

RESOLUTION NO. 25380

A RESOLUTION AUTHORIZING UNUM GROUP AND PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY TO USE TEMPORARILY A PORTION OF THE RIGHT-OF-WAY OF MARKET, CHERRY, 5TH, AND 6TH STREETS TO FACILITATE EFFICIENCY AND SAFETY IN THE PROCESS OF DEMOLISHING AND STABILIZING THE SITE OF THE FORMER EPB BUILDING, AS SHOWN ON THE DRAWING 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 Unum Group and Provident Life and Accident Insurance Company (hereinafter referred to as "Temporary Users") be and are hereby permitted to use temporarily a portion of the right-of-way of Market, Cherry, 5th, and 6th Streets to facilitate efficiency and safety in the process of demolishing and stabilizing the site of the former EPB Building, as shown on the drawing 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. City Engineer's approval of phasing and infrastructure protection plans.
2. Temporary Users 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 Users agree to vacate the property and temporary use upon reasonable notice from the City to do so.
4. Temporary Users shall provide adequate access for maintenance of any utilities located within the easement.

ADOPTED: January 8, 2008

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and UNUM GROUP and PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY (hereinafter "Temporary Users"), this 8th day of JANUARY, 2008.

For and in consideration of the granting of the temporary usage of a portion of the right-of-way of Market, Cherry, 5th, and 6th Streets to facilitate efficiency and safety in the process of demolishing and stabilizing the site of the former EPB Building, as shown on the drawing attached hereto and made a part hereof by reference, the receipt of which is hereby acknowledged, Temporary Users agree as follows:

1. Temporary Users 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 Users 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 Users will provide adequate access for maintenance of any utilities located within the easement.

