

ATTN: CITY TREASURER
Annual Rental: \$30.00

13R-210

Introduce: 9-16-13

RESOLUTION NO. A-_____

1 WHEREAS, Saint Teresa's Church has submitted an application for a
2 permit to use the public right-of-way in South 36th Street for the purpose of installing
3 two 1 1/4" PVC conduits underneath South 36th Street to serve the school and parish
4 property for Saint Teresa's Church at 735 South 36th Street; and

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

9 WHEREAS, said applicant has complied with all of the provisions of
10 Chapter 14.53 of the Lincoln Municipal Code pertaining to such use.

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

13 That the aforesaid application of Saint Teresa's Church, hereinafter
14 referred to as Permittee, to use the public right-of-way in South 36th Street as shown on
15 Exhibit "B", for the purpose of installing two underground 1 1/4" PVC conduits be
16 granted as a privilege only by virtue of and subject to substantial compliance with the
17 site plan, the letter of application, and the following terms and conditions, to wit:

18 1. That the permission herein granted is subject to all the terms and
19 conditions of Chapter 14.53 of the Lincoln Municipal Code including those provisions

1 relating to the posting of a continuing bond in the amount of \$5,000 and the filing of a
2 certificate of insurance evidencing a commercial or comprehensive general liability
3 policy, or an acceptable substitute policy form, with a minimum combined single limit of
4 \$500,000 aggregate for any one occurrence and naming the City as additional insured.

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

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

10 4. The Permittee shall cause its contractor to call Diggers Hotline of
11 Nebraska prior to commencing any construction activity and identify the natural gas line
12 in South 36th Street on a site plan prior to boring.

13 5. The work shall be constructed in accordance with plans and
14 specifications approved by the Department of Public Works and Utilities. The cable,
15 where it is underground, shall be laid to a minimum depth of 3½ feet from the top of the
16 cable to the surface of the ground. All land surfaces and all pavement shall be restored
17 to their original condition after the work is completed on each segment of the project.

18 "As built" drawings shall be furnished to the City by the Permittee to show the precise
19 locations, depths, and nature of all materials installed in accordance with the permit.

20 The City shall have the right at any time when, in its judgment, it becomes necessary or
21 advisable, to require a change of location of said cable as a matter of safety, or on
22 account of change of grade, resurfacing, repair, reconstruction of any street, alley,
23 sidewalk, or other public ground, or the construction of any structure thereon, or for any

1 other reason, all of which shall be done at the cost and expense of the Permittee in a
2 good and workmanlike manner.

3 6. The Permittee shall pay to the City an annual rental for the use and
4 occupancy of the space beneath said public street occupied by such use which rental is
5 currently \$0.50 per lineal foot of space occupied underneath the public street, alley,
6 sidewalk, or other public ground. Such rental is based upon the number of conduits
7 being placed within the right-of-way.

8 All payments shall be made to the City Treasurer and shall be due and
9 payable on the 1st day of October of each year; provided, however, the amount of the
10 initial payment shall be prorated from the date of approval of this permit to the 1st day of
11 October, 2013 and payment shall be due and payable on October 1st thereafter.

12 Any such rent shall become delinquent on the 1st day of December of
13 each year and such delinquent rent shall bear interest at the rate of 1% per month until
14 paid and if such rent is not paid for six months or more after such delinquent date, a
15 penalty of 5% shall be added thereto in addition to said interest.

16 7. Any additions, changes, modifications, or amendments of the uses
17 permitted herein shall require a new permit or other authorization.

18 8. That all work done under the authority of this resolution shall be
19 subject to the inspection and approval of the Director of Public Works of the City of
20 Lincoln.

21 9. The terms and conditions of this resolution shall be binding and
22 obligatory upon the above-named Permittee, its successors and assigns.

1 10. That within thirty (30) days from the adoption of this resolution, and
2 before commencing any construction under the provisions hereof, the Permittee shall
3 file an unqualified written acceptance of all the terms and conditions of this resolution
4 with the City Clerk. Failure to do so will be considered a rejection hereof and all
5 privileges and authorities hereunder granted shall terminate.

Introduced by:

Approved as to Form and Legality:

City Attorney

Approved this ____ day of _____, 2013: _____ Mayor
--