



Item: Public Hearing – Resolution 9952 to Annex, Ordinance 3084 to assign City Zoning, Annexation Agreement and the Final Plat all pertaining to Stone Meadows Addition, Phase II

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

Initiated By: Murphy Real Estate, LLC & McIntyre Enterprises, Inc., Property Owners and Developers

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

Action Requested: City Commission adopt Resolution 9952, Ordinance 3084, the Final Plat and Annexation Agreement all pertaining to Stone Meadows Addition, Phase II.

Public Hearing:

1. Mayor conducts public hearing, calling three times each for opponents and proponents.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motions: (Each motion to be separately considered)

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9952 and (approve/disapprove) the Final Plat and Annexation Agreement all pertaining to Stone Meadows Addition, Phase II.”

and;

“I move that the City Commission (adopt/deny) Ordinance 3084.”

2. Mayor calls for a second, discussion, and calls for the vote after each motion.

Recommendation: At the conclusion of a public hearing held December 11, 2007, the Planning Advisory Board conditionally approved the preliminary plat of Stone Meadows Addition, Phase I and II (previously known as Bootlegger Addition), and the Zoning Commission approved assigning a zoning classification of R-3 Single-family high density district to each phase upon annexation to the City. During a meeting held January 8, 2008, the City Commission

conditionally approved the Preliminary Plat of Stone Meadows Addition, Phases I and II, as recommended by the Planning Advisory Board.

Ordinance 3084 to assign City zoning to Stone Meadows Addition, Phase II, was accepted by the City Commission on first reading on June 19, 2012. Notice of Public Hearing before the City Commission for the annexation, establishment of City zoning, and Final Plat for Stone Meadows Addition, Phase II, was published in the *Great Falls Tribune* on July 1, 2012.

Background: The applicant has completed development of the first phase of Stone Meadows Addition. The applicant now requests approval of the Annexation, Zoning and Final Plat of Phase II. The subdivision is located on an unnamed avenue north of 41th Avenue Northeast, east of 9th Street Northeast. It is approximately 8.771 acres and creates 30 single-family residential lots. At the conclusion of a meeting held on December 13, 2011, the Planning Advisory Board and Zoning Commission passed motions recommending approval of the Final Plat of Phase II of Stone Meadows Addition subject to the following conditions:

1. Review: The Final Plat of Stone Meadows Addition, Phase II, shall incorporate correction of any errors or omissions noted by staff, including provision of a notification clause to purchasers regarding soil conditions.
2. The final engineering drawings, specifications and cost estimates for public improvements within the subdivision shall be submitted to the City Public Works Department for review and approval prior to consideration of the annexation by the City Commission.
3. An Annexation Agreement shall be prepared containing terms and conditions for annexation of the area within the Final Plat, including, but not limited to, agreement by applicant to:
 - a) install, within two years of the date of annexation, the public improvements referenced in Condition 2 above;
 - b) to indemnify and hold City harmless for any damages that may be sustained as a result of adverse soil and/or groundwater conditions;
 - c) assign the obligation for the installing, and paying for all remaining, public infrastructure in future phases of Stone Meadows Addition;
 - d) pay all applicable fees owed as a condition of annexation or plat approval, as determined in annexation agreement; and,
 - e) meet traffic analysis recommendations for Phase II and all future phases of the subdivision, including prohibiting parking on the east side of 9th Street Northeast.
4. The developer shall process and file of record with Cascade County a Certificate of Survey describing subject subdivision boundary prior to Final Plat approval by City Commission.
5. Address the subdivision's park obligation by escrowing the applicable park fee with eventual dispensation to be mutually agreed upon by City and applicant.
6. Provide any additional off-site easement(s) to accommodate infrastructure necessary to serve subdivision.

Phase II of Stone Meadows Addition will include extension of an Avenue, proposed to be named Choteau Avenue, to the east. This Avenue will connect with 12th Street Northeast, which will ultimately connect back to 36th Avenue Northeast. The roadways within the subdivision will be improved to City standards with paving, curb and gutter. City water (8") and sewer (8") mains

will be extended from the stubbed lines off of 9th Street NE. Easements will be provided within the plat for the installation of private utilities. The City Engineer's Office has had a regional storm water detention master plan designed to serve this and future development in the area. As each development is annexed, they are required to pay their estimated proportionate share.

The developer will fulfill the subdivision's park obligation by escrowing the applicable park fee. As the remaining 90 acres to the north and east of Phases I and II are subdivided and developed, a centrally located area is planned to be dedicated as park land to serve the overall project.

Annexation of subject property will enhance health, safety and welfare through application of City Codes and provision of municipal services.

Section 76-2-304 Montana Code Annotated lists criteria and guidelines which must be considered in conjunction with establishing municipal zoning on land:

(1) Zoning regulations must be:

(a) made in accordance with a growth policy; and

(b) designed to:

(i) secure safety from fire and other dangers;

(ii) promote public health, public safety, and the general welfare; and

(iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

(2) In the adoption of zoning regulations, the municipal governing body shall consider:

(a) reasonable provision of adequate light and air;

(b) the effect on motorized and nonmotorized transportation systems;

(c) promotion of compatible urban growth;

(d) the character of the district and its peculiar suitability for particular uses; and

(e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

The proposed development is compatible with the 2005 Growth Policy, as it advances specific Goals, Policies, and Action Strategies contained within the related plan elements, and is also in line with the general themes and principles found in the document. Plan elements related to the proposed development include supporting and encouraging efficient, sustainable development and redevelopment, and supporting and encouraging a compatible mix of land uses in newly developing areas. The Growth Policy also states that annexations should be logical and efficient extensions of the City's boundaries and service areas, which applies to this development. Staff concludes the above-cited criteria are substantially met.

Concurrences: Representatives from the City's Public Works, Park and Recreation and Fire Departments have been involved throughout the review and approval process for this project. See memo from Fire Department attached.

Fiscal Impact: Providing services is expected to be a negligible cost to the City. Any increased costs likely will be covered by increased tax revenues from improved properties.

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.

