

RESOLUTION NO. 25535

A RESOLUTION AUTHORIZING ALAN SOLON TO USE TEMPORARILY THE RIGHT-OF-WAY AT THE INTERSECTION OF RIVER GORGE DRIVE, WILDROSE LANE, AND AETNA MOUNTAIN TO INSTALL A CONTROL GATE FOR THE CONSTRUCTION ENTRANCE FOR CURRENT AND FUTURE DEVELOPMENT, 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 Alan Solon (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way at the intersection of River Gorge Drive, Wildrose Lane, and Aetna Mountain to install a control gate for the construction entrance for current and future development, 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 provide shared access through a control gate to any developed or undeveloped tracts bordering and west of River Gorge Drive and Wildrose Lane where property owners do not have alternatives to with respect to said access.
2. Temporary User shall be responsible for communicating the process of obtaining access to the controlled area to affected property owners.
3. 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.

4. Temporary User agrees to vacate the property and temporary use upon reasonable notice from the City to do so.

5. Temporary User shall provide adequate access for maintenance of any utilities located within the easement.

ADOPTED: May 13, 2008

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and ALAN SOLON (hereinafter "Temporary User"), this 13th day of May, 2008.

For and in consideration of the granting of the temporary usage of the right-of-way at the intersection of River Gorge Drive, Wildrose Lane, and Aetna Mountain to install a control gate for the construction entrance for current and future development, 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 shall provide shared access through a control gate to any developed or undeveloped tracts bordering and west of River Gorge Drive and Wildrose Lane where property owners do not have alternatives to with respect to said access.
2. Temporary User shall be responsible for communicating the process of obtaining access to the controlled area to affected property owners.
3. 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.
4. 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.
5. Temporary User will provide adequate access for maintenance of any utilities located within the easement.

