



## Engineering Department

**DATE:** April 23, 2024

**FROM:** Gabe Schell, City Engineer

**ITEM:** Encroachment Agreement - 630 E Main Avenue

**REQUEST:**

Consider approval of an encroachment and waiver agreement with 630 Main Partners, LLC for signs projecting into and overhanging the right of way.

**BACKGROUND INFORMATION:**

630 Main Partners, LLC is requesting an encroachment agreement to install signs projecting into and overhanging the right of way at 630 Main Avenue for their tenant, Insomnia Cookies. The Encroachment Committee has reviewed the agreement and recommends approval of the agreement.

**RECOMMENDED CITY COMMISSION ACTION:**

Approve agreement and waiver with 630 Main Partners, LLC for signs projecting into and overhanging the right of way.

**STAFF CONTACT INFORMATION:**

Gabe Schell, City Engineer, 701-355-1507, [gschell@bismarcknd.gov](mailto:gschell@bismarcknd.gov)

**ATTACHMENTS:**

1. Agreement
2. Sign Drawings

## **ENCROACHMENT AGREEMENT AND WAIVER**

The City of Bismarck hereby grants 630 Main Partners, LLC (Grantee) the right to install and maintain a privately-owned signs & hardware (Encroachments) attached to the building face overhanging the right-of-way at 630 E Main Avenue, Bismarck, Burleigh County, North Dakota 58501, as shown on the attached exhibit. Exhibit will be stored with the original signed document in the Engineering Department, subject to the following conditions:

1. The Grantee shall maintain the Encroachment and comply with all rules regarding maintenance of the Encroachment in the public right of way as set by the City Engineer.
2. The term of this grant shall be for Five (5) years and shall continue thereafter from year to year. The City may cancel this grant at any time after the initial five-year term upon six months' written notice to the Grantee.
3. The Grantee shall maintain a minimum of eight (8) feet or ninety-six (96") inches of unobstructed space between the lowest point of the encroachments and the top of the highest point in the sidewalk below the encroachment.
4. Upon the end of the term or prior abandonment of the Encroachment by the Grantee, the Grantee shall, at its own expense, remove the Encroachment and restore the right of way to its original condition, if so required by the City.
5. 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, in exchange for the City's permission to operate and encroachments in the right-of-way, Grantee agrees to release the City, its assigns, or other franchised utilities from and waive any and all claims relating to signs, but not limited to, damages arising from damage to the encroachments, loss of business, or other personal injury or property damage resulting from damage to the signs by the City, its assigns, or other franchised utilities. Grantee agrees that it is using the public right-of-way at its own risk. Grantee shall not look to the City, its assigns, or other franchised utilities to pay for any expense or damage to the encroachments by the City, its assigns, or other franchised utilities. Grantee agrees that it will hold harmless and indemnify the City, its assigns, or other franchised utilities from any and all claims in any way resulting from the placement of the encroachments in the public right-of-way. In the event the City is required to perform maintenance or construction on the right-of-way at the location of the encroachments, Grantee shall cooperate with the City in temporarily protecting the signs and accommodating the City's project, at Grantee's sole expense.
6. In the event of the commission of any breach of the terms of this Agreement by a party, the non-breaching party may cause this Agreement to be terminated on ten (10) days written notice. All obligations contained in paragraphs 4 and 5 will survive the termination of this Agreement, including but not limited to, the restoration of the property to the original condition.

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Print Name & Title  
630 Main Partners, LLC

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Signature

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Address

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Date

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Gabe Schell, P.E.  
City Engineer

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Date

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Jason Tomanek  
City Administrator  
Bismarck

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Michael T. Schmitz, President  
Bismarck City Commission

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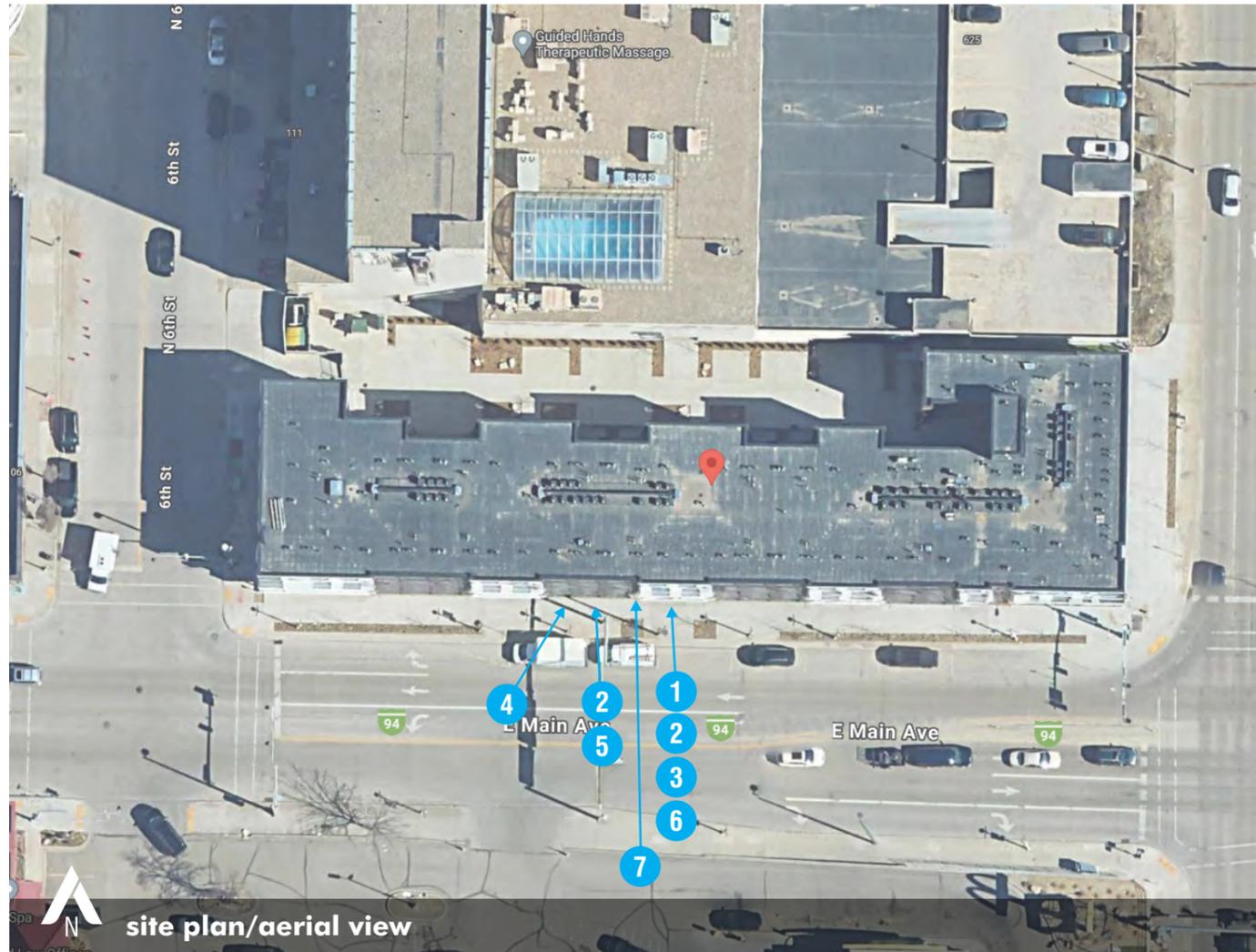
Date



**exterior**  
**sign package**

630 East Main Ave.  
Bismarck, ND 58501  
Version 5 // April 5th, 2024





### scope of work

EXISTING SIGNS	Sq Ft	PROPOSED SIGNS	Sq Ft	Special Instructions
<b>FRONT ELEVATION</b>				
E1	-	S1 Face Lit Channel Letters on Raceway	23.9	
		S2 Window Vinyl Package	61.2	
		S3 Faux Neon Window Sign	4.0	
		S4 Faux Neon Window Sign	2.0	
		S5 Faux Neon Window Sign	2.7	
		S6 Faux Neon Window Sign	3.7	
		S7 Illuminated Blade Sign	4.0	
		Allowed SF: - 148.5	Total SF 101.5	

### symbols key

 New Power to Sign Req'd.	 Remain As-Is	 Remove	 Relocate Existing
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### CODE INFORMATION

- Wall signs: Allowable sq. ft - 2.5 sq. ft. per linear ft. of building frontage
- Window Graphics and faux neon signs count towards allowable sq. ft.

**Allowable Sq. ft Calculation: 59'-5" x 2.5 = 148.5 allowable sq. ft.**

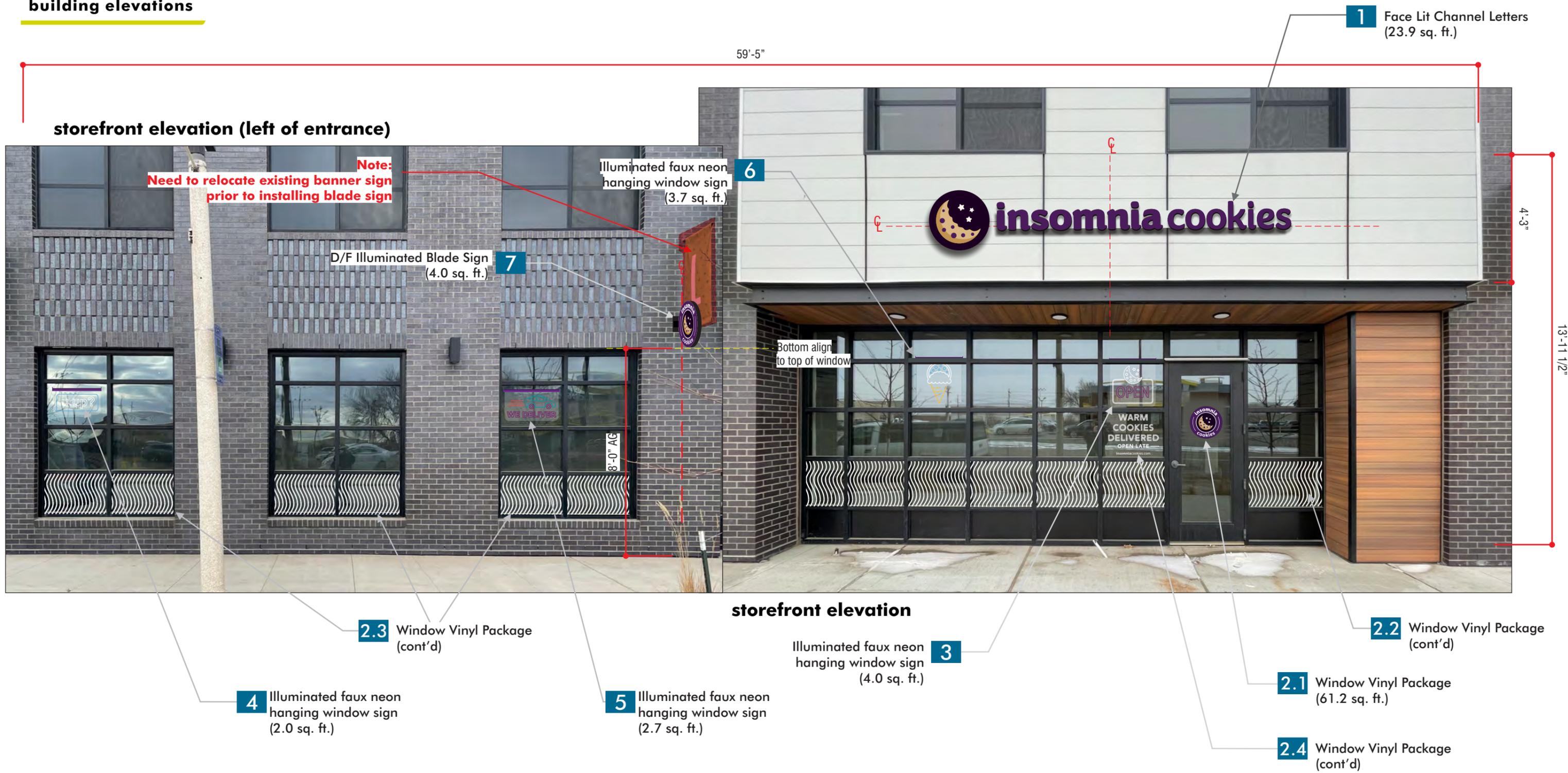
**drawing approval** Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

Approved  Approved As Noted  Not Approved, Revise As Noted

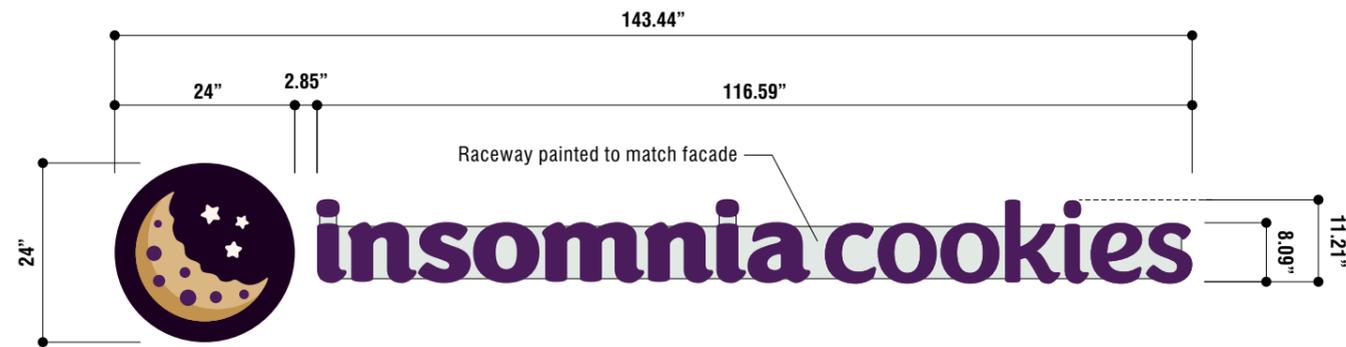
### revisions

REV#	DATE	REVISION NOTES:	BY	SHEET#
1	1.29.24	Revise per comments	AR	various
2	2.20.24	add additional window vinyl	AR	1,3,5
3	2.23.24	add WCD graphic, add faux neon window signs	AR	various
4	2.26.24	add illuminated blade sign	AR	3,10
5	4.5.24	Revise height above grade for blade sign	AR	