UNUM GROUP

_____, 2008
Date

BY: _____
_____, its _____

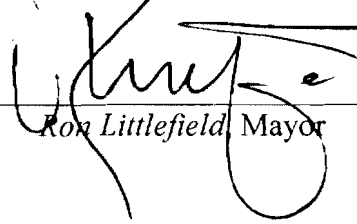
PROVIDENT LIFE AND ACCIDENT
INSURANCE COMPANY

_____, 2008
Date

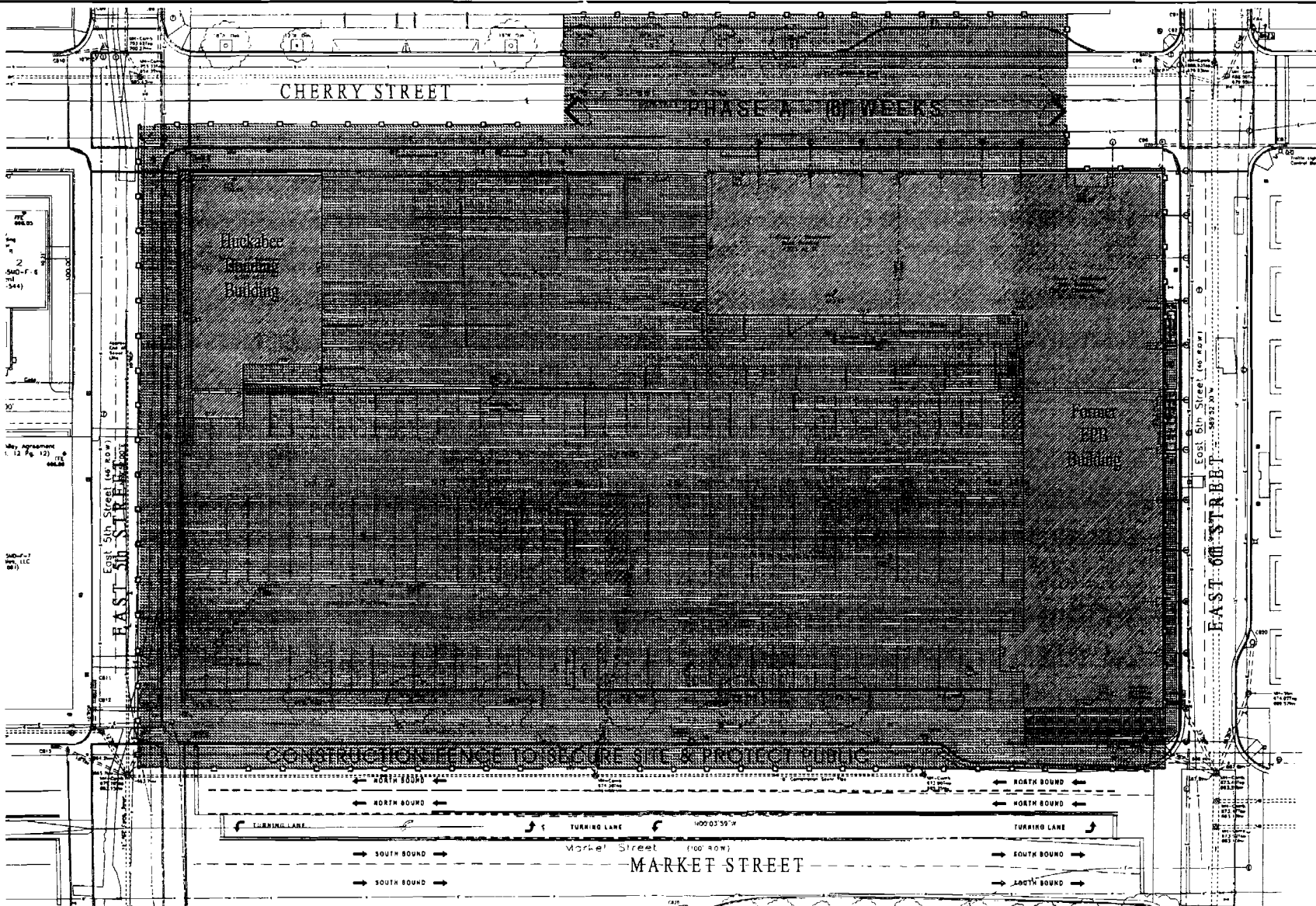
BY: _____
_____, its _____

CITY OF CHATTANOOGA, TENNESSEE

Date 1/9, 2008

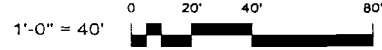
BY: 
