

RESOLUTION NO. 25486

A RESOLUTION AUTHORIZING UNITED ENERTECH C/O RLT PROPERTIES TO USE TEMPORARILY A PORTION OF THE RIGHT-OF-WAY RUNNING NORTH AND SOUTH ALONG THE WEST SIDE OF THE 2900 BLOCK OF SOUTH HICKORY STREET, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, TO ALLOW THE PROPERTY OWNER MANEUVERING SPACE FOR 18-WHEEL TRANSPORTS TO DOCK AND PARK NEXT TO THE WAREHOUSE, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That United Enertech c/o RLT Properties (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily a portion of the right-of-way running north and south along the west side of the 2900 block of South Hickory Street, as shown on the drawing attached hereto and made a part hereof by reference, to allow the property owner maneuvering space for 18-wheel transports to dock and park next to the warehouse.

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

1. Temporary User obtaining approval of all construction documents from the Chattanooga Land Development Office and City Engineer.
2. Temporary User obtaining approval of ingress and egress/traffic design from the City Traffic Engineer.
3. 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.

4. Temporary User agrees to vacate the property and temporary use upon reasonable notice from the City to do so.

5. Temporary User shall provide adequate access for maintenance of any utilities located within the easement.

ADOPTED: April 15, 2008

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and UNITED ENERTECH c/o RLT PROPERTIES (hereinafter "Temporary User"), this 15 day of April, 2008.

For and in consideration of the granting of the temporary usage of a portion of the right-of-way running north and south along the west side of the 2900 block of South Hickory Street, as shown on the drawing attached hereto and made a part hereof by reference, to allow the property owner maneuvering space for 18-wheel transports to dock and park next to the warehouse, the receipt of which is hereby acknowledged, Temporary User agrees as follows:

1. Temporary User shall obtain approval of all construction documents from the Chattanooga Land Development Office and City Engineer:

2. Temporary User shall obtain approval of ingress and egress/traffic design from the City Traffic Engineer.

3. 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.

4. 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.

5. Temporary User will provide adequate access for maintenance of any utilities located within the easement.

UNITED ENERTECH  
c/o RLT PROPERTIES

\_\_\_\_\_, 2008

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

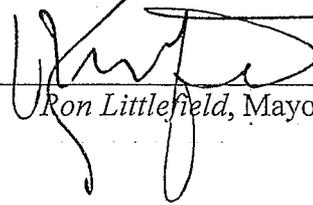
Date

April 16, 2008  
Date

/add

CITY OF CHATTANOOGA, TENNESSEE

BY:



Ron Littlefield, Mayor