**building elevations**

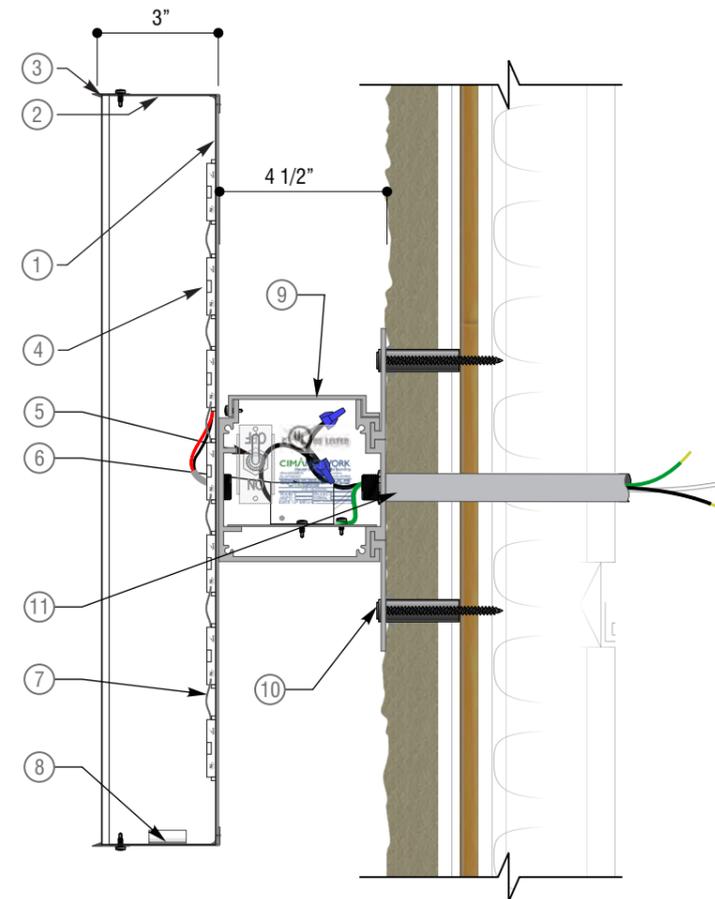


**sign 1: face-lit letters w/ raceway (light wall) - qty. 1**

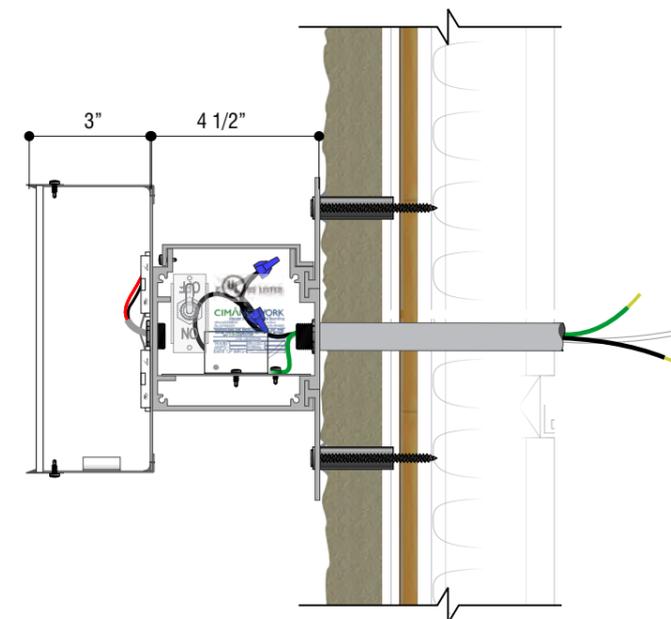


**1.1 face-lit raceway letters: horizontal signature**  
scale: 1/2" = 1'-0"

23.9 sf



**1.2 face-lit logo vertical section detail**  
scale: 3" = 1'-0"



**1.3 face-lit logo vertical section detail**  
scale: 3" = 1'-0"

**specifications**

**Colors & Finishes**

- Logo Face: 3-Layer (Color White Color) Digital Print
- Logo Returns & Trim: Paint Logo Returns & Trim Midnight Purple (PMS 276C)
- Letter Returns & Trim: Paint Letter Returns & Trim SW Insomnia Purple
- Letter Faces: 3m Vinyl Printed to Match PMS 2627C
- Raceway: Paint raceway to match building color (Site Specific)

**Backs:**

1. 3mm Thk. Pre-Finished Black/White Aluminum Sheet routed out / White (interior) & to be painted as noted to match faces; electrical holes to accommodate wall buster

**Returns:**

2. .040" Thk. Aluminum Coil formed w/ White (interior) to be painted as noted to match faces; assembled to backs w/ mechanical staples & silicone based adhesive to prevent water penetration & light leaks.

**Faces/Retainers:**

3. 1/8" or 3/16" #2447 white Acrylic letter faces w/ first surface 3-Layer (Color White Color) Digital Print, chemically bonded to 3/4" "Jewelite" aluminum reinforced, trimcap retainer w/ Weld-on #4 & #16; fastened to returns #8 truss head, self-drilling, self-tapping screws; painted to match returns. Final fastener qty & location determined @ time of fabrication.

**Lighting / Electrical:**

4. Hanley Phoenix PF-2030 7000K LED Modules. (HLED-PF2030WP)
5. LED Power Supply
6. Cima Network's Manufacture Label & Input/Current Rating Label to be Permanent & applied in a Visible Location during Service, in accordance w/ NEC 600.4(A).
7. 12V Secondary-circuit, listed Class 2, 18/2 plenum rated wire suitable for damp/wet locations in accordance w/ NEC 600.12, 725.3(L). All secondary wires are to be labeled @ terminal & junction locations for serviceability per NEC 725.30.
8. 1/4" Ø weep holes req'd. w/ .040" thk. brake-bent baffle assembled to inside of return; @ all low points or isolated sections of the sign w/ no external obstructions in accordance w/ NEC 600.9(D).
9. Extruded Raceway Enclosure. Body: 24-63-156, Lid: 24-63-157, End Caps: 21-00-928.

**Install:**

10. #10 x 4" long non-corrosive fastener w/ washer into provided blocking. w/ 1/2" O.D. non-corrosive anti-crush sleeve.
11. UL listed "Paige" Wall Buster through 9/16" Ø hole drilled through facade.

**General Contractor Note:**

12. 120V/20 amp maximum supply circuit, housed within J/B; Provided by G.C. Prior to Signage Installation.

**Installer Note:**

13. Liquid-tite conduit to supply power to power supply enclosure to primary supply J/B.

**Building Owner Note:**

14. Responsible for maintaining sealant @ all penetrations.

**EST. ELECTRICAL LOAD**  
(3.3) Amps @120 Volts

**ELECTRICAL REQUIREMENTS**  
(1) 20 Amp/120 Volt Circuits

Colors For Print:					
<b>insomnia cookies</b>					
PMS 2627C					
	outer space	cookie moon	cookie shadow	cookie chips	stars
	PMS 276C	PMS 467C	PMS 465C	PMS 2627C	PMS 663C

## sign 2: window vinyl package

## specifications

### Colors & Finishes

D1 1-Layer Digital Print

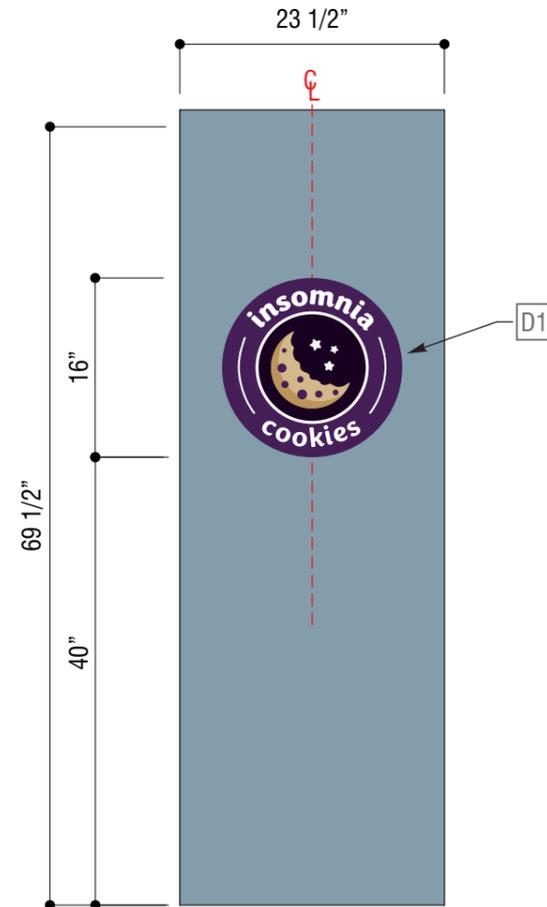
V1 PMS 663 C on White Opaque Vinyl (Diecut from material)

