

RESOLUTION

WHEREAS, the Western Nebraska Community College Foundation, Scotts Bluff County, the City of Scottsbluff, and the City of Gering have declared the intention to stage a full marathon (26.2 miles), half marathon (13.1 miles), and 5K (3.12 miles) in Scotts Bluff County, Nebraska, on September 26, 2026; and

WHEREAS, this is an annual event; and

WHEREAS, temporary use of the state highway system, other than a freeway, including full and partial lane closures shall be needed for this special event; and

WHEREAS, LB589 adopted by the Legislature in 2011 requires 30 days' advance written notice of a special event involving the use of city, county, and state highway systems;

NOW THEREFORE BE IT RESOLVED that the Scotts Bluff County Board of Commissioners acknowledge that temporary use of portions of state highways 71 and 92, by the county, city, or village, including full and partial lane closures shall be allowed for this special marathon event and that Scotts Bluff County acknowledges:

1. That north bound Highway 71 from the reference post 49+25, south of the Wildcat Visitor Center entrance, north to reference post 55+37 (the intersection of Highway 71 and Sandberg Road) beginning at 5:00 am, for sign and cone placement; and closure of the outside northbound driving lane and surfaced shoulder of the specified section will begin at 6:45 am and end at 10:00 am and the south and eastbound lane of Old Oregon Trail Road between Highway N-92 and Five Rocks Road starting at 7:15 am, and ending at 1:00 pm, requiring intermittent delay of traffic by flaggers when the specified section of the eastbound lane is occupied with pedestrians are needed for this event and are located within the official corporate limits or zoning jurisdiction of Scotts Bluff County, Nebraska;

2. Scotts Bluff County, while making use of these portions of the state highway system for this 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 county, city or village is in control of the property as specified in the notice provided pursuant to Neb. Rev. State. Section 39-1359(3);

3. 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 county, city, or village making use of the state highway system for this special event, and the State shall not have such statutory or common law duty during the time the county, city or village is in control of the property as specified in the notice provided pursuant to Neb. Rev. Stat. section 39-1359(3);

4. Scotts Bluff County accepts the duties set forth in Neb. Rev. Stat. section 39-1359 and, if a claim is made against the State, the County shall indemnify, defend, and hold harmless the State from all claims, demands, actions, damages, and liability, including reasonable attorney's fees that may arise as a result of this special event. In this connection, this Resolution shall constitute and be deemed to be written "Insured Contract" under that certain Commercial General Liability Insurance policy CZ6INGL0001-04 Blanket Additional Insured Endorsement issued by Edgewood Partners Insurance Center;

5. Notice of this special event shall be given to the State of Nebraska at least 30 days prior to September 26, 2026.

Dated this _____ day of _____, 2026, at Gering, Nebraska.

Chairman of the Board

Vice-Chairman of the Board

Member

Member

Member

Attest:

County Clerk

(Seal)