

RESOLUTION NO. 28863

A RESOLUTION AUTHORIZING THE SIMPSON GROUP C/O GAIL L. PORFILIO, ON BEHALF OF THE PROPERTY OWNER, A. BOYD SIMPSON, TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED ALONG 728 MARKET STREET FOR THE PURPOSE OF INSTALLING A SIDEWALK SEATING AREA FOR RESTAURANT PATRONS, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That SIMPSON GROUP C/O GAIL L. PORFILIO, ON BEHALF OF THE PROPERTY OWNER, A. BOYD SIMPSON, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located along 728 Market Street for the purpose of installing a sidewalk seating area for restaurant patrons, 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. The enclosed outdoor dining area along Market Street must not extend to within four (4') feet of the curb and current conditions cannot be altered without prior approval from the City of Chattanooga Department of Transportation.

4. Use of the patio to serve alcoholic beverages shall be regulated by Chattanooga Beer Board and TABC.

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

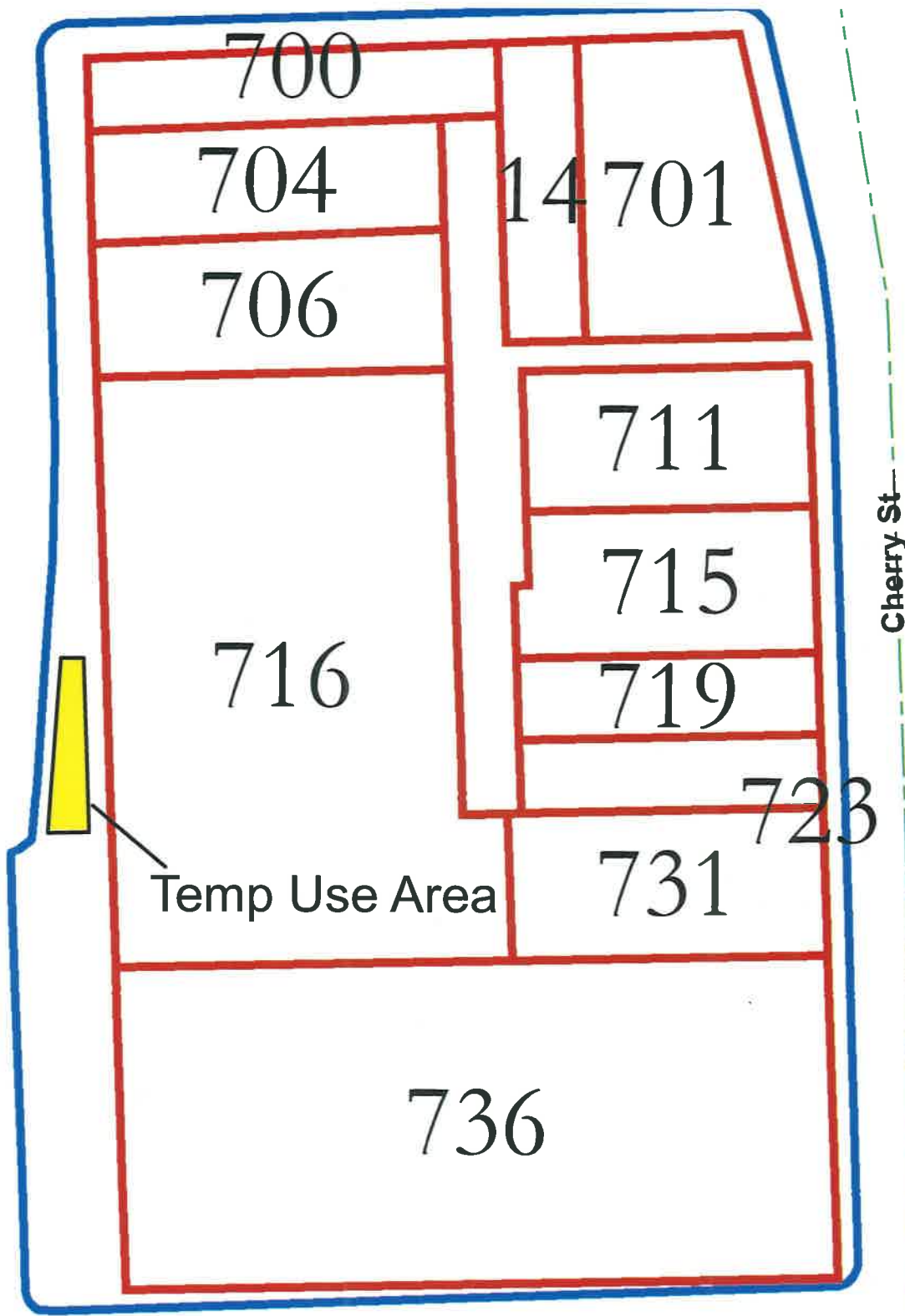
4. Temporary User shall provide adequate access for maintenance of any utilities located within the easement, is responsible for verifying all utility locations within the subject area prior to initiating the agreed usage, as well as the protection of said utilities for the duration of this permit.

ADOPTED: December 6, 2016

/mem



Market St



Cherry St