

RESOLUTION NO. 25916

A RESOLUTION AUTHORIZING KAREN L. LOVELESS TO USE TEMPORARILY THE RIGHT-OF-WAY AT 116 CROSS STREET TO INSTALL A SIX (6') FOOT WIDE HANDICAP RAMP THAT WILL SERVICE A NEW BANQUET SPACE CURRENTLY UNDER CONSTRUCTION, AS SHOWN ON THE DRAWINGS 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 Karen L. Loveless (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way at 116 Cross Street to install a six (6') foot wide handicap ramp that will service a new banquet space currently under construction, as shown on the drawings 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 handicapped ramp must meet ADA standards.
2. The construction and installation of the handicapped ramp must meet all City of Chattanooga codes and requirements.
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 5, 2009

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and KAREN L. LOVELESS (hereinafter "Temporary User"), this 5th day of May, 2009.

For and in consideration of the granting of the temporary usage of the right-of-way at 116 Cross Street to install a six (6') foot wide handicap ramp that will service a new banquet space currently under construction, as shown on the drawings attached hereto and made a part hereof by reference, the receipt of which is hereby acknowledged, Temporary User agrees as follows:

1. The handicapped ramp must meet ADA standards.
2. The construction and installation of the handicapped ramp must meet all City of Chattanooga codes and requirements.
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.

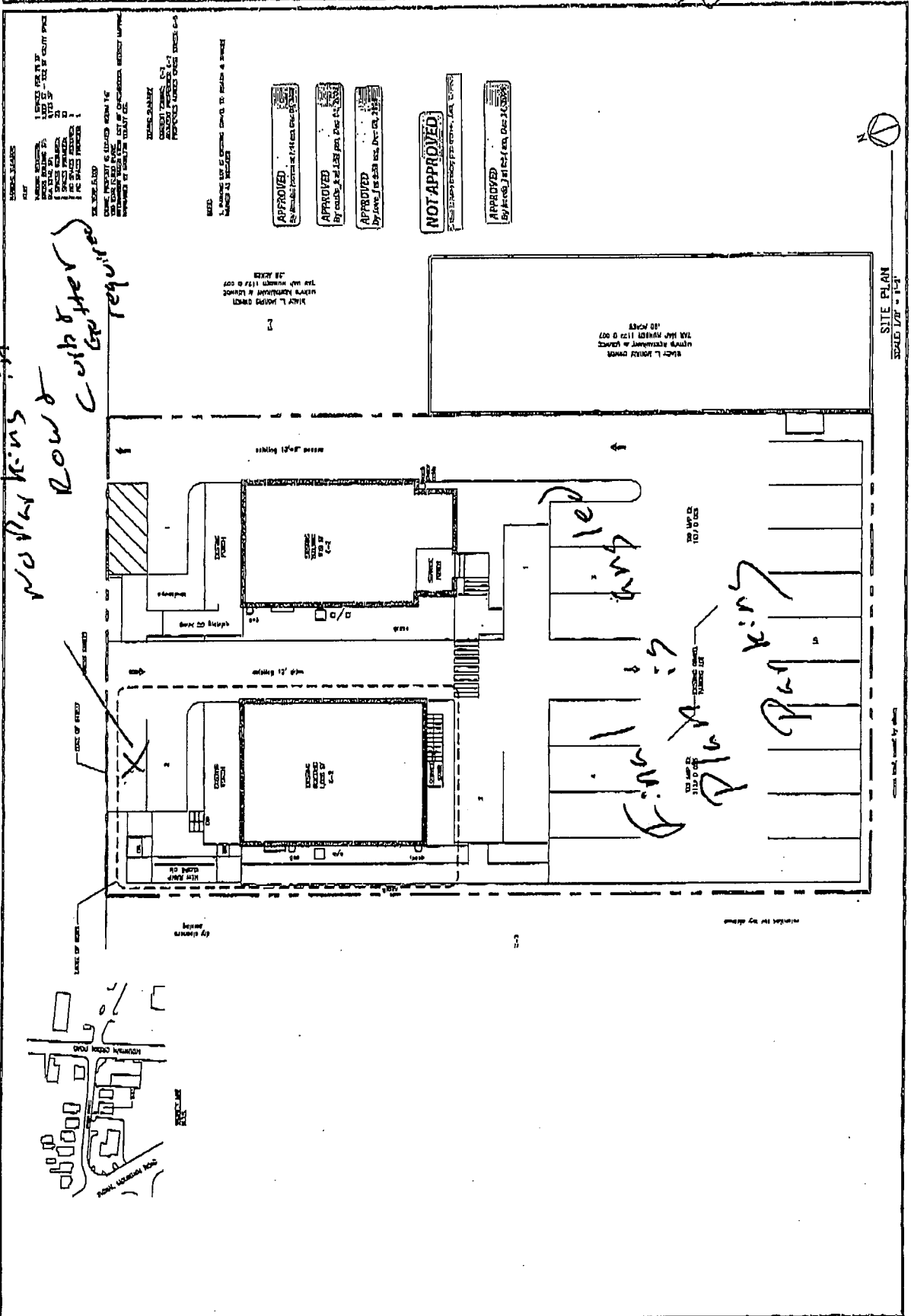
_____, 2009
Date

Karen Loveless

May 7, 2009
Date

CITY OF CHATTANOOGA, TENNESSEE

BY: [Signature]
Ron Littlefield, Mayor





Temp Use #1913
Karen Lovless