

**INTERLOCAL COOPERATION ACT AGREEMENT
PLATTE RIVER BREACH REPAIR PROJECT
DODGE COUNTY**

This Interlocal Cooperation Act Agreement hereinafter called "Agreement" entered into between the hereinafter, in reference the Platte River Breach Repair Project, Dodge County, Nebraska, hereinafter referred to as the "Project", is made and entered into by the following political subdivisions of the State of Nebraska, hereinafter, hereinafter referred to individually as "Partner" and collectively as "Partners", to wit:

City of Fremont (City)
Dodge County (County)
Lower Platte North Natural Resources District (LPNNRD)

Whereas, the Partners are political subdivisions of the State of Nebraska.

Whereas, 2019 flood events along the Lower Platte River caused a substantial breach in the embankment on the west end of Fremont Rod & Gun Club property, resulting in substantial damage to private property and public infrastructure.

Whereas, the Partners assisted with emergency repair in early 2020, to divert Platte Water flood flows from reentering the breach opening on the west end of Fremont Rod & Gun Club property until more substantial repair can occur.

Whereas, as a result of dredging activities planned at Lake Ventura in 2020, there is an opportunity to engineer, shape and stabilize resulting dredge material for placement in the breach area opening, at a total estimated Project cost of \$612,380.

Whereas, the County will act as the fiscal agent for the repair and has applied for a \$450,000 Economic Development Assistance Grant through the Nebraska Department of Economic Development to assist with the Project.

Whereas, the Fremont Rod & Gun Club has provided approximately \$20,000 in the project area and will provide up to an additional \$12,380 toward the local share of the Project.

Whereas, the Partners desire to assist with the remaining local share of Project expense, up to \$50,000 each, totaling \$150,000.

Whereas, the City will obtain and hold all necessary public easements for the Project from the Fremont Rod & Gun Club and be the public entity applicant for future disaster assistance.

Whereas, the Partners will enter into a future agreement with the Fremont Rod & Gun Club addressing Project operation and maintenance responsibilities.

Therefore, in consideration of the foregoing recitals and their mutual covenants hereinafter expressed, the Partners agree as follows:

- 1. Authority:** This Agreement is made pursuant to authority provided in the Nebraska Interlocal Cooperation Act (Neb. Rev. Stat. 13-801, R.R.S., 1943, et seq.), without a

separate entity being created, and whenever possible, this Agreement shall be construed in conformity therewith.

2. **Purposes:** The purpose of this Agreement is to define the Partners responsibilities for financial assistance and future operation and maintenance of the completed Project.
3. **Securing Project Easements:** The City agrees to secure all needed Project easements from the Fremont Rod & Gun Club, hold the easements for public benefit and file them with the Dodge County Register of Deeds.
4. **Project Funding Assistance:** The Partners agree to each provide up to \$50,0000 financing toward the completed Project.
5. **Project Operation and Maintenance:** As a requirement for participation with the Project, the Partners will enter into a separate agreement with the Fremont Rod & Gun Club, to identify operation and maintenance responsibilities of the completed Project and to indemnify, protect and hold the Partners harmless from all claims directly and indirectly related to the Project.
6. **Effective Date of Agreement:** This Agreement becomes effective upon final execution by the Partners. The original copy of this Agreement will be maintained as part of the public records of City, with a copy being provided to the Partners. The Agreement may be signed in counterparts, as necessary.
7. **Duration of Agreement:** This Agreement shall extend from the date of execution by both Partners and will remain in effect unless all Partners mutually agree to amend, addend, or terminate the Agreement

IN WITNESS WHEREOF,

This Interlocal Cooperation Act for Platte River Breach Repair Project, is executed by the City of Fremont on this _____ day of _____, 2020.

City of Fremont

By: _____
Scott Getzschman

Title: Mayor _____

IN WITNESS WHEREOF,

This Interlocal Cooperation Act for the Platte River Breach Repair Project,
is executed by Dodge County on this _____ day of _____, 2020.

Dodge County

By: _____
Bob Missel

Title: Chairman

IN WITNESS WHEREOF,

This Interlocal Cooperation Act for the Platte River Breach Repair Project, is executed by the Lower Platte North Natural Resources District on this _____ day of _____, 2020.

Lower Platte North Natural Resources District

By: _____
Gene Ruzicka

Title: Chairman