

RESOLUTION NO. A-_____

1 WHEREAS, Lincoln Electric System (“LES”) has implemented plans and is incurring
2 costs for the design and construction of a new operations center on property (“LES Property”)
3 located outside the City of Lincoln’s corporate limits at the southwest corner of South 98th and
4 Rokeby Road to serve residents of the City of Lincoln and Lancaster County;

5 WHEREAS, LES anticipates that vertical construction of the new operations center will
6 be in progress and combustible materials will be on site by March 1, 2018;

7 WHEREAS, in order to have adequate domestic and fire protection water services it will
8 be necessary to have the operations center connected to the City’s public water system;

9 WHEREAS, it will be necessary to annex the LES Property for the new operations
10 center prior to LES’ March 1, 2018 occupancy of the operations center as it is the policy of the
11 City to only provide City water service to properties located within the corporate limits of the
12 City;

13 WHEREAS, in order to annex the LES Property for the new operations center in
14 conformance with state law requirements that the annexed property be contiguous to the
15 corporate limits of the City it is necessary to annex the properties shown on Exhibit 1 attached
16 to the Memorandum of Understanding (MOU) 16” Water Main Installation – Rokeby Road
17 between the City of Lincoln, Nebraska and the Lincoln Electric System (“Memorandum of
18 Understanding”) attached hereto as Attachment “A”;

19 WHEREAS, the LES Property is located within the boundaries of Rural Water District
20 No. 1, Lancaster County, Nebraska (“RWD”).

21 WHEREAS, in order to provide water service to the LES Property it is necessary that
22 RWD release the LES Property and other properties being annexed from the boundaries of the
23 RWD.

1 WHEREAS, RWD and the City have entered into an agreement allowing for release of
2 property within the boundaries of the RWD in exchange for payment compensating the RWD for
3 its loss of revenue from existing and potential customers annexed into the City.

4 WHEREAS, LES, in consideration of the City annexing the LES Property, has agreed to
5 pay all costs necessary for the City to obtain Rural Water District No. 1, Lancaster County,
6 Nebraska's release of the LES Property and other properties being annexed in order to provide
7 water service to LES' new operation center on property located at the southwest corner of South
8 98th Street and Rokeby Road as set forth in the attached Memorandum of Understanding.

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

11 1. That the attached Memorandum of Understanding is hereby approved and the
12 Mayor is hereby authorized to execute said MOU on behalf of the City of Lincoln, Nebraska.
13 The Mayor is further authorized to execute RWD's Application for Annexation Release attached
14 hereto as Attachment "B" on behalf of the City of Lincoln, Nebraska.

15 BE IT RESOLVED that the City Clerk is directed to transmit a copy of the Resolution,
16 Memorandum of Understanding, and RWD Application for Annexation Release to Lincoln
17 Electric System, attention Trish Owen, and to the Director of the Department of Public Works
18 and Utilities.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2017:

Mayor