

RESOLUTION NO. 27641

A RESOLUTION AUTHORIZING THE AMENDMENT OF RESOLUTION NO. 27630 TO REPLACE DOUG WILSON WITH JAMES W. ADAMS TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 306 CHEROKEE BOULEVARD TO INSTALL PLANTERS IN FRONT OF THE BUILDING WITH METAL FRAME CANVAS AWNINGS, AS SHOWN ON THE 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 JAMES W. ADAMS, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located at 306 Cherokee Boulevard to install planters in front of the building with metal frame canvas awnings, as shown on the 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.
4. The proposed awnings must meet the minimum elevation requirements per City Codes and Standards.

5. The sidewalk space is to be left open for ADA accessibility.

ADOPTED: September 10, 2013

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and JAMES W. ADAMS (hereinafter "Temporary User"), this 10th day of September, 2013.

For and in consideration of the granting of the temporary usage of the right-of-way located at 306 Cherokee Boulevard to install planters in front of the building with metal frame canvas awnings, as shown on the 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.

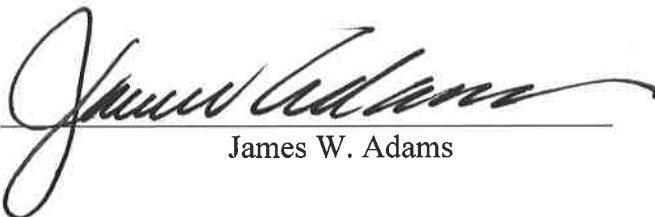
2. Temporary User shall vacate the property and temporary use upon reasonable notice from the City to do so; the parties hereto agree that "reasonable notice" shall be deemed to be thirty (30) days. Temporary User shall restore the property to its original condition when it is returned to the City.

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

4. The proposed awnings must meet the minimum elevation requirements per City Codes and Standards.

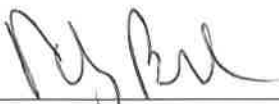
5. The sidewalk space is to be left open for ADA accessibility.

