

RESOLUTION NO. 25253

A RESOLUTION AUTHORIZING FRED J. BENNETT TO USE TEMPORARILY THE 3300 BLOCK OF ROSSVILLE BOULEVARD TO 36TH STREET AND 3501 CLIO AVENUE TO 36TH STREET TO INSTALL A GATE IN THE ALLEY OF THE CITY RIGHT-OF-WAY, AS SHOWN ON THE DRAWINGS 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 Fred J. Bennett (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the 3300 block of Rossville Boulevard to 36th Street and 3501 Clio Avenue to 36th Street to install a gate in the alley of the City right-of-way, as shown on the drawings attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED, That said temporary usage shall be subject to the following additional conditions:

1. The conditions on the Memorandum attached hereto and made a part hereof by reference.
2. 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.
3. Temporary User agrees to vacate the property and temporary use upon reasonable notice from the City to do so.
4. Temporary User shall provide adequate access for maintenance of any utilities located within the easement.

ADOPTED: September 11, 2007

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and FRED J. BENNETT (hereinafter "Temporary User"), this 11th day of September, 2007.

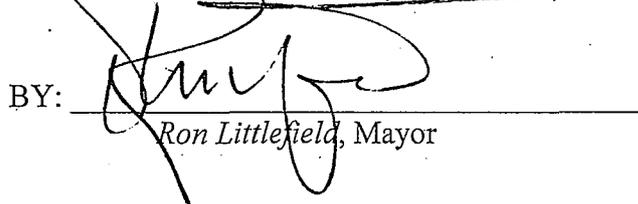
For and in consideration of the granting of the temporary usage of the 3300 block of Rossville Boulevard to 36th Street and 3501 Clio Avenue to 36th Street to install a gate in the alley of the City right-of-way, as shown on the drawings attached hereto and made a part hereof by reference, the receipt of which is hereby acknowledged, Temporary User agrees as follows:

1. The conditions on the Memorandum attached hereto and made a part hereof by reference.
2. 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.
3. 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.
4. Temporary User will provide adequate access for maintenance of any utilities located within the easement.

