

RESOLUTION NO. 24625

A RESOLUTION AUTHORIZING BRIGHT MEYERS LOOKOUT VALLEY ASSOCIATION, L.P. TO USE TEMPORARILY AN UNNAMED ROAD BETWEEN THE 3500 AND 3600 BLOCK OF CUMMINGS HIGHWAY, 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 Bright Meyers Lookout Valley Association, L.P. (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily an unnamed road between the 3500 and 3600 block of Cummings Highway, 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: January 10, 2006

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and BRIGHT MEYERS LOOKOUT VALLEY ASSOCIATION, L.P. (hereinafter "Temporary User"), this 10th day of JANUARY, 2006.

For and in consideration of the granting of the temporary usage of an unnamed road between the 3500 and 3600 block of Cummings Highway, 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.

BRIGHT MEYERS LOOKOUT VALLEY  
ASSOCIATION, L.P.

\_\_\_\_\_, 2006  
Date

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

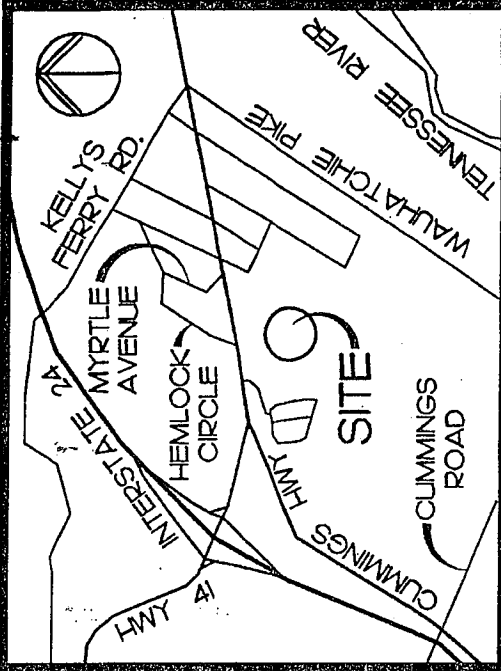
CITY OF CHATTANOOGA, TENNESSEE

\_\_\_\_\_, 2006  
Date

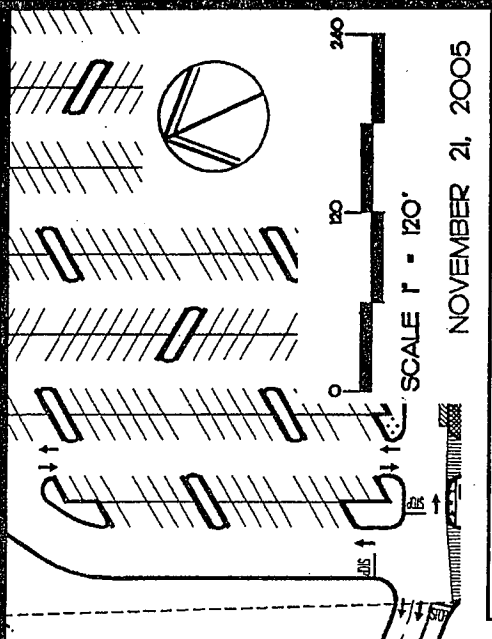
BY: \_\_\_\_\_

*Ron Littlefield, Mayor*

/add



VICINITY MAP  
(NOT TO SCALE)



SCALE 1" = 120'

NOVEMBER 21, 2005

**FREELAND and KAUFFMAN, INC.**

*Engineers & Landscape Architects*

209 West Stone Avenue  
Greenville, South Carolina 29609  
864-233-5497  
fax 864-233-8915

PORTION OF EXISTING  
PUBLIC ROAD SUBJECT TO  
TEMPORARY USE PERMIT

# TEMPORARY USE EXHIBIT