



- Item:** Public Hearing - Resolution 10003, Ordinance 3099 to assign City zoning, Amended Plat and Annexation Agreement all pertaining to 2121 13th Street S, legally described as Lots 1-8 and vacated alley, Block 8, Finlay Supplement to Prospect Park Addition, Section 18, T20N, R4E, P.M.M., Cascade County, MT – Praise Tabernacle Church
- From:** Jana Cooper, RLA, Planner II, Planning and Community Development
- Initiated By:** Praise Tabernacle Church
- Presented By:** Mike Haynes, AICP, Director of Planning and Community Development
- Action Requested:** City Commission adopt Resolution 10003, Ordinance 3099 and approve the Amended Plat and Annexation Agreement all pertaining to Praise Tabernacle Church.
-

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 10003 and (approve/disapprove) the Amended Plat and Annexation Agreement pertaining to Praise Tabernacle Church.”

and;

“I move that the City Commission (adopt/deny) Ordinance 3099.”

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

Recommendation: At the conclusion of a public hearing held May 8, 2012, the Planning Advisory Board conditionally approved the annexation of 2121 13th Street S, and the Zoning Commission approved assigning a zoning classification of R-3 Single-family high density residential district with a Conditional Use Permit for a Worship Facility to the property upon

annexation to the City. Public Notice for the Planning Advisory Board/Zoning Commission Public Hearing was published in the *Great Falls Tribune* on April 22, 2012. No citizens spoke at the public hearing for or against the project.

Staff recommends approval of the proposed annexation and zoning of unincorporated land legally described as Lots 1-8 and vacated alley, Block 8, Finlay Supplement to Prospect Park Addition, Section 18, Township 20 North, Range 4 East, P.M.M., Cascade County, MT and abutting portions of 22nd Ave S and 14th St S containing in all ±1.31 acres.

Ordinance 3099 to assign City zoning to the subject property was accepted by the City Commission on first reading on December 18, 2012. Notice of Public Hearing before the City Commission for the annexation and establishment of City zoning was published in the *Great Falls Tribune* on December 30, 2012.

Background: The Planning and Community Development Office has received an application from Praise Tabernacle Church requesting the following:

1. Amended Plat of Lots 1-8 and vacated alley in Block 8, Finlay Supplement to Prospect Park, Section 18, T20N, R4E, P.M.M., Cascade County, Montana.
2. Annexation of said Plat, containing ±0.66 acres and abutting portions of 22nd Avenue South and 14th Street South, containing in all ±1.31 acres.
3. Establishing City zoning classification of R-3 Single-family high density district and granting a conditional use permit for the existing Worship Facility, upon annexation.

Praise Tabernacle Church is an existing Worship Facility located at the southeast corner of 13th Street South and 21st Avenue South, which is on the jurisdictional boundary of the City of Great Falls. The Church is requesting annexation into the City of Great Falls in order to utilize and connect to existing public utilities adjacent to the subject property.

Annexation Request

Praise Tabernacle Church is requesting annexation of ±0.66 acres into the City of Great Falls. The Church is requesting annexation due to health concerns by the City-County Health Department with the existing drain field on site. The subject property was platted in Cascade County as a part of Finlay Supplement to Prospect Park Addition. The subject property is comprised of 8 lots and a vacated alley.

In addition to the subject property, per MCA, the abutting portions of 14th Street South and 22nd Avenue South, comprised of ±0.65 acres, must also be annexed as a part of the request. In total ±1.31 acres will be annexed into the City.

There is an existing garage at 2215 13th Street South that appears to be encroaching on the portion of 22nd Avenue South right-of-way which is being annexed into the City. The garage was permitted to be built in the County in 1997. Staff recognizes the issue and will work with the property owner, Public Works and the City Attorney to resolve once the property is annexed into the City.

Rezone Request

The applicant is requesting the subject property be zoned as “R-3” Single-family high density residential. The R-3 zoning district is consistent with the surrounding zoning districts and land

uses in the adjacent neighborhoods. Incorporated properties to the north are zoned R-3, and unincorporated properties adjoining the site have a Cascade County zoning designation of Urban Residential with a residential density comparable to the R-3 zoning district density.

Conditional Use Permit Request

A Worship Facility requires conditional use approval in all residential zoning districts including the R-3 Single-family high density residential zoning district.

Section 17.16.36.040 of the Land Development Code states that the Zoning Commission's recommendation and the City Commission's decision to approve, conditionally approve, or deny a Conditional Use Permit application shall be based on whether the application, staff report, public hearing, Zoning Commission recommendation, or additional information demonstrates that each of the following criteria have been satisfied:

1. The conditional use is consistent with the City's growth policy and applicable neighborhood plans, if any.
2. The establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort or general welfare.
3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
4. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
5. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
6. Adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.
7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Commission.

Based on the information provided by the applicant, and subject to approval of the annexation and zoning, the Worship Facility and any future expansion will continue to promote a strong and stable focal point for the neighborhood. Any future changes to the existing facility are subject to review by the Design Review Board and must conform to all applicable regulations. Staff concludes the above-cited criteria are substantially met.