### Face:

1. P1 3M Opaque White Vinyl 7725-10

### Notes:

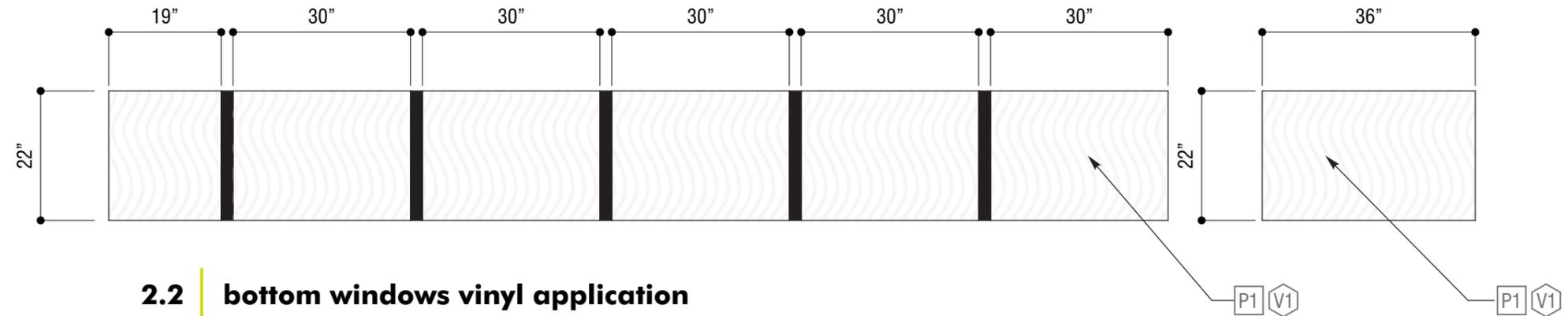
- Follow layout mockups created by Insomnia Cookies for each site individually
- All Window Vinyl Applications Applied **Second Surface** to Storefront Glass



### 2.1 entrance door vinyl application

scale: 3/4" = 1'-0"

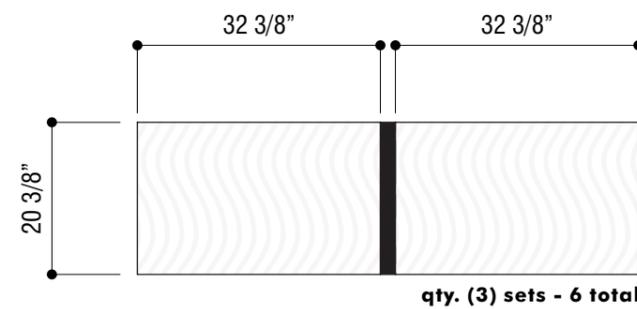
1.8 sf



### 2.2 bottom windows vinyl application

scale: 1/2" = 1'-0"

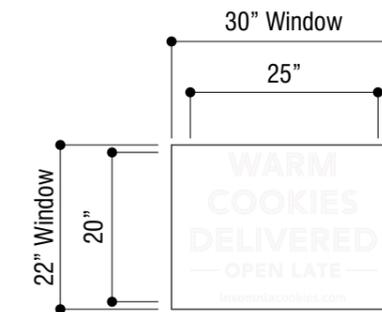
31.3 sf



### 2.3 bottom windows vinyl application

scale: 1/2" = 1'-0"

4.4 sf



### 2.4 middle window vinyl application

scale: 1/2" = 1'-0"

3.5 sf

Colors For Print:						
	=					
		outer space	cookie moon	cookie shadow	cookie chips	stars
		PMS 2627C	PMS 276C	PMS 467C	PMS 465C	PMS 2627C
					PMS 663C	PMS 663C

**sign 3: faux neon window sign**

**specifications**

**Colors & Finishes**

- M1. Background: 1/2" Clear Acrylic
- P1. Bracket: SW Insomnia Purple PMS 2627C Custom Match
- D1. Direct Digital Print: PMS 255C Purple (2nd Surface)
- D2. Direct Digital Print: PMS WhiteC (2nd Surface)
- V1. Vinyl: White 3630-20 (on Edge)

**Sign Construction**

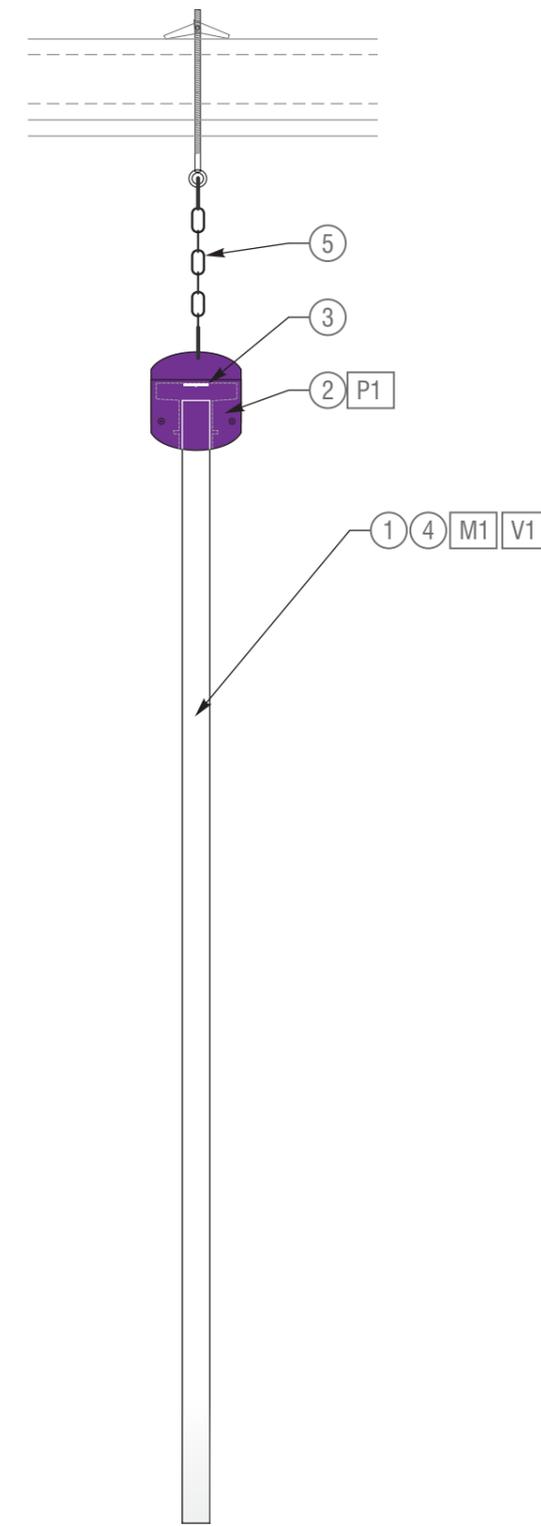
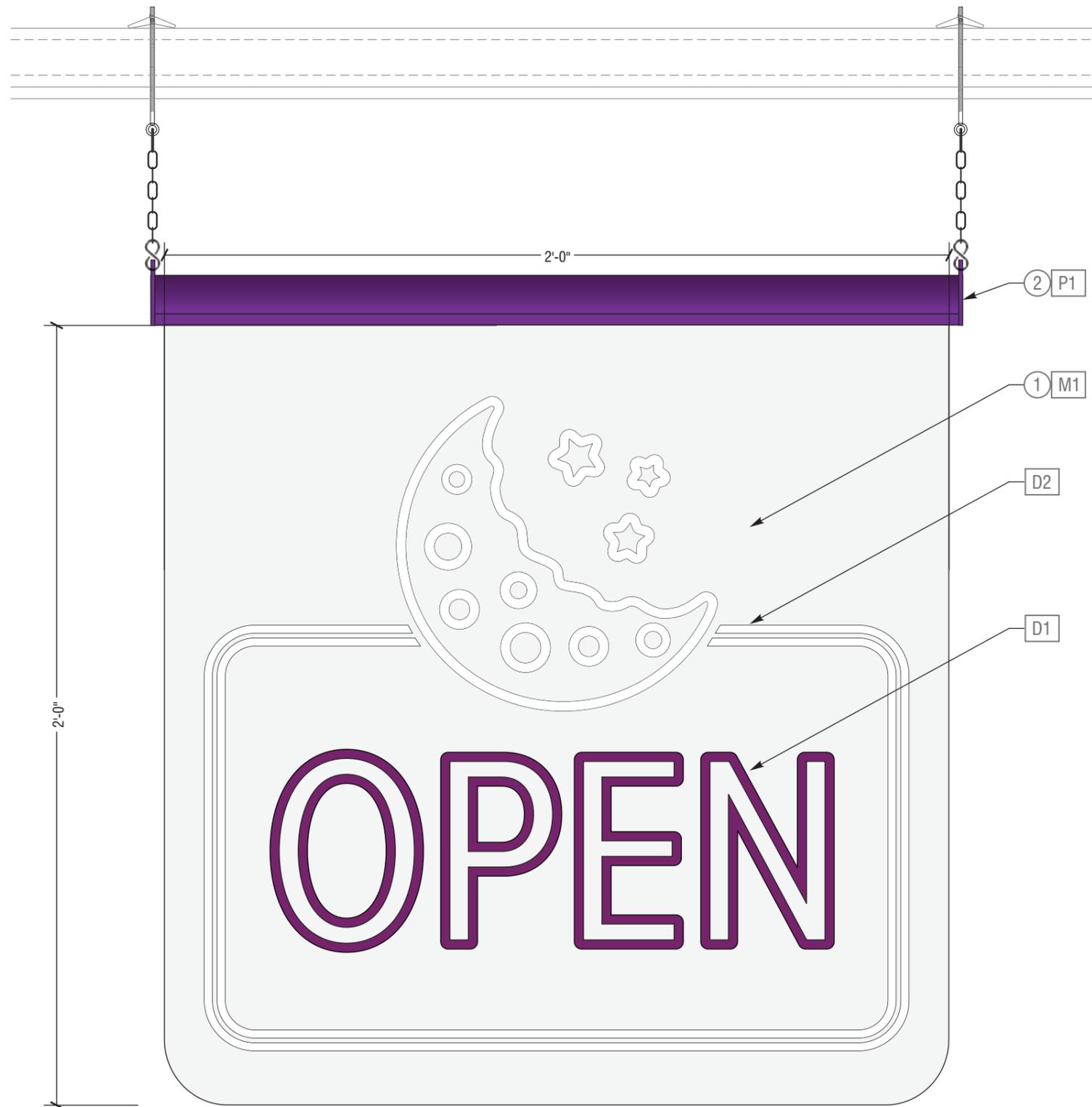
1. **Background:** 1/2" Thick Clear Acrylic
2. **Bracket:** 1996 Sign Comp Extrusion Painted P1 with Custom 1/8" Aluminum End Caps Painted P1. Secure with Countersunk Screws, exposed areas Painted P1
3. **Electrical:** Bitro LED Light Tape BT-1047-V24BWGS. Plug in 24V 1.5 Amp 36 Watt Power Supply
4. **Perimeter:** Applied Translucent White Vinyl

