



Item: Public Hearing – Resolution 9984 to Annex, Ordinance 3093 to assign City Zoning and Annexation Agreement all pertaining to 1517 17th Ave SW, legally described as Lots 26 & 27 and vacated alley, Block 17, University Addition and abutting portion of 17th Avenue Southwest all located in Section 15, T20N, R3E, Cascade County, MT

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

Initiated By: Bruce Rohrer, Property Owner

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

Action Requested: City Commission adopt Resolution 9984, Ordinance 3093 and Annexation Agreement all pertaining to 1517 17th Ave SW.

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 9984 and (approve/disapprove) the Annexation Agreement all pertaining to 1517 17th Ave SW.”

and;

“I move that the City Commission (adopt/deny) Ordinance 3093.”

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

Recommendation: At the conclusion of a public hearing held June 12, 2012, the Planning Advisory Board conditionally approved the annexation of a portion of 1517 17th Ave SW, and the Zoning Commission approved assigning a zoning classification of R-3 Single-family high density residential 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 May 27, 2012. No citizens spoke at the public hearing for or against the project.

Staff recommends approval of the proposed annexation and zoning of ±0.53 acres of unincorporated land legally described as Lots 26 & 27 and vacated alley, Block 17, University Addition, and abutting portion of 17th Avenue Southwest, Section 15, T20N, R3E, Cascade County, MT.

Ordinance 3093 to assign City zoning to the subject property was accepted by the City Commission on first reading on July 17, 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 July 22, 2012 and July 29, 2012.

Background: The owner of 1517 17th Avenue Southwest is requesting annexation of their property that consists of ±0.15 acres. There is a single family residence on the property and the owner is making the request in order to utilize and connect to existing public utilities adjacent to the subject property. The subject property is comprised of two lots and a portion of a vacated alley. An amended plat of the property, consolidating the lots and alley, is required as a condition of annexation.

In addition to the subject property, per MCA, the abutting portions of 17th Avenue SW, comprised of ±0.38 acres, must also be annexed as a part of the request. In total ±0.53 acres will be annexed into the City.

The subject property abuts 17th Avenue Southwest, which is a gravel roadway. In order to simplify maintenance responsibility, the City's Street Division requires 17th Avenue Southwest be annexed for the entire block up to the east right-of-way of 16th Street Southwest. As a condition of annexation, any roadway section (gravel and subgrade) that is disturbed during construction activities of the project shall be restored to their original condition. Public Works is not requiring any escrow of funds for the improvement 17th Avenue Southwest. 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 services from the City transmission mains located in the abutting right-of-way of 17th Avenue Southwest. As a condition of annexation, the owner will be required to install a fire hydrant at the intersection of 17th Avenue Southwest and 16th Street Southwest. The City will pay for the cost of the fire hydrant and the owner will pay for the labor to install the hydrant. The owner will be eligible for reimbursement of this hydrant as benefitting properties are annexed.

There is currently no sanitary sewer in 17th Avenue Southwest. The owner shall extend the sewer as required by Public Works from its existing location in 15th Street Southwest to the owner's western property boundary. The owner will be eligible for reimbursement of this main as surrounding properties annex into the City. The owner will waive their right to protest a future special improvement district for water and sewer improvements as a condition of annexation into the City.

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 17th Avenue Southwest (no inlets). 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.

Zoning of the 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.

Applicable policy statements include “residential land uses should be planned and located so that they do not result in adverse impacts upon one another.” Therefore, staff concludes the above-cited criteria are substantially met.

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 providing infill development and protecting and enhancing the character of existing neighborhoods.

Patty Cadwell, Neighborhood Council Coordinator, presented the project to Neighborhood Council #1 on May 15, 2012. There were no comments from Neighborhood Council #1, but the Planning Department has received one letter in support of the annexation.

