

RESOLUTION 18-10729

**A RESOLUTION AUTHORIZING PERMIT FOR
CONSTRUCTION AND MAINTENANCE OF
PEDESTRIAN SKYWAY**

WHEREAS, Section 6-901, BMCC, encourages the private development over city streets and alleys of enclosed pedestrian skyways, but subject to uniform minimum standards to ensure that all such structures shall be constructed, finished, lighted and maintained in compliance with all applicable codes, and shall consistently be of high quality and attractive design and construction so as not to be detrimental to the surrounding properties, and so that they shall contribute to orderly and desirable development of the surrounding areas in the interest of the general public; and

WHEREAS, continued development within downtown Billings is often dependent upon pedestrian skyway connections between office buildings and parking facilities over city streets and alleys to promote pedestrian safety, convenience and access; and

WHEREAS, WC Commercial LLC is the Owner of the Stillwater Building which is a multi-story office building located at 316 North 26th Street. CRMX-233 ("the Owner") is constructing a Parking Garage, a multi-story private parking facility, located at 2549 3rd Avenue North, to provide parking to users of the Stillwater Building; and

WHEREAS, the Owner desires to construct and maintain a pedestrian skyway connecting its Parking Garage to the Stillwater Building, identified and attached, hereto, as Exhibit A; and

WHEREAS, City Council is empowered pursuant to §6-902, BMCC, to authorize the issuance of a permit to construct and maintain a pedestrian skyway over and across city streets or alleys upon a finding that such a pedestrian skyway is in the public interest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. The City Council finds that the construction and maintenance of the pedestrian skyway, identified and attached as Exhibit A, is in the public interest and, therefore, authorizes the Mayor to execute and acknowledge a Permit for the Construction and Maintenance of a Pedestrian Skyway between the City and the Owner, identified and attached as Exhibit B, for the construction and maintenance of a pedestrian skyway connecting the Stillwater Parking Garage to the Stillwater Building over and across North 26th Street.
2. Pursuant to Section 6-903(11), BMCC, the City Council prescribes that Owner, as Permittee, shall obtain prior to commencement of construction of the pedestrian skyway and maintain at all times thereafter until the

termination of the permit, for the mutual benefit of the Permittee and the City, general public liability insurance against claims for bodily injury, death or property damage occurring in, on or about the pedestrian skyway, with minimum limits of \$1,500,000 each occurrence, naming the City as an additional insured.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, on the 11th day of June, 2018.

CITY OF BILLINGS



By: William A. Cole
William A. Cole, Mayor

ATTEST:

By: Denise R. Bohlman
Denise R. Bohlman, City Clerk

Exhibit A

The construction of the pedestrian walkway will consist of structural steel trusses at the side walls. They will span from the new parking garage on the east to new columns, approximately 4'-0" east of the property line at the existing office building on the west side of North 26th Street. The new columns will be in the vicinity of the existing canopy at the office building. From there the skybridge will cantilever to the 3rd floor of the office building.

The exterior will be a prefinished metal siding on metal stud walls attached to the trusses. There will be a continuous band of aluminum framed glazing approximately 7'-0" high with solar gray tinted glass. The bottom will be a prefinished metal soffit panel. The sidewalls will create a parapet approximately 12" above a single ply membrane roofing.

CITY ENGINEERING DIVISION
2224 MONTANA AVE
BILLINGS, MT 59102

STRUCTURE ENCROACHMENT APPLICATION AND PERMIT

\$50.00 140 400247
Application Annual Fee Tax Code Number

APPLICATION FOR PERMIT TO

Pedestrian Skyway between Stillwater Building and Stillwater Parking Garage.

(Insert Nature of Permit)

1. Name of Applicant: CRMX-223 LLC
2. Address of Applicant: 8 South Idaho Street, Ste A, Dillon, MT 59725
3. Telephone number of applicant: 406-839-9151
4. Legal Description: Subdivision: S33, T01 N, R26 E
Lot(s): 17 - 24 Block: 42 Address: 2549 3rd Ave. North, Billings MT 59101
5. Property Owner: CRMX-223 LLC, Rep Joe Holden
(Permittee)
6. Property Owner's Address: Same as above
7. If Permittee is a Corporation, give State of Incorporation and names of President and Secretary: n/a
8. Nature of Permit desired: (Give sufficient detail to permit thorough understanding, and submit blue prints or sketches, in duplicate.)
A skyway is proposed to connect the Stillwater Building and the Stillwater Parking Garage. This connection will allow pedestrian traffic to more easily access the building. In order to provide this access, encroachments into the City's ROW will be required.
9. Location of installations or structures to be installed: See attached plan sheets (note that these plans are awaiting building department approval and may be subject to minimal changes).
10. For how long a period is the permit desired: 20 Years

REMARKS: The duration identified above is pursuant to City Code, Section 6-902
- Permits, (b), (5)

Dated at Dillon, Montana, this 26th day of July, 2018

CRMX-223 LLC
by: Joe A. Holden
SIGNATURE OF PROPERTY OWNER
(Permittee)

PERMIT FOR THE CONSTRUCTION AND MAINTENANCE OF A PEDESTRIAN SKYWAY

Subject to the following terms and conditions, this provision is included and is part of the attached permit, is hereby granted:

1. **TERM.** This permit shall be in force and effect from the date for a term of 20 years and thereafter until either the removal of the pedestrian skyway or termination of the permit by the city upon sixty (60) days' written notice to the permittees, as provided below.
2. **CONSTRUCTION AND MAINTENANCE PERMIT.** The pedestrian skyway hereafter constructed pursuant to this permit shall be erected and maintained within the guidelines of Section 6-903 of the Billings, Montana City Code (BMCC).
3. **REVOCATION.** This permit may be revoked by the City with good cause after expiration of the initial term, upon sixty (60) days' written notice to Permittee, at the address shown in the application hereto attached, but the City reserves the right to revoke this permit at any time upon failure to cure defaults listed in such sixty (60) day notice in the event Permittee breaks any of the conditions or terms set forth herein. "Good cause" means the City's proposed change in use of the right of way to a use inconsistent with existence of the skybridge.
4. **BINDING COVENANT.** This permit and conditions shall run with the land binding the owners of the buildings connected by the pedestrian skyway, and their successors and assigns, to comply with the terms of the permit.
5. **CHANGES IN STREET.** If City changes street necessitating changes in structure or installations installed under this permit, Permittee shall make necessary changes without expense to City.
6. **CITY SAVED HARMLESS FROM CLAIMS.** The Permittee shall at all times during the continuance of the permit indemnify and hold the city harmless of and from all claims, demands, actions and liability of any kind whatsoever for damage to persons or property resulting from the construction, use or maintenance of skyway in the public right-of-way. The Permittee shall obtain prior to commencement of construction of the skyway and maintain at all times thereafter until the termination of the permit, for the mutual benefit of the Permittee and the city, general public liability insurance against claims for bodily injury, death or property damage occurring in, on or about the pedestrian skyway, such insurance to afford protection to limits as prescribed by council resolution, and to be issued by a company or companies licensed to do business in the state. Such policies shall provide that such insurance cannot be cancelled without prior written notice to the city.
7. **PROTECTION OF TRAFFIC.** Insofar as the interests of the City and the traveling public are concerned, all work performed under this permit shall be done under the supervision of the City Engineer of the City of Billings and his authorized representatives, and he/they shall indicate barriers to be erected, the lighting thereof at night, placing of flagmen and watchmen, manner which traffic is to be handled, shall specify to Permittee new road surfaces to be replaced if it is disturbed during operations, but said supervision shall in no way operate to relieve or discharge Permittee from any of the obligations assumed by acceptance of this permit, and especially those set forth under Section 6, hereof.

8. STREET AND DRAINAGE. If the work done under this permit interferes in any way with the drainage of the City streets or alleys affected, Permittee shall, at their own expense, make such provisions as the City may direct to take care of drainage.
9. RUBBISH AND DEBRIS. Upon completion of work contemplated under this permit, all rubbish and debris shall be immediately removed and the roadway and roadside left in a neat and presentable condition satisfactory to the City.
10. WORK TO BE SUPERVISED BY THE CITY. All work contemplated under this permit shall be done under the supervision of, and to the satisfaction of, an authorized representative of the City, and the City hereby reserves the right to order the change of location or removal of any structure or installation authorized by this permit at any time, said changes or removal to be made at the sole expense of the Permittee.
11. CITY RIGHT NOT TO BE INTERFERED WITH. All such changes, reconstruction or relocation shall be done by Permittee in such a manner as will cause the least interference with any of the City's work, and the City shall not be liable for any damage to the Permittee by reasons of any such work by the City, its agents, contractors or representatives, or by the installations or structures placed under this permit.
12. REMOVAL OF INSTALLATIONS OR STRUCTURES. Unless waived by the City upon termination of this permit, within a reasonable amount of time, not to exceed sixty (60) days, after termination, the Permittee shall remove the installations or structures contemplated by this permit and restore the premises to the condition existing at the time of entering upon the same under this permit, reasonable and ordinary wear and tear and damage by the elements, or by circumstances over which the Permittee has no control, excepted.
13. MAINTENANCE AT EXPENSE OF PERMITTEE. The pedestrian skyway shall at all times be maintained in good condition, both interior and exterior, by the permitted, without expense to the city.
14. CITY NOT LIABLE FOR DAMAGE TO INSTALLATIONS. In accepting this permit, the Permittee agrees that the City shall not be held liable for any damage or injury done to said installations or structures by any City employee engaged in construction, alteration, repair, maintenance or improvement of the City street or alley.
15. CITY TO BE REIMBURSED FOR REPAIRING ROADWAY. Upon being billed therefore Permittee agrees to promptly reimburse City for any expense incurred in repairing surface of roadway due to settlement at installation, or for any damage to roadway or structure as a result of the work performed under this permit.
16. OTHER CONDITIONS AND/OR REMARKS. If this encroachment involves excavation in the public right-of-way, (1) a licensed and bonded contractor must obtain a right-of-way permit from the City Engineer's Office prior to start of work; and (2) applicant must maintain a subscription to Montana One-Call System for locating utility lines and underground facilities.

Dated at Dillon, Montana, this 26th day of July, 2018.

The undersigned, the "Permittee"
mentioned in the foregoing instrument,
hereby accepts this permit, together
with all of the terms and conditions
set forth therein.