**Installation Hardware**

5. **Hardware:** Chain and S Hooks attached to sign bracket, to attach to snap toggle with eye bolt at ceiling.

**Building Conditions**

6. **Ceiling:** TBD



**3.1 illuminated edge-lit hanging window sign**

scale: 3" = 1'-0"

4.0 sf

**3.2 side view**

scale: 3" = 1'-0"

**sign 4: faux neon window sign**

**specifications**

**Colors & Finishes**

- M1. Background: 1/2" Clear Acrylic
- P1. Bracket: SW Insomnia Purple PMS 2627C Custom Match
- V1. Vinyl: Olympic Blue 3630-57 (2nd Surface)
- V2. Vinyl: White 3630-20 (2nd Surface)

**Sign Construction**

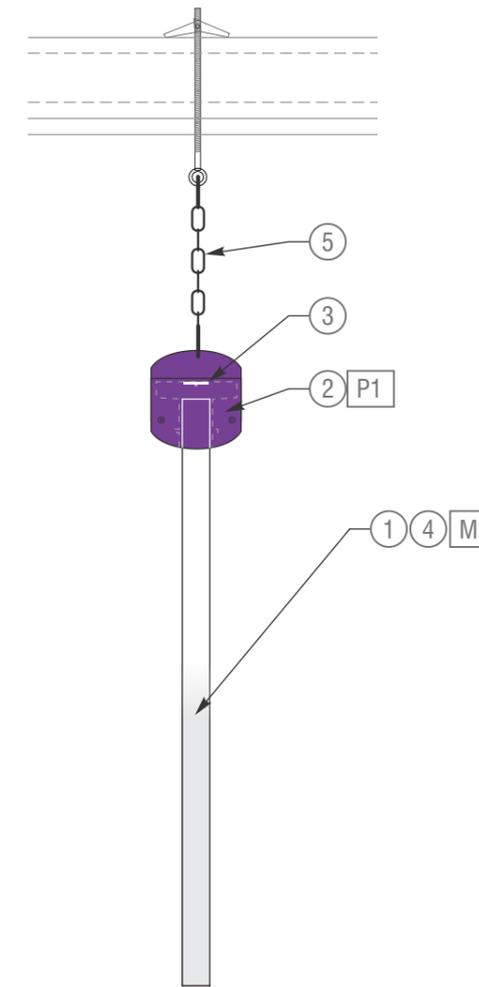
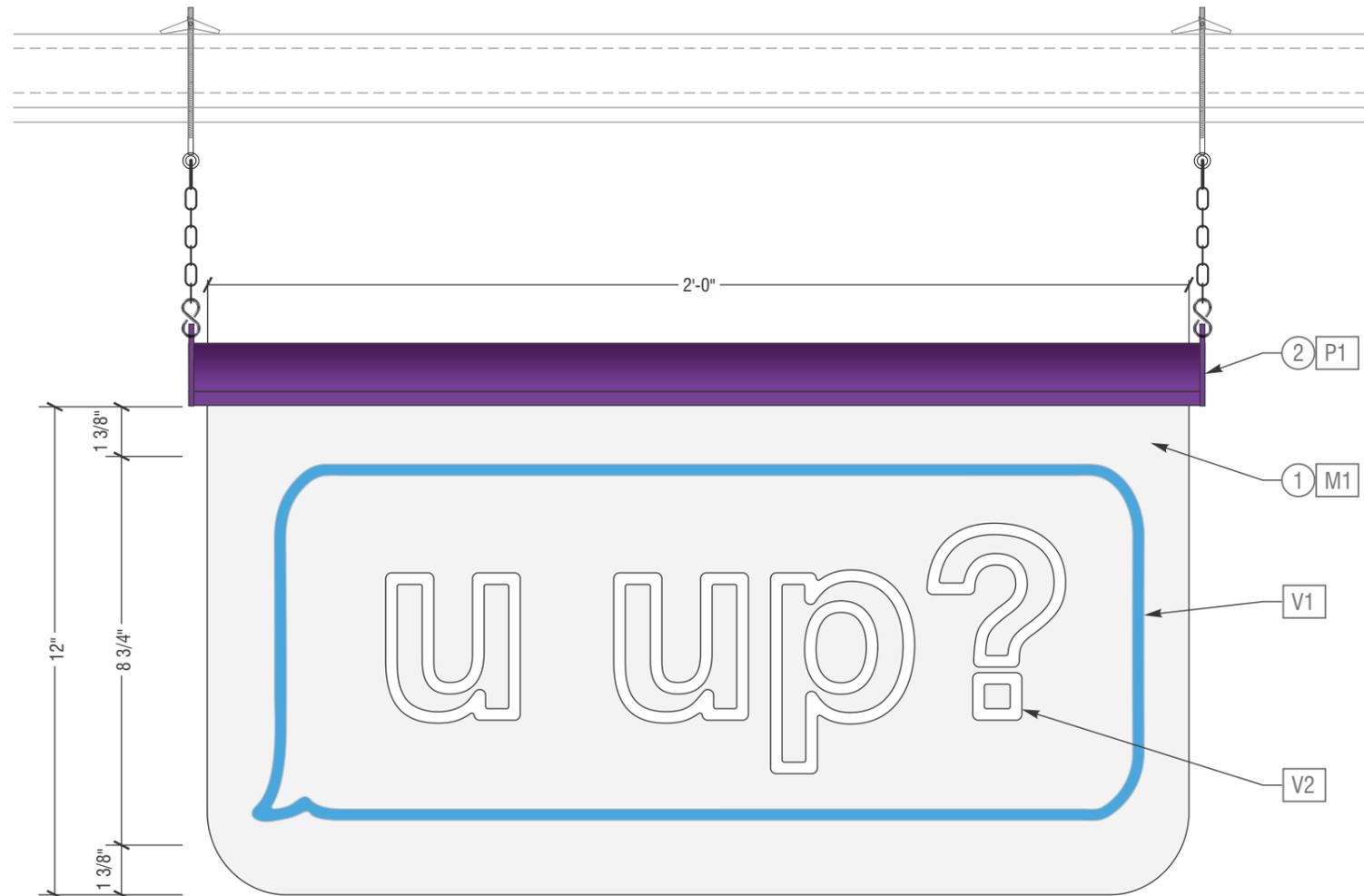
1. **Background:** 1/2" Thick Clear Acrylic
2. **Bracket:** 1996 Sign Comp Extrusion Painted P1 with Custom 1/8" Aluminum End Caps Painted P1. Secure with Countersunk Screws, exposed areas Painted P1
3. **Electrical:** Bitro LED Light Tape BT-1047-V24BWGS. Plug in 24V 1.5 Amp 36 Watt Power Supply
4. **Perimeter:** Applied Translucent White Vinyl

