



**Item:** Resolution 10042 - Vacation of a portion of unimproved 18th Street Southwest located adjacent to Lots 1-3, Block 1, and Lot 1 & 2, Block 2, Poncelet Addition, all located in the SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> Section 10, T20N, R3E, P.M. MT, Cascade County, Montana

**From:** Galen Amy, Planner II, Planning and Community Development Department

**Initiated By:** Temple Baptist Church, property owner, and the City of Great Falls Public Works Department

**Presented By:** Craig Raymond, Director of Planning and Community Development Department

**Action Requested:** City Commission conduct public hearing to adopt Resolution 10042

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**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 Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10042.”

2. Mayor calls for a second, discussion, and calls for the vote.
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**Recommendation:** At the conclusion of a public hearing held October 22, 2013, the Planning Advisory Board passed a motion recommending the City Commission approve the request to vacate a portion of unimproved 18th Street Southwest and approve an Amended Plat that relocates and consolidates seven lots into two lots.

Representatives from Public Works concurred in recommending the Planning Advisory Board approve the application. The approval is subject to the applicant meeting conditions of approval that include:

1. The Amended Plat of Lots 1-3, Block 1, and Lot 1 & 2, Block 2, Poncelet Addition, and Tract 100 and 100A, Community Hall Addition, and Vacated Portion of 18th Street Southwest, all located in the SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> Section 10, T20N, R3E, P.M. MT, Cascade County, Montana,

shall incorporate correction of any errors or omissions noted by staff.

2. The amended plat for the subject property shall be submitted to the City Public Works and/or Planning and Community Development Department for review and approval prior to filing at the County Clerk and Recorder's Office.

**Background:** On October 7, 1997, the City Commission adopted Resolution No. 8903, which vacated the entire unimproved portion of 18th Street Southwest from Sunset Road to 5th Avenue Southwest. However, the amended plat was never filed, which rendered the vacation incomplete. The City Public Works Department and Temple Baptist Church are reapplying to vacate a portion of the right-of-way in order to clean up the existing plat, which includes concurrently aggregating seven lots into two lots and a boundary line adjustment.

The unimproved portion of 18th Street Southwest runs south from the junction where the developed portion of 18th Street Southwest abuts the Temple Baptist Church parking lot entrance and veers west, becoming Sunset Road. The unimproved right-of-way extends  $\pm 682$  feet south from said junction, ending at 5th Avenue Southwest. The northern  $\pm 275$  feet of this unimproved right-of-way, comprising approximately .0197 acres, is the portion requested to be vacated. Please refer to Exhibit C and Exhibit D, the amended plat of the subject property, for more information.

Upon vacation, the unimproved portion of 18th Street Southwest, that is part of this application, would revert to and become a part of the final aggregated lot that would result from the concurrent application for the Amended Plat. That analysis can be found below. Currently, the Temple Baptist Church worship facility is located on the subject property. The City lift station is also located on the northwest corner of the Church owned property, and the City owns a vacant lot abutting said property on the northeast corner. A transfer of ownership will take place after the aggregation and boundary line adjustment are complete, in order to have one parcel for the Church and one parcel for the lift station. Please refer to the aerial map, draft amended plat, and additional attachments for more information.

No other property owners in the vicinity will be adversely affected by the right-of-way vacation. Approval of the vacation is subject to the applicant providing an amended plat showing the vacation of right-of-way and incorporated boundary line adjustment. The applicant has provided a draft amended plat incorporating the vacated street into the adjacent properties, but is establishing a utility easement in its place.

#### City's Right to Sell the Right-of-Way

Generally land in the right-of-way is dedicated to the City for public use, which includes public access and certain utility uses. The right-of-way dedicated to the City is not fee title property that can be sold or traded. Once the right-of-way is determined to not be needed for public use, it can be vacated, in which case the title reverts to the adjacent property owner.

The adjacent property owner does not own the land until the reversion is completed. To meet the standards of the City's Land Development Code and the Montana Subdivision and Platting Act (Title 76, Chapter 3, MCA), the lot needs to be resurveyed, and an amended plat filed with the County Clerk and Recorder, to incorporate the vacation of right-of-way.

### Improvements

The City will retain the vacated right-of-way alignment for future use as public utility easement for water and sewer. There are no existing utilities within the subject right-of-way. The required amended plat is subject to review and approval by the Public Works and/or the Planning and Community Development Departments prior to filing with the Clerk and Recorder's office.

### Transportation/Great Falls Growth Policy:

The City's Public Works Department does not have a need to retain the subject right-of-way to maintain adequate public traffic flows in the area. A turnaround easement is required at the north end of the portion of 18th Street Southwest that is not being vacated at this time (see Draft Amended Plat). The requested vacation will have no effect upon transportation circulation as there is adequate access to the subject property and surrounding parcels from other developed roadways.

The transportation element of the City of Great Falls Growth Policy establishes strategies and actions to implement sound traffic and roadway management. In this case, the right-of-way was never developed and is not in public use. The Growth Policy supports actions to bring properties into conformance with the Land Development Code over time. The Growth Policy also encourages the efficient use of infrastructure for redevelopment. The aggregation of lots resulting from this amended plat application will facilitate development on-site.

The Church and City will maintain legal access to their properties upon vacation, and there is ample space on the Church property to accommodate church traffic. Legal access to the remaining platted lots further to the south will be from 5th Avenue Southwest, and the remaining undeveloped portion of 18th Street Southwest.

### Amended Plat Request

As a part of the application, the owners are also requesting approval of an Amended Plat that relocates and consolidates seven lots into two lots (see Draft Amended Plat and Final Aerial). The total area of the Amended Plat is  $\pm 3.75$  acres and rearranges the property lines of the existing City owned Tract 100A in order to establish Tract 100B. This new tract will incorporate the northwest corner of the Temple Baptist Church property in order to establish a separate lot for the lift station. This boundary line adjustment will coincide with a transfer of ownership. The former Tract 100A area will be added to Temple Baptist Church property to the south, which will ultimately be aggregated to become Lot 1A.

The basis of decision on a subdivision (Amended Plat) is based on whether the subdivision demonstrates that the proposed subdivision meets the standards of the City's Land Development Code (LDC) and the Montana Subdivision and Platting Act (Title 76, Chapter 3, MCA); is consistent with the City's zoning regulations and covenants, if any; and is in the public interest (17.16.26.040 (A) LDC). The City of Great Falls is required to establish a written "findings of fact" that weigh the criteria listed in MCA, which is included as an attachment to this report.

### Neighborhood Council/Public Comment

Patty Cadwell, Neighborhood Council Coordinator, provided information regarding the request to vacate the right-of-way to Neighborhood Council #2 on October 4, 2013. On October 9, 2013, the applicant's representative made a presentation at the Council meeting. There were general questions about the project, and the Council did not make a recommendation for or against the

project. One citizen spoke in opposition to the project at the public hearing and was concerned with traffic flow in the area.

#### City Commission

On February 5, 2013, City Commission adopted Resolution of Intent 10038 to vacate a portion of the unimproved 18th Street Southwest right-of-way and set the public hearing for December 17, 2013. As required by Section 7-3-4448 and 7-14-4114, MCA, due notice was provided through notices of public hearing published in the *Great Falls Tribune* on November 24, 2013 and December 1, 2013.

**Concurrences:** Representatives from the City's Public Works and Fire Departments have been involved throughout the review and approval process for this request.

