MR-2004-063
Hillard Wall

RESOLUTION NO. 24103

A RESOLUTION AUTHORIZING HILLARD WALL TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED SOUTH OF THE 1700 BLOCK OF EAST 38TH STREET TO INSTALL A FENCE FOR SECURITY AND SAFETY PURPOSES, MORE PARTICULARLY DESCRIBED HEREIN AND 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 Hillard Wall (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the City's right-of-way located south of the 1700 block of East 38th Street to install a fence for security and safety purposes, as shown on the map attached hereto and made a part hereof by reference.

BE IT FURTHER ORDAINED, 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

24103 5-18-04

utilities located within the easement.

ADOPTED: May 18, 2004

/pm

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and HILLARD WALL (hereinafter "Temporary User"), this the 18th day of MAY, 2004.

For and in consideration of the granting of the temporary usage of the City's right-of-way located south of the 1700 block of East 38th Street to install a fence for security and safety purposes, the receipt of which is hereby acknowledged, Temporary User agrees as follows:

1. Temporary User will 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 will 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 will restore the property to its original condition when it is returned to the City.

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

HILLARD WALL

_____, 2004
Date

BY:_____

CITY OF CHATTANOOGA, TENNESSEE

5/20, 2004
Date

BY:_____
Bob Corker, Mayor

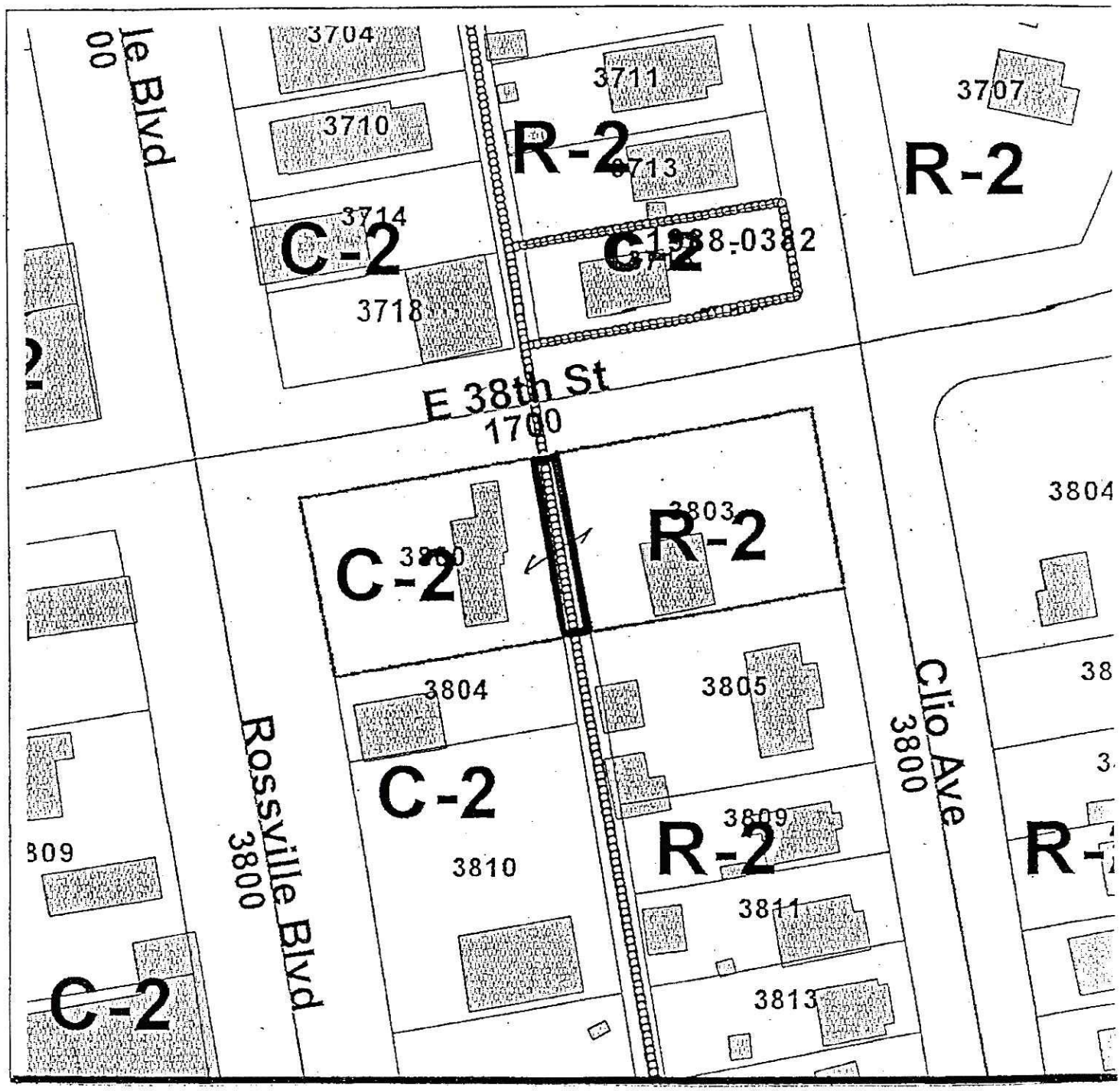
Reviewed By:_____
David Eichenthal

/pm

CHATTANOOGA - HAMILTON COUNTY REGIONAL PLANNING AGENCY

CHATTANOOGA
CASE NO: 2004-0063
PC MEETING DATE: 4/12/2004
MR ABANDON ALLEY R-O-W

1 in. = 75.0 feet



PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2004-063: Deny and recommend that they obtain a Temporary Use Permit