

**Engineering Department**

June 8, 2016

**MEMORANDUM**

**To:** Jason Tomanek  
Assistant City Administrator

**From:** Gabe J. Schell, PE   
City Engineer

**Re: AGENDA ITEM**  
**Storm Sewer Easement - Burleigh County**

**Please schedule the following for consideration by the Board of City Commissioners at its meeting to be held on Tuesday, June 14, 2016, at 5:15 p.m. in the Tom Baker Room.**

Attached for your review and approval is the following:

Storm Sewer Easement from Burleigh County for the local storm sewer system in Midwest Business Park.

GJS/ps  
Enc.

**Gabriel J. Schell, PE, City Engineer**

Phone: 701-355-1505 • TDD: 711 • Fax: 701-222-6593 • 221 N. Fifth St. • PO Box 5503 • Bismarck, ND 58506-5503  
Email: bisengd@bismarcknd.gov • www.bismarcknd.gov

## STORM SEWER EASEMENT

This indenture, made this \_\_\_\_\_ day of \_\_\_\_\_, 2016, between **Burleigh County**, whose post office address is P.O. 5518, Bismarck, North Dakota 58506-5518, Grantor, and the **City of Bismarck**, a municipal corporation, whose post office address is P.O. Box 5503, Bismarck, North Dakota 58506-5503, Grantee.

1. For and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, an exclusive easement to construct, operate, maintain, and repair public utility facilities including storm sewer and drainage under or upon the real property hereinafter described, together with the right to remove undergrowth and other obstructions interfering with the location, construction, and maintenance of said utility. Grantee shall have the right to ingress and egress across real property of Grantor for the purpose herein granted.
2. This Easement is, except for right of access, limited to:

### Parcel No. 1

A tract of land lying in Lot 12, Block 1, of the Missouri Valley Complex, Bismarck, North Dakota, more particularly described as follows:

Commencing at the southwest corner of Midwest Business Park Addition; thence N 89° 43' 41" W, a distance of 15.00 feet to the point of beginning; thence from said point of beginning S 00° 39' 43" W, a distance of 421.30 feet to the north line of the Western Area Power Association transmission line easement; thence N 38° 28' 22" W, a distance of 47.53 feet along the north line of said easement; thence N 00° 39' 43" E, a distance of 384.23 feet; thence S 89° 43' 41" E, a distance of 30.00 feet to the point of beginning.

Said tract contains 12,083 square feet, or 0.28 acres, more or less.

3. Grantee shall, after completing the above-described construction or installation, or after the exercise of any rights granted by this easement, restore the lands to as near



Acceptance of dedicated lands by the **City of Bismarck:**

\_\_\_\_\_  
Michael C. Seminary  
President, Board City Commissioners

Attest: \_\_\_\_\_  
Keith J. Hunke  
City Administrator

STATE OF NORTH DAKOTA    )  
  ) SS  
COUNTY OF BURLEIGH        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me personally appeared Michael C. Seminary, President of Board of City Commissioners, and Keith J. Hunke, City Administrator, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

(SEAL)

