

RESOLUTION NO. A-_____

1 WHEREAS, B & J Partnership, Ltd. ("Owner") has submitted an application
2 for a permit to use a portion of the public right-of-way in front of McKinney's Irish Pub at
3 151 North 8th Street as a sidewalk cafe; and

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

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

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

11 That the application aforesaid of B & J Partnership, Ltd. to use the public
12 right-of-way in front of McKinney's Irish Pub at 151 North 8th Street for outdoor seating/
13 sidewalk café be granted as a privilege only by virtue of and subject to strict compliance
14 with the site plan, the letter of application, and the following terms and conditions:

- 15 1. That the permission herein granted is granted as a privilege only, and
16 is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code
17 including those provisions relating to the posting of a continuing bond in the amount of
18 \$5,000, the filing of a certificate of insurance with a minimum combined single limit of
19 \$500,000.00 aggregate for any one occurrence, and the payment for rent as set forth in
20 Section 14.54.090 as it may be amended from time to time for use of the surface of the
21 public right-of-way.

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

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

6 4. All work done under the authority of this resolution shall be subject to
7 the inspection and approval of the Director of Public Works of the City of Lincoln. Prior to
8 the start of any construction activities, the applicant shall or shall cause its contractor to
9 contact Diggers Hotline of Nebraska for all utilities locations. In addition, prior to the start
10 of any construction activities, the applicant shall or shall cause its contractor to request and
11 receive all required permits for construction of the sidewalk café.

12 5. The use of the public way herein granted and the terms and conditions
13 of this resolution shall be binding and obligatory upon the above-named applicant, its
14 successors and assigns.

15 6. Within thirty (30) days from the adoption of this resolution, and before
16 commencing any construction under the provisions hereof, the above-named applicant
17 shall file an unqualified written acceptance of all the terms and conditions of this resolution
18 with the City Clerk. Failure to do so will be considered a rejection hereof and all privileges
19 and authorities hereunder granted shall thereupon automatically terminate.

Introduced by:

Approved as to Form and Legality:

City Attorney

Approved this ___ day of _____, 2014:

Mayor