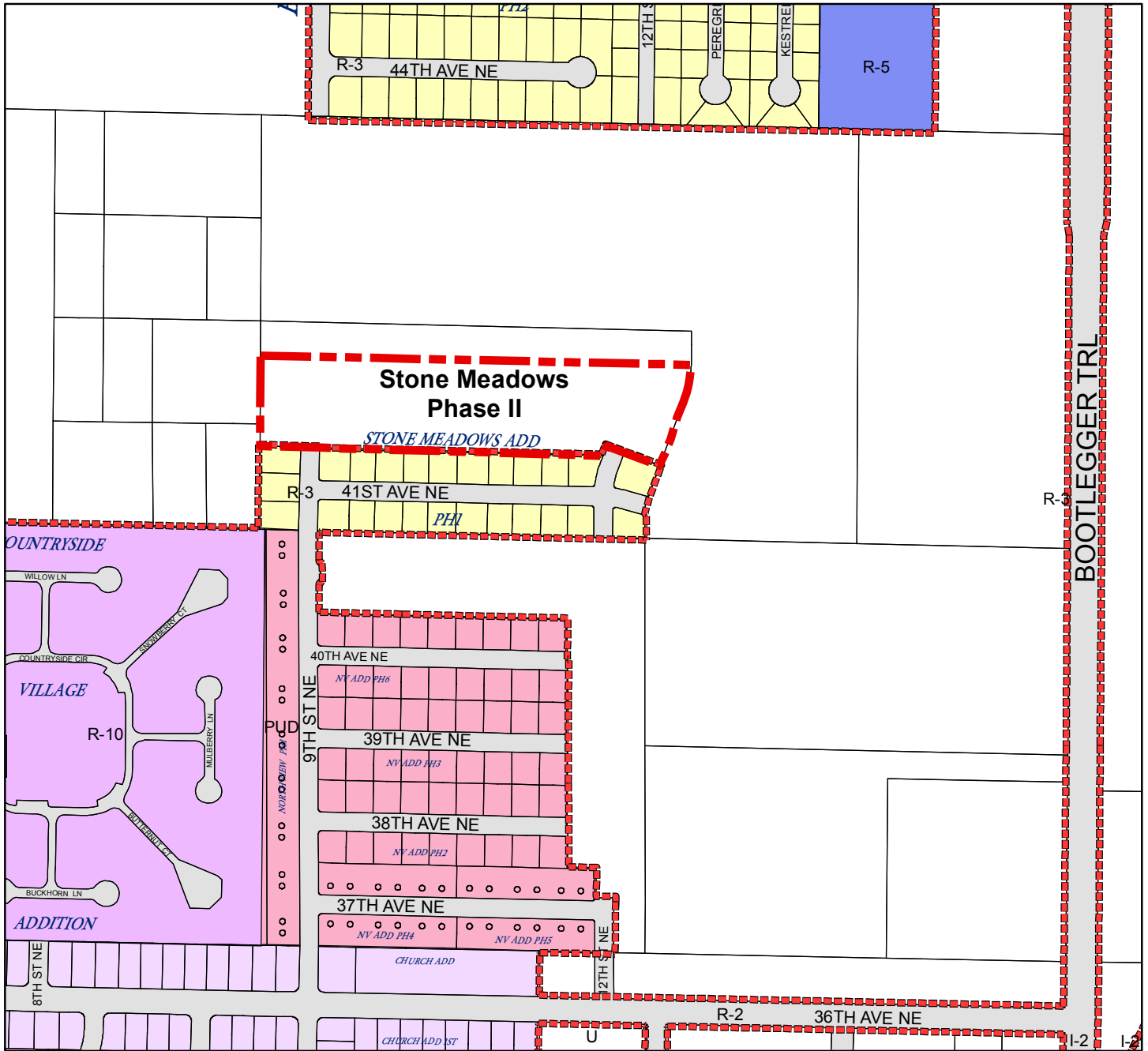
Attachments/Exhibits:

Vicinity/Zoning Map
Ordinance 3084
Resolution 9952 with Attachment A
Findings of Fact
Reduced copy of Final Plat
Annexation Agreement
Fire Chief Memo

Cc:

Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Patty Cadwell, Neighborhood Council Coordinator
Susan Conell, County Planning Director, sconell@casadecountymt.gov
Tim Murphy, tmmurphy55@yahoo.com & PO Box 2972, Great Falls, MT 59403
Jim McIntyre, jim@discoverwhitefish.com
Joe Murphy—BSC & E, 1505 14th Street SW, Great Falls, MT 59403

Vicinity/Zoning Map



Stone Meadows Phase 2

ZONING

AI Airport Industrial	I-1 Light industrial	R-2 Single-family medium density
C-1 Neighborhood commercial	I-2 Heavy industrial	R-3 Single-family high density
C-2 General commercial	M-1 Mixed-use district	R-5 Multi-family medium density
C-3 Highway commercial	M-2 Mixed-use transitional	R-6 Multi-family high density
C-4 Central business core	PLI Public lands institutional	R-9 Mixed residential
C-5 Central business periphery	POS Park Open Space	R-10 Mobile home park
	PUD Planned unit development	Unincorporated Enclave
	R-1 Single-family suburban	

ORDINANCE 3084

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY RESIDENTIAL DISTRICT TO STONE MEADOWS ADDITION, PHASE II, IN THE NW1/4 SE1/4 SECTION 25, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Murphy Real Estate, LLC and McIntyre Enterprises, INC., has petitioned the City of Great Falls to annex Stone Meadows Addition, Phase II, located in the NW1/4, SE1/4 of Section 25, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana; and,

WHEREAS, Murphy Real Estate, LLC and McIntyre Enterprises, INC, has petitioned Stone Meadows Addition, Phase II, be assigned a zoning classification of R-3 Single-Family High Density Residential district, upon annexation to the City; and,

WHEREAS, notice of assigning said zoning classifications to Stone Meadows Addition, Phase II, was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 17th day of July, 2012, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and decided that the said zoning designation be made,

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

Section 1. It is determined that the herein requested zoning designation will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Unified Land Development Code of the City of Great Falls.

Section 2. That the zoning classification of Stone Meadows Addition, Phase II, be designated as R-3 Single-Family High Density Residential district.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing Stone Meadows Addition, Phase II, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

APPROVED by the City Commission on first reading June 19, 2012.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading July 17, 2012.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

James W. Santoro, City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3084 in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;
On the Bulletin Board, first floor, Cascade County Court House;
On the Bulletin Board, Great Falls Public Library

Lisa Kunz, City Clerk

(CITY SEAL)

RESOLUTION 9952

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE STONE MEADOWS ADDITION, PHASE II, LOCATED IN THE NW1/4, 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 MAP ATTACHED HERETO MARKED 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:

Stone Meadows Addition, Phase II, located in the NW1/4, SE1/4, Section 25, Township 21 North, Range 3 East, PMM, Cascade County, Montana, and containing 8.771 acres,

all as shown on the map attached hereto marked Attachment "A" and by this reference made a part hereof and according to the final plat of Stone Meadows Addition, Phase II; 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 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: "STONE MEADOWS ADDITION, PHASE II, LOCATED IN THE NW1/4, 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 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 17th day of July, 2012.

