



## *Engineering Department*

**DATE:** March 17, 2020

**FROM:** Gabe Schell, City Engineer

**ITEM:** Boulevard Encroachment Agreement – 518 N 13th Street

### **REQUEST**

Request approval of a landscaping area encroachment agreement and waiver.

Please place this item on the 3/24/2020 City Commission meeting agenda.

### **BACKGROUND INFORMATION**

LaVonne & Donald Wohl, have requested an encroachment in the right of way for a landscaping area. The landscape area would consist of the boulevard area in front of the residence, see attachments. The entire boulevard between the two driveways is adjacent to the subject property and is the subject property responsibility to maintain. The encroachment committee reviewed and recommends approval of the attached agreement including a 5-year term.

The applicant has been notified that repairs to sidewalks or utilities in the vicinity of this proposed encroachment may require the landscaping area to be removed during construction.

### **RECOMMENDED CITY COMMISSION ACTION**

Approve encroachment agreement with LaVonne and Donald Wohl.

### **STAFF CONTACT INFORMATION**

Gabe Schell, PE | City Engineer, 355-1505 or [gschell@bismarcknd.gov](mailto:gschell@bismarcknd.gov)

# AGREEMENT AND WAIVER

The City of Bismarck hereby grants LaVonne E. and Donald A. Wohl, (Grantee) the right to install and maintain a mix of bunching grasses and flowering perennials (encroachments) on the public right-of-way boulevard, adjacent to 518 North 13th Street, as shown on the attached Exhibits, subject to the following conditions:

1. The Grantee shall comply with all rules regarding the construction of the encroachments on 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 (6) months' written notice to the Grantee.
3. The encroachments within the sight triangle of each driveway approach adjacent to the landscaping area may not exceed two-feet (24") in height and those encroachments outside of the sight triangle may not exceed three-feet (36") in height.
4. Upon the end of the term or prior abandonment by the Grantee, the Grantee shall, at its own expense, remove the encroachments and restore the public 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 maintain the 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 said encroachments including, 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 encroachments 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 on the public right-of-way. Grantee agrees that after installation of the encroachments, Grantee will restore the City right-of-way or street to its original condition. In the event the City is required to perform street maintenance or construction on the right-of-way at the location of the encroachments, Grantee shall cooperate with the City in removing or temporarily protecting the encroachments and accommodating the City's project, at Grantee's sole expense.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Print Name  
LaVonne E. & Donald A. Wohl, Owners