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 the improvements being made to 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:

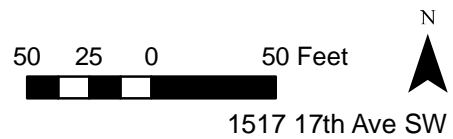
Aerial Photo
Ordinance 3093 with Attachment A
Resolution 9984 with Attachment A
Annexation Agreement
Reduced copy of Amended Plat

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Patty Cadwell, Neighborhood Council Coordinator
Bruce Rohrer, 3200 Jasper Rd, Great Falls, MT 59404

Aerial Photo



- City Limits
- ▨ 1517 17th Ave SW
- ▨ Right of Way Being Annexed
- Tracts of Land



CORRECTED
ORDINANCE 3093

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY RESIDENTIAL DISTRICT TO LOTS 26 & 27 AND VACATED ALLEY, BLOCK 17, UNIVERSITY ADDITION, AND ABUTTING PORTION OF 17TH AVENUE SOUTHWEST FROM THE EASTERN BOUNDARY OF THE SUBJECT PROPERTY TO THE EASTERN EDGE OF 16TH STREET SOUTHWEST RIGHT-OF-WAY ALL LOCATED IN SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Bruce Rohrer has petitioned the City of Great Falls to annex 1517 17th Ave SW consisting of ~~±0.53~~ ±0.15 acres, described as Lots 26 & 27 and vacated alley, Block 17, University Addition, Section 15, Township 20 North, Range 3 East, Cascade County, Montana, herein referred to as Subject Property, and;

WHEREAS, Bruce Rohrer has petitioned Subject Property be assigned a zoning classification of R-3 Single-family high density residential district 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 ±0.38 acres of 17th Avenue Southwest; and,

WHEREAS, the abutting portion of the 17th Avenue Southwest 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 7th day of August, 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 of Lots 26 & 27 and vacated alley, Block 17, University Addition, Section 15, Township 20 North, Range 3 East, Cascade County, Montana, be designated as R-3 Single-family high density residential district classification as attached hereto as Attachment "A" and by this reference made a part hereof.

Section 3. That the zoning of said portion of 17th Avenue Southwest 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 26 & 27 and vacated alley, Block 17, University Addition and said portion of 17th Avenue Southwest Section 15, Township 20 North, Range 3 East, Cascade County, Montana, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

APPROVED by the City Commission on first reading July 17, 2012.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading August 7, 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)

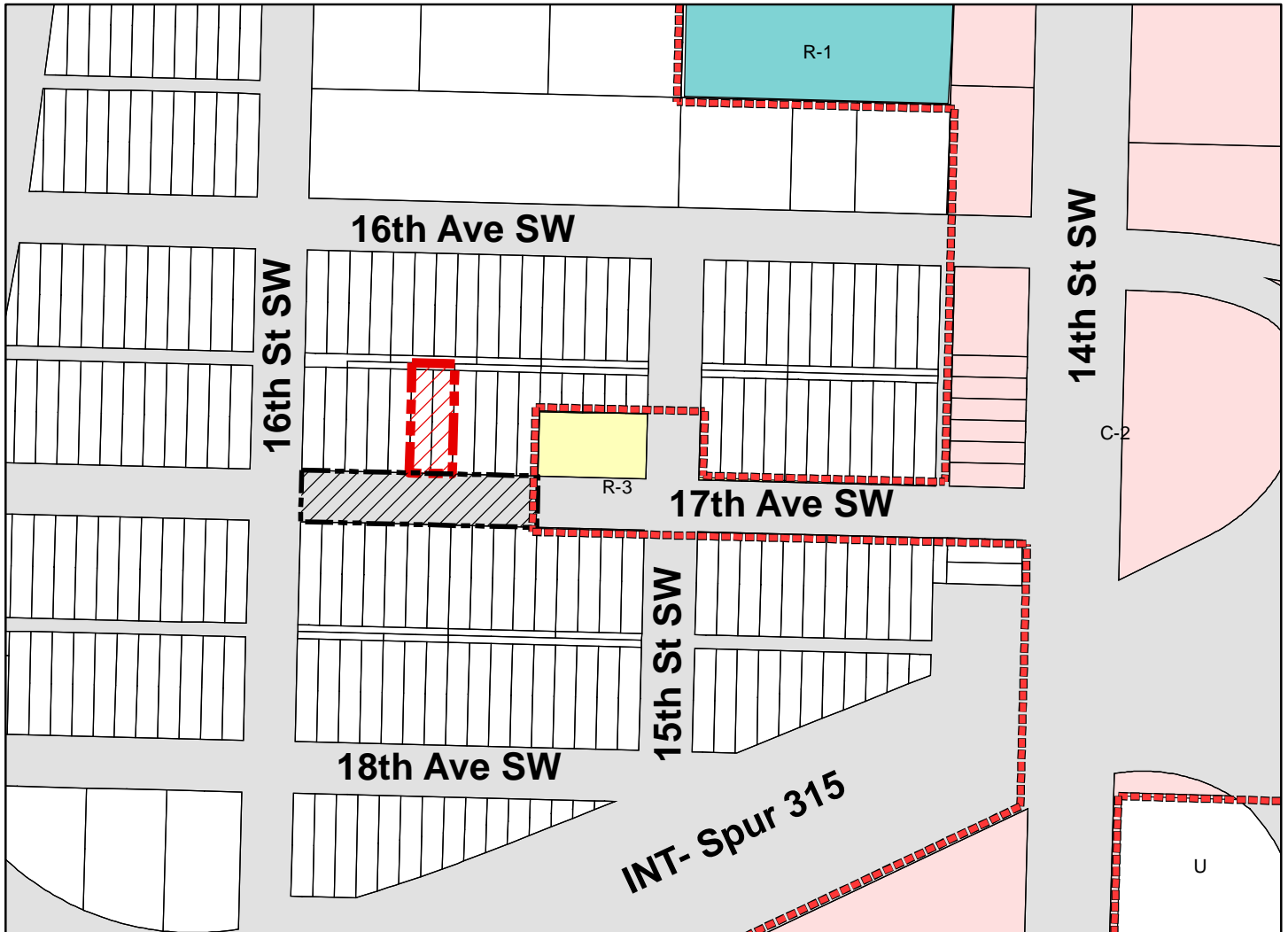
I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3093 in three conspicuous places within the limits of said City to-wit:

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)

Attachment A Ordinance 3093



City Limits	C-4 Central business core	R-1 Single-family suburban
1517 17th Ave SW	C-5 Central business periphery	R-2 Single-family medium density
ROW Being Annexed	I-1 Light industrial	R-3 Single-family high density
Tracts of Land	I-2 Heavy industrial	R-5 Multi-family medium density
ZONING	M-1 Mixed-use district	R-6 Multi-family high density
AI Airport Industrial	M-2 Mixed-use transitional	R-9 Mixed residential
C-1 Neighborhood commercial	PLI Public lands institutional	R-10 Mobile home park
C-2 General commercial	POS Park Open Space	Unincorporated Enclave
C-3 Highway commercial	PUD Planned unit development	Right-of-Way

120 60 0 120 Feet

1517 17th Ave SW

RESOLUTION 9984

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND SAID CITY BOUNDARIES TO INCLUDE LOTS 26 & 27 AND VACATED ALLEY, BLOCK 17, UNIVERSITY ADDITION, AND ABUTTING PORTION OF 17TH AVENUE SOUTHWEST, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, 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 26 & 27 and vacated alley, Block 17, University Addition, Section 15, Township 20 North, Range 3 East, Cascade County, Montana and containing ± 0.15 acres.

And,

A segment of 17th Avenue Southwest, Section 15, Township 20 North, Range 3 East, Cascade County, Montana, more particularly described as follows:

Commencing at the southeast corner of Lot 17A, Block 17, University Addition, said corner being the "True Point of Beginning", proceed thence

southerly ± 60.0 feet, crossing the 17th Avenue Southwest right-of-way to a point on the southerly right-of-way line of 17th Avenue Southwest and the northeast corner of Lot 16, Block 16, University Addition;

Thence westerly ± 275 feet along the southerly right-of-way line of 17th Avenue Southwest, to a point on the easterly right-of-way of 16th Street Southwest and the northwest corner of Lot 7, Block 16, University Addition;

Thence northerly ± 60 feet, crossing the 17th Avenue Southwest right-of-way to a point on the northerly right-of-way line of 17th Avenue Southwest and the southwest corner of Lot 32, Block 17, University Addition;

Thence easterly ± 275 feet along the northerly right-of-way line of 17th Avenue Southwest, to a point on the northern right-of-way of 17th Avenue Southwest and the Southeast corner of Lot 17A, Block 17, University Addition, being the "True Point of Beginning" containing ± 0.38 ;

containing in all ± 0.53 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 segment of right-of-way from the Bruce Rohrer, property owner of 1517 17th Avenue Southwest legally described as Lots 26 & 27 and Vacated Alley, Block 17, University Addition located in Section 15, Township 20 North, Range 3 East, Cascade County, Montana.