Michael J. Winters, Mayor

ATTEST:

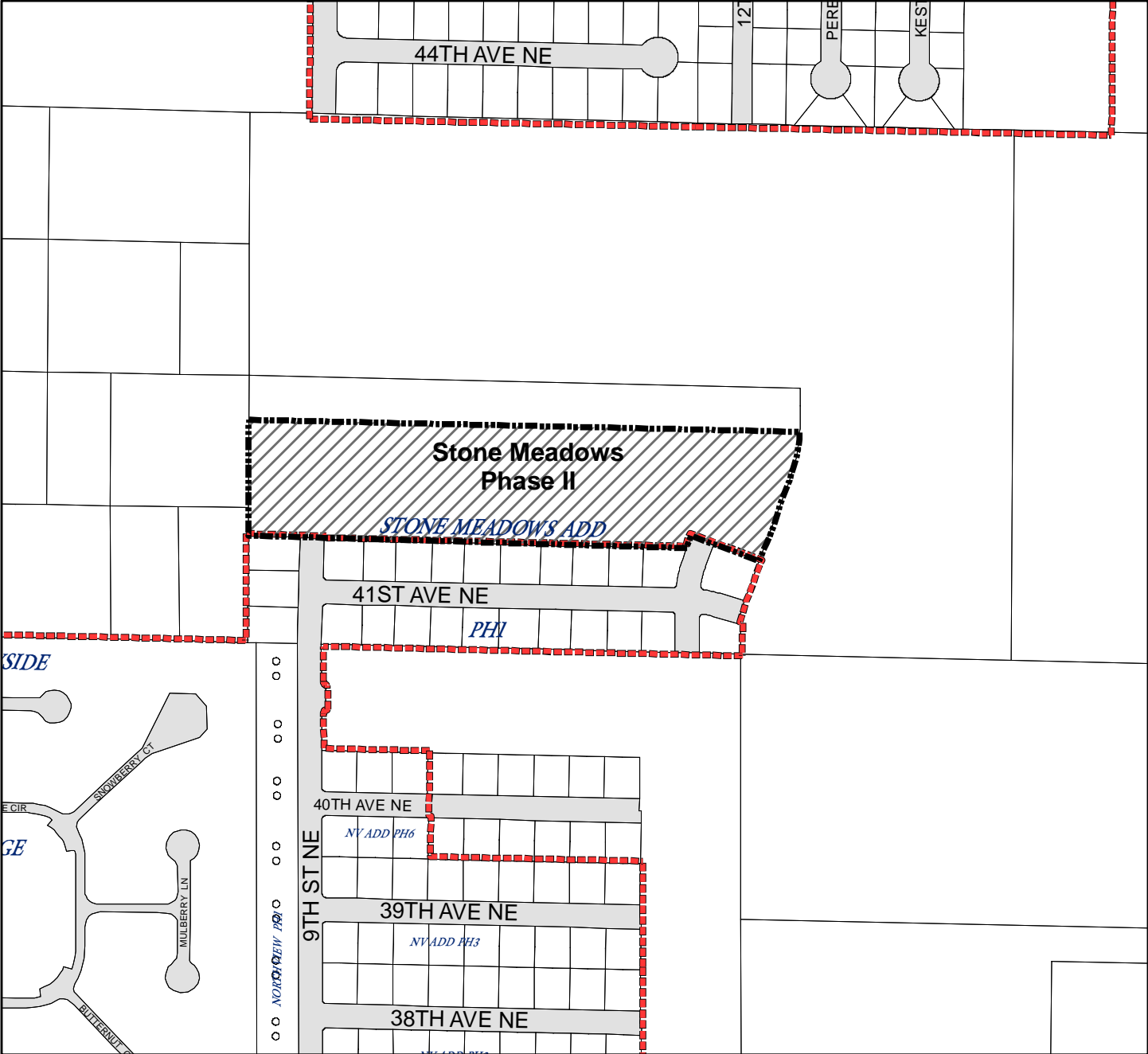
Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

James W. Santoro, City Attorney

Resolution 9952 Attachment A



- Stone Meadows Phase II
- City Limits
- Tracts of Land
- RofW



FINDINGS OF FACT
FOR FINAL PLAT OF STONE MEADOWS ADDITION, PHASE II, A SUBDIVISION LOCATED
WITHIN NW ¼ SE ¼, SECTION 25, T21N, R3E, P.M.MT, CASCADE COUNTY, MONTANA
(PREPARED IN RESPONSE TO 76-3-608(3)MCA)

Finding of Fact (Prepared in Response to 76-3-608(3) MCA)

PRIMARY REVIEW CRITERIA

Effect on Agriculture: Utilization of the subdivision site for dry land crop production has diminished due to its proximity to urban residential development. The subdivision will not interfere with any irrigation system or present any interference with agricultural operations in the vicinity.

Effect on Local Services: The subdivision will connect to City water and sewer mains. The subdivider will pay the cost of extending the utility mains. The City should not experience an appreciable increase in maintenance and operating costs. The occupants of homes within the subdivision will pay regular water and sewer charges.

The subdivision will receive law enforcement and fire protection service from the City of Great Falls. The nearest fire station is three miles from the subdivision site. Providing these services to the single-family residences and condominiums in the subdivision is expected to be a negligible cost to the City. Increased tax revenues from improved properties will likely cover any increased costs.

Public streets will be extended into the subdivision to serve the proposed residential units, but the subdivision will have a negligible impact on the cost of road maintenance. The subdivider will have responsibility to install curb, gutter and paving in the roadways within the subdivision.

Effect on the Natural Environment: The subdivision is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. The bulk of the surface runoff generated by the subdivision will be directed to the north to an existing detention facility.

Effect on Wildlife and Wildlife Habitat: The Final Plat is located adjacent to an area containing urbanized development. The Final Plat is not in an area of significant wildlife habitat and will not result in closure of public access to hunting or fishing areas, nor to public lands.

Effect on Public Health and Safety: Based on available information, the subdivision is not subject to abnormal potential natural hazards such as flooding, wildfire, snow or rockslides, nor potential man-made hazards such as high voltage power lines, high-pressure gas lines, high traffic volumes, or mining activity. The subdivision is in proximity to an open field which contains a single radio transmitting tower that exceeds 500-feet in height.

REQUIREMENTS OF MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATIONS

The subdivision meets the requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the Uniform Standards for Monumentation, and conforms to the design standards specified in the local subdivision regulations. The local government has complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

EASEMENT FOR UTILITIES

Subdivider is to provide necessary utility easements to accommodate water mains, sanitary sewer mains and private utilities to serve all lots of the Final Plat.

