



Engineering Department

DATE: March 17, 2020

FROM: Gabe Schell, City Engineer

ITEM: Water Main Easement – 1819 Michigan Avenue

REQUEST

Approve Water Main Easement at 1819 Michigan Avenue from Robert and Denise Schuh of RDS Properties, LLC.

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

BACKGROUND INFORMATION

Attached is a water main easement for an existing water main located on the property at 1819 Michigan Avenue in southeast Bismarck. The existing water main is located along the west property line of 1819 Michigan Avenue and runs beneath an existing building.

RECOMMENDED CITY COMMISSION ACTION

Approve Water Main Easement from Robert and Denise Schuh of RDS Properties

STAFF CONTACT INFORMATION

Linda Oster, PE, Design and Construction Engineer 355-1505, loster@bismarcknd.gov

WATER MAIN EASEMENT

This indenture, made this 9 day of March, 2020, between **RDS Properties, LLC**, whose post office address is 5508 Apple Creek Drive, Bismarck, North Dakota, Grantor, and the **City of Bismarck**, a municipal corporation, whose post office address is P.O. Box 5503, Bismarck, North Dakota 58506-5503, 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, Grantor grants to Grantee, its successors and assigns, an exclusive easement to construct, operate, maintain, and repair public utility facilities including water main 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. Grantee shall have the right to ingress and egress across real property of Grantor for the purpose herein granted. Grantee shall have the right to maintain the existing building located upon the easement area.

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

A tract of land lying in Lot 2, Block 1, Airport Road Addition, Bismarck, North Dakota, more particularly described as follows:

The East 20.00' of the West 35.72' of said Lot 2, Block 1.

Said tract contains 3445 SF or 0.08 acres, more or less.

See Exhibit No. 1

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 from or used in connection with the construction or installation or access to the lands. Grantee agrees to pay for damage to pavement arising from construction, operation, or maintenance.

4. Grantor agrees to not erect or permit any new structure or obstruction other than fences or driveways, change the ground elevation, or perform any act that interferes with Grantee's rights under this easement, except with the written consent of Grantee. If the existing structure located within the easement is damaged or destroyed due to a natural disaster or accident, the Grantor shall be permitted to construct a replacement structure within the current footprint provided it conforms to zoning and building requirements at the time of the proposed construction. The Grantor shall apply for a building permit within 24 months of the date of the loss.

5. The term of this easement herein reserved is ninety-nine (99) years, beginning upon execution of this easement.

6. Grantor 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.

Dated this 5 day of March, 2020.

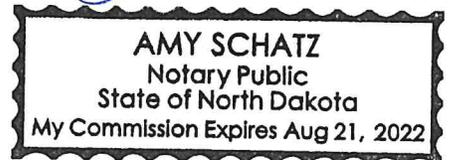
By Robert Schuh
Robert Schuh

By Denise R. Schuh
Denise Schuh

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

On this 5 day of March, 2020, before me personally appeared Robert Schuh & Denis Schuh, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same.

Amy Schatz
Notary Public



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

Steve Bakken
President, Board 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

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

Burleigh County Recorder

WATERMAIN EASEMENT

PART OF LOT 2, BLOCK 1, AIRPORT ROAD ADDITION
TO THE CITY OF BISMARCK, NORTH DAKOTA
FEBRUARY 20, 2020

OWNERS:
RDS PROPERTIES LLC
EXHIBIT #1

PARCEL NO. 1

A TRACT OF LAND LYING IN LOT 2, BLOCK 1, AIRPORT ROAD ADDITION,
BISMARCK NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

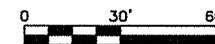
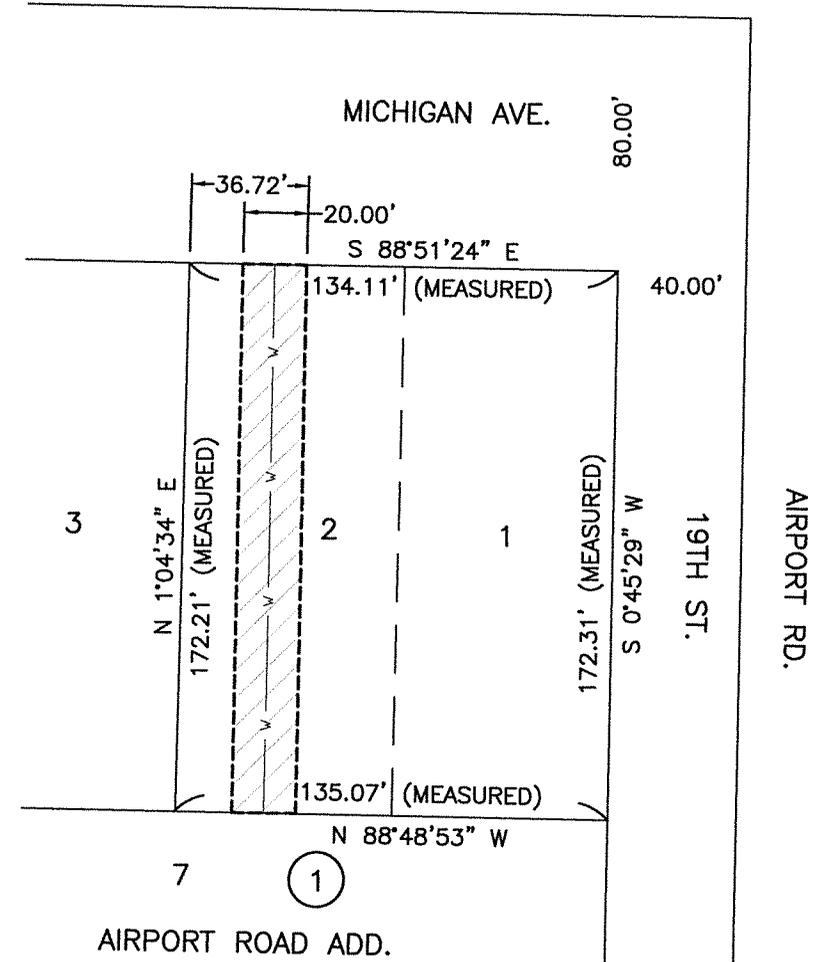
THE EAST 20.00' OF THE WEST 36.72' OF SAID LOT 2, BLOCK 1.

SAID TRACT CONTAINS 3445 SF OR 0.08 ACRES, MORE OR LESS.

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, NDPLS 5288
CITY OF BISMARCK
221 N. 5TH STREET
BISMARCK, ND 58501



Bismarck Engineering Department

WATERMAIN EASEMENT

PARCEL 1

BISMARCK, N.D. DATE: 2/20/2020