

RESOLUTION NO. 26547

A RESOLUTION AUTHORIZING CHARLES KING ON BEHALF OF HOLIDAY INN & SUITES TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 434 CHESTNUT STREET TO INSTALL A CANOPY THAT WILL PROJECT INTO THE RIGHT-OF-WAY, 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 Charles King on behalf of Holiday Inn & Suites, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located at 434 Chestnut Street to install a canopy that will project into the right-of-way, 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. 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. Temporary User must meet all current City of Chattanooga Standards and Regulations regarding minimum height and site distance requirements.
5. The subject canopy will project approximately 11 feet 7 inches into the right-of-way (sidewalk).

6. The subject canopy will be 11 feet in elevation from the finished grade to the base of the canopy.

ADOPTED: January 4, 2011

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and Charles King on behalf of Holiday Inn & Suites (hereinafter "Temporary User"), this 4th day of JANUARY, 2011.

For and in consideration of the granting of the temporary usage of the right-of-way located at 434 Chestnut Street to install a canopy that will project into the right-of-way, as shown on the map 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. Temporary User must meet all current City of Chattanooga Standards and Regulations regarding minimum height and site distance requirements.

5. The subject canopy will project approximately 11 feet 7 inches into the right-of-way (sidewalk).

6. The subject canopy will be 11 feet in elevation from the finished grade to the base of the canopy.

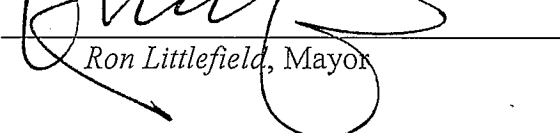
HOLIDAY INN & SUITES

_____, 2011
Date

BY: _____
Charles King

~~CITY OF CHATTANOOGA, TENNESSEE~~

1/5, 2011
Date

BY: 
Ron Littlefield, Mayor

Chestnut

Chestnut

Temp Use 55874
Charlie King (Holiday Inn)

5th

