

RESOLUTION NO. 27212

A RESOLUTION AUTHORIZING ENZO'S SOUTHSIDE MARKET C/O ERIC CUMMINGS TO USE TEMPORARILY A PORTION OF A RIGHT-OF-WAY ALONG THE WEST RIGHT-OF-WAY LINE OF STREET BEGINNING AT WEST MAIN STREET TO ITS INTERSECTION AT 16TH STREET FOR THE INSTALLATION OF A RETAINING WALL AND FOR THE INSTALLATION OF A CANOPY ALONG A PORTION OF 100 WEST MAIN STREET, AS SHOWN IN THE DRAWING AND MAP 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 ENZO'S SOUTHSIDE MARKET C/O ERIC CUMMINGS, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily a portion of a right-of-way along the west right-of-way line of street beginning at West Main Street to its intersection at 16th Street for the installation of a retaining wall and for the installation of a canopy along a portion of 100 West Main Street, as shown in the drawing and map 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: August 21, 2012

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and ENZO'S SOUTHSIDE MARKET C/O ERIC CUMMINGS (hereinafter "Temporary User"), this 21st day of AUGUST, 2012.

For and in consideration of the granting of the temporary usage of a portion of a right-of-way along the west right-of-way line of street beginning at West Main Street to its intersection at 16th Street for the installation of a retaining wall and for the installation of a canopy along a portion of 100 West Main Street, as shown in the drawing and 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.

ENZO'S SOUTHSIDE MARKET

_____, 2012
Date

BY: _____
Eric Cummings

CITY OF CHATTANOOGA, TENNESSEE

_____, 2012
Date

BY: _____
Ren Littlefield, Mayor

Williams

1014

Temp Use #91566
100 W. Main St
Enzo's Market, LLC

Temp Use #91566
100 W. Main St
Enzo's Market, LLC

Long

Main

