



06R-208

Introduce: 10-30-06

RESOLUTION NO. A- 84097

1 WHEREAS, Ohana, LLC has submitted an application for a permit to use the
2 public right-of-way at 1442 O Street, for construction of a new facade and accessible ramp;
3 and

4 WHEREAS, said applicant has submitted a letter of application and a site plan
5 which are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made
6 a part of this 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
8 14.54 of the Lincoln Municipal Code pertaining to such use.

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

11 That the application aforesaid of Ohana, LLC to use the public right-of-way
12 at 1442 O Street for the purpose of constructing a new facade and an accessible ramp, be
13 granted as a privilege only by virtue of and subject to strict compliance with the site plan,
14 the letter of application, and the following terms and conditions, to wit:

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

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

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

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

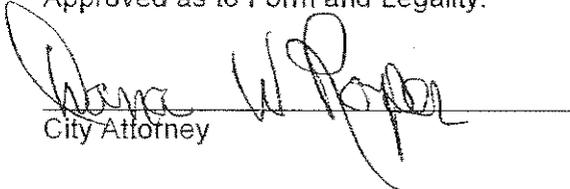
8 5. The use of the public way herein granted and the terms and conditions
9 of this resolution shall be binding and obligatory upon the above-named applicant, its
10 successors and assigns.

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

Introduced by:

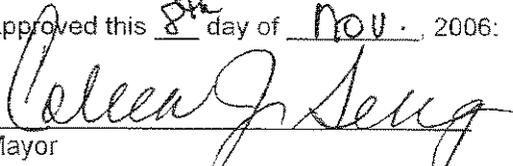


Approved as to Form and Legality:


City Attorney

AYES: Camp, Cook, Eschliman,
Marvin, McRoy, Newman,
Svoboda; NAYS: None.

ADOPTED
NOV - 6 2006
BY CITY COUNCIL

Approved this 8th day of Nov, 2006:

Mayor

RECEIVED
NO 7-30574
MAR 19 2007

March 16, 2007

LAW DEPT

City Attorney
Atten: Rick Peo
575 S. 10th Street
Suite 4201
Lincoln, NE 68508

Ohana, LLC
Becky Smith
6704 SE 17th Ave.
Portland, OR 97202
402-730-5549

RE: Resolution No. A-84097

Dear Mr. Peo:

In regards to our conversation on Wednesday, I am writing to request an amendment to the City Councils Resolution No. A-84097. The City of Lincoln granted Ohana, LLC the use of the public right-of-way to construction an access ramp into our building at 1442 'O' Street. Due to some unforeseen issues with timing, that ramp has yet to be constructed. The scheduled date of construction is May 2007. Please ask the City Council to amend the resolution to take this time change into consideration. Also, please note, that although the building address is 1442 'O' Street, the actual access ramp will be located on the Centennial Mall side of the building.

Any further correspondence can be sent to my home address in Portland (see above).

Sincerely,



Becky Smith

cc: City Treasurer, Joel Wittrock