

RESOLUTION NO. 24130

A RESOLUTION AUTHORIZING MICHAEL DOUBLEDAY TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY OF AN ALLEY LOCATED AT ST. ELMO AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, TO INSTALL A GATE AT THE ENTRANCE TO THE ALLEY, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Michael Doubleday (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the City's right-of-way of an alley at St. Elmo Avenue located between parcels 155G-A-013 and 155G-A-014.02, to install a gate at the entrance of said alley 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. Mr. Doubleday shall provide a key to said gate to the City Engineer's Office.
2. A sign shall be posted on the gate with a specified telephone number for emergency use and/or access by the City, County or the owners of Parcel No. 155G-A-014 (Old Wheland Property).

BE IT FURTHER ORDAINED, That said temporary usage shall be subject to the following additional 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

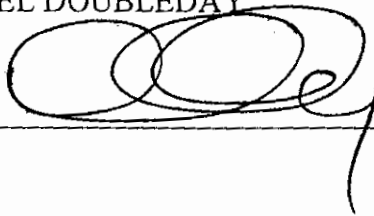
This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and MICHAEL DOUBLEDAY (hereinafter "Temporary User"), this the 22nd day of June, 2004.

For and in consideration of the granting of the temporary usage of the City's right-of-way of an alley at St. Elmo Avenue located between parcels 155G-A-013 and 155G-A-014.02, to install a gate at the entrance of said alley, 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.

07/19
Date _____, 2004

MICHAEL DOUBLEDAY

BY:  _____

CITY OF CHATTANOOGA, TENNESSEE

_____, 2004
Date

BY:  _____
Bob Corker, Mayor

/pm

Reviewed By  _____
David Eichenthal

