

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

RESOLUTION NO. 14-11

A RESOLUTION AUTHORIZING THE MIDLANDS CHAPTER OF THE SOUTHERN OFF-ROAD BICYCLING ASSOCIATION TO MAINTAIN AND IMPROVE EXISTING TRAILS IN LYNCH’S WOODS UNDER CERTAIN CONDITIONS

WHEREAS, Newberry County Council (hereinafter “COUNCIL”) governs all activities carried out within Lynch’s Woods Park (hereinafter “LYNCH’S WOODS”), a natural recreation area open to the Public; and

WHEREAS, LYNCH’S WOODS serves multiple purposes related to recreation, education, and conservation, including but not limited to walking, running, hiking, biking picnicking, conservation camps/field trips, camping, and botany; and

WHEREAS, COUNCIL consults with various groups, agencies, and individuals representing a diverse array of interests, standards, and regulations as to the use, care, and maintenance of LYNCH’S WOODS; and

WHEREAS, it is COUNCIL’S intent that all approved uses of LYNCH’S WOODS be appropriately separated, when and where necessary, so as to avoid conflict and/or injury; and

WHEREAS, COUNCIL desires for the Midlands chapter of the Southern Off-Road Bicycling Association (hereinafter “SORBA”) to assist in improving and maintaining bicycling trails within LYNCH’S WOODS; and

WHEREAS, SORBA desires permission to assist in improving and maintaining existing bicycling trails within LYNCH’S WOODS.

NOW, THEREFORE BE IT RESOLVED that SORBA and COUNCIL covenant and agree as set forth below regarding the former’s trail improvement and maintenance assistance pertaining to bicycling trails within LYNCH’S WOODS.

1. **ADVANCE APPROVAL BY COUNTY REGARDING PROPOSED SCOPE OF WORK**

As expeditiously as may be practicable, COUNCIL will review SORBA’S proposed scope of work prior to any such work beginning. COUNCIL may involve other agencies, committees, groups, or individuals in its review process, and may require that SORBA meet with and consult with those so identified prior to implementation by SORBA of any scope of work under this Resolution. COUNCIL approval will only be granted in the form of an approval letter. In lieu of issuing an approval letter, COUNCIL may request

more information about, make modifications to, or disapprove, with or without further comment, any scope of work proposed by SORBA.

2. COUNTY PARTICIPATION AND EMPLOYMENT OF RESOURCES
IN THE EFFORTS OF SORBA

COUNCIL will include in each Approval Letter a determination of the specific types and amounts of County resources that may be employed to assist SORBA in its efforts to maintain and improve trails in LYNCH'S WOODS. During performance of the scope of work, resources provided by the County will remain subject to its supervision and direction at all times.

3. WAIVER OF COUNTY LIABILITY

Each Proposed Scope of Work submitted by SORBA must include names, addresses, and contact information for all persons working under SORBA'S sponsorship and direction in maintaining and improving trails in Lynch's Woods. Each such person shall execute a waiver form provided by the County Attorney, which waiver is intended to release the County of any liability for accidents, personal injury, as well as any adverse claims arising from the performance of the scope of work by SORBA.

4. ESTABLISHMENT OF DESIGNATED CONTACT PERSON(S)

For each proposed scope of work, SORBA will designate no more than two official contact persons who may communicate with the County Administrator, County Attorney, and/or County Recreation Director regarding the activities described under this Resolution. SORBA will provide multiple contact alternatives for its designated contact persons; the County for its designated contacts, alike.

RESOLVED, this ____ day of _____, 201_ by Newberry
County Council duly assembled in Newberry.

ATTEST

Laurie Renwick, Clerk to Council

Henry H. Livingston III, Chairman