

RESOLUTION NO. 29803

A RESOLUTION AUTHORIZING RAGAN-SMITH ASSOCIATES C/O JAY E. FLOYD, ON BEHALF OF PROPERTY OWNER, WYNNE PROPERTIES C/O RICKY ETHELTON TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED BETWEEN 2800 AND 2806 8TH AVENUE FOR THE PURPOSE OF PAVING THE UNOPENED RIGHT-OF-WAY AND ADJOINING PARKING LOT, 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 RAGAN-SMITH ASSOCIATES C/O JAY E. FLOYD, ON BEHALF OF PROPERTY OWNER, WYNNE PROPERTIES C/O RICKY ETHELTON, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located between 2800 and 2806 8th Avenue for the purpose of paving the unopened right-of-way and adjoining parking lot, 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. This application is being considered with the written consent of the affected neighboring property owners stating that they have no present interest in the unopened right-of-way.

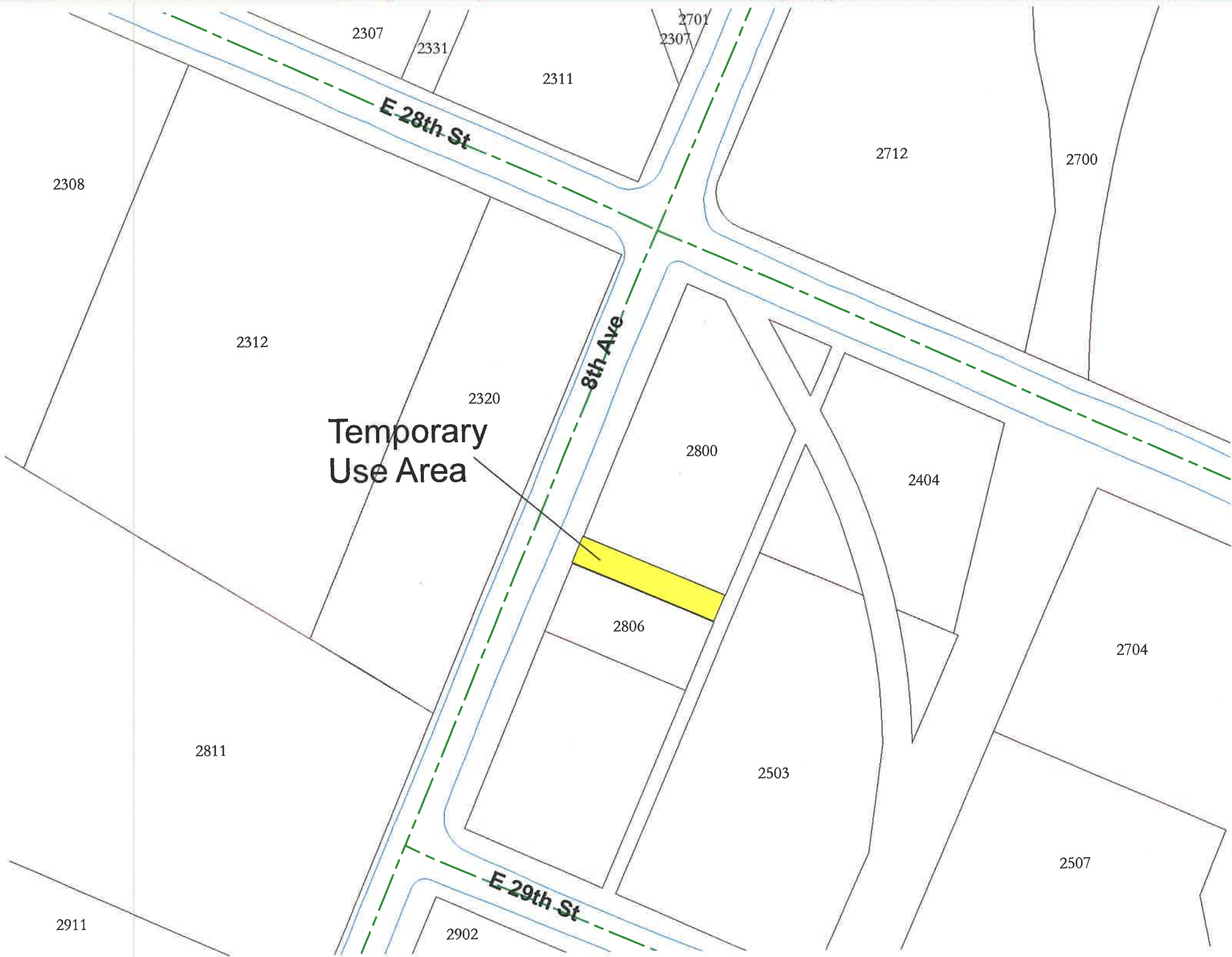
4. Any reasonable future conflicting interest from an affected neighboring property owner shall render this temporary use permit null and void, and the City shall give the Temporary User reasonable notice to vacate the right-of-way.

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

6. Temporary User shall provide adequate access for maintenance of any utilities located within the easement and 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: February 12, 2019

/mem



Temporary
Use Area