CRMX - 233

by Alexander Hansen
(PROPERTY OWNER) PLT

City of Billings

BY:

William A Cole

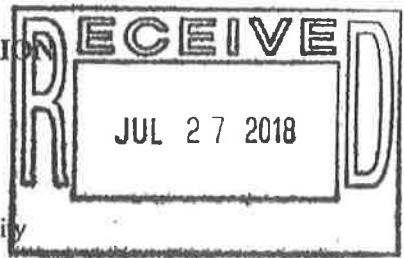
Mayor, William A. Cole

June 11, 2018

(DATE)

PROCEDURE FOR ENCROACHMENT PERMIT APPLICATION

EFFECTIVE November 29, 1999



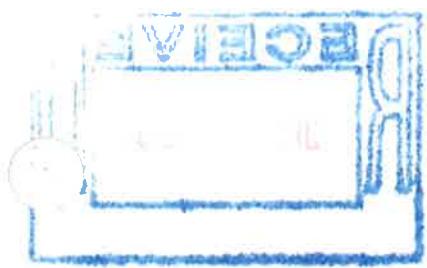
1. Application and Permit form with "special provision" can be obtained from the City Engineering Division.
2. Complete original form and one copy must be returned to the Engineering Division with the \$50.00 application fee to cover administrative review costs. The original application will be retained by the City Engineering Division; the duplicate will be the applicant's file copy.
3. The application must be signed by the **Property Owner** of record.
4. At least two weeks review time by the Engineering Division should be allowed. It shall be the applicant's responsibility to coordinate with all appropriate utilities. The application fee of \$50.00 and the annual fee (typically \$1.00 per square foot of encroachment area is billed annually on the owner's property tax statement) must be completed on the Application and Permit form and the fee submitted to the City Engineer. If there is any question on the fee, please contact the Engineering Division at 657-8231.
5. If the Engineering Division recommends the approval of the application, the Permit Clerk will contact the applicant.
6. If the Engineering Division recommends denial of the application, the copy will be returned to the property owner, who may elect as an individual to submit the application to the City Clerk and the City Council for the appeal process.
7. If the City Council approves the Encroachment Permit, the City will forward an executed copy of the Permit to the Public Works Account Clerk for the annual assessment to be placed on the tax rolls.
8. The Public Works Account Clerk will forward the original to Engineering for filing, and will forward an executed copy of the Permit to the property owner.

PROCEDURE FOR ENCROACHMENT PERMIT APPLICATION

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CONTRACT ROUTING FORM

(please attach ~~three~~¹ originals of agreement, signed by contractor, and any supporting documents)

PARTIES TO THE CONTRACT: City of Billings & CRMX-223 LLC

PURPOSE OF CONTRACT: Encroachment Permit for Skyway Bridge

1) Signature of person requesting contract signatures:

Comments:

Approved @
(8/11/18) council meeting

Name: Chris Hertz

Dept: Engineering

Phone #: 3095

Signature: Chris Hertz

Date: 8/16/18

2) Signature of Purchasing Agent:

Comments:

Name: Liz Kampa-Weatherwax

Signature: Liz KW

Date: 8/17/18

3) Signature of Legal Department:

Comments:

OK

Name: BRENT BROOKS

Signature: Brent Brooks

Date: 8-08-18

4) Signature of City Administrator

(\$50,000 or less) or Mayor

(\$50,000+ or if approved by Council):

Comments:

Name: William A. Cole

Signature: William A Cole

Date: 8-22-18

5) Signature of City Clerk:

(that they received one Original

final copy of contract)

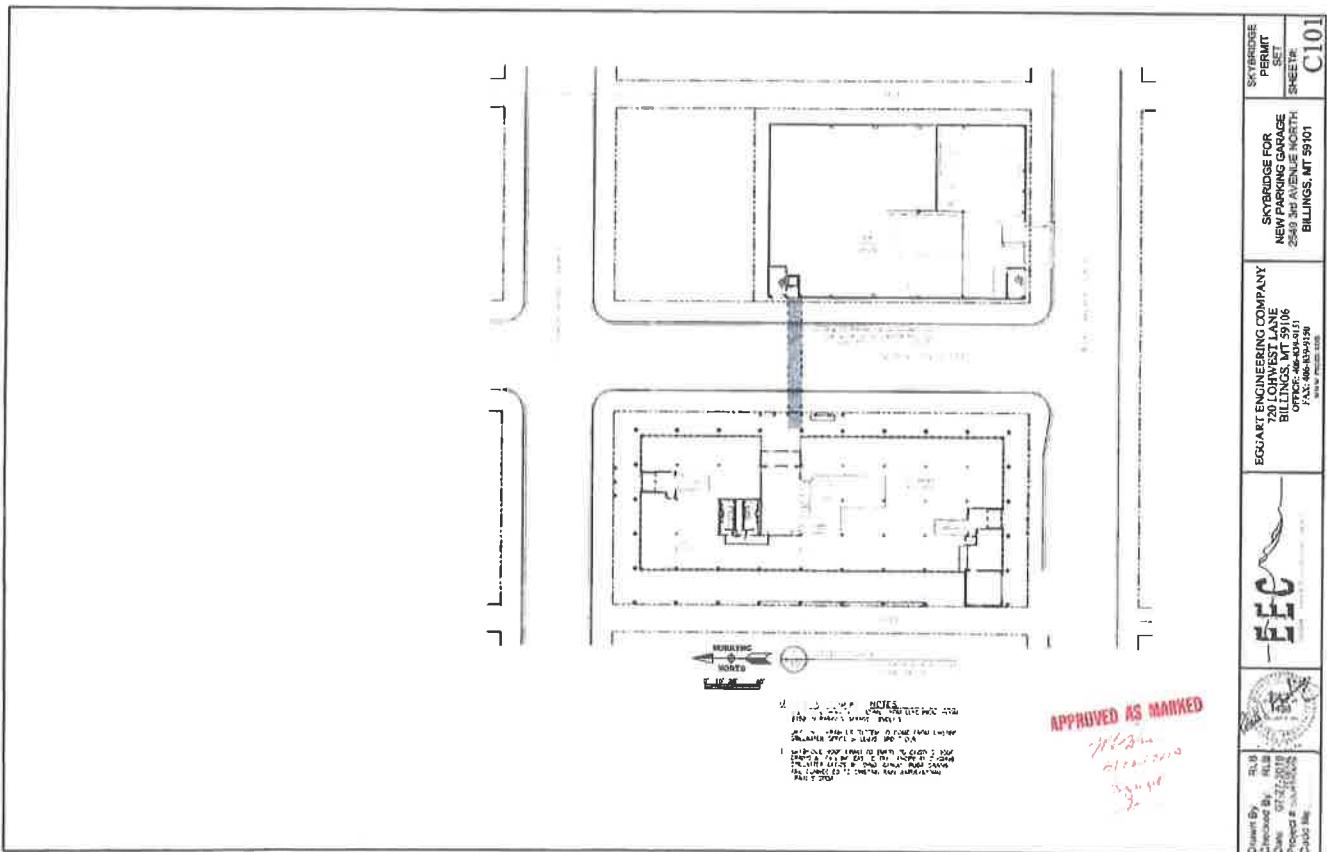
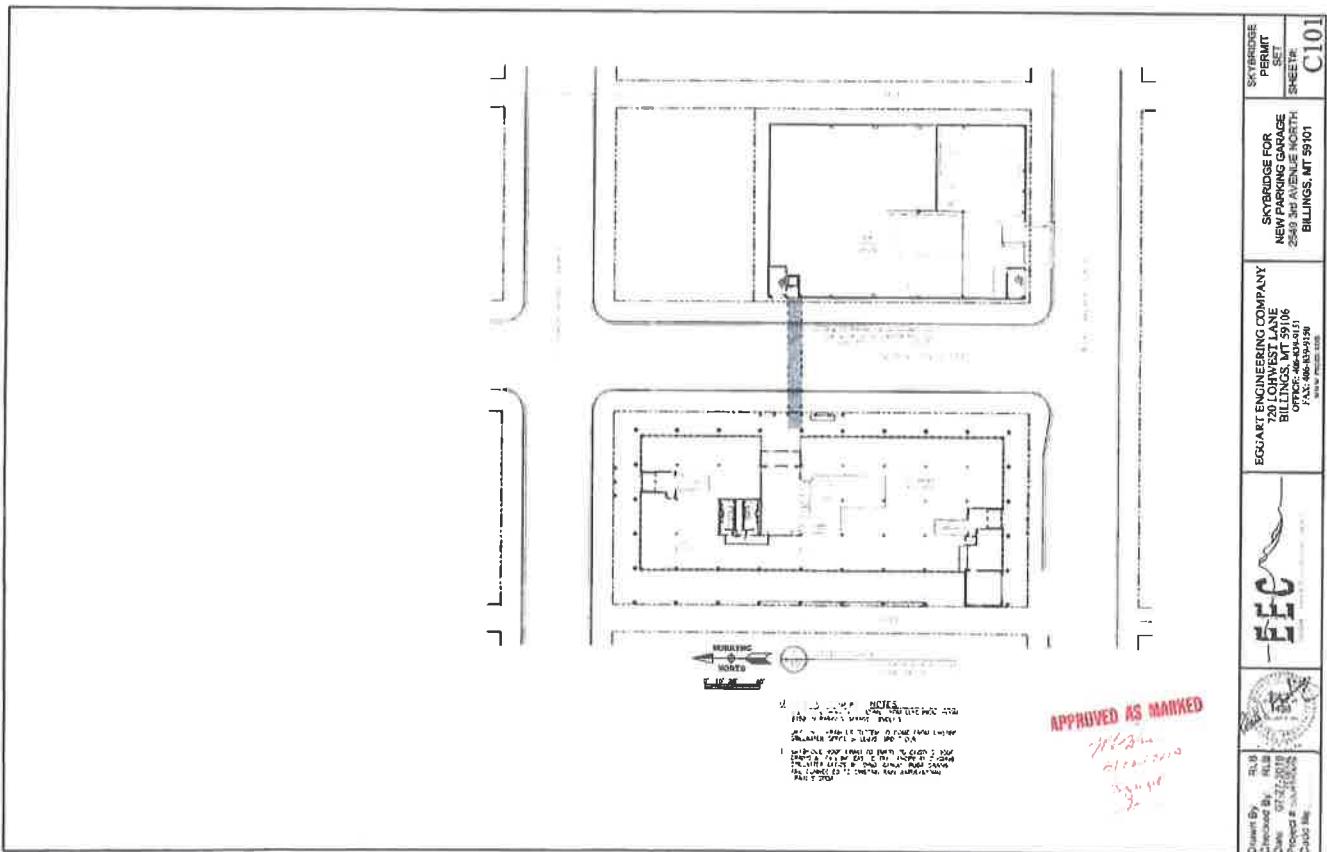
(2nd original returned to requestor)

