

RESOLUTION NO. 29716

A RESOLUTION AUTHORIZING HERBY DIXON, PROPERTY OWNER, TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED ALONG THE ALLEY BETWEEN 1701 & 1703 LYNNBROOK AVENUE AND 1700 & 1702 SOUTH HAWTHORNE STREET FOR THE PURPOSE OF PUBLIC ACCESS, AS SHOWN ON THE MAPS 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 HERBY DIXON, PROPERTY OWNER (hereinafter referred to as “Temporary User”), be and is hereby permitted to use temporarily the right-of-way located along the alley between 1701 & 1703 Lynnbrook Avenue and 1700 & 1702 South Hawthorne Street for the purpose of public access, 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 may execute the Indemnification Agreement prior to the granting of a temporary use by the City Council provided that any obligation to Indemnify and hold the City of Chattanooga, its officers, agents and employees harmless for any claims for damages for injuries to persons or property shall be void if the Temporary Use is not granted to applicant by the Chattanooga City Council. Temporary User agrees to comply with all terms and conditions of the Indemnification Agreement in the event a temporary use is granted by the City Council.

2. Temporary User agrees to vacate the property and temporary use upon reasonable notice from the City to do so.

3. Improvements to the right-of-way shall be made for the purpose of public access.
4. The temporary usage permit shall **not** convey exclusive use of the right-of-way to the permit holder. City-owned right-of-way shall remain accessible for public use.
5. Temporary User shall obtain any and all necessary permits and approvals from the City of Chattanooga Land Development Office.
6. Temporary User shall provide adequate access for maintenance of any utilities located within the easement, is responsible for verifying all utility locations within the subject area prior to initiating the agreed usage, as well as the protection of said utilities for the duration of this permit.

ADOPTED: November 20, 2018

/mem

