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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING PARAGRAPH 12 OF AN AGREEMENT BETWEEN E. J. WHITE AND THE CITY OF ABILENE FOR THE INSTALLATION, OPERATION OF AN EXCURSION BOAT CONCESSION AT LYTLE CREEK PARK, AND AUTHORIZING THE MAYOR TO EXECUTE SAME.

*OR*  
*3-18-65*

WHEREAS, on April 22, 1965, the City Council approved an agreement between E. J. White and the City of Abilene for the installation, operation and maintenance of an excursion boat concession at Lytle Creek Park, and authorized the Mayor to execute same; and,

WHEREAS, it has become necessary that Paragraph 12 of such agreement, providing for liability insurance requirements, be amended and the City Council is of the opinion that such amendment will be mutually acceptable; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

Section 1: That Paragraph 12 of the above named agreement be and is hereby amended so as to read as follows:

12. That Lessee shall assume all risks of whatsoever nature incident to or arising out of the operation of its business and use and occupancy of the premises herein leased. Further, Lessee shall indemnify and hold harmless Lessor, its agents, officers, servants and employees from and against any and all suits and claims for damages to persons or property, whether real or asserted, arising out of accident, injury or incident to the public, Lessee's patrons, invitees, guests or employees, resulting definitely or indefinitely from the operation of Lessee's business or for any reason of its use and occupancy of the premises, or in any way related to the execution of this lease. Lessee shall carry public liability insurance, approved by the City Attorney, in minimum amounts of \$50,000.00 bodily injury per person per accident; \$100,000.00 aggregate bodily injury per accident; and \$2,500.00 property damage per accident. A copy of such insurance policy, showing the Lessor as a co-insured, shall be kept on file in the office of the City Secretary.

Section 2: That this resolution shall take effect immediately from and after its passage.

ADOPTED this 10th day of June, A. D. 1965.

ATTEST:

*Orval Springer*  
MAYOR PRO TEM

*Pia Burmester*  
CITY SECRETARY

APPROVED:

*Les Cochran*  
Les Cochran, Assistant City Attorney