LEGAL AND PHYSICAL ACCESS

Legal and physical access to the subdivision is provided by the abutting 9th Street Northeast, which is public right-of-way maintained by the City of Great Falls. Within each phase, right-of-way will be dedicated and improved to provide access to each lot being created.

A SUBDIVISION PLAT OF
STONE MEADOWS ADDITION - PHASE II
TO THE CITY OF GREAT FALLS, MONTANA

SITUATED IN N1/2 SE1/4 OF SECTION 25, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M. CASCADE COUNTY, MONTANA

CERTIFICATE OF OWNER & DEDICATION:

WE, THE UNDERSIGNED PROPERTY OWNER(S), DO HEREBY CERTIFY THAT WE HAVE CAUSED TO BE SURVEYED, FOR THE PURPOSE OF DEDICATING STREETS AND THE SUBDIVISION OF LOTS AND BLOCKS THE FOLLOWING DESCRIBED LAND IN GREAT FALLS, CASCADE COUNTY, MONTANA, TO WIT:

LEGAL DESCRIPTION:

TRACT 3 (C.O.S.# _____)
COMMENCING AT THE SOUTHWEST CORNER OF THE NW1/4 SE1/4 OF SECTION 25 IN T. 21 N., R. 3 E., P.M.M., CASCADE COUNTY, MONTANA, WHICH IS A FOUND 5/8" REBAR WITH YPC STAMPED "5206ES"; THENCE ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SECTION 25, N00°48'17"W A DISTANCE OF 265.90 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE ALONG SAID NORTH-SOUTH QUARTER SECTION LINE N00°48'17"W A DISTANCE OF 269.83 FEET TO AN ANGLE POINT; THENCE S89°24'41"E A DISTANCE OF 195.05 FEET TO AN ANGLE POINT, SAID POINT ALSO LIES ON THE EAST RIGHT-OF-WAY OF 9TH STREET NORTHEAST; THENCE ALONG SAID EAST RIGHT-OF-WAY PROJECTED N00°29'19"E A DISTANCE OF 15.59 FEET TO AN ANGLE POINT; THENCE DEPARTING FROM SAID EAST RIGHT-OF-WAY S89°44'52"E A DISTANCE OF 1174.55 FEET TO THE BEGINNING OF A CIRCULAR CURVE; THENCE ALONG SAID CIRCULAR CURVE CONCAVE WEST WITH A RADIAL BEARING OF N88°32'28"W, A RADIUS OF 430.0 FEET, A CENTRAL ANGLE OF 15°52'24", AN ARC DISTANCE OF 119.13 FEET; THENCE S19°21'01"W A DISTANCE OF 213.34 FEET TO AN ANGLE POINT, SAID POINT IS ALSO THE NORTHEAST CORNER OF LOT 1, BLOCK 5, STONE MEADOWS ADDITION PHASE I; THENCE ALONG THE NORTH LINE OF SAID LOT 1, BLOCK 5 N70°34'48"W A DISTANCE OF 180.17 FEET TO AN ANGLE POINT, SAID POINT IS ALSO THE WEST RIGHT-OF-WAY OF 12TH STREET NORTHEAST; THENCE ALONG SAID WEST RIGHT-OF-WAY S19°19'55"W A DISTANCE OF 32.86 FEET TO AN ANGLE POINT, SAID POINT IS ON THE NORTH LINE OF STONE MEADOWS ADDITION PHASE I; THENCE DEPARTING FROM SAID RIGHT-OF-WAY AND ALONG SAID NORTH LINE N89°44'52"W A DISTANCE OF 902.07 FEET TO AN ANGLE POINT, SAID POINT IS ALSO THE EAST RIGHT-OF-WAY OF 9TH STREET NORTHEAST; THENCE ALONG SAID EAST RIGHT-OF-WAY N00°25'52"E A DISTANCE OF 4.66 FEET TO AN ANGLE POINT; THENCE DEPARTING FROM SAID EAST RIGHT-OF-WAY N89°24'41"W A DISTANCE OF 188.96 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; CONTAINING IN ALL 8.772 ACRES.

THE ABOVE DESCRIBED TRACTS OF ARE TO BE KNOWN AND DESIGNATED AS A MAJOR SUBDIVISION PLAT OF STONE MEADOWS ADDITION, PHASE II TO THE CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, AND THE LAND INCLUDED IN ALL STREETS AND AVENUES SHOWN ON SAID PLAT ARE HEREBY GRANTED AND DONATED TO THE USE OF THE PUBLIC FOREVER.

BY: _____ DATE _____
TIM MURPHY (AUTHORIZED REPRESENTATIVE - MURPHY REAL ESTATE LLC ETAL)

JIM MCINTYRE (AUTHORIZED REPRESENTATIVE - MCINTYRE ENTERPRISES INC.) DATE _____

ACKNOWLEDGED

STATE OF MONTANA)
) SS.
COUNTY OF PONDERA)

ON THIS _____ DAY OF _____, 2012, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF MONTANA, DID PERSONALLY APPEAR, TIM MURPHY & JIM MCINTYRE KNOWN TO BE TO BE THE PERSONS THAT EXECUTED THE FOREGOING INSTRUMENT. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR HEREIN ABOVE FIRST WRITTEN.

NOTARY PUBLIC FOR THE STATE OF MONTANA: _____ PRINTED NAME: _____

RESIDING AT: _____ MY COMMISSION EXPIRES: _____

NOTICE OF SOIL CONDITIONS:

TAKE NOTICE ALL PROSPECTIVE PURCHASERS OF LAND IN THIS SUBDIVISION THE SOILS CONTAINED ON LOTS WITHIN THIS SUBDIVISION MAY NOT ADEQUATELY ACCOMMODATE LOAD BEARING IMPROVEMENTS OR STRUCTURES WITHOUT APPROPRIATE REMEDIAL MEASURES AND MAY BE SUSCEPTIBLE TO ADVERSE GROUNDWATER CONDITIONS. AS SUCH, ALL PROSPECTIVE PURCHASERS ARE ADVISED TO CONSULT WITH AND OBTAIN THE RECOMMENDATION OF A GEO TECHNICAL ENGINEER BEFORE INITIATING CONSTRUCTION.

NOTICE TO BUYERS:

THE COVENANTS (RECORDED R0212044 CV ON 03/19/2010) ADAPTED BY STONE MEADOWS ADDITION, PHASE I, CONTINUES TO APPLY TO STONE MEADOWS ADDITION, PHASE I AND WILL ALSO INCLUDE STONE MEADOWS ADDITION, PHASE II, TO THE CITY OF GREAT FALLS.

