

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

1                   WHEREAS, Union College has submitted an application for a permit to  
2 use the public right-of-way in Prescott Street between S. 49th and S. 50th Streets for  
3 the purpose of installing electrical service lines and fiber optic communication lines for  
4 service to the church expansion at the southeast corner of S. 48th Street and Prescott  
5 Street; and

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

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

12                   NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
13 Lincoln, Nebraska:

14                   That the aforesaid application of Union College, hereinafter referred to as  
15 Permittee, to use the public right-of-way in Prescott Street between S. 49th and S. 50th  
16 Streets as shown on Exhibit "B", for the purpose of installing electrical and fiber optic  
17 communication line from the Union College Campus to the College View Seventh-day  
18 Adventist Church building located at the southeast corner of S. 48th Street and Prescott  
19 Street be granted as a privilege only by virtue of and subject to strict compliance with  
20 the site plan, the letter of application, and the following terms and conditions, to wit:

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

6                   2.       That said use shall conform to the application, the site plan filed  
7 therewith, and with all applicable City ordinances and regulations.

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

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

14                   5.       The Permittee shall pay to the City the amount of \$2,000.00 for the  
15 past uses of the space beneath said public street. The Permittee shall also pay to the  
16 City an annual rental for the use and occupancy of the space beneath said public street  
17 occupied by such use which rental is currently for five (5) four-inch conduits and one (1)  
18 two-inch conduit, all of which are 100 feet in length. The annual rental for the  
19 aforementioned space occupied underneath the public street, alley, sidewalk, or other  
20 public ground shall be in the amount of \$550.00 per year.

21                   All payments shall be made to the City Treasurer and shall be due and  
22 payable on the 1st day of October of each year; provided, however, the amount of the  
23 initial annual payment shall be prorated from the date of approval of this permit to the

1 1st day of October, 2005 and payment shall be due and payable on October 1st  
2 thereafter.

3 Any such rent shall become delinquent on the 1st day of December of  
4 each year and such delinquent rent shall bear interest at the rate of 1% per month until  
5 paid and if such rent is not paid for six months or more after such delinquent date, a  
6 penalty of 5% shall be added thereto in addition to said interest.

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

10 7. That within 30 days from the adoption of this resolution, and before  
11 commencing any construction under the provisions hereof, the above-named Permittee  
12 shall file an unqualified written acceptance of all the terms and conditions of this  
13 resolution with the City Clerk. Failure to do so will be considered a rejection hereof and  
14 all privileges and authorities hereunder granted shall thereupon terminate.  
15

Introduced by:

\_\_\_\_\_

Approved as to Form and Legality:

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

Approved this \_\_\_ day of \_\_\_\_\_, 2005:

\_\_\_\_\_  
Mayor