

RESOLUTION NO. A-_____

1 WHEREAS, Speedway Properties has submitted an application for a permit to use
2 the public right-of-way in three locations along Q Street, 8th Street and R Street, in Block 30,
3 Original Plat of Lincoln for construction of amenities in connection with the construction of a new
4 hotel and the renovation of the former Tool House building; and

5 WHEREAS, said applicant has submitted a letter of application and a site plan which
6 are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made a part of this
7 resolution by reference, to use the public right-of-ways as above described; and

8 WHEREAS, said applicant has complied with all of the provisions of Chapter 14.54
9 of the Lincoln Municipal Code pertaining to such use.

10 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
11 Nebraska:

12 That the application aforesaid of Speedway Properties to use (1) 1,638.49 square
13 feet of public right-of-way along the north side of Q Street adjacent to the Tool House Building for
14 the purpose of constructing a ramp below grade, a ramp at grade, and steps leading to the entrance
15 of the redeveloped Tool House Building; (2) 272.00 square feet of public right-of-way along the east
16 side of North 8th Street adjacent to the Hotel site for the purpose of an ADA accessible ramp; and
17 (3) 993.28 square feet along the south side of R Street for the purpose of constructing a ramp from
18 street level to the sidewalk area, steps from the street level to the sidewalk area, steps into the
19 proposed Hotel, and a canopy over the entry steps into the Hotel, be granted as a privilege only by
20 virtue of and subject to strict compliance with the site plan, the letter of application, and the
21 following terms and conditions:

- 22 1. That the permission herein granted is granted as a privilege only, and is
23 subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code including

1 those provisions relating to the posting of a continuing bond in the amount of \$5,000, the filing of
2 a certificate of insurance with a minimum combined single limit of \$500,000.00 aggregate for any
3 one occurrence, and the payment of the annual fee of \$1,451.50 (2,903 square feet @ \$.50 per
4 square foot) for the use of the surface of the public right-of-way.

5 2. That said use shall be in full accordance with the aforesaid application, the
6 site plan filed therewith, and with all applicable City ordinances and regulations.

7 3. The applicant, its heirs, successors or assigns shall save and keep the City
8 free and harmless from any and all loss or damages or claims for damages arising from or out of
9 the use of the public way requested herein.

10 4. The applicant shall require its contractor to contact Diggers Hotline of
11 Nebraska prior to commencing construction activities.

12 5. All work done under the authority of this resolution shall be subject to the
13 inspection and approval of the Director of Public Works of the City of Lincoln.

14 6. The use of the public way herein granted and the terms and conditions of this
15 resolution shall be binding and obligatory upon the above-named applicant, its successors and
16 assigns.

17 7. Within thirty (30) days from the adoption of this resolution, and before
18 commencing any construction under the provisions hereof, the above-named applicant shall file an
19 unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk.
20 Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder
21 granted shall thereupon automatically terminate.

22 8. The City Clerk is directed to deliver a copy of this resolution to the City
23 Treasurer for setting up an account for collection of the applicant's annual fee.

Introduced by:

Approved as to Form and Legality:

City Attorney

Approved this ___ day of _____, 2011:

Mayor