

#3600

BLOCK

REGISTER OF DEEDS

INST. NO 99

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036365

WEBSTER/LINCOLN
CODE
CHECKED
ENTERED
EDITED

99R-54

Introduce: 3-8-99

RESOLUTION NO. A- 79333

1 WHEREAS, National Research Corporation have submitted an application
2 for a permit to use a portion of the public right-of-way at the Gunny's Building
3 located at 13th and Q Streets; and

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

8 WHEREAS, said applicants have complied with all of the provisions of
9 Chapter 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 application aforesaid of National Research Corporation,
13 hereinafter referred to as Permittee, to use of a portion of the public right-of-
14 way legally described as:

15 A portion of the Q Street right-of-way adjacent to Lot
16 A, Webster and Bonnells Subdivision of Lots 1 and 2,
17 Block 37, Original Plat of Lincoln, and Lot 3, Block 37,
18 Original Plat of Lincoln, located in the Southeast
19 Quarter of Section 23, Township 10 North, Range 6 East
20 of the 6th P.M., Lincoln, Lancaster County, Nebraska,
21 more particularly described as follows:

22 Commencing at the northeast corner of said Lot A; thence
23 west along the north line of said Lot A, a distance of
24 0.17 feet to the point of beginning; thence continuing
25 west along the north line of said Lots A and 3, a
26 distance of 149.91 feet to the northwest corner of said
27 Lot 3; thence north along the extension of the west line
28 of said Lot 3, a distance of 0.16 feet; thence east
29 along a line located 0.16 feet north of and parallel
30 with the north line of said Lots 3 and A, a distance of
31 149.91 feet; thence south along a line located 0.17 feet
32 west of and parallel with the east line of said Lot A,

1 a distance of 0.16 feet to the point of beginning;
2 containing an area of 23.99 sq. ft. more or less;

3 And also:

4 A portion of the east-west alley adjacent to Lot D,
5 Webster and Bonnells Subdivision of Lots 1 and 2, Block
6 37, Original Plat of Lincoln, and Lot 3, Block 37,
7 Original Plat of Lincoln, located in the Southeast
8 Quarter of Section 23, Township 10 North, Range 6 East
9 of the 6th P.M., Lincoln, Lancaster County, Nebraska,
10 more particularly described as follows:

11 Commencing at the southeast corner of said Lot D; thence
12 west along the south line of said Lot D, a distance of
13 0.11 feet to the point of beginning; thence continuing
14 west along the south line of said Lots D and 3, a
15 distance of 149.98 feet to the southwest corner of said
16 Lot 3; thence easterly along a straight line, to a point
17 located 0.25 feet south of the south line of said Lot D,
18 and 0.11 feet west of the east line of said Lot D;
19 thence north along a line located 0.11 feet west of and
20 parallel with the east line of said Lot D, a distance of
21 0.25 feet to the point of beginning; containing an area
22 of 18.75 sq. ft. more or less;

23 for the purpose of occupying space encroached upon by the Gunny's Building as
24 originally constructed in the City right-of-way be granted as a privilege only
25 by virtue of and subject to strict compliance with the site plan, the letter of
26 application, and the following terms and conditions, to wit:

27 1. That the permission herein granted is granted as a privilege
28 only, and is subject to all the terms and conditions of Chapter 14.54 of the
29 Lincoln Municipal Code including those provisions relating to the posting of a
30 continuing bond in the amount of \$5,000, and the filing of a certificate of
31 insurance with a minimum combined single limit of \$500,000.00 aggregate for any
32 one occurrence.

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

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

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

10 5. This permit may be revoked by resolution of the City Council
11 and after giving of five days written notice to the Permittee by the City Clerk,
12 for the following reasons: (a) failure of the Permittee to pay the compensation
13 required within ten days after the date payment is due; (b) failure or neglect
14 of the Permittee to comply with the provisions of Chapter 14.54 of the Lincoln
15 Municipal Code, or any other provisions of the Lincoln Municipal Code or the
16 provisions of the permit; (c) failure to use the space for which the permit was
17 granted for a continuous period of at least six months or (d) upon a
18 determination by the City that the space for which the permit was granted is
19 needed for public use.

