

## **REVOCABLE ENCROACHMENT PERMIT/LICENSE**

This encroachment permit/license pertains to an area and portion of property located within the City right-of-way located in the 3000 block of 10<sup>th</sup> Street Northwest in Minot, Ward County, North Dakota (“Encroachment Area”), or more specifically, an area of the boulevard located east of Lot 4, Block 1, Ballantyne 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 BK Investments, LLC, the owner of 3013 10<sup>th</sup> Street Northwest, Minot, Ward County, North Dakota (“the Grantee”), to construct and install a 1 ½” diameter private storm sewer pipe in the Encroachment Area to drain water from the back yard of the property into a City storm sewer catch basin. The private storm sewer shall be located approximately parallel to the northern property line, within 5 feet of either side of the property line, extending approximately fifteen (15) feet east of the eastern property line into the boulevard to the point of connection to the storm sewer catch basin, encompassing a total horizontal projection area of one hundred and fifty (150) square feet.

As an express condition of this permit/license, the encroaching condition of the placement of the private storm sewer 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.