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

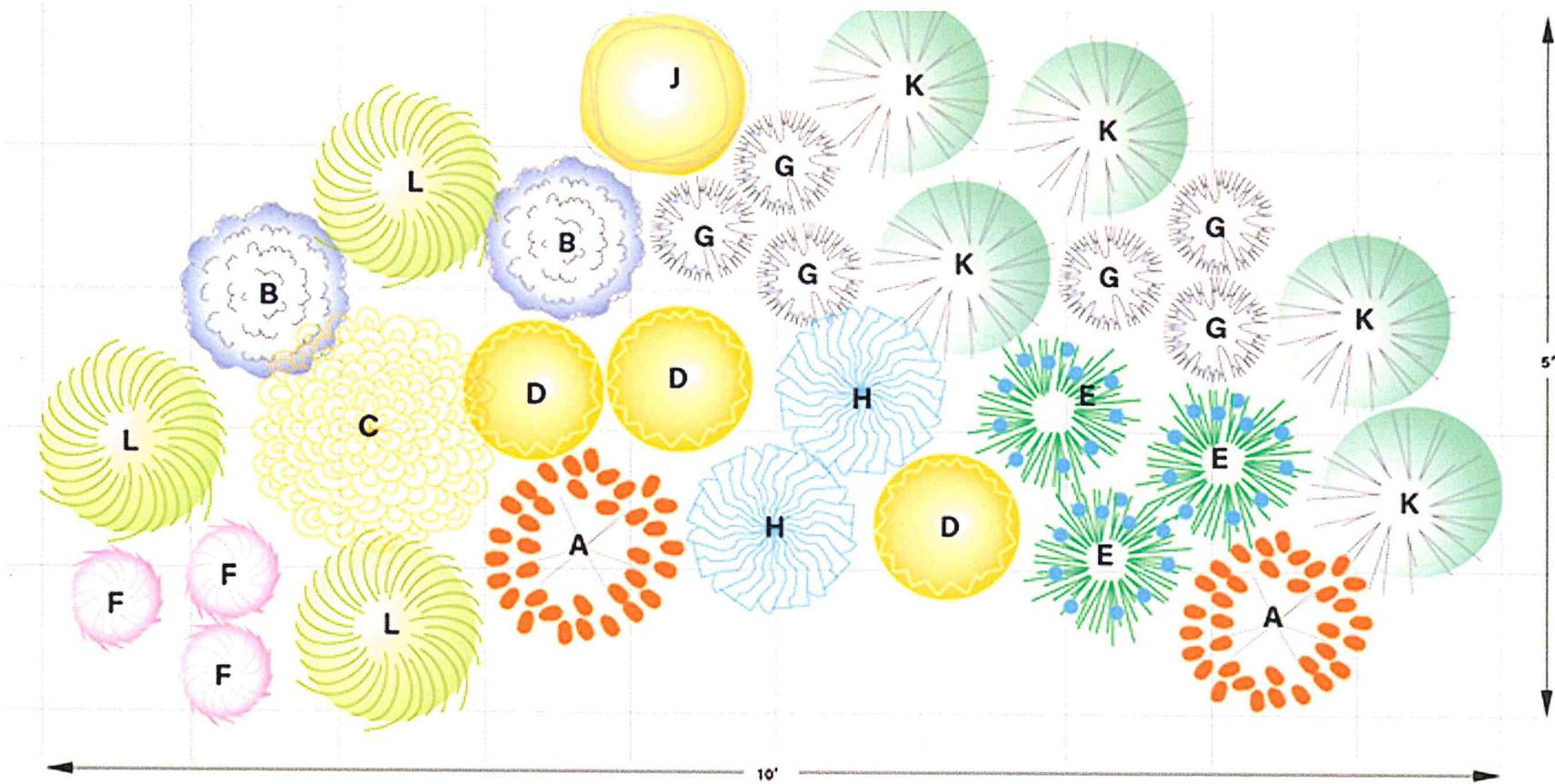
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Gabe Schell, P.E.  
City Engineer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Keith Hunke  
City Administrator  
Bismarck

