

09R-197

Introduce: 10-26-09

RESOLUTION NO. A-_____

1 WHEREAS, the University of Nebraska-Lincoln has submitted an
2 application for a permit to use the public right-of-way in Vine Street for the purpose of
3 installing two conduits to provide telephone and fiber optic service to a new UNL parking
4 structure at 19th and Vine Streets; 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 the University of Nebraska-Lincoln,
14 hereinafter referred to as Permittee, to use the public right-of-way in Vine Street as
15 shown on Exhibit "B", for the purpose of installing two conduits to provide telephone and
16 fiber optic service be granted as a privilege only by virtue of and subject to strict
17 compliance with the site plan, the letter of application, and the following terms and
18 conditions:

19 1. That the permission herein granted is granted as a privilege only,
20 and is subject to all the terms and conditions of Chapter 14.53 of the Lincoln Municipal
21 Code except that the provisions relating to the posting of a continuing bond in the

1 amount of \$5,000 and the filing of a certificate of insurance are waived since Permittee
2 is a governmental entity.

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

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

8 4. The work shall be constructed in accordance with plans and
9 specifications approved by the Department of Public Works and Utilities. The facilities,
10 where they are underground, shall be laid to a minimum depth of 3½ feet from the top of
11 the cable to the surface of the ground. All land surfaces and all pavement shall be
12 restored to their original condition after the work is completed on each segment of the
13 project. "As built" drawings shall be furnished to the City by the Permittee to show the
14 precise locations, depths, and nature of all materials installed in accordance with the
15 permit. The City shall have the right at any time when, in its judgment, it becomes
16 necessary or advisable to require a change of location of said facilities as a matter of
17 safety, or on account of change of grade, resurfacing, repair, reconstruction of any
18 street, alley, sidewalk, or other public ground, or the construction of any structure
19 thereon, or for any other reason, all of which shall be done at the cost and expense of
20 the Permittee in a good and workmanlike manner.

21 5. The Permittee shall pay to the City an annual rental for the use and
22 occupancy of the space beneath said public street occupied by such use which rental is
23 currently \$1.50 per lineal foot of space occupied underneath the public street, alley,

1 sidewalk, or other public ground. Such rental is based upon the number of conduits
2 being placed within the right-of-way.

3 All payments shall be made to the City Treasurer and shall be due and
4 payable on the 1st day of October of each year; provided, however, the amount of the
5 initial payment shall be prorated from the date of approval of this permit to the 1st day of
6 October, 1999 and payment shall be due and payable on October 1st thereafter.

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

11 6. Any additions, changes, modifications, amendments of the uses
12 permitted herein shall require a new permit or other authorization.

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

16 8. The terms and conditions of this resolution shall be binding and
17 obligatory upon the above-named Permittee, its successors and assigns.

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

Introduced by:

Approved as to Form and Legality:

City Attorney

Approved this ____ day of _____, 2009:

Mayor