



****REVISED****

- Item:** Public Hearing – Resolution 10016 to Annex, Ordinance 3107 to assign City Zoning and Annexation Agreement all pertaining to the property legally described as Mark 10A, Ranchos Grande Vista No. 1, and abutting portion of Flood Road, all located in SE 1/4 of Section 22, Township 20 North, Range 3 East, PMM, Cascade County, Montana
- From:** Galen Amy, Planner I, Planning and Community Development
- Initiated By:** Leslie Baldrige, Property Owner
- Presented By:** Craig Raymond, Interim Director of Planning and Community Development
- Action Requested:** City Commission adopt Resolution 10016, Ordinance 3107 and Annexation Agreement all pertaining to Mark 10A, Ranchos Grande Vista No. 1.

Public Hearing:

1. Mayor conducts public hearing, calling three times each for proponents and opponents.
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 10016 and (approve/disapprove) the Annexation Agreement all pertaining to Mark 10A, Ranchos Grande Vista No. 1.”

and;

“I move that the City Commission (adopt/deny) Ordinance 3107.”

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

Recommendation: At the conclusion of a public hearing held March 26, 2013, the Planning Advisory Board conditionally recommended approval of annexation of the property owned by Leslie Baldrige, and the Zoning Commission recommended approval of assigning a zoning classification of R-1 Single-family suburban district 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 March 10, 2013. No citizens spoke at the public hearing for or against the project.

Staff recommends approval of the proposed annexation and zoning of ±8.916 acres of unincorporated land legally described as Mark 10A, Ranchos Grande Vista No. 1, and abutting portion of Flood Road located in SE 1/4 of Section 22, Township 20 North, Range 3 East, PMM, Cascade County, Montana, and the abutting portion of Flood Road right-of-way, herein referred to as subject property.

Ordinance 3107 to assign City zoning to the subject property was accepted by the City Commission on first reading on April 16, 2013. Notice of Public Hearing before the City Commission for the annexation and establishment of City zoning was published in the *Great Falls Tribune* on April 21, 2013.

Background: The owner of the subject property is requesting annexation and establishing City zoning. The property is vacant, non-irrigated pasture and the owner is making the request in order to construct a new single-family residence, which will connect to and utilize existing public utilities. An amended plat of the property, providing an additional 10 feet of right-of-way to the east side of Flood Road, is required as a condition of annexation. In addition to the ±8.652 acre subject property, per the Montana Code Annotated the abutting portion of Flood Road, comprised of ±0.264 acres, is also being annexed as a part of the request. In total ±8.916 acres will be annexed into the City.

Improvements

Street Improvements

The subject property abuts Flood Road, but proposed access to the new residence will be from Ferguson Drive. The applicant will not be required to extend Ferguson Drive to the southern property line of the subject property, as there is an existing residence on the adjacent southern lot in the County that would block any further extension of Ferguson Drive beyond the subject property. Conditions related to street improvements are included in the conditions of approval stated in this agenda report. Upon development of the property, a Ferguson Drive address will be assigned.

Utilities

The applicant proposes to install a water service line from the City's 8-inch PVC transmission main located in Ferguson Drive. As a condition of annexation, the owner will be required to participate in the cost to replace an existing flush hydrant and install a fire hydrant where the subject property abuts Ferguson Drive. In addition, the property owner will be required to escrow their proportionate share of future extension of the 12-inch water main in Flood Road, adjacent to the subject property.

There is currently an 8-inch PVC sanitary sewer main in Ferguson Drive. The owner shall extend the sewer and install a standard 4-foot diameter manhole at the terminus of the sewer main as required by Public Works. Due to the lot topography and proposed development of a single-family residence, it is not feasible for the water and sewer mains to be extended through the subject property to the south, and the applicant would not be required to install storm drain facilities in the area. The owner will be required to waive their right to protest creation of a future special improvement district for water, sewer, and stormdrain improvements as a condition of annexation into the City.

The subject property, upon annexation shall be zoned R-1 Single-family suburban district. According to the Land Development Code, the R-1 Single-family suburban residential zoning classification is intended to accommodate comparatively low-density, single-family residential development on larger lots. The substantial lot size and proposed single-family residential use is compatible with the R-1 zoning district.