\_\_\_\_\_  
Steve Bakken, President  
Bismarck City Commission



# Boulevard Planting Proposal

## LaVonne Wohl at 518 N 13th Street

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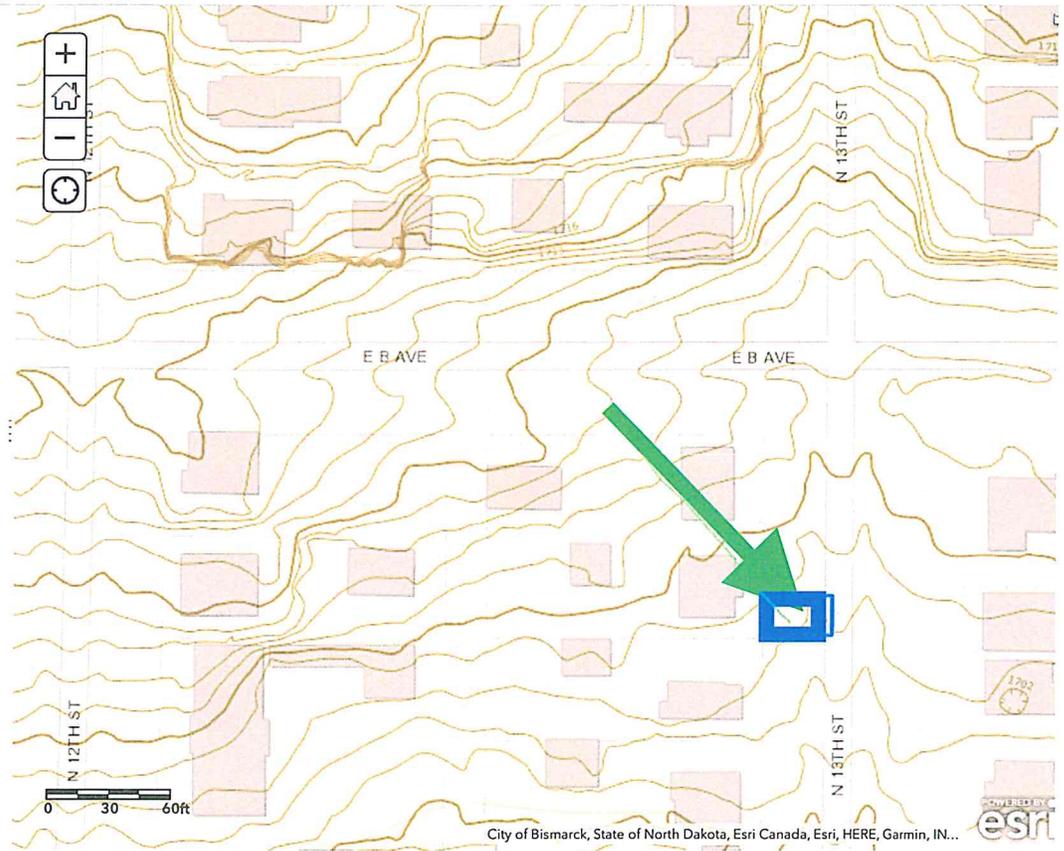
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**Legend**

**Bismarck\_Contours**

Bismarck Contours

- Index
- Index Depression
- Intermediate
- Intermediate Depression



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Image capture: Jul 2019 © 2020 Google

