

RESOLUTION NO. 26214

A RESOLUTION AUTHORIZING JOANN HELLMAN, PRESIDENT OF MIDFIELD ACRES NEIGHBORHOOD ASSOCIATION, TO USE TEMPORARILY RIGHTS-OF-WAY AT TWO (2) ENTRANCES AT EDGEFIELD DRIVE AND MIDFIELD DRIVE TO INSTALL PLANTS TO ENHANCE THE LANDSCAPING, AS SHOWN ON THE MAP 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 Joann Hellman, President of the Midfield Acres Neighborhood Association, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily rights-of-way at two (2) entrances to install plants to enhance the landscaping, pursuant to the award of a Neighborhood Partners Program grant, as shown on the map 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. 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.
4. The location/placement of said landscaping must be coordinated with and approved by the City of Chattanooga's Traffic Engineering Department.
5. Natural channels and infrastructure must not be modified in said rights-of-way.

6. Any encroachment onto property other than the City of Chattanooga requires the approval of the property owner.

ADOPTED: February 16, 2010

/add

## INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and JOANN HELLMAN, President of the MIDFIELD ACRES NEIGHBORHOOD ASSOCIATION (hereinafter "Temporary User"), this 16th day of February, 2010.

For and in consideration of the granting of the temporary usage of rights-of-way at two (2) entrances to install plants to enhance the landscaping, pursuant to the award of a Neighborhood Partners Program grant, as shown on the maps attached hereto and made a part hereof by reference, the receipt of which is hereby acknowledged, Temporary User agrees as follows:

1. 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.
2. 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.
3. Temporary User shall provide adequate access for maintenance of any utilities located within the easement.
4. The location/placement of said landscaping must be coordinated with and approved by the City of Chattanooga's Traffic Engineering Department.
5. Natural channels and infrastructure must not be modified in said rights-of-way.
6. Any encroachment onto property other than the City of Chattanooga requires the approval of the property owner.

MIDFIELD ACRES NEIGHBORHOOD  
ASSOCIATION

March 31, 2010  
Date

BY: Joann Hellmann  
Joann Hellman, *President*

CITY OF CHATTANOOGA, TENNESSEE

\_\_\_\_\_, 2010  
Date

BY: [Signature]  
*Ron Littlefield, Mayor*

