

RESOLUTION NO. 24081

A RESOLUTION AUTHORIZING DEAN M. GERSTON (READ HOUSE INVESTORS) TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED IN THE 800 BLOCK OF BROAD STREET TO INSTALL CAFÉ SEATING ON THE SIDEWALK, AS SHOWN ON THE MAP 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 Dean M. Gerson (Read House Investors) (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the City's right-of-way located in the 800 block of Broad Street to install café seating on the sidewalk, as shown on the map attached hereto and made a part hereof by reference.

BE IT FURTHER ORDAINED, 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.

ADOPTED: April 27, 2004

/pm

24081

4-27-04

## INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and DEAN M. GERSTON (READ HOUSE INVESTORS) (hereinafter "Temporary User"), this the 27 day of April, 2004.

For and in consideration of the granting of the temporary usage of the City's right-of-way located in the 800 block of Broad Street to install café seating on the sidewalk, the receipt of which is hereby acknowledged, Temporary User agrees as follows:

1. Temporary User will 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 will 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 will restore the property to its original condition when it is returned to the City.
3. Temporary User will provide adequate access for maintenance of any utilities located within the easement.

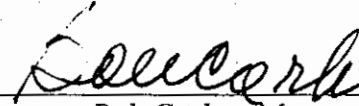
DEAN M. GERSTON  
READ HOUSE INVESTORS

\_\_\_\_\_, 2004  
Date

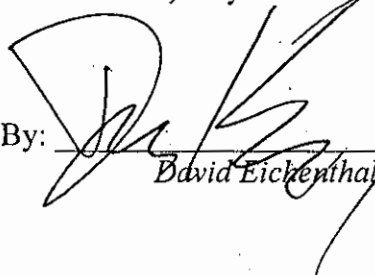
BY: \_\_\_\_\_

CITY OF CHATTANOOGA, TENNESSEE

5-3-04, 2004  
Date

BY:   
Bob Corker, Mayor

/pm

Reviewed By:   
David Eickenthal

