

**CITY OF MIDLAND
SPECIAL EVENT APPLICATION**

Before any Special Event (The term "Special Event" means any Parade, Race, Block Party, Festival or any event requiring the temporary closing or blocking of any public street, alley or sidewalk, or any combination thereof) may be considered, this Special Event Application must be completed. Before a request can be considered for approval, the City Manager must:

1. Verify with the Planning Division (685-7400) if a Temporary Land Use Permit or other permit is also required. (y)___ (n)___ Planning Division signature: _____
Date: _____
2. Secure clearances and have authorized signatures in all designated areas of this Application prior to executing a Special Event Permit.
3. Complete or require an event map indicating the location or route of the Special Event and other event logistics, as listed below.
4. The applicant must submit the completed Application and event map to the City Manager's Office **at least 15 DAYS prior to the scheduled time for the Special Event.** The applicant may mail the completed application form to the City Manager, PO Box 1152, Midland, Texas, 79702, or return the Application to Room 310, City Hall, 300 N. Loraine Street, Midland, Texas, 79701.
5. The City Manager shall collect a refundable \$250.00 deposit for damages or the cleaning of any streets, alleys or sidewalks, before processing this Application.
6. The City Manager shall collect a non-refundable \$50.00 application fee before processing this application

Contact the City Manager at 685-7200 with any questions.

EVENT NAME: _____ **Est. # of Participants:** _____

SPONSORING ORGANIZATION (PERMITTEE): _____

CONTACT PERSON: _____ **ADDRESS:** _____
Phone No.:(h) _____ **(w)** _____ **(m)** _____

Event Date(s): _____ **Hours:** _____

(List approximate times when the event will assemble: _____
start: _____ **and terminate:** _____.)

LOCATION: _____

(Attach map of event area showing parking, dumpsters, tents, booths, stages, fences, barricades, etc. Applicant shall show proposed assembly area, route, disbanding area, the number and type of vehicles and or animals, the number of persons expected to participate, a general description of the organization of the Special Event and any other information the City Manager may deem reasonably necessary for the safety of event participants and the general public.)

Will the event be held on Midland County grounds? (y)___(n)___
If yes, please be aware that the use of Midland County property requires written permission from the County Commissioner's Court, the use of Sheriff Deputies for security on Midland County property, and may require additional clean-up and damage deposit fees.

DESCRIPTION OF ANY TENT, TEMPORARY STRUCTURES OR FENCING:_____

NO. OF RESTROOMS OR PORTABLE TOILETS PROVIDED:_____

CLEAN-UP/DAMAGE DEPOSIT: A \$250.00 clean-up or damage deposit is required for all Special Events; the total amount or a portion of which may be refunded following City inspection of the site of the Special Event. Also see above note regarding use of Midland County property.

SECURITY PLAN (No. Of City and/or County security officers):_____

PARKING PLAN:_____
(Attach written approval from the landowners, as needed)

.....
THE FOLLOWING SECTIONS MUST BE SIGNED BY AUTHORIZED STAFF.
.....

I. DEPT. OF ENGINEERING SERVICES

REQUESTED STREET CLOSING:_____

REQUIRED BARRICADES, CONES, OR OTHER CONTROLS:_____

COMMENTS or RECOMMENDATIONS:_____

_____DATE:_____

Authorized Signature Title

II. POLICE DEPARTMENT

ARE OFF-DUTY POLICE OFFICERS NEEDED? (y)__(n)____
If yes, how many? _____ Location?_____

COMMENTS or RECOMMENDATIONS:_____

_____DATE:_____

Authorized Signature Title

III. COMMUNITY SERVICES DEPARTMENT (Complete this section if a City Park will be used)

PARK PROPERTY LOCATION:_____

FENCING IS AVAILABLE FOR RENT TO USE IN PUBLIC PARKS.

REQUESTED?(y)__(n)____

COMMENTS or RECOMMENDATIONS: _____

DATE: _____

Authorized Signature

Title

IV. HEALTH DEPARTMENT

WILL FOOD BE SERVED?(y)__(n)__ WILL PUBLIC RESTROOMS BE AVAILABLE
(y)__(n)__ AMOUNT? _____ WILL PORT-A-POTTIES BE PROVIDED? (y)__(n)__

