

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

1           WHEREAS, the University of Nebraska-Lincoln has submitted an application to  
 2 permit the use of the public right-of-way in W Street for the purpose of installing a fiber optic  
 3 communication line to connect the University of Nebraska-Lincoln Maintenance Shops at 942 N.  
 4 22nd Street to the Whittier Junior High Building at 2200 Vine Street; and

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

8           WHEREAS, said applicant has complied with all of the provisions of Chapter  
 9 14.54 of the Lincoln Municipal Code pertaining to such use.

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

12           That the aforesaid application of the University of Nebraska-Lincoln, hereinafter  
 13 referred to as Permittee, to use the public right-of-way in W Street as shown on Exhibit "B", for  
 14 the purpose of installing a fiber optic line be granted as a privilege only by virtue of and subject  
 15 to strict compliance with the site plan, the letter of application, and the following terms and  
 16 conditions, to wit:

17           1.       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 except  
 19 that the provisions relating to the posting of a continuing bond in the amount of \$5,000 and the  
 20 filing of a certificate of insurance are waived since Permittee is a governmental entity.

21           2.       That said use shall conform to the application, the site plan filed  
 22 therewith, and with all applicable City ordinances and regulations.

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

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

6                   5.       The terms and conditions of this resolution shall be binding and obligatory  
7 upon the above-named Permittee, its successors and assigns.

8                   6.       That within thirty (30) days from the adoption of this resolution, and before  
9 commencing any construction under the provisions hereof, the Permittee shall file an  
10 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

Approved this \_\_\_ day of \_\_\_\_\_, 2007:

\_\_\_\_\_  
Mayor