

RESOLUTION NO. 27583

A RESOLUTION AUTHORIZING CUSTOM CANVAS AWNINGS, LLC C/O W. ERIC SCHWIETER FOR HELEN GRZYBOWSKI TO USE TEMPORARILY THE 500 BLOCK OF BROAD STREET FOR THE INSTALLATION OF AN OUTDOOR SEATING AREA AND AWNING AT A COMMERCIAL ESTABLISHMENT, AS SHOWN ON THE MAP AND 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 CUSTOM CANVAS AWNINGS, LLC C/O W. ERIC SCHWIETER FOR HELEN GRZYBOWSKI, (hereinafter referred to as "Temporary Users") be and is hereby permitted to use temporarily the right-of-way located in the 500 block of Broad Street for the installation of an outdoor seating area and awning at a commercial establishment, as shown on the map and 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 Users 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 Users agree to vacate the property and temporary use upon reasonable notice from the City to do so.
3. Temporary Users shall provide adequate access for maintenance of any utilities located within the easement.
4. The awning from its base to the top of the existing surface/sidewalk is to meet the

minimum elevation requirements per City Codes and Standards.

5. Any items (tables, chairs, railing) placed along the subject building and right-of-way must comply with ADA Standards and minimum clearances for pedestrian traffic within said right-of-way.

6. The seating area cannot impede motorists' views at the intersection of 5th Street and Broad Street.

ADOPTED: July 23, 2013

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and CUSTOM CANVAS AWNINGS, LLC C/O W. ERIC SCHWIETER FOR HELEN GRZYBOWSKI (hereinafter "Temporary Users"), this 30 day of July, 2013.

For and in consideration of the granting of the temporary usage of the right-of-way located in the 500 block of Broad Street for the installation of an outdoor seating area and awning at a commercial establishment, as shown on the map and drawing attached hereto and made a part hereof by reference, the receipt of which is hereby acknowledged, Temporary Users agree as follows:

1. Temporary Users 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 Users 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 Users shall restore the property to its original condition when it is returned to the City.

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

4. The awning from its base to the top of the existing surface/sidewalk is to meet the minimum elevation requirements per City Codes and Standards.

5. Any items (tables, chairs, railing) placed along the subject building and right-of-way must comply with ADA Standards and minimum clearances for pedestrian traffic within said right-of-way.

6. The seating area cannot impede motorists' views at the intersection of 5th Street and Broad Street.

CUSTOM CANVAS AWNINGS, LLC

July 17, 2013, 2013
Date


BY: 
W. Eric Schwieter

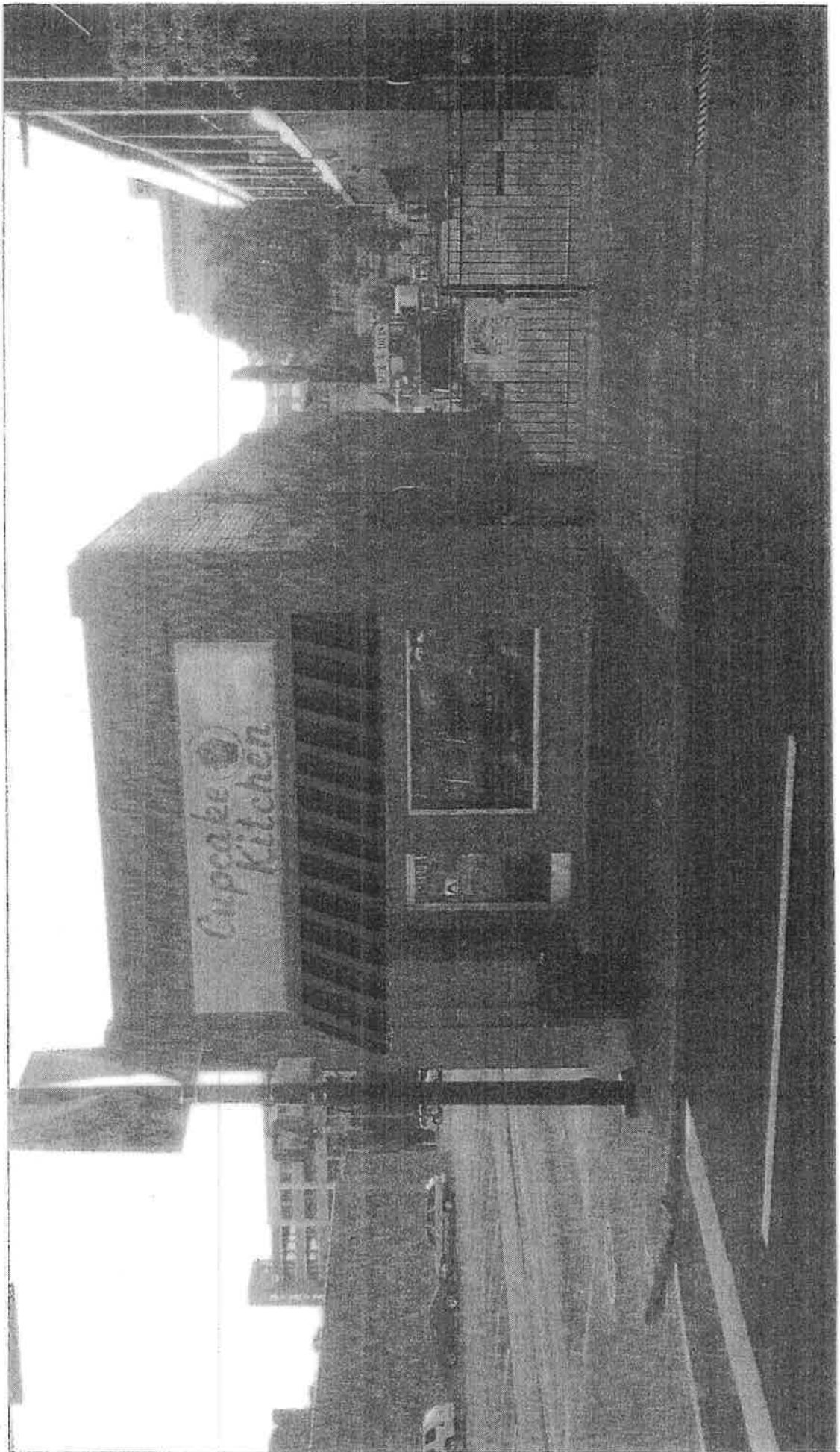
07 - 17, 2013
Date

BY: 
Helen Grzybowski

CITY OF CHATTANOOGA, TENNESSEE

7/23, 2013
Date

BY: 
Andy Berke, Mayor



Google

To see all the details that are visible on this screen, use the "Print" link next to the map.

