

# LUZERNE COUNTY FLOOD PROTECTION AUTHORITY

P O Box 1909  
Kingston, PA 18704

PHONE (570) 208-6100

FAX (570) 208-9650

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**RE: Luzerne County Flood Protection Authority  
Wyoming Valley Flood Risk Management Project  
Use of Authority Property - Special Events Procedure**

To Whom It May Concern:

The Luzerne County Flood Protection Authority is responsible for the operation and maintenance of the 16-mile Wyoming Valley Flood Risk Management Project. The flood control system includes the levee system through Kirby Park, Nesbitt Park, the Forty Fort Recreation Complex and the floodwall system in the Riverfront Park or River Commons.

The Right-Of-Way for the flood control system is owned by the Authority and not by other local public entities such as the County of Luzerne, City of Wilkes-Barre, Kingston Borough or Forty Fort Borough. Permission to use the asphalt maintenance road atop the levee crest, or other Authority property, must be requested to the Authority through our enclosed Special Events Procedure. Any requestor must complete the written application, the indemnification and hold harmless agreement, provide a certificate of insurance and submit to the Authority for review and formal approval.

The Authority recognizes the recreation features of a levee system in an urban environment and supports safe and responsible public use. For all special events which includes local road races, under no circumstances will the marking of Authority property be allowed in support of the event. The past practice by event directors of using spray paint or other permanent markings to provide direction to the participants is strictly forbidden. Only traffic cones or other similar, temporary and removable, objects may be used.

We sincerely appreciate the cooperation of the community and if anyone should have any questions on the Authority's policy please feel free to contact me at (570) 208-6100 or electronically via e-mail at [chris.belleman@luzernecounty.org](mailto:chris.belleman@luzernecounty.org).

Sincerely,



Christopher J. Belleman, P.E., CFM  
Executive Director  
Luzerne County Flood Protection Authority

**Luzerne County Flood Protection Authority  
Special Events Procedure  
For  
Use of Authority Property**

**I. Step 1**

The event organizer must submit a formal request in writing, signed by the president of the entity, or other authorized person having authority to make such request on behalf of the entity. The written request shall be either mailed, or issued electronically, to the Authority and shall not be postmarked less than 30 calendar days from the date of the actual event or use of Authority property. The written request shall include a completed application that is attached to this procedure as "Exhibit A".

**II. Step 2**

The Authority will notify the requesting entity of the tentative approval or denial to use Authority property for the event. The Authority reserves the right to approve or deny any event request for any reason, without giving an explanation for the decision. In addition, the Authority reserves the right to rescind approval of any event request at any time and for any reason, without giving an explanation for the decision. If tentative approval is granted, the requesting entity can proceed to step 3.

**III. Step 3**

The Authority must be in receipt of the following documents, at least 48 hours before the event begins setup:

- An original signature copy (in triplicate) of the Authority's Indemnification and Hold Harmless Agreement. This agreement must be signed by the president of requesting entity or his/her duly authorized representative. The requesting entity name indicated on this agreement must match exactly to the name indicated on the insurance policy. A copy of the official Indemnification and Hold Harmless Agreement is indicated in attachment "Exhibit B".

- A copy of the valid insurance policy that covers the event. Types and coverage amounts shall be at least equal to the minimum required by the Authority as indicated in the attachment "Exhibit C". The policy must be in the name of the requesting entity and must also cover all subcontractors for the event. The policy shall indicate the Luzerne County Flood Protection Authority and the County of Luzerne as additional insured. The policy must be issued from an authorized insurer and in compliance with all federal, state and local laws. The policy must begin before the commencement of the event's setup and must not expire or be allowed to terminate prior to the complete takedown and removal of the event. .
- Attached as "Exhibit D" is a template ACORD Certificate Of Insurance. The submitted insurance policy must be presented in this form or other similar form that is acceptable to the Authority.

#### IV. Step 4

The requesting entity shall completely remove all event equipment and debris from Authority property within 24 hours of the established event termination. All trash must be properly disposed of by the requesting entity. A closeout report of all incidents/accidents/damage for the event shall be submitted to the Authority within 48 hours of the established termination of the event.

