

RESOLUTION NO. 27629

A RESOLUTION AUTHORIZING JENNIFER A. RIZZO C/O HABITAT FOR HUMANITY GREATER CHATTANOOGA AREA, ATTENTION DENNIS NEAL, TO USE TEMPORARILY AN UNOPENED RIGHT-OF-WAY ON A UNIT BLOCK OF WEST MORGAN LANE TO HAVE A DRIVEWAY ACCESS TO ACCOMMODATE A NEW HOUSE BEING BUILT ON THE CORNER, AS SHOWN ON THE MAPS 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 JENNIFER A. RIZZO C/O HABITAT FOR HUMANITY GREATER CHATTANOOGA AREA, ATTENTION DENNIS NEAL, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily an unopened right-of-way on a unit block of West Morgan Lane to have a driveway access to accommodate a new house being built on the corner, as shown on the maps 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.

4. The proposed road is on the corner of a blind curve, and safety should be considered.

ADOPTED: August 27, 2013

/mms

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and JENNIFER A. RIZZO C/O HABITAT FOR HUMANITY GREATER CHATTANOOGA AREA, ATTENTION DENNIS NEAL (hereinafter "Temporary User"), this 27th day of August, 2013.

For and in consideration of the granting of the temporary usage of an unopened right-of-way on a unit block of West Morgan Lane to have a driveway access to accommodate a new house being built on the corner, as shown on the maps 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.

4. The proposed road is on the corner of a blind curve, and safety should be considered.

HABITAT FOR HUMANITY GREATER
CHATTANOOGA AREA

August 27, 2013
Date

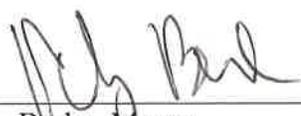
BY: _____
Dennis Neal

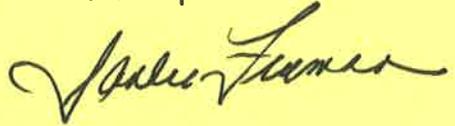
August 27, 2013
Date

BY: _____
Jennifer A. Rizzo

CITY OF CHATTANOOGA, TENNESSEE

August 27, 2013
Date

BY: _____

Andy Berke, Mayor

AS AGREEMENT Among PARTIES
ABOUT SIGNATURES -
9/6/13




Dennis Neal/Habitat for Humanity
WO:109474 23
Temp Use-5664 Old Dayton Pike

TEMP USE

DAYDREAM

OLD DAYTON

24

26

30





BRANDYWINE LN

LYNEROOK CR

CHESTNUT DR

ABEL LN

BOHR DR

N MORGAN LN

N ELM ST

WILD GINGER TRL

YOTHER LN

N TEEZIEH LN

EMORGAN LN

OLD PATTON PKWY

PATTON BLVD

MIMOSA DR

N BEECH LN

WEBBS LN

N ELM TRL

