

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

1 WHEREAS, Landon Osborne has submitted an application for a permit to use the  
2 public right-of-way at 1840 E Street for the installation of a fence/wall; and

3 WHEREAS, said applicant has submitted a letter of application and two sites plans  
4 (original plan and revised plan per Public Works) which are attached hereto, marked as Exhibit "A",  
5 Exhibit "B", and Exhibit "C" respectively, and made a part of this resolution by reference, to use the  
6 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 Landon Osborne, hereinafter referred to as  
12 "Permittee" to use the public right-of-way adjacent to property legally described as the east half of  
13 Lot 11 and all of Lot 12, Block 2, Capitol Addition, commonly known as 1840 E Street, is granted  
14 as a privilege only by virtue of and subject to strict compliance with the site plan (Exhibit "C"), the  
15 letter of application, and the following terms and conditions, 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, his 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. In addition a  
6 stamped copy of the construction plans and a signed certificate of Registered Structural Engineer  
7 shall be provided to the City certifying that the concrete block section adjacent to the alley meets  
8 or exceed the City of Lincoln building requirements. The first three sections of the wall constructed  
9 in South 19th Street starting at the alley must be reduced to a maximum height of 30" to provide  
10 adequate site distance. Wrought iron fencing then may be placed on top of and between these  
11 sections.

12                   5.       This permit may be revoked by resolution of the City Council and after giving  
13 of five days written notice to the Permittee by the City Clerk, for the following reasons: (a) failure  
14 of the Permittee to pay the compensation required within ten days after the date payment is due;  
15 (b) failure or neglect of the Permittee to comply with the provisions of Chapter 14.54 of the Lincoln  
16 Municipal Code, or any other provisions of the Lincoln Municipal Code or the provisions of the  
17 permit; (c) failure to use the space for which the permit was granted for a continuous period of at  
18 least six months or (d) upon a determination by the City that the space for which the permit was  
19 granted is needed for public use.

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

1           6.       Permittee shall pay, as rental fee for the space occupied, an amount equal  
2 to ten percent of the square foot value, as last fixed by the Board of Equalization, of the lot directly  
3 abutting on the use, multiplied by the square footage of the use of space.

4                       Said rental payments shall be made to the City Treasurer and shall be due  
5 and payable on the 1st day of October of each year; provided however, the amount of the initial  
6 payment required hereunder shall be pro-rated from the date when the permit is issued to the 1st  
7 day of October of the next year and payments shall be due and payable on October 1st thereafter.  
8 Rent shall become delinquent on the 1st day of December of each year and such delinquent rent  
9 shall bear interest at the rate of one percent per month until paid and if such rent is not paid for six  
10 months or more after such delinquent date, a penalty of five percent shall be added thereto in  
11 addition to said interest.

12           7.       The use of the public way herein granted and the terms and conditions of this  
13 resolution shall be binding and obligatory upon the above-named Permittee, his successors and  
14 assigns.

15           8.       That within thirty (30) days from the adoption of this resolution, and before  
16 commencing any construction under the provisions hereof, the above-named Permittee shall file  
17 an unqualified written acceptance of all the terms and conditions of this resolution with the City  
18 Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities  
19 hereunder granted shall thereupon ipso facto terminate.

Introduced by:

\_\_\_\_\_

Approved as to Form and Legality:

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

Approved this \_\_\_ day of \_\_\_\_\_, 2006:

\_\_\_\_\_  
Mayor