

RESOLUTION NO. 28545

A RESOLUTION AUTHORIZING EMJ CORPORATION C/O ROSS WHITING, AGENT FOR THE PROPERTY OWNER, ECO PROPERTIES, LLC C/O BOB BHAGAT TO USE TEMPORARILY THE RIGHT-OF-WAYS LOCATED AT CHESTNUT STREET, WEST 5TH STREET, AND BROAD STREET ADJACENT TO 434 CHESTNUT STREET TO INSTALL CANOPIES ABOVE THE SIDEWALK, 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 EMJ CORPORATION C/O ROSS WHITING, AGENT FOR THE PROPERTY OWNER, ECO PROPERTIES, LLC C/O BOB BHAGAT (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-ways located at Chestnut Street, West 5th Street, and Broad Street adjacent to 434 Chestnut Street to install canopies above the sidewalk, 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 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. Any overhead projecting objects must meet the minimum height requirements as per the City of Chattanooga's Codes and Standards, *i.e.*, Section 32-8. Minimum height requirement is eight (8') feet above the sidewalk at all points and a maximum of eighteen (18") inches to the curb line. Stationary canopies shall be reviewed on an individual basis and shall be a minimum of nine (9') feet above the sidewalk at all points.

4. Temporary User shall obtain necessary permits and approvals from the City of Chattanooga Land Development Office.

5. Temporary User shall provide adequate access for maintenance of any utilities located within the easement, is responsible for verifying all utility locations within the subject area prior to initiating the agreed usage, as well as the protection of said utilities for the duration of this permit.

ADOPTED: March 8, 2016

/mem

Temporary Usage Request # TU 2016-001
Ross Whiting (EMJ Corp.) for Bob Bhagat (ECO Properties LLC)
434 Chestnut Street (District 7)

