

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
MARCH 5, 2013 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
FIREWORKS DISPLAY- LA VISTA DAZE TEMPORARY USE OF HWY. 85 (84 <sup>TH</sup> ST) ACCEPTANCE OF DUTIES	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER/ASSISTANT PUBLIC WORKS DIRECTOR

**SYNOPSIS**

A resolution has been prepared which acknowledges that the City of La Vista accepts the duties set forth in LB 589 and agrees to hold the State of Nebraska harmless from claims in order to make temporary use of State Highway 85 (84<sup>th</sup> Street). This requirement is applicable to all events being held after July 10, 2011. This resolution pertains to closing 84<sup>th</sup> Street on the evening of Friday, May 24, 2013 from 9:00pm to 10:30pm for traffic control during the fireworks display.

**FISCAL IMPACT**

No impact.

**RECOMMENDATION**

Approval.

**BACKGROUND**

Section 39-1359 R.R.S. Neb. 2008 was amended on May 24, 2011, by Legislative Bill 589 to provide that a temporary use of a state highway system, including full and partial lane restrictions, can be made for a special event where the roadway is located in the corporate limits of a city, if such city through formal action of its governing body acknowledges and accepts the duties set forth in subsection (2) of Section 39-1359 and indemnifies and holds the State of Nebraska harmless against claims made arising out of the special event and provides thirty (30) days advance notice to the State of Nebraska.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA  
ACCEPTING DUTIES AND LIABILITIES FOR TEMPORARY USE OF STATE HIGHWAY 85**

WHEREAS, the City of La Vista desires to conduct a fireworks display on property adjacent to State Highway No. 85 in conjunction with the La Vista Daze celebration, and;

WHEREAS, the City of La Vista desires to make temporary use of State Highway No. 85 between Brentwood Drive and Harrison Street, and;

WHEREAS, the temporary use shall consist of the total closure of State Highway No. 85 to vehicular traffic, and;

WHEREAS, State Highway No. 85 between Brentwood Drive and Harrison Street is within the corporate limits of the City of La Vista, and;

WHEREAS, Section 39-1359 R.R.S. Neb. 2008 was amended on May 24, 2011, by Legislative Bill 589 to provide that a temporary use of a state highway system, including full and partial lane restrictions, can be made for a special event where the roadway is located in the corporate limits of a city, if such city through formal action of its governing body acknowledges and accepts the duties set forth in subsection (2) of Section 39-1359 and indemnifies and holds the State of Nebraska harmless against claims made arising out of the special event and provides thirty (30) days advance notice to the State of Nebraska.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, that pursuant to Section 39-1359 R.R.S. Neb. 2008, as amended by Legislative Bill 589 on May 24, 2011, the City of La Vista officially designates the La Vista Daze Fireworks Display as a special event under LB 589 and hereby notifies the State of Nebraska that it accepts the duties imposed by such law, and, if a claim is made against the state, 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 special event and the temporary use of State Highway No. 85 (aka 84<sup>th</sup> Street) from Brentwood Drive to Harrison Street between the hours of 9:00 pm and 10:30 pm on May 24, 2013 for traffic control during the fireworks display.

PASSED AND APPROVED THIS 5TH DAY OF MARCH, 2013

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk