



## Engineering Department

**DATE:** 6/2/2021

**FROM:** Gabe Schell, City Engineer

**ITEM:**

Temporary Access Easement – Lot 4, Block 5, Cottonwood Parkview Addition

**REQUEST:**

Request dedication of and acceptance of a temporary access easement in Lot 4, Block 5, Cottonwood Parkview Addition

Please place this item on the 6/8/2021 City Commission meeting agenda.

**BACKGROUND INFORMATION:**

This temporary access easement for emergency vehicle turnaround would be obtained to meet fire apparatus access roadway standards of the International Fire Code. The subject easement was determined to be required to satisfy the condition.

It is reasonable to expect that this easement would be released by the City concurrent with the paving of Kamrose Drive.

**RECOMMENDED CITY COMMISSION ACTION:**

Approve dedication of and acceptance of the temporary access easement relating to Lot 4, Block 5, Cottonwood Parkview Addition.

**STAFF CONTACT INFORMATION:**

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

## TEMPORARY ACCESS EASEMENT

This indenture, made this 8<sup>th</sup> day of **April** 2021, between Wachter Family Revocable Trust, whose post office address is 19045 90<sup>th</sup> Way North, Scottsdale, AZ 85255, 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 ingress and egress easement to pass and repass along said easement, for any governmental subdivision, its officers and employees for any other governmental use or uses it deems necessary or advisable, provided agency shall not be responsible in any way to furnish any services if such access easements are not property maintained or obstructed by the owners of the property. Grantor shall construct and maintain a fire truck turnaround upon the real property and its adjacent right of way hereinafter described.

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

### DESCRIPTION

The northerly 25.00 feet of Lot 4 Block 5 of Cottonwood Parkview Addition to the City of Bismarck, North Dakota as measured perpendicular to and parallel with the North line of said Lot 4.

Said tract contains 2,150 square feet, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

3. Grantor agrees to not erect or permit any structure or obstruction other than driveways, change the ground elevation, or perform any act that interferes with Grantee's rights under this easement and to maintain said easement area in a manner to allow access at all times, except with the written consent of Grantee.

4. The term of this easement herein reserved is five (5) years, beginning upon execution of this easement, and shall be extended thereafter in 5-year increments, until such a time as the City street is constructed on Kamrose Drive between Peach Tree Drive and Boston Drive north of Lot 4, Block 5, at which time this easement will become null and void.

Dated this 8<sup>th</sup> day of April, 2021.

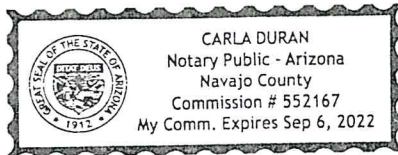
Grantor: Wachter Family Revocable Trust

By: Paul C Wachter  
Its: Trustee

By: Valerie S Wachter  
Its: Trustee

STATE OF ARIZONA )  
 )  
COUNTY OF <sup>Navajo</sup> MARICOPA <sup>ai CO</sup> ) SS  
 )

On this 8th day of April, 2021, before me personally appeared Paul Wachter and Valerie Wachter, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that they executed the same.



Carla Duran  
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 \_\_\_\_\_, 2021, 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.