ALAN SOLON

_____, 2008
Date

BY: _____

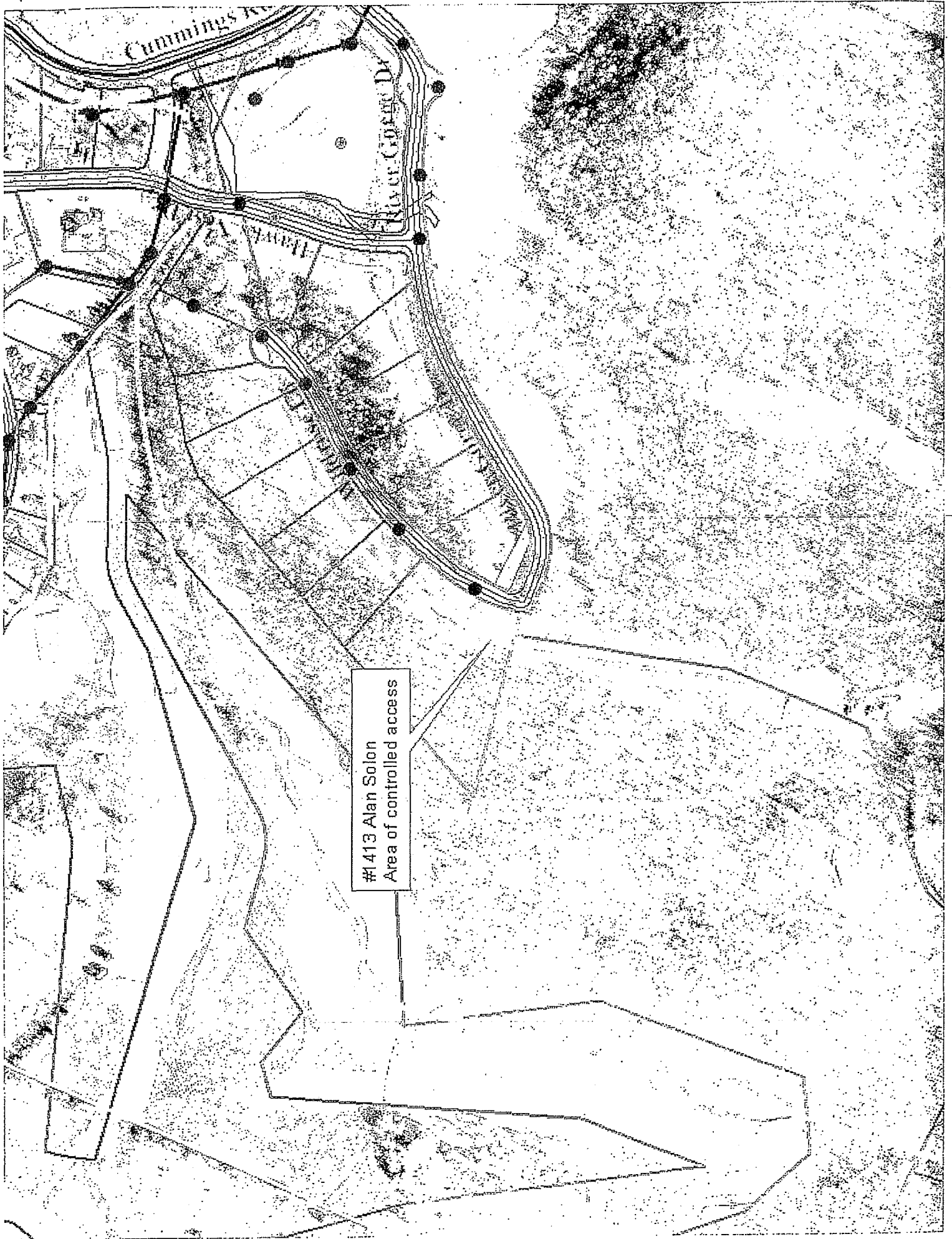
CITY OF CHATTANOOGA, TENNESSEE

06/02/08, 2008
Date

BY: _____

Ron Littlefield, Mayor

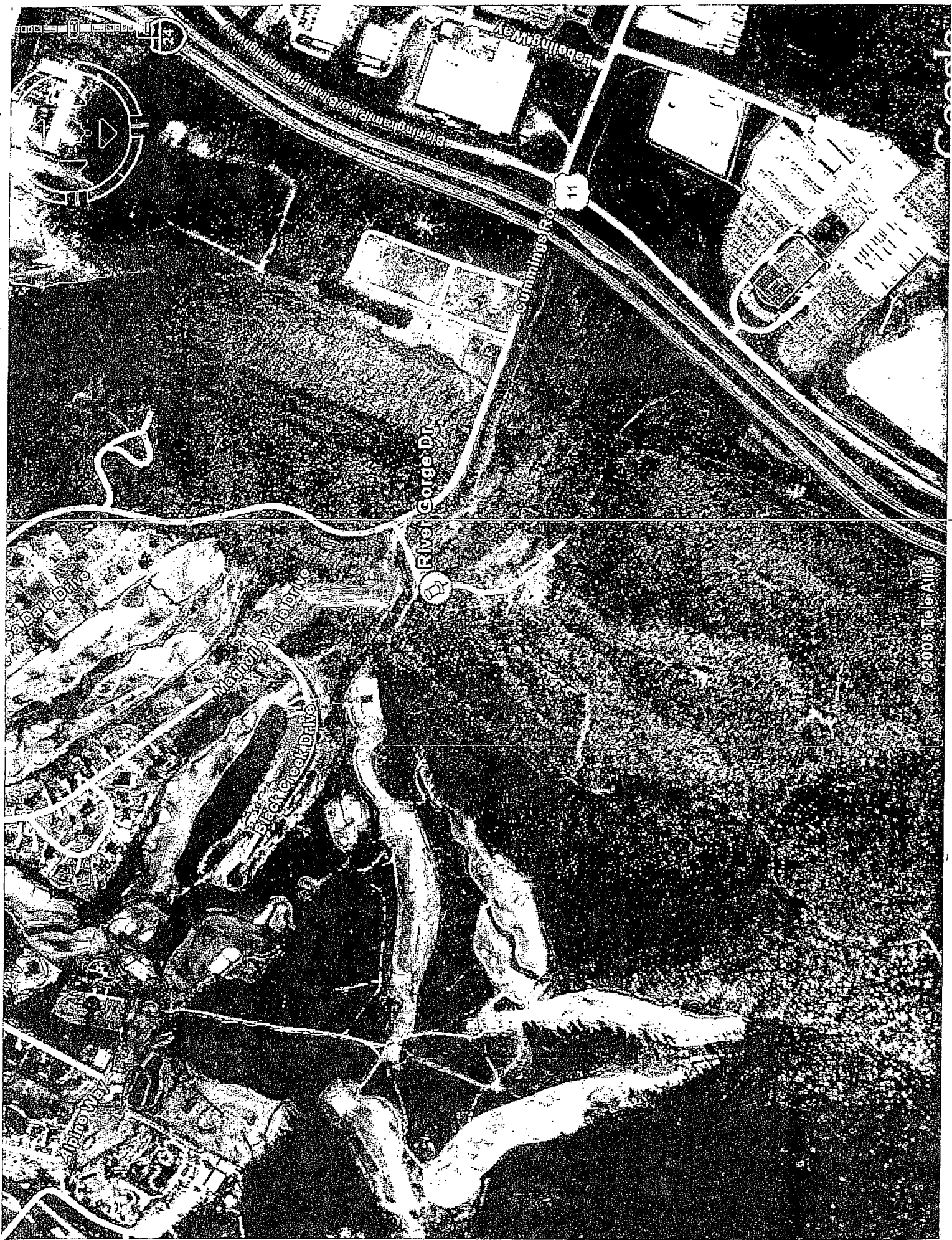
