

RESOLUTION NO. A-\_\_\_\_\_

1           WHEREAS, the Nebraska State Historical Society has submitted an application for  
2 a permit to use the public right-of-way across P Street and east along the north side of P Street to  
3 16th Street for the installation of a private chilled water line at 1500 R Street; and

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

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

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

11           That the application aforesaid of Nebraska State Historical, hereinafter referred to  
12 as "Permittee" to use the public right-of-way across P Street and east along the north side of P  
13 Street to 16th Street, at 1500 R Street, is granted as a privilege only by virtue of and subject to  
14 strict compliance with the site plan, the letter of application, and the following terms and conditions,  
15 to wit:

16           1.       That the permission herein granted is granted as a privilege only, and is  
17 subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code including  
18 those provisions relating to the posting of a continuing bond in the amount of \$5,000, and the filing  
19 of a certificate of insurance with a minimum combined single limit of \$500,000 aggregate for any  
20 one occurrence.

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

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

4                   4.       That all work done under the authority of this resolution shall be subject to  
5 the inspection and approval of the Director of Public Works of the City of Lincoln.

6                   5.       This permit may be revoked by resolution of the City Council and after giving  
7 of five days written notice to the Permittee by the City Clerk, for the following reasons: (a) failure  
8 or neglect of the Permittee to comply with the provisions of Chapter 14.54 of the Lincoln Municipal  
9 Code, or any other provisions of the Lincoln Municipal Code or the provisions of the permit; (b)  
10 failure to use the space for which the permit was granted for a continuous period of at least six  
11 months or (c) upon a determination by the City that the space for which the permit was granted is  
12 needed for public use.

13                               Upon revocation of a permit, the Permittee shall forthwith remove or abandon  
14 the space for which the permit was granted, together with the removal of any structure at their own  
15 cost and expense and return that space to the City of Lincoln, free and clear of all structures or  
16 encroachments of any type, at no expense to the City. If the requested removal or abandonment  
17 has not been completed within six months after revocation of the permit, the City Council may  
18 cause such removal or abandonment to be so done and the cost of such work shall become a lien  
19 against the property of the Permittee.

20                   6.       The use of the public way herein granted and the terms and conditions of  
21 this resolution shall be binding and obligatory upon the above-named Permittee, its successors and  
22 assigns.

23                   7.       That within thirty (30) days from the adoption of this resolution, and before  
24 commencing any construction under the provisions hereof, the above-named Permittee shall file

1 an unqualified written acceptance of all the terms and conditions of this resolution with the City  
2 Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities  
3 hereunder granted shall thereupon ipso facto terminate.

Introduced by:

\_\_\_\_\_

Approved as to Form and Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_ day of \_\_\_\_\_, 2002:

\_\_\_\_\_  
Mayor