

RESOLUTION NO. 26663

A RESOLUTION AUTHORIZING JAMES C. BERRY TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 605 CHESTNUT STREET FOR THE INSTALLATION OF A PARAPET CAP ATOP THE LIBERTY TOWER THAT WILL PROJECT INTO THE RIGHT-OF-WAY, AS SHOWN IN 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 JAMES C. BERRY, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located at 605 Chestnut Street for the installation of a parapet cap atop the Liberty Tower that will project into the right-of-way, as shown in 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 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: April 12, 2011

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and JAMES C. BERRY (hereinafter "Temporary User"), this 12th day of APRIL, 2011.

For and in consideration of the granting of the temporary usage of the right-of-way located at 605 Chestnut Street for the installation of a parapet cap atop the Liberty Tower that will project into the right-of-way, as shown in 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 shall 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 shall 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 shall restore the property to its original condition when it is returned to the City.

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

_____, 2011
Date

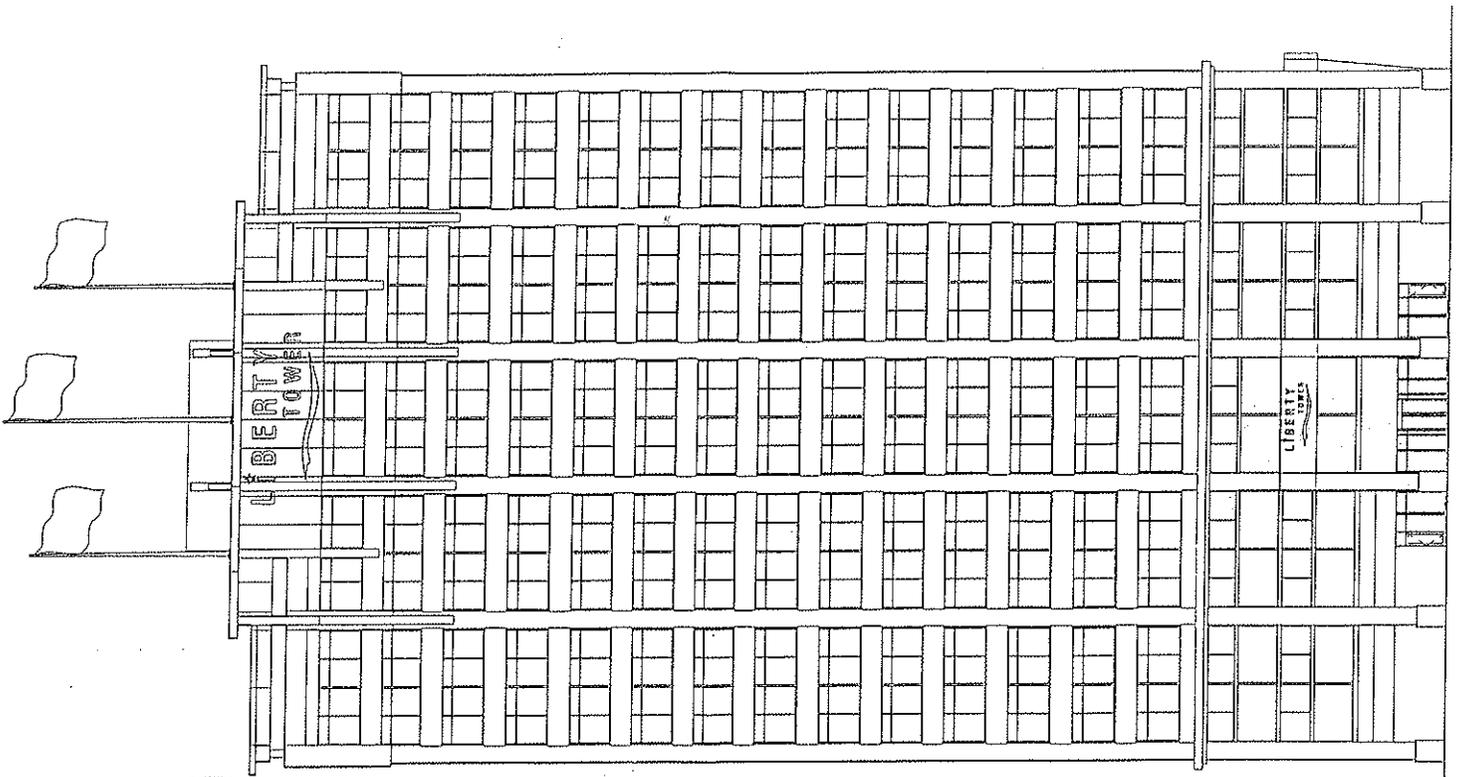
BY: _____
James C. Berry

4/26, 2011
Date

CITY OF CHATTANOOGA, TENNESSEE

BY: _____
Ron Littlefield, Mayor

Z:\10-15 Liberty Tower\10-15 elevations.dwg, 11x17 Title Block - hshf, 2/9/2011 2:43:43 PM

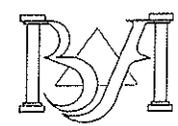


CHESTNUT STREET ELEVATION
1/16" = 1'-0"

