

RESOLUTION NO. 27926

A RESOLUTION AUTHORIZING EVELYN COOPER TO USE TEMPORARILY THE RIGHT-OF-WAY FOR A PORTION OF THE ALLEY AND TO PLACE A FENCE AT THE CORNER OF FOUST AND HAWTHORNE STREETS, AS SHOWN ON THE MAP AND PHOTO 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 EVELYN COOPER, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way for a portion of the alley and to place a fence at the corner of Foust and Hawthorne Streets, as shown on the map and photo 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. Fencing will be outside of the twenty-five foot (25') sight triangle.

5. A gate across the alley and parallel to Hawthorne Street will need to provide twenty-four (24) hour access to the alley.

6. Any damage done to the gate while gaining access to the sewer will not be the responsibility of the City of Chattanooga.

7. Any fence placement must be on the right-of-way line that runs parallel to Hawthorne Street and to Foust Street. It cannot project into the right-of-way.

ADOPTED: July 1, 2014

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and EVELYN COOPER (hereinafter "Temporary User"), this 19TH day of JUNE, 2014.

For and in consideration of the granting of the temporary usage of the right-of-way for a portion of the alley and to place a fence at the corner of Foust and Hawthorne Streets, as shown on the map and photo 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.
4. Fencing will be outside of the twenty-five foot (25') sight triangle.
5. A gate across the alley and parallel to Hawthorne Street will need to provide twenty-four (24) hour access to the alley.
6. Any damage done to the gate while gaining access to the sewer will not be the responsibility of the City of Chattanooga.

7. Any fence placement must be on the right-of-way line that runs parallel to Hawthorne Street and to Foust Street. It cannot project into the right-of-way.

