

RESOLUTION NO. 2019-18

WHEREAS, the City of Gordon intends to create a parade route from Orin Street and Main Street to 4th Street and Main Street, for the Gordon “Parade of Lights” on Saturday, December 14, 2019, from 6:00 pm to 9:00 pm.

WHEREAS, closure of roadways along the parade route is necessary to relieve the through traffic from the area in the City of Gordon, Nebraska on or near the parade route, and to provide a safe event for participation and spectators, and;

WHEREAS, the Main Street (Nebraska Highway 27) roadway from 1st Street to 4th Street is part of the state highway system and is located within the official corporate limits or zoning jurisdiction of the City of Gordon, and;

WHEREAS, the City of Gordon, while making use of the state highway system for a special event, shall have the legal duty to protect the highway property 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 of Gordon is in control of the property as specified in the notice provided pursuant to LB 589/N.R.S §39-1359, and;

WHEREAS, any existing statutory or common law duty of the state to protect the public from damage, injury, or death shall become the duty of the City of Gordon while making use of the state highway system for a special event and the state shall not have any such statutory or common law duty during the time the City of Gordon is in control of the property as specified in the notice provided pursuant to LB 589/N.R.S §39-1359, and;

WHEREAS, pursuant to LB 589/N.R.S §39-1359, thirty (30) days advance written notice of the special event must be provided to the Nebraska Department of Roads which specifies the date and time City of Gordon will assume control of the identified state highway property, as well as the date and time the City of Gordon will relinquish control of such state highway property to the State of Nebraska. In addition, the City of Gordon shall provide beginning and ending locations for the highway closure including sufficient area for the placement of advance warning and/or detour signing, and include sufficient time for the City of Gordon to prepare and later clean the property prior to returning possession back to the State of Nebraska, and;

WHEREAS, LB 589/N.R.S §39-1359 dictates that if a special event includes any portion of the State of Nebraska Highway System, the City of Gordon shall, if a claim is made against the State of Nebraska, indemnify, defend, and hold harmless the State of Nebraska from all claims, demands, actions, damages, and liability, including reasonable attorney’s fess, that may arise as a result of the special event; and

NOW, THEREFORE, BE IT RESOLVED, that said Parade Route and road Closure referred to hereinabove is hereby adopted. That the governing body of the City of Gordon acknowledges and accepts all duties set out in LB 589/N.R.S §39-1359, subsection (2) and accepts that the City of Gordon shall indemnify, defend, and hold harmless the State of Nebraska from all claims, demands, actions, damages, and liability including reasonable attorney’s fees, that may arise as a

result of the event and such Parade Route and Road Closure is accepted by the City of Gordon and the Mayor and City Clerk are hereby authorized and directed to execute same on behalf of the municipality.

/s/ Nancy I Russell
NANCY I RUSSELL, MAYOR

ATTEST:

/s/ Kim Buchan
KIM BUCHAN, CITY CLERK

Motion by Grant, seconded by Evans to pass Resolution 2019-18. Ayes: Paul, Russell, Grant, Bounous, and Evans.