

RESOLUTION NO. 27924

A RESOLUTION AUTHORIZING LEGENDS HOMEOWNERS ASSOCIATION C/O DARYL F. MANN TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT LEGENDS SUBDIVISION WITH THE GOODWIN ROAD EXPANSION FOR THE INSTALLATION OF A SECURITY FENCE, AS SHOWN ON THE MAPS AND PHOTOS 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 LEGENDS HOMEOWNERS ASSOCIATION C/O DARYL F. MANN, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located at Legends Subdivision with the Goodwin Road Expansion for the installation of a security fence, as shown on the maps and photos 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.

4. The proposed fence shall be installed as shown on the revised fence location drawing.

5. The required gate will need to provide twenty-four (24) hour access to the sewer.

6. The proposed fence shall be placed a minimum of five (5) feet from the southern toe of the berm.

ADOPTED: July 1, 2014

/m

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and LEGENDS HOMEOWNERS ASSOCIATION C/O DARYL F. MANN (hereinafter "Temporary User"), this 1st day of July, 2014.

For and in consideration of the granting of the temporary usage of the right-of-way located at Legends Subdivision with the Goodwin Road Expansion for the installation of a security fence, as shown on the maps and photos 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.

4. The proposed fence shall be installed as shown on the revised fence location drawing.

5. The required gate will need to provide twenty-four (24) hour access to the sewer.

6. The proposed fence shall be placed a minimum of five (5) feet from the southern toe of the berm.

LEGENDS HOMEOWNERS ASSOCIATION

7-1-, 2014
Date

BY: 
Daryl F. Mann, Chairman

CITY OF CHATTANOOGA, TENNESSEE

7/2/14, 2014
Date

BY: 
Andy Berke, Mayor



Legends: HOA/Dairy/Mann
 Temporary Usage: Goodwin Road
 Security fencing and tree buffer

Cam

TEMPUSE

Stoney Creek Dr

Shinecock Trl

Magnolia Lake Dr

Jenkins Rd

Batters Place Rd

Long Dr's

Peterson Dr

Cam

Cam

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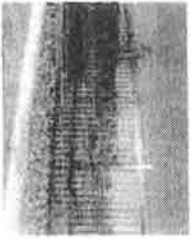
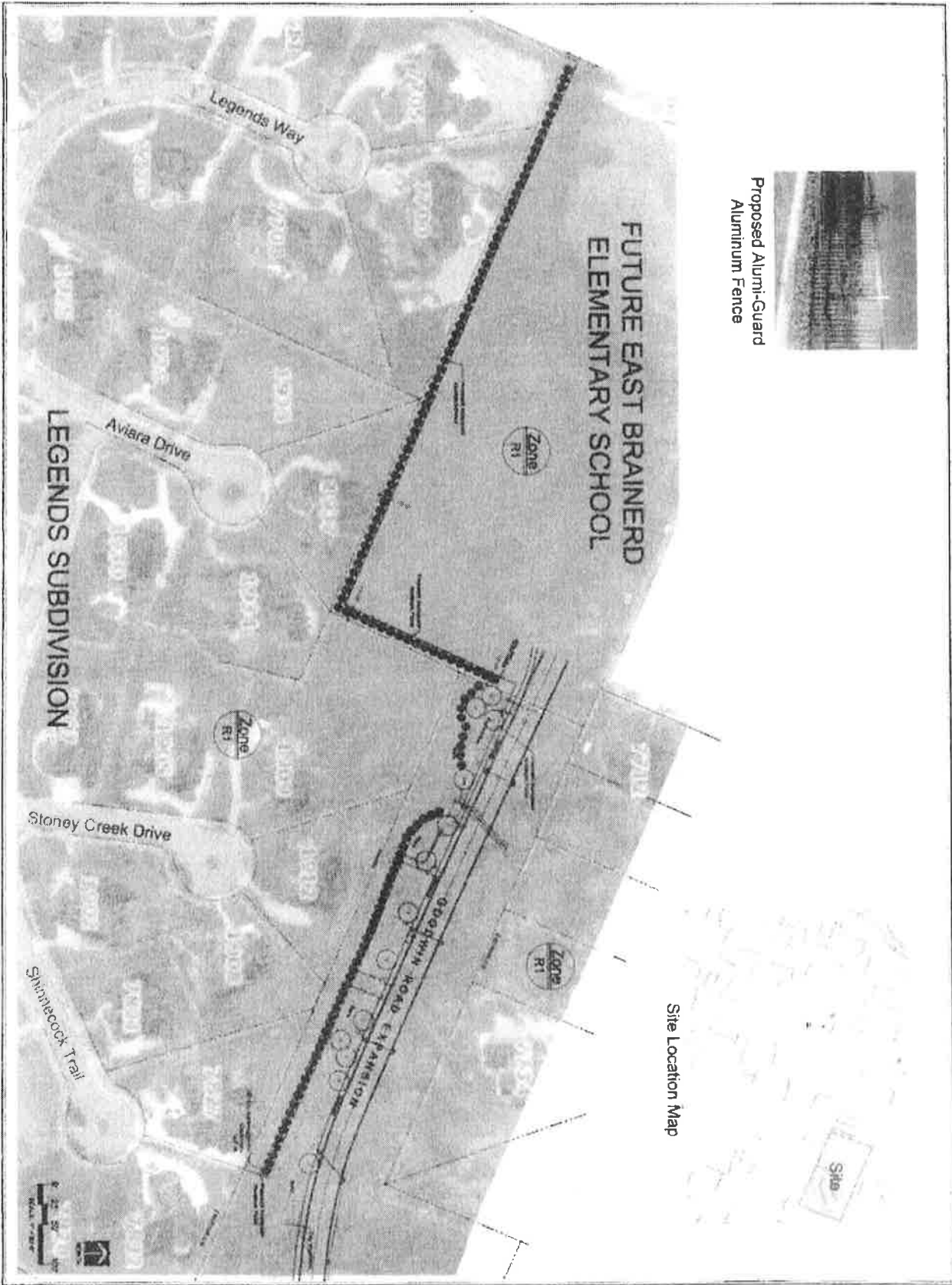
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Proposed Alurni-Guard
Aluminum Fence

