



Item: Corrected Resolution 9915 to Annex Northview Addition, Phase 5

From: Jana Cooper, RLA, Planner II, Planning and Community Development

Initiated By: Jim Workman Construction Co., Property Owner and Developer

Presented By: Mike Haynes, AICP, Director of Planning and Community Development

Action Requested: City Commission adopt Corrected Resolution 9915 pertaining to Northview Addition, Phase 5.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Corrected Resolution 9915 to Annex Northview Addition, Phase 5.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

Recommendation: Staff recommends the adoption of Corrected Resolution 9915 which corrects Resolution 9915 to annex Northview Addition, Phase 5.

Background: At the conclusion of a public hearing held January 9, 2007, the Planning Advisory Board conditionally approved the preliminary plat of Northview Addition, Phases 2-7 and the Zoning Commission approved a motion assigning a zoning classification of PUD Planned unit development district to each phase upon annexation to the City. During a meeting held February 6, 2007, the City Commission conditionally approved the Preliminary Plat of Northview Addition Phases 2-7, as recommended by the Planning Advisory Board. No citizens spoke as proponents or opponents during the hearing.

On May 25, 2010 the Zoning Commission recommended a motion to the City Commission that Northview Addition, Phase 5 be zoned PUD Planned unit development district, upon annexation to the City. The Planning Advisory Board recommended a motion to the City Commission to approve the annexation and the Final Plat of Northview Addition, Phase 5.

Ordinance 3070 to assign City zoning for Northview Addition Phase 5 was accepted by the City Commission on first reading on March 1, 2011. Notice of Public Hearing held before the City Commission for the annexation, establishment of City zoning, and final plat for Northview Addition Phase 5 was published in the Great Falls Tribune on March 20, 2011.

At the conclusion of a Public Hearing held on April 5, 2011 City Commission adopted Resolution 9915 to annex Northview Addition, Phase 5 and approved Ordinance 3070 to assign City zoning to the project.

Prior to the Planning Board action in 2011, the developer made a last minute change to the boundary of Phase 5, reducing its size from 3.276 acres to 2.916 acres. While the Final Plat that was filed at the County Clerk and Records Office correctly showed Phase 5 as 2.916 acres, Resolution 9915 and the attached exhibit still showed Phase 5 as consisting of 3.276 acres. The purpose of Corrected Resolution 9915 is to amend that error in Resolution 9915.

Concurrences: Representatives from the City's Public Works, Building, Fire and Parks and Recreation and Fire Departments have been informed of the amendment to the Resolution.

Fiscal Impact: There is no fiscal impact to amending the Resolution.

Alternatives: If there are justifiable reasons to do so, the City Commission could deny the requested action to the extent allowed in City Code and State Statute.

Attachments/Exhibits:

Corrected Resolution 9915 with attachment

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Patty Cadwell, Neighborhood Council Coordinator
Jim Workman Construction Co., 1024 36th Avenue Northeast, Great Falls, MT 59404
Woith Engineering, 1725 41st St S, Great Falls, MT, 59405

CORRECTED RESOLUTION 9915

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE NORTHVIEW ADDITION PHASE 5, LOCATED IN THE SE1/4 OF SECTION 25, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, MORE PARTICULARLY DESCRIBED HEREINBELOW; ALL AS SHOWN ON THE **CORRECTED** MAP ATTACHED HERETO MARKED CORRECTED ATTACHMENT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

* * * * *

WHEREAS, the City of Great Falls is a city incorporated under the laws of the State of Montana, and having a population of more than ten thousand (10,000) is a city of the first class; and,

WHEREAS, there is contiguous to said City, but without the boundaries thereof, certain tracts or parcels of land situated in the County of Cascade, State of Montana, and described as follows:

Northview Addition Phase 5, located in the SE1/4 of Section 25, Township 21 North, Range 3 East, Cascade County, Montana, and containing ~~3.276~~ **2.916** acres,

all as shown on the **corrected** map attached hereto marked Attachment "A" and by this reference made a part hereof and according to the final plat of Northview Addition Phase 5; and,

WHEREAS, Section 7-2-4601, Montana Code Annotated, provides that whenever the owners of real property contiguous to any incorporated city of the first class petition to have said property made a part of the municipal corporation, such lands may be embraced within the corporate limits thereof and the boundaries of such city of the first class extended so as to include the same; and,

WHEREAS, the owner of the hereinabove described property has submitted a petition to have said property annexed to the City of Great Falls.

NOW, THEREFORE, the City Commission now finds that it is to the best interest of the City of Great Falls and its inhabitants to proceed with the incorporation of said territory into the City of Great Falls; and,

WHEREAS, all of the proceedings herein have been conducted in strict compliance with and in conformity to the law and constitution of the State of Montana, and all conditions, acts, and things required to be done precedent to and in the passage and adoption of this resolution have been properly and legally done, and performed;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "NORTHVIEW ADDITION PHASE 5, LOCATED IN THE SE1/4 OF SECTION 25, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA."

BE IT FURTHER RESOLVED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

That the Cascade County Clerk and Recorder is hereby authorized and directed to change the appropriate district boundaries of the City of Great Falls, Montana, to include said tract of land; and,

That this **Corrected** Resolution shall become effective from and after the date of the filing of said document in the office of the Cascade County Clerk and Recorder.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 7th day of February, 2012.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

James W. Santoro, City Attorney

