



Engineering Department

DATE: June 18, 2019
FROM: Gabe Schell, City Engineer
ITEM: Right-of-Way Easement – Clairmont Road

REQUEST

Request dedication of and acceptance of a right-of-way easement on Clairmont Road.
Please place this item on the 6/25/2019 City Commission meeting agenda.

BACKGROUND INFORMATION

The location of this proposed right of way is the existing Clairmont Road from the north edge of Pioneer Park to the south edge of the Clairmont Road right of way as dedicated with Promontory Point on April 28, 1998.

This right of way was original dedicated in the County West XVI plat on July 15, 1996. The Country West XVI plat was vacated on December 21, 1998, along with its segment of Clairmont Road right of way. The City of Bismarck acquired the land that was previously vacated Clairmont Road right of way along with a parcel of land that is currently being used for storm water detention on March 15, 1998 via a warranty deed in order to construct Clairmont Road. However, this parcel of land has not yet been dedicated as a public right of way.

RECOMMENDED CITY COMMISSION ACTION

Approve dedication of and acceptance of right-of-way easement on Clairmont Road.

STAFF CONTACT INFORMATION

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

DEDICATION OF RIGHT-OF-WAY AND UTILITY EASEMENT

This dedication of right-of-way and reservation of utility easement is made this _____ day of _____, 2019, by the **City of Bismarck**, a municipal corporation, whose post office address is P.O. Box 5503, Bismarck, North Dakota 58506-5503,

1. For and in consideration of the benefit to the citizens of the City of Bismarck, the City of Bismarck hereby reserves, grants, and dedicates public right-of-way to the City of Bismarck and reserves, grants, and dedicates a utility easement to the City of Bismarck and to franchised utilities to construct, operate, maintain, and repair public utility facilities including water, sanitary sewer, and storm water and franchised utilities including, but not limited to, telecommunications, cable TV, electric and gas under or upon the real property hereinafter described, together with the right to remove trees, brush, undergrowth, and other obstructions interfering with the location, construction, and maintenance of said utility. The public shall have the right to ingress and egress across the easement property for the purpose herein reserved.

2. The real property for the right-of-way and utility easement herein dedicated, granted, and reserved is owned by the City of Bismarck and is as shown on the attached map and is described as follows:

All the part of the Southeast 1/4 of the Northwest 1/4 of Section 30, Township 139 North, Range 80 West of The 5th Principal Meridian, Burleigh County, North Dakota, described as follows:

Beginning at the most Southerly corner of Promontory Point, an addition to the City of Bismarck in Section 30; thence South 17 degrees 08 minutes 54 seconds West, along the extension of the east line of Clairmont Road, a distance of 362.67 feet to the North line of Pioneer Park in said Section 30; thence North 33 degrees 59 minutes 40 seconds West, along said north line, a distance of 32.29 feet; thence North 80 degrees 37 minutes 22 seconds West, continuing along said north line of Pioneer Park, a distance of 41.23 feet; thence North 17 degrees 08 minutes 54 second East, a distance of 360.26 feet to the intersection of the south line of Promontory Point and the west line

of Clairmont Road, said point lying on a 510.46 foot radius curve, the radius of which bears South 23 degrees 54 minutes 53 seconds West from said point; thence Southeasterly and to the right along said curve and the south line of Promontory Point, an arc length of 67.18 feet to the point of the beginning.

The above described tract contains 23,422 square feet 0.54 acres, more or less.

Description is based on irregular plat recorded in Burleigh County Recorder's Office Document No. 525081.

See Exhibit # A

3. The City of Bismarck is responsible for the installation, operation, and maintenance of improvements or public facilities constructed or installed pursuant to this easement.
4. The term of this easement herein reserved is ninety-nine (99) years, beginning upon execution in 2019 and ending 2118.
5. The City of Bismarck hereby dedicates the lands described in paragraph 2 of this document as public right-of-way to be used for public street and highway purposes and for the use of public and franchised utilities for the installation and operation of water and sewer lines, storm sewer lines, telecommunications, cable TV, electric and gas lines, and other public and franchised utility uses.

IN WITNESS WHEREOF, this instrument is executed by the undersigned on this _____ day of _____, 2019.

Attest: _____
Keith J. Hunke
City Administrator

Steve Bakken, President
Bismarck City Commission

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

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

Notary Public

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

IN WITNESS WHEREOF, this instrument is executed by the undersigned on the _____ day of _____, 2019.

Attest: _____
Keith J. Hunke
City Administrator

Steve Bakken, President
Bismarck City Commission

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

On this _____ day of _____, 2019, before me personally appeared Steve Bakken and Keith J. Hunke, 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

The legal description was prepared by Cleary Johs, RLS, PO Box 5503, Bismarck, North Dakota, 58506-5503, or obtained from a previously recorded instrument.

