

RESOLUTION NO. 27821

A RESOLUTION AUTHORIZING JOHN WISE TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 103 CHEROKEE BOULEVARD FOR THE INSTALLATION OF TWO HOODS FOR EXHAUST TO BE ATTACHED TO THE SIDE OF THE BUILDING, AS SHOWN ON 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 JOHN WISE, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located at 103 Cherokee Boulevard for the installation of two hoods for exhaust to be attached to the side of the building, as shown on 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 may execute the Indemnification Agreement prior to the granting of a temporary use by the City Council provided that any obligation to Indemnify and hold the City of Chattanooga, its officers, agents and employees harmless for any claims for damages for injuries to persons or property shall be void if the Temporary Use is not granted to applicant by the Chattanooga City Council. Temporary User agrees to comply with all terms and conditions of the Indemnification Agreement in the event a temporary use is granted by the City Council.
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 exhaust structure at its lowest point to the top of the existing surface/sidewalk is to meet the minimum elevation difference of eleven (11') feet by four (4") inches.

5. The exhaust structure shall be fitted with a drip pan or other similar device to capture and retain fluids from said exhaust structure.

ADOPTED: April 1, 2014

/mms

INDEMNIFICATION AGREEMENT

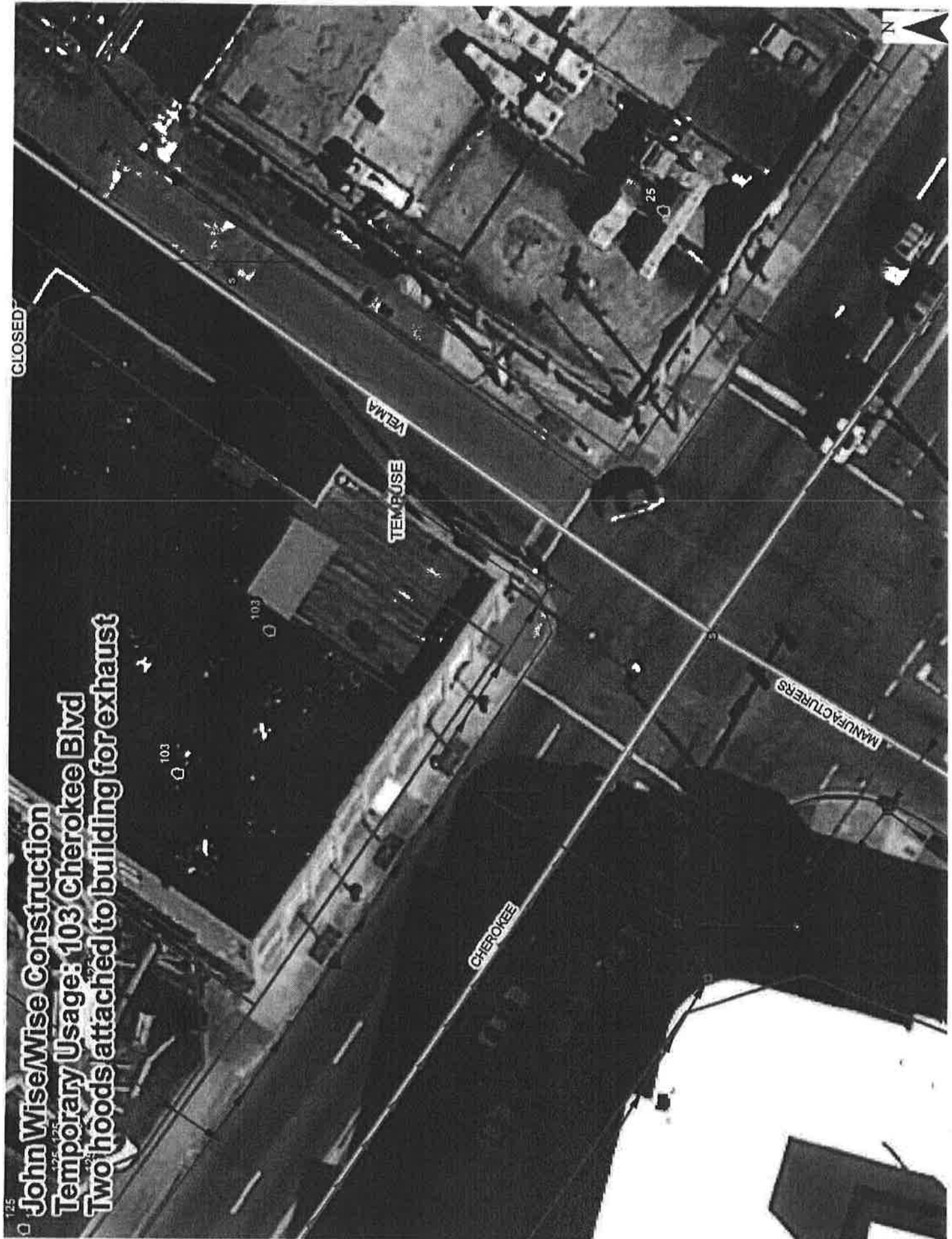
This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and JOHN WISE (hereinafter "Temporary User"), this 1st day of April, 2014.

