

RESOLUTION NO. A-_____

1 WHEREAS, Speedway Properties has submitted an application for a permit
2 to use the public right-of-way at 1644 P Street, for construction of an accessible ramp; and

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

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

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

10 That the application aforesaid of Speedway Properties to use the public right-
11 of-way at 1644 P Street for the purpose of constructing an accessible ramp, be granted as
12 a privilege only by virtue of and subject to strict compliance with the site plan, the letter of
13 application, and the following terms and conditions, to wit:

14 1. That the permission herein granted is granted as a privilege only, and
15 is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code
16 including those provisions relating to the posting of a continuing bond in the amount of
17 \$5,000, the filing of a certificate of insurance with a minimum combined single limit of
18 \$500,000.00 aggregate for any one occurrence, and the payment of the annual fee for the
19 use of the surface of the public right-of-way fixed at ten percent of the square foot value of
20 the lot directly abutting such use multiplied by the square footage of the use of the space.

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

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

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

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

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

Introduced by:

Approved as to Form and Legality:

City Attorney

Approved this ____ day of _____, 2006: _____ Mayor
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