**Fiscal Impact:** Closure of the right-of-way and aggregation of the lots within the subject property will have minimal or no fiscal impact to 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:**

- Resolution 10042 with Exhibit A
- Aerial Map
- Final Aerial Upon Commission Approval
- Draft Amended Plat
- Findings of Fact

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Patty Cadwell, Neighborhood Council Coordinator  
Spencer Woith, Woith Engineering, Inc., [spencerwoith@woithengineering.com](mailto:spencerwoith@woithengineering.com)  
Todd Sasek, Pastor, Temple Baptist Church, [todsasek@gmail.com](mailto:todsasek@gmail.com)  
Bill Stuff, Fusion | Architecture + Design, [Bill@Fusion-and.com](mailto:Bill@Fusion-and.com)

RESOLUTION 10042

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO VACATE AN UNIMPROVED PORTION OF 18TH STREET SOUTHWEST, LOCATED IN THE VICINITY OF 3RD AVENUE SOUTHWEST AND SUNSET ROAD, AS SHOWN IN EXHIBIT A, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7-3-4448 AND 7-14-4114, MONTANA CODE ANNOTATED

\* \* \* \* \*

WHEREAS, the subdivision plat of Poncelet Addition dedicated the right-of-way of 18th Street Southwest, located south of 3rd Avenue Southwest and Sunset Road; and,

WHEREAS, Temple Baptist Church owns all of the property adjoining 18th Street Southwest to the east, south, and west, and has petitioned the City of Great Falls to have said right-of-way be vacated; and,

WHEREAS, the City of Great Falls owns all of the adjoining right-of-way to the north and south of 18th Street Southwest, and does not object to the vacation of said right-of-way; and,

WHEREAS, it is determined that vacation of 18th Street Southwest will not be detrimental to public interest; and,

WHEREAS, it is determined retention and eventual improvement of the subject portion of 18th Street Southwest serves no practical or functional traffic related purpose; and,

WHEREAS, it is determined that the alignment of 18th Street Southwest will be retained as a utility easement for future public utilities.

WHEREAS, the City Commission of the City of Great Falls, Montana, passed and adopted on the 19<sup>th</sup> day of November, 2013, Resolution 10038, titled:

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO VACATE AN UNIMPROVED PORTION OF 18TH STREET SOUTHWEST, IN THE VICINITY OF 3RD AVENUE SOUTHWEST AND SUNSET ROAD, AS SHOWN IN EXHIBIT A, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7-3-4448 and 7-14-4114, MONTANA CODE ANNOTATED, AND DIRECTING NOTICE TO BE GIVEN AS PROVIDED BY LAW

WHEREAS, the City Clerk of said City, caused noticed to be published in the *Great Falls Tribune*; on November 24, 2013 and December 1, 2013; and

WHEREAS, a hearing was held by the City Commission of the City of Great Falls on the 17<sup>th</sup> day of December, 2013, at 7:00 p.m. in the Commission Chambers of the Civic Center, Great Falls, Montana, where said Commission heard all persons relative to the proposed vacation of the unimproved portion of 18<sup>th</sup> Street Southwest, in the vicinity of 3<sup>rd</sup> Avenue Southwest and Sunset Road.

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

That the unimproved portion of 18<sup>th</sup> Street Southwest, located in the vicinity of 3<sup>rd</sup> Avenue Southwest and Sunset Road, is hereby vacated.

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective thirty (30) days after its passage and adoption or upon filing in the office of the Cascade County Clerk and Recorder, the Amended Plat consolidating the vacated rights-of-way with the adjacent parcels, Poncelet Addition.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 17<sup>th</sup> day December, 2013.

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Michael J. Winters, Mayor

ATTEST:

