

RESOLUTION NO. 24058

A RESOLUTION AUTHORIZING DEVAN NORMAN OF DESIGN BUILDERS OF CHATTANOOGA, INC. TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED AT THE ENTRANCE AND EXIT OF 5851-5861 FISK AVENUE TO EXTEND THE TEMPORARY USAGE LIMITS FOR APPROXIMATELY 200 FEET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Devan Norman of Design Builders of Chattanooga, Inc. (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the City's right-of-way located at the entrance and exit of 5851-5861 Fisk Avenue to extend the temporary usage limits for approximately 200 feet going west from the existing edge of pavement for ingress and egress within the unopened City right-of-way, 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

utilities located within the easement.

ADOPTED: March 30, 2004

/pm

## INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and DEVAN NORMAN OF DESIGN BUILDERS OF CHATTANOOGA, INC. (hereinafter "Temporary User"), this the 30 day of March, 2004.

For and in consideration of the granting of the temporary usage of the City's right-of-way located at the entrance and exit of 5851-5861 Fisk Avenue to extend the temporary usage limits for approximately 200 feet going west from the existing edge of pavement for ingress and egress within the unopened City right-of-way, 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.

DEVAN NORMAN  
DESIGN BUILDERS OF CHATTANOOGA, INC.

\_\_\_\_\_, 2004  
Date

BY: \_\_\_\_\_

CITY OF CHATTANOOGA, TENNESSEE

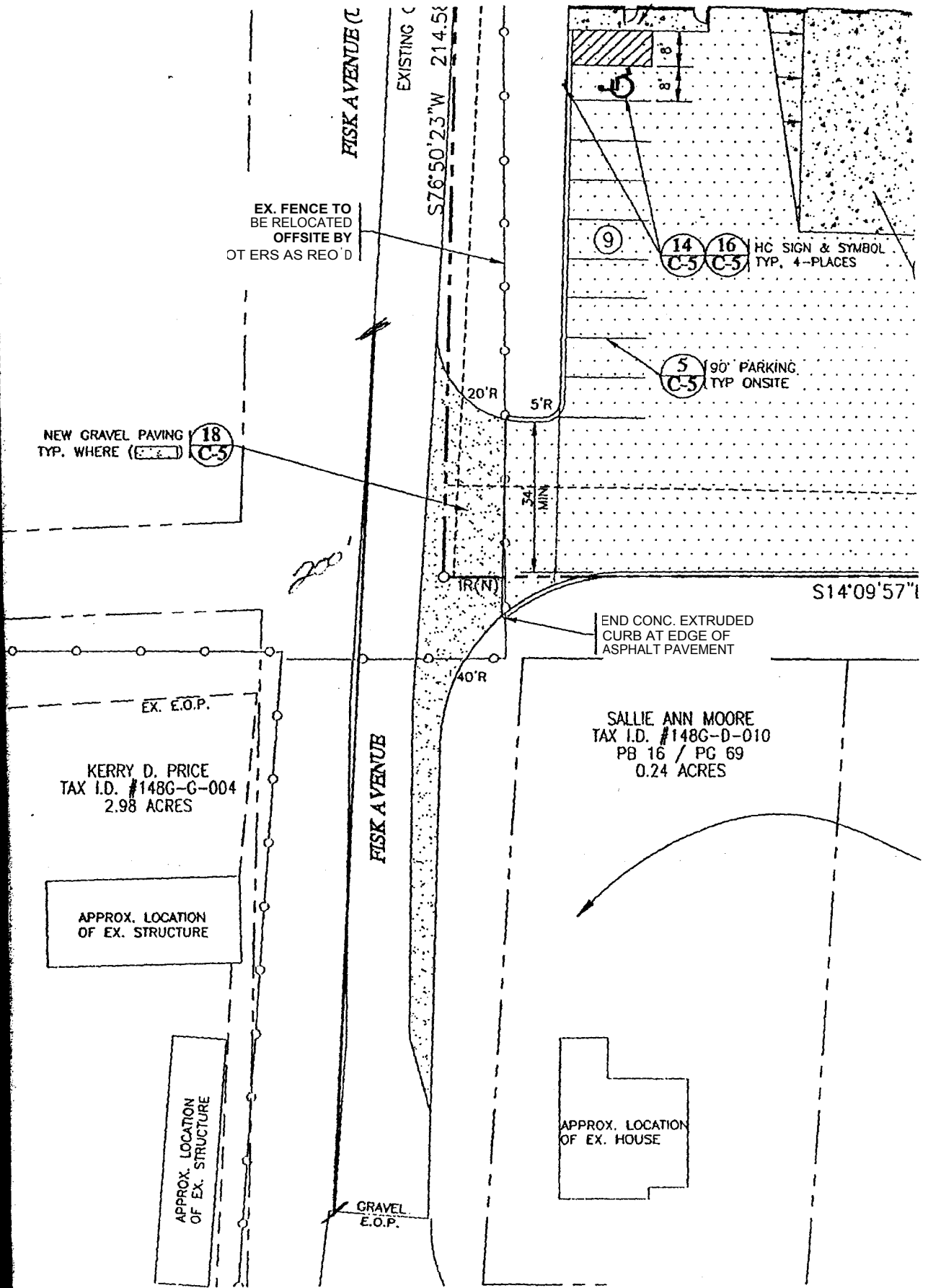
\_\_\_\_\_, 2004  
Date

April 2

BY: S/ \_\_\_\_\_  
*Bob Corker, Mayor*

/pm

Reviewed By: s/ \_\_\_\_\_  
*David Eichenthal*



1" = 30'