

RESOLUTION NO. 26014

A RESOLUTION AUTHORIZING GUS NOLL TEMPORARY USAGE TO MAINTAIN AN ALLEY THAT RUNS ALONG THE WEST SIDE OF 4201 ST. ELMO AVENUE TO INSTALL A MOVABLE FENCE TO PREVENT TRESPASSING AND TO MAINTAIN THE OVERGROWTH, 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 Gus Noll (hereinafter referred to as "Temporary User") be and is hereby permitted to temporarily maintain an alley that runs along the west side of 4201 St. Elmo Avenue to install a movable fence to prevent trespassing and to maintain the overgrowth, 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 conditions:

1. The fence shall be placed across the right-of-way beginning at the Temporary User's southwest property corner bisecting said right-of-way across the subject right-of-way to the southeast property corner of 4200 Alabama Avenue.
2. Temporary User must take precautions to assure no contact is made with said sanitary sewer in the right-of-way.
3. Temporary User must provide permanent access to the existing infrastructure (sanitary sewer).
4. 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.
5. Temporary User agrees to vacate the property and temporary use upon reasonable notice from the City to do so.

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

ADOPTED: July 28, 2009

/mms

INDEMNIFICATION AGREEMENT


This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and GUS NOLL, (hereinafter "Temporary User"), this 28th day of JULY, 2009.

For and in consideration of the granting of the temporary usage of an alley that runs along the west side of 4201 St. Elmo Avenue to install a movable fence to prevent trespassing and to maintain the overgrowth, 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. The fence shall be placed across the right-of-way beginning at the Temporary User's southwest property corner bisecting said right-of-way across the subject right-of-way to the southeast property corner of 4200 Alabama Avenue.
2. Temporary User must take precautions to assure no contact is made with said sanitary sewer in the right-of-way.
3. Temporary User must provide permanent access to the existing infrastructure (sanitary sewer).
4. Temporary User shall 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.
5. Temporary User shall 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 shall restore the property to its original condition when it is returned to the City.

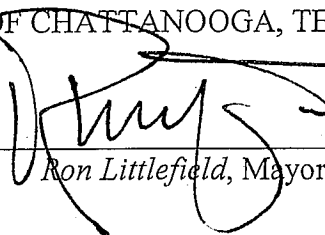
6. Temporary User shall provide adequate access for maintenance of any utilities located within the easement.

July 31st, 2009
Date

BY: 
Gus Noll

CITY OF CHATTANOOGA, TENNESSEE

7/31, 2009
Date

BY: 
Ron Littlefield, Mayor