

RESOLUTION NO. 26344

A RESOLUTION AUTHORIZING WAYNE SIEBOLD TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 1701 KIRBY AVENUE FOR PLACEMENT OF A RETAINING WALL AND FOOTER, AS SHOWN ON THE ATTACHED DRAWING, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Wayne Siebold, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located at 1701 Kirby Avenue for the placement of a retaining wall and footer, 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 condition:

1. Temporary User must adhere to Chattanooga City Code Section 32-34 Obstructions to visibility at intersections.

BE IT FURTHER RESOLVED, That Temporary User shall execute the attached Indemnification Agreement.

ADOPTED: June 22, 2010

/kac

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and WAYNE SIEBOLD (hereinafter "Temporary User"), this 22 day of June, 2010.

For and in consideration of the granting of the temporary usage of the right-of-way located at 1701 Kirby Avenue for placement of a retaining wall and footer, 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. 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 full access for maintenance of any utilities located within the easement.

4. Temporary User will obtain any and all other permits, variances, or approvals necessary to accommodate the temporary user.

5. Temporary User agrees to maintain the property in the condition equal to or better than the condition at the time the temporary use is granted.

6. If this request for maintaining wells the applicant will upon satisfactory completion of use as determined by the Tennessee Department and Conservation, the wells will be abandoned using standard and acceptable practices, which shall include grouting from the bottom to top with a mixture of Portland cement and powdered bentonite and restoring the surface to its original condition as reasonably as possible.

7. Temporary User must adhere to Chattanooga City Code Section 32-34

Obstructions to visibility at intersections.

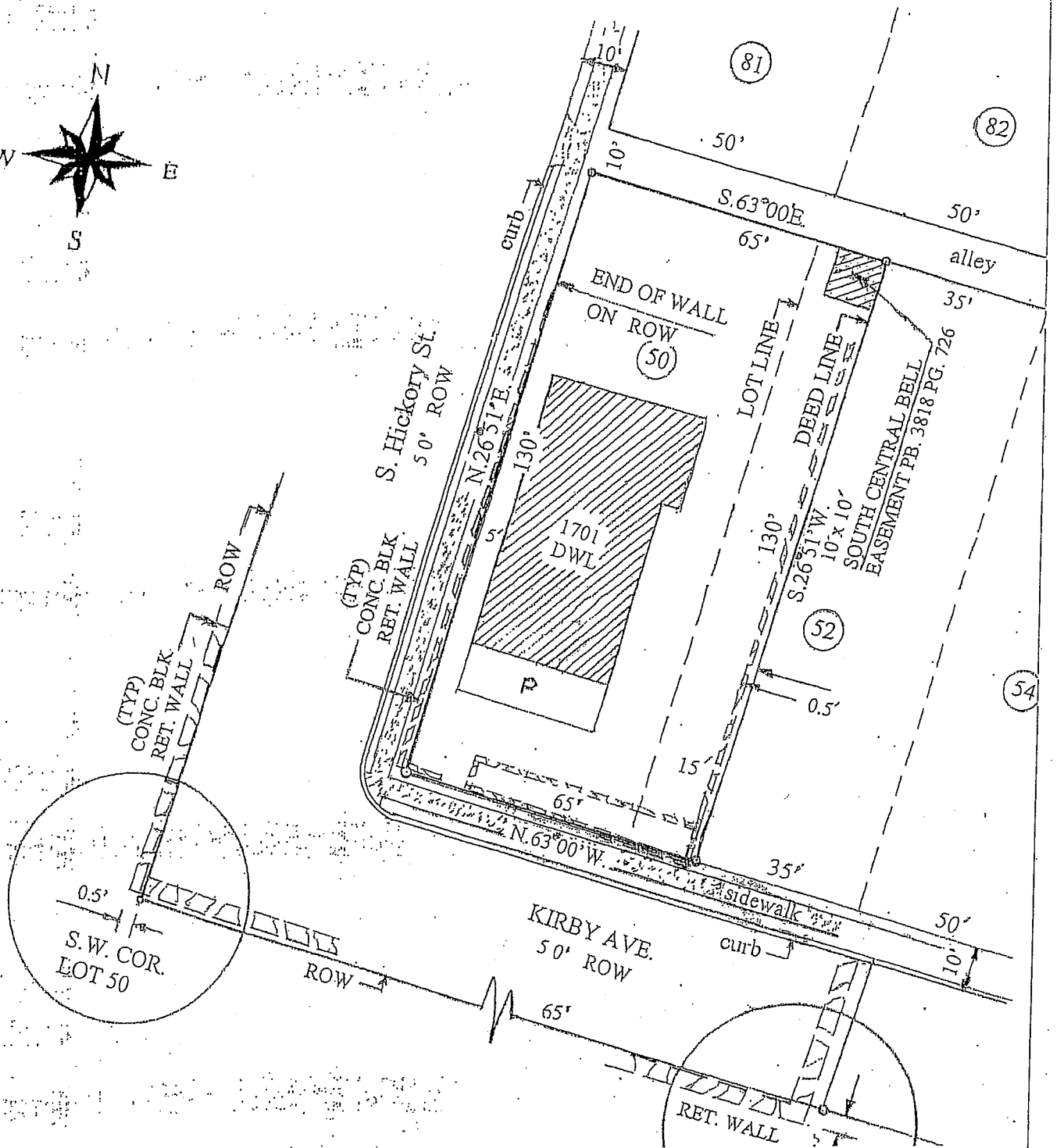
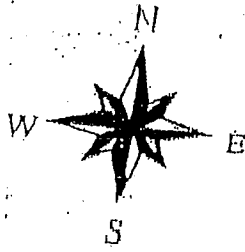
8/24/, 2010
Date

BY: 
WAYNE SIEBOLD

CITY OF CHATTANOOGA, TENNESSEE

_____, 2010
Date

BY: 
Ron Littlefield, Mayor



Temp Use #49037
Mr. Wayne Siebold

