

## RESOLUTION

### **A RESOLUTION OF THE BOARD OF TRUSTEES OF SANITARY AND IMPROVEMENT DISTRICT NO. 5 OF CASS COUNTY, NEBRASKA ESTABLISHING A POLICY FOR THE GRINDING OF CURBS WITHIN THE DISTRICT BY RESIDENTS OF THE DISTRICT.**

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF SANITARY AND IMPROVEMENT DISTRICT NO. 5 OF CASS COUNTY, NEBRASKA as follows:

1. Effective November 22, 2005, the Board of Trustees authorizes owners of lots within the District to, without Board approval, grind curbs in front of their driveways down to a height of not less than 3" to maintain drainage of water along the curb and gutter to storm sewers.
2. If a property owner wishes to grind the curb to a height less than 3" the owner must obtain pre-approval from the Board of Trustees. This pre-approval must appear in the minutes of the meeting of the Board of Trustees at which such approval was granted.
3. To seek approval from the Board of Trustees, a written request must be made, at least one week in advance, to the Clerk of the District to be placed on the agenda of the monthly meeting of the Board of Trustees.
4. If a lot owner grinds a curb to a height less than 3" without the prior approval from the Board of Trustees, demand will be made on the lot owner to restore the curb to a 3" height in a manner approved by the Board of Trustees, with the cost for restoration borne by the owner.
5. Any time an owner grinds the curb, it is at the owner's risk. The owner shall be responsible for the preservation of all public and private property, and shall protect carefully from disturbance or damage all such public and private property. In the event of any indirect or direct damage or injury to public or private property, by or on account of any act, omission, neglect or misconduct in the performance of this work, the owner shall restore at the owner's expense such property to a condition similar or equal to that existing before the damage or injury was done, by repairing, or otherwise restoring as may be directed, or owner shall make good such damage or injury in an acceptable manner.
6. The owner waives any and all claims, of any nature or any kind, against the District and its Board of Trustees, employees, officials, agents, representatives and volunteers by reason of the owner's grinding of the curb, regardless of whether the Board of Trustees approved the grinding at the owner's request.
7. The owner agrees to indemnify, defend, and hold harmless the District and its Board of Trustees, employees, officials, agents, representatives and volunteers from and against any and all liabilities, damages, injuries (including death), property damage (including loss of use), claims, liens, judgments, costs, expenses, suits, actions, or proceedings and reasonable attorney's fees, and actual damages of any kind or nature, arising out of or in connection with any aspect of

the acts, omissions, negligence or willful misconduct of the owner, its employees, agents, officers, or owner's performance or failure to properly perform the work.

PASSED AND APPROVED this 22<sup>ND</sup> day of November 2005.

By: \_\_\_\_\_  
Kurt Meisinger, Chairperson

ATTEST:

(SEAL)

\_\_\_\_\_  
John P. Sandoz, Clerk