

REVOCABLE ENCROACHMENT PERMIT/LICENSE

This encroachment permit/license pertains to an area and portion of property located within the City right-of-way located east of the building at 21 East Central Avenue in Minot, Ward County, North Dakota (“Encroachment Area”), or more specifically, an area of the sidewalk located east of the property described as the East 60’ of Lots 16, 17, 18, 19, & 20, Block 19, Original Minot Addition (See Attachment 1, consisting of one page which is incorporated by reference, which is a map of the approximate proposed Encroachment Area granted by this document).

The City of Minot (“the City”) hereby authorizes Creedence Properties III, LLC, the owner of 21 East Central Avenue, Minot, Ward County, North Dakota (“the Grantee”), to construct and install one ADA ramp and one staircase in the Encroachment Area to provide building access. The encroachment area shall begin approximately thirty-two (32) feet north of the southeast corner of the building/property, and terminate approximately fifty-seven (57) feet north along the building/property, extending no more than four and one-half (4.5) feet east into the right of way, encompassing a total horizontal projection area of approximately two hundred fifty-six and one-half (256.5) square feet.

As an express condition of this permit/license, the Grantee must ensure that the portion of City sidewalk east of the Encroachment Area meets ADA guidelines with the encroachment in place. If it does not, the Grantee shall reconstruct the sidewalk while constructing the ramp and stairs.

As an express condition of this permit/license, the encroaching condition of the placement of the ramp and stairs, which is hereby authorized, must be maintained in accordance

with such reasonable conditions and limitations and other restrictions as may be imposed by the Minot City Ordinances or from time to time by the Minot City Engineering Department.

As an express condition of this permit/license, the Grantee must indemnify and hold harmless the City for all claims, cause of actions, or claims for relief arising out of the grant of permission contained herein and the existence or use of the encroaching conditions authorized herein, including all costs of defense.

A further express condition of this permit/license is that all costs of installation, maintenance, and replacement of the encroachment conditions shall be the sole responsibility of the Grantee.

Failure of the Grantee to meet the express conditions of this permit/license will result in the automatic termination of this permit. At the City's discretion, the City may order the Grantee to remove the encroaching conditions authorized herein within thirty days after the City shall have sent to the Grantees at their address last known to the City a notice of such revocation. If the Grantee fails to remove the encroaching conditions in a timely manner, the City may perform the work and special assess the costs thereof to the Grantee.

The City retains the full right to revoke this permit/license for any reason, for good cause, for bad cause, or for no cause at all, and if it does so, it shall provide the Grantee with notice thereof, whereupon the Grantee is under the same obligation to restore the property upon which the encroaching conditions are located to its original condition before the granting of this permit/license.

The Grantees shall also pay to the City a \$100.00 fee for the processing and issuance of this revocable encroachment permit/license, with said fee being paid to the Inspection

Department of the City before authorization for placement of the encroaching condition is granted by the City.

The provisions of this Permit shall be binding upon and shall inure to the benefit of the Parties hereto, and their respective successors and assigns.

Dated at Minot, North Dakota, this ____ day of July, 2020.

CITY OF MINOT:

Shaun Sipma, Mayor

Attest:

Kelly Matalka, City Clerk

STATE OF NORTH DAKOTA)
) ss
COUNTY OF WARD)

On this ____ day of July, 2020, before me, a notary public, personally appeared Shaun Sipma and Kelly Matalka, known to me to be the Mayor and the City Clerk of the City of Minot North Dakota, and who acknowledged to me their execution of the foregoing instrument on behalf of the City.

Notary Public

