



## Engineering Department

**DATE:** August 17, 2022  
**FROM:** Gabe Schell, City Engineer  
**ITEM:** Offsite Storm Water Easement

**REQUEST:**

Consider acceptance of stormwater and drainage easements for the development of Trenton Addition.

Please place this item on the August 23, 2022 City Commission meeting agenda.

**BACKGROUND INFORMATION:**

The owners of the properties, Cumberland Townhomes LLC and Midtown Properties LLC, have agreed to the following easements for stormwater detention and conveyance needed per the Trenton Addition stormwater Basis of Design report.

The attached easements & exhibit satisfy this condition.

**RECOMMENDED CITY COMMISSION ACTION:**

Approve dedication and acceptance of Offsite Storm Water Easement for Trenton Addition.

**STAFF CONTACT INFORMATION:**

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

## STORMWATER & DRAINAGE EASEMENT

This dedication of a Stormwater & Drainage easement is made this \_\_\_\_\_ day of \_\_\_\_\_, 2022, between **CUMBERLAND TOWNHOMES, LLC** whose post office address is P.O. Box 575, Bismarck, North Dakota, 58502, Grantor, **MIDTOWN PROPERTIES, LLC**, whose post office address is P.O. Box 575, Bismarck, ND 58502, 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 benefit to the citizens of the City of Bismarck, Cumberland Townhomes, LLC, and Midtown Properties, LLC hereby reserves, grants, and dedicates a stormwater & drainage easement to the City of Bismarck to run with the land for the purpose of conveying storm sewer and surface water drainage under, over, through and/or across the lands described below, together with the right to remove trees, brush, undergrowth, and other obstructions interfering with the location, construction, and maintenance of said utility. The City shall have the right to ingress and egress across the easement property for the purpose herein reserved.
2. The real property for the stormwater & drainage easement herein dedicated, granted and reserved is owned by the Grantor and is described as follows:

ALL THAT PART OF LOT 1 BLOCK 3 TRENTON ADDITION, OF SECTION 25, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 03 DEGREES 44 MINUTES 40 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 132.02 FEET; THENCE NORTHERLY AND TO THE LEFT, CONTINUING ALONG SAID WEST LINE, ON A 1033.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 8.88 FEET; THENCE NORTH 89 DEGREES 41 MINUTES 19 SECONDS EAST, A DISTANCE OF 133.07 FEET TO THE EAST LINE OF SAID LOT 1; THENCE SOUTH 00 DEGREES 25 MINUTES 40 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 116.33 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE SOUTH 74 DEGREES 13 MINUTES 04 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 17.23 FEET; THENCE SOUTHWESTERLY AND TO THE RIGHT, CONTINUING ALONG SAID SOUTH LINE, ON A 460.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 52.85 FEET; THENCE SOUTH 80 DEGREES 48 MINUTES 03 SECONDS WEST, CONTINUING ALONG SAID SOUTH LINE, A DISTANCE OF 55.51 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED EASEMENT CONTAINS 16,687 SF, MORE OR LESS.

AND

ALL THAT PART OF LOT 4 BLOCK 1 TRENTON ADDITION, OF SECTION 25, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 00 DEGREES 25 MINUTES 40 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 4, A DISTANCE OF 131.88 FEET TO THE SOUTH LINE OF SAID LOT 4; THENCE SOUTHWESTERLY AND TO THE RIGHT, ALONG SAID SOUTH LINE, ON A 7439.49 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 17 DEGREES 15 MINUTES 39 SECONDS WEST, AN ARC LENGTH OF 95.25 FEET; THENCE NORTH 14 DEGREES 36 MINUTES 08 SECONDS WEST, A

DISTANCE OF 140.49 FEET TO THE NORTH LINE OF SAID LOT 4 ; THENCE NORTH 80 DEGREES 48 MINUTES 03 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 73.74 FEET; THENCE EASTERLY AND TO THE LEFT, CONTINUING ALONG SAID NORTH LINE, ON A 540.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 56.03 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED EASEMENT CONTAINS 14,949 SF, MORE OR LESS.

Description prepared by Landon Niemiller; Swenson, Hagen & Co. P.C.; 909 Basin Ave, Bismarck, ND 58504.

- 3. The grantor is responsible for the installation, operation, and maintenance of improvements or facilities constructed or installed pursuant to this easement.
- 4. The term of this easement herein reserved is ninety-nine (99) years, beginning upon execution in 2022 and ending in 2121.

IN WITNESS WHEREOF, the Grantors have hereto fixed their signatures this the \_\_\_\_ day of \_\_\_\_\_, 2022.

STATE OF \_\_\_\_\_ )  
 ) SS  
COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_  
Derek Dame  
Cumberland Townhomes, LLC

On this \_\_\_\_ day of \_\_\_\_\_, 2022, before me appeared Derek Dame of Cumberland Townhomes, LLC, known to me to be the person that is described in and that he executed the foregoing instrument, and acknowledged that he executed the same.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, ND  
My Commission Expires:\_\_\_\_\_

IN WITNESS WHEREOF, the Grantors have hereto fixed their signatures this the \_\_\_\_ day of \_\_\_\_\_, 2022.

