

RESOLUTION NO. A-\_\_\_\_\_

1           WHEREAS, the University of Nebraska - Lincoln has initiated a project to complete  
 2 a 10-foot wide concrete hiker/biker trail along the north side of Huntington/Leighton Avenue  
 3 between 33rd and 48th Streets; and

4           WHEREAS, the Applicant has submitted an application pursuant to Chapter 14.54  
 5 of the Lincoln Municipal Code to use a portion of the public right-of-way at two locations along  
 6 Huntington/Leighton Avenue between 33rd and 48th Streets for the construction of a hiker/biker trail  
 7 as indicated on the maps attached hereto; and

8           WHEREAS, said application has been reviewed by the Public Works Department  
 9 which recommended approval of said application.

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

12           That the application of the University of Nebraska - Lincoln, hereinafter referred to  
 13 as Permittee, for a permit to use the public right-of-way at two locations along Huntington/Leighton  
 14 Avenue between 33rd and 48th Streets for the construction a 10-foot concrete hiker/biker trail is  
 15 approved pursuant to Chapter 14.54 of the Lincoln Municipal Code subject to the following  
 16 conditions:

17           a.       That the permission herein granted is granted as a privilege only, and is  
 18 subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code.

19           b.       That such space shall only be used for a hiker/biker trail as specified on the  
 20 permit in accordance with the requirements of Chapter 14.54.

21           c.       Permittee agrees that the maintenance of the uses obtained by this permit  
 22 shall solely and only be the responsibility of the Permittee and shall be performed at Permittee's

1 cost and expense. The material authorized by this permit shall at all times be maintained in good  
2 repair and in a form approved by the permit.

3 d. As a condition for the granting of this permit, the City of Lincoln is released  
4 from any and all liability and responsibility for any damage to the permitted use which might occur  
5 during maintenance or repair work performed by the City of Lincoln, its departments or utilities, or  
6 another quasi-public utility, or franchisee of the City of Lincoln, including, but not limited to, such  
7 things as street maintenance and repair, snow removal, street cleaning, sign replacement,  
8 maintenance or repair, or any other maintenance, construction, or repair function of the City of  
9 Lincoln, its departments, utilities, or quasi-public utilities or its franchisees or its successors or  
10 assigns.

11 e. That the user requires no right, title, or interest in the space permitted to be  
12 used.

13 f. That the space granted hereunder shall be vacated upon demand by the City  
14 Council and its use discontinued by the Permittee, with no recourse against the City for any loss  
15 or damage occasioned by any such requirement.

16 g. That if any such space not be vacated and such use not be discontinued by  
17 the time specified, the City may remove from such space any work left thereon at the risk and  
18 expense of the Permittee.

19 h. That the permit issued pursuant to this Section is a personal privilege and  
20 may not be transferred or alienated voluntarily or involuntarily.

21 i. The Permittee shall be responsible for all construction and maintenance of  
22 this trail.

23 j. The Permittee must contact Diggers Hotline prior to initiating any work.

24 k. All permitted improvements must conform to all applicable City codes and  
25 ordinances and shall be subject to the inspection and approval of the Director of Public Works of  
26 the City of Lincoln or his designated representative.

- 1 I. The Permittee shall sign and return the City's letter of acceptance to the City  
2 Clerk prior to construction of the hiker/biker trail in the public right-of-way.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_ day of \_\_\_\_\_, 2006:

\_\_\_\_\_  
Mayor