CERTIFICATE DISPENSING WITH PARK OR PLAYGROUND:

I, GREGORY T. DOYAN, CITY MANAGER OF THE CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, DO HEREBY CERTIFY THAT THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, AT A REGULAR MEETING HELD ON THE _____ DAY OF _____, 2012, FOUND NO NECESSITY DUE TO THE SIZE AND LOCATION OF THE PLAT OF THE STONE MEADOWS ADDITION, PHASE II TO THE CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, AND INSTEAD ACCEPTED A CASH DONATION IN THE SUM OF \$ _____ FOR THE PARK FUND IN LIEU OF THE LAND THAT WOULD HAVE BEEN DEDICATED IF A DEDICATION WERE MADE, IN ACCORDANCE WITH SECTION 76-3-621(1)(a), M.C.A.

DATED THIS _____ DAY OF _____, 2012.

BY: _____
GREGORY T. DOYAN - CITY MANAGER, CITY OF GREAT FALLS

CERTIFICATE OF PUBLIC SERVICE DIRECTOR

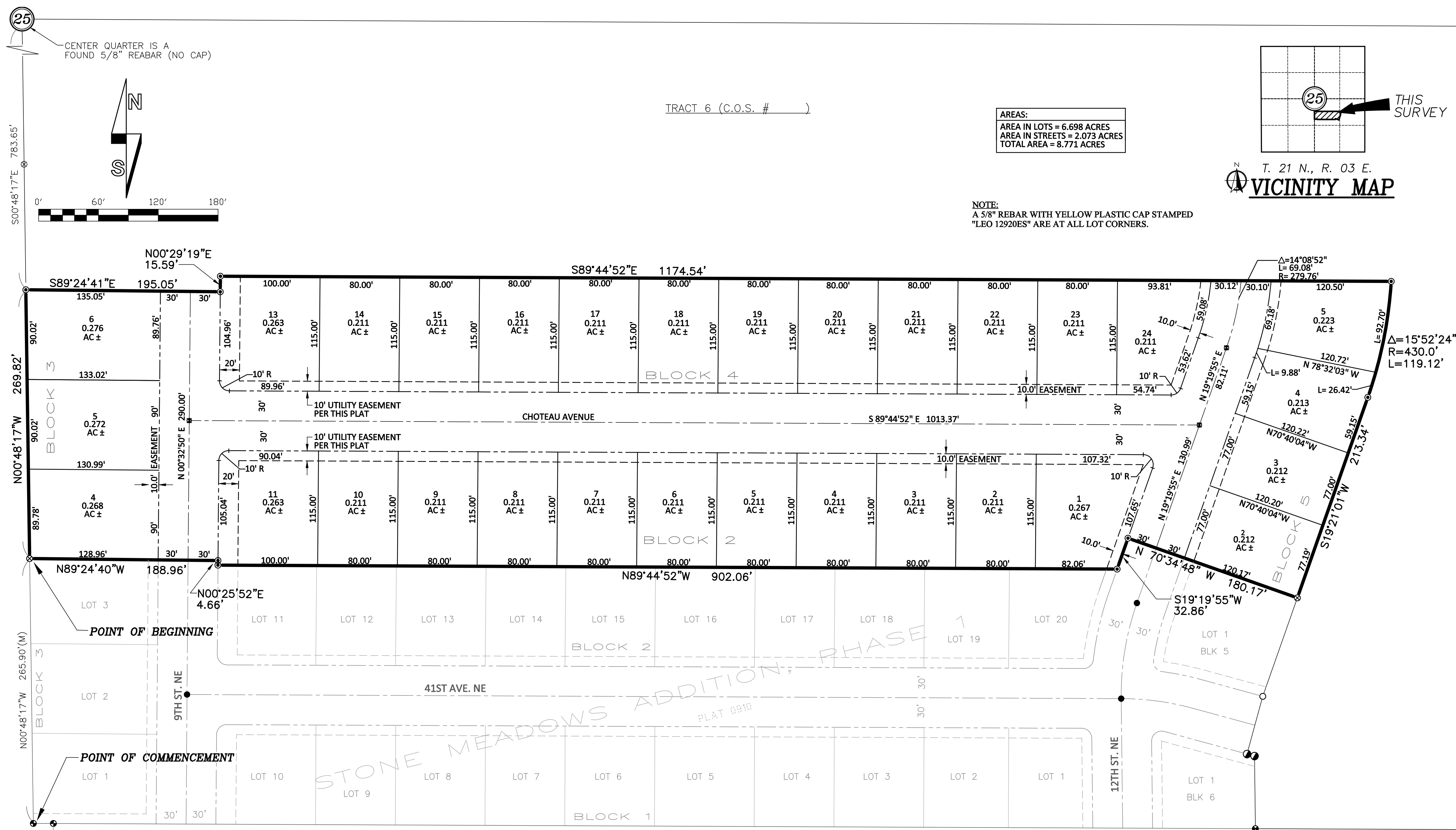
I, JIM REARDEN, PUBLIC SERVICES DIRECTOR FOR THE CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE ACCOMPANYING SUBDIVISION PLAT AND THE SURVEY WHICH IT REPRESENTS, AND FIND THE SAME CONFORMS TO REGULATIONS GOVERNING THE PLATTING OF LANDS AND TO PRESENTLY ADJACENT LAND, AS NEAR AS CIRCUMSTANCES WILL PERMIT, AND HEREBY APPROVE THE SAME.

PUBLIC SERVICES DIRECTOR, CITY OF GREAT FALLS

CERTIFICATE OF AVAILABILITY OF MUNICIPAL SERVICES:

I, GREGORY T. DOYAN, CITY MANAGER OF THE CITY OF GREAT FALLS, MONTANA, DO HEREBY CERTIFY THAT THE CITY COMMISSION OF GREAT FALLS, MONTANA, AT ITS REGULAR MEETING HELD ON THE 19TH DAY OF OCTOBER, 2010, FOUND THAT ADEQUATE MUNICIPAL FACILITIES FOR THE SUPPLY OF WATER AND DISPOSAL OF SEWAGE AND SOLID WASTE ARE AVAILABLE TO THE LAND CONTAINED WITHIN THE BOUNDARIES OF THE ACCOMPANYING PLAT, NAMELY THE FACILITIES OF THE CITY OF GREAT FALLS, MONTANA, THIS CERTIFICATE IS MADE PURSUANT TO SECTION 76-4-104 M.C.A., THEREBY PERMITTING THE CLERK AND RECORDER OF CASCADE COUNTY TO RECORD THE SAME.

