

RESOLUTION NO. 25401

A RESOLUTION AUTHORIZING CHATTANOOGA DATA LINK, INC. TO USE TEMPORARILY THE RIGHT-OF-WAY OF WEST 8<sup>TH</sup> STREET NEAR THE INTERSECTION WITH CHESTNUT TO INSTALL TWO (2) 1.25" HDPE SCHEDULE 40 CONDUITS, ONE FOR FIBER OPTIC CABLE WITH A TRACER WIRE, AND THE OTHER WILL REMAIN VACANT FOR EMERGENCY RESTORATION, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga Data Link, Inc. (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way of West 8<sup>th</sup> Street near the intersection with Chestnut to install two (2) 1.25" HDPE Schedule 40 conduits, one for fiber optic cable with a tracer wire, and the other will remain vacant for emergency restoration, 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. The conditions stated on the Memorandum attached hereto and made a part hereof by reference.
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: January 29, 2008

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and CHATTANOOGA DATA LINK, INC. (hereinafter "Temporary User"), this 29<sup>th</sup> day of JANUARY, 2008.

For and in consideration of the granting of the temporary usage of the right-of-way of West 8<sup>th</sup> Street near the intersection with Chestnut to install two (2) 1.25" HDPE Schedule 40 conduits, one for fiber optic cable with a tracer wire, and the other will remain vacant for emergency restoration, as shown on the drawing 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 comply with the conditions stated on the Memorandum attached hereto and made a part hereof by reference.

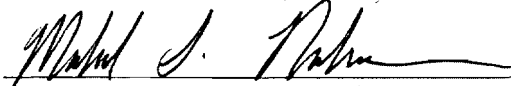
2. Temporary User will defend, and hold harmless the City of Chattanooga, Tennessee, its officers, agents and employees from any and all claims for damages for injuries to persons or property related to or arising out of the aforementioned temporary use.

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.

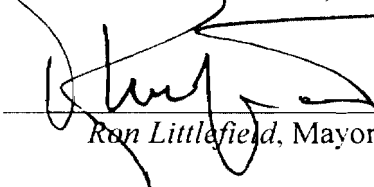
2/20, 2008  
Date

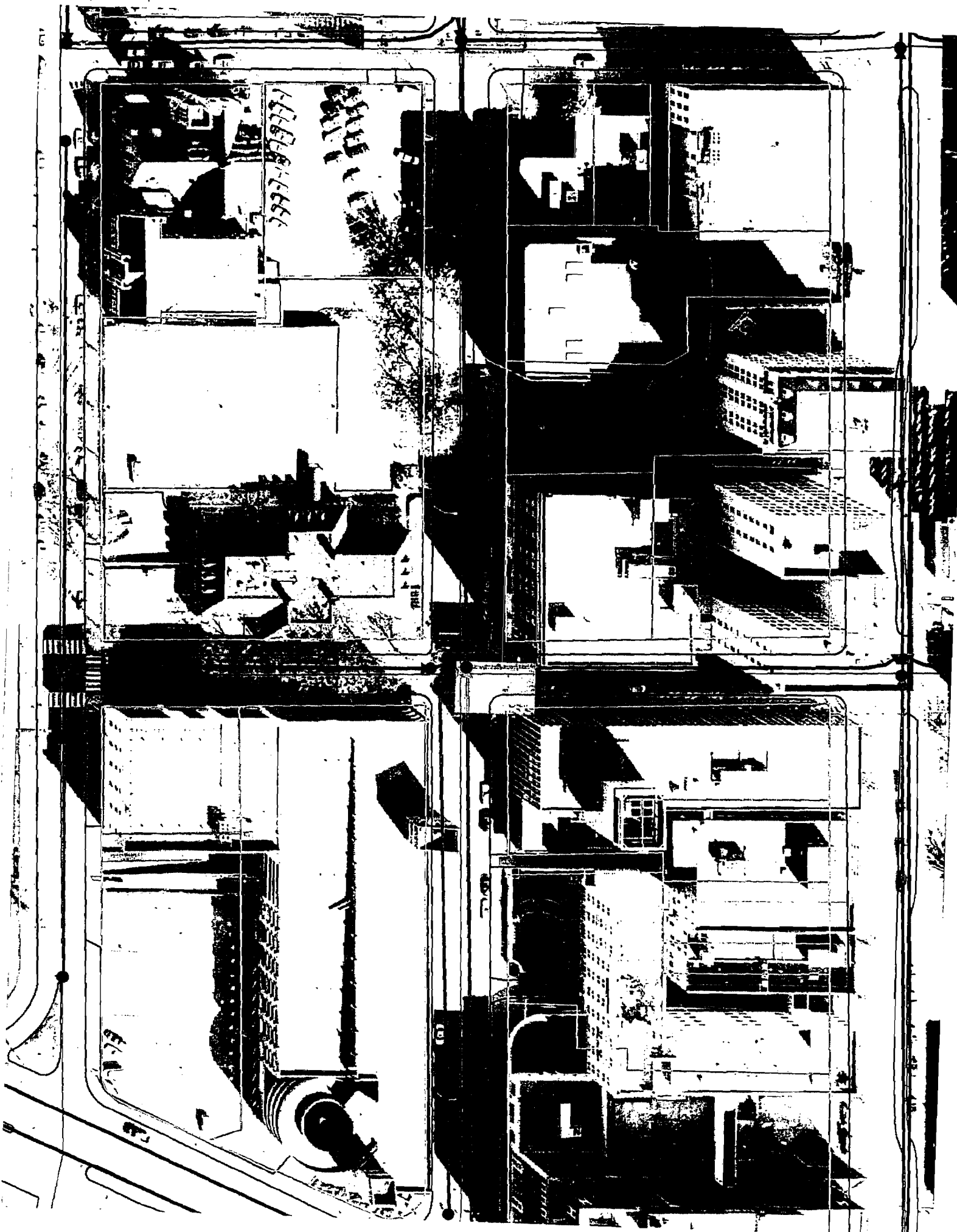
CHATTANOOGA DATA LINK, INC.

BY: , its \_\_\_\_\_

1/31/08, 2008  
Date

CITY OF CHATTANOOGA, TENNESSEE

BY:   
Ron Littlefield, Mayor



# Memorandum

**To:** Bill Payne

**From:** Bill Cannon

**Date:** December 20, 2007

**Re:** Temporary Usage Request #1227  
Chattanooga Data Link / Michael Richardson  
Right Of Way at intersection of Chestnut St. and W. 8<sup>th</sup> St.  
Recommendations Regarding Temporary Usage Request

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I have completed my review of Chattanooga Data Link's request regarding the Temporary Usage of the ROW / W. 8<sup>th</sup> Street beginning at the manhole and point of intersection between Chestnut Street and W. 8<sup>th</sup> Street and the sidewalk adjacent to the North side of the Pioneer Bldg at 801 Broad Street. The request is regarding the Temporary Use of this ROW to saw cut approximately an 18' long by 2' wide section for the installation of two conduits and fiber optic cable with a tracer wire. Please refer to the attached map. My comments are as follows:

- The existing ROW at this location is approximately 40' in width.
- The saw cut will be adjacent to existing CATV and TELCO lines.

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.***