

RESOLUTION NO. 26603

A RESOLUTION AUTHORIZING BATTERY HEIGHTS NEIGHBORHOOD ASSOCIATION TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT THE NORTHEAST SIDE OF THE ENTRANCE OF BATTERY HEIGHTS NEIGHBORHOOD ASSOCIATION WHERE PARKWAY DRIVE INTERSECTS WITH BONNY OAKS DRIVE TO ENHANCE THE COMMUNITY LANDSCAPING, AS SHOWN IN THE MAPS 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 BATTERY HEIGHTS NEIGHBORHOOD ASSOCIATION, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located at the northeast side of the entrance of Battery Heights Neighborhood Association where Parkway Drive intersects with Bonny Oaks Drive to enhance the community landscaping, as shown in the maps attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED, That said temporary usage shall be subject to approval by Traffic Engineering and 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.

ADOPTED: March 1, 2011

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and BATTERY HEIGHTS NEIGHBORHOOD ASSOCIATION (hereinafter "Temporary User"), this 1st day of March, 2011.

For and in consideration of the granting of the temporary usage of the right-of-way located at the northeast side of the entrance of Battery Heights Neighborhood Association where Parkway Drive intersects with Bonny Oaks Drive to enhance the community landscaping, as shown in the maps attached hereto and made a part hereof by reference, the receipt of which is hereby acknowledged, subject to approval by Traffic Engineering, 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.

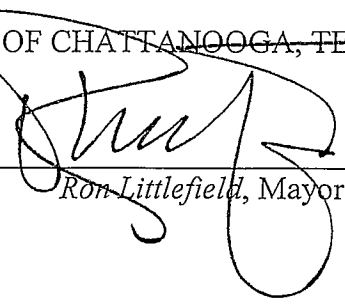
BATTERY HEIGHTS NEIGHBORHOOD
ASSOCIATION

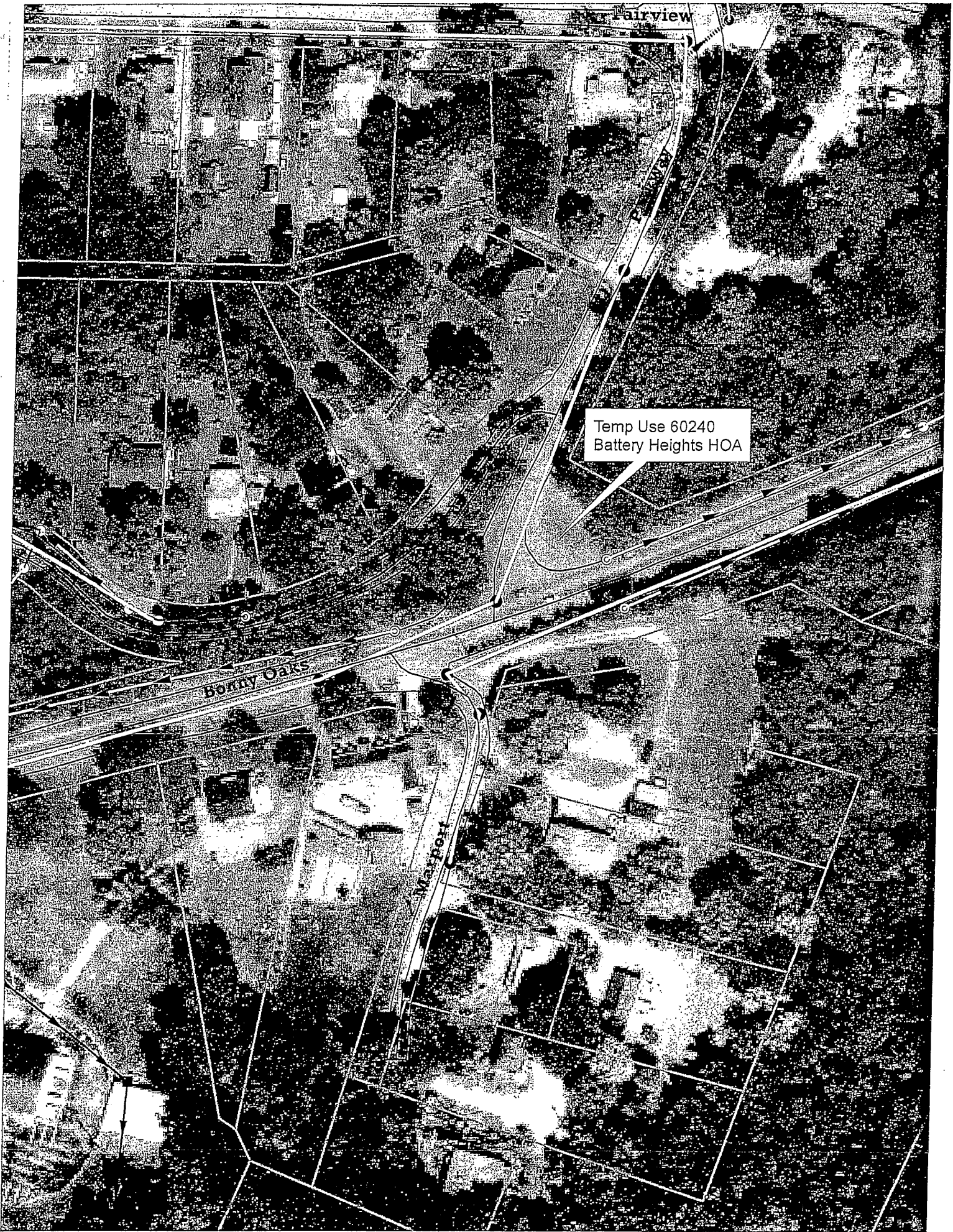
3-11-11, 2011
Date

BY: Ronald L. Gilbert
Ronald L. Gilbert

CITY OF CHATTANOOGA, TENNESSEE

3/3, 2011
Date

BY: 
Ron Littlefield, Mayor



Temp Use 60240
Battery Heights HOA

Fairview

Boriny Oaks

Mariposa

