

RESOLUTION NO. 25831

A RESOLUTION AUTHORIZING BARRETT TAYLOR OF BDOT PROPERTIES TO USE TEMPORARILY THE RIGHT-OF-WAY AT 3914 ST. ELMO AVENUE TO INSTALL A CANOPY AND A FENCE, 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 Barrett Taylor of BDOT Properties (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way at 3914 St. Elmo Avenue to install a canopy which will project into the right-of-way and a fence to surround outdoor seating for restaurant patrons, as shown on the map and drawing attached hereto and made a part hereof by reference.

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

1. Temporary User shall provide a minimum of five feet (5') clearance around the perimeter of said fencing for pedestrian walkways.
2. Temporary User's canopy must provide a minimum clearance of eight feet (8') from its base to the finished grade.
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: February 17, 2009

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INDEMNIFICATION AGREEMENT

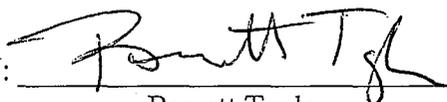
This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and BARRETT TAYLOR of BDOT PROPERTIES (hereinafter "Temporary User"), this 17th day of FEBRUARY, 2009.

For and in consideration of the granting of the temporary usage of the right-of-way at 3914 St. Elmo Avenue to install a canopy which will project into the right-of-way and a fence to surround outdoor seating for restaurant patrons, as shown on the map and drawing attached hereto and made a part hereof by reference, Temporary User agrees as follows:

1. Temporary User shall provide a minimum of five feet (5') clearance around the perimeter of said fencing for pedestrian walkways.
2. Temporary User's canopy must provide a minimum clearance of eight feet (8') from its base to the finished grade.
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.

