

RESOLUTION NO. 25316

A RESOLUTION AUTHORIZING TUNE DESIGN ARCHITECT TO USE TEMPORARILY A PORTION OF THE RENAISSANCE PARK RIGHT-OF-WAY TO CONSTRUCT FOOTINGS FOR THE PROPOSED BUILDINGS, PARKING GARAGE AND LANDSCAPING, 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 Tune Design Architect (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily a portion of the Renaissance Park right-of-way to construct footings for the proposed buildings, parking garage and landscaping, 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. The conditions stated on the attached Memorandum.
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: October 30, 2007

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and TUNE DESIGN ARCHITECT (hereinafter "Temporary User"), this 30th day of October, 2007.

For and in consideration of the granting of the temporary usage of a portion of the Renaissance Park right-of-way to construct footings for the proposed buildings, parking garage and landscaping, 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. The conditions stated on the attached Memorandum.
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.

TUNE DESIGN ARCHITECT

Nov 15, 2007
Date

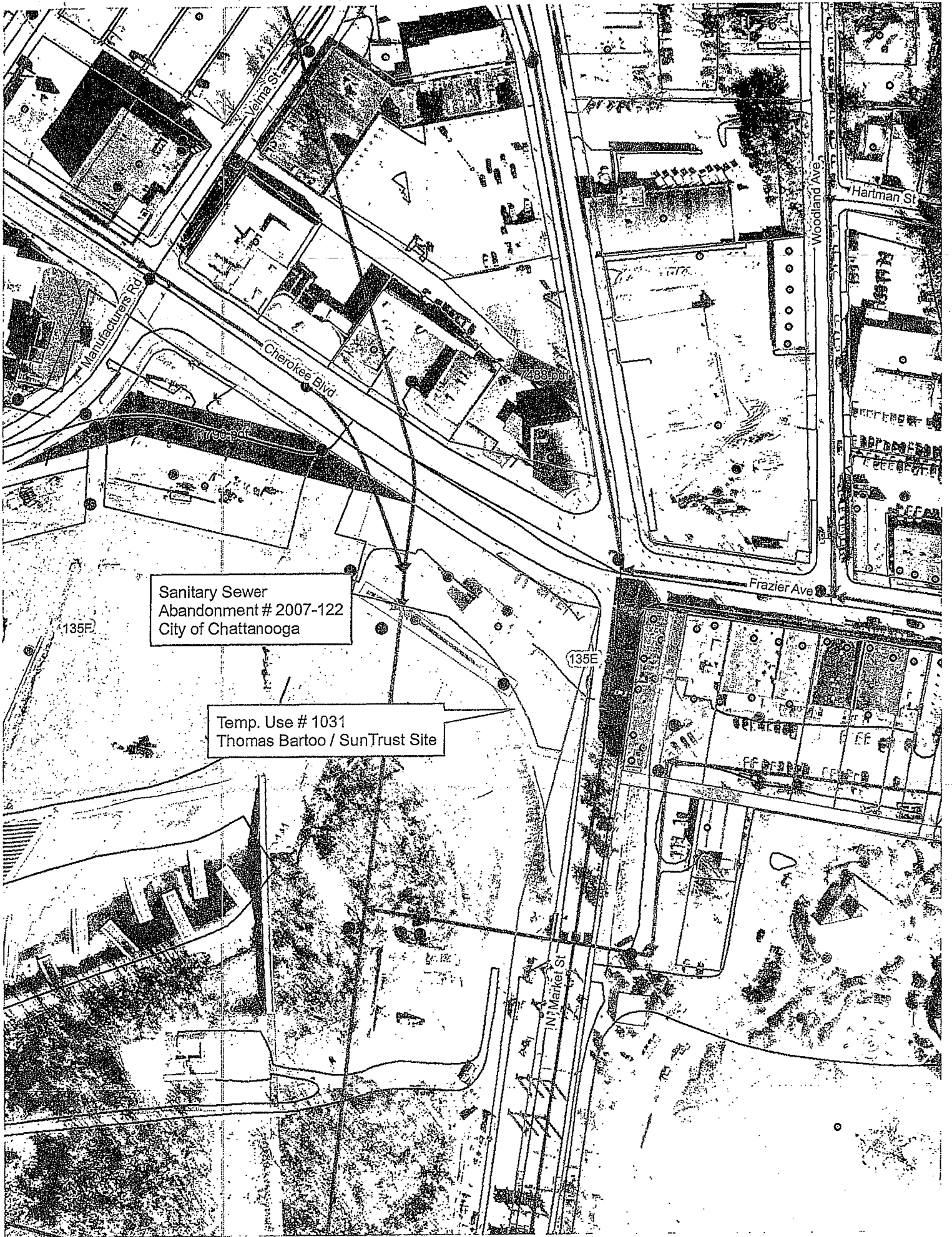
BY: [Signature], its _____

CITY OF CHATTANOOGA, TENNESSEE

11/3, 2007
Date

BY: [Signature]
Ron Littlefield, Mayor

/add



Sanitary Sewer
Abandonment # 2007-122
City of Chattanooga

Temp. Use # 1031
Thomas Bartoo / SunTrust Site

135E

135E

Yelma St

Manufacture's Rd

Cherokee Blvd

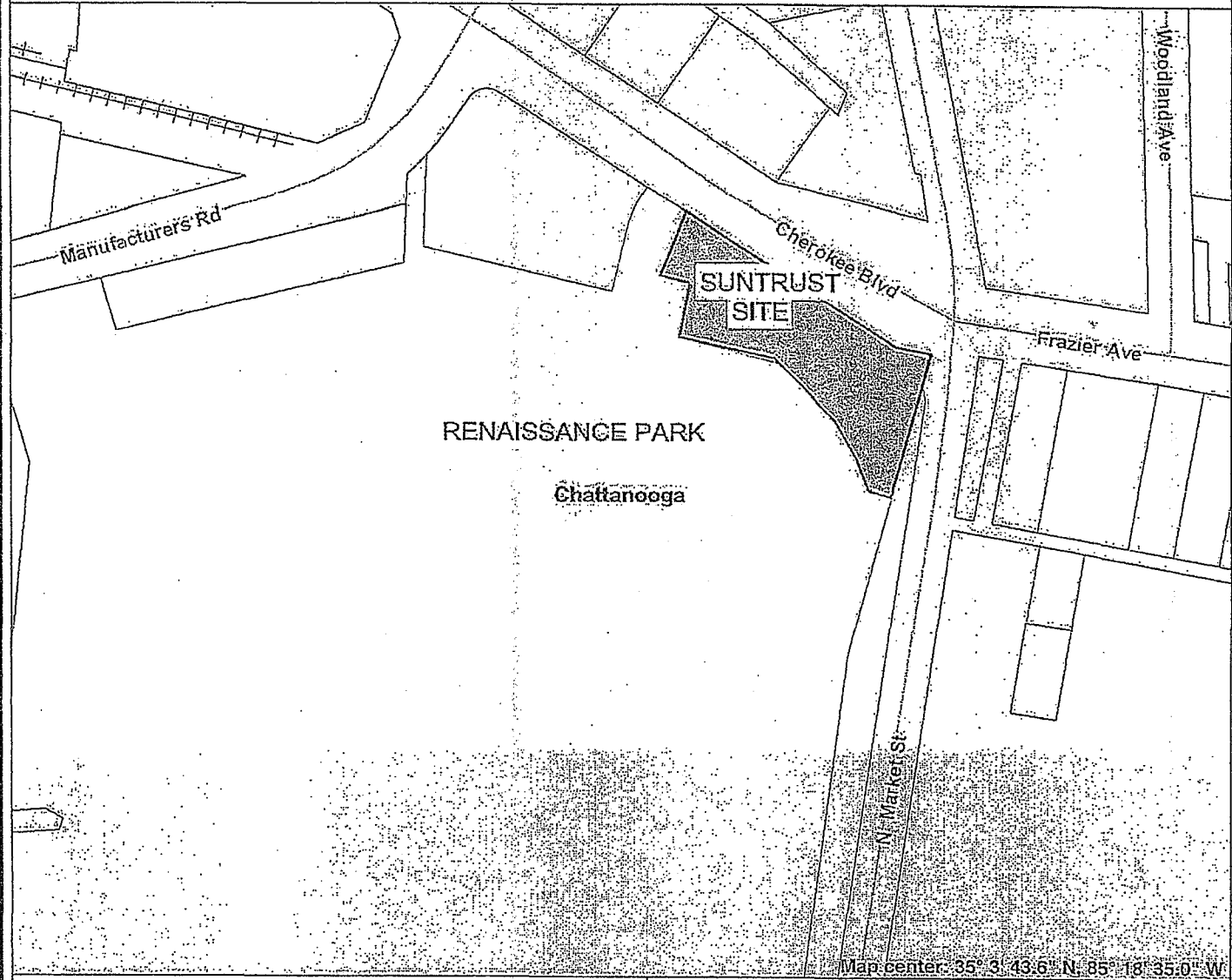
Woodland Ave