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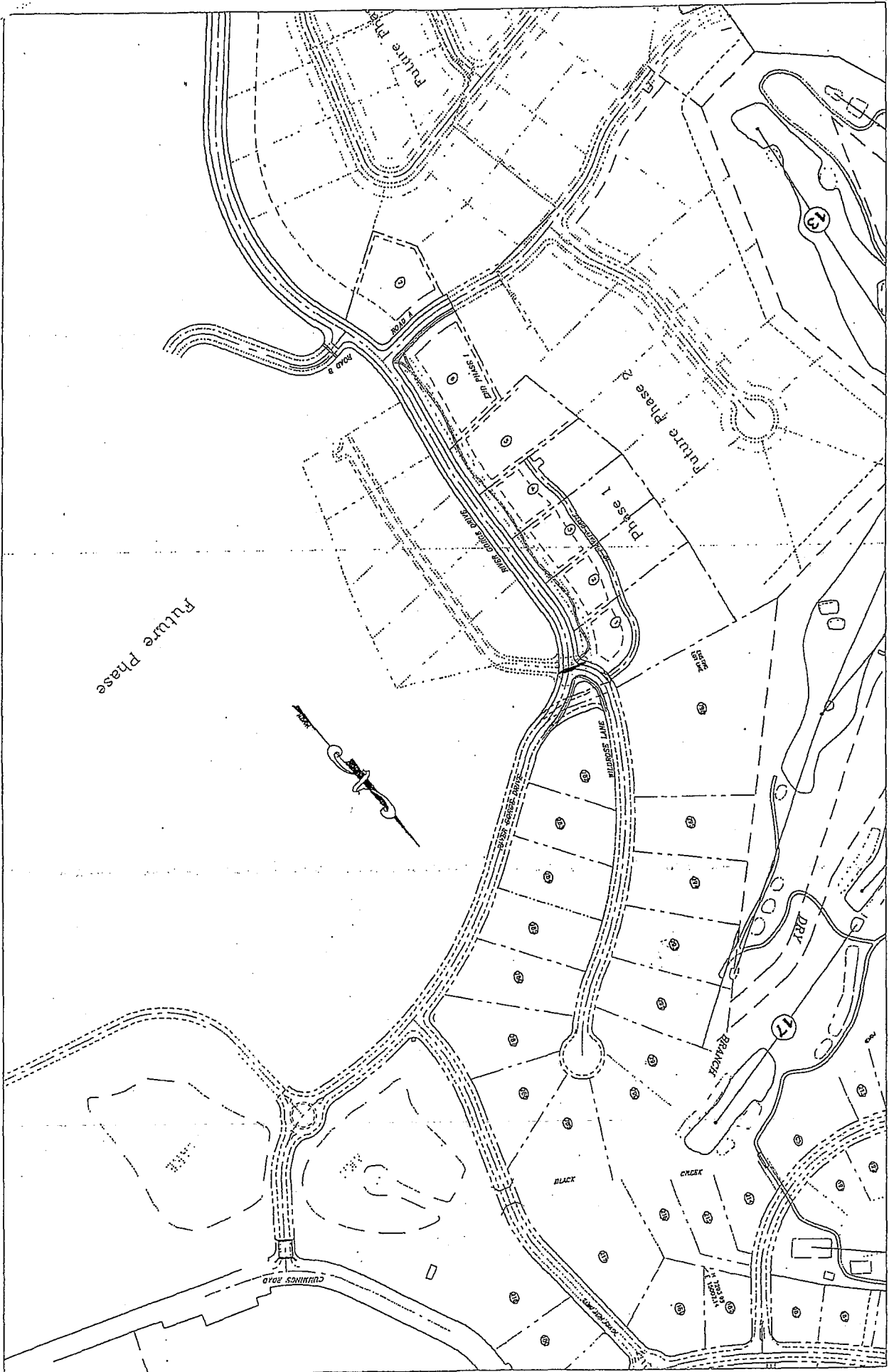


Cummins Key

River of God

#113 Alan Solon
Area of controlled access





Future Phase

