

RESOLUTION NO. 25272

-A RESOLUTION AUTHORIZING JOE PALMER TO USE TEMPORARILY PART OF WEST 21<sup>ST</sup> STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, TO INSTALL A NEW STRUCTURE USING THE EXISTING SLAB AND FOOTER, SUBJECT TO CERTAIN CONDITIONS.

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Joe Palmer (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way/alley beginning at the point of intersection between the present of way south line of West 20<sup>th</sup> Street and the northeast property line of Tax Map No. 145K-H-011 running with the property line south 230' ± to the point of intersection with the present of way north line of West 21<sup>st</sup> Street to install a new structure using the existing slab and footer, 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 restore any and all damage to the existing roadway, driving surface, or other public appurtenances as indicated in and by the City of Chattanooga's Standard Drawings, and/or as directed by the City Engineer.
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: September 25, 2007

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and JOE PALMER (hereinafter "Temporary User"), this 25 day of September, 2007.

For and in consideration of the granting of the temporary usage of the right-of-way/alley beginning at the point of intersection between the present of way south line of West 20<sup>th</sup> Street and the northeast property line of Tax Map No. 145K-H-011 running with the property line south 230' ± to the point of intersection with the present of way north line of West 21<sup>st</sup> Street to install a new structure using the existing slab and footer, 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 shall restore any and all damage to the existing roadway, driving surface, or other public appurtenances as indicated in and by the City of Chattanooga's Standard Drawings, and/or as directed by the City Engineer.

2. 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.

3. 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.

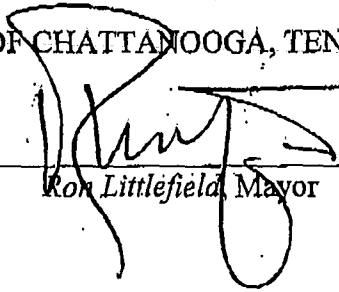
4. Temporary User will provide adequate access for maintenance of any utilities located within the easement.