CITY MANAGER, CITY OF GREAT FALLS, MONTANA



AREAS:
AREA IN LOTS = 6.698 ACRES
AREA IN STREETS = 2.073 ACRES
TOTAL AREA = 8.771 ACRES

NOTE:
A 5/8" REBAR WITH YELLOW PLASTIC CAP STAMPED "LEO 12920ES" ARE AT ALL LOT CORNERS.

(25)
CENTER QUARTER IS A FOUND 5/8" REBAR (NO CAP)

TRACT 6 (C.O.S.# _____)

T. 21 N., R. 03 E.
VICINITY MAP

POINT OF BEGINNING

POINT OF COMMENCEMENT

CITY MANAGER, CITY OF GREAT FALLS, MONTANA

CERTIFICATE OF PLANNING BOARD:

WE, THE UNDERSIGNED, _____, CHAIRMAN, GREAT FALLS PLANNING BOARD, CITY OF GREAT FALLS, CASCADE COUNTY, AND _____, SECRETARY OF SAID PLANNING BOARD, DO HEREBY CERTIFY THAT THE ACCOMPANYING SUBDIVISION PLAT OF STONE MEADOWS ADDITION-PHASE II HAS BEEN SUBMITTED TO THIS BOARD FOR EXAMINATION AND WAS FOUND TO CONFORM TO LAW AND WAS APPROVED AT A MEETING HELD ON THE 13TH DAY OF DECEMBER, 2011.

PRESIDENT, CITY-COUNTY PLANNING BOARD

SECRETARY, CITY-COUNTY PLANNING BOARD

CERTIFICATE OF COUNTY TREASURER:

I, _____, COUNTY TREASURER OF CASCADE COUNTY, MONTANA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE RECORDS COVERING THE AREAS INCLUDED WITHIN THE BOUNDARIES OF THE ACCOMPANYING MINOR PLAT AND FIND THAT ALL TAXES ON SAME HAVE BEEN PAID TO DATE AND ARE NOT DELINQUENT. DATED THIS _____ DAY OF _____, 2012.

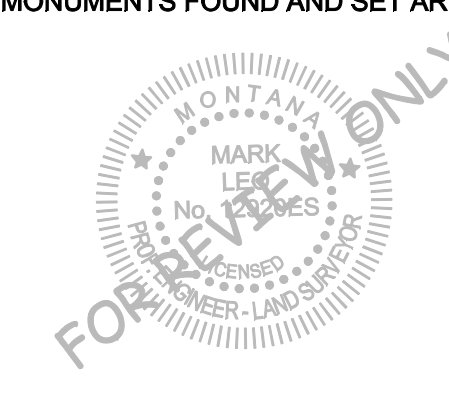
TREASURER, CASCADE COUNTY, MONTANA

CERTIFICATE OF SURVEYOR

I, MARK LEO, PROFESSIONAL ENGINEER AND LAND SURVEYOR, MONTANA REGISTRATION NUMBER 12920 ES, DO HEREBY CERTIFY DURING THE MONTH OF DECEMBER, 2011, THAT I PERFORMED THE SURVEY THAT THE ACCOMPANYING MAP REPRESENTS AND THAT THIS SURVEY IS IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN 76-3-402 AND 403, M.C.A., AND THAT THE MONUMENTS FOUND AND SET ARE OF THE CHARACTER AND OCCUPY THE POSITIONS SHOWN HEREON.

DATED THIS _____ DAY OF _____, 2012.

MARK LEO, PROFESSIONAL ENGINEER AND LAND SURVEYOR, MONTANA REGISTRATION NUMBER 12920 ES



BASIS OF BEARING:

THE BEARING SOURCE FOR THIS SURVEY IS BASED ON AN RTK GPS, SITE CALIBRATION UTILIZING CALCULATED COORDINATES BASED ON RECORD DIMENSIONS AND BEARINGS. REFERENCE BEARINGS ARE SHOWN ON THE ACCOMPANYING MAP.

LEGEND

- POSITION ONLY - NO MONUMENT FOUND OR SET
- FOUND 5/8" REBAR WITH ORANGE PLASTIC CAP STAMPED "LEO 12920ES"
- FOUND 5/8" REBAR WITH CAP STAMPED "AXELSEN"
- FOUND 5/8" REBAR WITH CAP STAMPED "5206ES"
- FOUND 5/8" REBAR WITH CAP STAMPED "WOITH"
- FOUND 1/2" REBAR WITH NO MARKINGS
- CENTERLINE MONUMENT
- FOUND NAIL IN ASPHALT
- CENTERLINE
- - - EASEMENT
- - - RIGHT-OF-WAY

SHEET TITLE: STONE MEADOWS ADDITION - PHASE 2		
JOB NO.: 1116	DRAWING NAME: 1116 - PLAT	SHEET: 1 OF 1
FILE NO.:	DRAWN BY: JCK	DATE: 1/20/12

bsc&e ENGINEERS - PLANNERS - DESIGNERS - LAND SURVEYORS - ENVIRONMENTAL SPECIALISTS

BIG SKY CIVIL & ENVIRONMENTAL, INC

1585 14th ST SW
P.O. BOX 3625
GREAT FALLS, MT 59403
(406)727-2185 OFFICE
(406)727-3656 FAX
www.bigskycye.com

**ANNEXATION AGREEMENT
FOR
STONE MEADOWS ADDITION PHASE 2
IN THE NW1/4 SE1/4 OF SECTION 25,
TOWNSHIP 21 NORTH, RANGE 3 EAST,
CASCADE COUNTY, MONTANA**

1. PREFACE

The following is a binding Agreement dated this _____ day of _____, 2012, between McIntyre Enterprises, Inc. and Murphy Real Estate L.L.C., Montana corporations, hereinafter referred to as “Owners,” and the CITY OF GREAT FALLS, MONTANA, a municipal corporation of the State of Montana, hereinafter referred to as “City,” regarding the requirements for filing the Final Plat and the annexation to the corporate limits of City, of STONE MEADOWS ADDITION PHASE 2, in the NW1/4SE1/4 of Section 25, Township 21 North, Range 3 East, Cascade County, Montana, hereinafter referred to as “Subdivision.”

2. PRIOR ACTIONS

- A. The Preliminary Plat of Subdivision, prepared by HKM Engineering Inc., was conditionally approved by City on January 8, 2008.
- B. City Commission approved the agreement dated December 6, 2011, providing for the extension of the approval of the Preliminary Plat of Stone Meadows Addition Phases 1 and 2 (previously known as Bootlegger Addition) until December 6, 2014.

