

RESOLUTION NO. 24790

A RESOLUTION AUTHORIZING TREE STUDIO DEVELOPMENT COMPANY II TO USE TEMPORARILY 19TH STREET BETWEEN THE 1800 BLOCK OF COWART STREET AND THE ALLEY TO INSTALL STAIRS TO THE TOWNHOUSES, 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 Tree Studio Development Company II (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily 19th Street between the 1800 block of Cowart Street and the alley to install stairs to the townhouses, 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. All landscaping and maintenance between the back of the curb and the right-of-way to be done by the property owner.
2. 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.
3. Temporary User agrees to vacate the property and temporary use upon reasonable notice from the City to do so.
4. 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 TREE STUDIO DEVELOPMENT COMPANY II (hereinafter "Temporary User"), this 17th day of JUNE, 2006.

For and in consideration of the granting of the temporary usage of 19th Street between the 1800 block of Cowart Street and the alley to install stairs to the townhouses, 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. All landscaping and maintenance between the back of the curb and the right-of-way to be done by the property owner.

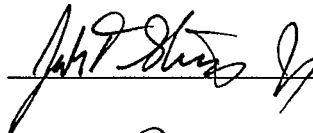
1. Temporary User will defend, and hold harmless the City of Chattanooga, Tennessee, its officers, agents and employees from any and all claims for damages for injuries to persons or property related to or arising out of the aforementioned temporary use.

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.

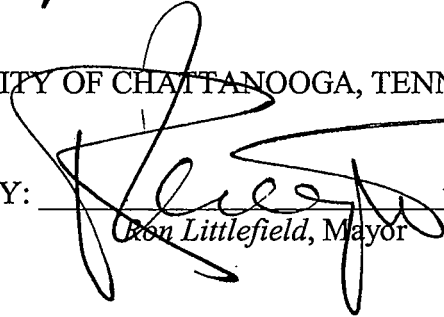
TREE STUDIO DEVELOPMENT COMPANY II

6/06, 2006
Date

BY: 

CITY OF CHATTANOOGA, TENNESSEE

6/21, 2006
Date

BY: 
Ken Littlefield, Mayor



Temporary Use #963
1800 Block of Cowart Street
Tree Studio Development Company II