



Engineering Department

DATE: September 15, 2020
FROM: Gabe Schell, City Engineer
ITEM: Sidewalk Easement – National Guard Addition

REQUEST

Request dedication of and acceptance of a sidewalk easement on Lot 1 Block 1 National Guard Addition.

Please place this item on the 9/22/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

The location of this proposed sidewalk easement is along Miriam Drive, east of Bismarck Expressway along National Guard property.

This sidewalk easement is needed to install a public sidewalk and tie into adjacent sidewalk connections on the western boundary of the property and avoid impacting existing telecommunications equipment within the right of way.

RECOMMENDED CITY COMMISSION ACTION

Approve dedication of and acceptance of a sidewalk easement on Lot 1 Block 1 National Guard Addition.

STAFF CONTACT INFORMATION

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

SIDEWALK EASEMENT

This indenture, made this _____ day of _____, 2020, between The Adjutant General, State of North Dakota, whose post office address is P.O. Box 5511 Bismarck ND 58506, Grantor, and the **City of Bismarck**, a municipal corporation, whose post office address is P.O. Box 5503, Bismarck, North Dakota 58501, 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, Grantors grants to Grantee, its successors and assigns, an exclusive sidewalk easement to construct, hereinafter described, together with the right to remove trees, brush, undergrowth, and other obstructions interfering with the location, construction, and of said sidewalk.

2. This Easement is, except for right of access, limited to:

ALL THAT PART OF LOT 1 BLOCK 1, NATIONAL GUARD ADDITION, BISMARCK, NORTH DAKOTA DESCRIBED AS FOLLOWS:

THE SOUTH 10 FEET OF THE WEST 40 FEET

AND

THE SOUTH 3 FEET OF THE EAST 55 FEET OF THE WEST 1,080 FEET

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 their original condition as reasonably possible and remove all debris, spoils, and equipment resulting with the construction or installation or access to the lands.

4. The term of this easement herein reserved is ninety-nine (99) years, beginning upon execution in _____ 2020 _____ and ending in _____ 2119 _____.

5. Grantors 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.

IN WITNESS WHEREOF, this instrument is executed by the undersigned on this 14th day of sep, 2020.

Grantor: THE ADJUTANT GENERAL,
STATE OF NORTH DAKOTA
P.O. BOX 5511
BISMARCK, ND 58506

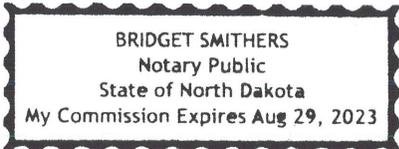
By: [Signature]

MG Alan S. Dohrmann Alan Dohrmann
Print Name

it's The Adjutant General _____

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

On this 14th day of Sept, 2020, before me personally appeared Alan Dohrmann of The Adjutant General, State of North Dakota, who executed the within instrument, and acknowledged to me that they executed the same.



[Signature]
Notary Public
State of North Dakota

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

Steve Bakken, President
Board of City Commissioners

Attest: _____
Keith J. Hunke
City Administrator

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

On this _____ day of _____, 2020, 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