Ron Littlefield, Mayor

/add



TENTATIVE PHASING PLAN DUE TO PUBLIC SAFETY & PROGRESS

DEMOLITION PHASE 'A' - (6) WEEKS

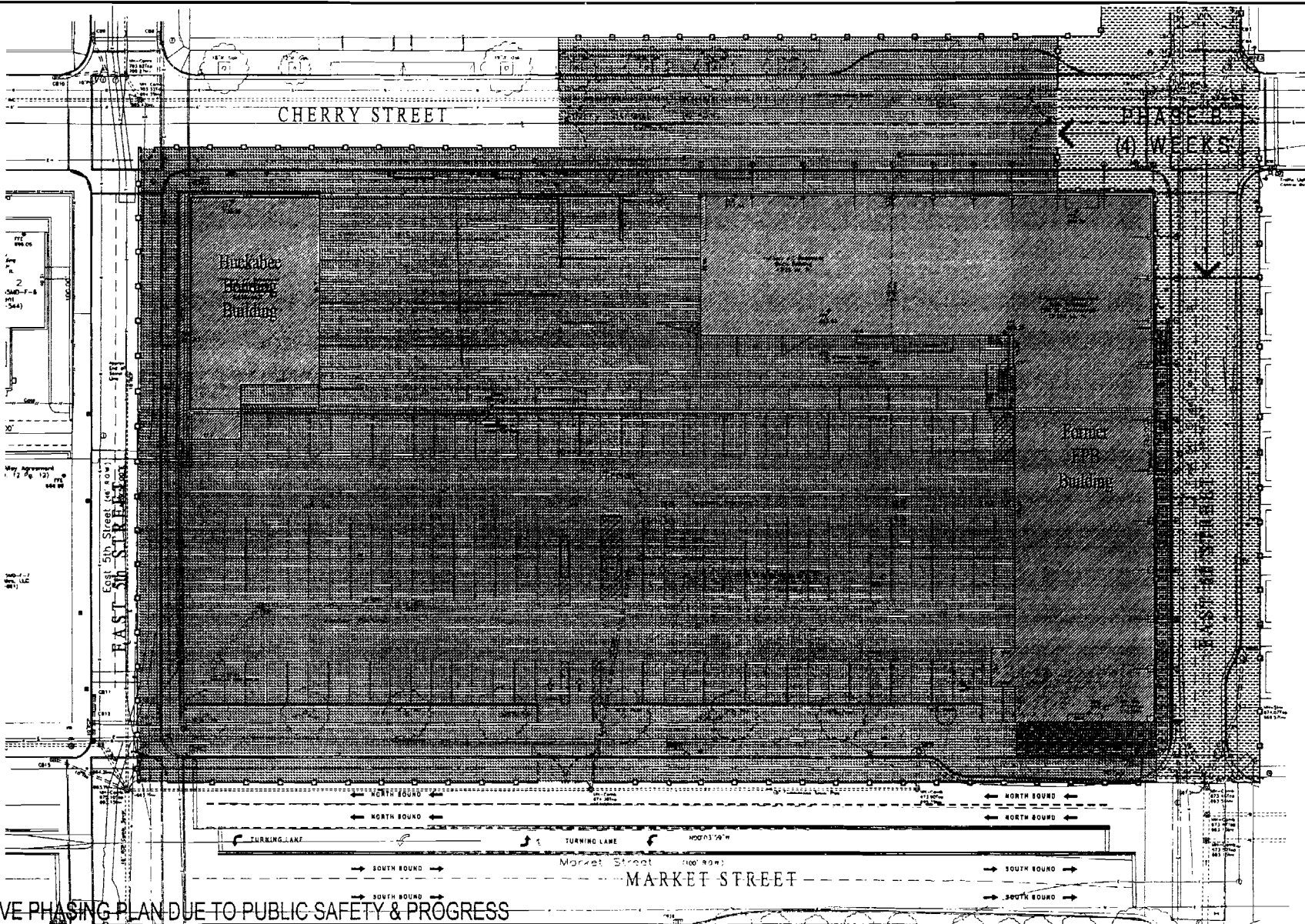


UNUM EPB SURFACE PARKING
520 Market Street Chattanooga, TN 37402



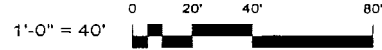
Date: December 17, 2007
Drawn: BC
Project No: 1071-P