Amended Plat Request

Upon annexation, rezoning and approval of the Conditional Use Permit, the applicant is required to process an Amended Plat for the subject property. The existing property is comprised of eight lots and a portion of a previously vacated alley that was subdivided as a part of Finlay Supplement to Prospect Park Addition. State statute requires review by the Planning Advisory Board and City Commission any subdivision that relocates common boundaries affecting six or more lots within a platted subdivision. The Amended Plat will consolidate the eight lots and alley into one lot, which eliminates conflicting property lines through the existing Worship Facility.

Improvements

Praise Tabernacle is adjacent to 13th Street South, 21st Avenue South, 14th Street South and 22nd Avenue South. 13th Street South is improved with paving, but there is no curb or gutter adjacent to the subject property. 21st Avenue South, 14th Street South and 22nd Avenue South are existing gravel roadways. Public Works Department has determined there is an \$8,500.00 reimbursement owed by the applicant for their proportionate share of water main improvements previously made in 13th Street South. Public Works is not requiring any escrow of funds for the improvement of the other adjacent right of ways. The owners will waive their right to protest a future special improvement district for roadway improvements as a condition of annexation into the City.

The applicant proposes to install water and sanitary sewer services from the City mains located in the abutting right-of-way of 21st Avenue South. There are existing 12-inch water main and a 24-inch sewer main in 21st Avenue South that will be utilized for services to the subject property. There is also a 30-inch water main in 21st Avenue South, which will not be used as a part of this project. The applicant will waive their right to protest a future special improvement district for water and sewer improvements as a condition of annexation into the City.

Since the Church is an existing facility, the City will not require the Church to meet the current parking requirements; should future expansion of the facility occur, the City would reassess the parking facilities as a part of the request.

The request does not include a proposal for any new development; therefore, it is reasonable to assume that there would be no increased traffic demands caused by this request.

There is an existing storm drain in 13th Street South. The applicant would not be required to extend storm drain facilities in the area. Any future expansion of facilities is subject to review by the Department of Public Works for applicable storm water regulations.

2005 City of Great Falls Growth Policy

The proposed annexation 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 a compatible mix of land uses in developing areas and preserving and enhancing the character, quality, and livability of existing neighborhoods. 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 project.

Neighborhood Council Input

The subject property is located in Neighborhood Council #6. The applicant presented the project information to Council #6 on May 2, 2012.

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.

Fiscal Impact: The annexation will marginally expand the fire and police service area, which will have a minimal fiscal impact on the City.

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:

Aerial Photo
Resolution 10003 with Attachment A
Ordinance 3099 with Attachment A
Amended Plat
Findings of Fact
Annexation Agreement


Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Patty Cadwell, Neighborhood Council Coordinator
Ron Erpelding, Praise Tabernacle Church, 2121 13th St S, Great Falls, MT 59405
Tony Rand, Praise Tabernacle Church, itonyrand@hotmail.com


Aerial Photo



----- City Limits

 Praise Tabernacle Site

 Adjacent Roadways to be Annexed

 Tracts of Land

140 70 0 140 Feet



N



Praise Tabernacle

RESOLUTION 10003

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND SAID CITY BOUNDARIES TO INCLUDE LOTS 1-8 AND VACATED ALLEY, BLOCK 8, FINLAY SUPPLEMENT TO PROSPECT PARK ADDITION, AND THE ABUTTING PORTIONS OF 22ND AVENUE SOUTH AND 14TH STREET SOUTH ALL LOCATED IN SECTION 18, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7-2-4601, MONTANA CODE ANNOTATED 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:

Lots 1-8 and vacated alley, Block 8, Finlay Supplement to Prospect Park Addition, Section 18, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana and containing ±0.66 acres.

And,

Segments of 22nd Avenue South and 14th Street South, Section 18, Township 20 North, Range 4 East, Cascade County, Montana, more particularly described as follows:

Commencing at the northeast corner of Lot 4, Block 8, Finlay Supplement to Prospect Park Addition, said corner being the "True Point of Beginning", proceed thence easterly ± 80.0 feet, crossing the 14th Street South right-of-way to a point on the easterly right-of-way line of 14th Street South and a point on Lot 28, Block 6, Finlay Supplement to Prospect Park Addition;

Thence southerly ± 349.59 feet along the easterly right-of-way line of 14th Street South, to a point on the easterly right-of-way of 14th Street South and a point on Lot 28, Block 9, Finlay Supplement to Prospect Park Addition;

Thence westerly ± 80 feet, crossing the 14th Street South right-of-way to a point on the southerly right-of-way line of 22nd Avenue South and the northeast corner of Lot 4, Block 21, Finlay Supplement to Prospect Park Addition;

Thence westerly ± 105.55 feet along the southerly right-of-way line of 22nd Avenue South, to a point on the southern right-of-way of 22nd Avenue South and the northwest corner of Lot 1, Block 21, Finlay Supplement to Prospect Park Addition,

Thence northerly ± 80 feet, crossing the 22nd Avenue South right-of-way to a point on the northerly right-of-way line of 22nd Avenue South and the southwest corner of Lot 8, Block 8, Finlay Supplement to Prospect Park Addition,

Thence easterly ± 105.55 feet along the northerly right-of-way line of 22nd Avenue South, to a point on the northern right-of-way of 22nd Avenue South and the southeast corner of Lot 5, Block 8, Finlay Supplement to Prospect Park Addition,

