

RESOLUTION NO. R21-126

**A RESOLUTION APPROVING AN ENCROACHMENT PERMIT FOR THE
INSTALLATION OF A TRASH ENCLOSURE ON A PORTION OF SOUTH MONTANA
AVENUE ADJACENT TO 415 SOUTH 1ST AVENUE.**

WHEREAS, the property owner of a Lot located at 415 South 1st Avenue, City of Laurel, (“Property Owner”) is currently constructing a structure and such Lot is not able to support the City’s Garbage Trucks; and

WHEREAS, the Property Owner retained A&E Design and Wells Built Inc. to design and construct a Trash Enclosure to be located adjacent to the Lot on a portion of South Montana Avenue to enable garbage pickup and such action requires an encroachment permit issued by the City; and

WHEREAS, City Staff reviewed the application and supporting materials, attached hereto and incorporated herein, and recommends the City Council approve the Encroachment Permit pursuant to the authority provided the City Council under Chapter 12.16.040, LMC; and

WHEREAS, upon review of this situation and the special facts and circumstances surrounding this situation, the City Council has determined issuance of an Encroachment Permit is appropriate and in the City’s best interest.

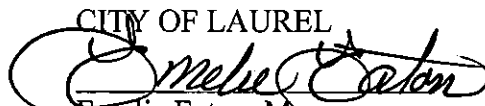
NOW, THEREFORE, BE IT RESOLVED by the City Council that the attached Encroachment Permit is hereby approved for the installation and construction of a Trash Enclosure to be located on a portion of South Montana Avenue, within the City of Laurel; and

BE IT FURTHER RESOLVED, that the permit shall remain valid and run with the property so long as the structure is not removed by the Property Owner. The Mayor/City Staff are authorized to execute and record the attached Encroachment Permit on behalf of the City of Laurel.


Introduced at a regular meeting of the City Council on December 14, 2021, by Council Member Wilke.

PASSED and APPROVED by the City Council of the City of Laurel this 14th day of December 2021.

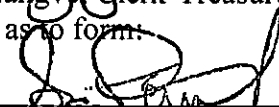
APPROVED by the Mayor this 14th day of December 2021.

CITY OF LAUREL

Emelie Eaton, Mayor

ATTEST:



Bethany Langve, Clerk-Treasurer
Approved as to form:



Sam S. Painter, Civil City Attorney



CITY OF LAUREL, MT

PO BOX 10 LAUREL, MT 59044

Encroachment Permit

Instructions:

1. Submit a completed Encroachment Permit application in duplicate (original signatures on both) with all necessary supplementary documents to the Public Works Department.
2. Pay the Encroachment Permit fee as established by the adopted Laurel Schedule of Fees at time of permit submittal.
3. The Public Works Department will review the application and approve, approve with conditions, or deny the permit application within 10 working days.
4. If the Public Works Department decides to approve or approve with conditions, Application will be sent to City Council for final approval.
5. If the Public Works Department denies the application, the applicant may appeal to Laurel City Council.
6. Permit approval will be followed by a return of a fully executed and approved permit form.

The undersigned hereby makes application for permission to encroach upon public right of way within the city limits of the City of Laurel, MT at the location described below and as shown on the attached site plan hereby made part of the application.

Applicant Name (or Representative): Adam Baumgartner AIA, for A&E Design

Job Address: 415 S. 1st Avenue, Laurel, Mt 59044

Legal description: Lot #: HAGEMAN SUBD 4TH FILING, S16, T02 S, R24 E, Lot 1 tract: _____

Property Owner: Steve Zabawa

Property Owner Phone: 406-670-8100

Property Owner Address: 840 Shiloh Rd, Billings, Mt 59106

Email: szabaea@rimrockauto.com

Contractor: Wells Built Inc

Business Phone: 406-656-1301

City of Laurel Business License #: 1995

Email: dereme@wellsbuilt.com

Completion Date: Nov 2022

Project Description: trash enclosure installed on the east side of S. Montana Avenue directly adjacent to our project site at 415 S. 1st Avenue.

