

RESOLUTION NO. R23-82

A RESOLUTION OF THE CITY COUNCIL APPROVING AN ENCROACHMENT PERMIT FOR A PORTION OF THE SIDEWALK LOCATED AT 202 WEST FIRST STREET FOR THE INSTALLATION OF LANDSCAPING ALONGSIDE THE SIDEWALK.

WHEREAS, Greg Schreiner, the Owner of the Building located at 202 West First Street, Laurel MT (hereinafter “the Property Owner”), who currently owns and operates a business known as “The Sunshine Academy” at said address, has filed an Application seeing an Encroachment Permit authorizing the installation of landscaping alongside the sidewalk on West First Street;

WHEREAS, the Property Owner has advised that, during the course of installation of landscaping alongside the sidewalk, a portion of the City sidewalk, which is a public right-of-way, will be encroached;

WHEREAS, the Property Owner has represented that the use will not unduly impact or impede pedestrian traffic on the remaining sidewalk;

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana that the attached Encroachment Permit is hereby approved for the installation of landscaping alongside the sidewalk on 202 West First Street, Laurel MT; and

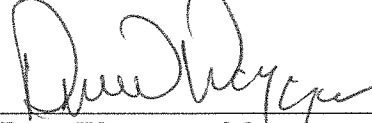
BE IT FURTHER RESOLVED that the Encroachment Permit shall remain valid and run with the property so long as the installation of the landscaping alongside the sidewalk on 202 West First Street, Laurel MT, is being undertaken.

Introduced at a regular meeting of the City Council on the 24th day of October 2023, by Council Member Wilke.

PASSED and APPROVED by the City Council of the City of Laurel the 24th day of October 2023.

APPROVED by the Mayor the 24th day of October 2023.

CITY OF LAUREL



Dave Waggoner, Mayor

ATTEST:



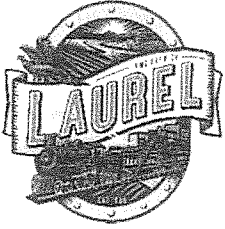
Kelly Strecker, Clerk-Treasurer



APPROVED AS TO FORM:



Michele L. Braukmann, 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): Greg Schreiner

Job Address: 202 1st

Legal description: Lot #: 16 Block: 2 Tract: 2

Property Owner: Greg Schreiner Property Owner Phone: 406 690 7040

Property Owner Address: 1326 Berg Purce dr Email: Greg@SunshineAcad.com

Contractor: Greg Schreiner Business Phone: 406 628 4211

City of Laurel Business License #: _____ Email: _____

Completion Date: _____

Project Description: Land scape along sidewalk and add planters along Building

Location of installations or structures to be installed: along building on 1st st

Permit timeline (Length of time Permit is Desired for): Foreseeable future

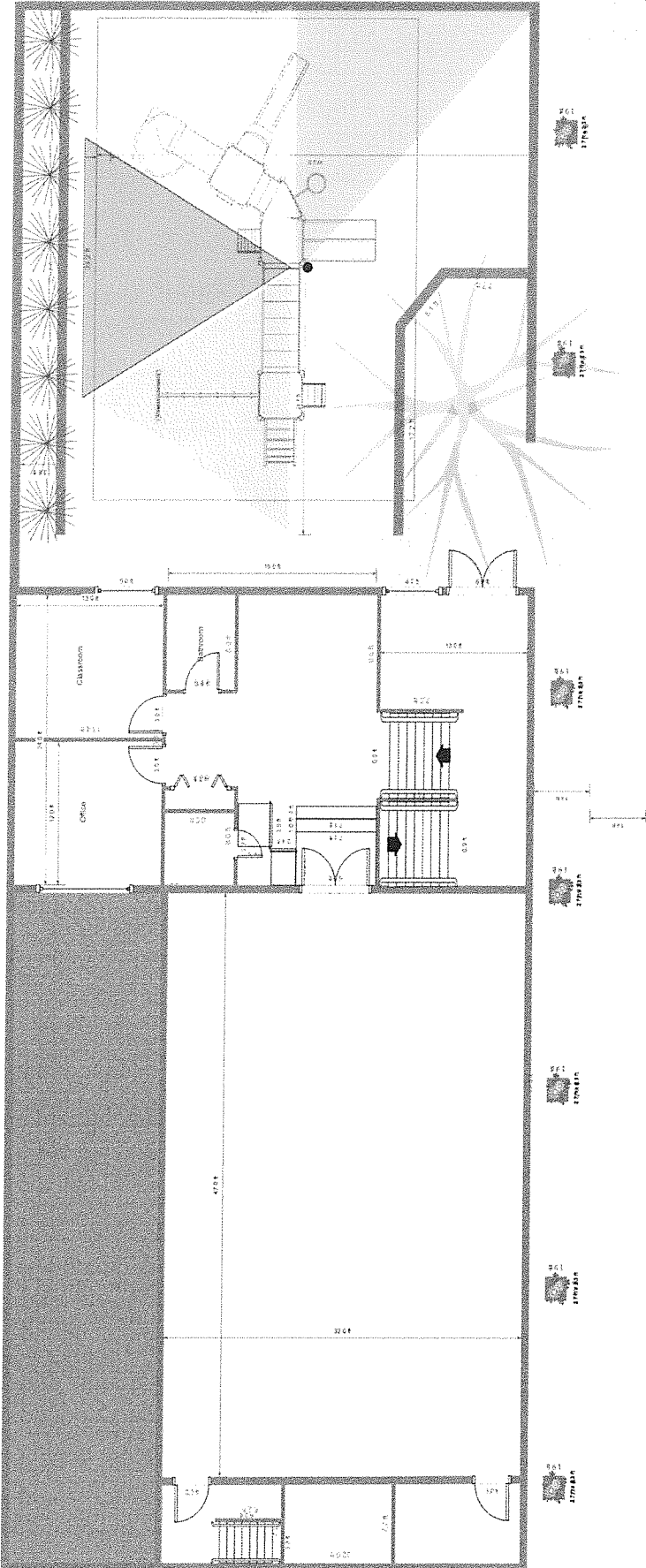
I, the undersigned, request permission to work in the public right- of- way within the city limits of the City of Laurel, MT, at the above location subject to the rules and regulations set forth in Chapter 12 of the Laurel Municipal Code specifying current Montana Public Works Standard Specifications.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

SPECIAL PROVISIONS TO ENCROACHMENT PERMIT

The attached application for encroachment permit filed by _____ 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. **REVOCAION:** 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.



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