

RESOLUTION NO. A-_____

1 WHEREAS, Monte Froehlich, on behalf of Monte L. Froehlich and Lisa R. Froehlich
 2 (collectively "Owners") has submitted an application for a permit to use approximately 273 square
 3 feet of public right-of-way abutting the north side of the Owner's property at 815 O Street to install
 4 a 19'5" by 14'0" concrete slab for outdoor seating/sidewalk cafe in the right-of-way; and

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

9 WHEREAS, the Owners have complied with all of the provisions of Chapter 14.54
 10 of the Lincoln Municipal Code pertaining to such use.

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

13 That the Owners' application to use approximately 273 square feet of public right-of-
 14 way on the north side of the building at 815 O Street for installation of a concrete slab to be used
 15 for outdoor seating/sidewalk café, be and is hereby granted as a privilege only and subject to strict
 16 compliance with the following terms, conditions and requirements:

- 17 1. Use of the public right-of-way is subject to all the terms and conditions of
- 18 Chapter 14.54 of the Lincoln Municipal Code including those provisions relating to the posting of
- 19 a continuing bond in the amount of \$5,000, the filing of a certificate of insurance with a minimum
- 20 combined single limit of \$500,000.00 aggregate for any one occurrence, and the payment for rent
- 21 as set forth in Section 14.54.090 and as it may be amended from time to time for the use of the
- 22 surface of the public right-of-way.

1 2. Use of the public right-of-way shall be in full accordance with the aforesaid
2 application, the site plan filed therewith, and with all applicable City ordinances and regulations.

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

6 4. The Owners shall require their contractor to contact Diggers Hotline of
7 Nebraska prior to commencing construction activities.

8 5. All work done under the authority of this resolution shall be subject to the
9 inspection and approval of the Director of Public Works of the City of Lincoln.

10 6. The use of the public way herein granted and the terms and conditions of this
11 resolution shall be binding and obligatory upon the above-named Owners, their successors and
12 assigns.

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

18 8. The City Clerk is directed to deliver a copy of this resolution to the City
19 Treasurer for setting up an account for collection of the applicant's annual fee.

Introduced by:

Approved as to Form and Legality:

City Attorney

Approved this ___ day of _____, 2013:

Mayor