Thence northerly ± 269.59 feet along the westerly right-of-way line of 14th Street South, to a point on the western right-of-way of 14th Street South and the northeast corner of Lot 4, Block 8, Finlay Supplement to Prospect Park Addition, being the "True Point of Beginning" containing ± 0.65 ;

containing in all ± 1.31 acres more or less and as shown on the Map attached hereto, marked Attachment "A" and by this reference made a part hereof; and,

WHEREAS, Section 7-2-4601, Montana Code Annotated, Annexation by Petition provides that whenever any land contiguous to a municipality is owned by the State of Montana or by any agency, instrumentality, or political subdivision or whenever any of the foregoing have a beneficial interest in any land contiguous to a municipality, such land may be incorporated and included in the municipality to which it is contiguous and may be annexed thereto and made a part thereof; and,

WHEREAS, the City has obtained a Request for Annexation of the subject property and abutting segments of right-of-way from the property owner of 2121 13th Street South legally described as Lots 1-8 and vacated alley, Block 8, Finlay Supplement to Prospect Park Addition, Section 18, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana and abutting portions of 22nd Avenue South and 14th Street South.

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

That the boundaries of said City of Great Falls shall be extended so as to include: “LOTS 1-8 AND VACATED ALLEY, BLOCK 8, FINLAY SUPPLEMENT TO PROSPECT PARK ADDITION, AND THE ABUTTING PORTIONS OF 22ND AVENUE SOUTH AND 14TH STREET SOUTH ALL LOCATED IN SECTION 18, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA.”

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 15th day of January, 2013.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk





(SEAL OF THE CITY)

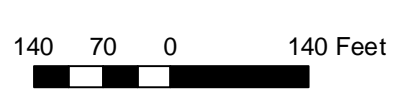
APPROVED FOR LEGAL CONTENT:

David L. Nielsen, Interim City Attorney

Attachment A Resolution 10003



-  City Limits
-  Praise Tabernacle Site
-  Adjacent Roadways to be Annexed
-  Tracts of Land



ORDINANCE 3099

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY RESIDENTIAL DISTRICT, WITH A CONDITIONAL USE PERMIT FOR A WORSHIP FACILITY TO LOTS 1-8 AND VACATED ALLEY, BLOCK 8, FINLAY SUPPLEMENT TO PROSPECT PARK ADDITION, AND THE ABUTTING PORTIONS OF 14TH STREET SOUTH AND 22ND AVENUE SOUTH ALL LOCATED IN SECTION 18, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Praise Tabernacle Church has petitioned the City of Great Falls to annex 2121 13th St S consisting of ±0.66 acres, described as Lots 1-8 and vacated alley, Block 8, Finlay Supplement to Prospect Park Addition, Section 18, Township 20 North, Range 4 East, Cascade County, MT, herein referred to as Subject Property, and;

WHEREAS, Praise Tabernacle Church has petitioned Subject Property be assigned a zoning classification of R-3 Single-family high density residential district with a Conditional Use Permit allowing a Worship Facility upon annexation to the City; and,

WHEREAS, Montana Code Annotated 7-2-4211 requires annexation of roads and right-of-way that are adjacent to the property being annexed in this case consisting of ±0.65 acres of 22nd Avenue South and 14th Street South; and,

WHEREAS, the abutting portions of 22nd Avenue South and 14th Street South shall be assigned a zoning classification of R-3 Single-family high density residential district consistent with adjacent properties upon annexation; and,

WHEREAS, notice of assigning said zoning classifications to Subject Property was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 15th day of January, 2013, 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 of Lots 1-8 and vacated alley, Block 8, Finlay Supplement to Prospect Park Addition, Section 18, Township 20 North, Range 4 East, Cascade County, P.M.M., MT, be designated as R-3 Single-family high density residential district classification with a Conditional Use allowing a Worship Facility as attached hereto as Attachment "A" and by this reference made a part hereof.

Section 3. That the zoning of said portion of 22nd Avenue South and 14th Street South right-of-way, Section 15, Township 20 North, Range 3 East, Cascade County, Montana, be designated as R-3 Single-family high density residential district classification consistent with adjacent properties as attached hereto as Attachment "A" and by this reference made a part hereof.

Section 4. 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 Lots 1-8 and vacated alley, Block 8, Finlay Supplement to Prospect Park Addition, Section 18, Township 20 North, Range 4 East, Cascade County, MT, and said portion of 22nd Avenue South and 14th Street South, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

APPROVED by the City Commission on first reading December 18, 2012.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading January 15, 2013.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