BDOT PROPERTIES

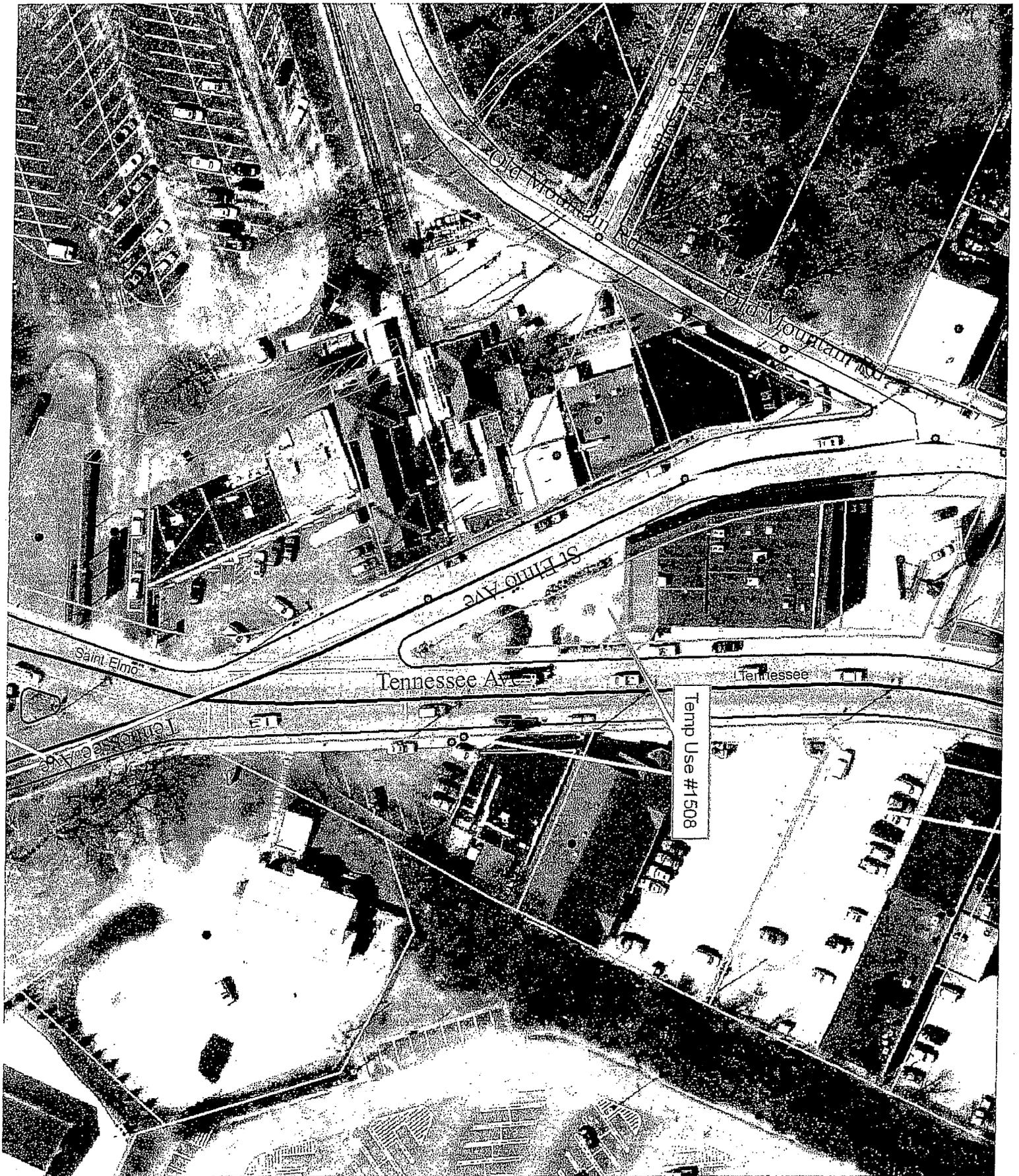
2-20-09, 2009
Date

BY: 
Barrett Taylor

CITY OF CHATTANOOGA, TENNESSEE

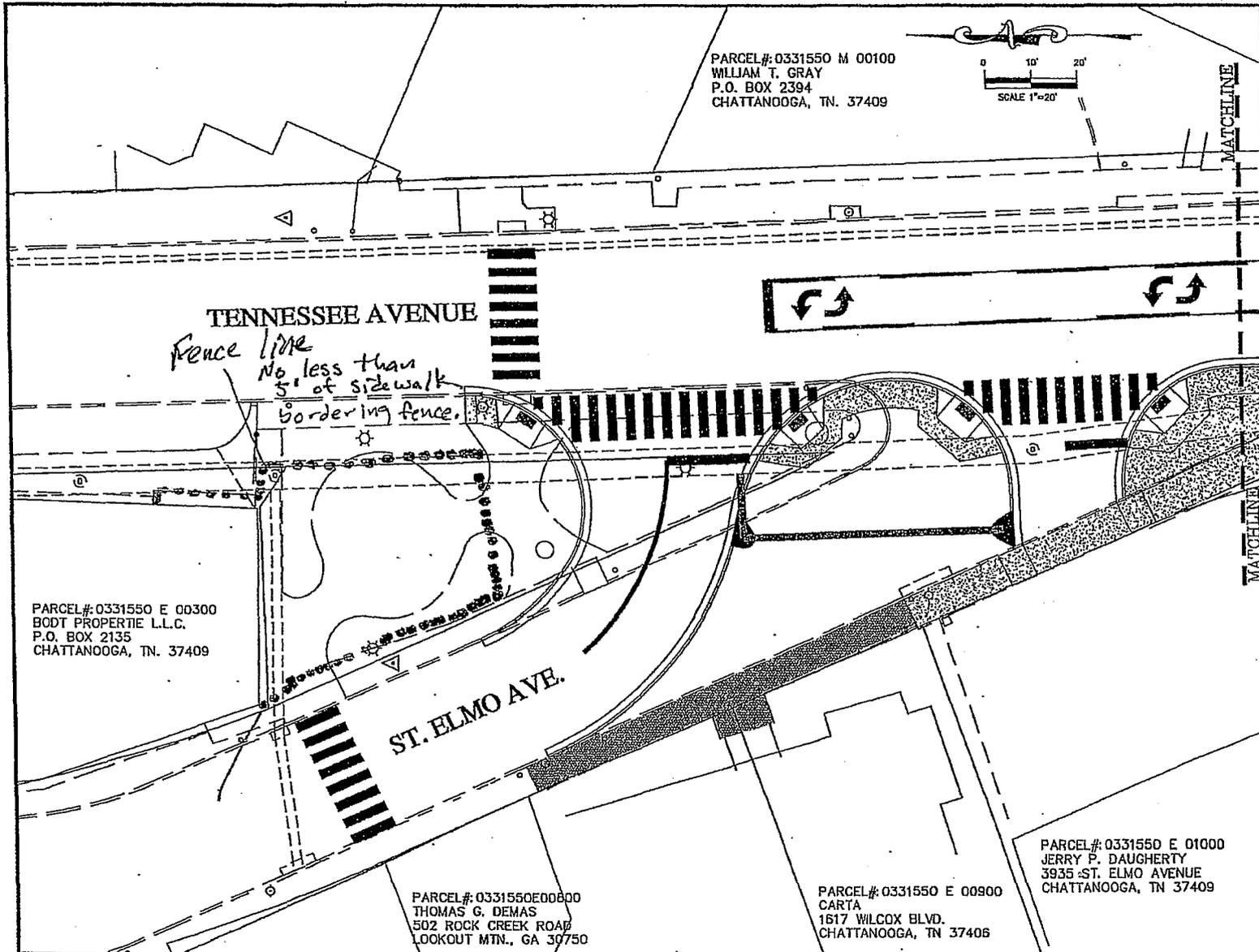
_____, 2009
Date

BY: 
Ron Littlefield, Mayor



Temp Use #1508

Att:
Bill Cannon



CITY OF
CHATTANOOGA

DEPARTMENT OF
PUBLIC WORKS

ADMINISTRATOR:
STEVE LEACH
CITY ENGINEER:
WILLIAM C. PAYNE, P.E.
NO. DATE REVISION DES. SIG.

ST. ELMO @ TENNESSEE
INTERSECTION
IMPROVEMENTS

CONTRACT#	T-06-003
SCALE:	1" = 20'
DRAWN:	G.E.H.
DESIGN:	G.E.H.
CHECKED:	D.L.M.

**PRELIMINARY
(SUBJECT TO
CHANGE)**

BODY REQUEST

SHEET: 1 OF 1