

RESOLUTION NO. 24014

A RESOLUTION AUTHORIZING BULKMATIC TRANSPORT COMPANY TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY OF AN ALLEY LOCATED BETWEEN 1941 ROSSVILLE AVENUE AND 2001 ROSSVILLE AVENUE TO INSTALL A WATER LINE, SUBJECT TO CERTAIN CONDITIONS.

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Bulkmatic Transport Company (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the City's right-of-way of an alley located between 1941 Rossville Avenue and 2001 Rossville Avenue, as shown on the map attached hereto and made a part hereof by reference, to install a water line.

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: January 20, 2004

/pm

## INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and BULKMATIC TRANSPORT COMPANY (hereinafter "Temporary User"), this the 20<sup>th</sup> day of January, 2004.

For and in consideration of the granting of the temporary usage of the City's right-of-way of an alley located between 1941 Rossville Avenue and 2001 Rossville Avenue to install a water line, 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.

BULKMATIC TRANSPORT COMPANY

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

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

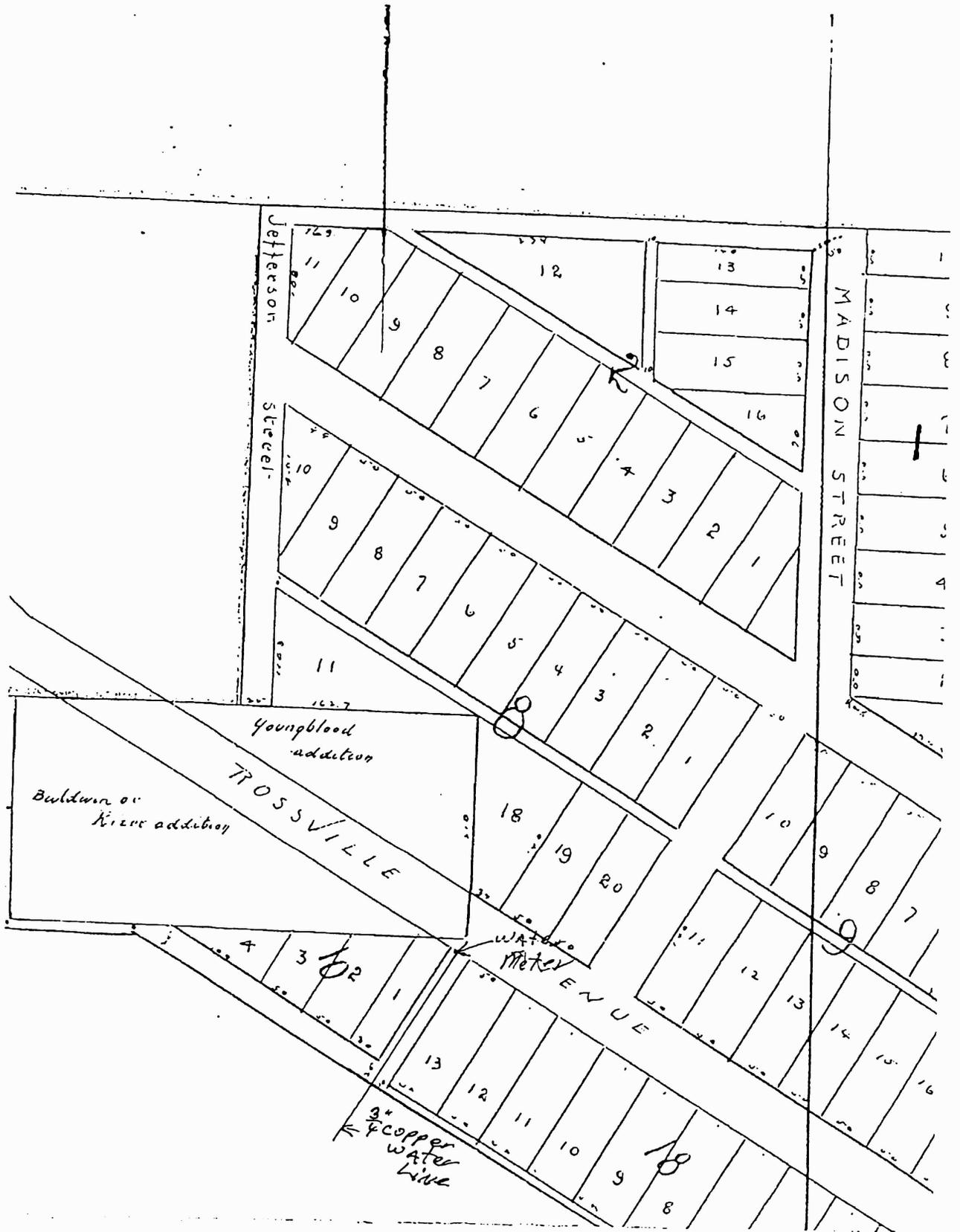
CITY OF CHATTANOOGA, TENNESSEE

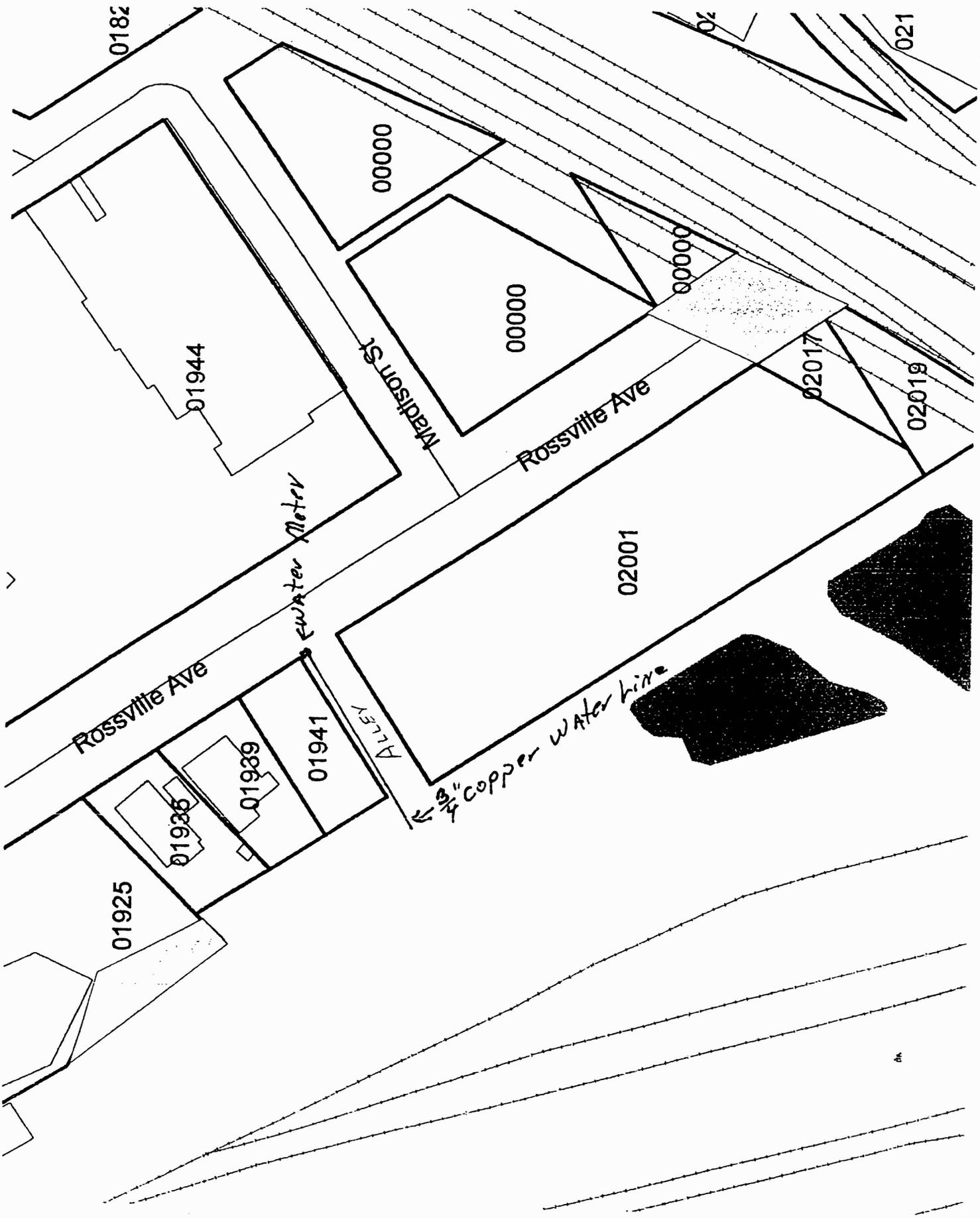
January 26, 2004  
Date

BY: S/ \_\_\_\_\_  
*Bob Corker, Mayor*

/pm

Reviewed By: s/ \_\_\_\_\_  
*David Eichenthal*





0182

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01944

MADISON ST

Rossville Ave

02017

02019

Water Meter

02001

Rossville Ave

ALLEY

3/4" copper water line

01936

01939

01941

01925

dm