Bismarck, North Dakota



Street View

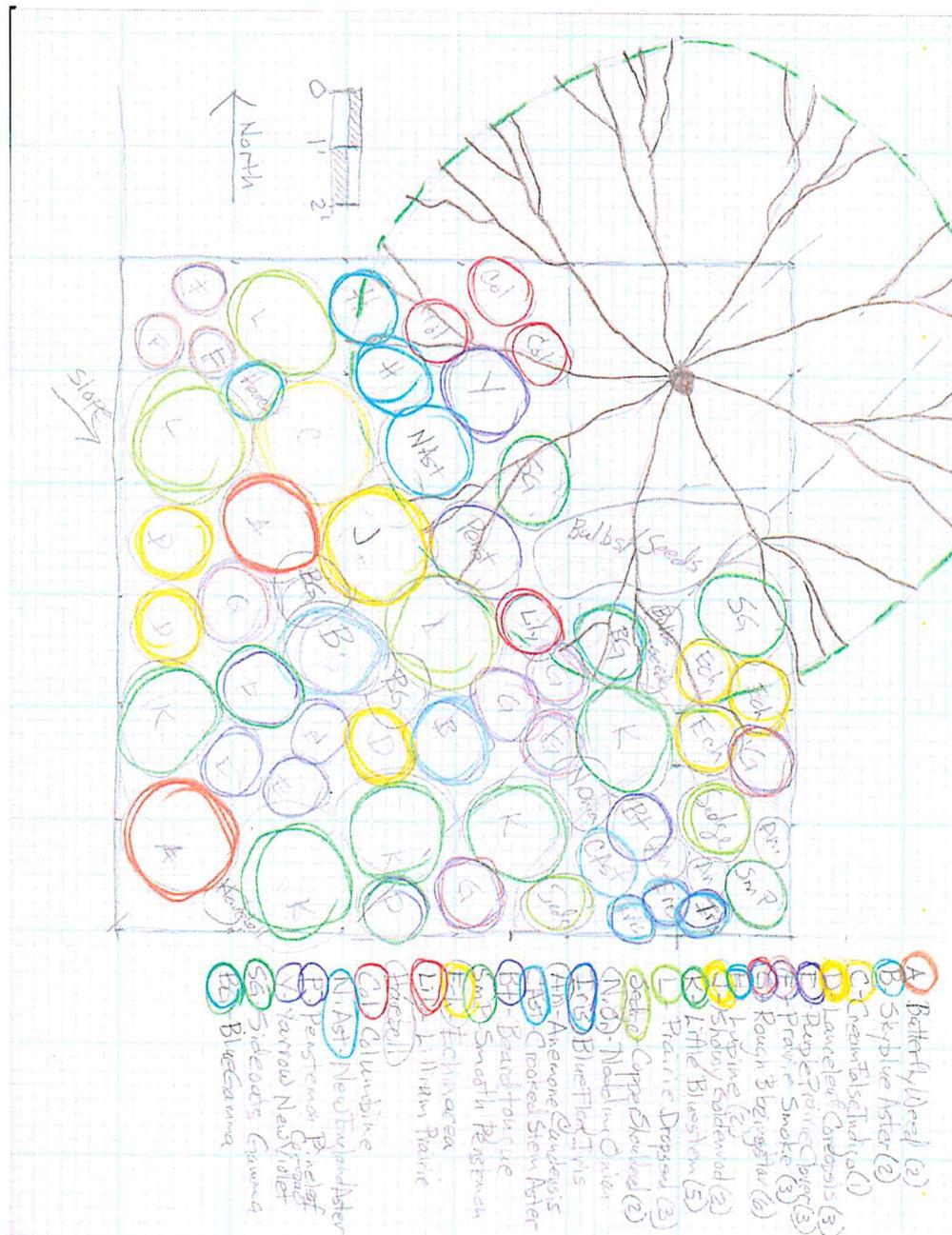




## Planting Plan

# Plants and Plant Types

Plants are a mix of bunching grasses and flowering perennials. The primary planting area is based on a preplanned group of low growing native type plants from Prairie Nursery in Wisconsin, supplemented with additional plants and grasses from Prairie Moon in Minnesota. Plant mix is about 75% flowers, 25% grass. This will be spread out in an area about twice the original recommended spacing. Extra space as well as area marked as seeded will be seeded with mix from Prairie Moon of short plants, 60% grass, 40% flowers.

