

RESOLUTION NO. 25461

A RESOLUTION AUTHORIZING BAL HARBOR HOMEOWNERS' ASSOCIATION TO USE TEMPORARILY THE MEDIAN IN THE BAL HARBOR CIRCLE TO PLANT TREES ALONG THE MEDIAN, 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 Bal Harbor Homeowners' Association (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the median in the Bal Harbor Circle to plant trees along the median, 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 25, 2008

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and BAL HARBOR HOMEOWNERS' ASSOCIATION (hereinafter "Temporary User"), this 25th day of March, 2008.

For and in consideration of the granting of the temporary usage of the median in the Bal Harbor Circle to plant trees along the median, 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.

BAL HARBOR HOMEOWNERS' ASSOCIATION

4/14/08, 2008
Date

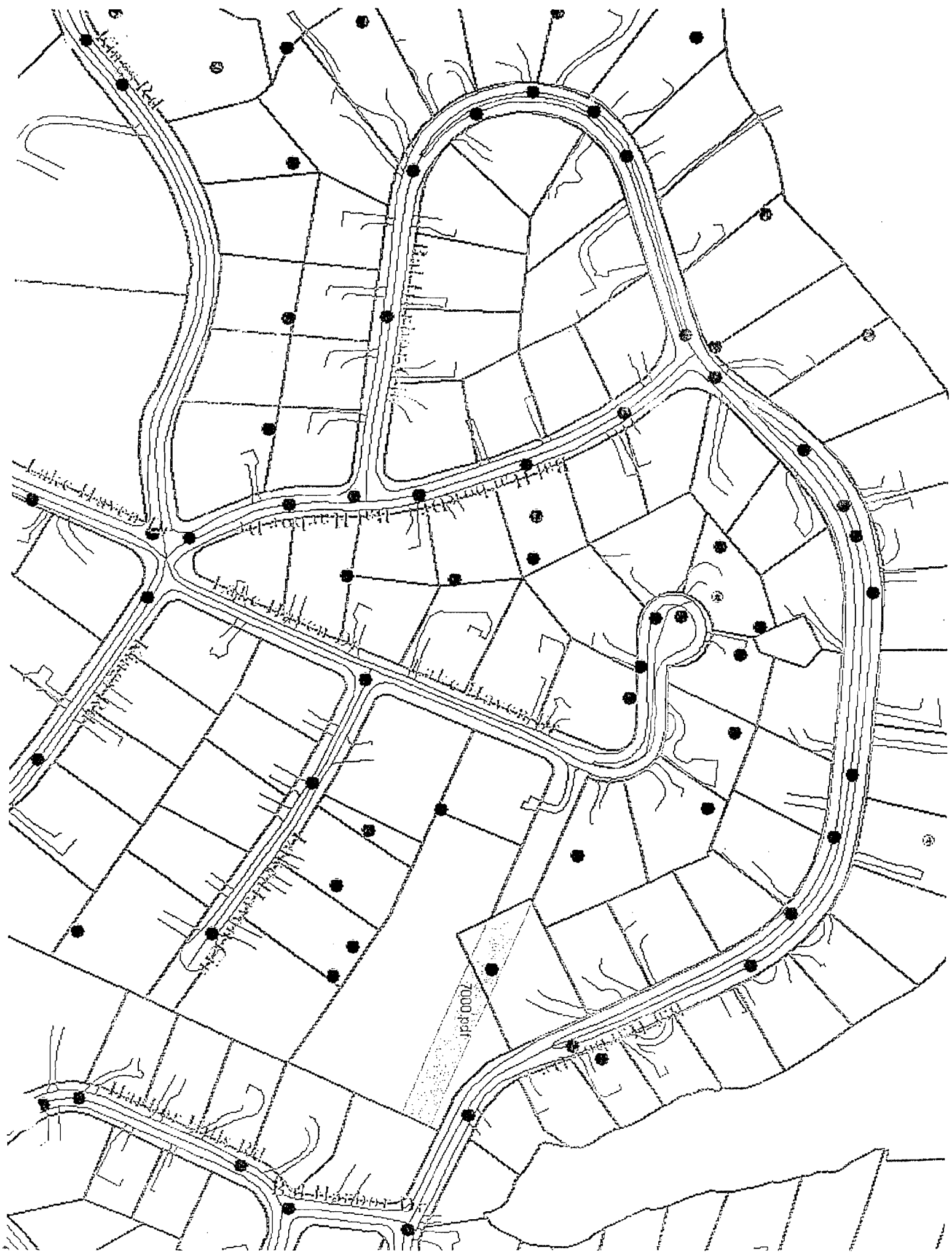
BY: William D. Halson

~~CITY OF CHATTANOOGA, TENNESSEE~~

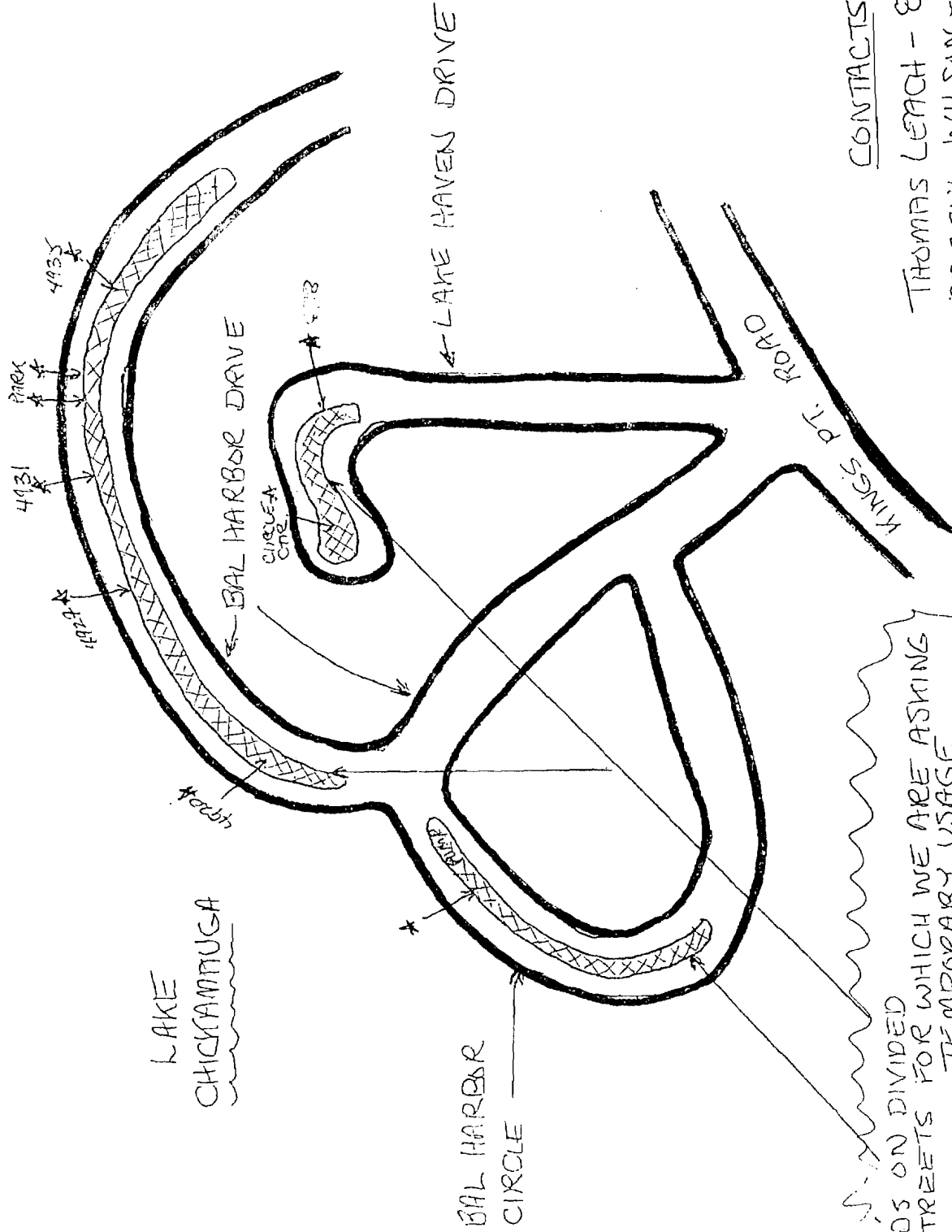
3/31/08, 2008
Date

BY: [Signature]
Ron Littlefield, Mayor





BAL HARBOR SUBDIVISION



CONTACTS

THOMAS LEACH - 894-7709
 DARRYL WILSON - 903-1740
 BAL HARBOR HOMEOWNERS' ASSOCIATION

ISLANDS ON DIVIDED STREETS FOR WHICH WE ARE ASKING TEMPORARY USAGE

NEW TREE LOCATIONS *
 9 TREES TOTAL