

RESOLUTION NO. 27757

A RESOLUTION AUTHORIZING JOSEPH SCHULTZ TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED IN THE 7600-7700 BLOCKS OF SHALLOWFORD ROAD FOR THE INSTALLATION OF A METAL COMMUNITY FENCE, AS SHOWN ON THE MAPS 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 JOSEPH SCHULTZ, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located in the 7600-7700 blocks of Shallowford Road for the installation of a metal community fence, 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. The fence and its rock columns will be behind the sidewalk and no closer than two feet to it.

ADOPTED: December 17, 2013

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and JOSEPH SCHULTZ (hereinafter "Temporary User"), this 16~~TH~~ day of December, 2013.

For and in consideration of the granting of the temporary usage of the right-of-way located in the 7600-7700 blocks of Shallowford Road for the installation of a metal community fence, 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. The fence and its rock columns will be behind the sidewalk and no closer than two feet to it.

December 16, 2013
Date

BY:

Joseph Schultz
Joseph Schultz, PRES. OF VILLAGE
OF ASHWOOD HOA

CITY OF CHATTANOOGA, TENNESSEE

December 30, 2013
Date

BY:

Andy Berke
Andy Berke, Mayor

Joseph Shultz/Village of Ashwood Homeowners Assoc
Temp Usage: 2400 Baskette Way
Fence property along ROW