**Under no circumstances will marking of Authority property be allowed in support of the event. The past practice by event directors of using spray paint or other permanent markings to provide direction to the participants will not be tolerated. Only traffic cones or other similar, temporary and removable, objects may be used. The Authority will regard any failure by the requesting entity to follow this requirement as an act of vandalism and will take the appropriate actions to resolve the situation.**

Any questions on the Authority's Special Events Procedure may be directed to the following individual:

Theresa Licata, LCFPA Executive Secretary  
Phone: (570) 208-6100  
Fax: (570) 208-9650  
E-Mail: [theresa.licata@Luzernecounty.org](mailto:theresa.licata@Luzernecounty.org)

**Exhibit A**  
**Application For Use**  
**of**  
**Luzerne County Flood Protection Authority**  
**Property**

Applicants must complete the following and submit this application to the Luzerne County Flood Protection Authority, P.O. Box 1909, Kingston, PA 18704. Applications also may also be submitted electronically to the Authority's Executive Secretary, Theresa Licata, at [theresa.licata@luzernecounty.org](mailto:theresa.licata@luzernecounty.org). This application must be accompanied by an original signature letter of request, on entity letterhead, signed by the president of the entity or his/her authorized representative.

Organization Name: \_\_\_\_\_

Legal Description of the Organization: \_\_\_\_\_  
Agency, 501c(3), Individual, etc.

Organization Address (No P.O. Boxes): \_\_\_\_\_

\_\_\_\_\_

Event Coordinator: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_

After Hours Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

Emergency Contact(s): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Description of Event (Use additional pages if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date and Time of Event Setup: \_\_\_\_\_

Date and Time of Event Termination: \_\_\_\_\_

Property Locations Requested  
for Use: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Number of Attendees: \_\_\_\_\_

Indicate all equipment/material to be used for the event:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Type of food and/or beverages to be distributed at the event:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Indicate all  
subcontractors: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Indicate what provisions will be requested to meet the needs of disabled individuals:  
\_\_\_\_\_

**Exhibit B  
Indemnity and Hold Harmless Agreement**

The undersigned \_\_\_\_\_  
Hereinafter "Indemnitor" does hereby grant to the County of Luzerne, a Political Subdivision of the Commonwealth, hereinafter called the "County", and the Luzerne County Flood Protection Authority, hereinafter called the "Authority", on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, the following:

**WHEREAS**, Indemnitor agrees to Indemnify and hold harmless the County and the Authority, its agents, servants and employees from any claims and liability which may be made against the County and the Authority.

**NOW THEREFORE**, in consideration of the County and the Authority permitting the Indemnitor to hold the \_\_\_\_\_ on the \_\_\_\_\_, the Indemnitor hereby agrees:

- Indemnitor undertakes to indemnify the County and the Authority from any and all liability, loss or damage the County and the Authority may suffer as a result of the claims, demands, costs, or judgments against and arising from the activities of the Indemnitor.
- Indemnitor agrees to defend, at its own expense against any claims brought or actions filed against the County and the Authority, its officers, agents and employees with respect to the subject of the indemnity contained herein whether such claims or actions are rightfully or wrongfully brought or filed.
- Indemnitor agrees to reimburse the County and the Authority for any necessary expenses, attorney fees or costs incurred in the enforcement of this Indemnity Agreement.

\_\_\_\_\_  
County of Luzerne (Name)

\_\_\_\_\_  
Authority (Name)

\_\_\_\_\_  
Indemnitor (Name)

**STATE OF PENNSYLVANIA  
COUNTY OF LUZERNE**

I, \_\_\_\_\_ Notary Public in and for said County in said State, hereby certify that \_\_\_\_\_ whose Name(s) is/are signed to the foregoing instrument and who is known to me, acknowledged before me on this day that being informed of the contents of this Agreement, has/have executed the same on the day the same bears date. Given under my hand and official seal on this the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

**Exhibit C**  
**County of Luzerne/**  
**Luzerne County Flood Protection Authority**  
**Insurance Requirements**

All applicants shall be responsible for furnishing and maintaining insurance for areas of the Wyoming Valley Flood Risk Mitigation System, including parking areas, accesses and other areas as applicable, in accordance with the specifications indicated as follows:

**Comprehensive General Liability:**

- Combined Single Limit for Bodily Injury Property Damage
  - o Each Occurrence \$1,000,000
  - o Personal & Advertising Injury \$1,000,000
  - o Damage to Rented Properties \$1,000,000
  - o General Aggregate \$2,000,000
  - o Products & Completed Operations Aggregate \$2,000,000

**Automobile Liability Including Hired Car and Non-owned Automobile Liability:**

- Combined Single Limit for Bodily Injury Property Damage
  - o Each Occurrence \$1,000,000

**Workers Compensation:**

- Statutory Benefits as mandated by Pennsylvania State Law
- Employers Liability Limits at \$500,000 each accident / \$500,000 per policy limit / \$500,000 per disease

**Umbrella:**

- \$1,000,000 Each Occurrence
- \$1,000,000 Aggregate

The above insurance shall be provided at no cost to Luzerne County and the Luzerne County Flood Protection Authority. Luzerne County and the Luzerne County Flood Protection Authority shall be listed on all "liability" insurance policies listed above as an "Additional Insured" cancelable only on thirty (30) days prior written notice.