

RESOLUTION NO. 26827

A RESOLUTION AUTHORIZING JOHN DUCKETT TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED ALONG KERR STREET (ALLEY) AS IT INTERSECTS WITH EAST 18<sup>TH</sup> STREET REGARDING CONTINUATION OF THE EXISTING CURB AND GUTTER, SIDEWALK, PLACEMENT OF TRASH RECEPTACLES, AND INSTALLATION OF AN EVERGREEN VEGETATIVE SCREEN, AS SHOWN ON THE MAPS 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 JOHN DUCKETT, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located along Kerr Street (alley) as it intersects with East 18<sup>th</sup> Street regarding continuation of the existing curb and gutter, sidewalk, placement of trash receptacles, and installation of an evergreen vegetative screen, as shown on the maps 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. All improvements and construction must meet ADA and City of Chattanooga standards.

5. Any encroachment onto private property requires the approval of the property owner.

ADOPTED: August 30, 2011

/mms

## INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and JOHN DUCKETT (hereinafter "Temporary User"), this 30 day of August, 2011.

For and in consideration of the granting of the temporary usage of the right-of-way located along Kerr Street (alley) as it intersects with East 18<sup>th</sup> Street regarding continuation of the existing curb and gutter, sidewalk, placement of trash receptacles, and installation of an evergreen vegetative screen, 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.

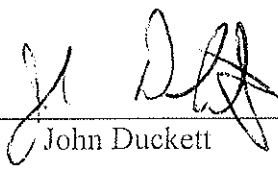
2. Temporary User shall vacate the property and temporary use upon reasonable notice from the City to do so; the parties hereto agree that "reasonable notice" shall be deemed to be thirty (30) days. Temporary User shall restore the property to its original condition when it is returned to the City.

3. Temporary User shall provide adequate access for maintenance of any utilities located within the easement.

4. All improvements and construction must meet ADA and City of Chattanooga standards.

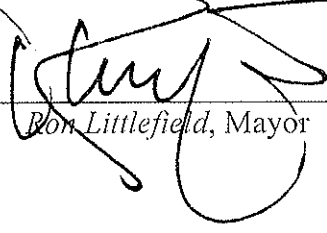
5. Any encroachment onto private property requires the approval of the property owner.