AMOUNT? _____

COMMENTS or RECOMMENDATIONS: _____

DATE: _____

Authorized Signature

Title

V. FIRE DEPARTMENT

IS AN OPEN FLAME, TENT, OR OTHER FLAMMABLE ITEM PLANNED?(y)__(n)__

IS A SITE INSPECTION REQUIRED PRIOR TO EVENT?(y) __ (n) __

ARE CROWD MANAGERS/FIRE WATCH PERSONNEL REQUIRED?(y)__(n)__

If yes, How many? _____ Location? _____

ARE PARAMEDICS NEEDED?(y)__(n)__

If yes, how many? _____ Location? _____

COMMENTS or RECOMMENDATIONS: _____

DATE: _____

Authorized Signature

Title

VI. SOLID WASTE DEPARTMENT

HAS CITY PICK-UP OF REFUSE BEEN SCHEDULED?(y)__(n)__

COMMENTS or RECOMMENDATIONS: _____

DATE: _____

Authorized Signature

Title

SUMMARY OF THE SPECIAL EVENTS APPLICATION REQUIREMENTS

- () Have you attached a map of the Special Event, particularly relating to closing of streets for a Parade, Race, party or assembly of a crowd in the street?
- () Have you verified with the Planning Division whether or not a Temporary Land Use Permit or other permit is also required?
- () Have you contacted the City of Midland Traffic, Police, and Legal representatives to determine proper barricade, security and insurance requirements? Such representatives of the City must sign this application.
- () Have you contacted a private barricade company to determine when and where the barricades will be set, along with necessary traffic markings?
- () If alcoholic beverages are to be sold, have you acquired a temporary permit as is required from the Texas Alcoholic Beverages Commission (TABC)?
- () Have you received and included Midland County approval as needed if any portion of your event will take place on County property?
- () If you need assistance contacting the State of Texas or the railroad company, please contact the Traffic Engineer.
- () Have you mailed or returned this application - completed and including a map - to the City Manager, PO Box 1152, Midland, Texas, 79702, at least 15 days prior to the Special Event?

E. Form of Permit

The Permit for the Special Event, if granted, shall be made in writing, on a form provided by the City Manager, as follows:

**CITY OF MIDLAND
SPECIAL EVENT PERMIT**

Permittee: _____
sponsoring organization

By: _____
title

Type of special event:

Does the Special Event include the consumption of alcoholic beverages? (y)___ (n)___

The City of Midland hereby extends this Permit to the above named Permittee to hold the Special Event described above on City of Midland right of way at the location as shown on the site plan, attached hereto as exhibit "A" and on the following dates and times:

Permittee acknowledges that the City of Midland may unilaterally revoke this Permit at any time. In consideration herefor, the Permittee agrees to the following conditions:

1. INDEMNITY - PERMITTEE WILL INDEMNIFY AND HOLD HARMLESS AND DEFEND CITY AND ALL OF CITY'S OFFICERS, AGENTS AND EMPLOYEES FROM ALL SUITS, ACTIONS, CLAIMS, DAMAGES, PERSONAL INJURIES, LOSSES, PROPERTY DAMAGE AND EXPENSES OF ANY CHARACTER WHATSOEVER, INCLUDING ATTORNEY'S FEES, BROUGHT FOR OR ON ACCOUNT OF ANY NEGLIGENT ACT OF PERMITTEE, ITS AGENTS OR EMPLOYEES, IN THE EXECUTION, SUPERVISION AND OPERATIONS GROWING OUT OF OR IN ANY WAY CONNECTED WITH THE SPECIAL EVENT DESCRIBED ABOVE, AND PERMITTEE WILL BE REQUIRED TO PAY ANY JUDGMENT WITH COSTS WHICH MAY BE OBTAINED AGAINST CITY OR ANY OF ITS OFFICERS, AGENTS OR EMPLOYEES, INCLUDING ATTORNEY'S FEES.

PERMITTEE SHALL INDEMNIFY AND HOLD HARMLESS AND DEFEND THE CITY OF MIDLAND, TEXAS, AND ALL OF CITY'S OFFICERS, AGENTS AND EMPLOYEES FROM ALL SUITS, ACTIONS, CLAIMS, DAMAGES, PERSONAL INJURIES, PROPERTY DAMAGE, LOSSES, AND EXPENSE OF ANY CHARACTER WHATSOEVER INCLUDING ATTORNEY'S FEES, BROUGHT FOR OR ON ACCOUNT OF ANY PERSONAL INJURIES, ACCIDENTAL DEATH OR DAMAGES RECEIVED OR SUSTAINED BY ANY PERSON OR PERSONS OR PROPERTY, ON ACCOUNT OF ANY NEGLIGENT ACT OF THE CITY OF MIDLAND, CITY'S OFFICERS, AGENTS, AND EMPLOYEES, WHETHER SUCH NEGLIGENT ACT WAS THE SOLE PROXIMATE CAUSE OF THE INJURY OR DAMAGE OR A PROXIMATE CAUSE JOINTLY AND CONCURRENTLY WITH PERMITTEE OR PERMITTEES EMPLOYEES, OR AGENTS NEGLIGENCE, IN THE EXECUTION, SUPERVISION AND OPERATIONS GROWING OUT OF OR IN ANY WAY CONNECTED WITH THE SPECIAL EVENT DESCRIBED ABOVE AND PERMITTEE WILL BE REQUIRED TO PAY ANY JUDGMENT WITH COSTS WHICH MAY BE OBTAINED AGAINST CITY OR ANY OF ITS OFFICERS, AGENTS OR EMPLOYEES INCLUDING ATTORNEY'S FEES.

