

RESOLUTION NO. 26640

A RESOLUTION AUTHORIZING HIGHLAND PARK COMMONS, INC., C/O CULLEN HOOKS, TO USE TEMPORARILY THE RIGHT-OF-WAY ALONG THE NORTHERN MOST PROPERTY LINES OF THE 2000 BLOCK OF UNION AVENUE TO REDESIGN THE SITE TO INCLUDE NEW STREETSCAPES, SIDEWALKS, SIXTEEN (16') FOOT TALL FENCE, LIGHT POLES, AND FOUNDATIONS, AS SHOWN IN THE DRAWINGS 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 HIGHLAND PARK COMMONS, INC., c/o CULLEN HOOKS (hereinafter referred to as "Temporary User"), be and is hereby permitted to use temporarily the right-of-way along the northern most property lines of the 2000 block of Union Avenue to redesign the site to include new streetscapes, sidewalks, 16' tall fence, light poles, and foundations, as shown in the drawings 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.

ADOPTED: March 29, 2011

/add/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and HIGHLAND PARK COMMONS, INC. (hereinafter "Temporary User"), this 29th day of MARCH, 2011.

For and in consideration of the granting of the temporary usage of the right-of-way along the northern most property lines of the 2000 block of Union Avenue to redesign the site to include new streetscapes, sidewalks, 16' tall fence, light poles, and foundations, as shown in the drawings 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.

HIGHLAND PARK COMMONS, INC.

