

RESOLUTION NO. A-_____

1 WHEREAS, Coffee Emergency, LLC has submitted an application for a
2 permit to use the public right-of-way at 2723 North 48th Street, for construction of a
3 chimney; and

4 WHEREAS, said 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 Coffee Emergency, LLC to use the public
12 right-of-way at 2723 North 48th Street for the purpose of constructing a chimney, be
13 granted as a privilege only by virtue of and subject to strict compliance with the site plan,
14 the letter of application, and the following terms and conditions, to wit:

- 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 of the annual fee for the
20 use of the surface of the public right-of-way fixed at ten percent of the square foot value of
21 the lot directly abutting such use multiplied by the square footage of the use of the space.

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

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

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

Introduced by:

Approved as to Form and Legality:

City Attorney

Approved this ___ day of _____, 2006: _____ Mayor