Hartman St

Frazier Ave

N Market St

HCGIS - Internet Mapping Service



- ### Legend
- Interstates
 - Railways
 - Roads
 - Parcels cover
 - Water Bodies
 - Cities**
 - Chattanooga
 - Collegedale
 - East Ridge
 - Lakesite
 - Lookout Mountain
 - Red Bank
 - Ridgside
 - Signal Mountain
 - Soddy Daisy
 - Walden

Map center: 35° 3' 43.6" N, 85° 18' 35.0" W

Scale: 1:2,016

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED AS A LEGAL DOCUMENT.

Memorandum

To: Bill Payne

From: Bill Cannon

Date: October 5, 2007

Re: Temporary Usage Request #1031
Thomas M. Bartoo, c/o SunTrust Bank
N. Market Street and Cherokee Blvd
Recommendations Regarding Temporary Usage Request

I have completed my review of Thomas Bartoo's request regarding the Temporary Usage of the ROW at the intersection of N. Market Street and Cherokee Blvd (Renaissance Park). The request is regarding the installation of footings, landscape, fire sprinkler vault and FDC connections in the ROW. Please refer to the attached map. My comments are as follows:

- The existing ROW is located at Renaissance Park.
- The existing ROW is to be developed by the City of Chattanooga with a connector road between Coolidge Park and Renaissance Park.

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:*

- *Applicant is not to construct in the rights-of-way until the City of Chattanooga has completed their design of the roadway joining Coolidge and Renaissance Parks, so not to impede the City of Chattanooga's development of said Parks.*
- *Grade of proposed road shall prevail over grades and easements of developers.*