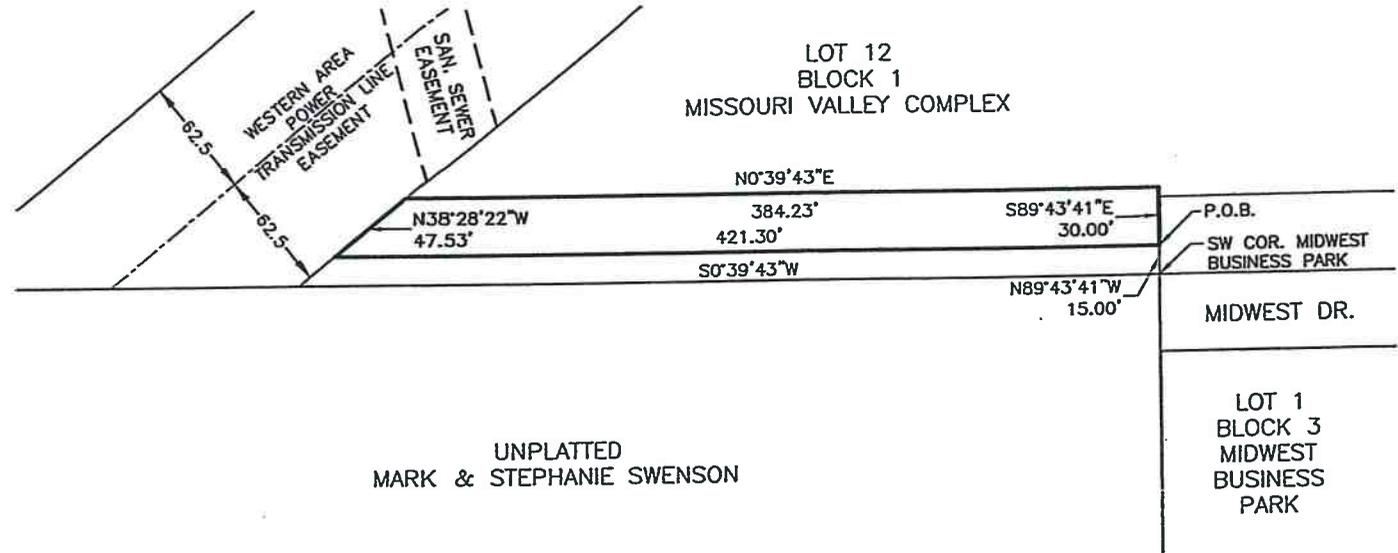
\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
The legal description was prepared by Cleary Johs, PLS, Box 5503, Bismarck, North Dakota 58506-5503  
or obtained from a previously recorded instrument.  
\_\_\_\_\_  
Burleigh County Recorder

# STORM SEWER EASEMENT

PART OF LOT 12, BLOCK 1 OF THE MISSOURI VALLEY COMPLEX  
BISMARCK, NORTH DAKOTA  
APRIL 7, 2016

OWNERS:  
BURLEIGH COUNTY, ND



PARCEL No. 1

A tract of land lying in Lot 12, Block 1 of the Missouri Valley Complex, Bismarck, North Dakota, more particularly described as follows:

Commencing at the Southwest corner of Midwest Business Park Addition; thence N 89°43'41" W, a distance of 15.00 feet, to the point of beginning; thence from said point of beginning S 00°39'43" W, a distance of 421.30 feet, to the north line of the Western Area Power Association transmission line easment; thence N 38°28'22" W, a distance of 47.53 feet, along the north line of said easement; thence N 00°39'43" E, a distance of 384.23 feet; thence S 89°43'41" E, a distance of 30.00 feet, to the point of beginning.

Said tract contains 12,083 SF or 0.28 Acres, more or less.

SURVEYORS CERTIFICATE

I, CLEARY JOHS, NORTH DAKOTA PROFESSIONAL LAND SURVEYOR 5288, HEREBY CERTIFY THAT THE INFORMATION SHOWN ON THIS DOCUMENT IS TRUE AND CORRECT TO THE BEST OF MY BELIEF AND KNOWLEDGE. ANY ALTERATION OF THIS DOCUMENT WILL VOID THIS CERTIFICATION.



*Cleary Johs*  
\_\_\_\_\_  
CLEARY JOHS, NDPLS 5288  
CITY OF BISMARCK  
221 N. 5TH STREET

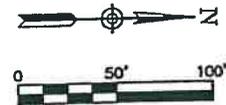
UNPLATTED  
MARK & STEPHANIE SWENSON

**PAMELA SANDER**  
Notary Public  
State of North Dakota  
My Commission Expires Mar 04, 2022

STATE OF NORTH DAKOTA }  
SS }  
COUNTY OF BURLEIGH

ON THIS 7th OF April, 2016, BEFORE ME PERSONALLY APPEARED CLEARY JOHS, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

*Pamela Sander*  
\_\_\_\_\_  
PAMELA SANDER, NOTARY PUBLIC  
BURLEIGH COUNTY, NORTH DAKOTA



**Bismarck** Engineering Department

EASEMENT

PARCEL 1

BISMARCK, ND DATE: 4/7/2016