

RESOLUTION NO. 25637

A RESOLUTION AUTHORIZING TODD McCAIN TO USE TEMPORARILY THE RIGHT-OF-WAY AT MANCHESTER AVENUE AND GLENN ROAD TO INSTALL A BACK ENTRANCE AT THE PROPERTY, 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 Todd McCain (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way at Manchester Avenue and Glenn Road to install a back entrance to the property, as shown on the drawing attached hereto and made a part hereof by reference.

BE IT FURTHER ORDAINED, That said temporary usage shall be subject to the following 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: September 2, 2008

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and TODD McCAIN (hereinafter "Temporary User"), this the 2nd day of September, 2008.

For and in consideration of the granting of the right-of-way at Manchester Avenue and Glenn Road to install a back entrance to the property, 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.

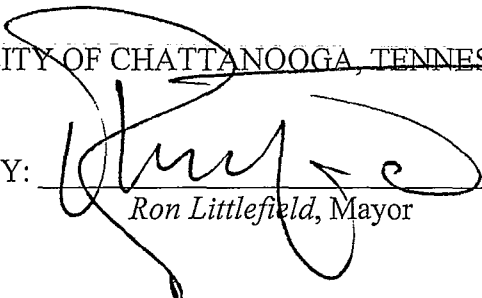
TODD McCAIN

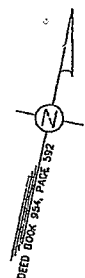
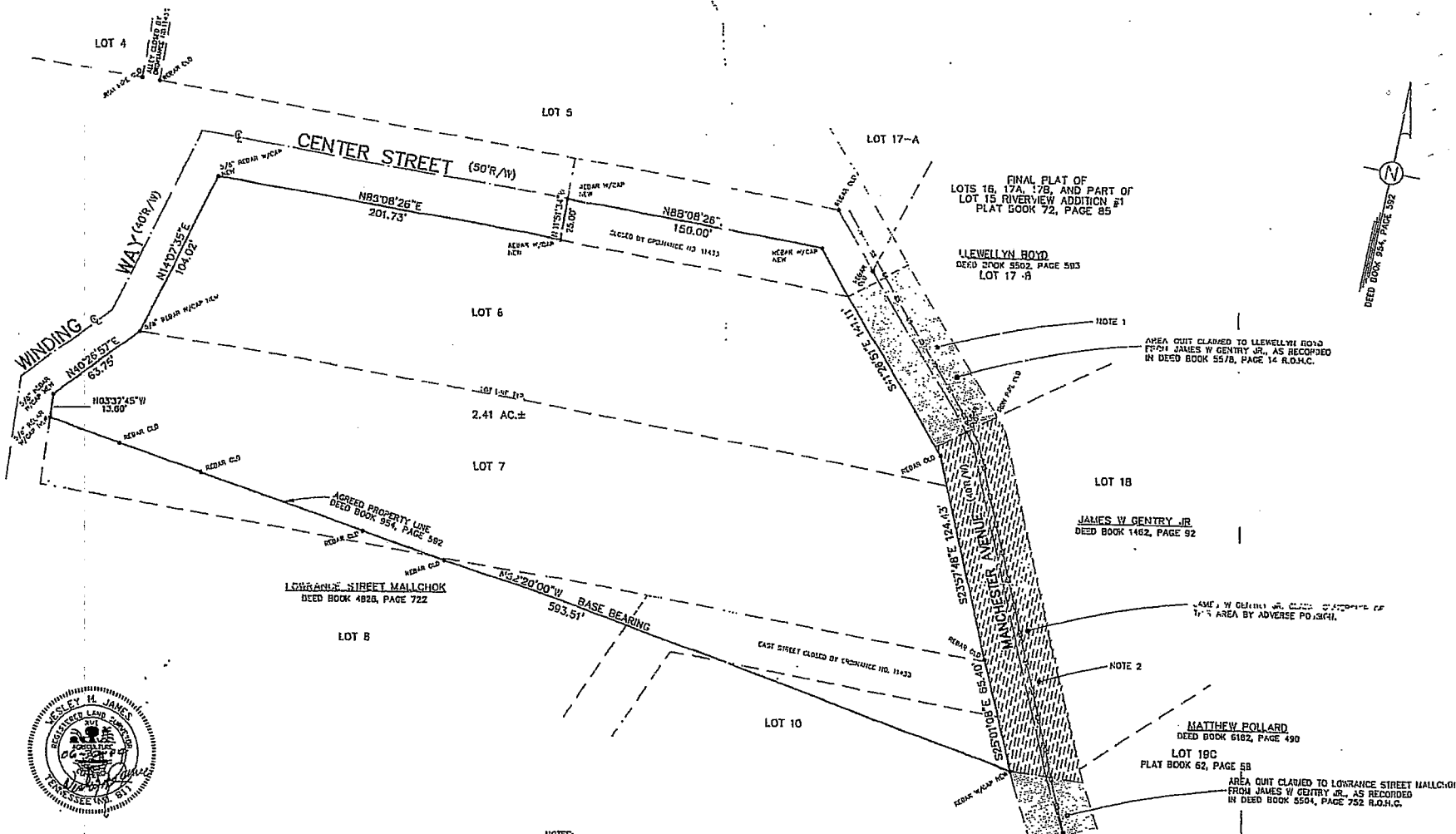
9-9, 2008  
Date

