



## LOWER PLATTE SOUTH natural resources district

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### MEMORANDUM

Date: October 10, 2019

To: Lower Platte South Natural Resources District Board of Directors

From: Ariana Kennedy, Resources Conservationist *AK*

Subject: Recreation, Forestry & Wildlife Subcommittee Agenda Item

The Recreation, Forestry and Wildlife Subcommittee will be meeting at 6:45 p.m. (following the tour), prior to the Board of Directors meeting on Wednesday, October 16, 2019 at the Hickman Community Center.

There is one item for the meeting; Consideration of an Amendment to the Trail Over Platte River Bridge Interlocal Agreement with the Nebraska Game & Parks Commission and the Papio-Missouri River NRD for debris removal, inspection and repairs of the Lied Platte River Bridge near South Bend. The Amendment, a map (Lied Platte River Bridge and Connector Trails) of the area, and a few photos are attached to this memorandum.

An amendment is necessary to address the damage the bridge and connector trail underwent during the March 2019 flood event. Per the Amendment, Papio-Missouri River NRD will contract for debris removal from the bridge, seek federal funds for this work, and Nebraska Game and Parks Commission will reimburse Papio-Missouri River NRD for all of the local cost of this work. It is expected that 75% of the funding will be reimbursed by FEMA for this work, to be carried out before the end of 2019. Papio-Missouri River NRD will also contract for structural inspection of the bridge to determine what repairs are needed, and for the design and construction of repair work needed on the bridge. Lower Platte South Natural Resources District will share in 50% of the local cost of the bridge design and work. Timeline for the inspection, design, and repair to the bridge will be determined after the completion of the debris removal. Clean up and repair of the connecting link trails will be the next phase of work.

#### Attachments

PC: RF&W subcommittee file  
Paul Zillig  
Dan Schulz

**AMENDMENT TO  
INTERLOCAL COOPERATION ACT AGREEMENT BETWEEN  
LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT  
PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT and  
NEBRASKA GAME AND PARKS COMMISSION  
FOR THE**

**TRAIL OVER PLATTE RIVER BRIDGE**

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This Amendment to the Interlocal Cooperation Act Agreement (hereinafter "**THIS AMENDMENT**") is made by and among the following:

Lower Platte South Natural Resources District (hereinafter "**LPS**");  
Papio-Missouri River Natural Resources District (hereinafter "**PAPIO**"); and  
Nebraska Game and Parks Commission (hereinafter "**NG&PC**");  
hereinafter referred to collectively as "the **PARTIES**".

In **THIS AMENDMENT**, the bridge constructed across the Platte River to support and connect a recreational trail near South Bend, Nebraska, named the Lied Platte River Bridge, will be referred to as "the **BRIDGE**." The right-of-way connecting the Bridge to Nebraska Highway 31 and 328<sup>th</sup> Street where a recreational trail has been constructed will be referred to as "the **CONNECTING LINKS**."

**WHEREAS**, in a 1996 INTERLOCAL COOPERATION ACT AGREEMENT, entered into by and among the **PARTIES**, the **PARTIES** agreed to cooperate to acquire, rehabilitate, maintain, repair and operate the **BRIDGE** and the trail approaches connecting the **BRIDGE**. Specifically, the **PARTIES** outlined certain Operation and Maintenance roles and responsibilities in Exhibit "F" of the 1996 INTERLOCAL

COOPERATION ACT AGREEMENT;

**WHEREAS**, in March 2019, the Platte River and the surrounding area, including the BRIDGE and the CONNECTING LINKS, endured a historical flooding event which caused significant damage to the BRIDGE and the Hwy 31 CONNECTING LINK as well as significant sand and debris deposits and erosion;

**WHEREAS**, the PARTIES desire to clarify their individual responsibilities to each other for the damages caused and remedial measures required as a result of the March 2019 Flooding; and,

**WHEREAS**, THIS AMENDMENT is made pursuant to authority provided in the Nebraska Interlocal Cooperation Act (Neb. Rev. Stat. §§ 13-801, et seq.), without a separate entity being created, and whenever possible, THIS AMENDMENT shall be construed in conformity therewith.

**NOW THEREFORE**, in consideration of the foregoing recitals and their mutual covenants hereinafter expressed, the PARTIES agree as follows:

1) Exhibit "G" March 2019 Flood Remedial Efforts, as set forth below, shall be added to the 1996 INTERLOCAL COOPERATION ACT AGREEMENT immediately following Exhibit "F."

### **EXHIBIT "G"**

#### **MARCH 2019 FLOOD REMEDIAL EFFORTS**

The PARTIES hereby agree that the following actions shall be taken by the respective parties:

1) **BRIDGE DEBRIS REMOVAL.** The PAPIO will contract for the removal of

debris from the BRIDGE that accumulated as a result of the March 2019 Flooding. The PAPIO shall apply for and seek available federal funds for the reimbursement of costs associated with the BRIDGE debris removal. In the event that the PAPIO does not receive full reimbursement through available federal funds, NG&PC shall fully reimburse the PAPIO for all non-federally reimbursed costs for the BRIDGE debris removal within forty-five (45) days of receiving a written request from the PAPIO.

- 2) **BRIDGE REPAIR.** The PAPIO shall retain an engineering consultant to inspect and evaluate the damage to the BRIDGE structure as a result of the March 2019 Flooding (the “**BRIDGE EVALUATION.**”). Based upon the BRIDGE EVALUATION, and upon the recommendation of the retained engineering consultant, the PAPIO shall determine whether an engineering design is needed for the repairs to the BRIDGE structure. If a design is required, the PAPIO shall retain an engineering consultant to provide the design to repair the BRIDGE structure (the “**BRIDGE REPAIR DESIGN.**”) The PAPIO shall bid and contract for repairs to the BRIDGE structure to return the BRIDGE structure to its condition immediately before the March 2019 Flooding (the “**BRIDGE REPAIR WORK**”), whether a BRIDGE REPAIR DESIGN is required or not. The PAPIO shall apply for and seek available federal funds for the reimbursement of costs associated with the BRIDGE EVALUATION, BRIDGE REPAIR DESIGN and BRIDGE REPAIR WORK. In the event that the PAPIO does not receive full reimbursement through available federal funds, the LPS agrees to reimburse the PAPIO for fifty percent (50%) of the non-federally reimbursed costs for the BRIDGE EVALUATION, BRIDGE

REPAIR DESIGN and BRIDGE REPAIR WORK within forty-five (45) days of receiving a written request from the PAPIO.

2) **RATIFICATION.** Except as it is expressly amended by THIS AMENDMENT, the 1996 INTERLOCAL COOPERATION ACT AGREEMENT shall remain in effect and binding upon the PARTIES.

3) **EFFECTIVE DATE.** THIS AMENDMENT shall be deemed to have permanent duration, and shall become effective upon complete execution of counterparts of THIS AMENDMENT by the PARTIES.

**IN WITNESS WHEREOF,**

THIS AMENDMENT is executed by the Lower Platte South Natural Resources District on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

**Lower Platte South Natural Resources District**

By: \_\_\_\_\_

Title: \_\_\_\_\_

THIS AMENDMENT is executed by the Papio-Missouri River Natural Resources District on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

**Papio-Missouri River Natural Resources District**

By: \_\_\_\_\_

Title: \_\_\_\_\_

THIS AMENDMENT is executed by the Nebraska Game & Parks Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

**Nebraska Game & Parks Commission**

By: \_\_\_\_\_

Title: \_\_\_\_\_

# Lied Platte River Bridge and Connector Trails