David L. Nielsen, Interim City Attorney

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

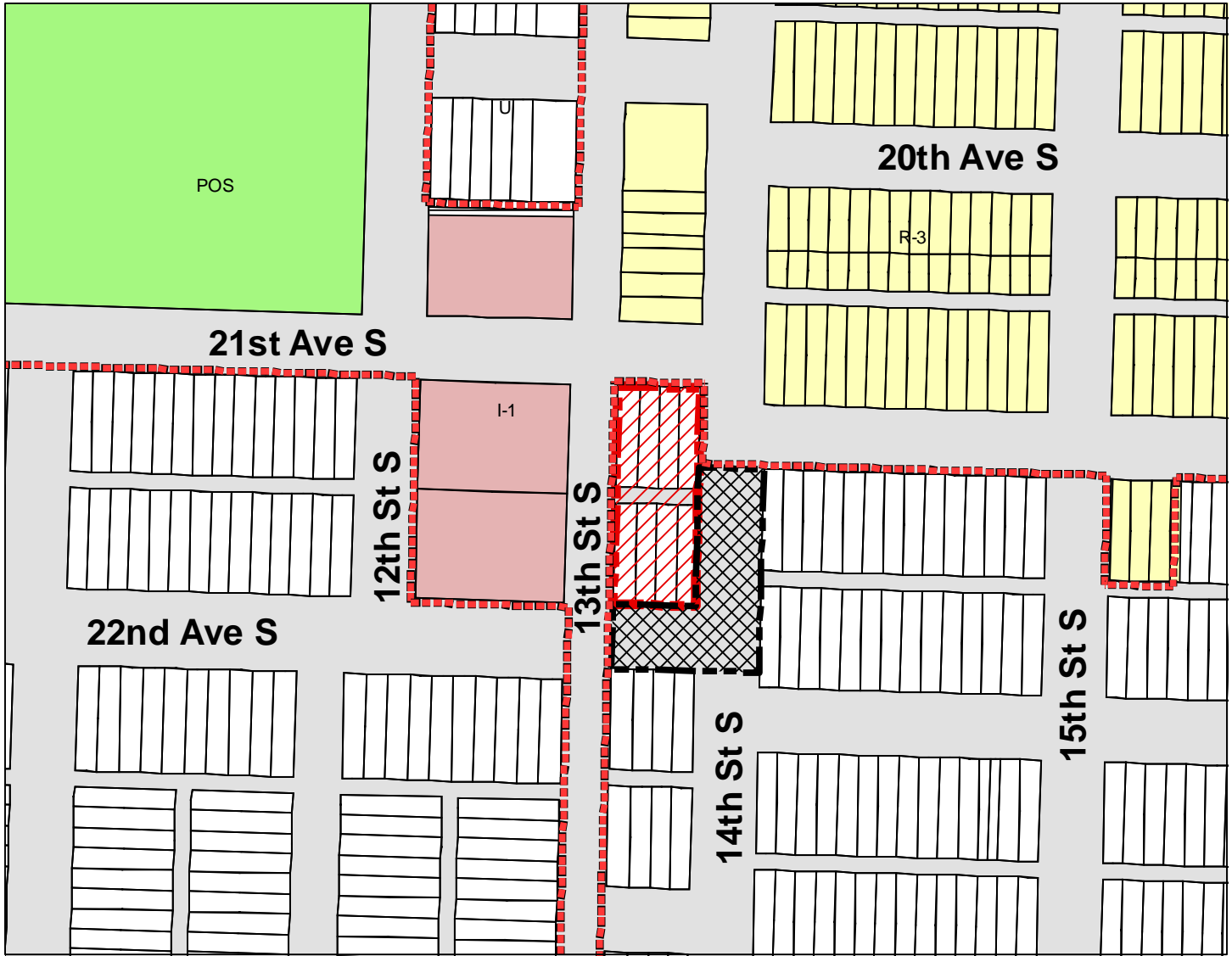
I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3099 in three conspicuous places within the limits of said City to-wit:

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)

Ordinance 3099 Attachment A



<ul style="list-style-type: none"> City Limits Praise Tabernacle Site Adjacent Roadways to be Annexed Tracts of Land <p>ZONING</p> <ul style="list-style-type: none"> AI Airport Industrial C-1 Neighborhood commercial C-2 General commercial C-3 Highway commercial C-4 Central business core C-5 Central business periphery M-1 Mixed-use district M-2 Mixed-use transitional PLI Public lands institutional POS Park Open Space PUD Planned unit development R-1 Single-family suburban R-2 Single-family medium density R-3 Single-family high density R-5 Multi-family medium density R-6 Multi-family high density R-9 Mixed residential R-10 Mobile home park Unincorporated Enclave 	<ul style="list-style-type: none"> <li style="text-align: center;">140 70 0 140 Feet <li style="text-align: center;"> 	<p style="text-align: center;">N</p> <p style="text-align: center;">▲</p> <p style="text-align: center;">Praise Tabernacle Church</p>
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Amended Plat Of
Lots 1 through 8, Block 8,
Finlay's Supplement to Prospect Park
 A Subvision in the NW1/4SW1/4 Section 18,
 Township 20 North, Range 4 East, P.M.M.,
 Cascade County, Montana

PURPOSE

The purpose of the survey shown on this plat was to aggregate eight lots into one lot and to add the vacated alley in the aggregated lot.

CERTIFICATE OF SURVEY

We, the undersigned property owners, do hereby certify that we have caused to be surveyed and the lots lines changed as shown on the attached plat, the following described tract of land:

Lots 1 through 8, Block 8, Finlay's Supplement to Prospect Park, a subdivision the NW1/4SW1/4 Section 18, T20N, R4E, P.M.M., Cascade County, Montana, according to the official plat thereof on file in the office of the Cascade County Clerk and Recorder. Said tract being more fully described as follows:

Beginning at the south intersection of the centerlines of 14th Street South and 21st Avenue South; thence N 0°02'20"E, 60.15 feet along the centerline of 14th Street South; thence N89°54'W, 40.00 feet to the northeast corner of Block 8 and the TRUE POINT OF BEGINNING; thence N89°54'W, 105.48 feet along the north line of Block 8 to the northeast corner of Block 8 and the east right of way line of 13th Street South; a line parallel with and 30 feet easterly of the west line of Section 18; thence S 0°13'10"W, 269.59 feet along said east right of way to the southwest corner of Block 8; thence S89°54'E, 105.55 feet along the south line of Block 8 to the southeast corner of Block 8; thence N 0°02'20"E, 269.59 feet along the east line of Block 8 to the TRUE POINT OF BEGINNING; containing 28,445 square feet or 0.653 acre. The above described tract is to be known and designated as **Amended Plat of Lots 1 through 8, Block 8, Finlay's Supplement to Prospect Park.**

We certify that the purpose of this division of land was to aggregate eight lots into one and to include the vacated alley in the aggregated lot; therefore this division of land is exempt from review as a subdivision pursuant to Section 76-3-207 (1)(f), M.C.A.: "aggregation of parcels or lots when a certificate of survey or subdivision plat shows that the boundaries of the original parcels have been eliminated and the boundaries of a larger aggregate parcel are established. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas." Furthermore, we certify that this division of land is excluded from review by the Montana Department of Environmental Quality pursuant to Section 76-4-125(2)(d), M.C.A.: "divisions located within jurisdictional areas that have adopted growth policies pursuant to chapter 1 or within first-class or second-class municipalities for which the governing body certifies, pursuant to 76-4-127, that adequate storm water drainage and adequate municipal facilities will be provided".

We also certify that the purpose of this division of land was to aggregate the vacated alley with adjoining lots, therefore this division of land is exempt from review as a subdivision pursuant to Section 76-3-201(1)(a), M.C.A.: "(1) Unless the method of disposition is adopted for the purpose of evading this chapter, the requirements of this chapter may not apply to any division of land that: (a) is created by order of any court of record in this state or by operation of law or that, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain, Title 70, chapter 30." Furthermore, we certify that this division of land is excluded from review by the Montana Department of Environmental Quality pursuant to Section 76-4-125(2)(a), M.C.A.: "(2) A subdivision excluded from the provisions of chapter 3 must be submitted for review according to the provisions of this part, except that the following divisions or parcels, unless the exclusions are used to evade the provisions of this part, are not subject to review: (a) the exclusion cited in 76-3-201 and 76-3-204."

Date: _____

STATE OF MONTANA)
) ss
 County of Cascade)

On this _____ day of _____, 201____, before me, _____, a Notary Public in and for the State of Montana, personally appeared Gayle Slagle and Joyce Slagle, known to me to be the persons who executed the foregoing Certificate of Survey and they acknowledged to me that they executed the same.

Notary Public, State of Montana
 Residing at: _____
 My Commission expires: _____

CERTIFICATE OF SURVEYOR

I, James E. Hodges, Professional Engineer and Land Surveyor, do hereby certify that I made the survey as shown on this plat and that said survey is true and complete as shown.

Date: _____

 James E. Hodges, P.E. & L.S.
 Montana License No. 4593ES

CERTIFICATE OF TREASURER

I, Jamie Bailey, County Treasurer of Cascade County, Montana, do hereby certify that I examined the records covering the areas included on the accompanying **Amended Plat of Lots 1 through 8, Block 8, Finlay's Supplement to Prospect Park** and find that all taxes on same have been paid up to date.

Date: _____

 Jamie Bailey, Treasurer

CONSENT OF BUYERS BY CONTRACT

The undersigned buyers by contract do hereby join in and consent to the boundary line adjustments shown on this plat.

Date: _____

 PRAISE TABERNALE UPC
 By: Ron Erpelding, Pastor

STATE OF MONTANA)
) ss
 County of Cascade)

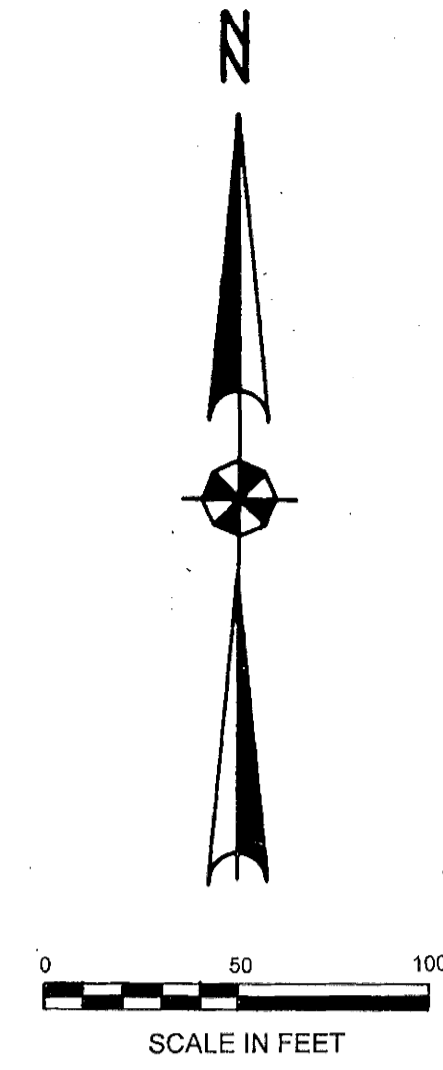
On this _____ day of _____, 201____, before me, _____, a Notary Public in and for the State of Montana, personally appeared Ron Erpelding, known to me to be the person who executed the foregoing Consent of Buyers By Contract, and he acknowledged to me that he executed the same.