Location of installations or structures to be installed: see above

Permit timeline (Length of time Permit is Desired for): eternity

I, the undersigned, request permission to work in the public right-of-way within the city limits of the City of Laurel, MT, at the above location subject to the rules and regulations set forth in Chapter 12 of the Laurel Municipal Code specifying current Montana Public Works Standard Specifications. In consideration for this permission, the applicant agrees to the following:

1. All construction concerning this permit will be in a safe manner so as not to interfere with or endanger public travel and to perform all work in a neat and workman type manner using material acceptable to the Building Official or the Director of Public Works and that the right-of-way will be cleaned and left in a condition equal to or better than the original condition.
2. The applicant will fully protect the traffic on the highway, street, alley, sidewalk, or public right-of-way during construction covered hereunder by proper and applicable signs, barricades, flagmen, and lights to indemnify and hold harmless the City of Laurel, its officers and employees, from all damages, expense, claims or liabilities

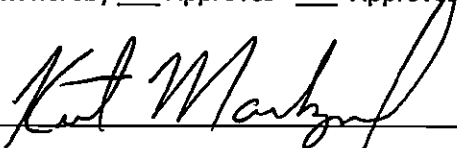
arising out of any alleged damages of any nature, any person or property, due to the construction performance or nonperformance of work or existence of said construction.

- 3. No work shall be done in such a manner that there will be parking or servicing of vehicles on the public right-of-way or adjacent sidewalks.
- 4. Special additional requirements: _____

Signature of Applicant:  Date: 11.2.2021

Name of Applicant (Printed): ADAM BAUMGARTNER

Public Works Department hereby Approves Approves with Conditions Denies Application for Encroachment Permit.

Public Works Director:  Date: 11-19-2021

Additional Staff Comments: The lot cannot support City Garbage trucks.

Encroachment Permit Application Fee: \$ 100.00

Annual Encroachment Rental Fee: \$ _____

Total amount due: \$ _____

- Application
- Site Plan
- Special Provisions Permit

SPECIAL PROVISIONS TO ENCROACHMENT PERMIT

The attached application for encroachment permit filed by ADAM BAUMGARTNER is hereby granted and approved subject to the following conditions:

1. **TERM:** This permit shall be in full force and effect from the date hereof until revoked as provided in Section 3 herein.
2. **RENTAL FEES:** Annual Encroachment Rental Fees shall be as established by Resolution of the City Council.
3. **REVOCATION:** This permit may be revoked by the City upon written notice to Permittee, at the address shown on the application hereto attached, but the City reserves the right to revoke this permit without notice in the event Permittee breaks any conditions or terms of the permit application or as set forth herein.
4. **COMMENCEMENT OF WORK:** No work shall be commenced until permittee notifies the Public Works Department when he proposes to commence work.
5. **CHANGES IN STREET:** If the City changes street, necessitating changes in the structure or installation under this permit, Permittee shall make necessary changes at their own expense.
6. **CITY SAVED HARMLESS FROM CLAIMS:** In accepting this permit the Permittee, their successors or assigns, agree to protect the City and save it harmless from all claims, actions or damage of every kind and description which may accrue to, or be suffered by, any person or persons, corporations or property by reason of the performance of any such work, character of materials used or manner of installations, maintenance and operation or by the improper occupancy of said right-of-way, and in case any suit or action is brought against the City and arising out of, or by reason of, any of the above causes, the Permittee, their successors or assigns, will, upon notice to it/him of the commencement of such action defend the same at its/his sole cost and expense and satisfy and judgement which may be rendered against the City in any such suit or action.
7. **COMPLETION – CITY APPROVAL:** All work completed under this permit must be to the satisfaction of the City. Any required corrections to such work performed must be made at the Permittee's expense.

