

RESOLUTION NO. 25970

A RESOLUTION AUTHORIZING SANJAY ACTUARYA, ON BEHALF OF DELIGHT HOSPITALITY, LLC, TO USE TEMPORARILY THE RIGHT-OF-WAY AT 7725 LEE HIGHWAY TO PLANT SHRUBS, AS SHOWN ON THE MAP AND 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 Sanjay Actuarya, on behalf of Delight Hospitality, LLC, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way at 7725 Lee Highway to plant shrubs, as shown on the map and 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. Planting and landscaping shall be subject to the City Traffic Engineer and the City Forester.
2. Temporary User is to verify the location (Tennessee One Call) of all underground utilities in the right of way to prevent damage.
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: June 23, 2009

/mms

INDEMNIFICATION AGREEMENT

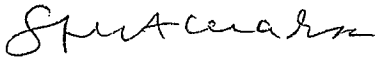
This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and SANJAY ACTUARYA, on behalf of DELIGHT HOSPITALITY, LLC (hereinafter "Temporary User"), this 23 day of June, 2009.

For and in consideration of the granting of the temporary usage of the right-of-way at 7725 Lee Highway to plant shrubs, as shown on the map and drawing attached hereto and made a part hereof by reference, the receipt of which is hereby acknowledged, Temporary User agrees as follows:

1. Planting and landscaping shall be subject to the City Traffic Engineer and the City Forester.
2. Temporary User is to verify the location (Tennessee One Call) of all underground utilities in the right of way to prevent damage.
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.

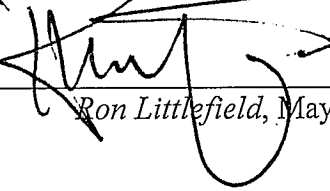
DELIGHT HOSPITALITY, LLC

7.1., 2009
Date

BY: 
Sanjay Actuarya
(Print Name)

~~CITY OF CHATTANOOGA, TENNESSEE~~

6/26/, 2009
Date

BY: 
Ron Littlefield, Mayor