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TENTATIVE PHASING PLAN DUE TO PUBLIC SAFETY & PROGRESS

DEMOLITION PHASE 'B' - (4) WEEKS

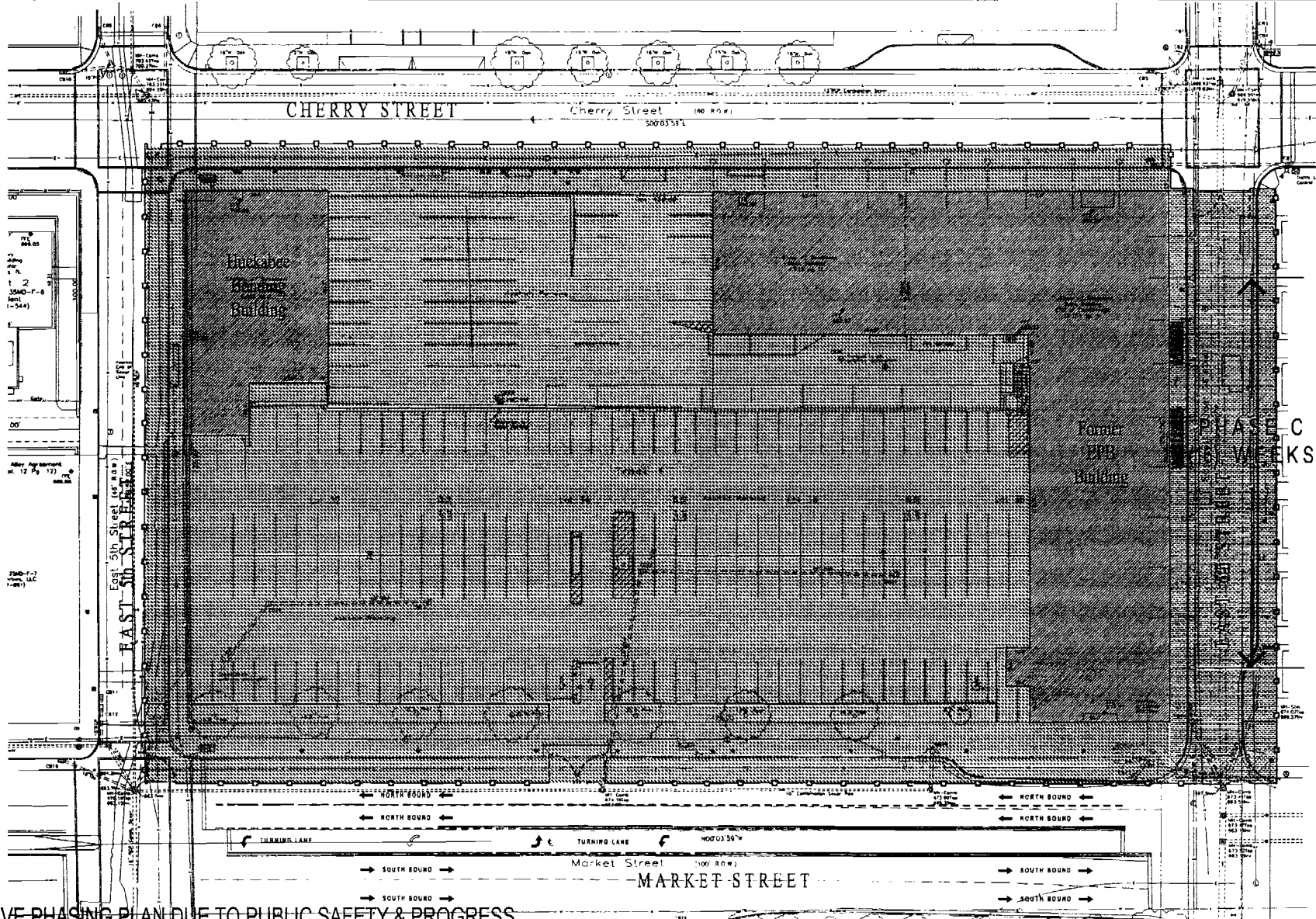


UNUM EPB SURFACE PARKING
520 Market Street Chattanooga, TN 37402

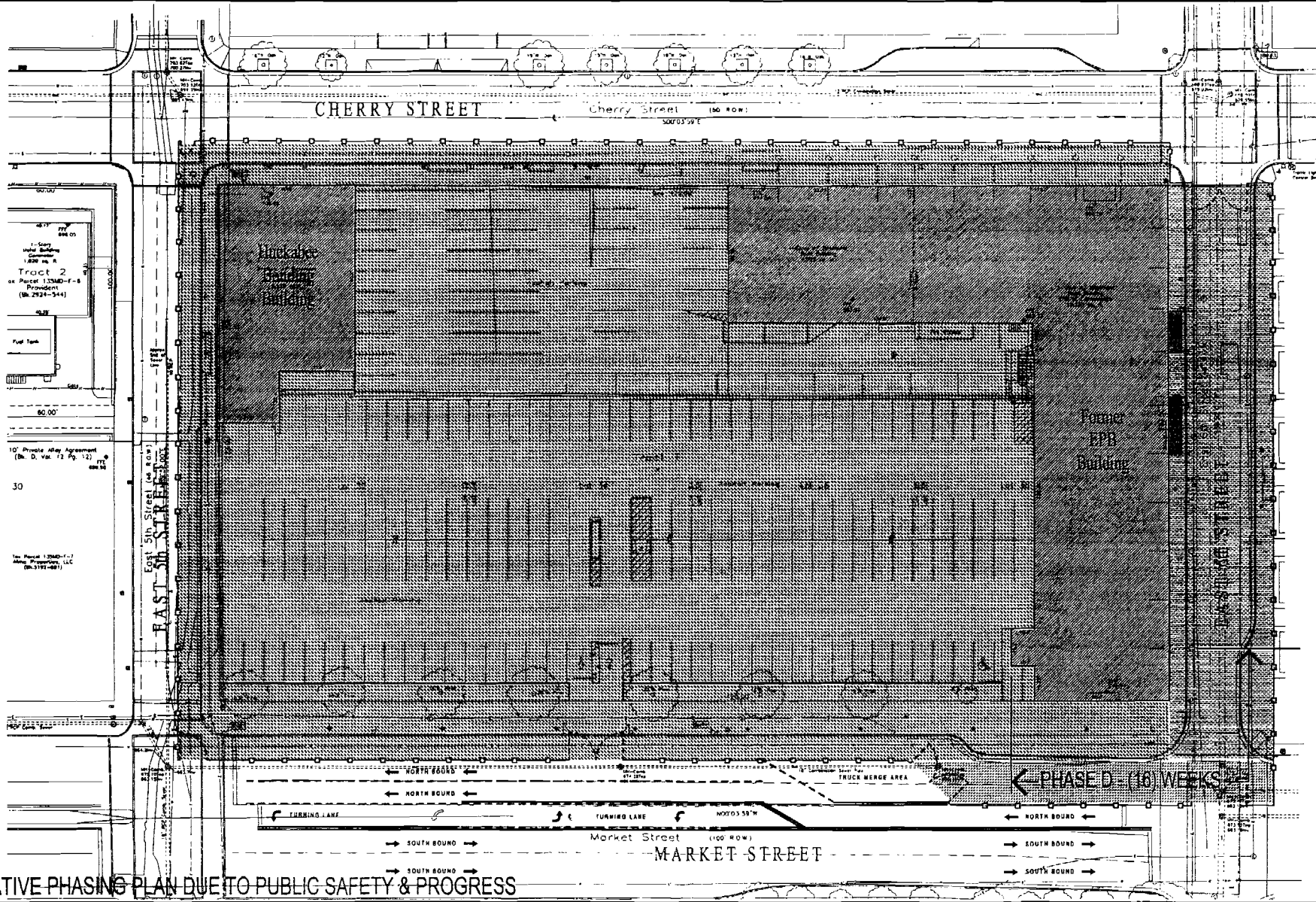


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Drawn: BC
Project No: 1071-P

Sheet: PH-B



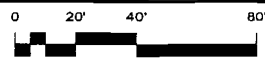
TENTATIVE PHASING PLAN DUE TO PUBLIC SAFETY & PROGRESS



TENTATIVE PHASING PLAN DUE TO PUBLIC SAFETY & PROGRESS

DEMOLITION PHASE 'D' - (16) WEEKS

1'-0" = 40'



UNUM EPB SURFACE PARKING
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Sheet: PH-D