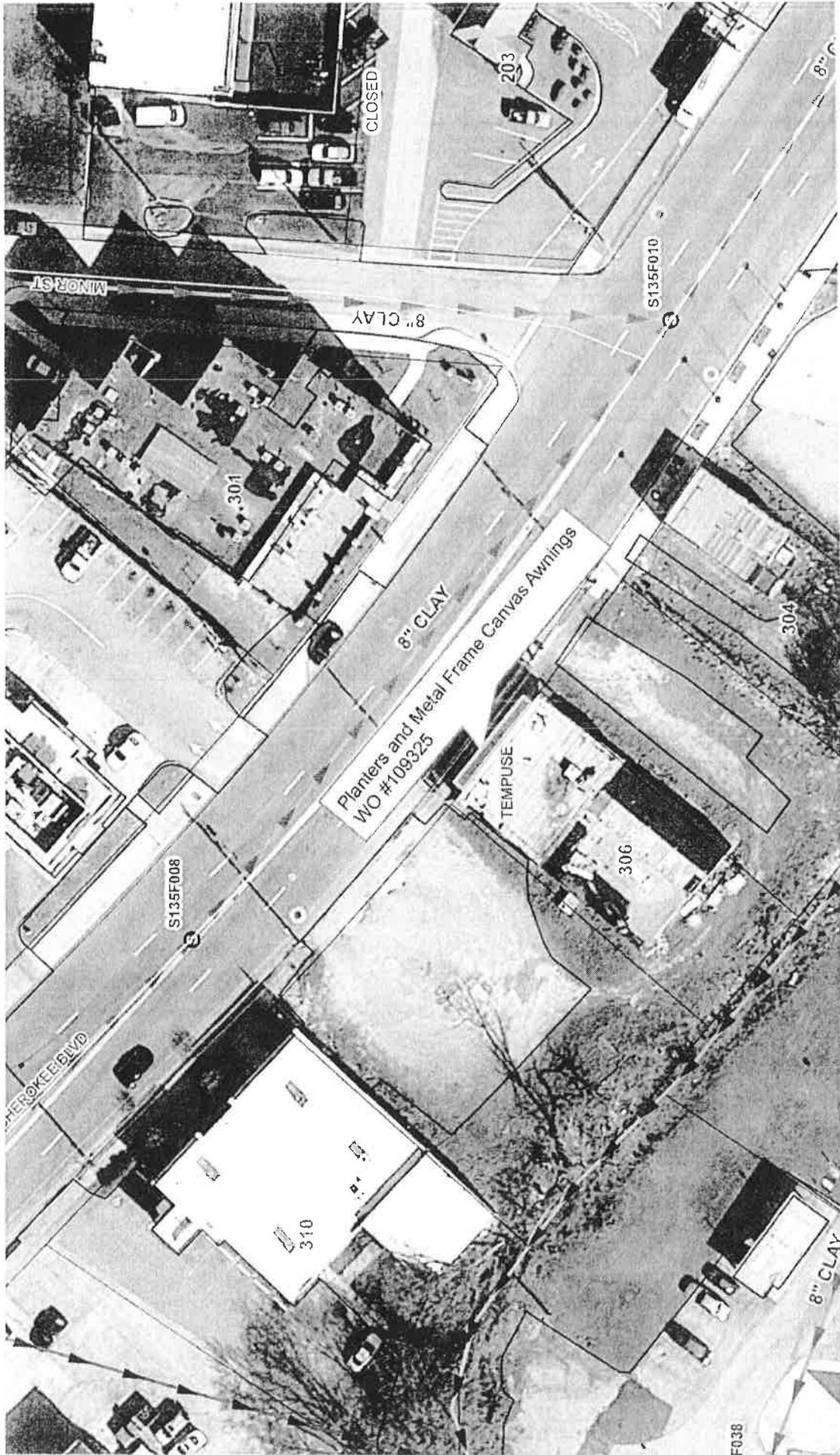
September 10, 2013
Date

BY: 
James W. Adams

CITY OF CHATTANOOGA, TENNESSEE

September 10, 2013
Date

BY: 
Andy Berke, Mayor

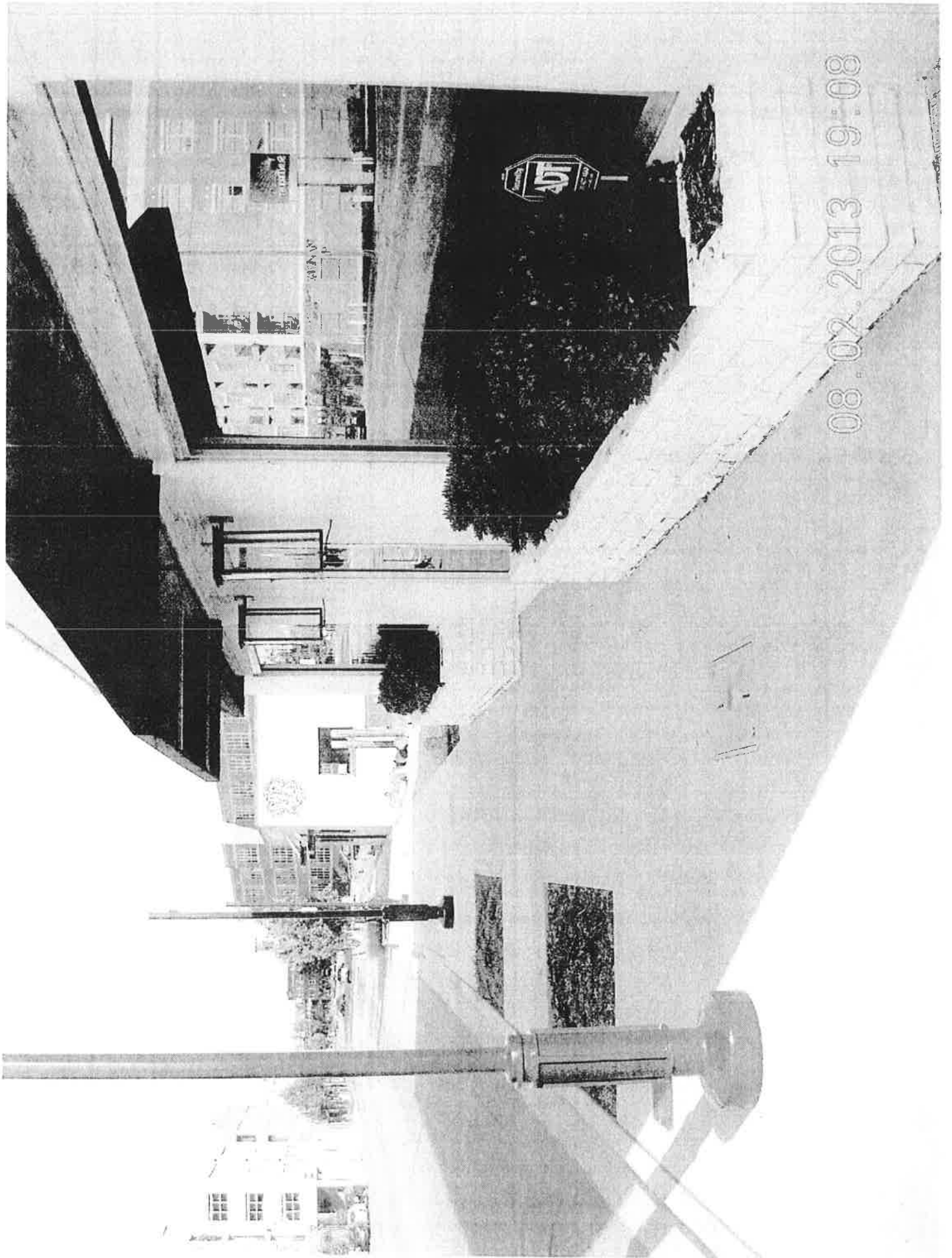


