

RESOLUTION NO. 24789

A RESOLUTION AUTHORIZING HERITAGE DEVELOPING, LLC TO USE TEMPORARILY AN UNOPENED RIGHT-OF-WAY AND ALLEY BEHIND THE 1100 BLOCK OF WEST MISSISSIPPI AVENUE FOR USE AS CONSTRUCTION ACCESS DURING CONSTRUCTION OF FIVE (5) NEW SINGLE-FAMILY HOMES, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Heritage Developing, LLC (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily an unopened right-of-way and alley behind the 1100 block of West Mississippi Avenue for use as construction access during construction of five (5) new single-family homes, as shown on the drawings 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: June 13, 2006

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and HERITAGE DEVELOPING, LLC (hereinafter "Temporary User"), this 13th day of JUNE, 2006.

For and in consideration of the granting of the temporary usage of an unopened right-of-way and alley behind the 1100 block of West Mississippi Avenue for use as construction access during construction of five (5) new single-family homes, as shown on the drawings 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.

6-27-06, 2006
Date

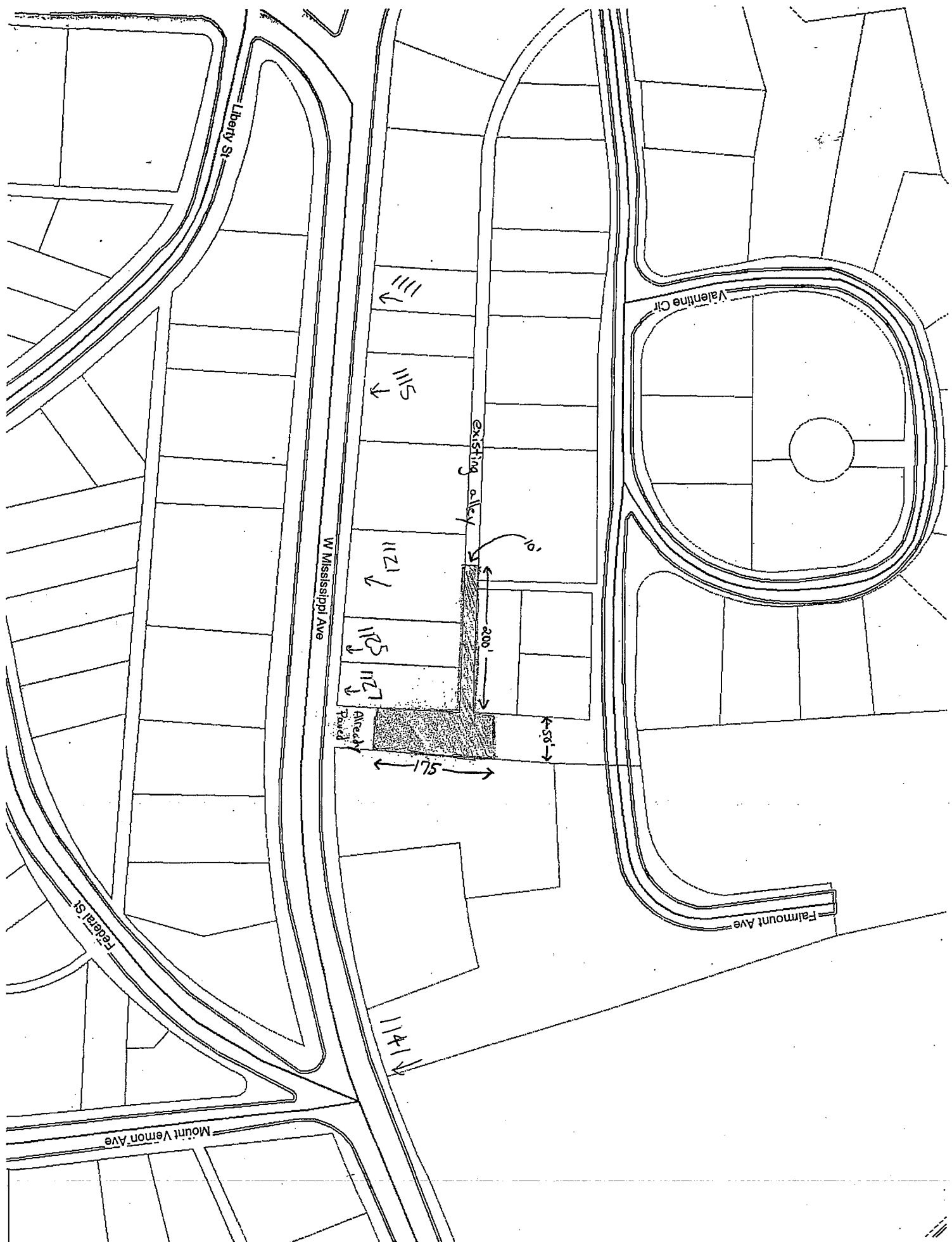
HERITAGE DEVELOPING, LLC

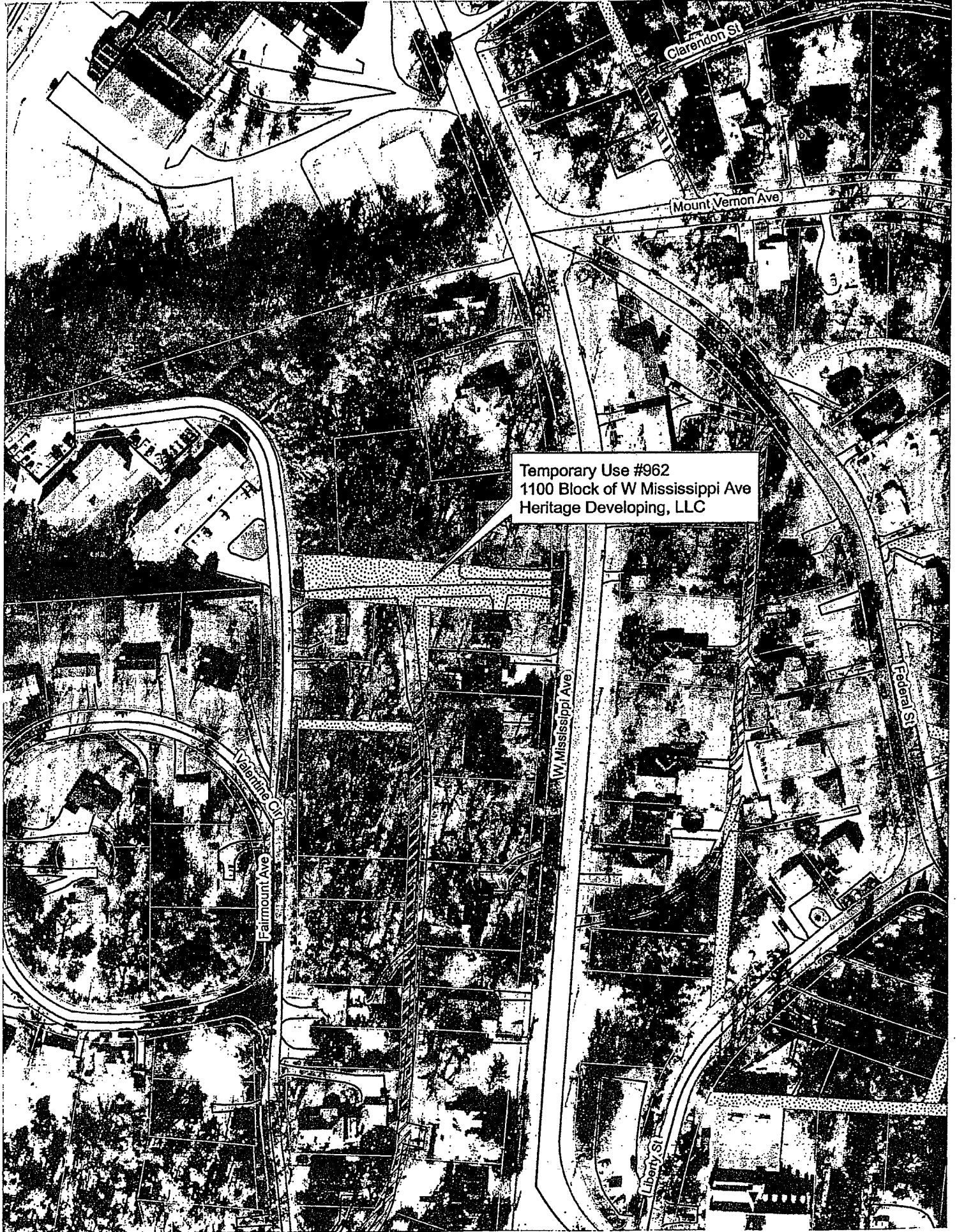
BY: 

6/21, 2006
Date

CITY OF CHATTANOOGA, TENNESSEE

BY: 
Ron Littlefield, Mayor





Temporary Use #962
1100 Block of W Mississippi Ave
Heritage Developing, LLC