

Agenda Item: 8.B.

MEMORANDUM

TO: Finance, Expenditures and Legal Subcommittee

FROM: Lori Ann Laster, Stormwater Management Engineer

SUBJECT: Review and Recommendation on King Lake Agreement with Waterloo Volunteer Fire Department

DATE: December 2, 2015

The District has received grant funding to purchase 42 properties in the floodplain in the King Lake area. After purchasing the properties, the District is required to remove any structures on the land within 90 days. The period of performance for the grant ends December 25, 2015, meaning that all demolition and cleanup activities must be completed by that date.

The Waterloo Volunteer Fire Department has offered to use the structures located at 24535 King Lake Road, 24235 King Lakeside Drive, and 24115 Lakeside Place (see attached map) as fire fighter training and practice exercises. This burn would reduce the volume of material to be hauled to a landfill and therefore reduce the District's demolition costs. The attached Waiver, Release, and Hold Harmless Agreement would insure that the District is not liable for any of the activities of the Waterloo Volunteer Fire Department on District property.

Management recommends that the Subcommittee recommend to the Board of Directors that the General Manager be authorized to execute for and on behalf of the District a Waiver, Release, and Hold Harmless Agreement with the Waterloo Volunteer Fire Department for the King Lake properties located at 24535 King Lake Road, 24235 King Lakeside Drive, and 24115 Lakeside Place, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Waiver, Release and Hold Harmless Agreement

In consideration of Papio-Missouri River Natural Resources District ("NRD") allowing the Waterloo Rural Fire District, a Nebraska fire protection district ("Fire District") to use the NRD's property located at 24235 King Lakeside Dr., 24115 Lakeside Place, and 24535 King Lake Road, all in Valley, Nebraska for fire fighter training and practice burns (the "Activity"), the Fire District agrees as follows:

1. Fire District acknowledges that participating in the Activity involves certain risks and that injuries, death, property damage or other harm could occur to Fire District fire fighters or others. Fire District accepts and voluntarily incurs all risks of any injuries, damages, or harm which arise during or result from the Activity, regardless of whether or not caused in whole or in part by the negligence or other fault of NRD and/or its or their board members, employees, officers, agents or insurers ("Released Parties"), unless such risks were caused by the gross negligence of the NRD.

2. Fire District waives all claims against any of the Released Parties for any injuries, damages, losses or claims, whether known and unknown, which arise during or result from the Activity, regardless of whether or not caused in whole or part by the negligence or other fault of any of the Released Parties. Fire District releases and forever discharges the Released Parties from all such claims.

3. Fire District agrees to indemnify and hold the Released Parties harmless from all losses, liabilities, damages, costs or expenses (including, but not limited, to reasonable attorneys' fees and other litigation costs and expenses) incurred by any of the Released Parties as a result of any claims or suits that Fire District (or anyone claiming by, under or through Fire District) or any third party may bring or brings against any of the Released Parties to recover any losses, liabilities, costs, damages, or expenses which arise during or result from the Activity, unless such action is being brought in whole or part due to the gross negligence of the Released Parties.

4. Fire District has carefully read and reviewed this Waiver, Release and Hold Harmless Agreement and agrees to the above provisions.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed the day and year written below.

EXECUTED this _____ day of December, 2015.

WATERLOO RURAL FIRE DISTRICT,
A Fire Protection District

Travis Harlow, Chief

PAPIO-MISSOURI RIVER NATURAL RESOURCES
DISTRICT:

John Winkler, General Manager



Parcels

1: 4,607



This map is a user generated map from an Internet mapping service for reference only. Data layers on this map may or may not be current, or otherwise incorrect.

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