6/19/14, 2014
Date

BY: Evelyn Cooper
Evelyn Cooper

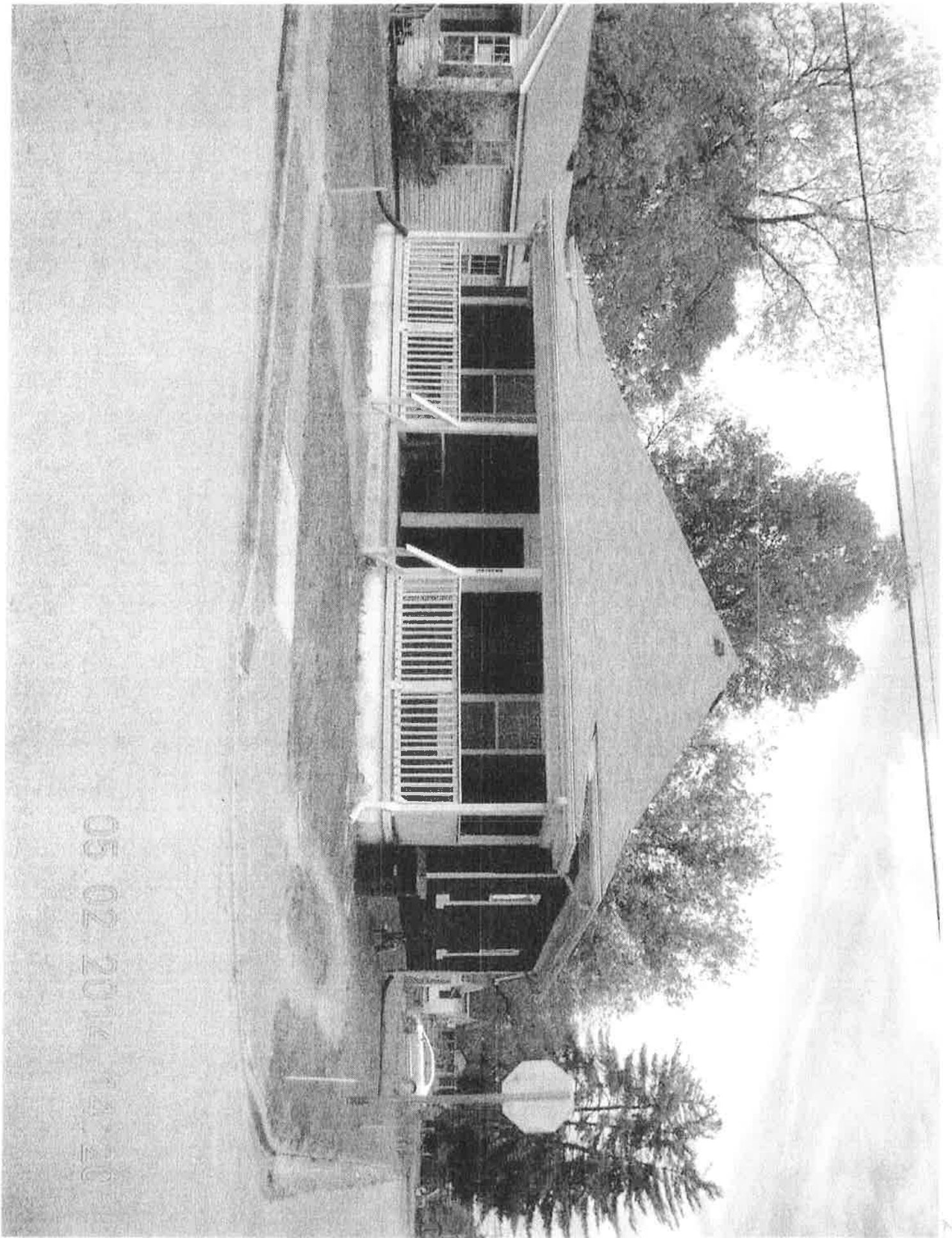
CITY OF CHATTANOOGA, TENNESSEE

7/2, 2014
Date

BY: Andy Berke