The existing pattern of development south of the subject property is large tracts of land in Cascade County with single-family residences. The potential for higher density development in this area consistent with the R-2 and R-3 development north of the subject property is low given parcel size and costs to extend utilities. The R-1 zoning district serves as a transition between the higher density single-family homes to the north and large lot development to the south.

Section 17.16.40.030 of the Official Code of the City of Great Falls lists criteria and guidelines as the Basis of Decision which must be considered in conjunction with establishing municipal zoning on land and include:

1. The amendment is consistent with and furthers the intent of the City's growth policy;
2. The amendment is consistent with and furthers adopted neighborhood plans, if any;
3. The amendment is consistent with other planning documents adopted by the City Commission, including the river corridor plan, transportation plan, and sub-area plans;
4. The code with the amendment is internally consistent;
5. The amendment is the least restrictive approach to address issues of public health, safety, and welfare;
6. The City has or will have the financial and staffing capability to administer and enforce the amendment.

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 a compatible mix of land uses in newly developing areas, adding more housing stock and choice, and that land use should be a mix of interdependent, compatible and mutually supportive land uses.

Staff concludes that the abovementioned criteria are substantially met and that zoning of the subject property will enhance health, safety and welfare through application of City Codes and provision of municipal services.

Patty Cadwell, Neighborhood Council Coordinator, presented the project to Neighborhood Council #1 on March 12, 2013. There were general questions regarding the project, but the Council did not vote for or against supporting the project.

Conditions of approval recommended by the Planning Advisory Board/Zoning Commission for the subject property include:

1. The property owner shall prepare an amended plat providing an additional 10 feet of right-of-way to the east of Flood Road. The amended plat of the subject property shall

incorporate correction of any errors or omissions noted by staff.

2. An Annexation Agreement shall be prepared containing the terms and conditions for annexation of the subject property including, but not limited to, agreement by applicant to:
 - a) waive their right to protest any future special improvement districts for improvements to roadways, public utilities, water or sewer.
 - b) indemnify the City for any damages attributable to adverse soil or groundwater conditions.
 - c) participate in the cost to replace an existing flush hydrant and install a fire hydrant where the subject property abuts Ferguson Drive.
 - d) escrow of funds for the improvement on Flood Road.
 - e) participate in their proportionate share of extending the 12-inch water main in Flood Road, adjacent to the subject property.
 - f) install standard 4-foot diameter manhole at the terminus of the sewer main in Ferguson Drive.
 - g) pave the driveway, take necessary measures to preclude erosion along the adjacent slope and sedimentation onto the City street, and construct the driveway in accordance with IFC 2009 Section 503.
 - h) any roadway section that is disturbed during construction activities of the project shall be restored to their original condition.
3. All applicable fees owed as a condition of the amended plat or annexation approval shall be paid upon annexation of subject property.

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.

