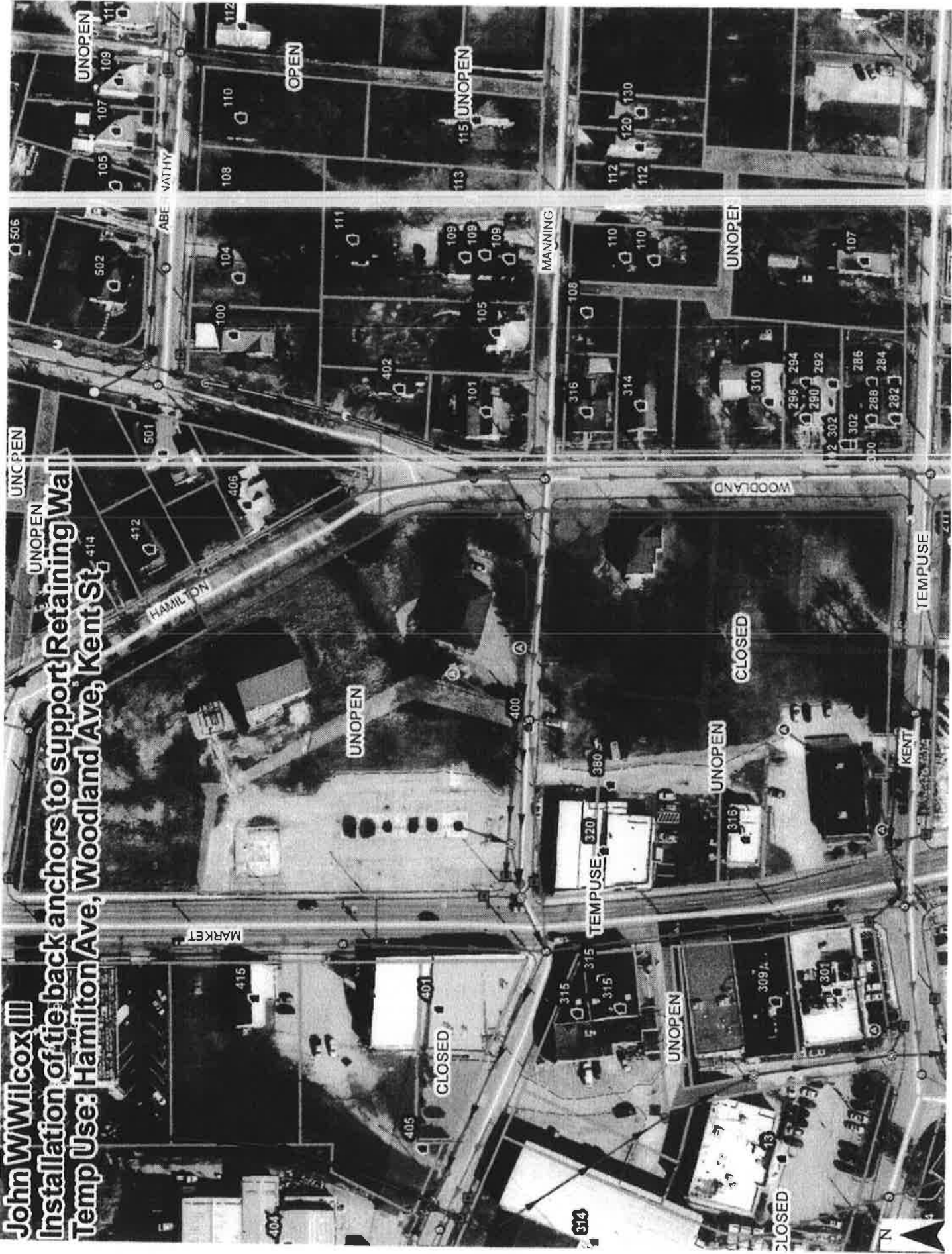
October 22, 2013
Date

BY: 
Andy Berke, Mayor

John WWilcox

Installation of tie-back anchors to support Retaining Wall

Temp Use: Hamilton Ave, Woodland Ave, Kent St, 414



Lyle P. Mitchell
 Paulson Mitchell
 INCORPORATED
 1400 N. 1st Street
 Suite 200
 Phoenix, Arizona 85004
 Phone: 602.254.1111
 Fax: 602.254.1112
 paulsonmitchell.com