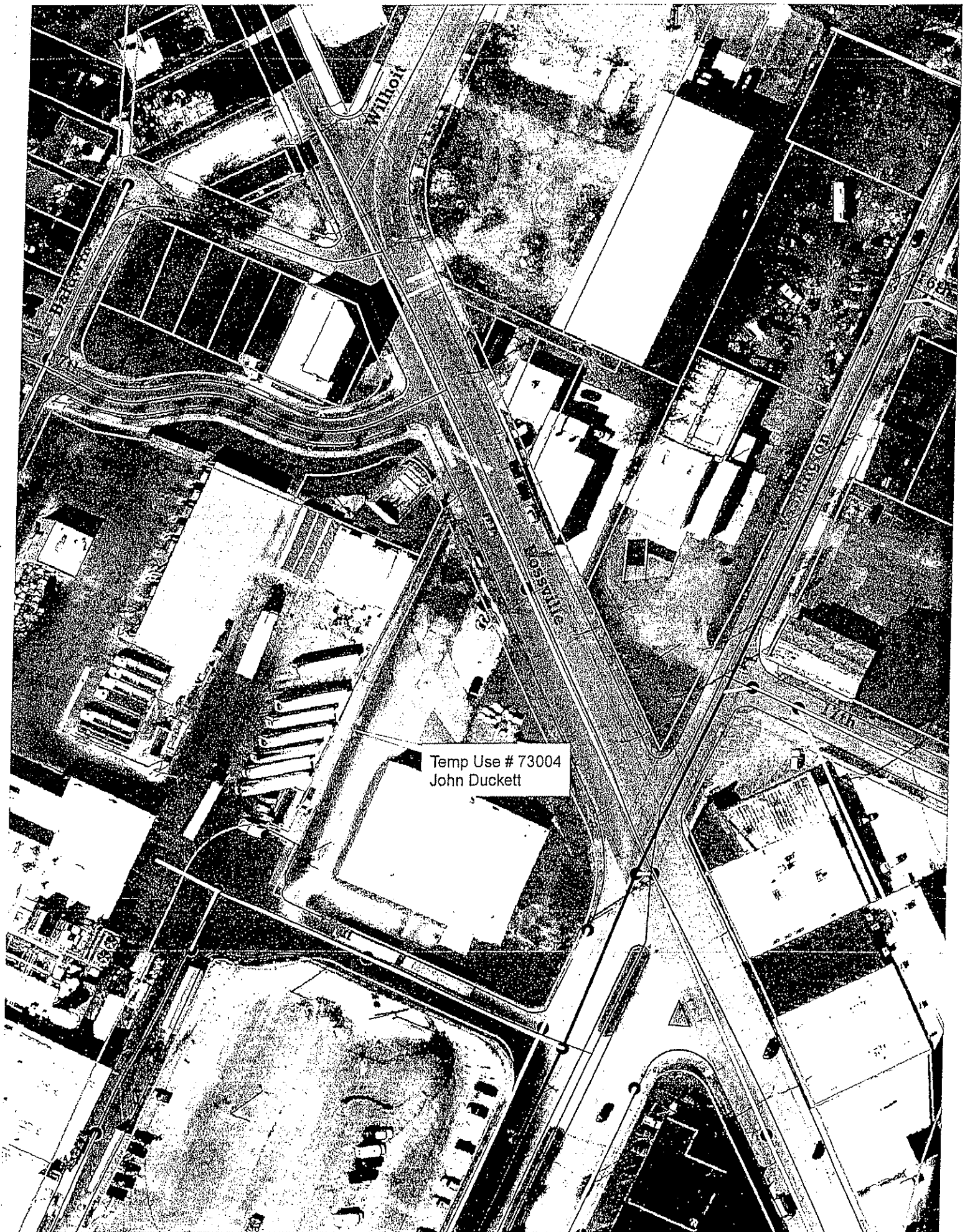
9/28, 2011  
Date

BY:   
John Duckett

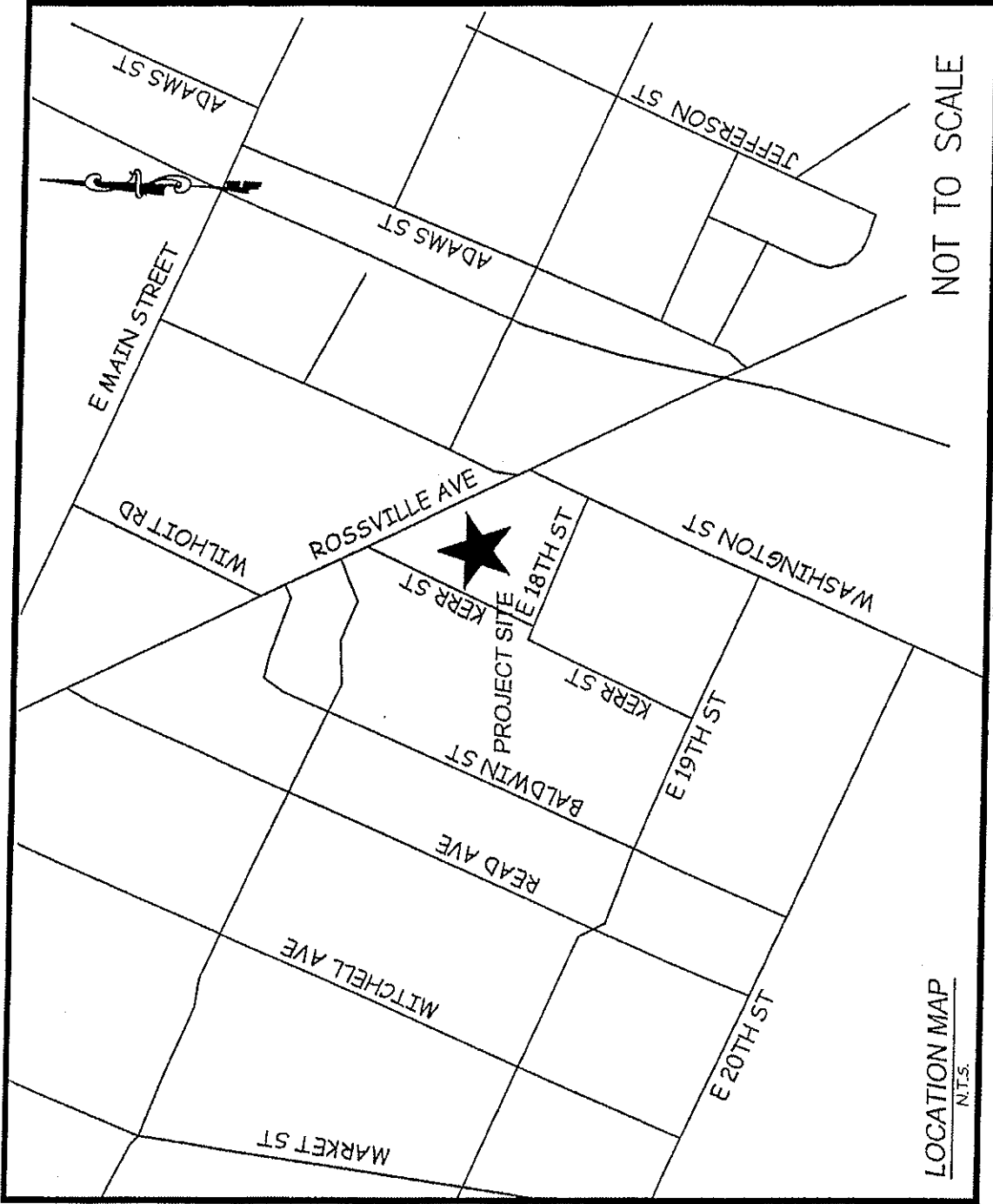
~~CITY OF CHATTANOOGA, TENNESSEE~~

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

BY:   
Ron Littlefield, Mayor

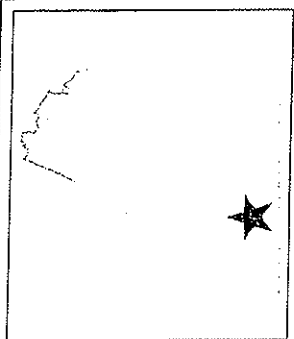


Temp Use # 73004  
John Duckett



# SITE LOCATION MAP


# HCGIS - Internet Mapping Service



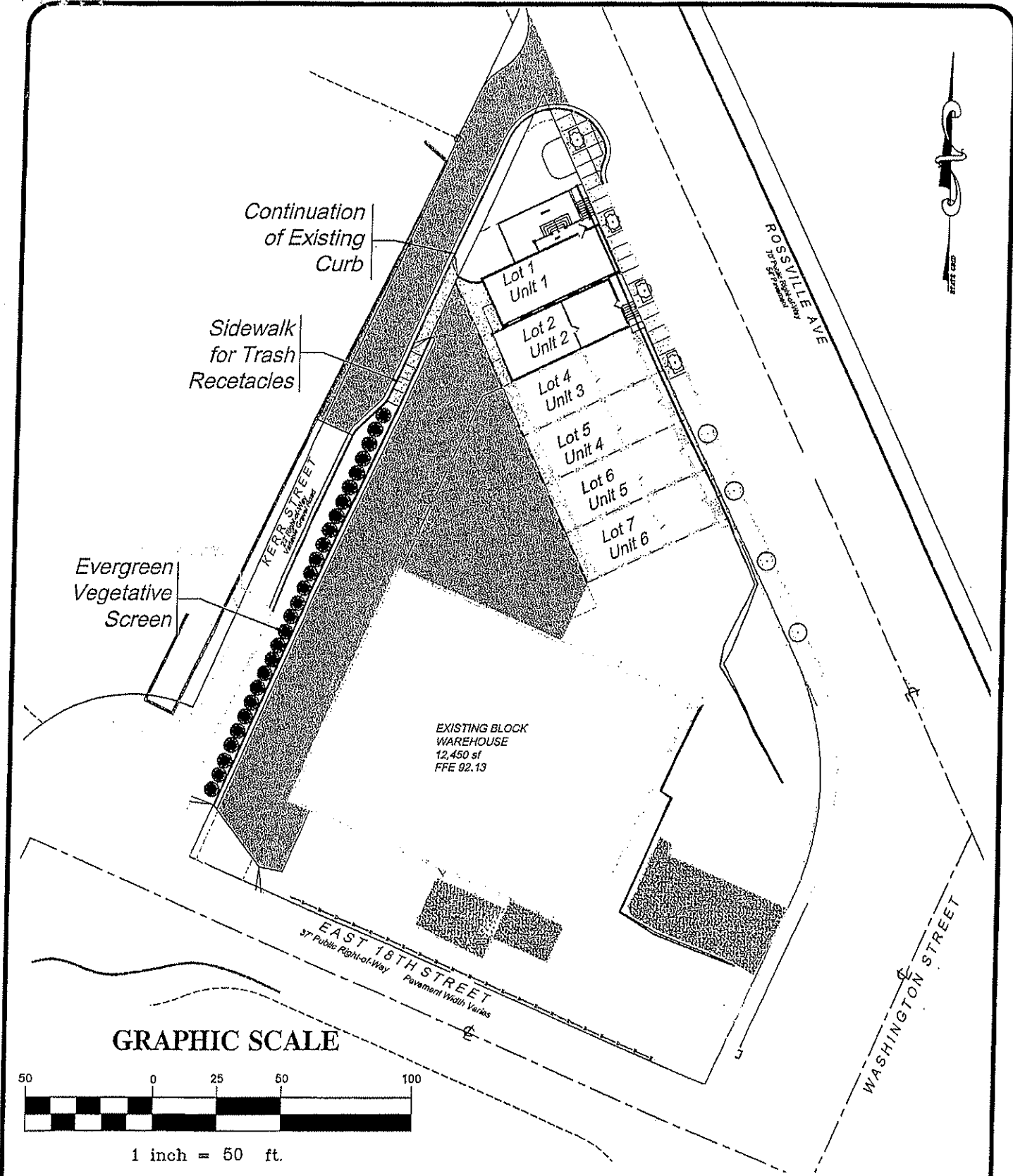
**Legend**

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

Scale: 1:1,722



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.



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*Temporary Use of  
 Right-of-Way Application  
 for  
 Washington Square  
 Townhomes*

JOB NO. 11154  
 DATE: 08/01/2011  
 SCALE: 1"=50'

**SCHEMATIC  
 SITE PLAN**  
 DRAWING NUMBER  
**SP1**