LIBERTY TOWER RENOVATION
EXTERIOR MODIFICATIONS - CAP

LIBERTY TOWER LLC
605 CHESTNUT STREET
CHATTANOOGA, TENNESSEE 37450

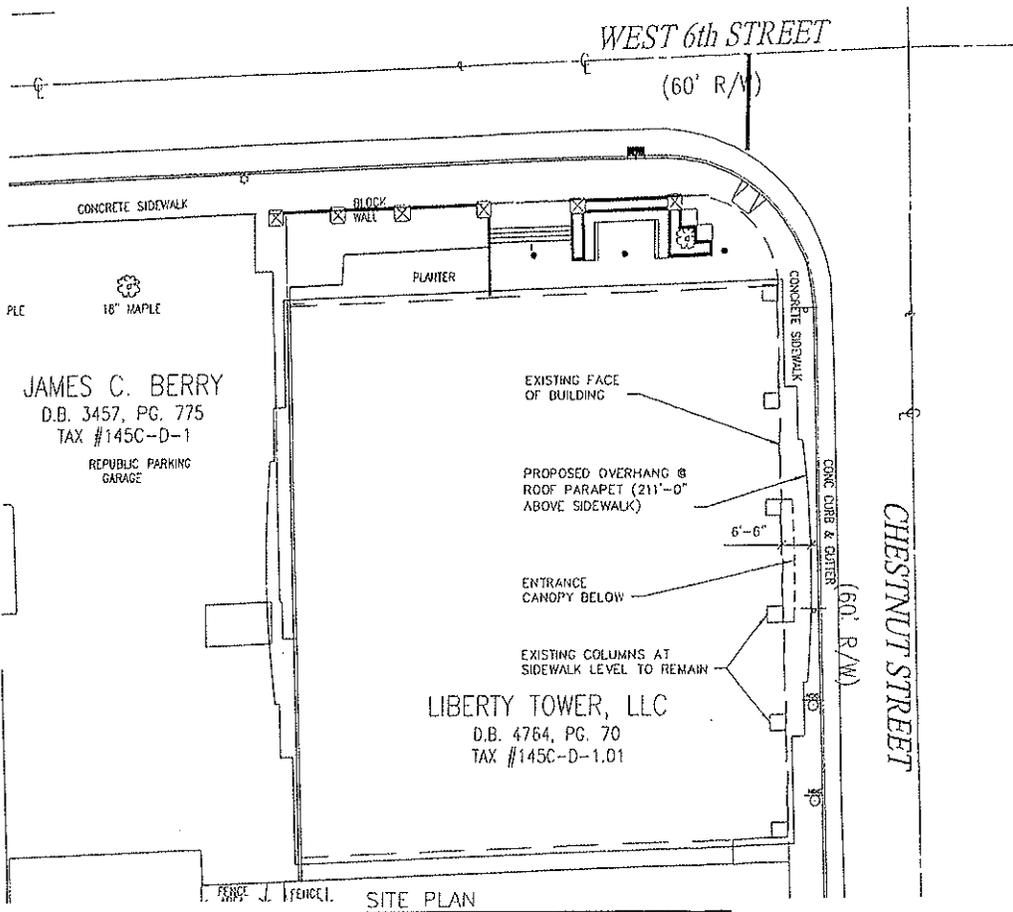
FEBRUARY 9, 2011



BILLINGSLEY / ARCHITECTURE

PLANNING ARCHITECTURE INTERIORS
REPUBLIC CENTRE, SUITE 600
603 CHESTNUT STREET
CHATTANOOGA, TN 37450
PH: (423) 554-0033
FAX: (423) 557-0033

Z:\110-115 Liberty Tower\Temp sidewalk use\site plan.dwg, 11/17/11 4:11:15 PM



SITE PLAN
1" = 20'-0"

WEST 6th STREET

(60' R/W)

CONCRETE SIDEWALK

PLC

18" MAPLE

BLOCK WALL

PLANTER

CONCRETE SIDEWALK

CONC CURB & GUTTER

CHESTNUT STREET

(60' R/W)

EXISTING FACE OF BUILDING

PROPOSED OVERHANG @ ROOF PARAPET (211'-0" ABOVE SIDEWALK)

ENTRANCE CANOPY BELOW

EXISTING COLUMNS AT SIDEWALK LEVEL TO REMAIN

JAMES C. BERRY

D.B. 3457, PG. 775

TAX #145C-D-1

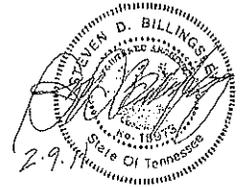
REPUBLIC PARKING GARAGE

LIBERTY TOWER, LLC

D.B. 4764, PG. 70

TAX #145C-D-1.01

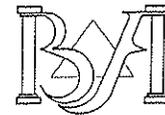
FENCE LINE



LIBERTY TOWER RENOVATION
EXTERIOR MODIFICATIONS - GAP

LIBERTY TOWER LLC
605 CHESTNUT STREET
CHATTANOOGA, TENNESSEE 37450

FEBRUARY 9, 2011



BILLINGSLEY / ARCHITECTURE

PLANNING	REPUBLIC CENTRE, SUITE #071
ARCHITECTURE	624 CHESTNUT STREET
INTERIORS	CHATTANOOGA, TN 37450
	PH: (423) 752-0030
	FAX: (423) 752-0035