RIGHT-OF-WAY EASEMENT

PART OF THE SE 1/4, NW 1/4, SECTION 30, T139N, R80W
 BURLEIGH COUNTY, NORTH DAKOTA
 JUNE 11, 2019
 EXHIBIT A

OWNERS:
 CITY OF BISMARCK, ND

RIGHT-OF-WAY EASEMENT

ALL THAT PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

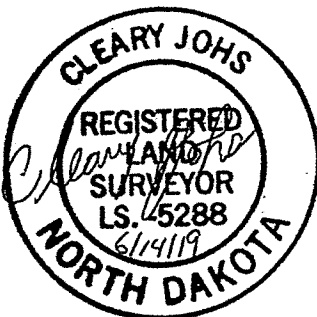
BEGINNING AT THE MOST SOUTHERLY CORNER OF PROMONTORY POINT, AN ADDITION TO THE CITY OF BISMARCK IN SECTION 30; THENCE SOUTH 17 DEGREES 08 MINUTES 54 SECONDS WEST, ALONG THE EXTENSION OF THE EAST LINE OF CLAIRMONT ROAD, A DISTANCE OF 362.67 FEET TO THE NORTH LINE OF PIONEER PARK IN SAID SECTION 30; THENCE NORTH 33 DEGREES 59 MINUTES 40 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 32.29 FEET; THENCE NORTH 80 DEGREES 37 MINUTES 22 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE OF PIONEER PARK, A DISTANCE OF 41.23 FEET; THENCE NORTH 17 DEGREES 08 MINUTES 54 SECONDS EAST, A DISTANCE OF 360.26 FEET TO THE INTERSECTION OF THE SOUTH LINE OF PROMONTORY POINT AND THE WEST LINE OF CLAIRMONT ROAD, SAID POINT LYING ON A 510.46 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 23 DEGREES 54 MINUTES 53 SECONDS WEST FROM SAID POINT; THENCE SOUTHEASTERLY AND TO THE RIGHT ALONG SAID CURVE AND THE SOUTH LINE OF PROMONTORY POINT, AN ARC LENGTH OF 67.18 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 23,422 SQUARE FEET 0.54 ACRES, MORE OR LESS.

DESCRIPTION IS BASED ON IRREGULAR PLAT RECORDED IN BURLEIGH COUNTY RECORDER'S OFFICE DOCUMENT NO. 525081.

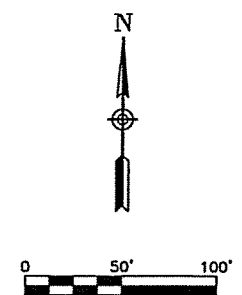
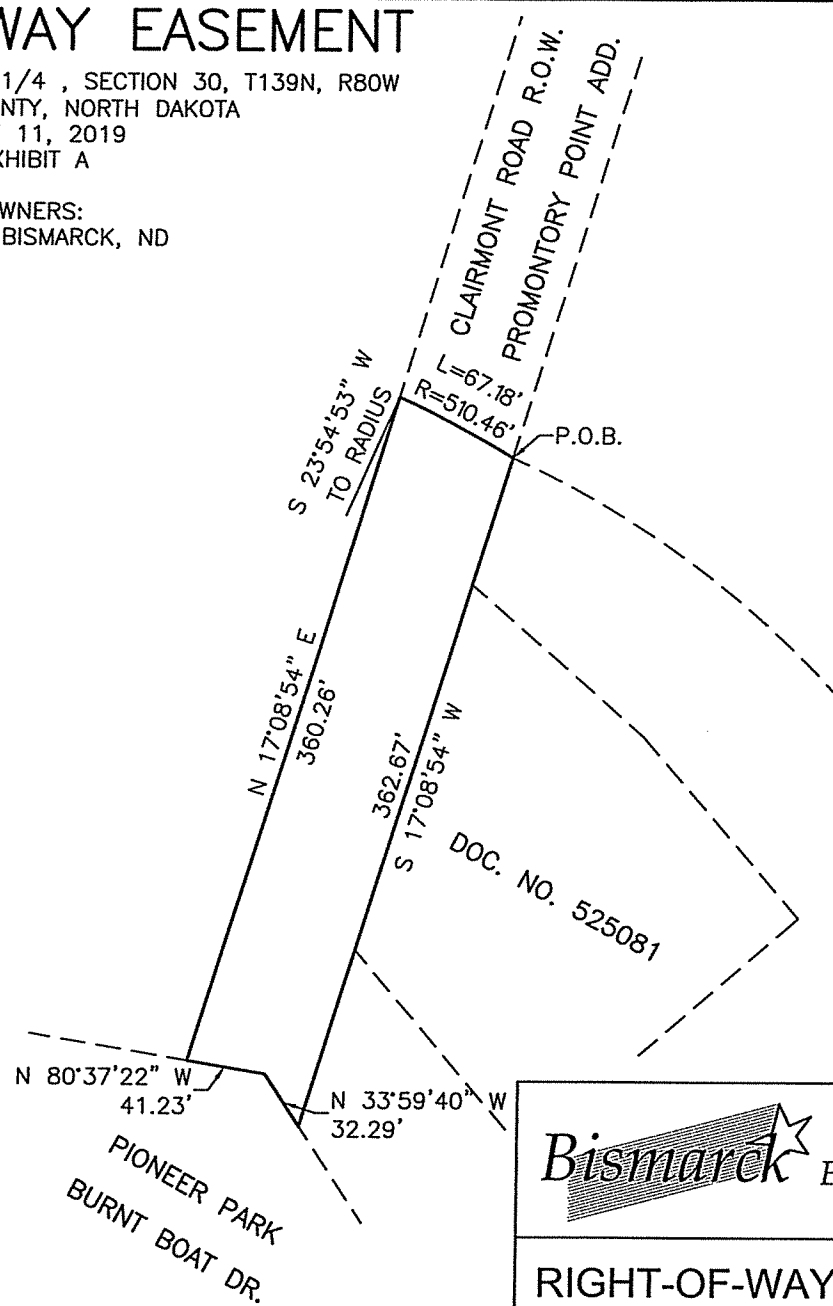
SURVEYORS CERTIFICATE

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
 BISMARCK, ND 58501



Bismarck Engineering Department

RIGHT-OF-WAY EASEMENT

EXHIBIT A

BISMARCK, N.D. DATE: 06/11/2019