

RESOLUTION NO. A-_____

1 WHEREAS, Meadow Gold Dairies has submitted an application for a permit to use
2 the public right-of-way at the northeast corner of 7th and L Streets; and

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

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

10 That the application aforesaid of Meadow Gold Dairies, hereinafter referred to as
11 "Permittees" to use the public right-of-way at the northeast corner of 7th and L Streets is granted
12 as 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 is
15 subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code including
16 those provisions relating to the posting of a continuing bond in the amount of \$5,000, and the filing
17 of a certificate of insurance with a minimum combined single limit of \$500,000 aggregate for any
18 one occurrence.

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

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

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

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

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

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

21 Said rental payments shall be made to the City Treasurer and shall be due
22 and payable on the 1st day of October of each year; provided however, the amount of the initial
23 payment required hereunder shall be pro-rated from the date when the permit is issued to the 1st
24 day of October of the next year and payments shall be due and payable on October 1st thereafter.

1 Rent shall become delinquent on the 1st day of December of each year and such delinquent rent
2 shall bear interest at the rate of one percent per month until paid and if such rent is not paid for six
3 months or more after such delinquent date, a penalty of five percent shall be added thereto in
4 addition to said interest.

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

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

Introduced by:

Approved as to Form and Legality:

City Attorney

Staff Review Completed:

Administrative Assistant