Andy Berke, Mayor

Evelyn J Cooper
Temporary Usage: 1733 Foust Street
Fencing in ROW

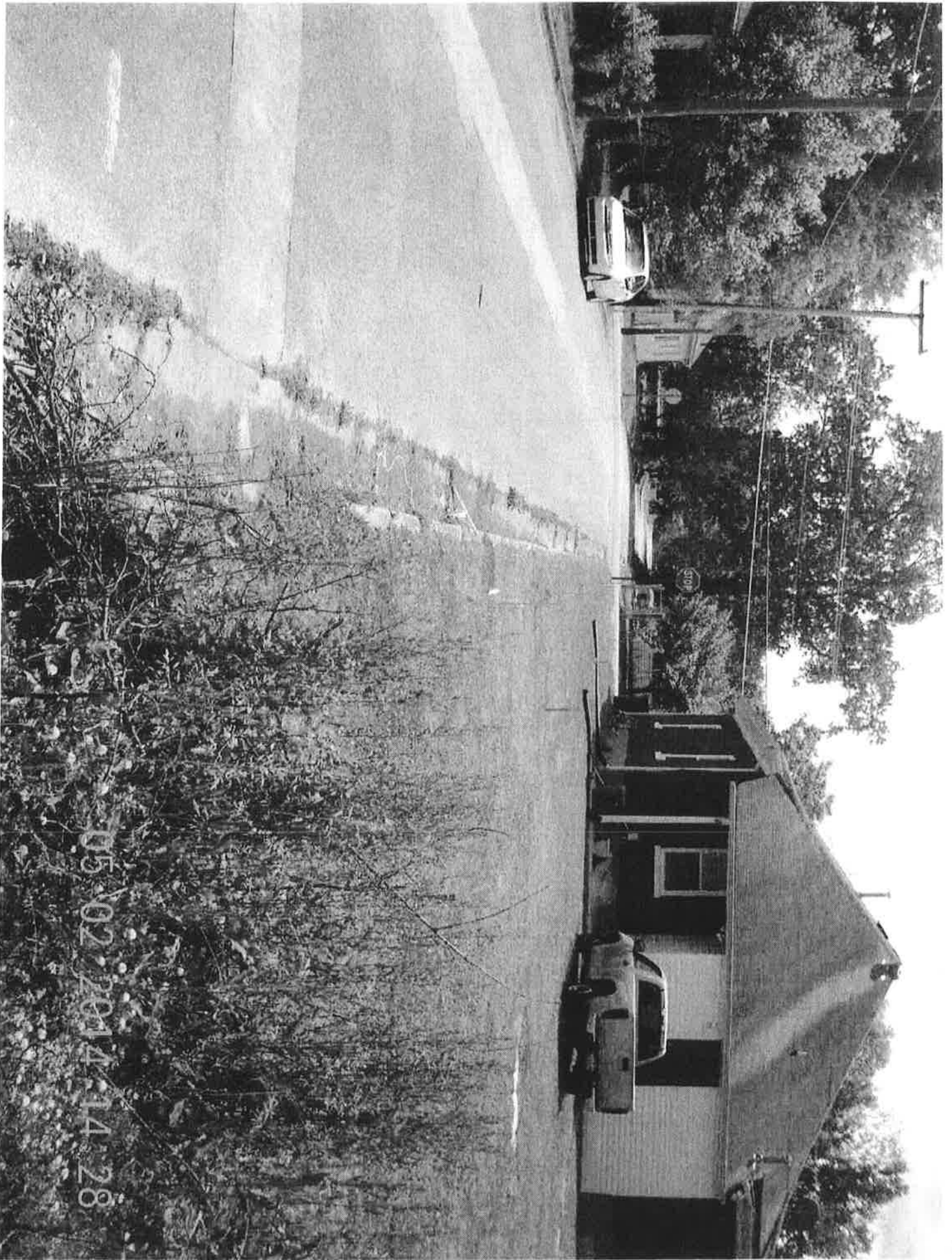




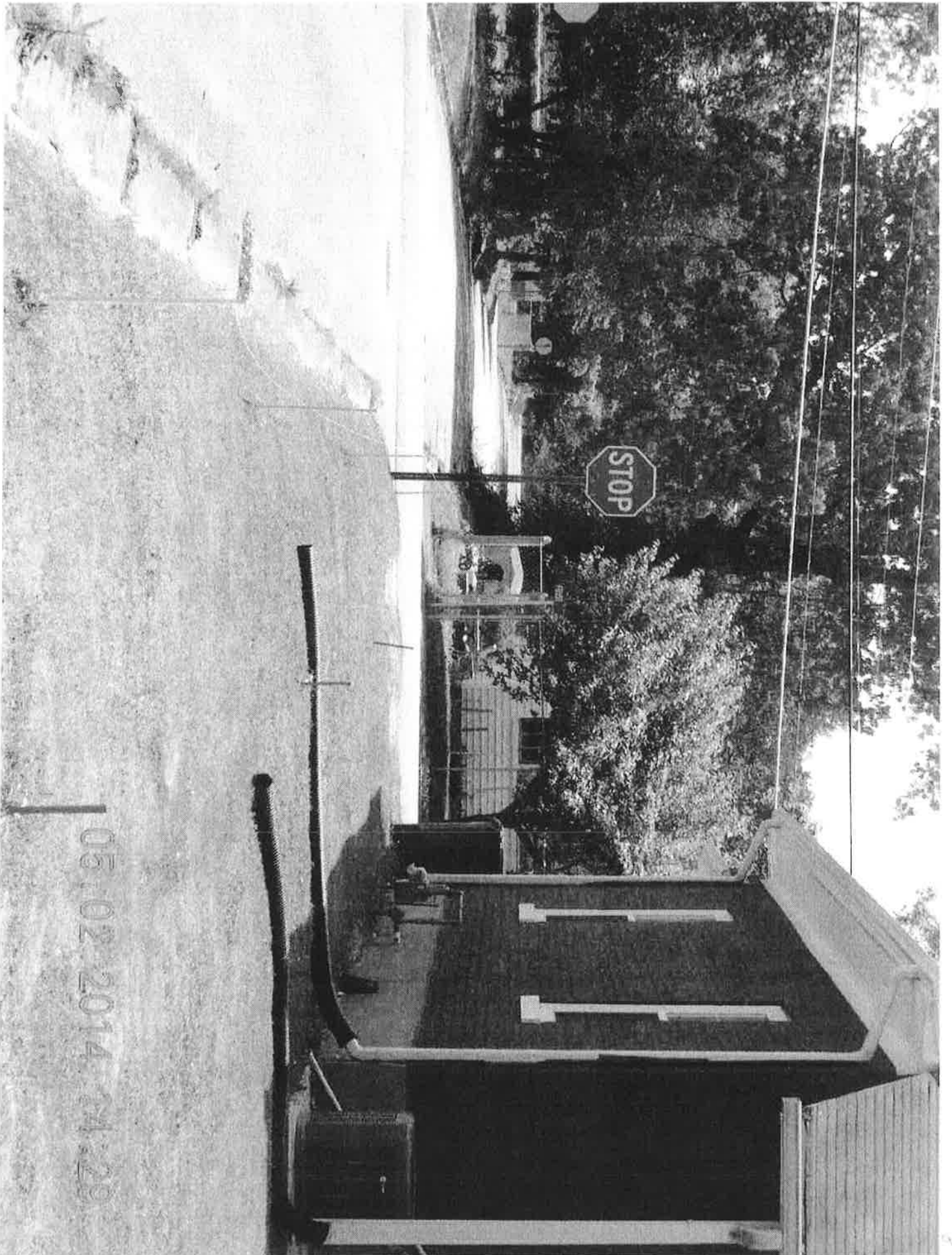