Notary Public, State of _____
 Residing at: _____
 My Commission expires: _____

Survey for: Praise Tabernacle UPC
 Owners: Gayle & Joyce Slagle

1/4	SEC	TWP	RGE
NWSW	18	20N	4E
JOB NO.	2012-04		
F. B. NO.	LL		1
DRAWN	JEH		OF
DATE	11/29/12		1

DRAFT



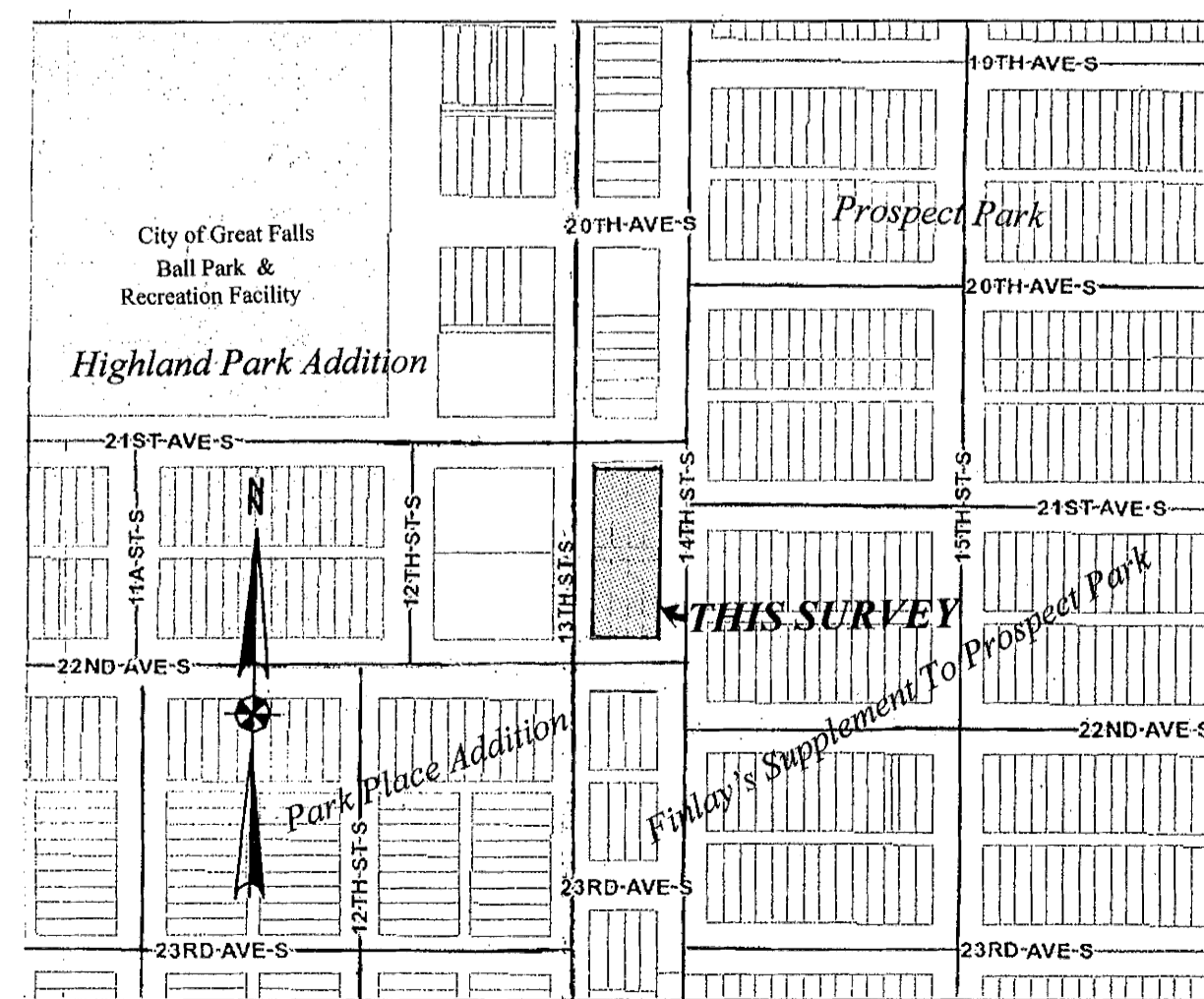
Scale: 1" = 50'

TOTAL AREA LOT = 1.270 ACRES
 = 28,445 SF

DATE OF SURVEY: November 14 to December 2, 2012

LEGEND

- Found 3/8" Rebar
- Found 1/2" Rebar With YPC "Henon"
- Found 5/8" Rebar With Green Plastic Cap "Morrison Maierle Inc - 14456LS"
- Set 5/8" x 24" Rebar With YPC "HODGES 4593ES"
- () Record Per Plat of Findlay's Supplement to Prospect Park
- YPC Yellow Plastic Cap
- R/W Right of Way
- POB Point of Beginning

