

RESOLUTION NO. 24122

A RESOLUTION AUTHORIZING MARY BETH McDONALD AND SAMUEL R. ANDERSON TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY OF AN ALLEY LOCATED SOUTH OF THE 500 BLOCK OF GRAHAM STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, TO RESTRICT THE USE OF THE ALLEY FOR VEHICULAR TRAFFIC INCLUDING THE USE OF BARRIER GATES, IF NECESSARY, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Mary Beth McDonald and Samuel R. Anderson (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the City's right-of-way of an alley located south of the 500 block of Graham Street to restrict the use of the alley for vehicular traffic including the use of barrier gates, if necessary, said alley being more particularly described as follows:

An unnamed alley beginning on the south line of the 500 block of Graham Street thence southeast some 180 feet to a dead end. Said alley separates Lot 22 from part of Lots 23 and 24 and Lot 25, Block 7, Normal Park Corrected, Plat Book 4, Page 41, ROHC. Tax Map 136H-B-002, 003 and 021.

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: June 22, 2004

/pm

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and MARY BETH McDONALD and SAMUEL R. ANDERSON (hereinafter "Temporary User"), this the 22nd day of June, 2004.

For and in consideration of the granting of the temporary usage of the City's right-of-way of an alley located south of the 500 block of Graham Street to restrict the use of the alley for vehicular traffic including the use of barrier gates, if necessary, 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.

MARY BETH McDONALD and
SAMUEL R. ANDERSON

7/22/04, 2004
Date

BY: Mary B McDonald

CITY OF CHATTANOOGA, TENNESSEE

_____, 2004
Date

BY: Bob Corker
Bob Corker, Mayor

/pm

Reviewed By: David Eschenhal
David Eschenhal

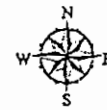


CHATTANOOGA

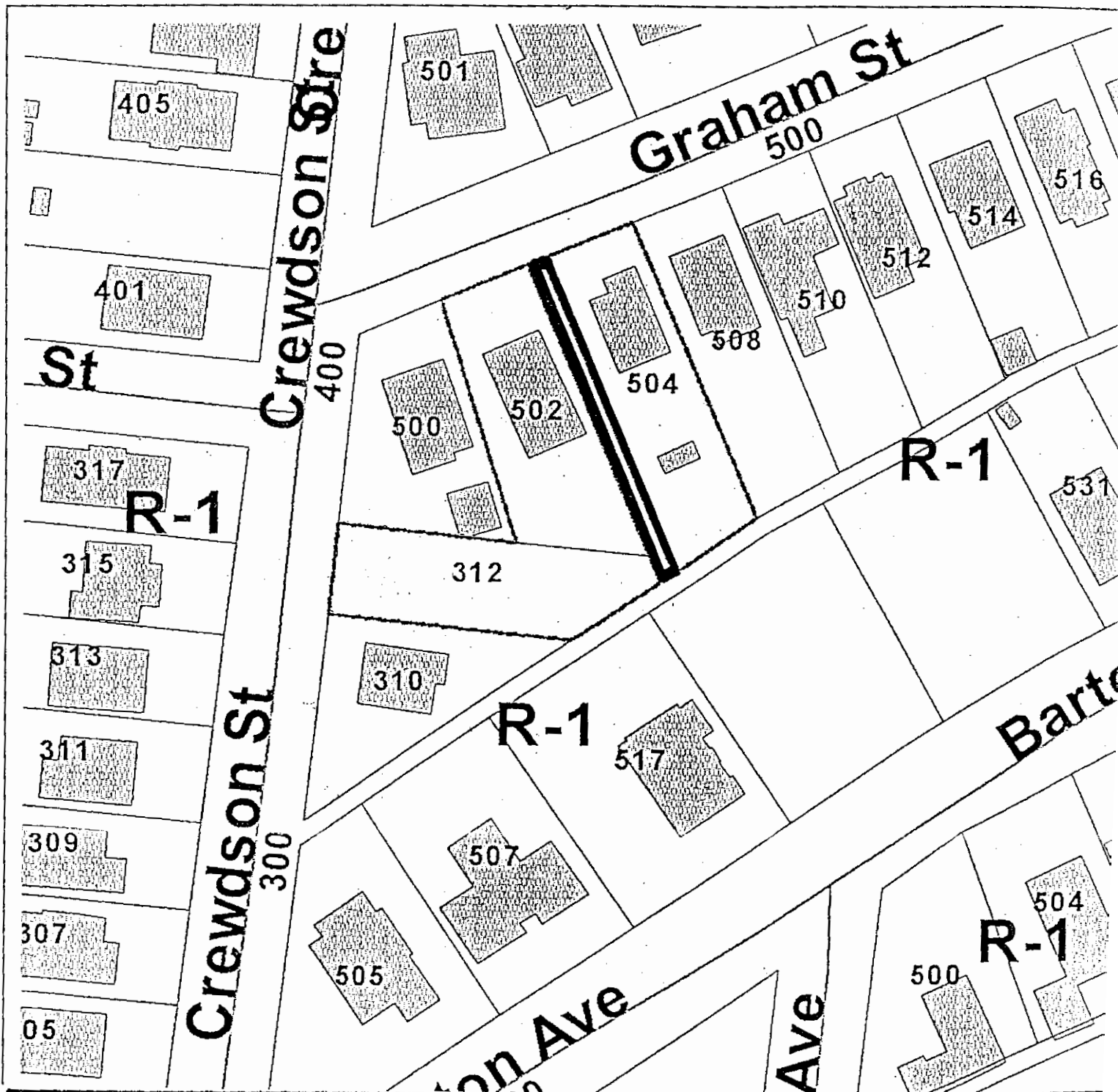
PC MEETING DATE: 5/10/2004

CASE NO.: 2004-0084

MR ABANDON STREET R-O-W



1 in. = 75.0 feet



PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2004-084: Deny, but recommen they obtain a Temporary Use Permit from the City Engineer's Office.