

RESOLUTION NO. 24009

A RESOLUTION AUTHORIZING THE WINDBROOK HOMEOWNERS ASSOCIATION TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED BETWEEN WINDBROOK LANE AND HIXSON PIKE (6200 BLOCK OF HIXSON PIKE) TO INSTALL A SUBDIVISION SIGN, 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 Windbrook Homeowners Association (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the City's right-of-way located between Windbrook Lane and Hixson Pike (6200 block of Hixson Pike) to install a subdivision sign, 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. Approval of a variance by the Sign Appeals Board.
2. 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.
3. Temporary User agrees to vacate the property and temporary use upon reasonable notice from the City to do so.

4. 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 WINDBROOK HOMEOWNERS ASSOCIATION (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 located between Windbrook Lane and Hixson Pike (6200 block of Hixson Pike) to install a subdivision sign, 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.

WINDBROOK HOMEOWNERS ASSOCIATION

_____, 2004
Date

BY: _____

CITY OF CHATTANOOGA, TENNESSEE

January 12, 2004
Date

BY: S/ _____
Bob Corker, Mayor

/pm

Reviewed By: s/ _____
David Eichenthal