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

That in its judgment it will be to the best interest of said City of Great Falls and the inhabitants thereof that the boundaries of said City of Great Falls shall be extended so as to include: "LOTS 26 & 27 AND VACATED ALLEY, BLOCK 17, UNIVERSITY ADDITION, AND ABUTTING PORTION OF 17TH AVENUE SOUTHWEST, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, CASCADE COUNTY, MONTANA."

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION: That Tuesday, the 7th day of August, 2012, at 7:00 P.M., in the Commission Chambers at the Great Falls Civic Center, Great Falls, Montana, be and the same is hereby set as the time and place for a public hearing at which time the Great Falls City Commission shall hear all persons and all things relative to the proposed annexation of "LOTS 26 & 27 AND VACATED ALLEY, BLOCK 17, UNIVERSITY ADDITION, AND ABUTTING PORTION OF 17TH AVENUE SOUTHWEST, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, CASCADE COUNTY, MONTANA."

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION: That the City Clerk of said City shall, at the aforesaid public hearing before the said City Commission and after expiration of a twenty (20) day period following the first publication of notice of passage of this Resolution, lay before the City Commission all communications in writing by her so received pertaining to said annexation.

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

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF THE CITY)

APPROVED FOR LEGAL CONTENT:

James W. Santoro, City Attorney

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

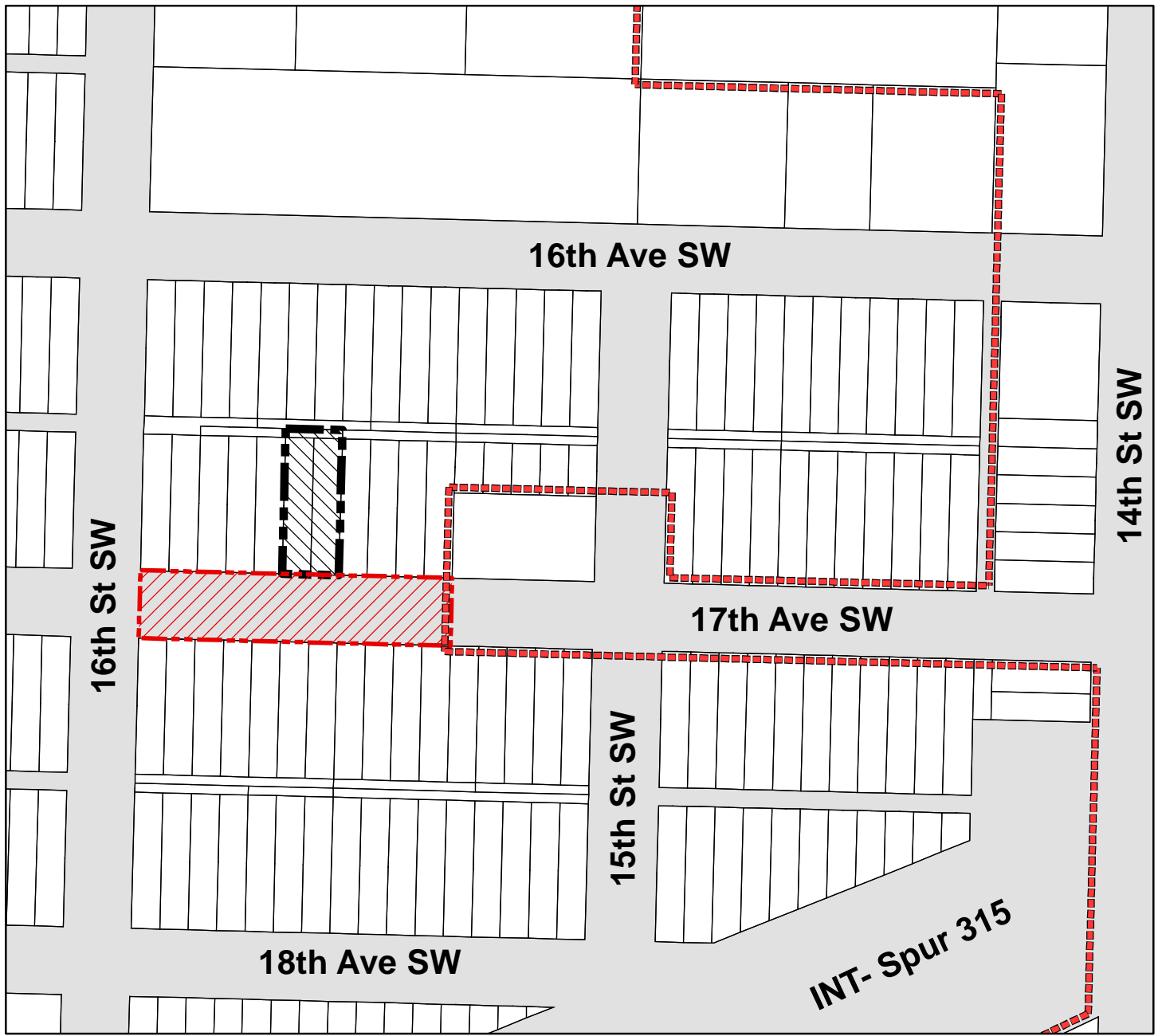
I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9984 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 7th day of August, 2012.






IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 7th day of August, 2012.

Lisa Kunz, City Clerk

(SEAL OF CITY)

Attachment A Resolution 9984



-  City Limits
-  Subject Property being annexed by Resolution 9984
-  Subject ROW being annexed by Resolution 9984
-  Tracts of Land
-  Right-of-Way



1517 17th Ave SW

**ANNEXATION AGREEMENT FOR
LOTS 26, 27 AND VACATED ALLEY,
BLOCK 17, UNIVERSITY ADDITION AND
A PORTION OF 17TH AVENUE SOUTHWEST ALL
LOCATED IN SECTION 15, TOWNSHIP 20 NORTH,
RANGE 3 EAST, CASCADE COUNTY, MONTANA**

1. PREFACE

The following is a binding Agreement dated this _____ day of _____, 2012, between Bruce Rohrer, 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, Lots 26, 27 and Vacated Alley, Block 17, University Addition, and a Portion of 17th Avenue Southwest all Located in Section 15, Township 20 North, Range 3 East, Cascade County, Montana, hereinafter referred to as “Subject Property.”

2. PREVIOUS AGREEMENTS/RESTRICTIONS

Annexation Agreement for the South 75 Feet of lots 17-21, Block 17, University Addition filed with the Cascade County Clerk and Records Office.

3. SUPPORTING DOCUMENTS

- A. Amended Plat of Subject Property, prepared by TD&H Engineering, and filed of record in the Clerk and Recorder’s Office of Cascade County, Montana.
- B. Final engineering drawings, specifications and cost estimates prepared by TD&H Engineering, consisting of documents for sanitary sewer mains and fire hydrant. Said drawings and specifications are on file in the City Engineer’s office.
- D. Regarding the bonding requirements to ensure construction of public improvements as referenced in Section 76-3-507, MCA, and Owner shall provide, in conjunction with submittal and approval of the annexation, a financial surety to ensure the construction and installation of public improvements to serve the area within said amended plat.
- E. Loan commitment letter dated _____ 2012, by _____ Bank of _____, to indicate the capability of Owner 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 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. “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 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 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 0.15 acres)	\$	37.50
b. Recording fees for Agreement and Resolution (\$11 per page x 11 pages)	\$	121.00

Total fees made payable to City of Great Falls	\$	158.50
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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 within two (2) years of the date of this Agreement, the installation of the sewer main and fire hydrant improvements for the Subject Property, 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. SANITARY SEWER MAIN REIMBURSEMENT

- A. Owner shall pay the full cost of the eight inch (8") sanitary sewer main to be immediately installed in 17th Avenue Southwest from 15th Street Southwest to 16th Street Southwest. Owner shall be entitled to reimbursement for the full cost of sanitary sewer installed from its existing location in 15th Street Southwest to the eastern boundary of the Subject Property consisting of 225 feet of frontage from the abutting property owners. The City shall reimburse the Owner when the property owner of the South 75 feet of Lots 17-21 of Block 17 pays the City their prorated share of sewer main costs as agreed to in Paragraph 2, above; and the Owner shall be reimbursed the prorated share of sewer main costs by the property owners of Lots 22-25 of Block 17, and Lots 6-16 of Block 16 when those properties annex. Also, the Owner shall be reimbursed for the full cost of sanitary sewer installed abutting Lot 28-30 of Block 17 when that property owner(s) annexes and pays the City their prorated share of the sewer costs. Also, the City shall reimburse the Owner for the full cost of sanitary sewer installed abutting Lots 31-32 of Block 17 and Lots 1-2 of Block 16. The City shall be reimbursed this cost by the owners of said Lots 31-32 and Lots 1-2 at the time those lots are annexed to the City.
- B. Owner shall provide City with its actual cost of the installation of the above mentioned sanitary sewer main within twelve (12) months after approval and acceptance thereof by City. In the event of Owner's failure to provide City with said cost data, City shall not be obliged to undertake collection of the reimbursement provided for herein, and the responsibility for collection thereof shall be that of Owner, its heirs, successors and assigns. Failure of Owner to provide City with said cost data for reimbursement as herein required shall in no way alter the obligation of any other party to make reimbursement as provided for herein, said failure affecting only City's obligation to assist in collection thereof.

