



Engineering Department

DATE: June 25, 2024

FROM: Gabe Schell, City Engineer

ITEM: Water Improvement District WA 334, Sewer Improvement District SE 585

REQUEST:

Consider the request for resolutions creating the district and ordering the preparation of the preliminary report for Water Improvement District WA 334 and Sewer Improvement District SE 585.

BACKGROUND INFORMATION:

The owner of Lots 4 and 5, Block 4, Sloven 2nd Subdivision, Expressway Storage, LLC, has requested a street improvement by submitting a street petition for Vermont Avenue from Burlington Drive to approximately 415 feet east of Burlington Drive. Prior to installing the street, water and sanitary sewer will need to be installed within the right of way.

Previously, the developer of Lot 1, Block 4, Sloven 2nd Subdivision, DnS Investment, LLP, as a condition of development of Lot 1, provided a street petition for the improvement of this section of Vermont Avenue by special assessments with the agreement that they would share in the cost of installing the water and sewer prior to installing the roadway. The development agreement is attached.

Water and Sewer Improvement Districts are currently not included in the special assessment policy, but are permitted within North Dakota Century Code. However, since there are three parcels that would benefit from the installation of the water and sewer, the two mentioned above and Lot 12, Block 1, Sloven Sloven 2nd Subdivision, special assessing the costs would provide a means to share the cost of the improvements with all the parcels that benefit. Lot 13 is a city lot and would not benefit from the installation of water and sewer and was not included in the proposed boundary.

A map is attached of the proposed water and sewer boundary. The Engineer's Report will be provided to the commission for approval at a later date along with a staff request for direction on the basis of the special assessment.

Project Schedule

Approve Engineer's Report
Authorization to Advertise
Receipt and Opening of Bids

July 9, 2024
July 9, 2024
August 5, 2024

Award of Bid
Project Completion

August 13, 2024
Fall 2025

RECOMMENDED CITY COMMISSION ACTION:

Approve resolutions creating the district and ordering the preparation of the preliminary report for Water Improvement District WA 334 and Sewer Improvement District SE 585.

STAFF CONTACT INFORMATION:

Gabe Schell, City Engineer, 701-355-1507, gschell@bismarcknd.gov

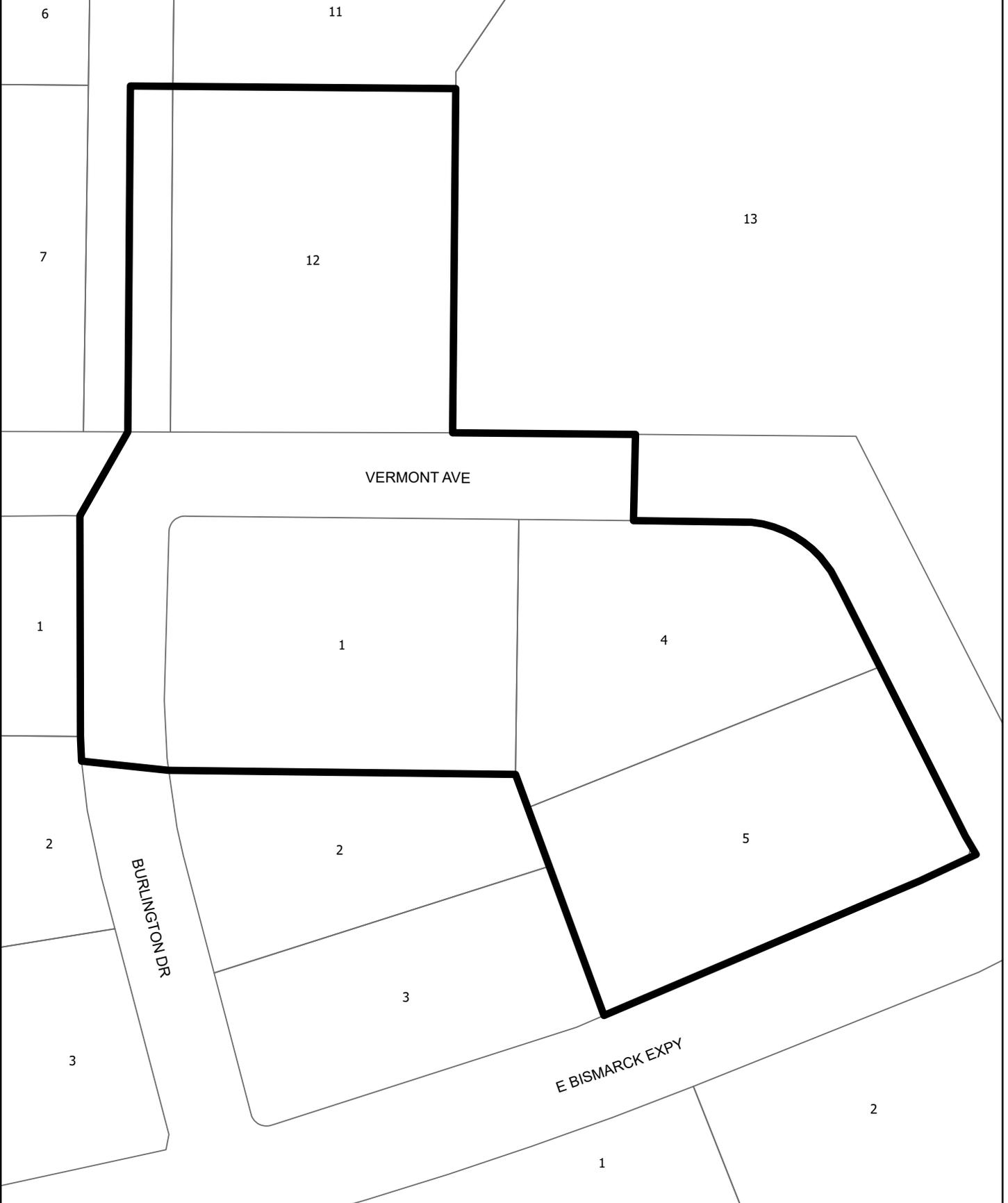
ATTACHMENTS:

1. WA 334 and SE 585 Boundary Map
2. Development Agreement - DnS Investment

WA 334
SE 585

 Water Utility Project

 Lots





CITY ENGINEERING

AGRMT

missy stanon

942538

\$20.00

Page: 1 of 4

5/16/2022 8:42 AM

Burleigh County



Above this line used for recordation purposes only.

DEVELOPMENT AGREEMENT

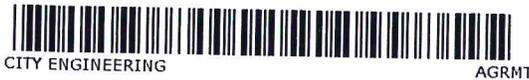
The City of Bismarck (the "City") and DnS Investment, LLP (the "Owner") make this Development Agreement with regard to the development of a parcel (the Parcel) located in Bismarck, North Dakota and described as follows:

Lot 1, Block 4 of Sloven Second Subdivision to the City of Bismarck, Burleigh County, North Dakota

The Owner desires to develop this Parcel for commercial use. The parcel is located east of Burlington Drive and south of Vermont Avenue. The City would normally require the improvement of Vermont Avenue adjacent to the site at the time of the development of the parcel. The parties are in agreement that the improvement of Vermont Avenue adjacent to the parcel is not necessary for the further development of the site at this time and can be delayed until such time as the City receives a petition to improve Vermont Avenue from any parcel located on Vermont Avenue between Burlington Drive and Bismarck Expressway.

In exchange for the City's agreement to delay the requirement of the improvement of Vermont Avenue between Burlington Drive and Vermont Avenue, the parties agree as follows:

1. The City will approve the site plan and issue building permits in its normal course of business. Prior to such approvals or permits being issued, the Owner will execute and deliver a petition for the improvement of Vermont Avenue for that portion adjacent to the Parcel. The petition will be conditioned that it will be deemed to be submitted upon the receipt of another valid petition for improvement of any portion of Vermont Avenue between Burlington Drive and Bismarck Expressway. The Owner further agrees to install the necessary water main, sanitary sewer and service stubs in the Vermont Avenue right of way in accordance with the current Development Costs Policy prior to construction of street improvements. By entering into this Agreement, the Owner also agrees to waive their right to protest a special assessment district formed to improve Vermont Avenue that includes the roadway between Burlington Drive and Bismarck Expressway. This agreement will be placed of record in the title for the Parcel, and all successors in interest agree to waive their



942538

\$20.00
Page: 4 of 4
5/16/2022 8:42 AM
Burleigh County

PETITION FOR PERMANENT STREET IMPROVEMENT

DATE: May 4, 2022

To the Honorable Board of City Commissioners
Bismarck, North Dakota
Commissioners:

The undersigned owners of the property liable to be assessed for the improvement respectfully petition your Honorable Board to have permanent street improvements completed on:

Vermont Avenue – from Burlington Drive to Bismarck Expressway

It is agreed that the necessary permanent street improvements be completed following the installation of the necessary water and sewer mains and service line stubouts by the abutting property owner(s) and that 100% of the paving cost of said permanent street improvements be assessed to or other funding arrangements made by the benefitted property according to the Current Development Costs Policy. For parcels not zoned residential, 40% of the permanent street improvement cost will be prepaid by the benefitted petitioned property. It is agreed that 100% of any temporary street improvements shall be prepaid by the benefitted petitioned property.

PROPERTY DESCRIPTION

SIGNATURE
(Property Owner/s)

Lot 1, Block 4 of Sloven Second Subdivision


DnS Investment, LLP
Doran Stoltz, Partner

For City Engineer Use Only


Approved by Gabe J. Schell, PE
City Engineer, Bismarck, ND

5/4/22
Date