

RESOLUTION NO. 27915

A RESOLUTION AUTHORIZING MATTHEW COLE TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 717 LIBERTY STREET FOR THE INSTALLATION OF A RETAINING WALL, AS SHOWN ON THE MAP AND DRAWINGS 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 MATTHEW COLE, (hereinafter referred to as “Temporary User”) be and is hereby permitted to use temporarily the right-of-way located at 717 Liberty Street for the installation of a retaining wall, as shown on the map and drawings 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.

ADOPTED: June 17, 2014

/mem



INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and MATTHEW COLE (hereinafter "Temporary User"), this 17<sup>TH</sup> day of JUNE, 2014.

For and in consideration of the granting of the temporary usage of the right-of-way located at 717 Liberty Street for the installation of a retaining wall, as shown on the map and photos 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.

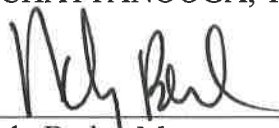
3. Temporary User shall provide adequate access for maintenance of any utilities located within the easement.

6/13, 2014  
Date

BY:   
Matthew Cole

CITY OF CHATTANOOGA, TENNESSEE

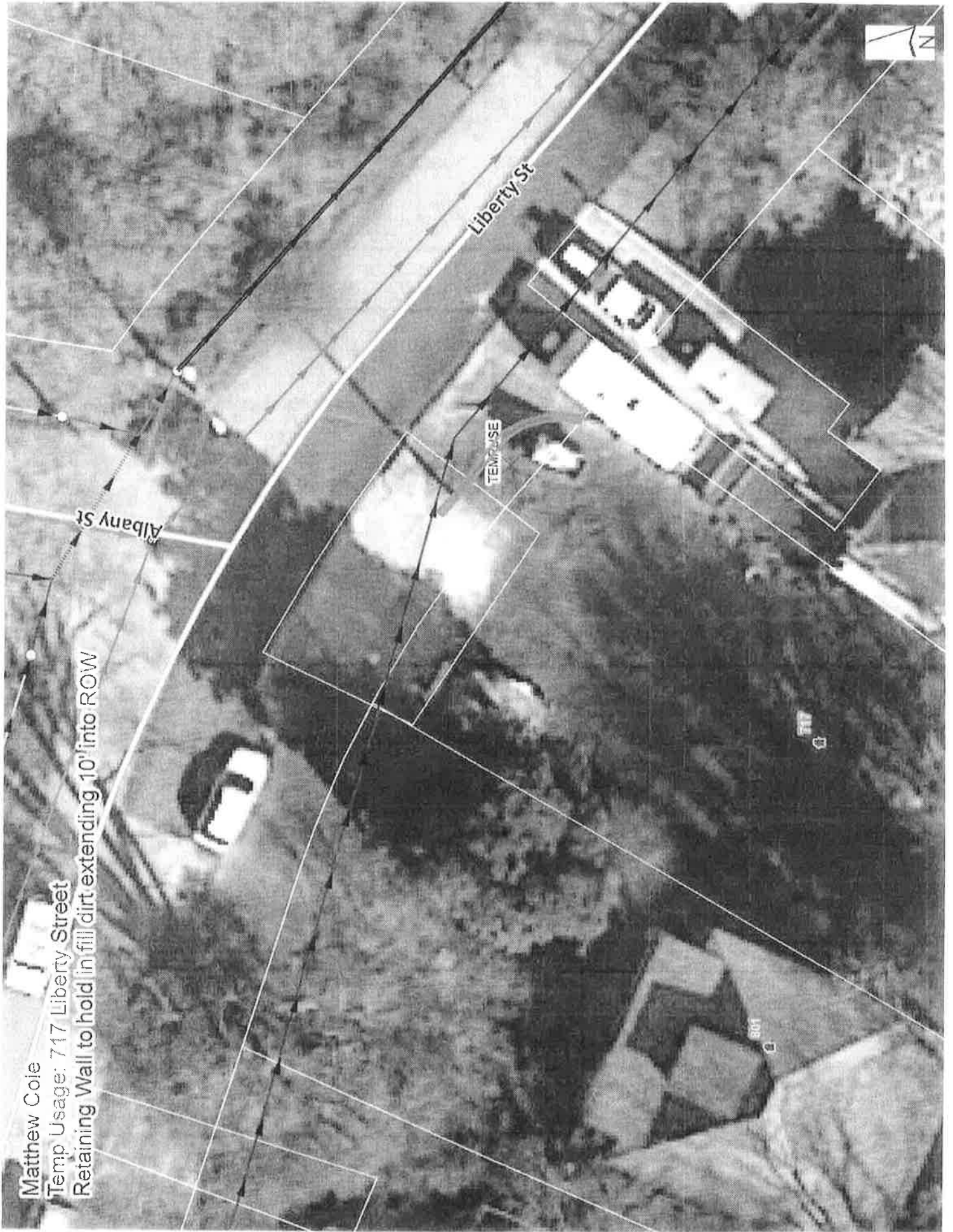
6/23, 2014  
Date

BY:   
Andy Berke, Mayor

Matthew Coie

Temp Usage: 717 Liberty Street

Retaining Wall to hold in fill dirt extending 10' into ROW



Liberty St

Albany St

TEMP USE

FTY

801