PAULSON MITCHELL
INCORPORATED

**PUBLIX ON NORTH
MARKET STREET**

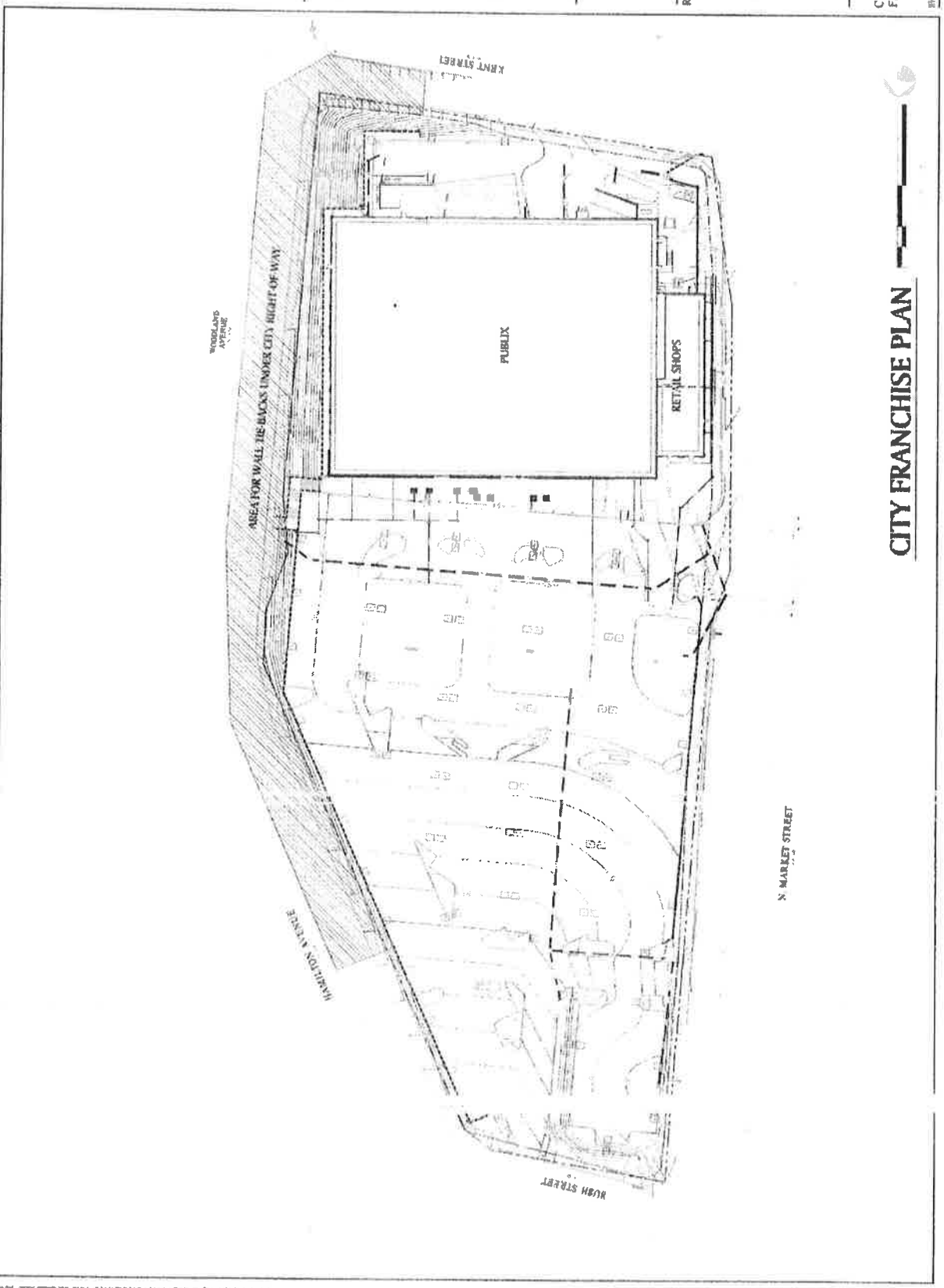
**PUBLIX SUPER
MARKETS, INC.**

REVISIONS

CITY
FRANCHISE PLAN

FP-1

SHEET



CITY FRANCHISE PLAN



NOT BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF PAULSON MITCHELL INCORPORATED



September 25, 2013

William C. Payne, P.E.
City Engineer
Development Resource Center
1250 Market Street, Suite 2100
Chattanooga, TN 37402

Re: North Market Publix
MAP Engineers Project No.: 12-152

Dear Mr. Payne,

On behalf of Publix Tennessee LLC c/o John W. Wilcox III, please consider this letter a request to apply for a franchise agreement with the City for the installation, repair, and maintenance of retaining wall tie back anchors under a portion of the right-of-ways of Hamilton Avenue and Woodland Avenue, as part of the construction of the proposed Publix on North Market Street. Please consider this request in conjunction with the previously submitted temporary usage permit request for the above mentioned work.

Please contact me at 423-855-5554 with any questions regarding this request.

Sincerely, -

A handwritten signature in black ink, appearing to read "M. Price".

Michael A. Price, P.E.
President, MAP Engineers LLC