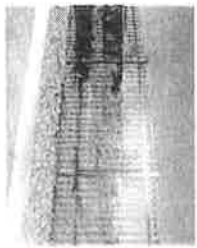
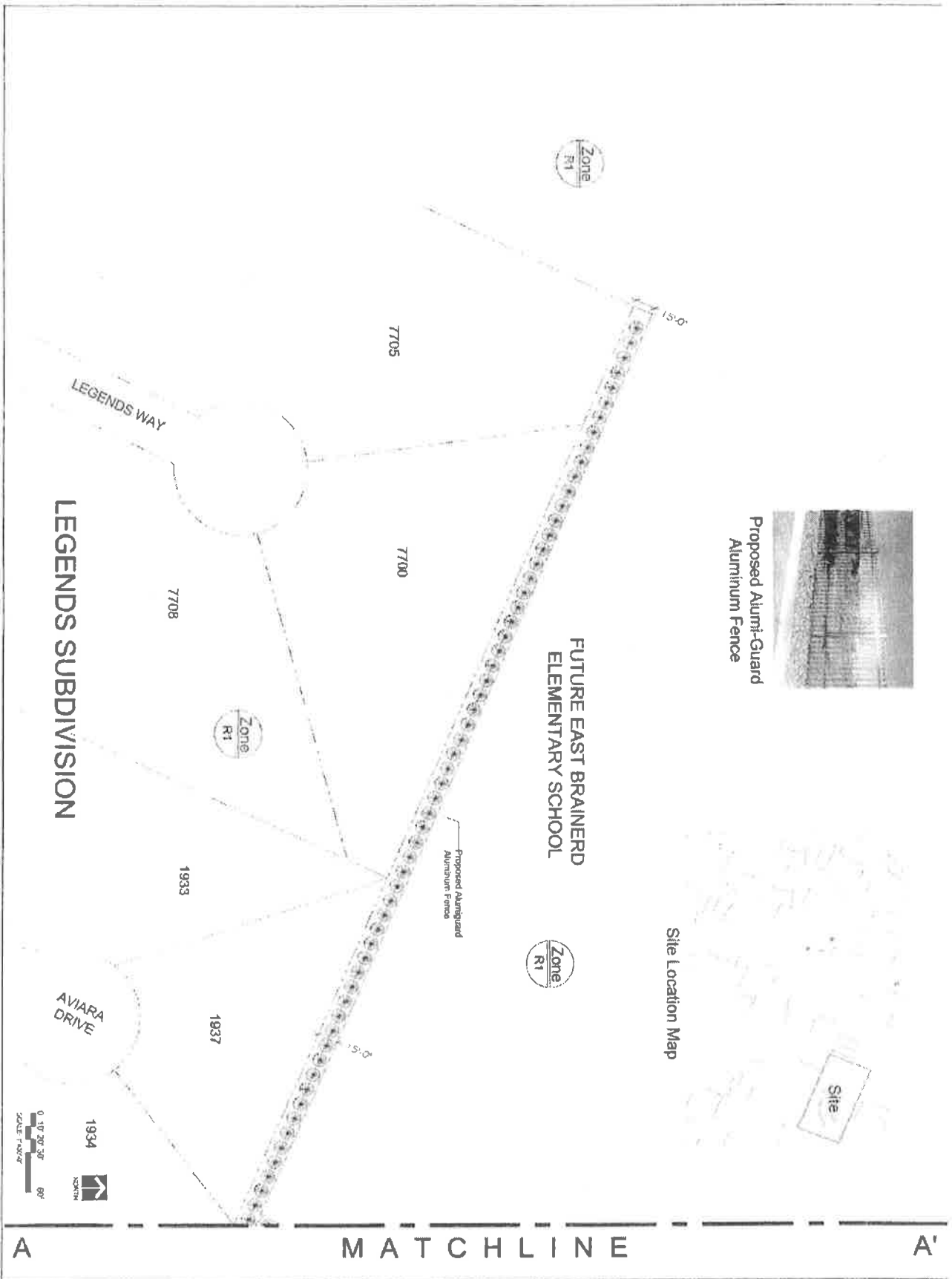
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 SITE PLAN
 LEGENDS HOME OWNER'S ASSOCIATION
 TEMPORARY USE OF RIGHT OF WAY
 CHATTANOOGA, TN



LEGENDS HOME OWNER'S ASSOCIATION
 TEMPORARY USE OF RIGHT OF WAY
 CHATTANOOGA, TN



NO.	REVISION	DATE



Proposed Alumni-Guard Aluminum Fence



Site Location Map

<p>110 L-110</p>	<p>DATE: 11/11/11 DRAWN BY: [Signature] CHECKED BY: [Signature] SCALE: AS SHOWN</p>	<p>LEGENDS HOME OWNER'S ASSOCIATION TEMPORARY USE OF RIGHT OF WAY CHATTANOOGA, TN</p>	<p>cdg CRAIG DESIGN GROUP Landscape Architecture</p>	<p>11/11/11</p>
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