2. BARRICADES - To properly barricade the right of way described in exhibit "A" in accordance with the requirements set forth in the Texas Manual on Uniform Traffic Control Devices and any instructions issued by the City's Traffic Engineer.

3. SECURITY - To provide _____ number of certified peace officers at the special event during all hours the special event is being held.

4. COMPLIANCE WITH APPLICABLE LAWS - Permittee shall, at all times during the Special Event contemplated herein, comply with applicable federal, state, and local laws regarding Licensee's activities pursuant to this Agreement, including but not limited to all applicable sections of the Municipal Code of Midland, Texas, as may be amended, said sections being hereby incorporated by reference and made a part of this Agreement for all legal purposes. Failure to abide by any such law mentioned herein constitutes grounds for the immediate termination of this Agreement.

5. RELEASE - NOTWITHSTANDING ANY OTHER PROVISIONS, PERMITTEE HEREBY RELEASES, ACQUITS, RELINQUISHES AND FOREVER DISCHARGES THE CITY OF MIDLAND, ITS EMPLOYEES AND OFFICERS, FROM ANY AND ALL

DEMANDS, CLAIMS, DAMAGES, OR CAUSES OF ACTION OF ANY KIND WHATSOEVER WHICH PERMITTEE HAS OR MIGHT HAVE IN THE FUTURE, INCLUDING BUT NOT LIMITED TO BREACH OF CONTRACT, QUANTUM MERUIT, CLAIMS UNDER THE DUE PROCESS AND TAKINGS CLAUSES OF THE TEXAS AND UNITED STATES CONSTITUTIONS, TORT CLAIMS, OR THE CITY OF MIDLAND'S NEGLIGENCE.

6. CONSIDERATION - The Permittee and the City of Midland acknowledge that this Permit is supported by good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

7. CONTRACT - The Permittee acknowledges and agrees that this Permit shall constitute a written contract between the City and the Permittee.

8. NOT A CONTRACT FOR GOODS OR SERVICES - The Permittee and the City agree that this Special Event Permit is not and shall not be construed as being a written contract for providing goods or services to the City of Midland as defined in Chapter 271 of the Texas Local Government Code.

9. Applicant and all participants shall be subject to the following conditions:

- (A) All materials used in the construction of any floats shall be subject to requirements concerning fire safety as may be determined by the City Manager or his designee;
- (B) The Permittee shall advise all participants in the Special Event, either orally or by written notice, of the terms and conditions of the Permit prior to the commencement of the Special Event;
- (C) No participant in the Special Event may deviate from the Special Event route as it is described in the permit application;
- (D) The Parade shall continue to move at a fixed rate of speed not exceeding ten miles per hour and any delay or stopping by any participant in the Parade, except when reasonably required for the safe and orderly conduct of the Parade, shall constitute a violation of the permit; and
- (E) Any other requirements found by the chief of police to be reasonably necessary for the protection of persons or property.

10. OTHER PROVISIONS -

This Permit does not relieve the Permittee from the obligation of observing all applicable ordinances of the City of Midland, Texas.

SIGNED AND ISSUED this ____ day of _____, 20__.

CITY OF MIDLAND, TEXAS

By: _____
City Manager

NOTARY AFFIDAVIT

**STATE OF TEXAS §
 §
COUNTY OF MIDLAND §**

BEFORE ME, the undersigned authority, personally appeared _____, known to me, and on oath stated that he executed the foregoing document for the purpose and considerations therein expressed as an act and deed of the City of Midland, Texas.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 20____.

Notary Public, State of Texas

PERMITTEE: _____
(Name of Organization)

By: _____
(Signature)

(Print Name)

(Office held in Organization)

NOTARY AFFIDAVIT

**STATE OF TEXAS §
 §
COUNTY OF MIDLAND §**

BEFORE ME, the undersigned authority, personally appeared _____, known to me, and on oath stated that s/he executed the foregoing document for the purpose and considerations therein expressed as an act and deed of _____.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 20____.

Notary Public, State of Texas