

RESOLUTION NO. 25449

A RESOLUTION AUTHORIZING DEFOOR BROTHERS DEVELOPMENT TO USE TEMPORARILY THE RIGHT-OF-WAY ALONG LIFESTYLE WAY AND ELAM LANE TO INSTALL A YARD SPRINKLER SYSTEM FOR WATERING THE LANDSCAPING, MORE PARTICULARLY DESCRIBED HEREIN AND 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 Defoor Brothers Development (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way along Lifestyle Way and Elam Lane to install a yard sprinkler system for watering the landscaping, 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. 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: March 4, 2008

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and DEFOOR BROTHERS DEVELOPMENT (hereinafter "Temporary User"), this 4th day of March, 2008.

For and in consideration of the granting of the temporary usage of the right-of-way along Lifestyle Way and Elam Lane to install a yard sprinkler system for watering the landscaping, 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:

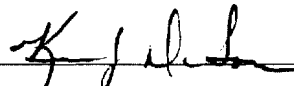
1. Temporary User will defend, and hold harmless the City of Chattanooga, Tennessee, its officers, agents and employees from any and all claims for damages for injuries to persons or property related to or arising out of the aforementioned temporary use.

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.

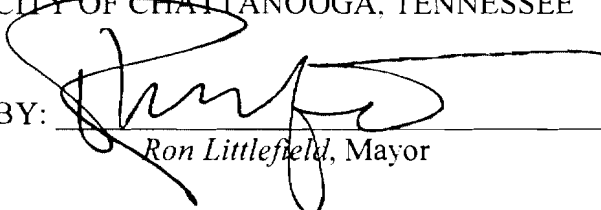
DEFOOR BROTHERS DEVELOPMENT

3-20 -, 2008  
Date

BY:   
Printed Name & Title: \_\_\_\_\_

CITY OF CHATTANOOGA, TENNESSEE

March 7, 2008  
Date

BY:   
Ron Littlefield, Mayor

/add

I-75 N

NAPIER DRIVE

PARCEL 1  
±10.17 AC.

RETAIL  
12,350 SF  
ALT. LIBRARY

RETAIL  
14,490 SF

RETAIL  
25,000 SF

RETAIL  
15,304 SF

*church*

CIVIC SPACE

LIFE STYLE

TEMPORARY POND  
FOR YARD SPRINKLERS  
AROUND POND IN  
CITY STREET RIGHT-OF-WAY

PARCEL 7  
±3.43 AC.

PARCEL 2  
±4.66 AC.

RETAIL  
21,300 SF

RETAIL  
15,000 SF

DINING  
8,500 SF

DINING  
8,500 SF

PARCEL 3  
±9.51 AC.

HOTEL  
14,326 SF

NEW ROAD

MCCUTCHEN RD

SPHLOWFORD RD

50.00'