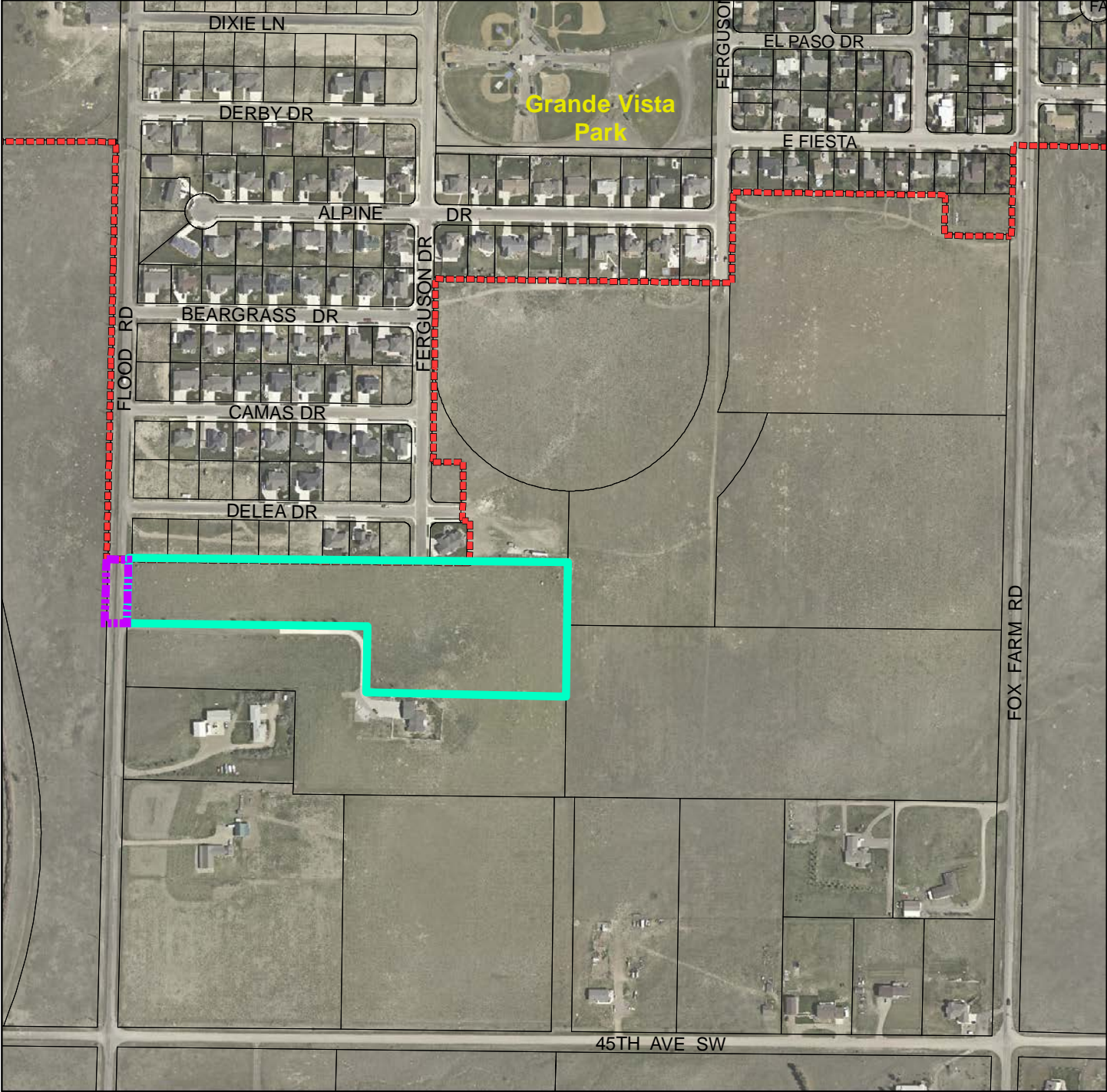
Fiscal Impact: The annexation will marginally expand the fire and police service area, which will have a minimal fiscal impact on the City. The City should see a slight increase in tax revenues from construction of the single-family home on the property.





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.

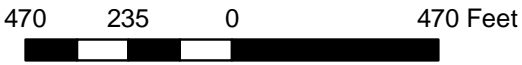
Attachments/Exhibits: Aerial Map
Fire Rescue Letter
Ordinance 3107 with Attachment A
Resolution ~~9984~~ **10016** with Attachment A
Annexation Agreement

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Patty Cadwell, Neighborhood Council Coordinator
Susan Conell, Cascade County, sconell@casadecountymt.gov
Leslie Baldrige, 1004 East Fiesta, Great Falls, MT 59404

Aerial Map



-  Flood Road Annexation Area
-  City Limits
-  4201 Flood Road Annexation Area
-  Tracts of Land





GREAT FALLS FIRE RESCUE

105 9th Street South
Great Falls, MT 59401

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

Date: March 8th, 2012

TO: City of Great Falls, Community Development
Craig Raymond, Building Official
Galen Amy, Planner

FR: Dirk M. Johnson, Fire Marshal

RE: Project Review of 4201 Flood Road Annexation

Galen and Craig:

Site location: 4201 Flood Road Annexation Access Road

In accordance with IFC 2009 Section 503

- 503.2.1-Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6 (security gate will have an means of emergency operation) and unobstructed vertical clearance of not less than 13 feet 6 inches.
- 503.2.5-Dead ends. Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. The approved calculated turning radii for fire apparatus wall to wall is 40 feet.

