

# City of Minden

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## RESOLUTION 1648

### **A Resolution of the City of Minden, Nebraska, preparing for its Triathlon and applying to obtain a Special Event Permit through the Nebraska Department of Roads.**

WHEREAS, the City of Minden, Nebraska, will be assisting with a Triathlon in the summer, to be held on June 4, 2016; and

WHEREAS, as part of the Minden Triathlon, the City of Minden, Nebraska, plans to use approximately 5 miles of Highway 6 and 34, which is part of the state highway system, other than a freeway, making use of shoulders only, with no lane closures as part of the special event; and

WHEREAS, the Nebraska Department of Roads has changed its special event permit process as a result of the passage of Neb. Rev. Stat. §39-1359, which became effective on May 24, 2011; and

WHEREAS, the City of Minden, Nebraska, as part of Minden Triathlon, acknowledges and understands that use of the state highway system for a special event requires a legal duty to protect the highway property from any damage that may occur arising out of the special event, and the state shall have no duty during the time the City of Minden is in control of the highway, as specified in the notice that will be provided to the Nebraska Department of Roads.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Minden, Nebraska (the "City"):

1. The Minden City Council now advises the Nebraska Department of Roads that the City of Minden will be making use of five miles of Highway 6 and 34, between Garber Ave, Minden and 37 Road, which is part of the state highway system and is not a freeway, for a special event known as Minden Triathlon to be held on June 4, 2016. The use of Highway 6 and 34 will be from 7:00 a.m. until 12:00 p.m. on June 4, 2016 ("city's use"). As part of the special event, the Minden City Council acknowledges the City of Minden shall have the legal duty to protect highway property from any damage that may occur from the city's use of five miles of Highway 6 and 34 and the State of Nebraska shall not have any such duty during the city's use of Highway 6 and 34 for the Minden Triathlon. Notice will be provided to the Nebraska Department of Roads at least thirty days prior to Minden Triathlon.
2. The City Council, on behalf of the City of Minden, acknowledges that any existing statutory or common law duty of the State of Nebraska to protect the public from damage, injury or death shall become the duty of the City of Minden during the city's use of five miles of State Highway 6 and 34 for the Minden Triathlon, and the state shall not have such statutory or common law duty during the city's use of five miles of Highway 6 and 34.
3. The City Council, on behalf of the City of Minden, by this resolution, formally acknowledges that the City of Minden accepts the duties set forth in subsection (2) of Neb. Rev. Stat. §39-1359, as well as the duty to protect the public from damage, injury or death during the city's use of five miles of Highway 6 and 34 for a Triathlon and if a claim is made against the State of Nebraska, the City of Minden shall indemnify, defend and hold harmless the State of Nebraska from all claims, demands, actions, damages and liability, including reasonable attorney fees, that may arise as a result of the city's use of five miles of Highway 6 and 34 during this Triathlon.
4. The Minden City Council now authorizes the Mayor to sign this resolution accepting and acknowledging its duties for control during the city's use of five miles of Highway 6 and 34 during this Triathlon, and to present this resolution to the Nebraska Department of Roads.

This Resolution shall become effective upon its passage and approval. Passed and approved on December 21, 2015.

/s/ Ted Griess  
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan  
Abbey Jordan, City Clerk