

1ST READING  
2ND READING  
INDEX NO.

2-14-06

2-21-06

ORDINANCE NO. 11791

AN ORDINANCE GRANTING UNTO FIRST CENTENARY UNITED METHODIST CHURCH A FRANCHISE TO CONSTRUCT AND MAINTAIN A PEDESTRIAN BRIDGE OVER THE 400 BLOCK OF OAK STREET IN THE CITY OF CHATTANOOGA AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

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SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That there be and is hereby granted unto First Centenary United Methodist Church (hereinafter "Grantee") a franchise to construct and maintain a pedestrian bridge across the 400 block of Oak Street (Case No. 2005-197) as shown on the map attached hereto and made a part hereof by reference, in the City of Chattanooga.

SECTION 2. BE IT FURTHER ORDAINED, That this franchise is granted subject to the following terms and conditions:

1. All underground City utilities must maintain their respective easements. No structures may be placed over or within City utility easements;
2. Tennessee-American Water Company, Chattanooga Gas Company, BellSouth, and Comcast to retain their respective easements;
3. The bridge must meet current AASHTO Bridge Design Standards for height clearance;
4. That Grantee will comply with all applicable City ordinances and state laws.
5. That Grantee will comply with any special requirements by City Engineer with respect to the specific location and construction of the bridge;

6. That engineering design for the bridge be prepared by a competent engineering group and installation will be performed by a competent contractor;

7. That construction of the bridge will have no adverse effect on any adjacent properties;

8. That Grantee will assume full and complete responsibility for maintenance of the bridge and permanently maintain said bridge in a safe condition;

9. That the City of Chattanooga will suffer no costs of any kind as a result of granting this franchise;

10. That Grantee will defend, indemnify and hold harmless the City of Chattanooga, Tennessee, its officers, employees, successors, and assigns from any and all actions or claims for damages arising out of or related to the installation or maintenance of the bridge; and

11. That Grantee provide for approval evidence of insurance to further indemnify the City against losses whatever kind and nature during construction and as a result of the bridge being in the right-of-way.

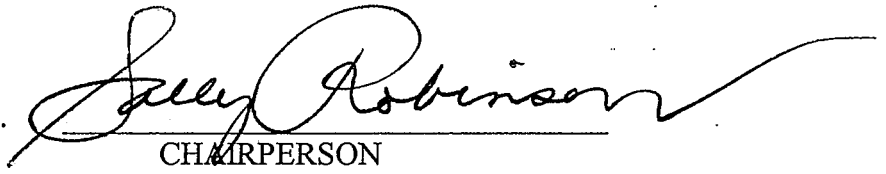
SECTION 3. BE IT FURTHER ORDAINED, That the term of this franchise shall be for a period of forty (40) years.

SECTION 4. BE IT FURTHER ORDAINED, That this ordinance shall not be operative, as distinguished from its effectiveness, unless and until the franchise herein granted is accepted by the Grantee by due execution of the acceptance attached hereto.

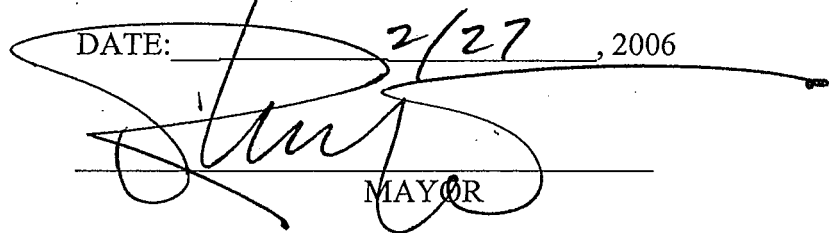
SECTION 5. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two weeks from and after its passage.

PASSED on Second and Final Reading

February 21, 2006.

  
CHAIRPERSON

APPROVED:  DISAPPROVED:

DATE: 2/27, 2006  
  
MAYOR

RLN/add

ACCEPTANCE

The foregoing franchise and its terms and conditions are hereby accepted.

This the 2<sup>nd</sup> day of March, 2006.

FIRST CENTENARY UNITED METHODIST CHURCH

BY: Ben W. Baucom

Its: Chairman, Build Committee  
First Centenary United Methodist Church

WITNESS:

Carl H. O'Neil, Clerk General





Case No. 2005-197  
625 Oak St.  
Seeking a franchise for pedestrian bridge across Oak St.