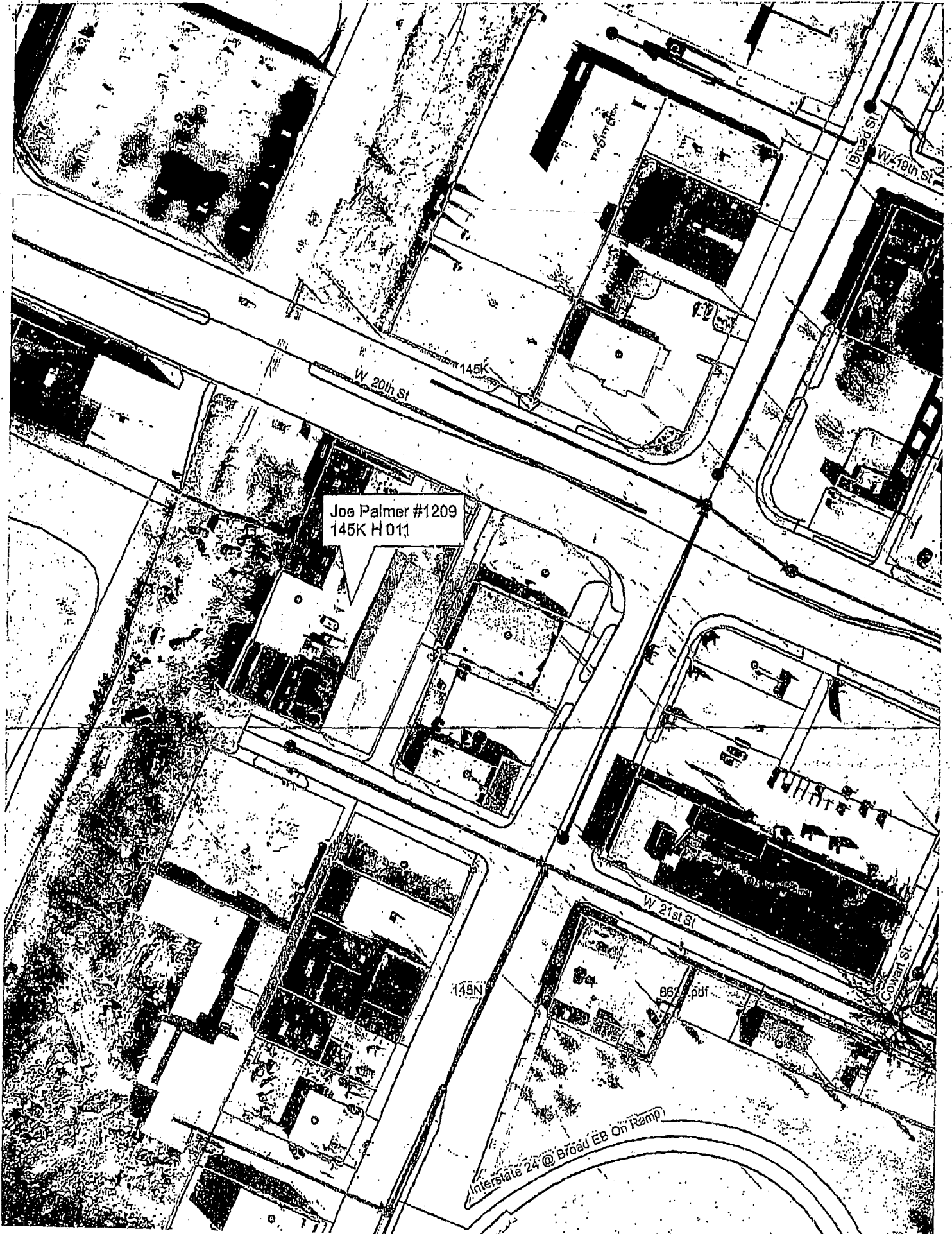
JOE PALMER

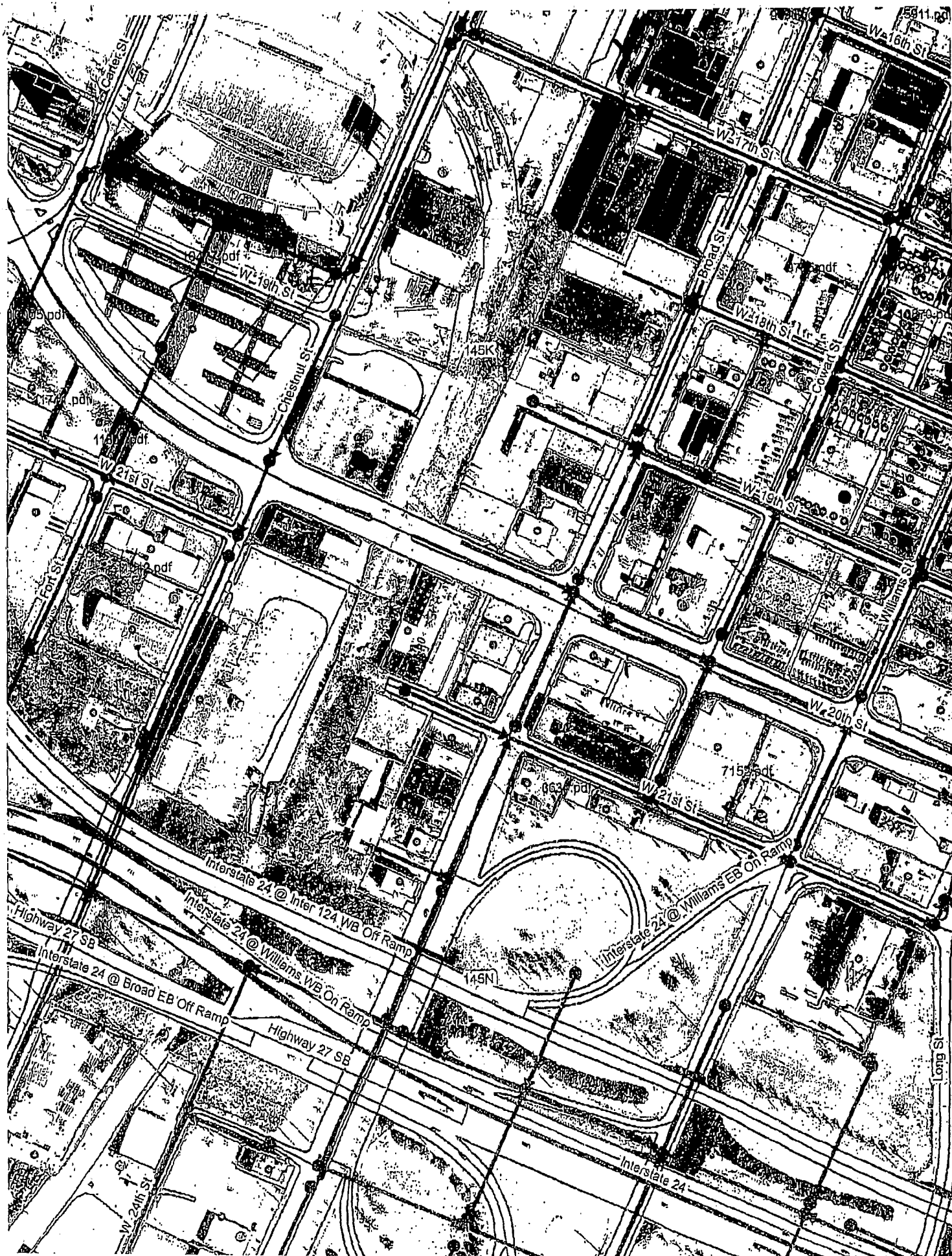
\_\_\_\_\_, 2007  
Date

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CITY OF CHATTANOOGA, TENNESSEE

\_\_\_\_\_, 2007  
Date  
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BY:   
\_\_\_\_\_  
Ron Littlefield, Mayor





# Memorandum

To: Bill Payne  
From: Bill Cannon  
Date: August 24, 2007  
Re: Temporary Usage Request #1209  
Joe Palmer  
411 W. 21<sup>st</sup> St.  
Recommendations Regarding Temporary Usage Request

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I have completed my review of Mr. Palmer's request regarding the Temporary Usage of the ROW / Alley beginning at the point of intersection between the present of way South line of W. 20<sup>th</sup> Street and the North East property line of tax map parcel 145K H 011 running with the property line South 230' ± to the point of intersection with the present of way North line of W. 21<sup>st</sup> Street. Please refer to the attached map. My comments are as follows:

- The existing ROW at this location is approximately 20' in width.
- The existing ROW is paved and is used by adjoining properties for access.
- As per the site plan submitted with the request, the existing footers and slab to be reused in the new construction is into the ROW 6" for a distance of approximately 70'.

After review, granting this Temporary Usage does not conflict with the Public's interest. Therefore, I recommend that the request for *the Temporary Usage be granted with the following condition:*

- *Any and all damage to the existing roadway, driving surface, or other public appurtenances shall be restored as indicated in and by the City of Chattanooga's Standard Drawings and Specifications, and/or as directed by the City Engineer.*