20 Upon revocation of a permit, the Permittee shall forthwith
21 remove or abandon the space for which the permit was granted, together with the
22 removal of any structure at his or her own cost and expense and return that space
23 to the City of Lincoln, free and clear of all structures or encroachments of any
24 type, at no expense to the City. If the requested removal or abandonment has not
25 been completed within six months after revocation of the permit, the City Council

1 may cause such removal or abandonment to be so done and the cost of such work
2 shall become a lien against the property of the Permittee.

3 6. Permittee shall pay, as rental fee for the space occupied, an
4 amount equal to ten percent of the square foot value, as last fixed by the Board
5 of Equalization, of the lot directly abutting on the use, multiplied by the
6 square footage of the use of space.

7 Said rental payments shall be made to the City Treasurer and
8 shall be due and payable on the 1st day of October of each year; provided
9 however, the amount of the initial payment required hereunder shall be pro-rated
10 from the date when the permit is issued to the 1st day of October of the next
11 year and payments shall be due and payable on October 1st thereafter. Rent shall
12 become delinquent on the 1st day of December of each year and such delinquent
13 rent shall bear interest at the rate of one percent per month until paid and if
14 such rent is not paid for six months or more after such delinquent date, a
15 penalty of five percent shall be added thereto in addition to said interest.

16 7. The use of the public way herein granted and the terms and
17 conditions of this resolution shall be binding and obligatory upon the above-
18 named applicants, their successors and assigns.

19 8. That within thirty (30) days from the adoption of this
20 resolution, and before occupying the space described herein under the provisions
21 hereof, the above-named applicant shall file an unqualified written acceptance
22 of all the terms and conditions of this resolution with the City Clerk. Failure
23 to do so will be considered a rejection hereof and all privileges and authorities
24 hereunder granted shall thereupon ipso facto terminate.

Approved as to Form and Legality:

~~City Attorney~~

Staff Review Completed:

Administrative Assistant

Introduced by:

Approved:

Director of Public Works & Utilities

Approved:

City Treasurer

AYES: Donaldson, Fortenberry,
Johnson, Seng, Shoecraft, Wilson;
NAYS: None;
ABSENT: Hecht.

APPROVED

MAR 19 1999

MAYOR

ADOPTED

MAR 15 1999

By City Council

LINCOLN



DEPARTMENT OF PUBLIC WORKS
DEPARTMENT OF PUBLIC UTILITIES

NEBRASKA'S CAPITAL CITY

MIKE JOHANNIS, MAYOR

APPENDIX 'A'

City Council
City of Lincoln
Lincoln, NE

FILED
CITY OF LINCOLN
NEBRASKA
APR 15 PM 10 01

Re: Letter of Acceptance

TO THE CITY COUNCIL:

I, National Research Corporation herein called Applicant in Resolution No. A-79333, adopted by the City Council of the City of Lincoln, Nebraska, on March 15, 1999, and approved by Mayor Dale Young on March 19, 1999, do hereby certify that I have thoroughly read said Resolution, understand the contents thereof and do hereby accept without qualification all of the terms, conditions, and requirements therein.

National Research Corporation
National Research Corporation
Gold's Galleria
1033 "O" Street
Lincoln, NE 68508

cc: Larry Albers, Attorney
Suite 320 Commerce Court
1230 "O" Street
Lincoln, NE 68508
kim03317.kim

555 SOUTH 10th ST. • LINCOLN, NE 68508



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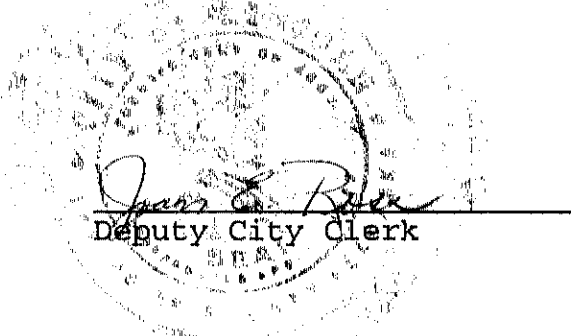
To PW 4/15/99

C E R T I F I C A T E

STATE OF NEBRASKA)
COUNTY OF LANCASTER) ss:
CITY OF LINCOLN)

I, Joan E. Ross, Deputy City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of **Resolution No. A-79333** adopted by the City Council on March 15, 1999, as the original appears of record in my office, and is now in my charge remaining as Deputy City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 1st day of July, 1999.


Joan E. Ross
Deputy City Clerk