

RESOLUTION NO.: 2018-102

A RESOLUTION AUTHORIZING ROBERT FISCHMAN AND/OR ANY PROPERTY OWNER OF 620 GEORGIA AVENUE TO USE THE UNOPENED RIGHT-OF-WAY LOCATED ADJACENT TO 620 GEORGIA AVENUE FOR THE PURPOSE OF INSTALLING AND MAINTAINING DRIVEWAY ACCESS, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, That Robert Fischman and/or any other property owner of 620 Georgia Avenue (hereinafter referred to as "User"), be and is hereby permitted to use the right-of-way located adjacent to 620 Georgia Avenue for the purpose of installing and maintaining a driveway for property access, as shown on the maps attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that said usage shall be subject to the following conditions:

1. User shall execute a Right of Way Use Agreement approved by the Town Attorney prior to exercising any temporary use of Town rights of ways which shall be recorded in the Register's Office of Hamilton County; provided that such Right of Way Use Agreement shall require any User to hold the Town of Signal Mountain, its officers, agents and employees harmless from any claims for damages for injuries to persons or property based on any temporary use by any applicant or property owner. User agrees to comply with all terms and conditions of the Right of Way Use Agreement in the event use is approved by the Town Council.

2. The Town retains all rights and privileges associated with the public use of the right-of-way.

3. Any improvements placed within the subject right-of-way must provide minimum clearances for pedestrian traffic within said right-of-way. Maintenance of said improvements shall remain the responsibility of the User and the Town shall have no obligation to make or maintain any improvements.

4. User shall obtain any and all necessary permits and approvals from the Town prior to any construction.

5. User shall provide adequate access for maintenance of any utilities located within the easement, is responsible for verifying all utility locations within the subject right of way area prior to initiating the agreed usage, as well as for the protection of said utilities for the duration of this permit.



Dan Landrum, Mayor

12-28-18

Date



Recorder

12-28-18

Date

