



TO: Mayor Chuck Barney
Members of the City Council

FROM: David Wicke, Assistant City Engineer

DATE: 5/18/2018

SUBJECT: RIGHT OF WAY ENCROACHMENT AGREEMENT APPLICATION

I. RECOMMENDED ACTION

1. Recommend approval of the Right of Way Encroachment Agreement Application submitted by The Coca-Cola Bottling Company for the installation of three (3) semi-permanent monitoring wells in the City’s Right of Way for the purpose of monitoring area ground water condition.

II. DEPARTMENT CONTACT PERSONS

Lance Meyer, City Engineer	857-4100
David Wicke, Assistant City Engineer	857-4100

III. DESCRIPTION

A. Background

The Subject property requesting the encroachment permit is described as Sunnyside Addition Lots 6 thru 11 Block 1 Less Parcel 1-2 DOC#3007252 and is located at the physical address of 405 9th St. SE, Minot, ND 58701. Applicant is applying for the encroachment permit to install groundwater monitoring wells as required by the North Dakota Department of Health (NDDH) to investigate potential groundwater contamination.

The applicant will install three “permanent” monitoring wells in the Right-of-Way along East Burdick. Two (2) wells will be located in the sidewalk in front of the 405 9th St. SE and one (1) well will be located across the street in the right-of-way. Wells shall be installed flush with existing grades and upon approval of the ground water sampling analysis by the NDDH, the wells shall be permanently sealed and abandoned.

B. Proposed Project

Encroachments within the right-of-way are interpreted as a permanent encroachment as defined in Article I. Section 28-3 of the Code of Ordinances. If the City Council deems that the request is warranted, it should be approved with the following recommendations:

1. That the City Council approves the encroachment listed above.
2. That the permit holder agrees that the costs of maintenance and replacement be their responsibility.
3. That the City Attorney prepares the encroachment permit agreement, including language to protect the City from liability.
4. That the City Council retains the right to revoke the encroachment permit if it becomes necessary for any reasons.

5. That the permit holder pays a \$100 permit fee.
6. That the permit holder shall obtain and comply with insurance coverage requirements.
7. No person may construct or install the proposed ramp/walkway within the public right-of-way without having first obtained a permit from the City Engineer.

C. Consultant Selection
NA

IV. IMPACT:

A. Strategic Impact:
NA

B. Service/Delivery Impact:
NA

C. Fiscal Impact:
All costs associated with the Permit shall be bore solely by the applicant. The City will not be responsible for the permit holder's routine maintenance, repair, replacement or other related cost associated with the proposed ramp/walkway.

V. ALTERNATIVES
NA

VI. TIME CONSTRAINTS
NA

VII. LIST OF ATTACHMENTS

- A. Right-of-Way Encroachment Agreement Application
- B. Encroachment Exhibit – Map of Well Locations



RIGHT OF WAY ENCROACHMENT AGREEMENT APPLICATION

Contact Information:

Applicant/Owner The Coca-Cola Company

Mailing Address One Cola-Cola Plaza, Atlanta, GA 30313 Attn: Mike Ferrell CCP 508N

Phone (404)786-6380 Email mferrell@coca-cola.com

Consultant to The Coca-Cola Company:

Antea Group
5910 Rice Creek Parkway, Suite 100, Shoreview, MN 55126
Karen Thole, Project Manager
Karen.thole@anteagroup.com; (651)697-5203

Application Information:

Address of Requested Encroachment ⁴⁰⁵~~411~~ 9th Street SE, Minot, ND ⁴⁰⁵

Legal Description of Property Parcel ID No. MI243970100110

Briefly describe the reason for this request A petroleum release presumably associated with a historical gas station has been identified at the Coca-Cola facility at ~~411~~ 9th Street SE, Minot. Additional investigation of contaminated groundwater is required by the North Dakota Department of Health (NDDH), including the installation of "permanent" monitoring wells. The wells will be located in the rights-of-way along E. Burdick Parkway and will be constructed with an at-grade finish. The wells will be sampled on a regular basis to document groundwater impacts, if present. The wells will be sealed and all above-ground structures removed upon approval by the NDDH. A proposed well location map is attached.

Michael Ferrell
Signature of Applicant

5-9-2018
Date

*\$100.00 processing fee will be required before recording of encroachment (after City Council approval).

