

RESOLUTION

WHEREAS, the County of Dawson, Nebraska, and the City of Lexington, Nebraska, have heretofore entered into and upon the joint local sponsorship of the project entitled Springcreek Watershed-Dawson, and

WHEREAS, certain engineering criteria in regard to the size of the dams and emergency spillways have been changed from 100 year flood frequencies to 200 year flood frequencies by the federal government agencies which are participating in the said project necessitating the acquisition of additional land rights adjacent to the dam, as well as in connection with and below the emergency spillway overflow, designated in the said project as Damsite 11A, and

WHEREAS, the United States of America and its agencies together with the State of Nebraska and its agencies, are empowered to and will waive the requirement of the acquisition of additional land rights in connection with said Damsite 11A upon the receipt of a written statement by said local sponsors to hold said governments and their agencies harmless from any and all liability for future damages occurring by reason of or due to the construction of an emergency spillway on the basis of engineering criteria of a two hundred (200) year flood frequency, and

WHEREAS, the prospects of damages being incurred thereby appear to be only a remote possibility and that it would be to the best interests of the project to authorize and direct the Project Manager to issue any and all necessary instruments to hold the said governments and their agencies harmless as aforesaid.

NOW THEREFORE BE, AND IT IS HEREBY RESOLVED that the City of Lexington,  
State of Nebraska, does hereby agree to hold the United States of America and the State of Nebraska, and their related agencies harmless from any and all future damages occurring by reason of or due to the construction of an emergency spillway on the basis of engineering criteria of a two hundred (200) year flood frequency, at the Damsite designated 11A in the project entitled Springcreek Watershed-Dawson, and

BE IT FURTHER RESOLVED that D. G. McDonald, as Project Manager be and hereby is authorized and directed to execute and deliver any and all binding instruments to effect the terms of this Resolution herein.

Introduced and moved by Duane Phillippi, Seconded by Eugene Hennek, and unanimously passed and approved this 14th day of July, 1970.

Chas. Wrightsman  
Charles Wrightsman, President,  
City Council of the City of Lexington,  
Nebraska

Attest:

Norris L. Warren  
Norris L. Warren, Treasurer

STATE OF NEBRASKA, )  
COUNTY OF DAWSON. ) ss.

I, Norris L. Warren of City of  
Lexington, do hereby certify that on the 14th day of July, 1970, at  
a regular session of the Lexington City Council  
the foregoing Resolution was duly introduced by Duane Phillippi; that a  
motion by Duane Phillippi, duly seconded by Eugene Hennek  
, that said Resolution be adopted, was duly  
carried, all of said Councilmen voting in favor thereof and none voting  
against same, all of which appears from the records and minutes of said meeting in  
the office of the City Clerk, Lexington, Nebraska.

In Witness Whereof, I have hereunto set my hand and the seal of said  
City of Lexington this 15th day of July, 1970.

Norris L. Warren  
Norris L. Warren, City Clerk of the City of  
Lexington, Nebraska