

RESOLUTION NO. 27131

A RESOLUTION AUTHORIZING MCCALLIE SCHOOL C/O WILLIAM C. KROPFF, EXECUTIVE DIRECTOR OF OPERATIONS, TO USE TEMPORARILY A PORTION OF RIGHT-OF-WAY LOCATED ON ANDERSON AVENUE FOR THE SCHOOL'S ABILITY TO FACILITATE AN INTERNAL ACCESS PLAN FOR STUDENTS, AS SHOWN ON THE MAP AND DRAWING 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 MCCALLIE SCHOOL C/O WILLIAM C. KROPFF, EXECUTIVE DIRECTOR OF OPERATIONS, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily a portion of right-of-way located on Anderson Avenue for the school's ability to facilitate an internal access plan for students, as shown on the map and drawing 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 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: June 5, 2012

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and MCCALLIE SCHOOL C/O WILLIAM C. KROPFF, EXECUTIVE DIRECTOR OF OPERATIONS (hereinafter "Temporary User"), this 5th day of JUNE, 2012.

For and in consideration of the granting of the temporary usage of a portion of right-of-way located on Anderson Avenue for the school's ability to facilitate an internal access plan for students, as shown on the map and drawing attached hereto and made a part hereof by reference, the receipt of which is hereby acknowledged, Temporary User agrees as follows:

1. Temporary User shall 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 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.

McCALLIE SCHOOL

_____, 2012
Date

BY: _____
William C. Kropff
Executive Director of Operations

6/11, 2012
Date

CITY OF CHATTANOOGA, TENNESSEE

BY: _____
Ron Littlefield, Mayor

WOODWARD AVE

BENNETT AVE

Temp Use #88230
McCaille School

LEWIS ST

ANDERSON AVE

LEWIS ST

ESLIE ST