3. SUPPORTING DOCUMENTS

- A. A final plat of Subdivision, prepared by Big Sky Civil & Environmental, Inc, (BSC&E) and to be filed of record in the Clerk and Recorder's Office of Cascade County, Montana.
- B. Final engineering drawings and specifications prepared by BSC&E, consisting of documents for sanitary sewer mains, water mains, drainage improvements, paving, conduit for wiring for potential future public roadway lighting facilities, sidewalk, curb and gutter. Said drawings and specifications are on file in the City Engineer's office.
- C. Final offsite temporary easement documents prepared by BSC&E, granting easement to the City of Great Falls perpetual right-of-way easement for construction, access, and maintenance of temporary roadway and for the water and sewer mains located on the remaining portion of property legally described as Mark 5, Section 25, Township 25 North, Range 3 East, Cascade County.
- D. The Engineer's estimate of construction cost of public improvements to serve Subdivision dated _____, which is filed in the office of the Great Falls Planning Department.
- E. Loan commitment letter dated _____, by _____ Bank of Great Falls, to indicate the capability of Owners to pay for the public improvements referenced in Paragraph 3.B. hereinabove. A copy of the same is filed in the office of the Great Falls Planning Department.

4. AMENDMENTS

Minor changes to engineering documents and such revisions to the engineering drawings as are deemed appropriate and necessary by City's Engineer and City's Public Works Department and which do not materially affect the hereinabove mentioned final plat, can be made as follows:

- A. The proposed revision will be submitted to City's Public Works Department for review and, if approved, the City Engineer or Public Works Director will sign and adequately annotate the change.
- B. The annotated revision becomes a part of this Agreement upon City's Public Works Department approval.
- C. Changes during construction shall be made by change order approved by City's Public Works Department.
- D. "As Built" reproducible drawings shall be supplied to City's Engineer upon completion of the construction.
- E. All amendments to this Agreement, except as allowable above in this section, shall be in writing and approved by City and Owners.

5. UNFORESEEN POTENTIALITIES

It is mutually recognized, understood and agreed by City and Owner that subsequent to the time this agreement was entered into, events may occur and actions may be taken which were unforeseen by either party or both parties hereto. In this perspective, it is, therefore, agreed that the parties may by mutual

subsequent agreement modify the terms, conditions and covenants of this Agreement.

6. FEES AND CHARGES

A. Prior to annexation of Subdivision, Owner shall pay, in addition to the \$300.00 fee for final plat, \$100.00 fee for Annexation Application, \$200.00 fee for Annexation Agreement, and \$100.00 fee for Resolution, which have been paid, pay the following fees as provided by City policy and resolution;

a. Storm Sewer Fee (\$250/acre x 8.798 acres)	\$ 2,199.50
b. Escrow Park Fee for Future Park Development (\$9,000/acre x 6.699 acres x 11%)	\$ 6,632.01
c. Proportionate share of cost for:	
Reimbursement for completed storm drain improvements	\$ 12,740.33
Future Regional Storm Water Detention Pond (\$1,448.09/acre x 8.798 acres)	\$ 25,475.34
d. Recording fees for Agreement and <u>Resolution (\$11 per page x 11 pages)</u>	<u>\$ 121.00</u>
Total fees made payable to City of Great Falls	\$ 47,168.18

B. Owners or its successors or assigns shall reimburse City for its expenses incurred in testing and acceptance of public utilities to serve Subdivision at the rates charged by City for said work at the time performed.

C. Water tapping, water connection, sewer service tapping, and sewer connection fees will be assessed at the time of installation.

D. The absence of any fee from this agreement lawfully charged by the City in connection with construction activity associated with Subdivision shall not constitute a waiver by the City.

7. PUBLIC IMPROVEMENTS

Owners agree to complete within two (2) years of the date of this Agreement, the installation of the sanitary sewer, storm sewer and water improvements, street paving, conduit for wiring for potential future public roadway lighting facilities, and curb and gutter to serve Subdivision, according to plans referenced in Paragraph 3.B. above and filed in the City Engineer's office and in accordance with standards of City.

8. PARK OBLIGATION

Owners have an interest in the adjacent vacant 90 acres of land to the north and east of the Subdivision and intend to dedicate a centrally located area as park land as subject acreage is subdivided and developed as a part of future phases to Bootlegger Addition. Until said park land is established, Owners shall deposit a check with the City of Great Falls in the amount listed in 5.A.b of this agreement. The funds shall be released to the owners upon establishment of the said park land. Should said park land not be established within seven (7) years of the date of this agreement, the funds shall be deposited in the City's Park Trust Fund.

9. REIMBURSEMENT FOR OVERSIZED ROADWAY

Additionally, to accommodate the long term growth plan that City foresees, Owners agree to construct a thicker street section to accommodate additional traffic loading anticipated for 9th Street Northeast within Subdivision, as additional areas develop, in accordance with the plans referenced in Paragraph 3.B above. City agrees to reimburse Owners for the difference in material and construction costs between a standard thirty one foot paved street section, and the proposed upgraded forty one foot paved street section. Reimbursement shall be based on all increased expenses associated with the upgrade, including but not limited to excavation, gravel base, fiber cloth, paving width and thickness. City agrees to provide said reimbursement (at typical rates agreed upon by the parties) to Owners within thirty (30) days of its acceptance of the installation and appropriate billing of the hereinabove described roadway system. Owners agree to provide copies of their actual costs to assist in determining appropriate reimbursement.

10. SOIL AND/OR GROUNDWATER CONDITIONS

The owner of the property in the Subdivision shall indemnify, hold harmless and defend the City of Great Falls, its officers, agents, servants and employees and assigns from and against all claims, debts, liabilities, obligations and costs including reasonable attorney fees, that arise from, result from or relate to adverse soil or groundwater conditions on the owner's property in the Subdivision. This indemnity obligation runs with the land. Upon the transfer of ownership of the property in the Subdivision, the prior owner's (whether the Owner that made this annexation agreement or a subsequent owner) indemnity obligation for adverse soil or adverse groundwater conditions for the transferred property is released and the indemnity obligation runs to the new owner of the property. Only the owner of the parcel of property with the adverse conditions at the time the City incurs the claim, debt, liability, obligation or cost is obligated to indemnify and no owner of property in the Subdivision is obligated to indemnify for adverse conditions on property owned by someone else.

This indemnification by the owner of the property in the Subdivision shall apply unless such damage or injury results from the negligence, gross negligence or willful misconduct of the City.