Planters and Metal Frame Canvas Awnings
WO #109325

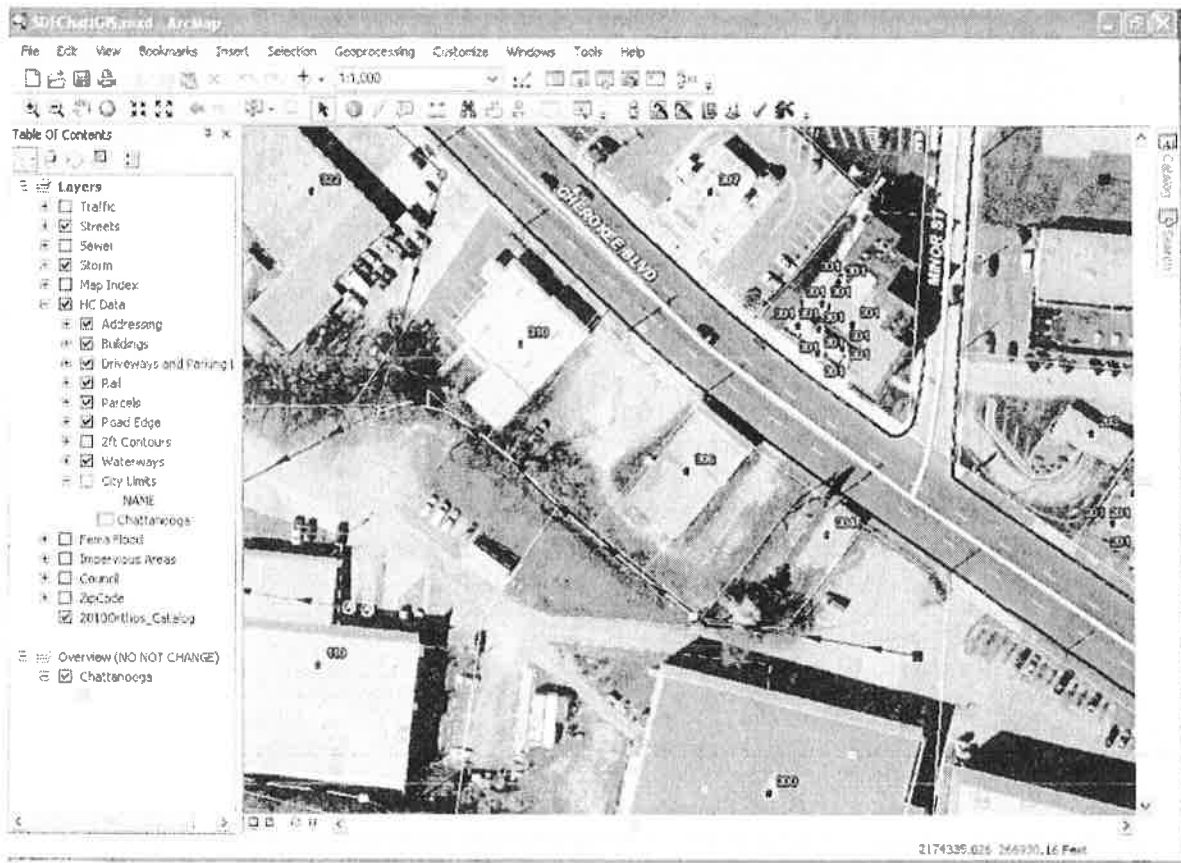
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Temp Use
306 Cherokee Blvd
SR# 695655
WO# 109 825