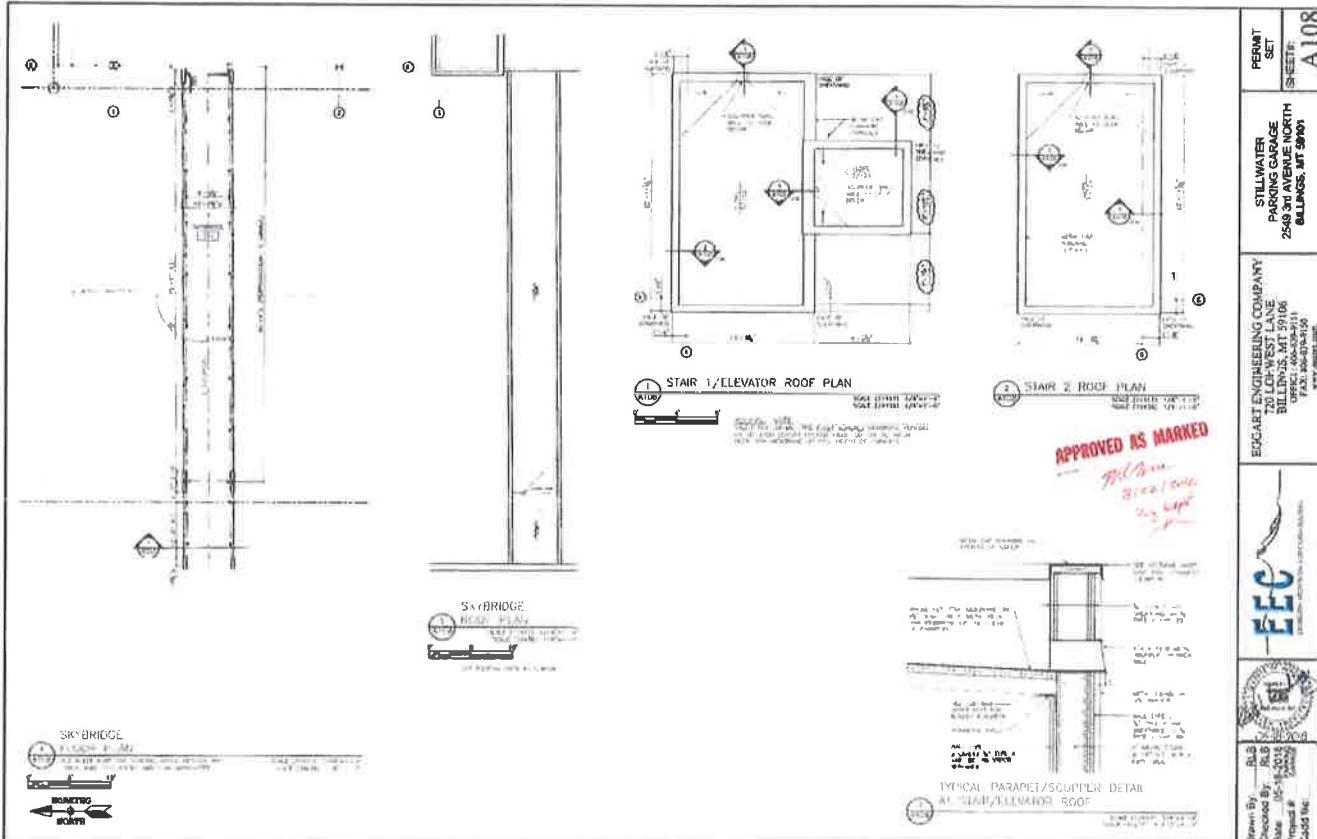
Name: Denise R. Bohlman

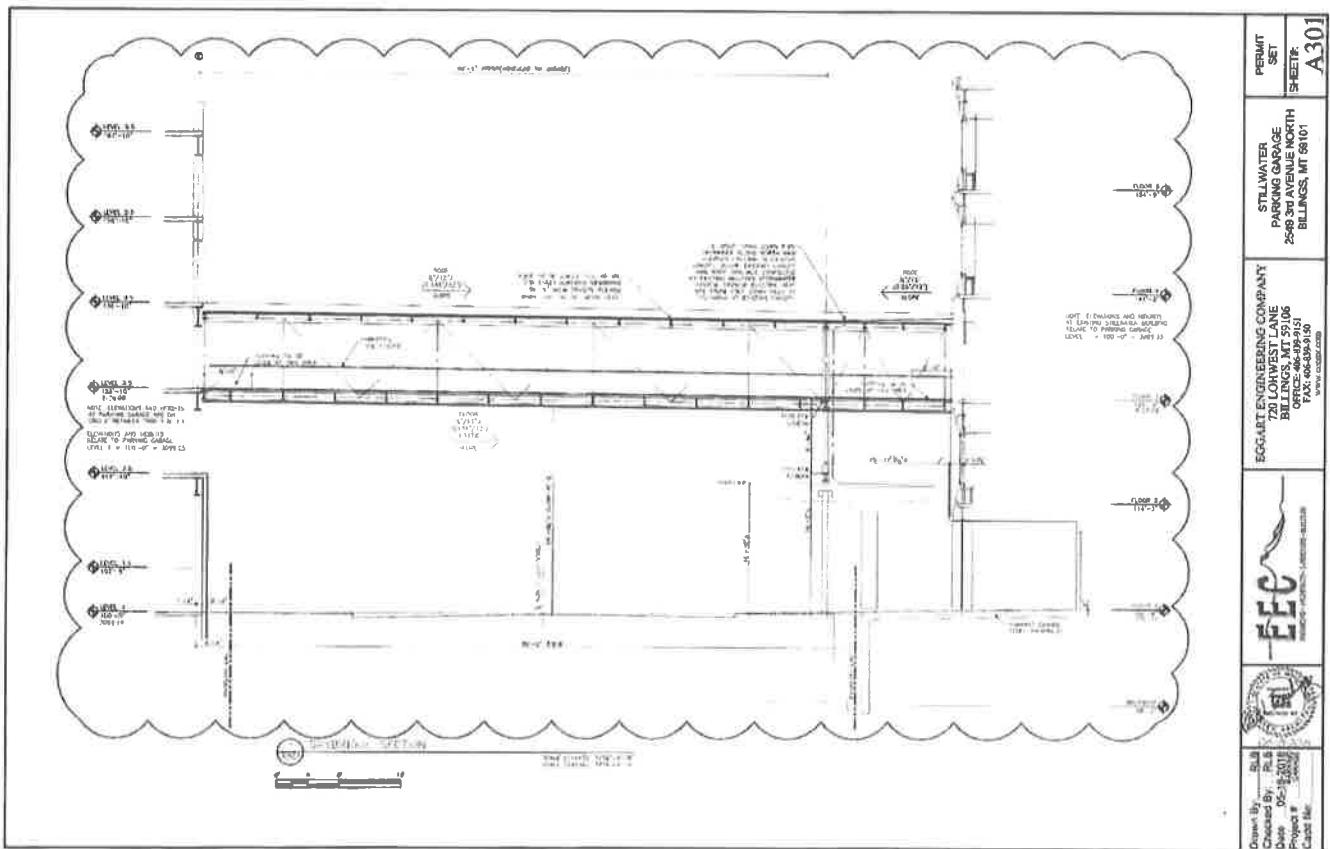
