

RESOLUTION NO. 24363

A RESOLUTION AUTHORIZING SISKIN STEEL & SUPPLY COMPANY, INC. TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY ALONG SUPER SPUN DRIVE TO ALLOW PART OF FOOTINGS AND DRAINAGE PIPING AND STRUCTURES TO BE CONSTRUCTED ALONG SAID RIGHT-OF-WAY, AS SHOWN ON THE DRAWING 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 Siskin Steel & Supply Company, Inc. (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the City's right-of-way along Super Spun Drive to allow part of footings and drainage piping and structures to be constructed along said 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 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: March 22, 2005.

/add

## INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and SISKIN STEEL & SUPPLY COMPANY, INC. (hereinafter "Temporary User"), this the 22<sup>nd</sup> day of March, 2005.

For and in consideration of the granting of the temporary usage of the City's right-of-way along Super Spun Drive to allow part of footings and drainage piping and structures to be constructed along said 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.

SISKIN STEEL & SUPPLY COMPANY, INC.

3-29, 2005  
Date

BY: R. Paul Wagner

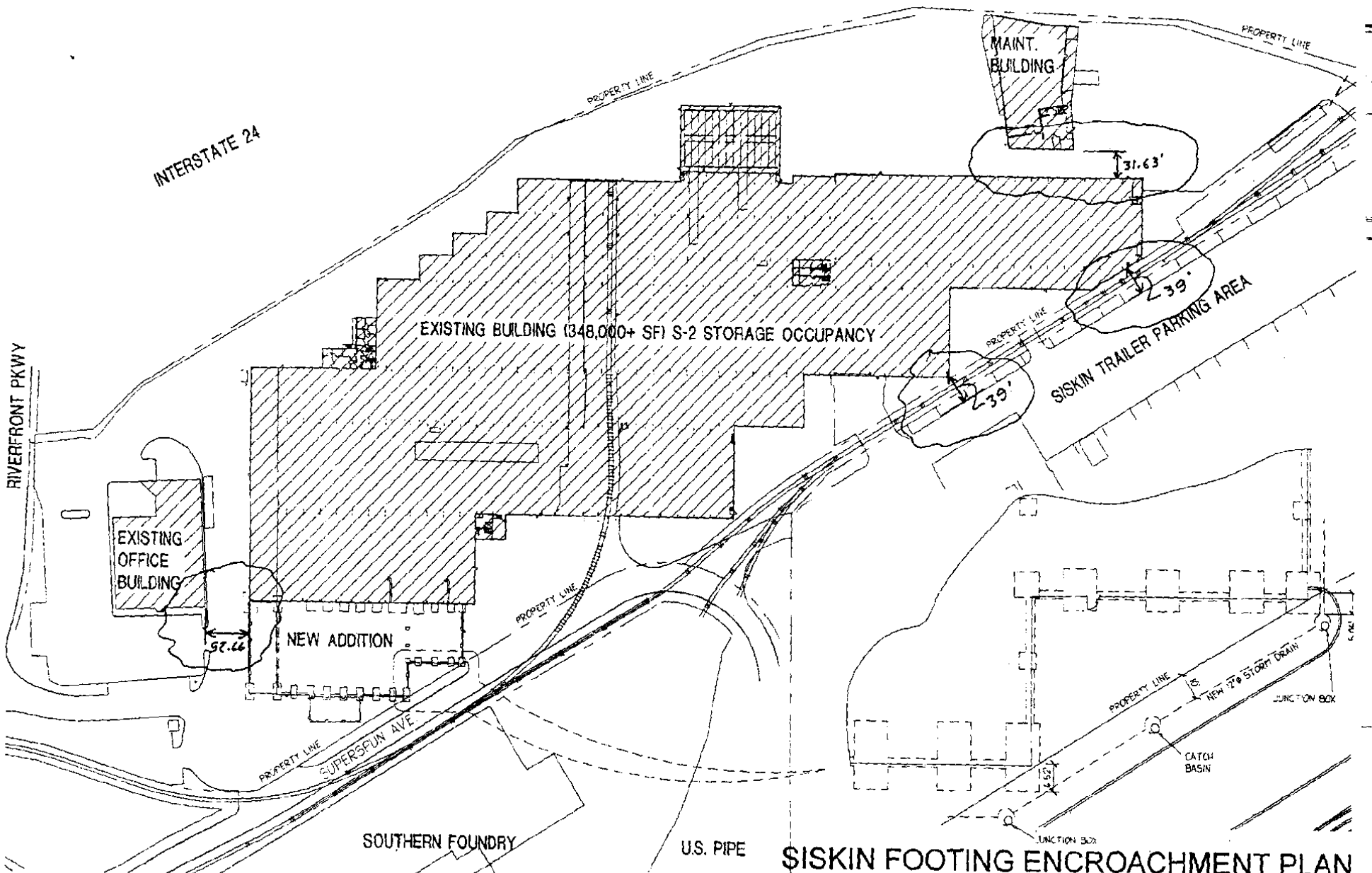
CITY OF CHATTANOOGA, TENNESSEE

3-28-05, 2005  
Date

BY: Bob Corker  
Bob Corker, Mayor

/add

Reviewed By: Steve Madison  
Acting Finance Officer



**SISKIN FOOTING ENCROACHMENT PLAN**

SCALE: 1" = 100'

ATTACHMENT DWG. #1