



Engineering Department

DATE: July 1, 2022
FROM: Gabe Schell, City Engineer
ITEM: Sidewalk Easement

REQUEST:

Request dedication of and acceptance of a sidewalk easement on Lot 2, Block 5 Trillium Fourth Addition.

Please place this item on the July 12, 2022 City Commission meeting agenda.

BACKGROUND INFORMATION:

The location of this proposed sidewalk easement is adjacent to Morrison Avenue and Grumann Lane along Lot 2, Block 5, Trillium Fourth Addition.

This sidewalk easement is needed to install a future public sidewalk along the commercial property.

RECOMMENDED CITY COMMISSION ACTION:

Approval of the Sidewalk Easement on Lot 2, Block 5 Trillium Fourth Addition.

STAFF CONTACT INFORMATION:

Gabe Schell, PE | City Engineer | 355-1505 | gschell@bismarcknd.gov

SIDEWALK EASEMENT

This indenture, made this _____ day of _____, 2022, between **RIDGELINE CONTRACTING, INC.** whose post office address is 1524 Mutineer Place, Bismarck, ND 58504 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 sidewalk easement to construct, operate, maintain and repair sidewalks upon the real property hereinafter described, together with the right to remove trees, brush, undergrowth, and other obstructions interfering with the location, construction, and of said sidewalk.

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

A tract of land lying in Lot 2 Block 5, Trillium Fourth Addition, Bismarck, Burleigh County, North Dakota, more particularly described as follows:

The north 10 feet of the east 10 feet of Lot 2, Block 5

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 with the construction or installation or access to the lands.

4. Grantor agrees to not erect or permit any structure or obstruction or perform any act that interferes with Grantee's rights under this easement, except with the written consent of Grantee.

5. The term of this easement herein reserved is ninety-nine (99) years, beginning upon execution in 2022 and ending in 2121.

5. 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

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

Michael T. Schmitz, President
Board of City Commissioners

Attest: _____
Keith J. Hunke
City Administrator

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

On this _____ day of _____, 2022, before me personally appeared Michael T. Schmitz, 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