Signature: Denise R. Bohlman

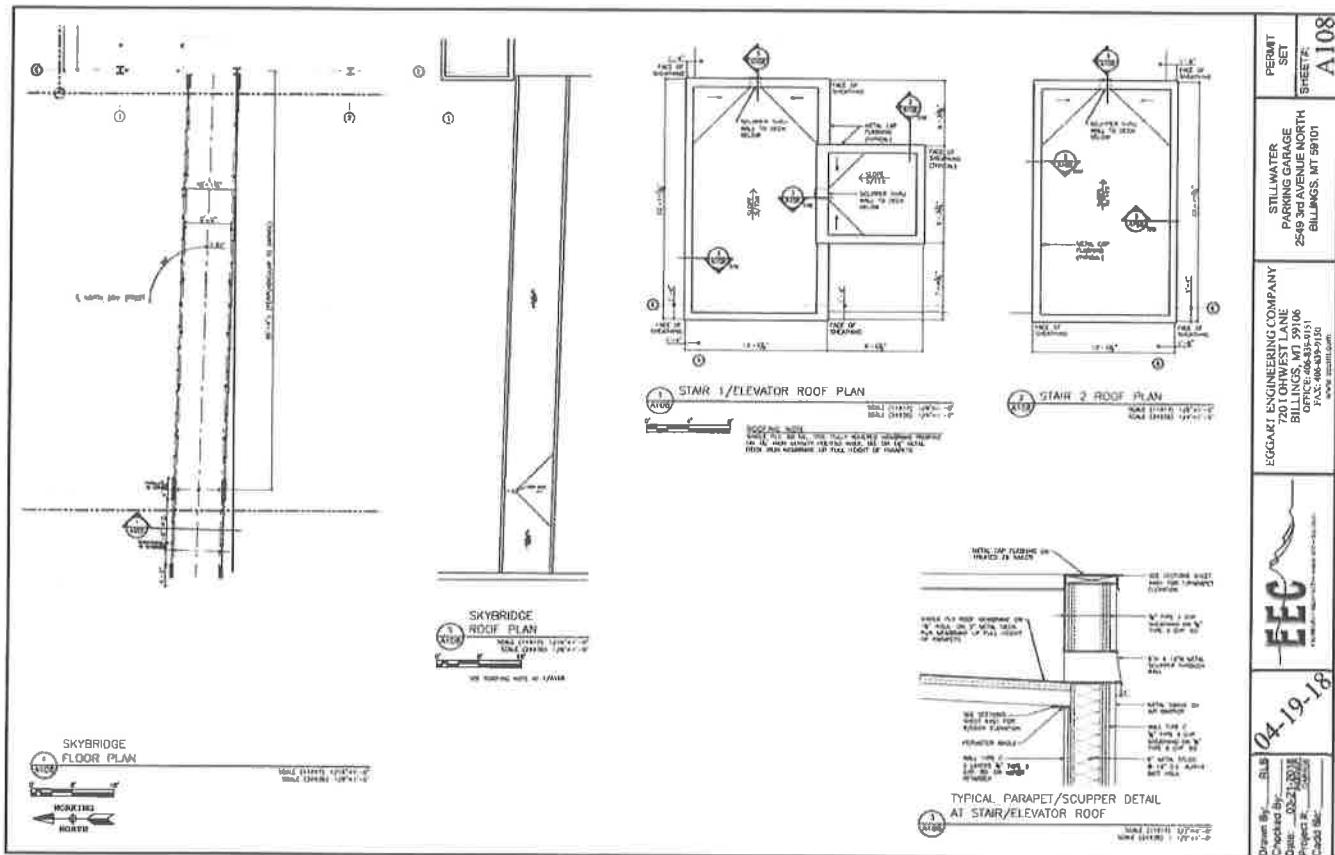
Date: 8.22.18