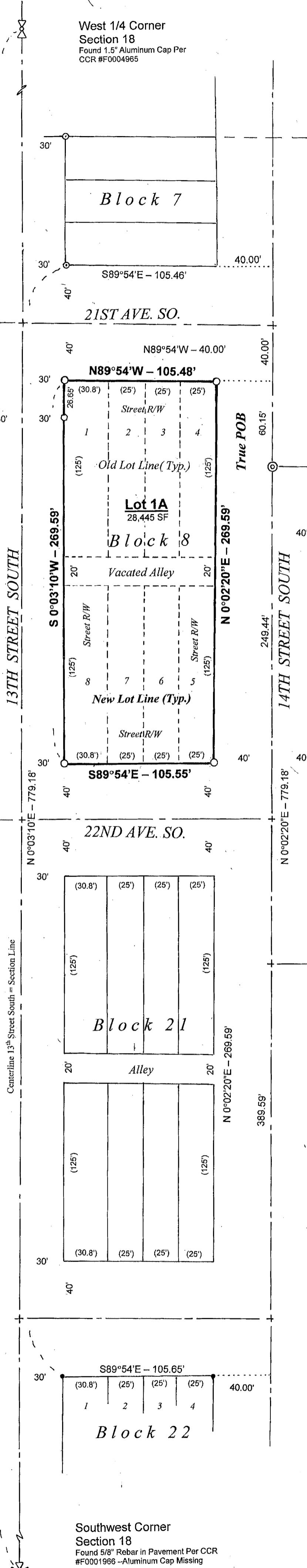


LOCATION MAP
 Scale: 1" = 300'

Highland Park Addition

Park Place Addition

Finlay's Supplement To Prospect Park



NOTES:

1. It was not the intent of this survey to locate or show all easements which may affect the subject property.
2. The 20 feet wide east-west alley was vacated by Cascade County Commission on August 25, 1988.
3. Found 1/2" rebar monument is 0.24 feet west of southwest corner of Block 7
4. Found 3/8" rebar monument is 0.15 feet west of northwest corner of Block 22.

Southwest Corner
 Section 18
 Found 5/8" Rebar in Pavement Per CCR
 #F0001996 - Aluminum Cap Missing

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

PRIMARY REVIEW CRITERIA

Effect on Agriculture: The subject property is not currently being utilized for agricultural purposes. The amended plat of the subject property will not interfere with any irrigation system or present any interference with agricultural operations in the vicinity. The land uses that exist in the vicinity of the subject property include single family residential homes and light industrial uses.

Effect on Local Services: The area within the amended plat is being annexed into the City of Great Falls and will be served by City water and sewer systems. The owner of the subject property shall establish an agreement with the City of Great Falls regarding utilities related to the property. The City should not experience an appreciable increase in maintenance and operating costs. The subject property within the amended plat will pay regular water and sewer charges.

The subject property will receive law enforcement and fire protection services from the City of Great Falls. The nearest fire station is approximately 1.8 miles away. Providing these services to this property is expected to be a negligible cost to the City.

A paved public roadway borders the property to the west, gravel roadways border the property to the northeast and south. The owners will waive their right to protest a future special improvement district for improvements to the adjacent roadways within the amended plat.

Effect on the Natural Environment: The area within the amended plat is not expected to adversely affect soils or the quality or quantity of ground water.

Effect on Wildlife and Wildlife Habitat: The subject property is located adjacent to an area containing urbanized development, 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 subject property is not subject to abnormal potential natural hazards such as flooding, snow or rockslides, wildfire, nor potential man-made hazards such as high voltage power lines.

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

The amended plat of 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

The owner is responsible to provide all necessary utility easements to accommodate water and sanitary sewer service lines to serve the subject property.

LEGAL AND PHYSICAL ACCESS

Paved public roadways border the subject property and provide legal and physical access to the project.

**ANNEXATION AGREEMENT FOR
LOTS 1-8 AND VACATED ALLEY, BLOCK 8,
FINLAY SUPPLEMENT TO PROSPECT PARK ADDITION,
AND THE ABUTTING PORTIONS OF 14TH STREET SOUTH
AND 22ND AVENUE SOUTH ALL LOCATED IN
SECTION 18, TOWNSHIP 20 NORTH,
RANGE 4 EAST, CASCADE COUNTY, MONTANA**

1. PREFACE

The following is a binding Agreement dated this _____ day of _____, 2013, between Gayle Slagle, hereinafter referred to as “Owner,” PRAISE TABERNACLE, hereinafter referred to as “Purchaser,” 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 annexation to the corporate limits of City, Lots 1-8, Block 8, Finlay Supplement to Prospect Park Addition, and the abutting portions of 14th Street South and 22nd Avenue South all located in Section 18, Township 20 North, Range 4 East, Cascade County, Montana, hereinafter referred to as “Subject Property.”

2. PREVIOUS AGREEMENTS

Annexation Agreement for Lots 1-12, Block 29, Highland Park Addition Agreement between Owner and subsequently Purchaser, and Dave Dickman regarding reimbursement for 13th Street South improvements, are on file at the Planning and Community Development Office. Mr. Dickman has released City from any obligation to collect reimbursements related to the Annexation Agreement for Lots 1-12, Block 29, Highland Park Addition.

