

RESOLUTION NO. 25254

A RESOLUTION AUTHORIZING FOXWOOD HEIGHTS ASSOCIATION TO USE TEMPORARILY THE RIGHTS-OF-WAY BETWEEN WILCOX BOULEVARD AND RICHARD AVENUE AND WILCOX BOULEVARD AND McCORD AVENUE TO INSTALL A GATEWAY AND BEAUTIFY THE SURROUNDING AREA, 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 Foxwood Heights Association (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the rights-of-way between Wilcox Boulevard and Richard Avenue and Wilcox Boulevard and McCord Avenue to install a gateway and beautify the surrounding area, as shown on the drawings attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED, 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: September 11, 2007

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and FOXWOOD HEIGHTS ASSOCIATION (hereinafter "Temporary User"), this 11th day of September, 2007.

For and in consideration of the granting of the temporary usage of the rights-of-way between Wilcox Boulevard and Richard Avenue and Wilcox Boulevard and McCord Avenue to install a gateway and beautify the surrounding area, 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.

FOXWOOD HEIGHTS ASSOCIATION

BY: Isabella W. Lane
_____, its _____

9-24, 2007
Date

CITY OF CHATTANOOGA, TENNESSEE

BY: [Signature]

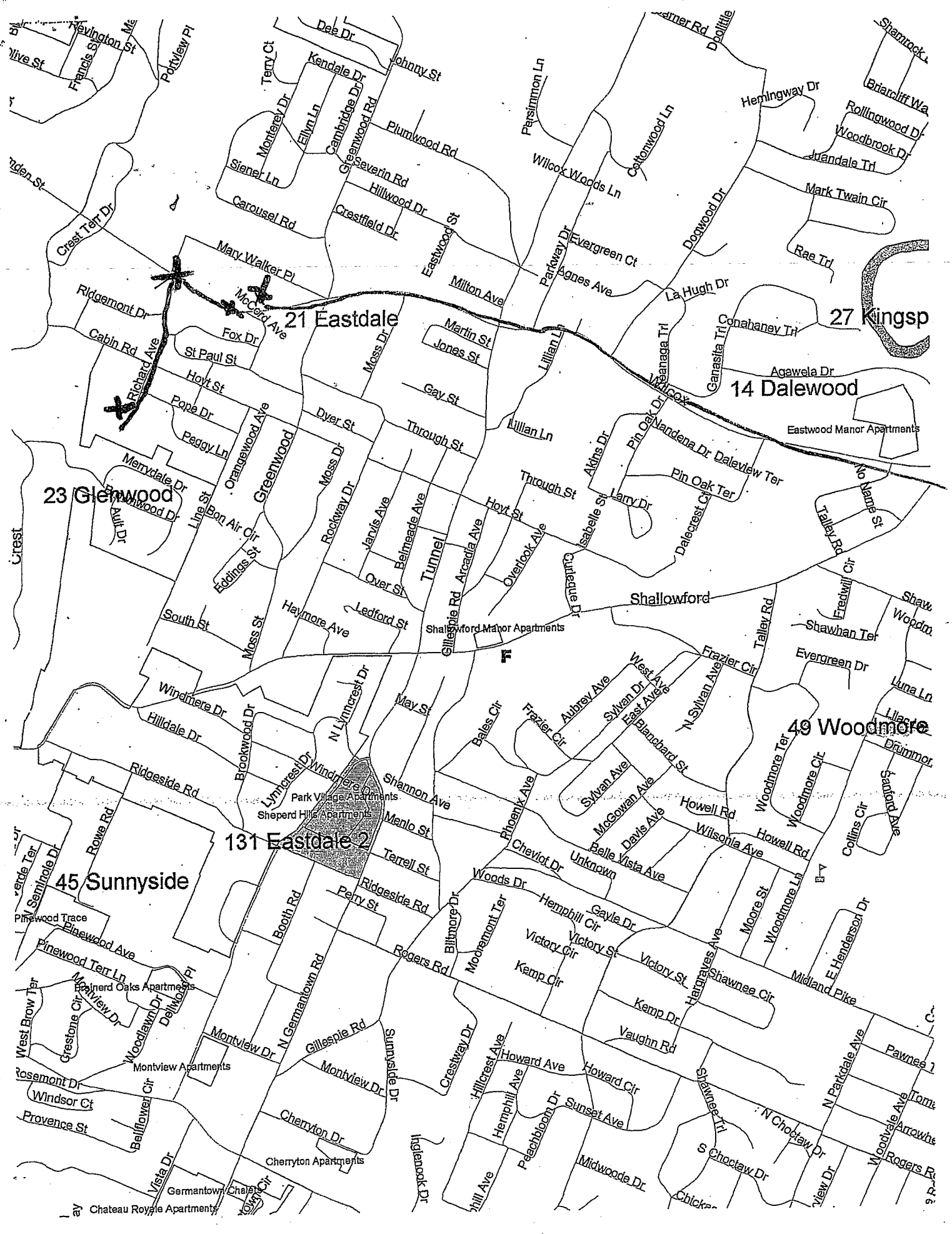
Ron Littlefield, Mayor

9/14, 2007
Date

/add

Temp. Usage Request # 1056
Isabella Lane for Foxwood Heights HOA

Temp. Usage Request # 1056
Isabella Lane for Foxwood Heights HOA



21 Eastdale

27 Kingsp

14 Dalewood

23 Glenwood

49 Woodmore

131 Eastdale 2

45 Sunnyside