**Installation Hardware**

5. **Hardware:** Chain and S Hooks attached to sign bracket, to attach to snap toggle with eye bolt at ceiling.

**Building Conditions**

6. **Ceiling:** TBD



**4.1 illuminated edge-lit hanging window sign**  
 scale: 3" = 1'-0"  
2.0 sf

**4.2 side view**  
 scale: 3" = 1'-0"

**sign 5: faux neon window sign**

**specifications**

**Colors & Finishes**

- M1. Background: 1/2" Clear Acrylic
- P1. Bracket: SW Insomnia Purple PMS 2627C Custom Match
- D1. Direct Digital Print: PMS 255C Purple (2nd Surface)
- D2. Direct Digital Print: PMS 320C Blue (2nd Surface)
- D3. Direct Digital Print: PMS Warm RedC (2nd Surface)
- V1. Vinyl: White 3630-20 (on Edge)

**Sign Construction**

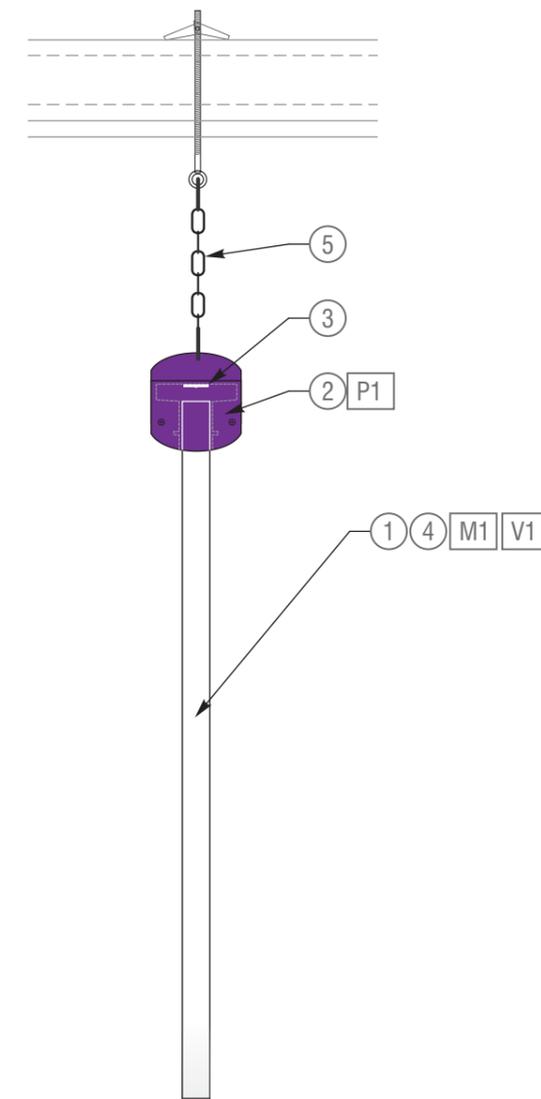
1. **Background:** 1/2" Thick Clear Acrylic
2. **Bracket:** 1996 Sign Comp Extrusion Painted P1 with Custom 1/8" Aluminum End Caps Painted P1. Secure with Countersunk Screws, exposed areas Painted P1
3. **Electrical:** Bitro LED Light Tape BT-1047-V24BWGS. Plug in 24V 1.5 Amp 36 Watt Power Supply
4. **Perimeter:** Applied Translucent White Vinyl

**Installation Hardware**

5. **Hardware:** Chain and S Hooks attached to sign bracket, to attach to snap toggle with eye bolt at ceiling.

**Building Conditions**

6. **Ceiling:** TBD



**5.1 illuminated edge-lit hanging window sign**

scale: 3" = 1'-0"

**2.7 sf**

**5.2 side view**

scale: 3" = 1'-0"