FRED J. BENNETT

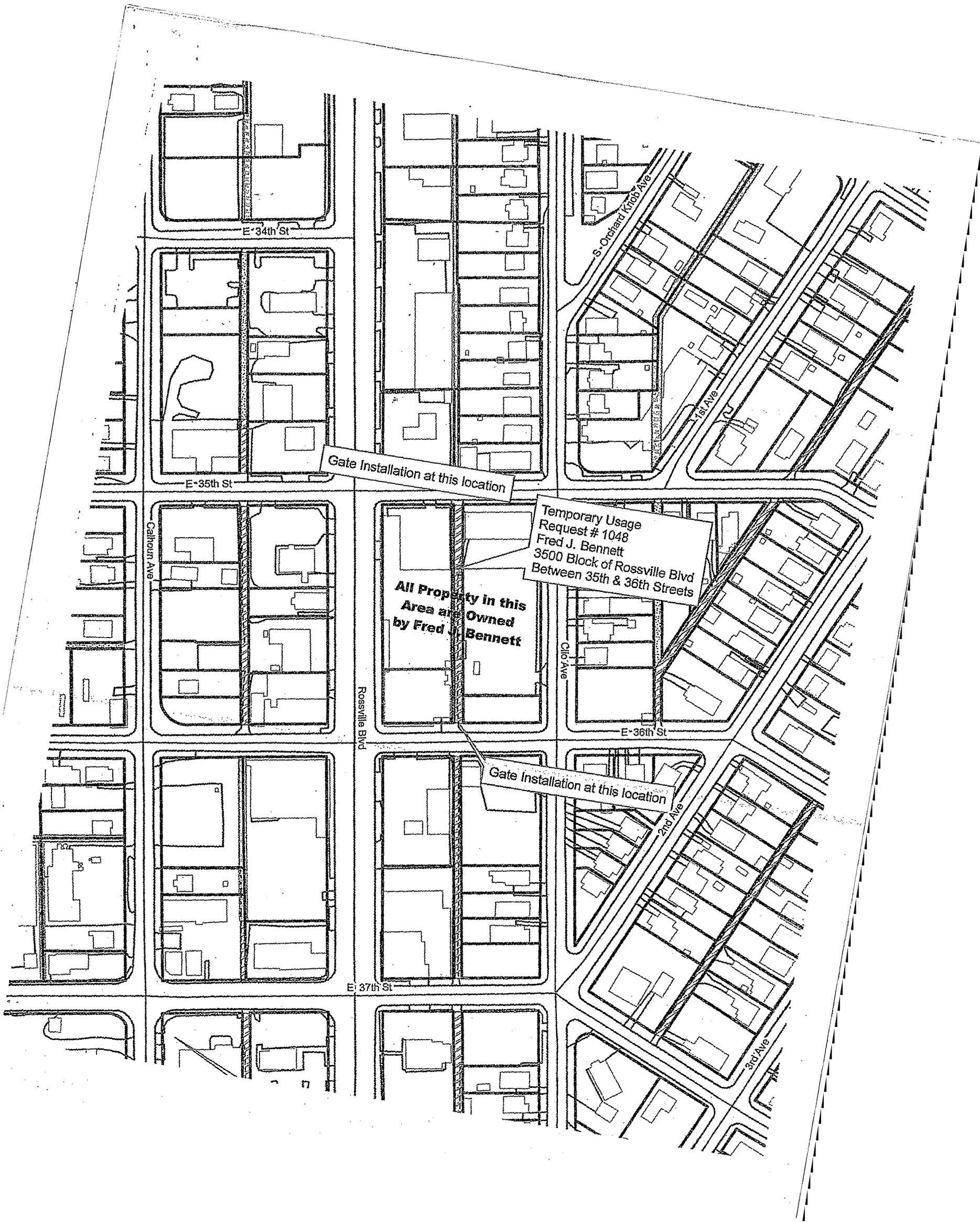


CITY OF CHATTANOOGA, TENNESSEE

BY: 
Ron Littlefield, Mayor

Oct 15 2007, 2007
Date

9/14, 2007
Date
/add



Gate Installation at this location

Temporary Usage Request # 1048
Fred J. Bennett
3500 Block of Rossville Blvd
Between 35th & 36th Streets