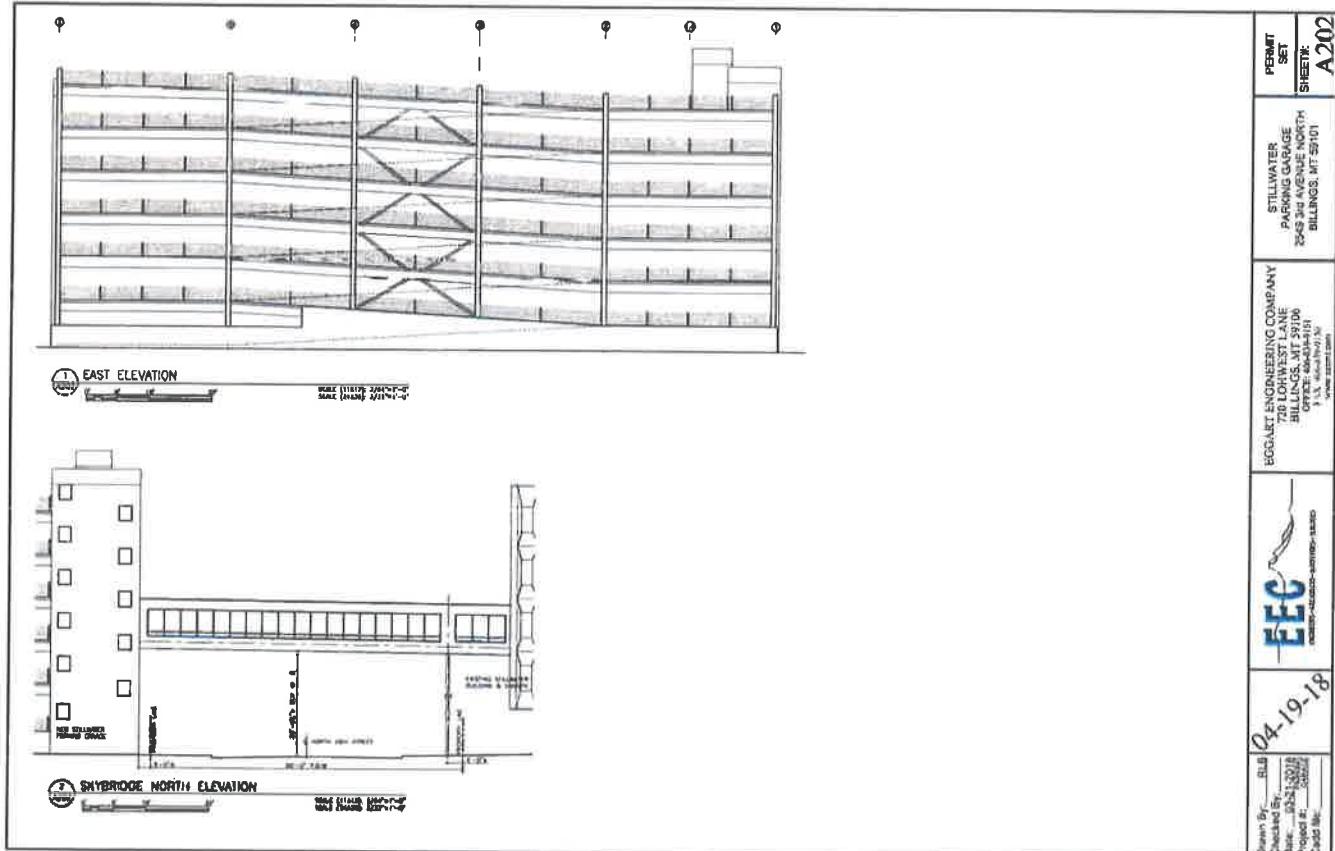
6) ENGINEER: SCAN COPY TO CONTRACT FILE WHEN RETURNED