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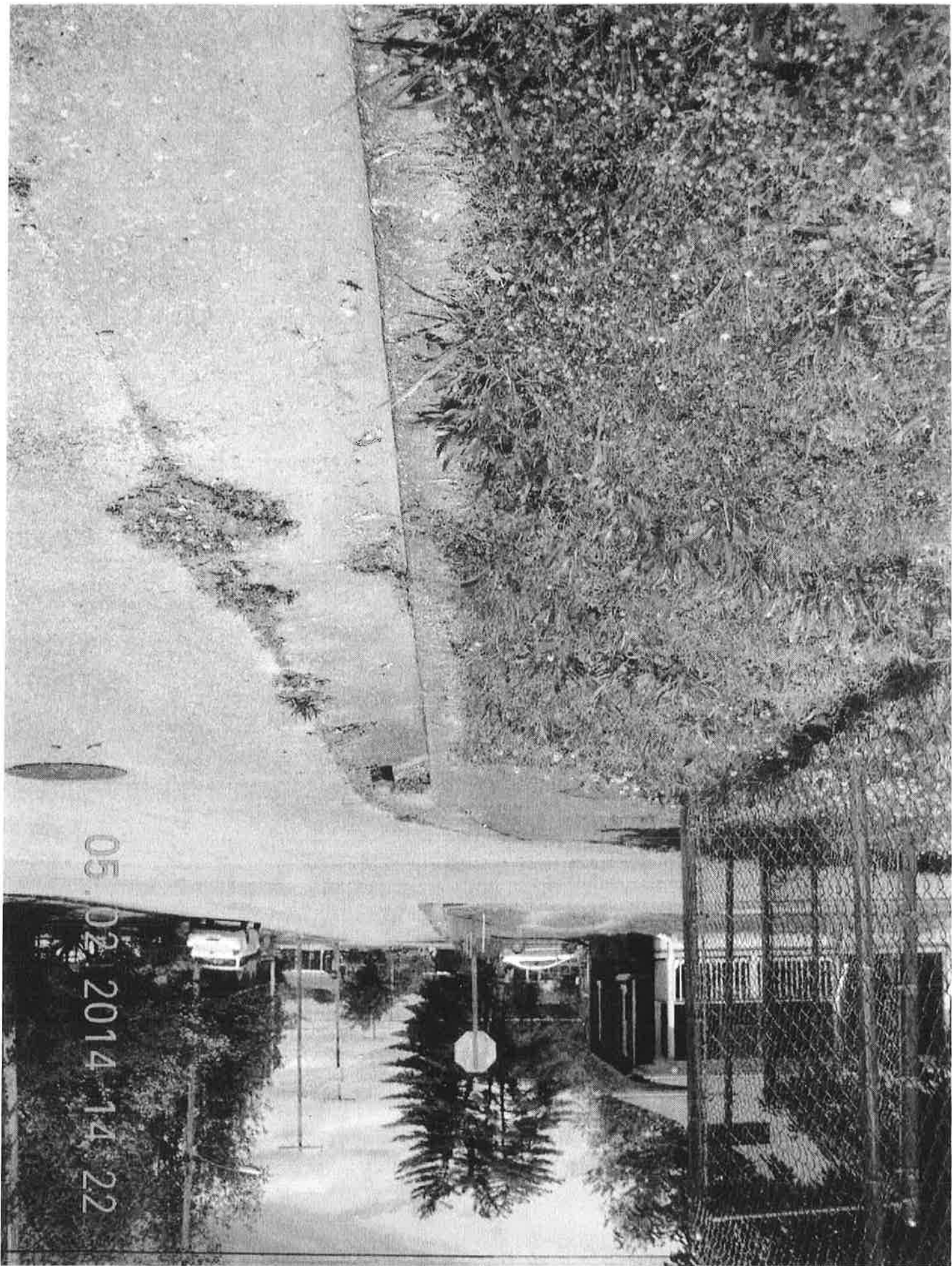
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