9. FUTURE REIMBURSEMENTS

- A. The City shall pay the cost of materials or supply materials for a fire hydrant to be installed at the intersection of 17th Avenue Southwest and 16th Street Southwest. The Owner shall pay the full cost to install the fire hydrant as a part of the sanitary sewer installation project. The Owner shall be entitled to reimbursement for the prorated installation cost at such time that Lots 25 and 28-32 of Block 17 and Lots 1-8 of Block 16 are annexed to the City and pay their prorated share of the fire hydrant installation costs.
- C. Owner shall provide City with its actual cost of the installation of the hereinabove mentioned fire hydrant within twelve (12) months after approval and acceptance thereof by City. In the event of Owner's failure to provide City with said cost data, City shall not be obliged to undertake collection of the reimbursement provided for herein, and the responsibility for collection thereof shall be that of Owner, its heirs, successors and assigns. Failure of Owner to provide City with said cost data for reimbursement as herein required shall in no way alter the obligation of any other party to make reimbursement as provided for herein, said failure affecting only City's obligation to assist in collection thereof.

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. 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 lots in Subject Property.

12. 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.

13. 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 sidewalk, that may be installed with or without a special improvement district.

14. 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.

15. 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.

16. 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.

17. 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.

18. CITY ACCEPTANCE AND ZONING

In consideration of the foregoing, City hereby accepts and approves Lots 26, 27 and Vacated alley, Block 17, University Addition, and a Portion of 17th Avenue Southwest all Located in Section 15, Township 20 North, Range 3 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 low density residential 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.

19. 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:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

James W. Santoro, City Attorney

OWNER
Party of the Second Part

By: _____
Bruce Rohrer, Owner

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 Bruce 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_____

AN AMENDED PLAT OF LOTS 26-30 & THE SOUTH HALF OF THE ADJACENT VACATED ALLEY, BLOCK 17, UNIVERSITY ADDITION

LOCATED IN THE NW1/4 OF SECTION 15, T20N, R3E, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA

LAND OWNER: BRUCE & RENE ROHRER, LESTER & MARLA MESEBRINK

LEGEND

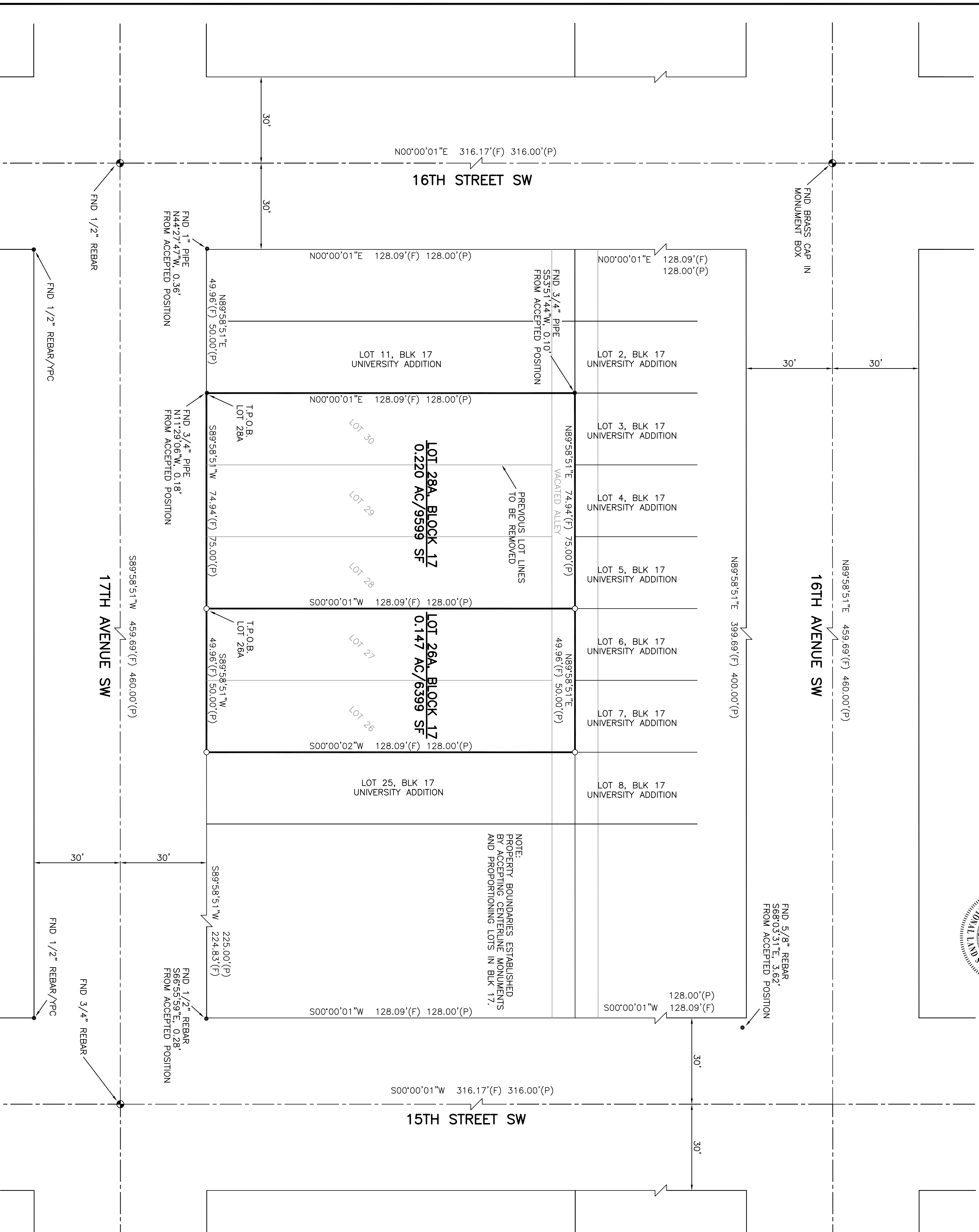
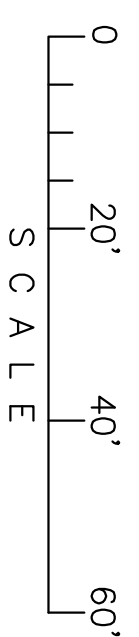
- TRACT BOUNDARY ————
- FOUND PROPERTY MONUMENT —•—
- AS NOTED
- SET PROPERTY MONUMENT —○—
- 5/8" X 24" REBAR/15625LS YPC
- FOUND CENTERLINE MONUMENT —●—
- LOT LINE ————
- FIELD MEASUREMENT (F)
- PLAT DISTANCE (P)

CERTIFICATE OF SURVEYOR

I, the undersigned, Daniel R. Kenczka, Professional Land Surveyor, Montana Registration No. 15625LS, do hereby certify that I supervised this survey of AN AMENDED PLAT OF LOTS 26-30 & THE SOUTH HALF OF THE ADJACENT VACATED ALLEY, BLOCK 17, UNIVERSITY ADDITION, and plotted same as shown on the accompanying plat and as described in accordance with the provisions of the Montana Subdivision and Platting Act, Sections 76-3-101 through 76-3-614, M.C.A., and Cascade County.

Dated this _____ day of _____, A.D., 2012

Daniel R. Kenczka, Montana Reg. No. 15625LS



CERTIFICATE OF CONSENT

We, the undersigned property owners, do hereby certify that we have consented to be surveyed and plotted into lots and blocks as shown by the within described plat, the following described tract of land to wit:

A tract of land being Lots 26-30 & the South half of the adjacent vacated alley, Block 17, of the University Addition to the City of Great Falls, located in the NW1/4 of Section 15, Township 20 North, Range 3 East, P.M.M., City of Great Falls, Cascade County, Montana, and being more particularly described as follows: Beginning at the point of intersection of the Eastern right-of-way of 16th Street Southwest and the Northern right-of-way of 17th Avenue Southwest; thence North 89°58'51" East along said Northern right-of-way a distance of 49.96 feet to the Southwest corner of said Lot 30 and being the True Point of Beginning; thence North 0°0'0" East along the Western line of said Lot 30, a distance of 128.09 feet to the center of the vacated alley; thence North 89°58'51" East along said Eastern line of the vacated alley, a distance of 124.90 feet; thence South 0°0'0" West along the Eastern line of said Lot 26, a distance of 128.09 feet to said Northern right-of-way of 17th Avenue Southwest; thence South 89°58'51" West along said Northern right-of-way, a distance of 124.90 feet to the True Point of Beginning and containing 0.287 acres or 15598 square feet.

The above described tract of land is to be known and designated as AN AMENDED PLAT OF LOTS 26-30 & THE SOUTH HALF OF THE ADJACENT VACATED ALLEY, BLOCK 17, UNIVERSITY ADDITION to the City of Great Falls.

Exempt From Review per 76-3-207(1)(D) MCA and 17.26.605(2)(b)(ii) ARM.

Dated this _____ day of _____, A.D., 2012

BRUCE K. ROHRER _____

State of _____)
: ss _____)
County of _____)

On this _____ day of _____, 2012, before me, _____, the undersigned, a Notary Public for the State of MONTANA, personally appeared, Bruce K. Rohrer, known to me to be the person who executed the Certificate of Consent, IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year in this certificate first above written.

Notary Public for the State of _____ (Notarial Seal)

My commission expires _____

Dated this _____ day of _____, A.D., 2012

RENE ROHRER _____

State of _____)
: ss _____)
County of _____)

On this _____ day of _____, 2012, before me, _____, the undersigned, a Notary Public for the State of MONTANA, personally appeared, Rene Rohrer, known to me to be the person who executed the Certificate of Consent, IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year in this certificate first above written.

Notary Public for the State of _____ (Notarial Seal)

My commission expires _____

Dated this _____ day of _____, A.D., 2012

LESTER DEAN MESEBRINK _____

State of _____)
: ss _____)
County of _____)

On this _____ day of _____, 2012, before me, _____, the undersigned, a Notary Public for the State of MONTANA, personally appeared, Lester Dean Mesenbrink, known to me to be the person who executed the Certificate of Consent, IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year in this certificate first above written.

Notary Public for the State of _____ (Notarial Seal)

My commission expires _____

Dated this _____ day of _____, A.D., 2012

MARLA JANE MESEBRINK _____

State of _____)
: ss _____)
County of _____)

On this _____ day of _____, 2012, before me, _____, the undersigned, a Notary Public for the State of MONTANA, personally appeared, Marla Jane Mesenbrink, known to me to be the person who executed the Certificate of Consent, IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year in this certificate first above written.

Notary Public for the State of _____ (Notarial Seal)

My commission expires _____

CERTIFICATE OF COUNTY TREASURER

I, Jamie Bailey, County Treasurer of Cascade County, Montana, do hereby certify that I have examined the records covering the areas included in the accompanying plat of AN AMENDED PLAT OF LOTS 26-30 & THE SOUTH HALF OF THE ADJACENT VACATED ALLEY, BLOCK 17, UNIVERSITY ADDITION, and find that the current taxes in some have been paid for the last five years.

Dated this _____ day of _____, A.D., _____

County Treasurer, Cascade County, Montana

THOMAS, DEAN & HOSKINS, INC.
ENGINEERING CONSULTANTS
GREAT FALLS - BOZEMAN - KALISPELL - HELENA
MONTANA
WASHINGTON
IDAHO

DRAWN BY: DRK	DATE: 7-11-12	QUALITY CHECK:
SURVEYED BY: RRS	JOB NO: 12-132	FIELDBOOK:

PURPOSE OF SURVEY: TO AGGREGATE LOTS 26-27, & THE SOUTH HALF OF THE ADJACENT VACATED ALLEY, BLOCK 17, UNIVERSITY ADDITION, INTO A SINGLE LOT AND TO AGGREGATE LOTS 28-30, & THE SOUTH HALF OF THE ADJACENT VACATED ALLEY, BLOCK 17, UNIVERSITY ADDITION, INTO A SINGLE LOT AND BASIS OF BEARING: ASSUMED AT TIME OF SURVEY