**sign 6: faux neon window sign**

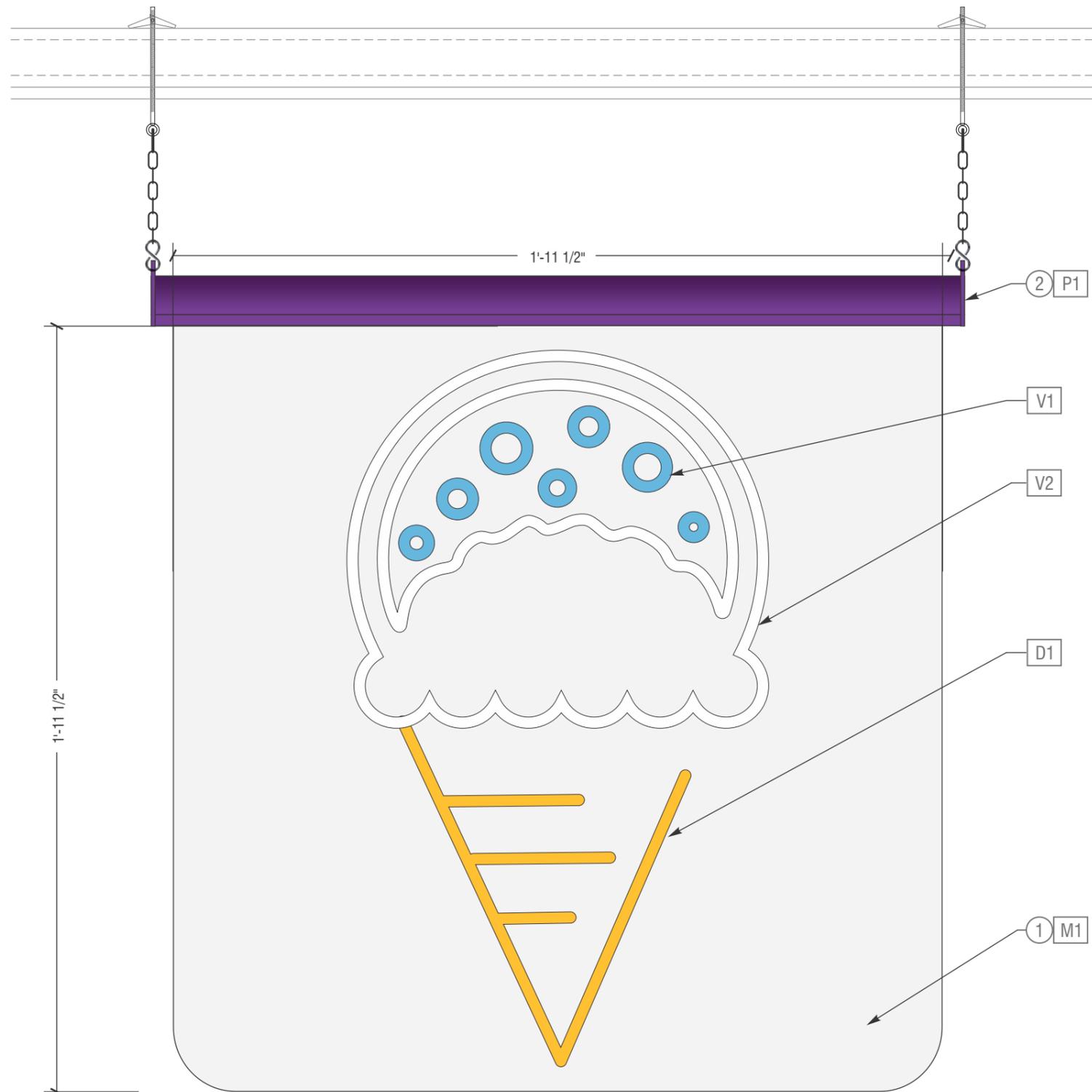
**specifications**

- Colors & Finishes**  
 M1. Background: 1/2" Clear Acrylic  
 P1. Bracket: SW Insomnia Purple PMS 2627C Custom Match  
 V1. Vinyl: Olympic Blue 3630-57 (2nd Surface)  
 V2. Vinyl: White 3630-20 (2nd Surface)  
 D1. Direct Digital Print: PMS 1225C Yellow (2nd Surface)

- Sign Construction**  
 1. **Background:** 1/2" Thick Clear Acrylic  
 2. **Bracket:** 1996 Sign Comp Extrusion Painted P1 with Custom 1/8" Aluminum End Caps Painted P1. Secure with Countersunk Screws, exposed areas Painted P1  
 3. **Electrical:** Bitro LED Light Tape BT-1047-V24BWGS. Plug in 24V 1.5 Amp 36 Watt Power Supply  
 4. **Perimeter:** Applied Translucent White Vinyl

- Installation Hardware**  
 5. **Hardware:** Chain and S Hooks attached to sign bracket, to attach to snap toggle with eye bolt at ceiling.

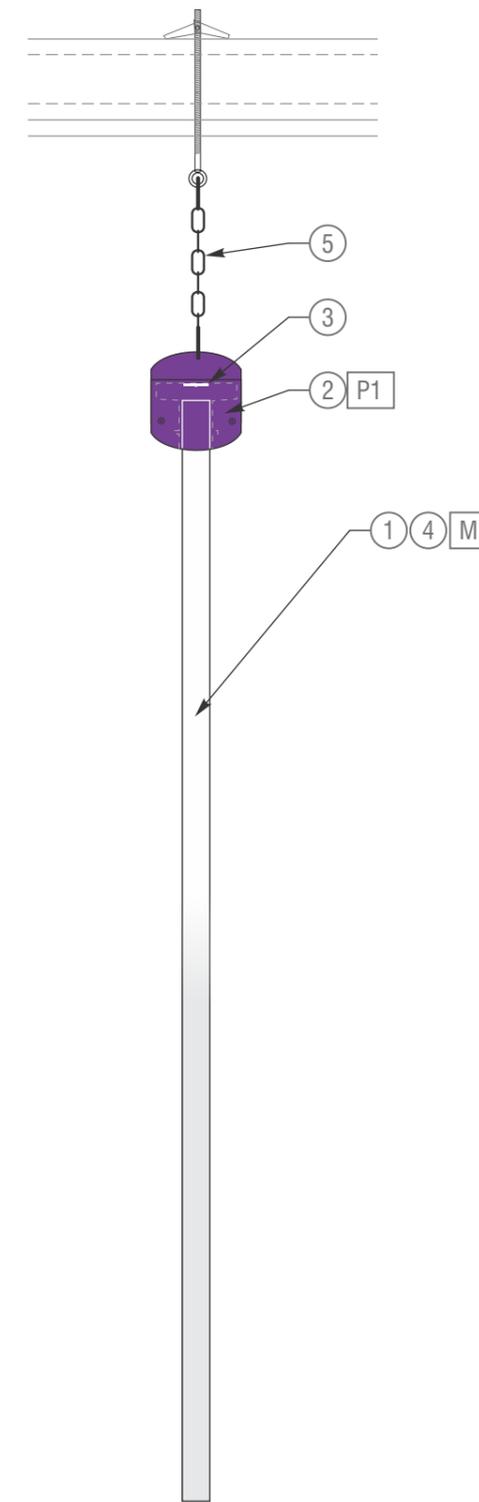
- Building Conditions**  
 6. **Ceiling:** TBD



**6.1 illuminated edge-lit hanging window sign**

scale: 3" = 1'-0"

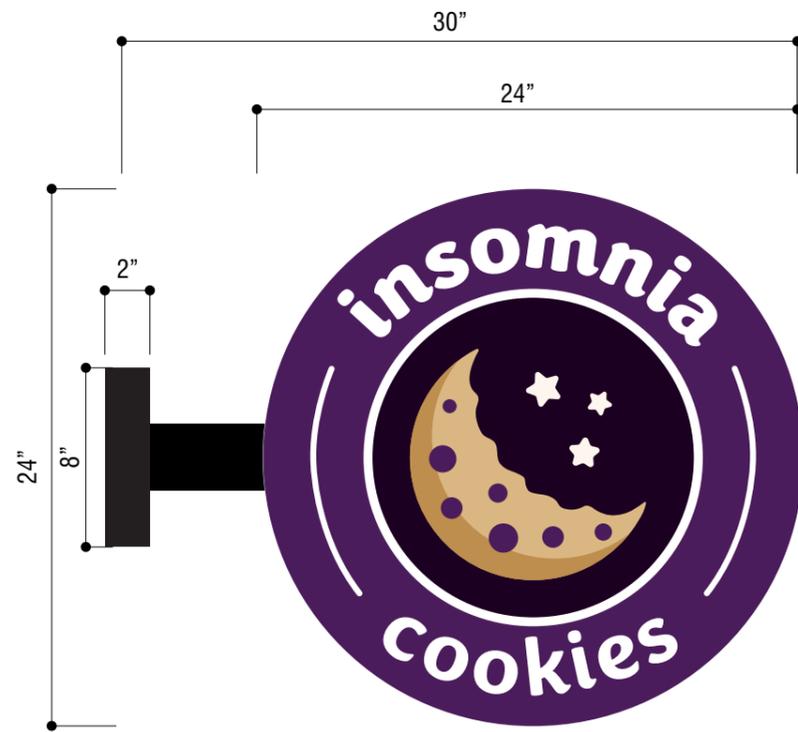
**3.7 sf**



**6.2 side view**

scale: 3" = 1'-0"

