

ORDINANCE NO. 948

AN ORDINANCE AMENDING SECTION 11 OR ORDINANCE NUMBER 574, ALSO KNOWN AS APPENDIX C-SUBDIVISION REGULATIONS OF THE CITY OF WILLISTON, IN REGARDS TO LOT ACCESS.

Be it ordained by the Board of City Commissioners of the City of Williston, North Dakota;

That Section 11-D-5 of Ordinance Number 574 in Appendix C-Subdivision Regulations of the ordinances of the City of Williston is hereby amended to read:

Section 11.D.5

Every lot must have frontage on a publicly dedicated street other than an alley, or in the case of commercial or industrial properties be granted access via a recorded Perpetual Right-of-Way easement or Reciprocal Easement Agreement. Said public dedicated street or in the case of a commercial or industrial property, as easement, shall be at least thirty (30) feet in width and meet the subdivision regulations and building department requirements as established by the City of Williston. In the case of commercial or industrial properties said easement shall follow the requirements as defined below or as modified by a Development Agreement:

1. For purposes of this Ordinance, a Perpetual and/or Reciprocal Easement is defined as a contract that allows multiple parties with specific ownership or interest in said properties(ies) to use both the surface and underground rights to the property(ies) for the express mutual benefit of said property(ies);
2. Said easements shall provide ingress and egress to owners and their invitees and location of public or private utilities with the property(ies);
3. Said easements shall benefit each property owner that such easement crosses or provides benefit;
4. Said Reciprocal Easements shall not be construed as allowing or providing a pass through benefit of access or utilities to property(ies) that are not a contractual party to said easements;
5. Said easement shall not confer right to property(ies) that are not a party to the easement;
6. Said easements shall grant permission for construction, maintenance and repairs of utilities and surface improvements as needed;
7. Said easements shall be subject to all City of Williston subdivision and building regulations regarding site development unless otherwise modified by Development Agreement;
8. Easement shall run with the land;
9. For new subdivisions, easements shall be specifically noted on the final plat. Perpetual or Reciprocal easement agreements must be recorded at the time of final plat recording;
10. Access roads within property(ies) that are served by said easements shall be delineated on the street signs as private in nature;

11. All associated agreements dealing with utilities or access to the property(ies) shall identify that such services are via private conveyance and as such are not the responsibility of the City of Williston unless modified by Development Agreement;
12. Maintenance of roads and utilities provided by such easements shall be the responsibility of the benefiting lot owners unless otherwise modified by Development Agreement.

Commissioner Cymbaluk moved the adoption of the foregoing Ordinance. The motion was seconded by Commissioner Bogar. On roll call vote of the Commissioners, the following Commissioners voted "AYE": Bekkedahl, Klug, Cymbaluk, Bogar, Koeser and the following Commissioners voted "NAY": None WHEREUPON, the motion was passed and the Ordinance declared adopted this 24th Day of May, 2012.

ATTEST:



E. Ward Koeser – President

Board of City Commissioners

John Kautzman, City Auditor

FIRST READING: APRIL 10, 2012

SECOND READING: MAY 24, 2012

PUBLISHED: NONE

ADOPTED THIS 24TH DAY OF MAY, 2012