

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF BENNET, LANCASTER COUNTY, NEBRASKA, TO APPROVE THE TEMPORARY USE OF HIGHWAY 43 FOR A SPECIAL EVENT ON JULY 4, 2024, AND ACCEPT THE DUTIES SET OUT IN NEB. REV. STAT. 39-1359(2)

WHEREAS the City of Bennet wishes to temporarily use a portion of Highway 43 within its corporate limits for purposes of a parade route on July 4, 2024;

WHEREAS Neb. Rev. Stat. 39-1359(2) sets forth certain conditions for the temporary use of a state highway system for a special event;

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF BENNET, LANCASTER COUNTY, NEBRASKA:

1. The City hereby approves the temporary use of Highway 43 within the City's corporate limits as follows:

Special Event: Fourth of July Parade on July 4, 2024

Closure Route: Beginning at Birch Street on the north and ending at Juniper Street on the south (the "Highway" herein)

Duration: City assumes control at 8:00AM on July 4, 2024, and relinquishes control at 12:00PM on July 4, 2024

2. Pursuant to Neb. Rev. Stat. 39-1359(2)(b), the City acknowledges that it shall have the legal duty to protect the Highway from any damage that may occur arising out of the special event, and the State shall not have any such duty during the time the City is in control of the Highway.
3. Pursuant to Neb. Rev. Stat 39-1359(2)(c), the City acknowledges that any existing statutory or common law duty to protect the public from damage, injury, or death shall become the duty of the City during the time the City is in control of the Highway, and the State shall not have any such duty during the time the City is in control of the Highway.
4. Pursuant to Neb. Rev. Stat. 39-1359(2)(d), the City hereby accepts all duties set forth in Neb. Rev. Stat. 39-1359(2), and if a claim is made against the State, agrees to indemnify, defend, and hold harmless the State from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise from the special event.
5. The City shall erect barricades and deploy traffic control devices as recommended by the City Engineer.
6. The notice previously provided to the Nebraska Department of Transportation by the President of the City Council is hereby ratified.
7. The Mayor is authorized to execute any additional documents necessary to carry out this temporary use.

PASSED AND APPROVED THIS _____ DAY OF JUNE 2024.

Ryan Cheney, Mayor

ATTESTED AND PUBLISHED IN BOOK OR PAMPHLET FORM WITHIN FIFTEEN (15) DAYS
OF PASSAGE ON THE ____ DAY OF JUNE 2023.

Michele Lincoln, Village Clerk