BY: 

9/8, 2008  
Date

CITY OF CHATTANOOGA, TENNESSEE

BY:   
Ron Littlefield, Mayor



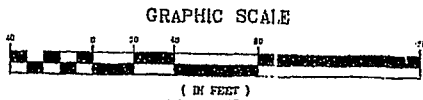
**SURVEYOR'S STATEMENT**

THIS PLAN REPRESENTS A BOUNDARY SURVEY OF THE PARTS THERE DESCRIBED AS MADE TO THE ORIGINAL OWNER AND OWNER HERETOFORE AS SHOWN ON THE RECORDS IF IT IS NOT FEASIBLE TO ACCORDING REFERENCES TO SURVEYING RECORDS ANY LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON FIELD RECORDS AND RECORDS SEARCHED. THE SURVEYOR HAS NO KNOWLEDGE OF ANY CONCEALED UTILITIES OR STRUCTURES THAT MAY BE LOCATED ON THE PROPERTY. THE SURVEYOR HAS NO KNOWLEDGE OF ANY CONCEALED UTILITIES OR STRUCTURES THAT MAY BE LOCATED ON THE PROPERTY. THE SURVEYOR HAS NO KNOWLEDGE OF ANY CONCEALED UTILITIES OR STRUCTURES THAT MAY BE LOCATED ON THE PROPERTY.

W.M. JAMES  
REGISTERED LAND SURVEYOR  
STATE OF TENNESSEE

**NOTES:**

1. PLAT BOOK 72, PAGE 85 INDICATES THIS PORTION OF MANCHESTER AVENUE WILL BE ABANDONED BY CASE 12003-52. CASE 12003-52 BECAME ORDINANCE #11433. THIS ORDINANCE ABANDONED RIGHT OF WAYS OF AN UNOPENED ALLEY BETWEEN LOTS 4 & 5. A PORTION OF CENTER STREET BETWEEN LOTS 5 & 6 AND EAST STREET FROM GLENN ROAD TO MANCHESTER AVENUE.
2. ACCORDING TO THE CITY OF CHATTANOOGA INFORMATION DEPARTMENT, MANCHESTER AVENUE HAS NOT BEEN ABANDONED FROM THE NORTHERN RIGHT OF WAY OF GLENN ROAD TO THE NORTHERN RIGHT OF WAY OF CENTER STREET.



REVISIONS		DATE	
NO.			

**THE OEHMIG COMPANY**

**BOUNDARY SURVEY**

LOT 6, PART OF LOTS 7, 8, 10 AND A PART OF CENTER AND E STREET CLOSED BY ORDINANCE NO. 11433, RIVERVIEW ADDITION NUMBER 1, PLAT BOOK 6, PAGE 63, DEED BOOK 2659, PAGE R.O.H.C., CITY OF CHATTANOOGA, HAMILTON COUNTY, TENNESSEE

DRAWN BY: BK	CHECKED: WJ/JRW	APPROVED: WJ
SCALE: 1" = 40'	FIELD: JUNE 24, 2004	DATE: JUNE 29,
		SHEET NO. 1