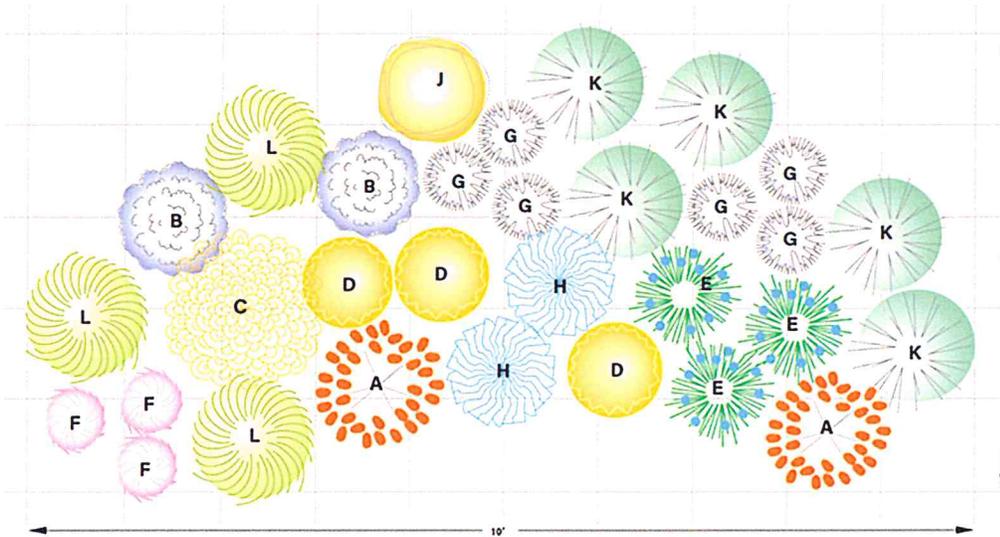


## Goals for Boulevard Planting

- Accommodate runoff during snowmelt and heavy rain reducing backup on sidewalk.
- Replace grass that requires supplemental watering with drought tolerant plants, reducing water demands. With increased cost of city water and City Utilities recommendation to seek alternatives, this fits that.
- Support pollinators in neighborhood lacking in resources in a space currently contributing little.
- Reduce runoff from property to street. A shallow retention area is planned at existing depression where tree was previously removed.
- Reduce need for fertilizers, herbicides.
- Maintain views from driveways to street. All plants, not only those in view controlled area are less than 36 inches in height. Within view area, plants will be limited to maximum 24 inch height. All are easily maintained for height without compromising plants.
- Grass has a tendency to overpower flowering plants, so percentage of grass to flowers averaging 50/50 within planting area will increase over time.

**PLANTING PLAN**

**32 Plant Low Growing Garden for Dry Soils** well-drained sand, sandy loam, or loam, in full sun  
Item# 50071



**Prairie Nursery**

- |                          |                             |                         |                        |
|--------------------------|-----------------------------|-------------------------|------------------------|
| A Butterflyweed (2)      | D Lanceleaf Coreopsis (3)   | G Rough Blazingstar (6) | <b>GRASSES</b>         |
| B Sky Blue Aster (2)     | E Purple Prairie Clover (3) | H Lupine (2)            | K Little Bluestem (5)  |
| C Cream False Indigo (1) | F Prairie Smoke (3)         | J Showy Goldenrod (2)   | L Prairie Dropseed (3) |

**Wildflowers**

- 2 [Butterflyweed](#)
- 2 [Sky Blue Aster](#)
- 1 [Cream False Indigo](#)
- 3 [Lanceleaf Coreopsis](#)
- 3 [Purple Prairie Clover](#)
- 3 [Prairie Smoke](#)
- 6 [Rough Blazingstar](#)
- 2 [Lupine](#)
- 2 [Showy Goldenrod](#)

**Grasses**

- 5 [Little Bluestem](#)
- 3 [Prairie Dropseed](#)

**Area: 10' x 5' (50 sq ft)**

Add color and interest to small spaces! Low-growing wildflowers only one to two feet tall are nestled in the highly ornamental Little Bluestem grass. Perfect for creating a swath of color within a mowed lawn, along a walkway, or around a deck or foundation. Highly recommended! Complete planting and layout instructions included.

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# Prairie Blues Little Bluestem Grass



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## Video



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## Prairie Dropseed Grass [PRONUNCIATION](#)



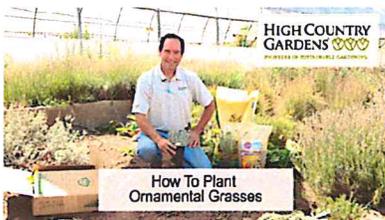
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### Video



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# SHORTGRASS INEXPENSIVE PRAIRIE SEED MIX

by Prairie Moon Nursery®

11.48 lbs per acre | 86 seeds per sq/ft

[\(PHOTOS OF PLANTS IN THIS SEED MIX\)](#)