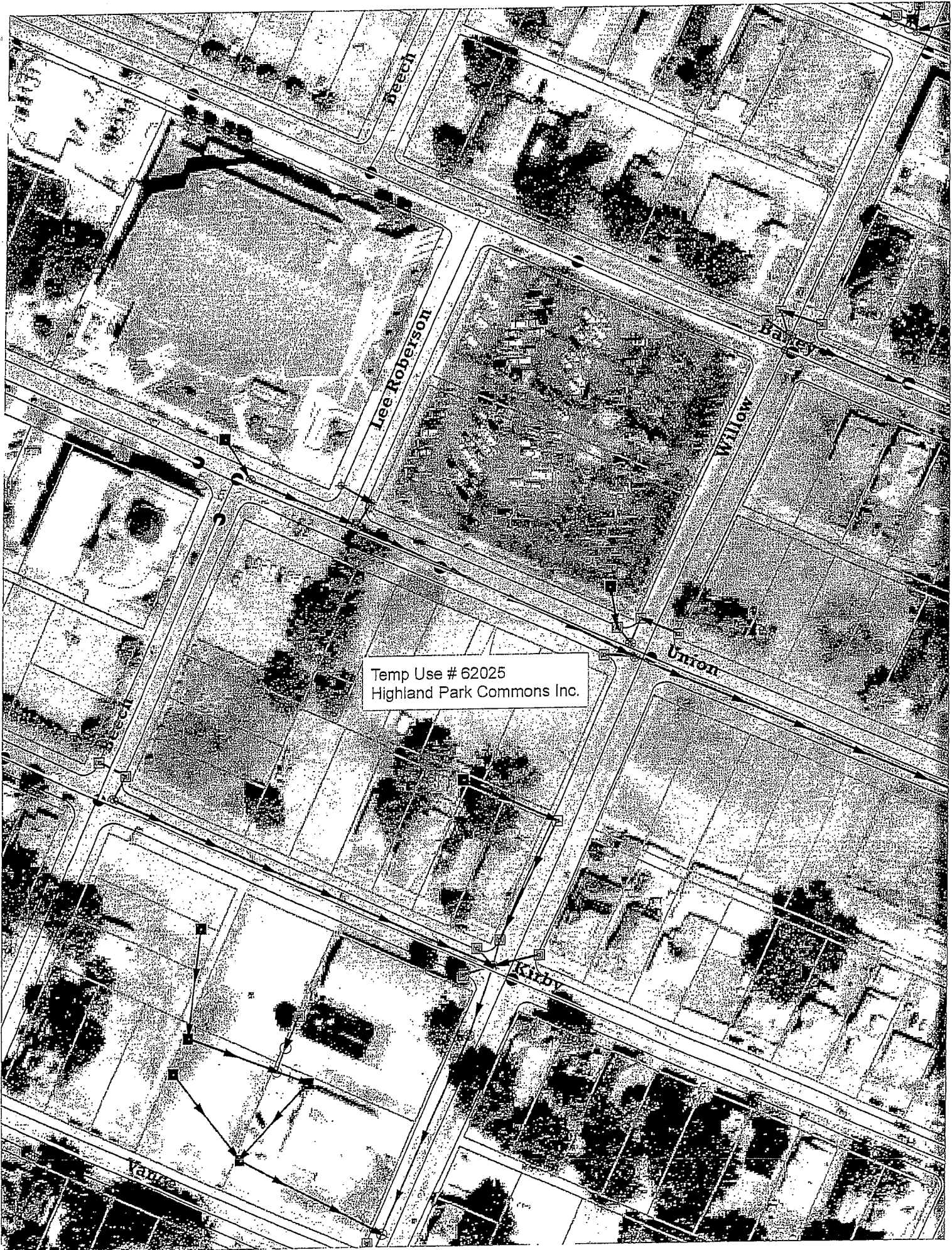
\_\_\_\_\_, 2011  
Date

BY: \_\_\_\_\_  
Cullen Hooks

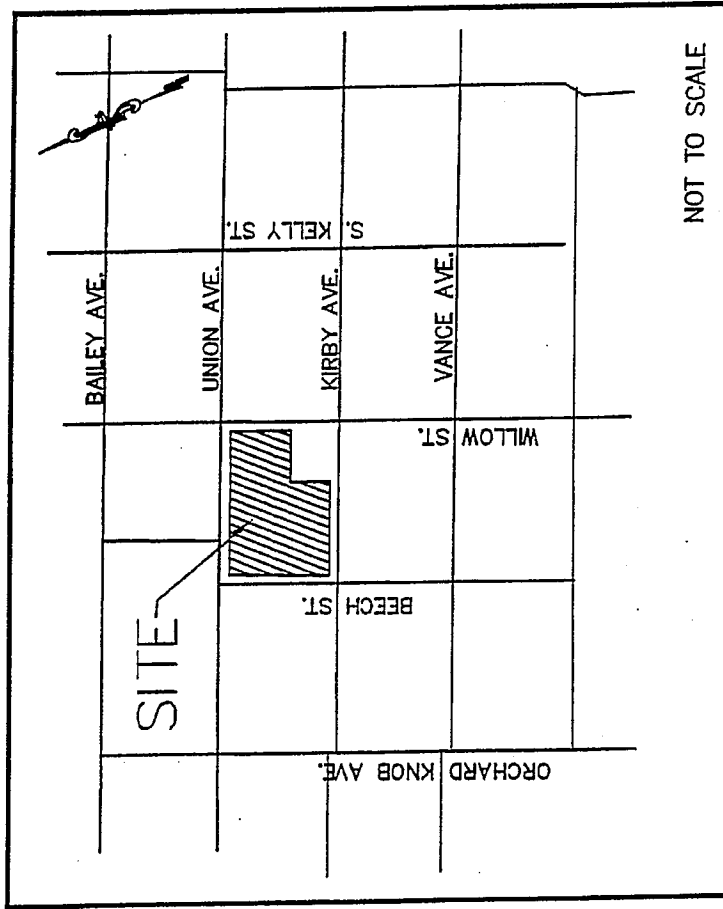
CITY OF CHATTANOOGA, TENNESSEE

4/1, 2011  
Date

BY: \_\_\_\_\_  
Ron Littlefield, Mayor

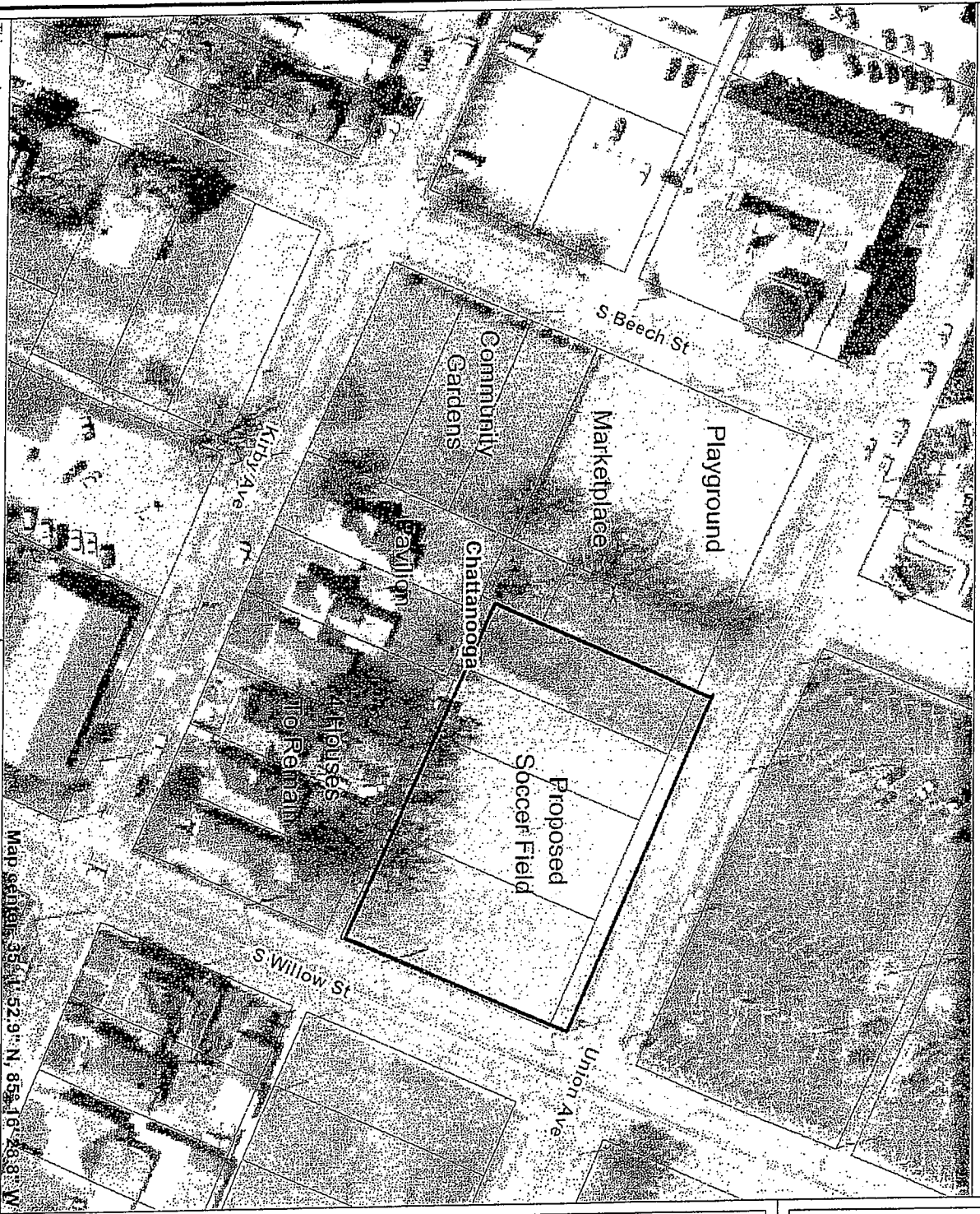


Temp Use # 62025  
Highland Park Commons Inc.



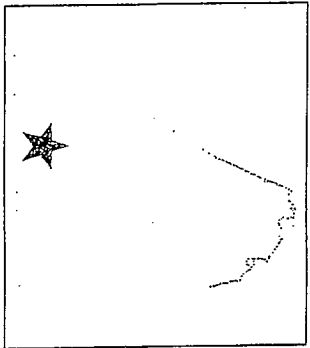
**SITE LOCATION MAP**

# HCGIS - Internet Mapping Service



This map is a user-generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED AS A LEGAL DOCUMENT.