For and in consideration of the granting of the temporary usage of the right-of-way located at 103 Cherokee Boulevard for the installation of two hoods for exhaust to be attached to the side of the building, as shown on 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 may execute the Indemnification Agreement prior to the granting of a temporary use by the City Council provided that any obligation to Indemnify and hold the City of Chattanooga, its officers, agents and employees harmless for any claims for damages for injuries to persons or property shall be void if the Temporary Use is not granted to applicant by the Chattanooga City Council. Temporary User agrees to comply with all terms and conditions of the Indemnification Agreement in the event a temporary use is granted by the City Council.

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.



CLOSED



John Wise/Wise Construction
Temporary Usage: 103 Cherokee Blvd
Two hoods attached to building for exhaust

VELMA

TEMP USE

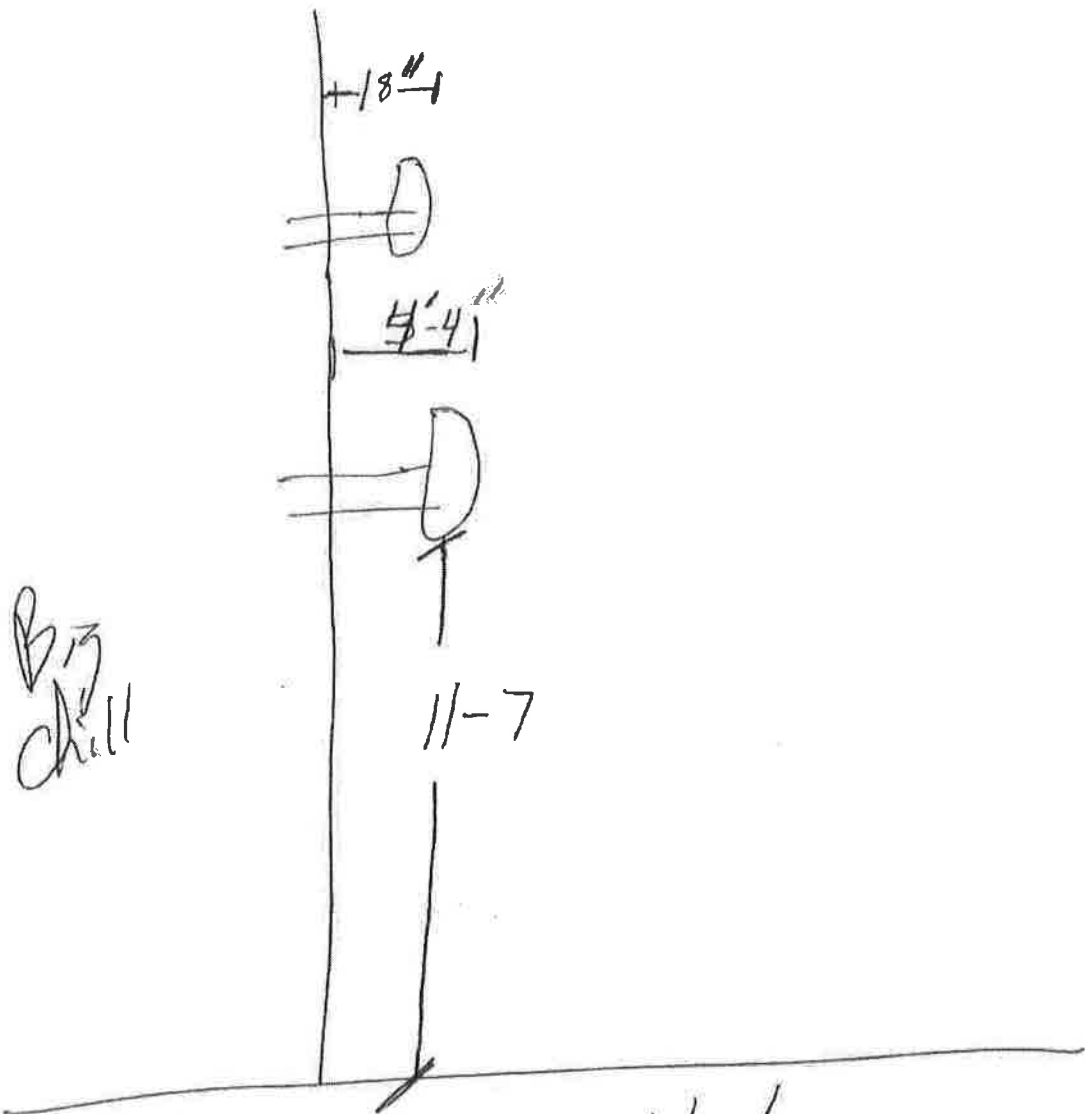
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103

CHEROKEE

MANUFACTURERS

25



Big
Chill

Velma

103 Cherokee Blvd