

RESOLUTION NO. R23-86

A RESOLUTION OF THE CITY COUNCIL APPROVING AN ENCROACHMENT PERMIT FOR A PORTION OF THE ALLEYWAY OFF SECOND AVENUE NEAR #9 SECOND AVENUE.

WHEREAS, Ron Seder, the Owner of the Building located at #9 Second Avenue, Laurel MT (hereinafter “the Property Owner”), has filed an Application seeking an Encroachment Permit authorizing the installation of bollards in the alleyway off Second Avenue near #9 Second Avenue, Laurel MT;

WHEREAS, the Property Owner has advised that a portion of the City alleyway, 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 traffic in the alleyway;

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 authorizing the installation of bollards in the alleyway off Second Avenue near #9 Second Avenue, Laurel MT; and

BE IT FURTHER RESOLVED that the Encroachment Permit shall remain valid and run with the property for thirty (30) days.


Introduced at a regular meeting of the City Council on the 14th day of November 2023, by Council Member Wheeler.

PASSED and APPROVED by the City Council of the City of Laurel the 14th day of November 2023.

APPROVED by the Mayor the 14th day of November 2023.



CITY OF LAUREL



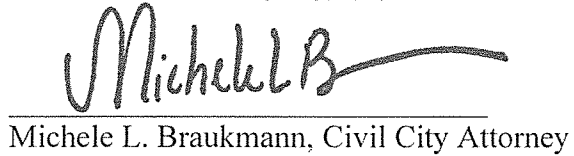
Dave Waggoner, Mayor

ATTEST:



Kelly Strecker, Clerk-Treasurer

APPROVED AS TO FORM:



Michele L. Braukmann, Civil City Attorney

October 5, 2023

City Of Laurel
P. O. Box 10
Laurel, MT 59044

Attention: Jason Gonzales

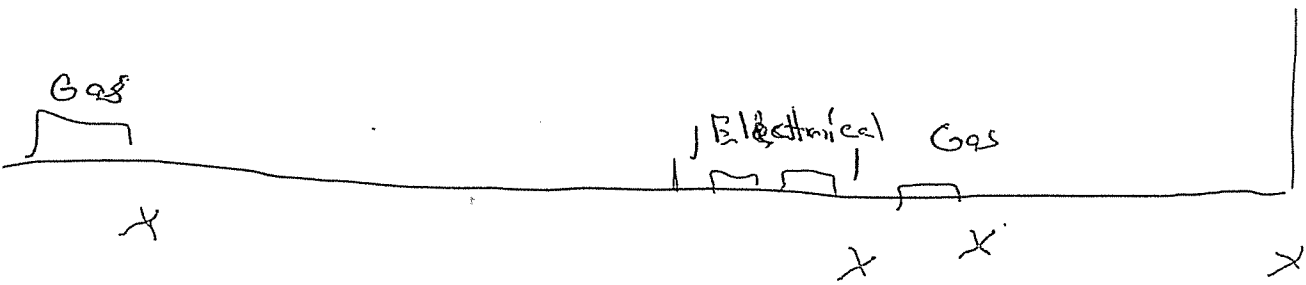
I Ron Seder owner of the new office building at #9 2nd ave. I am asking for an easement in the alley of this property to install 4 bollards. 1 bollards would be placed on the corner as you turn into alley to protect building structure from traffic turning into alley. The 2nd bollard would be place next to new gas meters being installed and 3rd bollard would be to protect electrical panels. The 4th bollard would be installed next to gas meter for the king koin laundromat building. If you have any question feel free to contact me at 406-855-5050.

Thank You for your prompt attention to this matter.

Sincerely,

Ron Seder
Ron Seder

The bollards would be 20 to 22in out from back of building.





CITY OF LAUREL, MT

PO BOX 10 LAUREL, MT 59044

Encroachment Permit

#682

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): Ron Sedor
 Job Address: #9 2nd Ave
 Legal description: Lot #: 9-~~10~~ Block: 1 Tract: T02S
 Property Owner: Ron Sedor Property Owner Phone: 406-855-5050
 Property Owner Address: 48 Whitehorse S Rd Email: r.s.91259@gmail.com
 Contractor: Ron Sedor Business Phone: 406-855-5050
 City of Laurel Business License #: _____ Email: r.s.91259@gmail.com
 Completion Date: 11-20-23
 Project Description: Tear down old building & New office building.
 Location of installations or structures to be installed: Alley way off 2nd Ave
 Permit timeline (Length of time Permit is Desired for): 30 Days

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 Ron Seder 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.