Map: 8610101-3541152.9"N, 85410540.8"W



## Legend

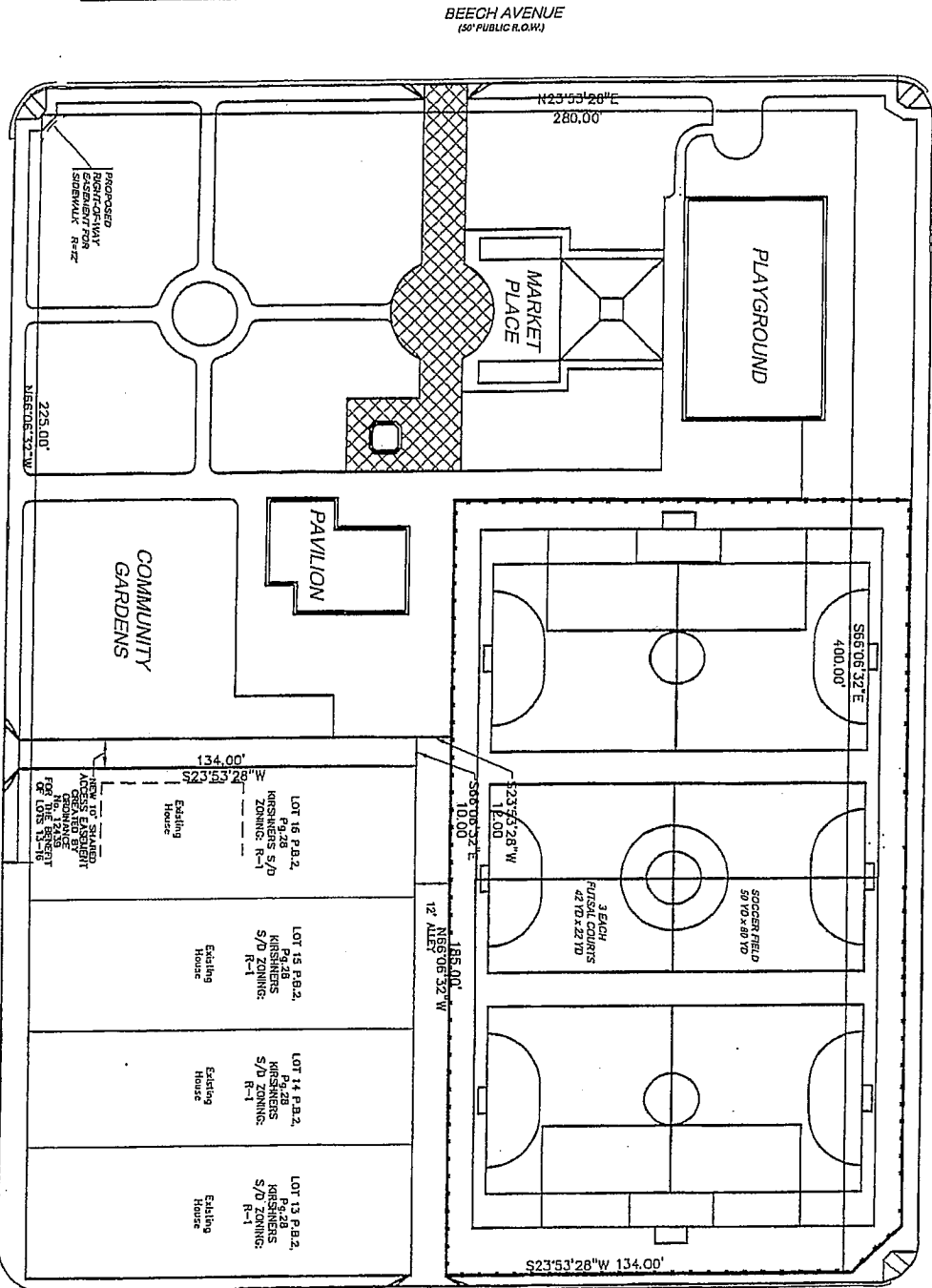
- Interstates
- Railways
- Roads
- Parcels
- Water Bodies
- Cities**
- Chattanooga
- Collegedale
- East Ridge
- Lakeville
- Lookout Mountain
- Red Bank
- Ridgeside
- Signal Mountain
- Soddy Daisy
- Walden
- cover
- Color 2008 1Ft



Scale: 1:1,145



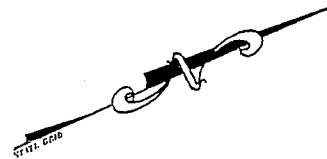
UNION AVENUE  
(AS PUBLIC R.O.W.)



BEECH AVENUE  
(50' PUBLIC R.O.W.)

WILLOW STREET  
(50' PUBLIC R.O.W.)

KIRBY AVENUE  
(50' PUBLIC R.O.W.)



**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

**ENGINEERING  
SERVICES, INC.**  
COMPLETE ENGINEERING & DESIGN SERVICES

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Chattanooga, TN 37403  
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HIGHLAND PARK COMMONS

UNION AVENUE  
Chattanooga, TN 37404

SCHEMATIC SITE PLAN

SCALE: 1"=100'

DATE: 02/24/11

DRAWN BY: TUF

CHECKED BY: ASD

JOB NO.: 11144

GRAPHIC SCALE

