

City Council Introduction:

BILL NUMBER: 15R-51

Public Hearing:

Date Factsheet Prepared:

### FACTSHEET

**Instructions:** If a question does not apply, just put "NA". Please try to keep it to **ONE** page only. Submit **one original**, with your Request Form, to City Clerk.

**TITLE:** License Agreement with Black Hills Energy for Utility Space in Cooper Park

**BOARD/COMMITTEE:** N/A

**APPLICANT:** JJ Yost

**RECOMMENDATION:** N/A

**STAFF RECOMMENDATION:** For

**OTHER DEPARTMENTS AFFECTED:** N/A

**SPONSOR:** Parks & Recreation Department

**OPONENTS:** N/A

#### REASON FOR LEGISLATION

City proposes to grant to Black Hills Energy a license to occupy and use a certain parcel of real property situated thereon, located at Cooper Park at approximately South 6th and D Streets, Lincoln, Lancaster County, Nebraska. The term of this agreement will be for twenty-five (25) years, and will commence upon execution of this agreement by both parties. The property will be used for the purpose of installing, constructing, maintaining, repairing, operating, altering, inspecting, expanding, adding to and removing Black Hills Energy's gas utility equipment, including but not limited to the following: (a) gas-regulating station; (b) distribution lines and associated appurtenances; and (c) a black metal cabinet containing gas regulating equipment. Black Hills Energy will be required to install and maintain the cabinet and will also be responsible for upkeep and maintenance of all appurtenances.

#### DISCUSSION / FINDINGS OF FACT:

Design and construction of the proposed gas-regulating station will need to be approved by the Parks & Recreation Department. Black Hills Energy will pay to the City a license fee to occupy and use the premises. The license fee will be \$200/year and will increase by 10% every five years. Payment will be made to the Parks & Recreation Department for use for landscape materials and maintenance. The City and Black Hills Energy will have the right to terminate the agreement if the other party fails to perform or observe any of the material provisions of the agreement.

**POLICY OR PROGRAM CHANGE:**  Yes  No

#### OPERATIONAL IMPACT ASSESSMENT:

N/A

**COST OF TOTAL PROJECT:** N/A

**RELATED ANNUAL OPERATING COSTS:** N/A

**SOURCE OF FUNDS:** N/A

**CITY:**

**NON CITY:**

**FACTSHEET PREPARED BY:** JJ Yost

**DATE:** 02/25/2015

**REVIEWED BY:** *9*

**DATE:**

FILED  
FEB 27 2015  
CITY CLERK'S OFFICE