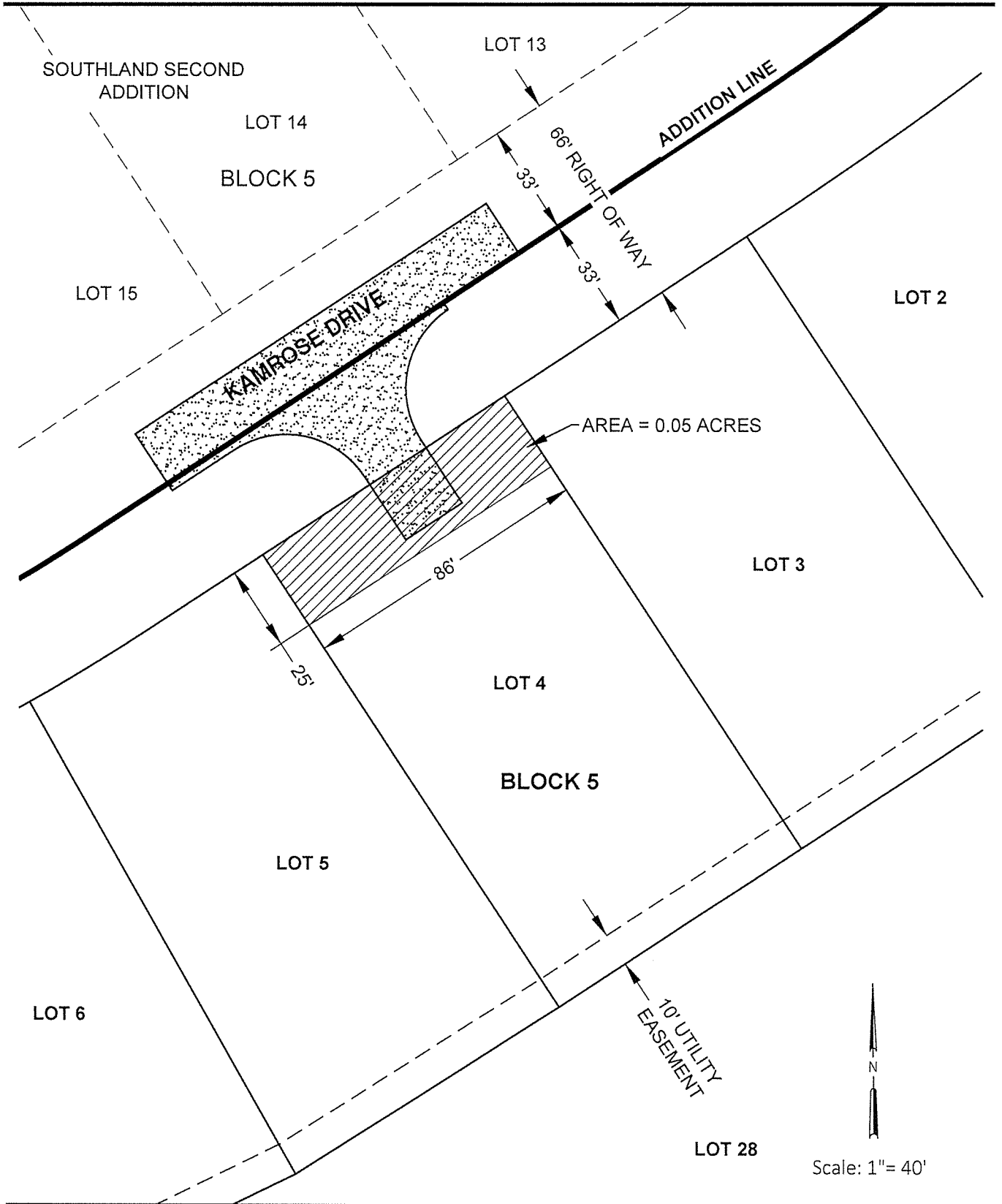
\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
The legal description was prepared by Todd Marshall, LS-4431, 3712 Lockport Street, Bismarck, North Dakota.

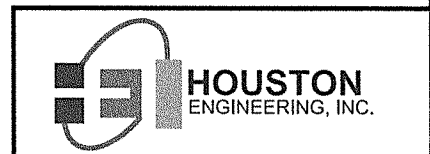
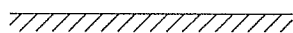
\_\_\_\_\_  
Burleigh County Recorder

EXHIBIT A  
LOT 4, BLOCK 5  
COTTONWOOD PARKVIEW ADDITION  
CITY OF BISMARCK, BURLEIGH COUNTY  
STATE OF NORTH DAKOTA

OWNER: WACHTER FAMILY REVOCABLE TRUST



ACCESS EASEMENT



# TEMPORARY ACCESS EASEMENT EXHIBIT

PROJECT NO. 8336-0003	COTTONWOOD PARKVIEW ADDITION CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA	SHEET 1 OF 1
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