

RESOLUTION NO. 24007

A RESOLUTION AUTHORIZING THE WASABI GROUP, LLC TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY OF A PORTION OF GULF STREET, BETWEEN EAST 16TH STREET AND MONTAGUE PARK AND RAILROAD RIGHT-OF-WAY, TO INSTALL GATES AND FENCES TO SECURE THE PROPERTY; AND TO ALSO TEMPORARILY USE THE CITY'S RIGHT-OF-WAY ALONG EAST 16TH STREET, BETWEEN GULF STREET AND FILLMORE STREET, TO PLANT THREE (3) CREPE MYRTLES IN THE RIGHT-OF-WAY, AS SHOWN ON THE 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 the Wasabi Group, LLC (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the City's right-of-way of a portion of Gulf Street, between East 16th Street and Montague Park and Railroad Right-of-Way, to install gates and fences to secure the property; and to also temporarily use the City's right-of-way along East 16th Street, between Gulf Street and Fillmore Street, to plant 3 crepe myrtles in the right-of-way, as shown on the drawing 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 utilities located within the easement.

ADOPTED: January 6, 2004

/pm

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and the WASABI GROUP, LLC (hereinafter "Temporary User"), this the 6th day of January, 2004.

For and in consideration of the granting of the temporary usage of the City's right-of-way of a portion of Gulf Street, between East 16th Street and Montague Park and Railroad Right-of-Way, to install gates and fences to secure the property; and also temporarily use the City's right-of-way along East 16th Street, between Gulf Street and Fillmore Street, to plant 3 crepe myrtles in the right-of-way as shown on the 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 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.

WASABI GROUP, LLC

January 28, 2004
Date

BY: S/ _____

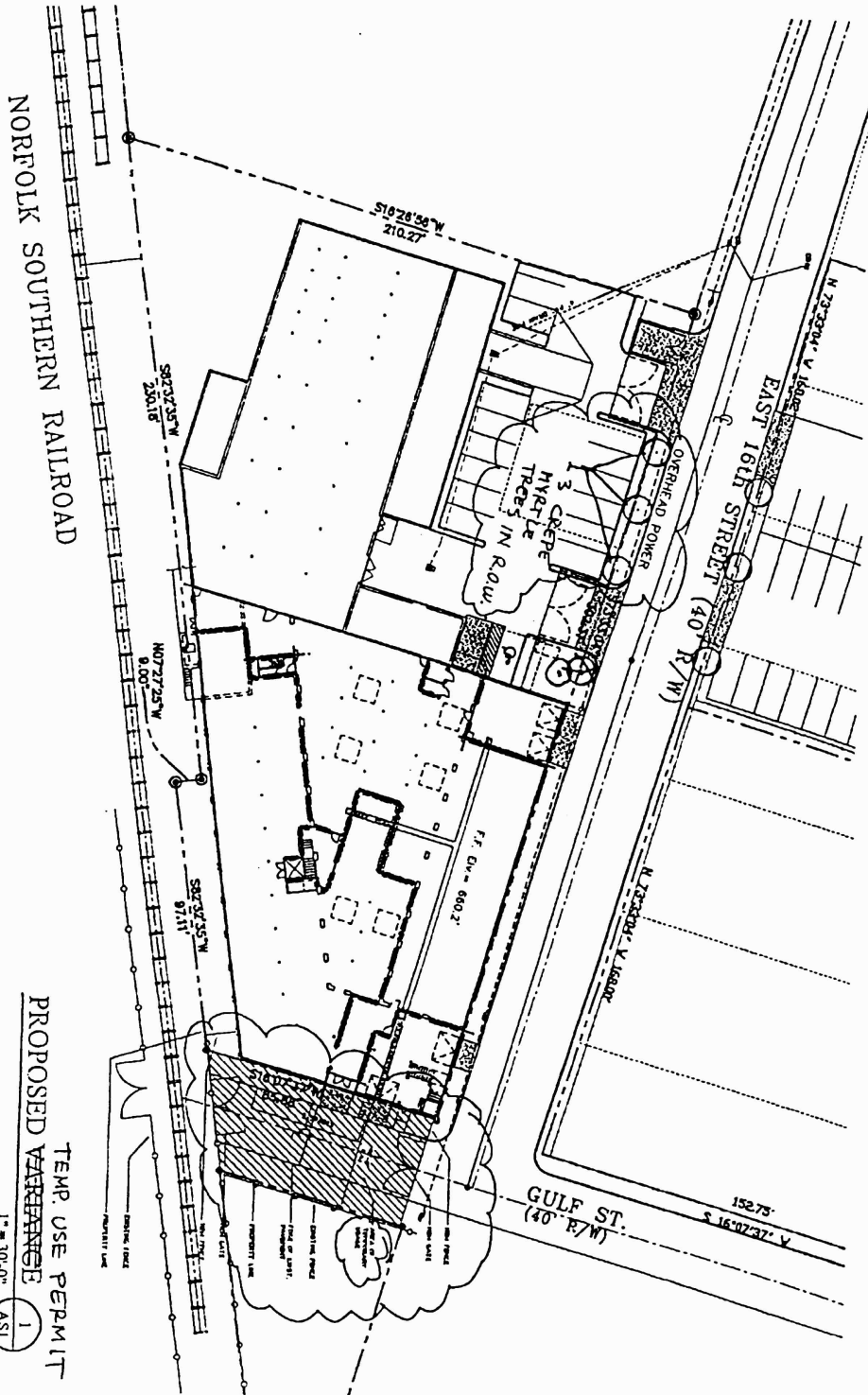
CITY OF CHATTANOOGA, TENNESSEE

January 12, 2004
Date

BY: S/ _____
Bob Corker, Mayor

/pm

Reviewed By: s/ _____
David Eichenthal



TEMP USE PERMIT
 PROPOSED VARIANCE
 1
 ASI
 1" = 30'-0"