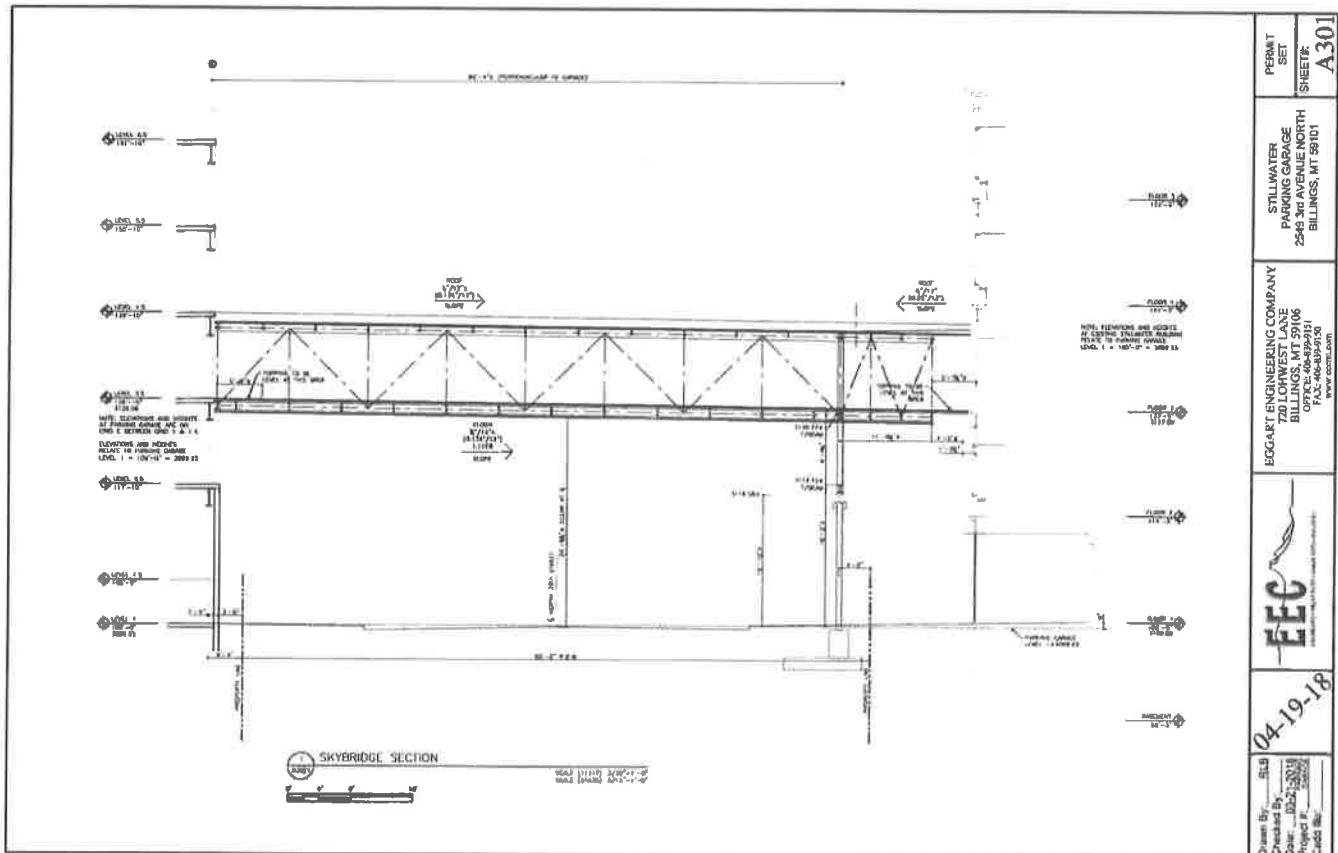
		<p>NOTES</p> <p>1. ALL EXISTING CONCRETE FLOORS ARE TO BE REMOVED 2. EXISTING CONCRETE FLOORS ARE TO BE REMOVED 3. EXISTING CONCRETE FLOORS ARE TO BE REMOVED 4. EXISTING CONCRETE FLOORS ARE TO BE REMOVED</p>
		<p>APPROVED AS MARKED</p> <p>11/22/2010 R.L.B. EGC</p>
<p>Drawn By R.L.B. Checked By R.L.B. Date 11/22/2010 Project # 100-000000 Cust. No.</p>	<p>EGGART ENGINEERING COMPANY 720 LOWEST LANE BILLINGS, MT 59106 OFFICES: 3rd Avenue North T.A.C. 406-375-9736 www.eggart.com</p>	<p>SKYBRIDGE PERMIT SET SHEET #: C101</p>
		<p>NOTES</p> <p>1. ALL EXISTING CONCRETE FLOORS ARE TO BE REMOVED 2. EXISTING CONCRETE FLOORS ARE TO BE REMOVED 3. EXISTING CONCRETE FLOORS ARE TO BE REMOVED 4. EXISTING CONCRETE FLOORS ARE TO BE REMOVED</p>

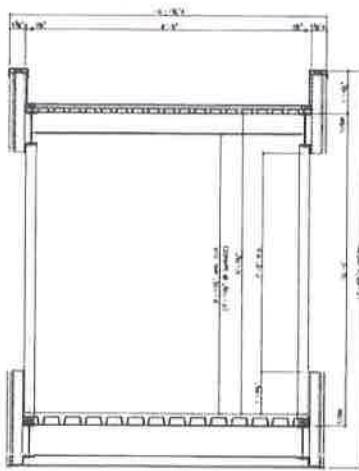












1 SKYBRIDGE SECTION

VERS 111111 7/18/14-48

04-19-18		EEGAR ENGINEERING COMPANY 725 CHAVEST LANE MILLIKEN, MI 49460 TEL: (616) 459-5111 FAX: (616) 459-5111 www.eegar.com	STILLWATER PARKING GARAGE 250 2nd AVENUE NORTH BILTMORE, MI 48161	PERMIT SET SHEET #: A302
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