

RESOLUTION NO. 25347

A RESOLUTION AUTHORIZING FIDELITY TRUST COMPANY TO USE TEMPORARILY A PORTION OF THE SIDEWALK IN FRONT OF THE OLD HAMILTON HOTEL AT 714 CHERRY STREET FOR THE PLACEMENT OF A PLANTER, AS SHOWN ON THE 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 Fidelity Trust Company (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily a portion of the sidewalk in front of the old Hamilton Hotel at 714 Cherry Street for the placement of a planter, as shown on the drawing 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. 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: November 27, 2007

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and FIDELITY TRUST COMPANY (hereinafter "Temporary User"), this 27 day of November, 2007.

For and in consideration of the granting of the temporary usage of a portion of the sidewalk in front of the old Hamilton Hotel at 714 Cherry Street for the placement of a planter, as shown on the 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 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.

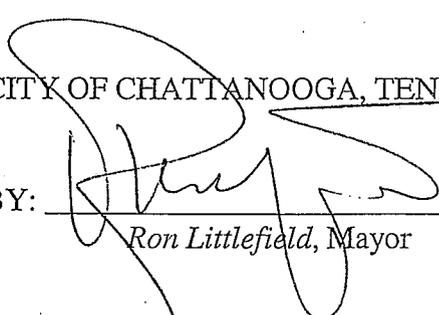
FIDELITY TRUST COMPANY

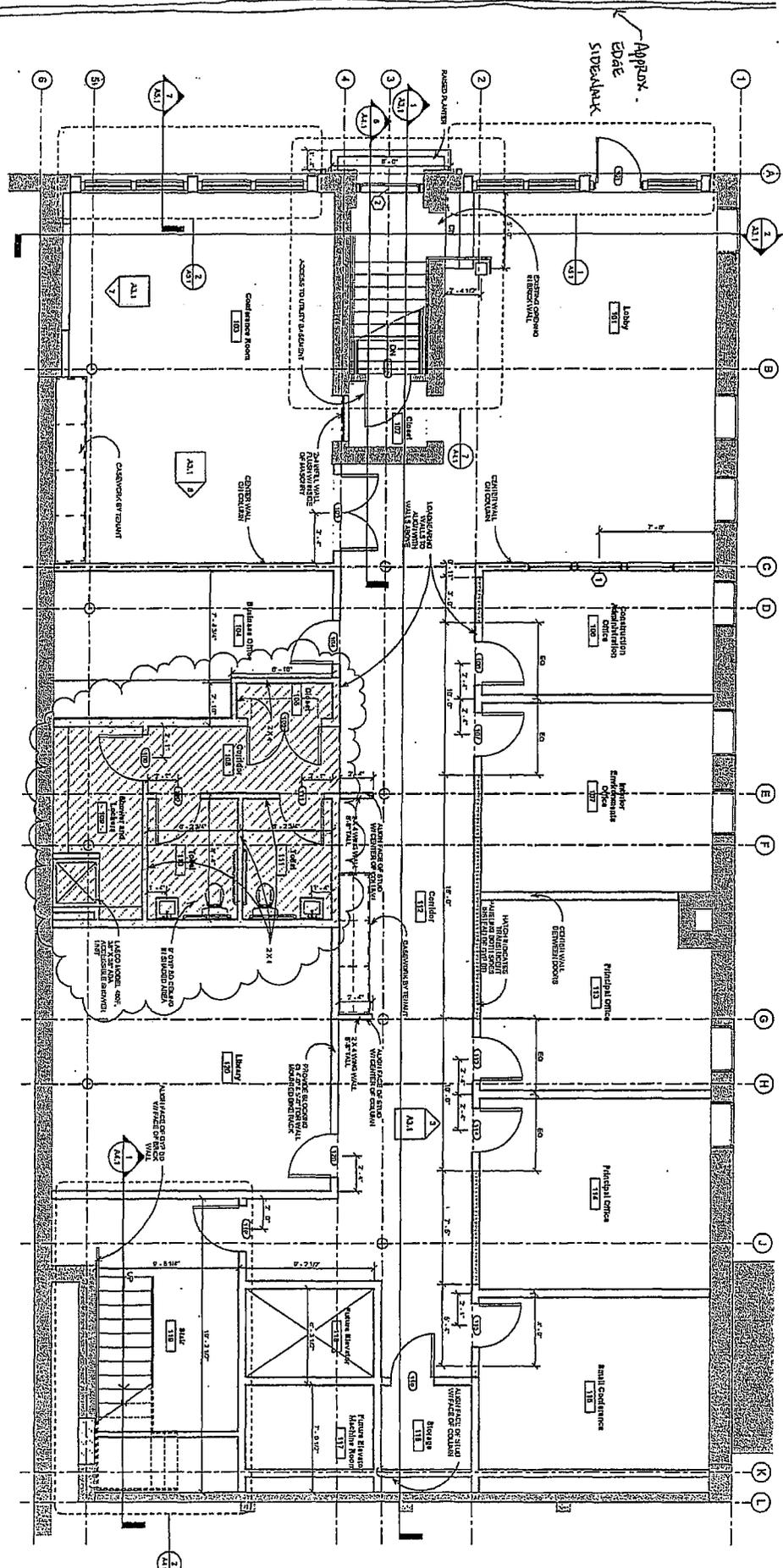
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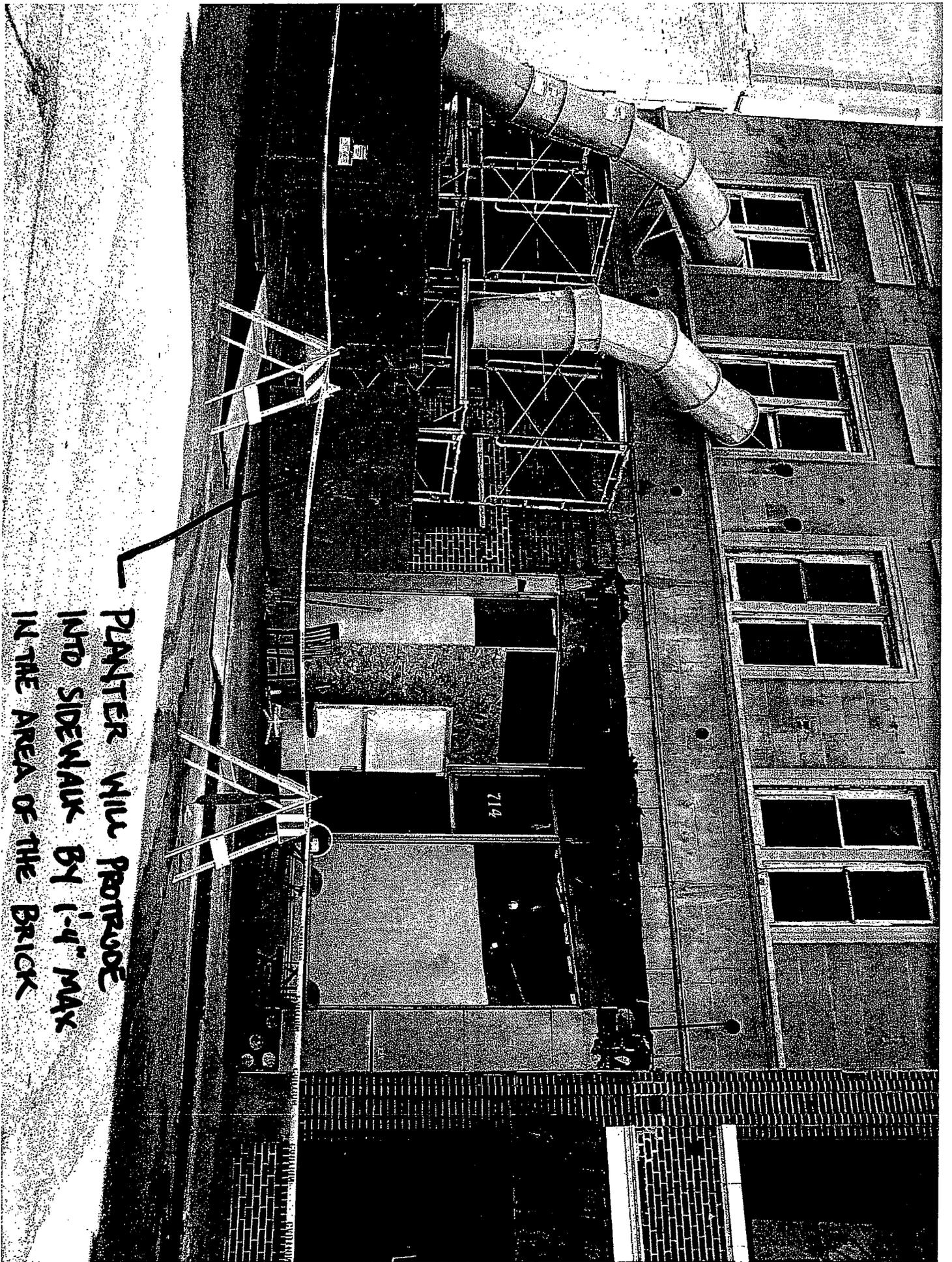
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CITY OF CHATTANOOGA, TENNESSEE

\_\_\_\_\_  
BY:   
*Ron Littlefield, Mayor*



Approx. Edate Sudevalark



PLANTER WILL PROTRUDE  
INTO SIDEWALK BY 1'-4" MAX  
IN THE AREA OF THE BRICK