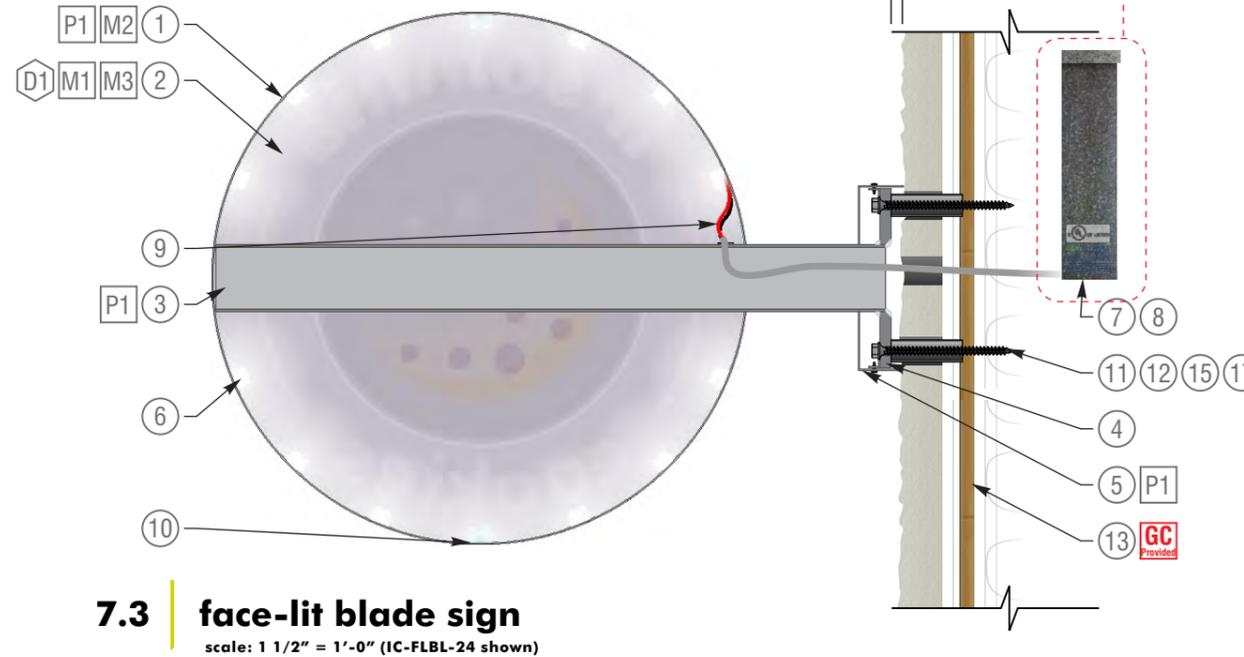
**sign 7: d/f face lit blade sign**



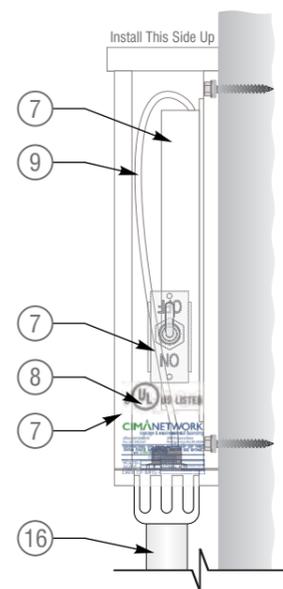
**7.1 face-lit blade sign** 4.0 sf  
scale: 1 1/2" = 1'-0"



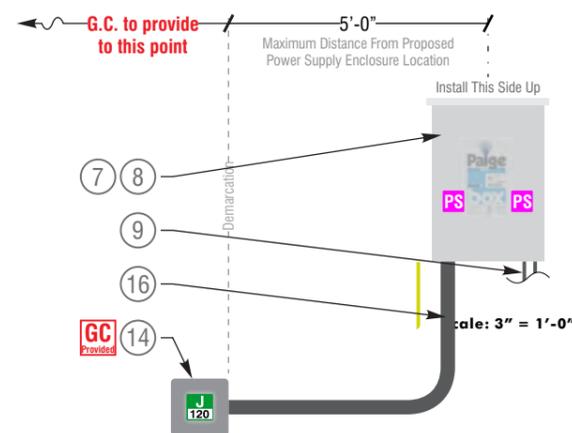
**7.2 side view**  
scale: 1 1/2" = 1'-0"



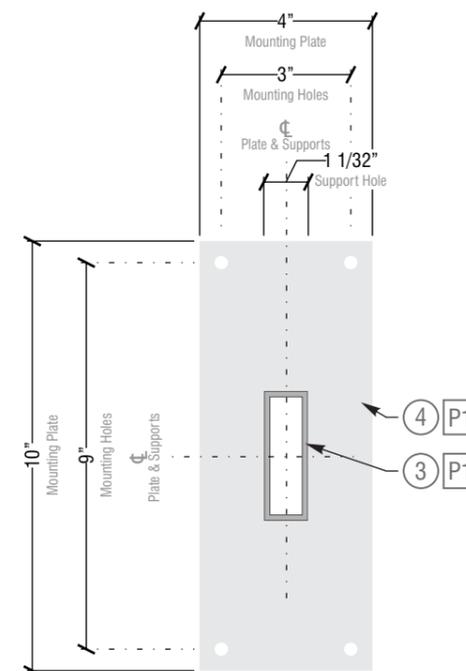
**7.3 face-lit blade sign**  
scale: 1 1/2" = 1'-0" (IC-FLBL-24 shown)



**7.4 power supply enclosure section detail**  
not to scale



**7.5 power supply enclosure wiring detail**  
not to scale



**7.6 face-lit blade sign mounting plate detail**  
scale: 3" = 1'-0"

**specifications**

- Colors & Finishes**
- D1 3-Layer (Color White Color) Digital Print
  - P1 PMS Black C w/ Satin Finish
  - M1 3/16" #2447 white Acrylic
  - M2 .063" Thk. Pre-Finished Black/White Aluminum Coil
  - M3 1" "Jewelite" aluminum reinforced, Pre-Finished Black trimcap retainer

- Returns:**
1. P1 M2 formed w/ White (interior) & P1 (exterior) finish.

- Faces:**
2. M1 letter faces w/ first surface D1, chemically bonded to M3 w/ Weld-on #4 & #16; fastened to returns #8 truss head, self-drilling, self-tapping screws; painted to match returns. Final fastener qty & location determined @ time of fabrication.

- Structure:**
3. P1 3" x 1" x 3/16" thk. aluminum square tube support welded to mounting plate.
  4. P1 3/8" thk. mounting plate.
  5. P1 .040" brake-bent plate cover secured to mounting plate w/ #8 truss head, self-drilling, self-tapping screws; painted to match cover.

- Lighting / Electrical:**
6. Listed Class 2, minimum Ip66, UV resistant, LED module.
  7. Hanley 60 Watts 12 Volt, listed, Power supply enclosure w/ disconnect switch to be secured in a serviceable location as close to the signage as possible in accordance w/ NEC 600.8 & 600.21. Enclosure to be grounded w/ minimum 14 AWG wire to supply circuit. (H60W-PPSSBOX12)
  8. Cima Network's Manufacture Label & Input/Current Rating Label to be Permanent & applied in a Visible Location during Service, in accordance w/ NEC 600.4(A).
  9. 12V Secondary-circuit, listed Class 2, 18/2 plenum rated wire suitable for damp/wet locations in accordance w/ NEC 600.12, 725.3(L). All secondary wires are to be labeled @ terminal & junction locations for serviceability per NEC 725.30.
  10. 1/4" Ø weep holes req'd. w/ .040" thk. brake-bent baffle assembled to inside of return; @ all low points or isolated sections of the sign w/ no external obstructions in accordance w/ NEC 600.9(D).

- Install:**
11. 3/8"-16 x 6", A307, zinc finished, hex head, LAG bolt w/ (1) Washer. (4) req'd. to secure sign to provided blocking.
  12. 1" Ø non-corrosive anti-crush sleeve.

- General Contractor Note:**
13. 5/8" thk. Fire treated, exterior grade wood blocking behind Exterior Facade. See appropriate details within this drawing package.
  14. 120V/20 amp maximum supply circuit, housed within J/B; Provided by G.C. Prior to Signage Installation. See appropriate details within this drawing package.

- Installer Note:**
15. EIFS compatible sealant, Dow Corning 790, 791, or 795, around perimeter of sleeve @ face of EIFS.
  16. Liquid-tite conduit to supply power to power supply enclosure to primary supply J/B.

- Building Owner Note:**
17. Responsible for maintaining sealant @ all penetrations.

**EST. ELECTRICAL LOAD**  
(1.1) Amps @120 Volts

**ELECTRICAL REQUIREMENTS**  
(1) 20 Amp/120 Volt Circuits

Colors For Print:					
	PMS 2627C	PMS 276C	PMS 467C	PMS 465C	PMS 2627C