Signed,

Dirk M. Johnson

ORDINANCE 3107

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-1 SINGLE-FAMILY SUBURBAN DISTRICT TO MARK 10A, RANCHOS GRANDE VISTA NO.1, **AND ABUTTING PORTION OF FLOOD ROAD**, LOCATED IN SE 1/4 OF SECTION 22, TOWNSHIP 20 NORTH, RANGE 3 EAST, PMM, CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Leslie Baldrige has petitioned the City of Great Falls to annex Mark 10A, Ranchos Grande Vista No. 1, and abutting portion of Flood Road right-of-way along the west boundary of the subject property, located in SE 1/4 of Section 22, Township 20 North, Range 3 East, PMM, Cascade County, Montana, herein referred to as Subject Property, and;

WHEREAS, Leslie Baldrige has petitioned the Subject Property be assigned a zoning classification of R-1 Single-family suburban district upon annexation to the City; and,

WHEREAS, the portion of Flood Road abutting the western boundary of Mark 10A, Rancho Grande Vista No. 1 shall be assigned zoning consistent with the adjacent properties of R-1 Single-family suburban 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 7th day of May, 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 Mark 10A, Ranchos Grande Vista No. 1, and abutting portion of Flood Road right-of-way along the west boundary of the subject property, consisting of ± 8.916 acres, located in SE 1/4 of Section 22, Township 20 North, Range 3 East, PMM, Cascade County, Montana, shall be designated R-1 Single-family suburban district consistent with adjacent property upon annexation as attached hereto as Attachment "A" and by this reference made a part hereof.

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 Mark 10A, Ranchos Grande Vista No. 1, and abutting portion of Flood Road right-of-way along the west boundary of the subject property, located in SE 1/4 of Section 22, Township 20 North, Range 3 East, PMM, Cascade County, Montana, consisting of ± 8.916 acres, whichever event shall occur later.

APPROVED by the City Commission on first reading April 16, 2013.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading May 7, 2013.

Michael J. Winters, Mayor

ATTEST:

Lucy Hallett, Deputy 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)

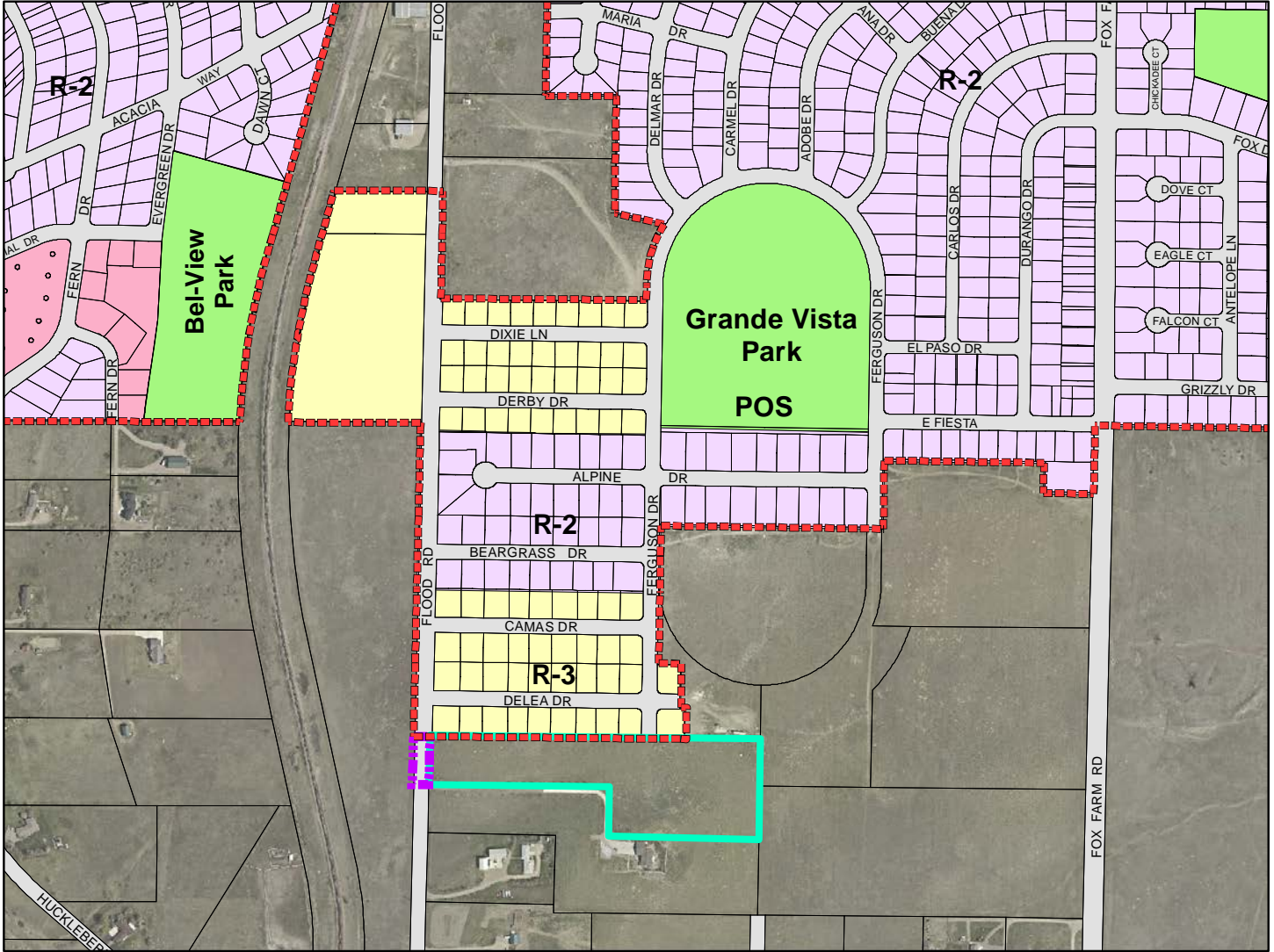
I, Lucy Hallett, Deputy City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3107 in three conspicuous places within the limits of said City to-wit:

- 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

Lucy Hallett, Deputy City Clerk

(CITY SEAL)

Attachment A Ordinance 3107



<ul style="list-style-type: none"> Flood Rd Annexation Area Baldrige Property Tracts of Land City Limits Right-of-way ZONING AI Airport Industrial C-1 Neighborhood commercial C-2 General commercial 	<ul style="list-style-type: none"> C-3 Highway commercial C-4 Central business core C-5 Central business periphery I-1 Light industrial I-2 Heavy industrial M-1 Mixed-use district M-2 Mixed-use transitional PLI Public lands institutional POS Park Open Space 	<ul style="list-style-type: none"> 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
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N

320 160 0 320 Feet

Annexation Flood Rd

RESOLUTION 10016

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE MARK 10A, RANCHOS GRANDE VISTA NO.1, AND ABUTTING PORTION OF FLOOD ROAD, LOCATED IN SE 1/4 OF SECTION 22, TOWNSHIP 20 NORTH, RANGE 3 EAST, PMM, 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, a certain tract or parcels of land situated in the County of Cascade, State of Montana, and described as follows:

Mark 10A, Ranchos Grande Vista No. 1, located in SE 1/4 of Section 22, Township 20 North, Range 3 East, PMM, Cascade County, Montana containing ± 8.652 acres;

And,

The abutting 60-foot right-of-way of Flood Road, west of Mark 10A, located in Section 22, Township 20 North, Range 3 East, PMM, Cascade County, Montana, containing ± 0.264 acres;

containing in all ±8.916 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, 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; and,

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: "MARK 10A, RANCHOS GRANDE VISTA NO.1, AND ABUTTNIG PORTION OF FLOOD ROAD, LOCATED IN SE 1/4 OF SECTION 22, TOWNSHIP 20 NORTH, RANGE 3 EAST, PMM, CASCADE COUNTY, MONTANA."

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

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,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION 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 May 7, 2013.

Michael J. Winters, Mayor

ATTEST:

Lucy Hallett, Deputy City Clerk

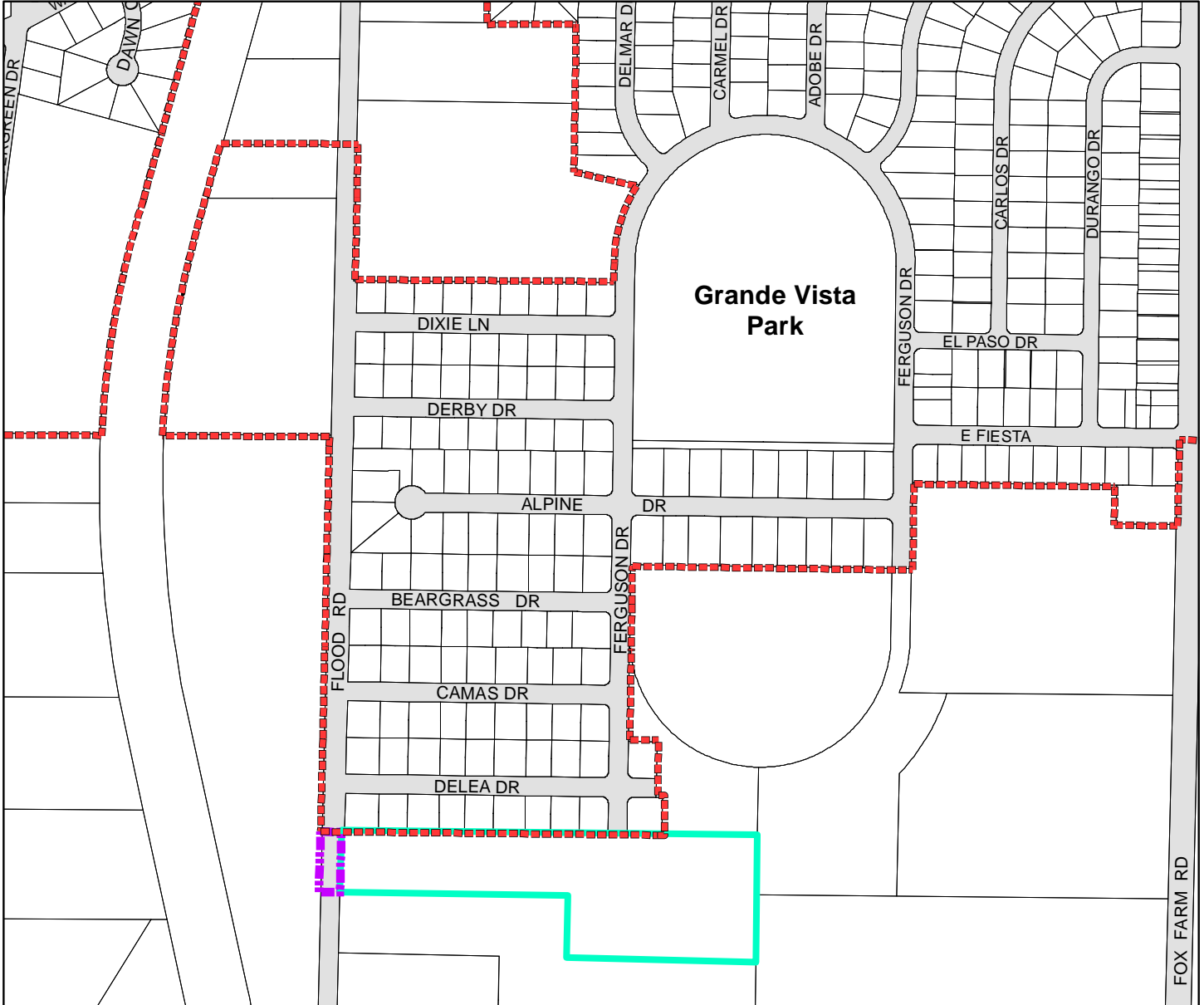
(SEAL OF CITY)






APPROVED FOR LEGAL CONTENT:

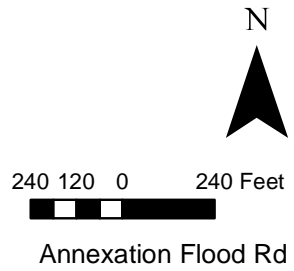
David L. Nielsen, Interim City Attorney

Attachment A

Resolution 10016



-  Flood Road Annexation Area
-  Baldrige Property Annexation Area
-  Tracts of Land
-  City Limits
-  Right-of-way



**ANNEXATION AGREEMENT FOR
MARK 10A, RANCHOS GRANDE VISTA NO. 1,
AND ABUTTNIG PORTION OF FLOOD ROAD,
LOCATED IN SE 1/4 OF SECTION 22, TOWNSHIP
20 NORTH, RANGE 3 EAST, PMM, CASCADE
COUNTY, MONTANA**

1. PREFACE

The following is a binding Agreement dated this _____ day of _____, 2013, between Leslie Baldrige, hereinafter referred to as "Owner," 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 Amended Plat and the annexation to the corporate limits of City, Mark 10A, Ranchos Grande Vista No. 1, and abutting portion of Flood Road, located in SE 1/4 of Section 22, Township 20 North, Range 3 East, PMM, Cascade County, Montana, hereinafter referred to as "Subject Property."