All Property in this Area are Owned by Fred J. Bennett

Gate Installation at this location

Calhoun Ave

Rossville Blvd

Clio Ave

2nd Ave

3rd Ave

E-34th St

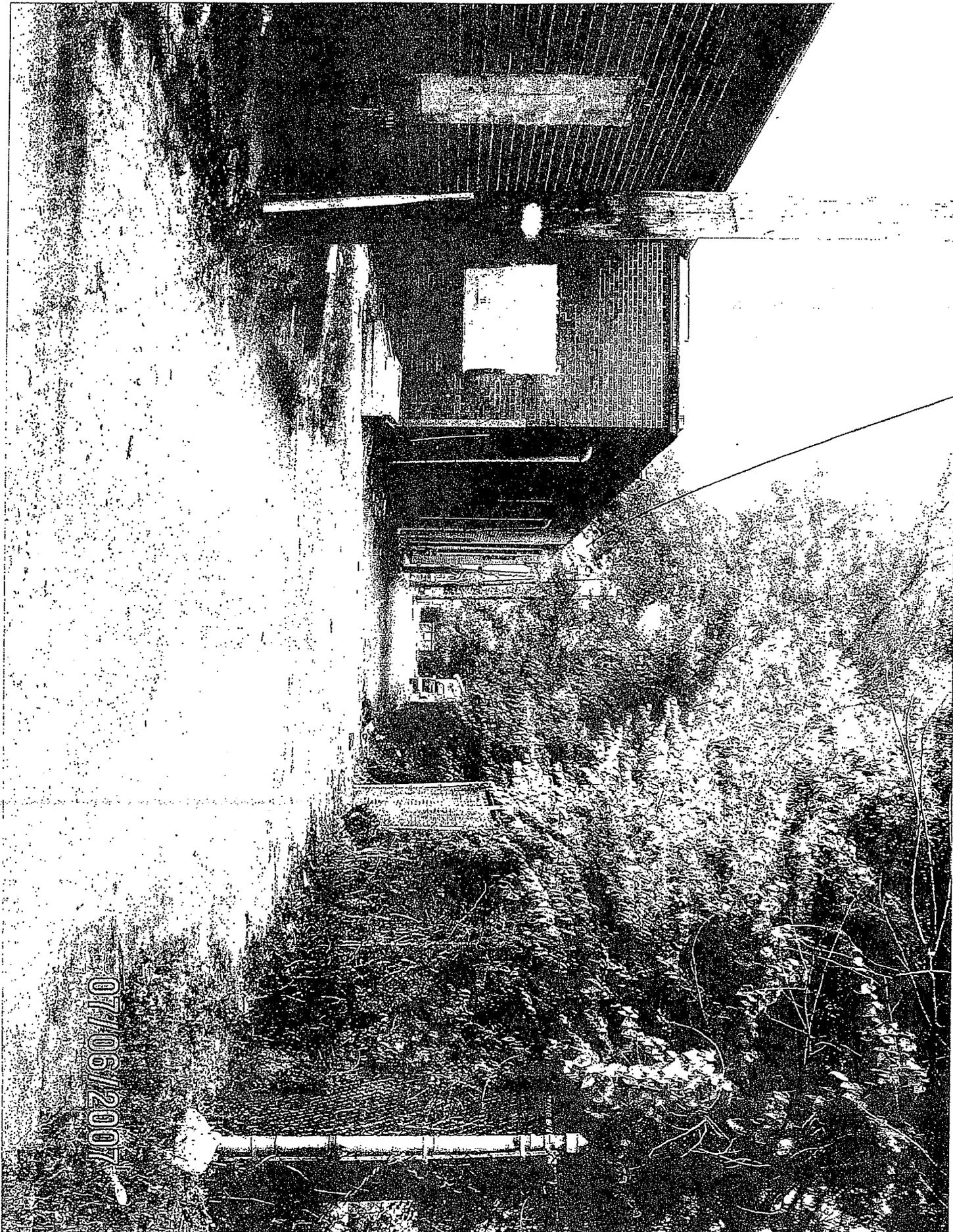
E-35th St

E-36th St

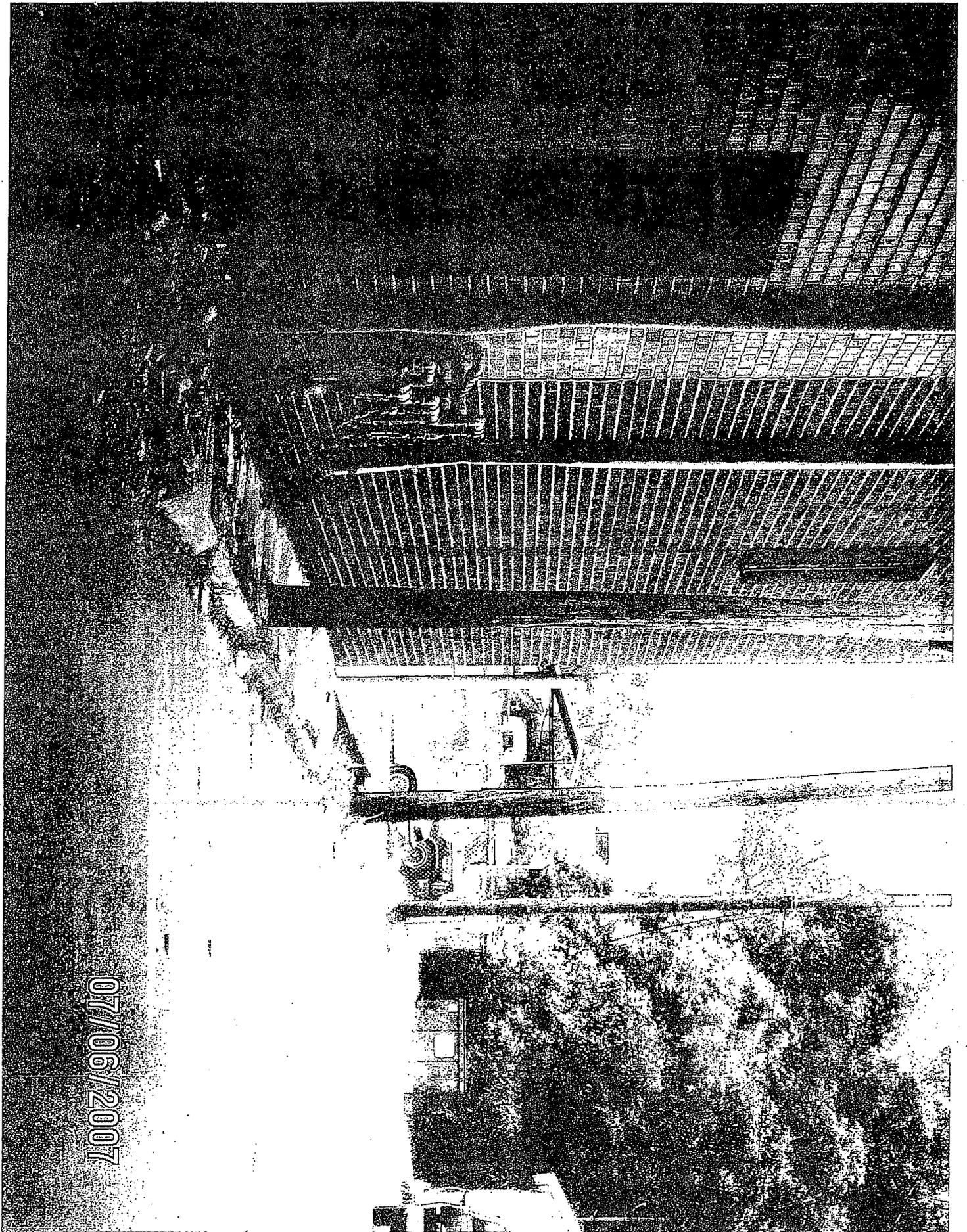
E-37th St

S Orchard Knob Ave

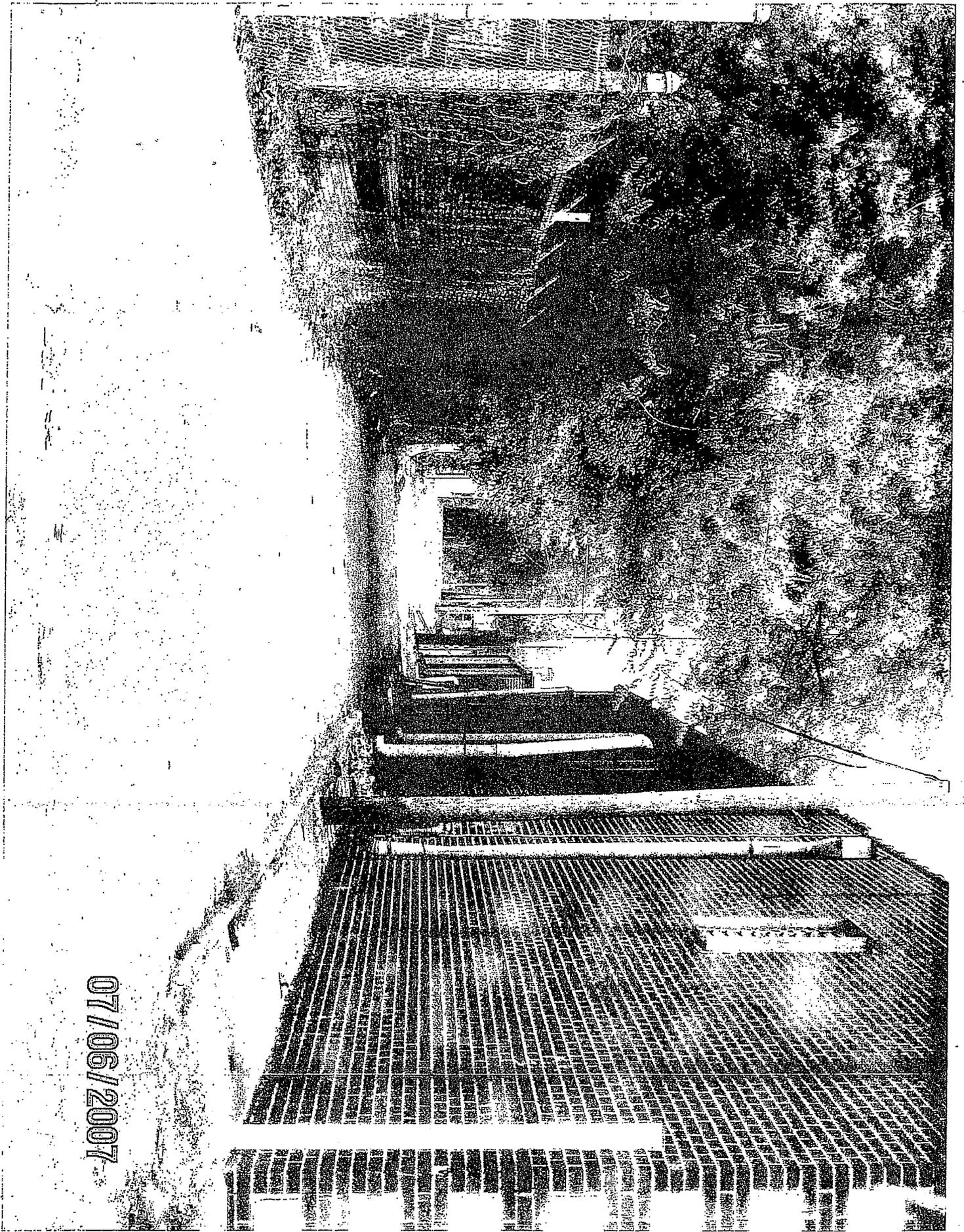
1st Ave



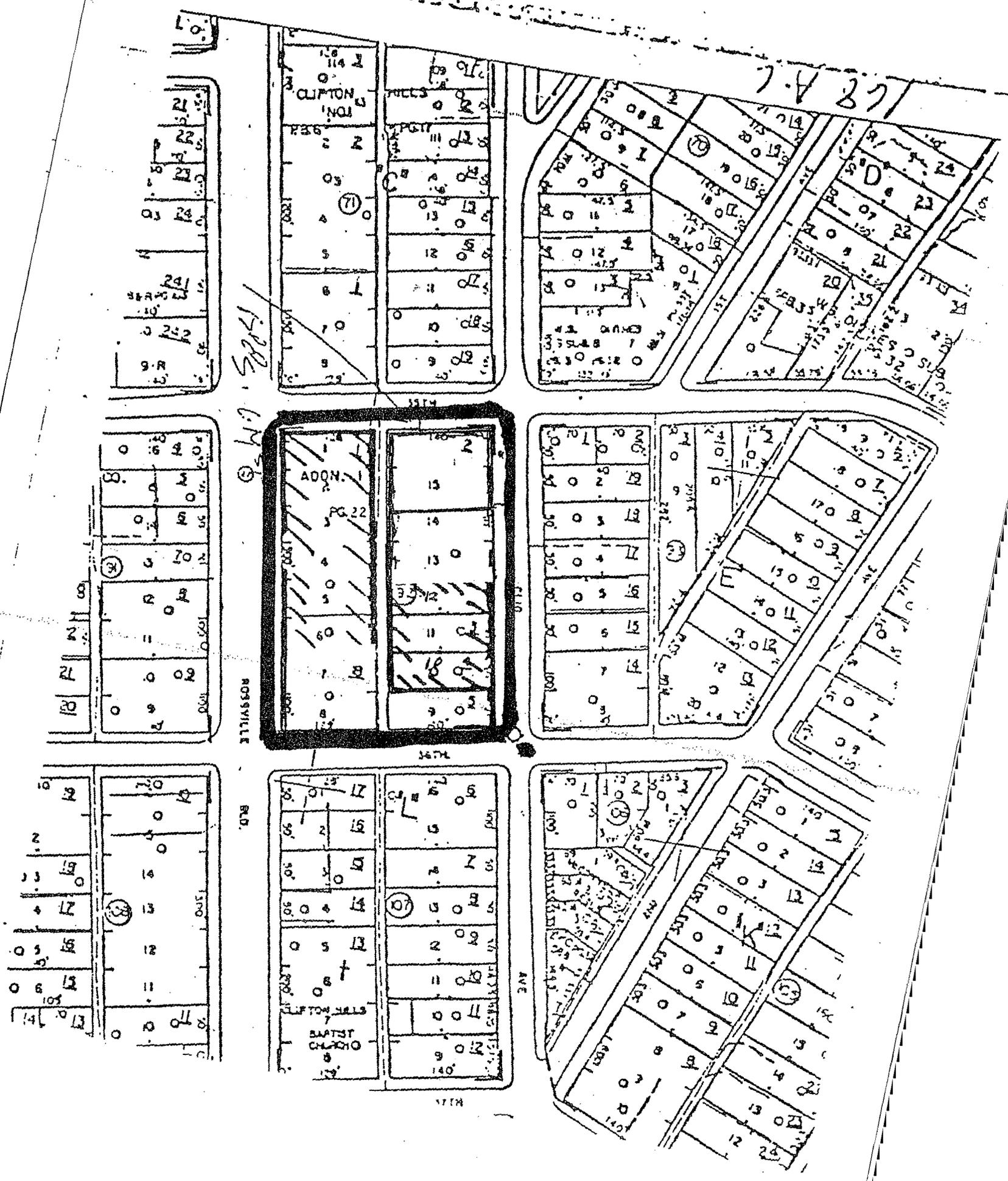
07/06/2007



07/06/2007



07/06/2007



CLIFTON
IND.

ADDN. 1

PG. 22

CLIFTON WELLS

ROSSVILLE
BLD.