Allium cernuum (Nodding Onion)	0.54
Asclepias tuberosa (Butterfly Weed)	1.09
Astragalus canadensis (Canada Milk Vetch)	0.41
Baptisia alba (White Wild Indigo)	1.09
Chamaecrista fasciculata (Partridge Pea)	8.71
Coreopsis lanceolata (Lance-leaf Coreopsis)	4.36
Dalea candida (White Prairie Clover)	3.27
Dalea purpurea (Purple Prairie Clover)	4.36
Echinacea pallida (Pale Purple Coneflower)	2.18
Echinacea purpurea (Purple Coneflower)	1.09
Heliopsis helianthoides (Early Sunflower)	2.18
Lespedeza capitata (Round-headed Bush Clover)	1.09
Penstemon digitalis (Foxglove Beardtongue)	0.82
Rudbeckia hirta (Black-eyed Susan)	4.36
Senna hebecarpa (Wild Senna)	2.18
Symphyotrichum laeve (Smooth Blue Aster)	0.27
Verbena stricta (Hoary Vervain)	1.09
<b>Total of WILDFLOWERS:</b>	<b>39.61%</b>

[REDACTED]	
[REDACTED]	[REDACTED]
Bouteloua curtipendula (Side-oats Grama)	26.14
Bouteloua gracilis (Blue Grama)	8.71
Muhlenbergia mexicana (Leafy Satin Grass)	1.36
Schyzachyrium scoparium (Little Bluestem)	20.91
Sporobolus compositus (Rough Dropseed)	3.27
Totals of GRASSES, SEDGES & RUSHES:	60.39%
<a href="#">(PHOTOS OF PLANTS IN THIS SEED MIX)</a>	

Last updated 1/22/2020



Search over 700 natives ...



 Seeds

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 Potted Plants

## SHORTGRASS INEXPENSIVE PRAIRIE SEED MIX

(Photos of plants in this seed mix)



*Allium cernuum*

**NODDING ONION**

~~[\(/allium-cernuum-nodding-onion-prairie-moon-nursery.html\)](http://allium-cernuum-nodding-onion-prairie-moon-nursery.html)~~

~~\$2.50 - \$180.00~~





*Asclepias tuberosa*

**BUTTERFLY WEED**

~~(/asclepias-tuberosa-butterfly-weed-prairie-moon-nursery.html).~~

~~\$2.50 - \$300.00~~



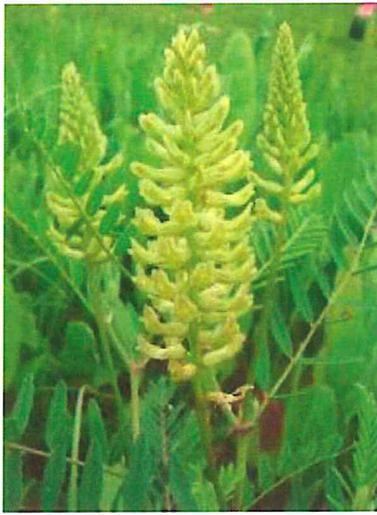
*Symphyotrichum laeve*

**SMOOTH BLUE ASTER**

~~(/symphyotrichum-laeve-smooth-blue-aster).~~

~~\$2.50 - \$375.00~~





*Astragalus canadensis*

**CANADA MILK VETCH**

~~(/astragalus-canadensis-canada-milk-vetch-prairie-moon-nursery.html)~~

~~\$2.50 - \$120.00~~



*Baptisia alba*

**WHITE WILD INDIGO**

~~(/baptisia-alba-white-wild-indigo-prairie-moon-nursery.html)~~

~~\$2.50 - \$99.00~~





*Chamaecrista fasciculata*

**PARTRIDGE PEA**

~~(/chamaecrista-fasciculata-partridge-pea-prairie-moon-nursery.html)~~  
~~\$2.50 - \$30.00~~



*Coreopsis lanceolata*

**LANCE-LEAF COREOPSIS**

~~(/coreopsis-lanceolata-lance-leaf-coreopsis-prairie-moon-nursery.html)~~  
~~\$2.50 - \$99.00~~