STATE OF \_\_\_\_\_ )  
 ) SS  
COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_  
Derek Dame  
Midtown Properties, LLC

On this \_\_\_\_ day of \_\_\_\_\_, 2022, before me appeared Derek Dame of Midtown Properties, LLC, known to me to be the person that is described in and that he executed the foregoing instrument, and acknowledged that he executed the same.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, ND  
My Commission Expires: \_\_\_\_\_

Acceptance by City of Bismarck:

\_\_\_\_\_  
MICHAEL T. SCHMITZ, PRESIDENT  
BOARD OF CITY COMMISSIONERS

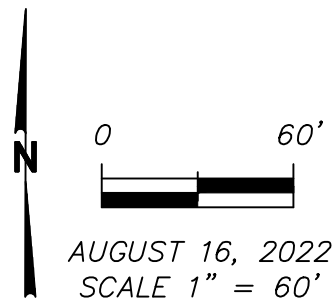
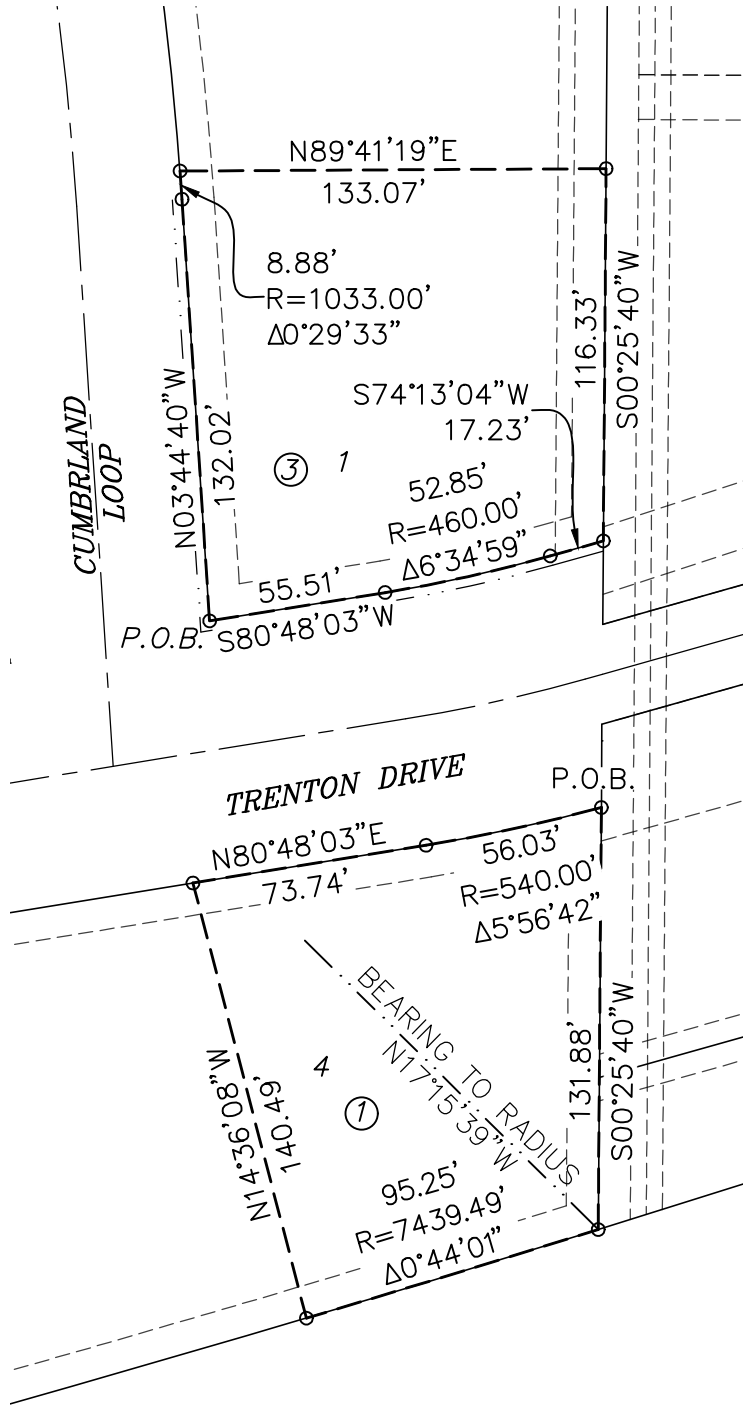
Attest: \_\_\_\_\_  
KEITH J. HUNKE  
CITY ADMINISTRATOR

STATE OF NORTH DAKOTA )  
 ) SS  
COUNTY OF BURLEIGH )

On this \_\_\_\_ day of \_\_\_\_\_, 2022, before me appeared MICHAEL T. SCHMITZ, President of the 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, Burleigh County, ND  
My Commission expires: \_\_\_\_\_

# STORMWATER & DRAINAGE EASEMENT EXHIBIT



**SWENSON, HAGEN & COMPANY P.C.**

Surveying  
Hydrology  
Land Planning  
Civil Engineering  
Landscape & Site Design  
Construction Management

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