11. RESTRICTIONS ON BUILDING PERMITS AND OCCUPANCY

Building permits for lots in Subdivision shall not be issued until the contracts for installation of the public improvements have been executed. Owners acknowledge that City will not permit the occupancy of any residential structure in Subdivision until street improvement and water and sanitary sewer mains within Subdivision have been installed, tested and accepted by City, which acceptance will not be unreasonably withheld by City. If inclement weather delays installation of final paving in the Subdivision's roadways and all other public improvements referenced in Paragraph 3.B. herein have been installed, tested and accepted by City, City may consider allowing occupancy of residential structures

provided involved roadways contain an adequate compacted base course acceptable to City's Public Works Department and the occupants of the residential structures have been informed by Owners of the temporary access difficulties.

12. FUTURE STORM DRAINAGE FACILITIES

Owners hereby agree to waive right to protest any future area wide special improvement district for storm drainage facilities and further agrees to pay for proportionate share of any future storm drainage improvements which service Subdivision that may be installed with or without an area wide special improvement district. The term "area wide" as used herein, means any area larger than that covered by Subdivision which is a contributor to the drainage sub-basin of which Subdivision is a part.

13. PUBLIC ROADWAY LIGHTING

Owners hereby agree to waive their rights to protest any future special lighting district for public roadway lighting facilities that service Subdivision, and further agree to pay for proportionate share of the costs associated with roadway lighting which service Subdivision that may be installed with or without a special lighting district.

14. SIDEWALKS

It is hereby agreed that the following exception to the strict adherence of Subdivision requirements will be permitted: sidewalks serving and abutting any lot in Subdivision shall be installed as a condition of final occupancy by the then lot owners within six (6) months (allowing for unfavorable weather conditions only) of occupancy. It is understood that the above provision regarding sidewalks shall not preclude City from exercising its authority provided by Chapter 12.28, Municipal Code of the City of Great Falls pertaining to sidewalks.

15. WAIVER OF PROTEST OF ANNEXATION

Owners do hereby waive any and all statutory procedure notice on right of protest to annexation of Subdivision, as provided for by State law.

16. WARRANTY, OWNERSHIP AND INSPECTION OF UTILITY AND STREET IMPROVEMENTS

- A. After the public utilities, drainage and street improvements described in Paragraph 3.B. hereof have been installed and accepted by City, the same shall be in all respects treated, owned and maintained as though the same had been constructed and installed by City. However, to the extent installed by Owners, Owners or their contractor shall guarantee said improvements against defective work and materials for a period of two (2) years from date of acceptance of the completed improvements by City.
- B. Installation of the public utilities and street improvements described in Paragraph 3.B. hereof shall be subject to City's infrastructure inspection policy in place at the time of said installation.

17. ANNEXATION PREREQUISITES

Subdivision is contiguous to City; is not included within the boundary of any other incorporated municipality; and is not a part of any fire district existing or organized under any of the provisions of Chapter 33, Title 7, of the Montana Code Annotated. Subdivision, upon annexation to City, will be provided fire protection services by City comparable to that provided incorporated properties.

18. MAINTENANCE DISTRICTS

Owners waive their rights to protest the lawful creation by City of maintenance districts for any proper purpose including, but not limited to, fire hydrant and street maintenance and shall pay the proportionate share of the costs associated with said maintenance districts as may be applied to lots in Subdivision.

19. CITY ACCEPTANCE AND ZONING

In consideration of the foregoing, City hereby accepts and approves the final plat of Subdivision and will approve the property contained within the boundaries of Subdivision for incorporation by annexation into the corporate limits of the City of Great Falls, Montana. City agrees to assign a zoning classification of R-3 Single-family high density district to Subdivision. It is hereby understood that the preceding language regarding zoning of lots in Subdivision does not preclude City from reclassifying lots if an area wide reclassification is undertaken, in which event City agrees to reclassify said lots as a conforming use.

20. BINDING EFFECT

The provisions covenants and terms of this Agreement shall run with the land and bind the present owners, their devisees, heirs, successors, and assigns; and any and all parties claiming by, through, or under them, shall be taken to agree and covenant with each of the parties to the Agreement, their devisees, heirs, successors and assigns, to conform to the provisions, covenants and terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal the day, month and year first hereinabove written.

THE CITY OF GREAT FALLS, MONTANA
A Municipal Corporation of the State of Montana

Gregory T. Doyon, City Manager

ATTEST:

Lisa Kunz, City Clerk

(Seal of City)

APPROVED FOR LEGAL CONTENT:

James W. Santoro, City Attorney

OWNERS

By: _____
McIntyre Enterprises, Inc.

State of Montana)
 :ss.
County of Cascade)

On this _____ day of _____, in the year A. D. two thousand and twelve, before me, the undersigned, a Notary Public for the State of Montana, personally appeared McIntyre Enterprises, Inc., known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Notary Public for the State of Montana

Notary Public (Printed)
Residing at _____
My commission Expires _____, 20____

(NOTARIAL SEAL)

OWNERS

By: _____
Murphy Real Estate L.L.C.

State of Montana)
 :ss.
County of Cascade)

On this _____ day of _____, in the year A. D. two thousand and twelve, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Murphy Real Estate L.L.C., known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Notary Public for the State of Montana

Notary Public (Printed)
Residing at _____
My commission Expires _____, 20____

(NOTARIAL SEAL)



GREAT FALLS FIRE RESCUE

105 9th Street South
Great Falls, MT 59401

Phone: 406-727-8070
Fax: 406-454-2454

December 15, 2011

To: Planning Director Mike Haynes

From: Fire Marshal Doug Bennyhoff

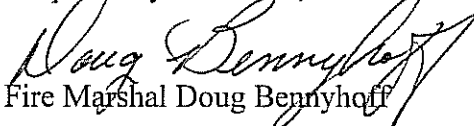
Re: North View Phase 7 and Stone Meadows Phase 2

Thank you for the opportunity of reviewing the proposed development. As we stated in the letter regarding Ordinance 3073 our position still remains the same. While the Fire Department is generally in support of economic development projects, we feel it's important to go on the record with our public safety concerns. Based on the location of this project in relation to current fire station distribution, it is important the project developers and prospective occupants have a clear understanding of the fire department service delivery. Due to the distance of the proposed development to the closest city fire station, we have determined the travel time to be approximately 5 minutes 45 seconds or greater. This emergency response travel time is calculated by using a generally accepted emergency response time formula and historical response time data when available.

The National Fire Protection Agency (NFPA) 1710 5.2.4.1.1 "The fire department's fire suppression resources shall be deployed to provide for the arrival of an engine company within 240-second travel time to 90 percent of the incidents as established in Chapter 4."

Based on the travel distances and the corresponding travel time, the fire department is concerned with meeting the community's emergency performance outcomes.

Respectfully submitted,


Fire Marshal Doug Bennyhoff