



Engineering Department

DATE: May 21, 2019
FROM: Gabe Schell, City Engineer
ITEM: Acceptance of Easements

REQUEST

Consider acceptance of storm water and drainage easements and access easements for the development of Clear Sky Addition and other adjoining properties.

Please place this item on the 5/28/2019 City Commission meeting agenda.

BACKGROUND INFORMATION

The owners of the properties detailed below, Terry and Anne Wald and 161 Commercial Properties, LLC, have agreed to the following easements for use as storm water conveyance and detention as detailed in the Clear Sky Addition Post Construction Storm Water Management Plan.

These easements are generally located south of Midwest Business Park Addition, east of Missouri Valley Complex and west of 52nd Street and described as limited to the tracts of land being part of Lots 8B and 8C of Auditor's Lot 8 of the SE $\frac{1}{4}$ of Section 1, Township 138 N, Range 80 W of the 5th Meridian, Burleigh County, North Dakota.

The City is party to these off-site easements and accepts these easements for the conveyance and detention of storm water runoff from Clear Sky Addition in the orderly development of the City of Bismarck. The regular maintenance of the detention areas and any overland conveyance will be the responsibility of the property owners and the Home Owners Association for Clear Sky. The owners of the benefiting properties will pay the cost of the storm sewer conveyance within the easements. The cost of constructing the detention areas will be the developer's as part of the proposed grading operations.

RECOMMENDED CITY COMMISSION ACTION

Accept storm water and drainage easements and access easements.

STAFF CONTACT INFORMATION

Gabe Schell, PE | City Engineer, 355-1505 or gschell@bismarcknd.gov

STORM SEWER AND ACCESS EASEMENT

This indenture, made this _____ day of _____, 2019, between the **161 Commercial, LLC**, a limited liability corporation, whose post office address is 408 E. Main, Bismarck, North Dakota 58501, Grantor, and the **City of Bismarck**, a municipal corporation, whose post office address is P.O. Box 5503, Bismarck, North Dakota 58506, 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, drainage, and roadway improvements under or upon the real property hereinafter described, together with the right to remove trees, brush, undergrowth, and other obstructions interfering with the location 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 limited to:

A tract of land being a part of Lot 8B of Auditor's Lot 8 of the SE1/4 of Section 1, Township 138 North, Range 80 West of the 5th Principal Meridian, Burleigh County, North Dakota, being more particularly described as follows:

Beginning at the southeast corner of Lot 8B of Auditor's Lot 8 of the SE1/4 of Section 1, T138N-R80W; thence North 89°20'18" West along the north boundary line of said Lot 8B and extended westerly for 694.97 feet; thence South 51°37'48" West for 87.73 feet to a point on the north boundary line of said Lot 8B; thence North 89°20'18" West along said north boundary line for 47.64 feet; thence North 51°37'48" East for 135.37 feet; thence South 89°20'20" East for 705.65 feet to a point on the east boundary line of said Lot 8B; thence South 00°44'45" West along said east boundary line for 30.01 feet to the Point of Beginning. Said tract of land containing 24,358 SqFt (0.56 Acres), more or less.

3. Grantor agrees to not erect or permit any structure or obstruction other than fences or driveways, change the ground elevation, or perform any act that interferes with Grantee's rights under this easement, except with written consent of Grantee.

4. The term of this easement herein reserved is ninety-nine (99) years, beginning upon execution in 2019 and ending in 2118.

5. Grantor hereby reserves title to and any interest in any and all archeological and paleontological materials, whether located on or below the surface of said land.

Dated this _____ day of _____, 2019.

Matthew J. Geiger, Secretary
161 Commercial, LLC

STATE OF NORTH DAKOTA)
) SS
COUNTY OF _____)

On this _____ day of _____, 2019, before me personally appeared Matthew J. Geiger, known to me to be the person who is described in, and who executed the within and foregoing instrument and who severally acknowledged to me that he executed the same.

Notary Public

Dated this _____ day of _____, 2019.

William Jennings, President
161 Commercial, LLC

STATE OF NORTH DAKOTA)
) SS
COUNTY OF _____)

On this _____ day of _____, 2019, before me personally appeared William Jennings, known to me to be the person who is described in, and who executed the within and foregoing instrument and who severally acknowledged to me that he executed the same.