ROSSVILLE
BLD.

ROSSVILLE
BLD.

CLIFTON

CLIFTON
AVE

CLIFTON

Memorandum

To: Bill Payne

From: Bill Cannon

Date: August 17, 2007

Re: Temporary Usage Request #1048
Fred J. Bennett
3500 Block of Rossville Blvd
Recommendations for Temporary Usage

I have completed the review of Mr. Fred J. Bennett's request for Temporary Usage of the existing Alleyway located in the 3500 Block of Rossville Blvd., between 35th and 36th Streets, and Clio Avenue as indicated on the attachment.

The existing alleyway is approximately 16 (+) feet in width, and is an open Tier 1 ROW. Since Mr. Bennett's request is to allow for the installation of gates at each end of the alleyway alleviate theft, vandalism and illegal dumping on his property. Furthermore, the alley services and bisects only the applicant's property, and does not affect any other property owners. It should be noted that the following utilities and public interest have existing assets in the ROW: City of Chattanooga (sanitary sewer), Electric Power Board, AT&T Southeast (formerly BellSouth) and Chattanooga Gas.

Therefore, granting this Temporary Usage Request does not conflict with the Public's interest, and it is my recommendation that the ***Request for Temporary Usage be approved with the following condition.***

Condition 1: Pending applicant's correspondence with all utilities and public interest regarding total unrestricted access of ROW, and the distribution of keys by the applicant if gates are to be locked.