3. SUPPORTING DOCUMENTS

Amended Plat of Lots 1-8, Block 8, Finlay Supplement to Prospect Park Addition, located in Section 18, Township 20 North, Range 4 East, Cascade County, Montana, prepared by James E. Hodges, and filed of record in the Clerk and Recorder’s Office of Cascade County, Montana on the _____ day of _____, 2013. Document Number: _____

4. FEES AND CHARGES

- A. Prior to annexation of Subject Property, Owner and subsequently Purchaser, shall pay, in addition to the \$100.00 fee for Annexation Application, \$200.00 fee for Annexation Agreement, and \$100.00 fee for Resolution, \$700.00 for Establishing City Zoning, which have been paid, pay the following fees as provided by City policy and resolution;
- a. Storm Sewer Fee (\$250/acre x 1.31 acres) \$ 327.50
 - b. Recording fees for Agreement and
Resolution (\$11 per page x 11 pages) \$ 121.00

Total fees made payable to City of Great Falls \$ 445.50

- B. Reimbursement for proportionate share of cost of water main within 13th Street South (\$8,500.00). Owner and subsequently Purchaser have the obligation to work out the financial arrangements with Dave Dickman per agreement on file at Planning and Community Development Office.
- 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 Subject Property shall not constitute a waiver by the City.

5. UNFORESEEN POTENTIALITIES

It is mutually recognized, understood and agreed by City and Owner and subsequently Purchaser, 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. SOIL AND/OR GROUNDWATER CONDITIONS

The Owner and subsequently Purchaser, of the subject property 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 and subsequently Purchaser, property in the Subdivision. This indemnity obligation runs with the land. Upon the transfer of ownership of the subject property, the prior owner's and subsequently Purchaser, (whether the Owner and subsequently Purchaser, 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, and subsequently Purchaser of the property. Only the owner, and subsequently Purchaser 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 and subsequently Purchaser, of property in the Subdivision is obligated to indemnify for adverse conditions on property owned by someone else.

This indemnification by the owner and subsequently Purchaser, of the subject property shall apply unless such damage or injury results from the negligence, gross negligence or willful misconduct of the City.

7. MAINTENANCE DISTRICTS

Owner and subsequently Purchaser, waives its right to protest the lawful creation by City of maintenance districts for any proper purpose including, but not limited to, fire hydrant, street maintenance and street lighting and shall pay the proportionate share of the costs associated with said maintenance districts as they may be applied to lots in Subject Property.

8. FUTURE STORM DRAINAGE FACILITIES

Owner and subsequently Purchaser, hereby agrees 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 Subject Property 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 Subject Property which is a contributor to the drainage sub-basin of which Subject Property is a part.

9. FUTURE WATER/SEWER FACILITIES

Owner and subsequently Purchaser, hereby agrees to waive right to protest any future area wide special improvement district for water or sewer facilities and further agrees to pay for proportionate share of any future water or sewer improvements which service Subject Property that may be installed with or without an area wide special improvement district.

10. FUTURE ROADWAY IMPROVEMENTS

Owner and subsequently Purchaser, hereby agrees to waive right to protest creation of any future special improvement district for the Subject Property and further agrees to pay when deemed necessary by the City for proportionate share of said roadway improvements, including sidewalk, that may be installed with or without a special improvement district.

11. PUBLIC ROADWAY LIGHTING

Owner and subsequently Purchaser, hereby agrees to waive its right to protest any future special lighting district for public roadway lighting facilities that service Subject Property, and further agrees to pay for proportionate share of the costs associated with roadway lighting which service Subject Property that may be installed with or without a special lighting district.

12. WAIVER OF PROTEST OF ANNEXATION

Owner and subsequently Purchaser, does hereby waive any and all statutory procedure notice on right of protest to annexation of Subject Property, as provided for by State law.

13. ANNEXATION PREREQUISITES

Subject Property 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. Subject Property, upon annexation to City, will be provided fire protection services by City comparable to that provided incorporated properties.

14. CITY ACCEPTANCE AND ZONING

In consideration of the foregoing, City hereby accepts and approves Lots 1-8, Block 8, Finlay Supplement to Prospect Park Addition, and the abutting portions of 14th Street South and 22nd Avenue South all located in Section 18, Township 20 North, Range 4 East, Cascade County, Montana, and will approve the property contained within the boundaries of said lot for incorporation by annexation into the corporate limits of the City of Great Falls, Montana with an assigned zoning classification of R-3 Single-family high density residential district with a Conditional Use Permit for a Worship Facility. It is hereby understood that the preceding language regarding zoning of lots in the Subject Property 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.

15. BINDING EFFECT

The provisions, covenants and terms of this Agreement shall run with the land and bind the present Owners and subsequently Purchasers, 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.

CITY OF GREAT FALLS

Party of the First Part

Gregory T. Doyon, City Manager

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

David L. Nielsen, Interim City Attorney

PURCHASER
Party of the Second Part

By: _____
Ron Erpelding, Praise Tabernacle Church

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

On this _____ day of _____, 2012, before me, a Notary Public in and for the State of Montana, personally appeared Bruch Rohrer, known to me to the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year certificate first above written.

(NOTARIAL SEAL)

Notary Public for the State of Montana
Printed Name: _____
Residing at: _____
My commission Expires: _____, 20_____

OWNER
Party of the Second Part

By: _____
Gayle Slagle

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

On this _____ day of _____, 2013, before me, a Notary Public in and for the State of Montana, personally appeared Bruch Rohrer, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year certificate first above written.

(NOTARIAL SEAL)

Notary Public for the State of Montana
Printed Name: _____
Residing at: _____
My commission Expires: _____, 20 _____