Notary Public

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

Steve Bakken, President
Board City Commissioners

Attest: _____
Keith J. Hunke
City Administrator

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

On this _____ day of _____, 2019, before me personally appeared Steve Bakken, 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.

Notary Public

LOT 8B OF AUD. LOT 8

S 89°20'20" E

705.65'

S 0°44'45" W

30.01'

N 51°37'48" E
135.37'

S 51°37'48" W
87.73'

N 89°20'18" W
47.64'

N 89°20'18" W

POINT OF BEGINNING
SE COR LOT 8B
OF AUD. LOT 8

STORM SEWER &
ACCESS EASEMENT
24358 SqFt
0.56 Acres

LOT 8C OF AUD. LOT 8

STORM SEWER
& DRAINAGE
EASEMENT

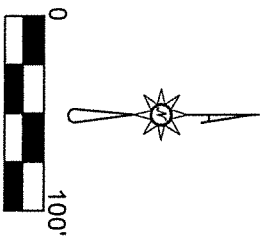
52ND ST E



TOMMAN ENGINEERING
COMPANY

501 1st Street NW, Mandan, ND 58554
Phone: 701-663-6483 * Fax: 701-663-0923

EXHIBIT "A"
STORM SEWER & ACCESS EASEMENT



STORM SEWER AND DRAINAGE EASEMENT

This indenture, made this _____ day of _____, 2019, between the **Terry A. Wald and Anna M. Wald**, husband and wife, whose post office address is 913 52nd ST SE, Bismarck, ND 58501, Grantor, and the **City of Bismarck**, a municipal corporation, whose post office address is P.O. Box 5503, Bismarck, North Dakota 58506, 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 trees, brush, undergrowth, and other obstructions interfering with the location 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 limited to:

A tract of land being a part of Lot 8C of Auditor's Lot 8 of the SE1/4 of Section 1, Township 138 North, Range 80 West of the 5th Principal Meridian, Burleigh County, North Dakota, being more particularly described as follows:

Commencing at the northeast corner of Lot 8C of Auditor's Lot 8 of the SE1/4 of Section 1, T138N-R80W; thence South 00°44'45" West along the east boundary line of said Lot 8C for 55.25 feet; thence North 89°20'18" West for 763.04 feet to the Point of Beginning; thence South 51°37'48" West for 39.52 feet; thence South 00°39'42" West for 159.50 feet; thence North 81°18'15" West for 317.84 feet; thence North 69°13'19" West for 209.10 feet; thence North 00°39'42" East for 68.05 feet to a point on the north boundary line of said Lot 8C; thence South 89°20'18" East along said Lot 8C for 541.77 feet to the Point of Beginning. Said tract of land containing 71,845 SqFt (1.65 Acres), more or less.

3. Grantor agrees to not erect or permit any structure or obstruction other than fences or driveways, change the ground elevation, or perform any act that interferes with Grantee's rights under this easement, except with written consent of Grantee.

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

Steve Bakken, President
Board City Commissioners

Attest: _____
Keith J. Hunke
City Administrator

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

On this _____ day of _____, 2019, before me personally appeared Steve Bakken, 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.

Notary Public

LOT 8B OF AUD. LOT 8

POINT OF COMMENCEMENT
NE COR LOT 8C
OF AUD. LOT 8

STORM SEWER & ACCESS EASEMENT

S 89°20'18" E
541.77'

N 89°20'18" W
763.04'

S 0°44'45" W
55.25'

N 0°39'42" E
68.05'

N 69°13'19" W
209.10'

STORM SEWER &
DRAINAGE EASEMENT
71845 SqFt
1.65 Acres

N 81°18'15" W
317.84'

S 0°39'42" W
159.50'

POINT OF
BEGINNING
S 51°37'48" W
39.52'

52ND ST SE

LOT 8C OF AUD. LOT 8



TOMAN ENGINEERING

COMPANY

501 1st Street NW, Mandan, ND 58554
Phone: 701-663-6483 * Fax: 701-663-0923

EXHIBIT "A"

STORM SEWER & DRAINAGE EASEMENT