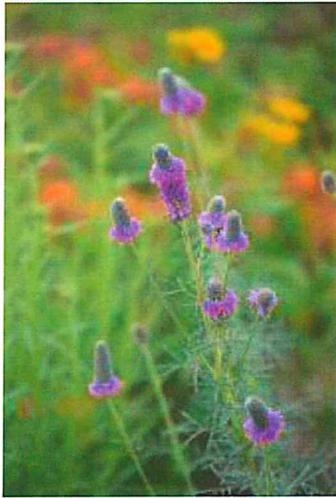




*Dalea candida*

**WHITE PRAIRIE CLOVER**

~~(/dalea-candida-white-prairie-clover-prairie-moon-nursery.html)~~  
~~\$2.50 - \$60.00~~



*Dalea purpurea*

**PURPLE PRAIRIE CLOVER**

~~(/dalea-purpurea-purple-prairie-clover-prairie-moon-nursery.html)~~  
~~\$2.50 - \$99.00~~





*Echinacea pallida*

**PALE PURPLE CONEFLOWER**

~~(/echinacea-pallida-pale-purple-coneflower-prairie-moon-nursery.html)  
\$2.50 - \$150.00~~



*Echinacea purpurea*

**PURPLE CONEFLOWER**

~~(/echinacea-purpurea-purple-coneflower-prairie-moon-nursery.html)  
\$2.50 - \$99.00~~





*Heliopsis helianthoides*

**EARLY SUNFLOWER**

~~(/heliopsis-helianthoides-early-sunflower-prairie-moon-nursery.html)~~  
~~\$2.50 - \$99.00~~



*Lespedeza capitata*

**ROUND-HEADED BUSH CLOVER**

~~(/lespedeza-capitata-round-headed-bush-clover-prairie-moon-nursery.html)~~  
~~\$2.50 - \$150.00~~





*Penstemon digitalis*

**FOXGLOVE BEARDTONGUE**

~~(/penstemon-digitalis-foxglove-beardtongue-prairie-moon-nursery.html)~~  
~~\$2.50 - \$99.00~~



*Rudbeckia hirta*

**BLACK-EYED SUSAN**

~~(/rudbeckia-hirta-black-eyed-susan-prairie-moon-nursery.html)~~  
~~\$2.50 - \$30.00~~





*Senna hebecarpa*

**WILD SENNA**

~~(/senna-hebecarpa-wild-senna-prairie-moon-nursery.html)~~  
~~\$2.50 - \$75.00~~



*Oligoneuron rigidum*

**STIFF GOLDENROD**

~~(/solidago-rigida-stiff-goldenrod-prairie-moon-nursery.html)~~  
~~\$2.50 - \$99.00~~





*Verbena stricta*

**HOARY VERVAIN**

~~(/verbena-stricta-hoary-vervain-prairie-moon-nursery.html)~~

~~\$2.50 - \$99.00~~



*Bouteloua curtipendula*

**SIDE-OATS GRAMA**

~~(/bouteloua-curtipendula-side-oats-grama-prairie-moon-nursery.html)~~

~~\$2.50 - \$99.00~~





*Bouteloua gracilis*

**BLUE GRAMA**

~~(/bouteloua-gracilis-blue-grama-prairie-moon-nursery.html)~~

~~\$2.50 - \$16.00~~



*Muhlenbergia racemosa*

**UPLAND WILD TIMOTHY**

~~(/muhlenbergia-racemosa-upland-wild-timothy-prairie-moon-nursery.html)~~

~~\$2.50 - \$9.75~~





*Schizachyrium scoparium*

**LITTLE BLUESTEM**

~~(/schizachyrium-scoparium-little-bluestem-prairie-moon-nursery.html)~~  
~~\$2.50 - \$99.00~~



*Sporobolus compositus*

**ROUGH DROPSEED**

~~(/sporobolus-asper-rough-dropseed-prairie-moon-nursery.html)~~  
~~\$2.50 - \$30.00~~

