

R E S O L U T I O N

TOWN OF HOMER

STATE PROJECT NO. 504-14-07

WHEREAS, The Town of Homer is unable to complete or proceed with the construction of the second floor restoration of the Maritzky Building due to insufficient funds; and

WHEREAS, The Town of Homer has secured a commitment from Governor David C. Treen in the amount of \$45,000 to be funded to the Town of Homer as set out in one certain commitment letter from Mr. Darrell Williamson, Assistant Secretary, Department of Transportation and Development, Office of Public Works dated November 23, 1982; and

WHEREAS, The Town of Homer understands that adherence to all laws of the State of Louisiana is mandated as a condition of this reimbursement, and further understands that it must conform its engineering activities so as to be consistent with standard, accepted engineering practices; and

WHEREAS, The Town of HOmer agrees and understands that should it fail to comply with all federal, state and local laws or should it fail to exercise the highest engineering practices to accomplish restoration of the second floor of the Maritzky Building that the Town of Homer shall bear all costs associated with the failure to comply with said laws and engineering procedures, and hereby absolves the Department of Transportation and Development, Office of Public Works of all responsibility for its failure to comply therewith, or the inadequacy thereof, and acknowledges that it may be subject to State audit.

NOW, THEREFORE, BE IT RESOLVED that the Town of HOmer, in regular session assembled on this 6th day of December, 1982, does hereby declare that it is unable to complete or proceed with the restoration of the second floor of the Maritzky Building without the sum of \$45,000 committed by Governor David C. Treen by letter dated November 23, 1982 from Mr. Darrell Williamson, Assistant Secretary, Department of Transportation and Development, Office of Public Works which letter more clearly sets forth the obligation of the Public Entity.


BE IT FURTHER RESOLVED that the Town of Homer acknowledges that adherence to all laws of the State of Louisiana and the requirements set forth in the letter of November 23, 1982 from Mr. Darrell Williamson, Assistant Secretary, Office of Public Works are conditions to the commitment of the aforementioned funds and will and hereby does agree and commit itself to conform its engineering activities so as to be consistent with

standard accepted engineering practices.

BE IT FURTHER RESOLVED that the Town of Homer does hereby agree and commit itself to bear all costs associated with its failure to fully comply with all federal, state and local laws and engineering practices and procedures, and acknowledges it may be subject to State audit.

BE IT FURTHER RESOLVED that said Department of Transportation and Development, Office of Public Works be and hereby is assured that all necessary servitudes, rights-of-way, rights of ingress and egress and the means thereof have been acquired by the Town of Homer and the titles thereto are valid and indefeasible, and the Town of Homer expressly agrees to defend any action for the failure of any servitude, right-of-way or right of ingress or egress, and will and hereby does assume complete responsibility for the adequacy thereof and the maintenance and upkeep of the project upon completion.

BE IT FURTHER RESOLVED that the Town of Homer does hereby save and hold the said Department of Transportation and Development, Office of Public Works, its officers, agents and employees harmless from any and all liability or claim for damages arising out of the project including death or injuries to third parties, including but not limited to the adequacy of the project, liability or claim for damages arising out of the negligence of said Department, its officers, agents or employees, and completely absolves the Department of Transportation and Development, Office of Public Works for the Public Entity's failure to totally comply with all federal, state and local laws and engineering practices and procedures, and agrees to defend any suit of any nature brought against the Department and to further pay any judgment which may result from said suit as it relates to this project or its inadequacy.



Acting Clerk


Mayor

CERTIFICATE

This is to certify that the above Resolution was adopted at a Regular Meeting of the Town Council held on December 6, 1982.

Homer, Louisiana, this 6th day of December, 1982.


Linda Dean, Acting Clerk
Town of Homer, Homer, Louisiana