

RESOLUTION NO. 25996

A RESOLUTION AUTHORIZING CUSTOM DESIGN, ON BEHALF OF JEFF SIMS, TO USE TEMPORARILY THE RIGHT-OF-WAY AT 409 BROAD STREET TO INSTALL AN AWNING AND SIGNAGE, AS SHOWN ON THE DRAWINGS 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 Custom Design, on behalf of Jeff Sims, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way at 409 Broad Street to install an awning and signage, 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 conditions:

1. The awning and sign shall meet the minimum elevation of eight feet (8') from their base to the top of the existing surface/sidewalk.
2. 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.
3. Temporary User agrees to vacate the property and temporary use upon reasonable notice from the City to do so.
4. Temporary User shall provide adequate access for maintenance of any utilities located within the easement.

ADOPTED: July 7, 2009

/add

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and CUSTOM DESIGN, on behalf of JEFF SIMS, (hereinafter "Temporary User"), this 7<sup>th</sup> day of July, 2009.

For and in consideration of the granting of the temporary usage of the right-of-way at 409 Broad Street to install an awning and signage, 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 awning and sign shall meet the minimum elevation of eight feet (8') from their base to the top of the existing surface/sidewalk.

2. 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.

3. 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.

4. Temporary User will provide adequate access for maintenance of any utilities located within the easement.

CUSTOM DESIGN/JEFF SIMS

7-10-09, 2009  
Date

BY: Maunette Beck  
Jeff Sims

CITY OF CHATTANOOGA, TENNESSEE

7-10, 2009  
Date

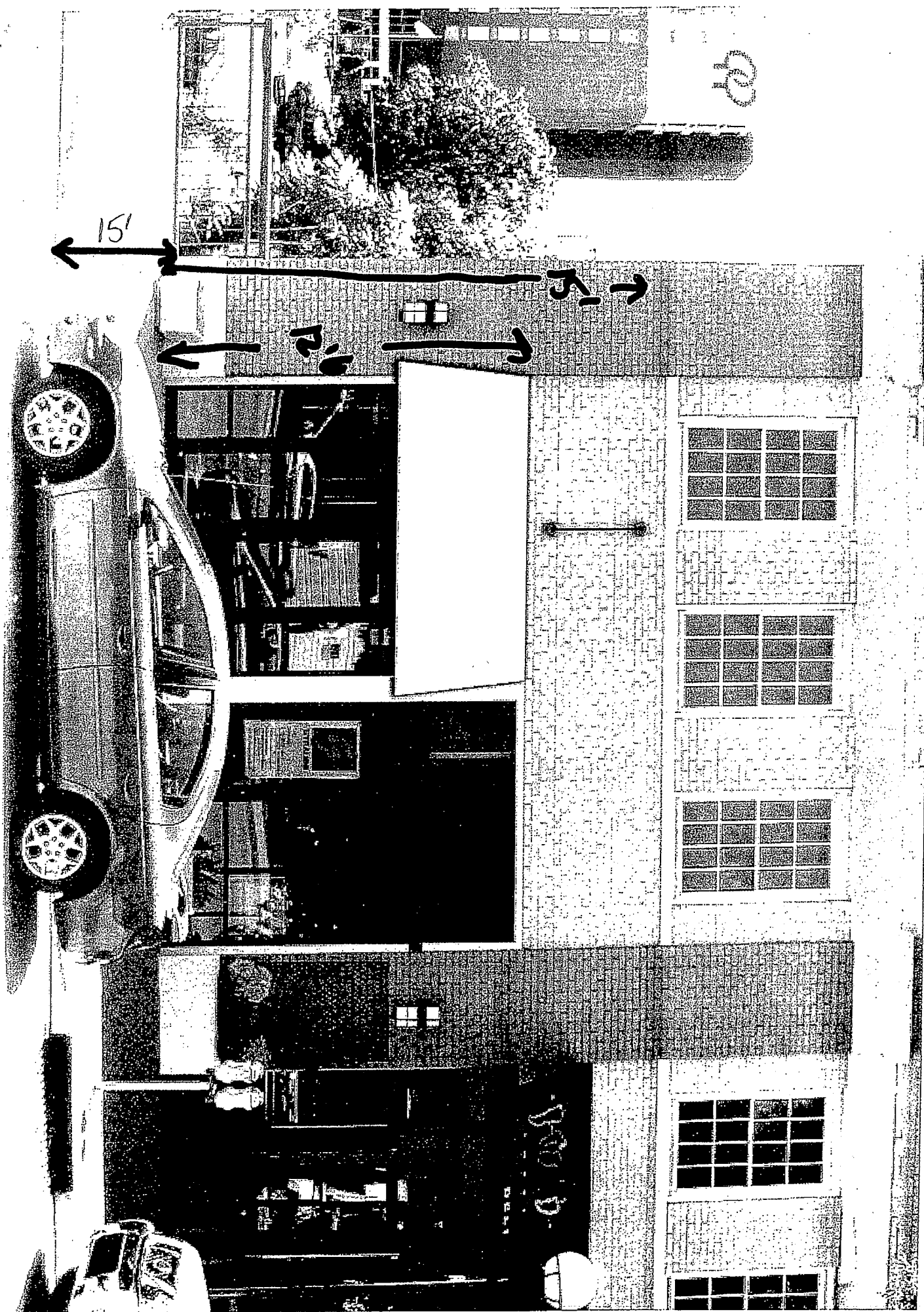
BY: [Signature]  
Ron Littlefield, Mayor.



W 4TH ST

Temp Use #35497  
Jeff Sims (Pino Gelato)

W 5TH ST



15'

12'

12'

12'

12'



↑ ---  
3' x 42"



10'7" x  
54"0" x 48" P



8'