2. PREVIOUS AGREEMENTS/RESTRICTIONS

Protective Covenants for Ranchos Grande Vista No. 1 filed with the Cascade County Clerk and Recorder's Office.

3. SUPPORTING DOCUMENTS

Amended Plat of Subject Property and filed of record in the Clerk and Recorder's Office of Cascade County, Montana.

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 amended 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. All amendments to this Agreement, except as allowable above in this section, shall be in writing and approved by City and Owner.

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 Subject Property, Owner shall, 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 8.652 acres)	\$ 2,163.00
b. Proportionate share of Flood Road roadway and water main improvements	\$ 19,300.00
c. Recording fees for Agreement and Resolution (\$11 per page x 11 pages)	\$ 121.00

Total fees made payable to City of Great Falls	\$ 21,584.00
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- B. Owner or its successors or assigns shall pay City for its expenses incurred in construction, testing, inspection and acceptance of public utilities to serve Subject Property 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 Subject Property shall not constitute a waiver by the City.

7. PUBLIC IMPROVEMENTS

Owner agrees to complete the following conditions, according to plans referenced in Paragraph 3.B above and filed in the City Engineer's office and in accordance with standards of City:

- A. Owner shall install a fire hydrant, and a standard four-foot (4') diameter manhole at the terminus of the sewer main, in Ferguson Drive as specified by the Department of Public Works and Fire Department, before the service line connections are made and/or occupancy of the Subject Property occurs.
- B. Owner shall escrow one-half the cost of a standard local street along the abutting frontage with Flood Road, a distance of one hundred ninety-three and two-hundredths feet (193.02'); and one-half the share of the cost of a standard eight-inch (8") water main, along the abutting frontage of Flood Road. The City shall reimburse the Owner for any escrow monies in excess of the actual cost of future improvements.

8. SOIL AND/OR GROUNDWATER CONDITIONS

The owner of 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 Subject Property. This indemnity obligation runs with the land. Upon the transfer of ownership of the Subject Property, 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 Subject 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 the Subject Property is obligated to indemnify for adverse conditions on property owned by someone else.

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

9. RESTRICTIONS ON OCCUPANCY

Owner acknowledges that City will not permit the occupancy of proposed residential structure on Subject Property improvements referenced in Paragraph 7 have been installed, tested and accepted by City, which acceptance will not be unreasonably withheld by City.

10. MAINTENANCE DISTRICTS

Owner waives its right 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 they may be applied to Subject Property.

11. FUTURE STORM DRAINAGE FACILITIES

Owner 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.

12. FUTURE ROADWAY IMPROVEMENTS

Owner 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 sidewalks that may be installed with or without a special improvement district.

13. PUBLIC ROADWAY LIGHTING

Owner 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.

14. WAIVER OF PROTEST OF ANNEXATION

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

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

After the public utilities 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 Owner, Owner or its 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.

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 installation.

16. 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.

17. CITY ACCEPTANCE AND ZONING

In consideration of the foregoing, City hereby accepts and approves Mark 10A, Ranchos Grande Vista No. 1, and abutting portion of Flood Road, located in SE 1/4 of Section 22, Township 20 North, Range 3 East, PMM, 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-1 Single-family suburban district. 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.

18. 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.

CITY OF GREAT FALLS
Party of the First Part

Gregory T. Doyon, City Manager

ATTEST:

Lucy Hallett, Deputy City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

David L. Nielsen, Interim City Attorney

OWNER
Party of the Second Part

By: Leslie Baldrige
Leslie Baldrige

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

On this 23 day of APRIL, 2013, before me, a Notary Public in and for the State of Montana, personally appeared Leslie Baldrige, 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.

Wanda Shafer
Notary Public for the State of Montana
Printed Name: WANDA SHAFER
Residing at: GREAT FALLS
My commission Expires: APR 30, 2013

(NOTARIAL SEAL)