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Lisa Kunz, City Clerk

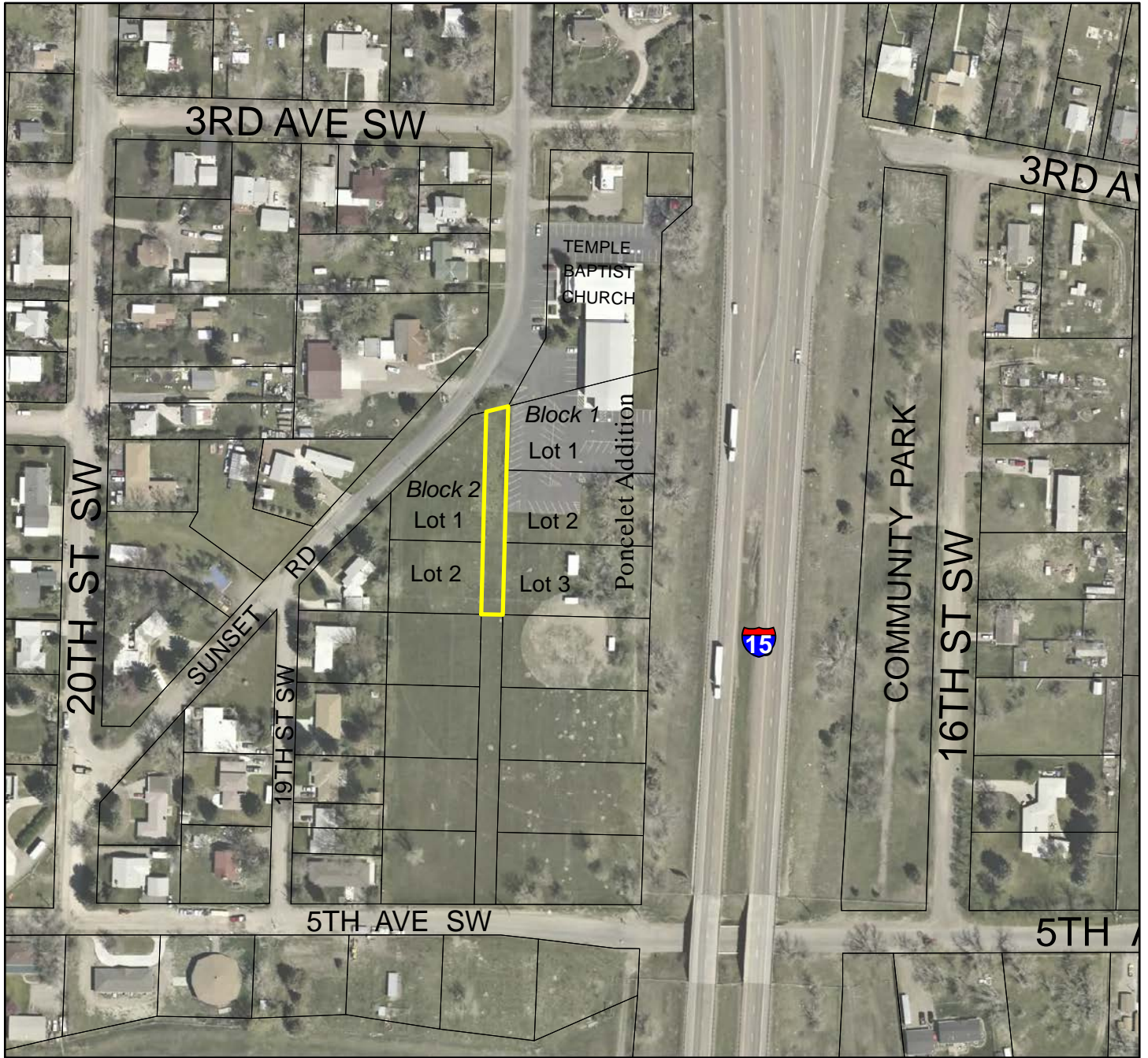
(CITY SEAL)


APPROVED FOR LEGAL CONTENT:

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Sara Sexe, City Attorney

# Exhibit A - Vicinity/Aerial Map



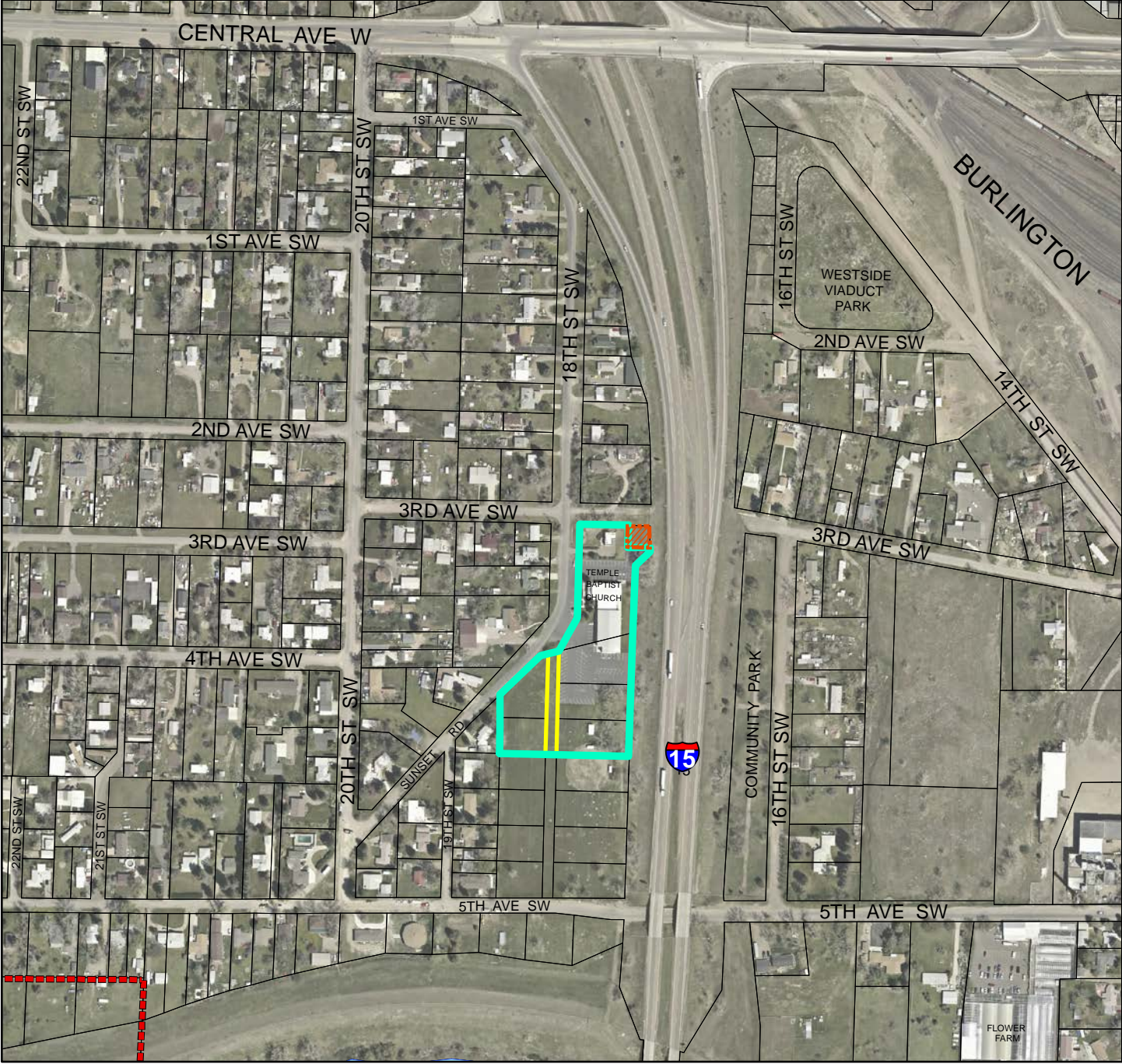
 Portion of 18th St SW to be vacated

 Tracts of Land

250 125 0 250 Feet



# Aerial Map

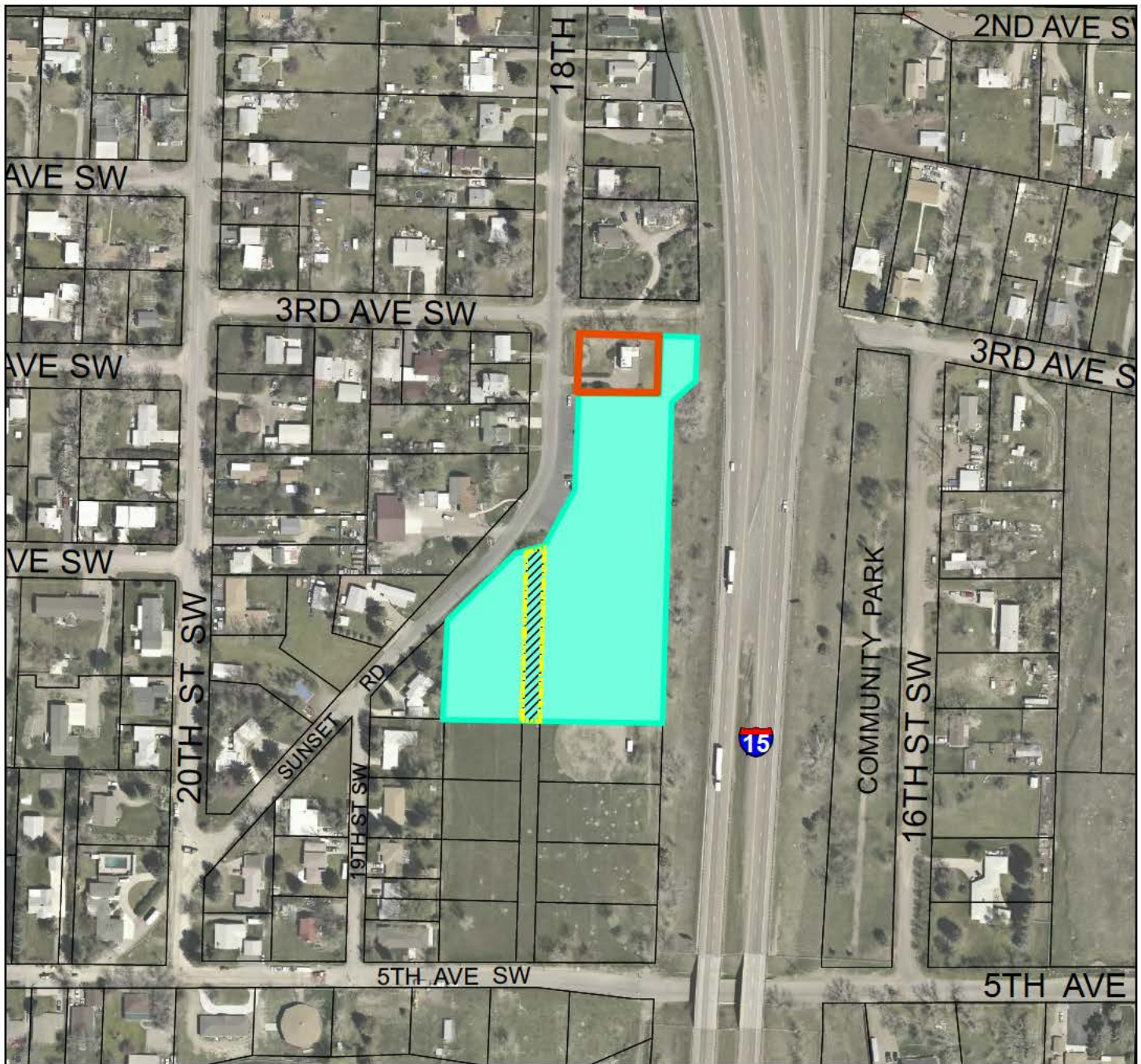




- Subject property owned by the City
- Subject property owned by Temple Baptist Church
- Portion of 18th St SW to be vacated
- City Limits
- Tracts of Land





# Final Aerial Upon Commission Approval



-  City owned lift station lot
-  Vacated portion of 18th St SW
-  Temple Baptist Church owned aggregated lot
-  Tracts of Land

250 125 0 250 Feet



**AMENDED PLAT OF LOTS 1-3, BLOCK 1 AND  
LOTS 1 & 2, BLOCK 2 OF THE PONCELET  
ADDITION AND TRACTS 100 & 100A  
COMMUNITY HALL ADDITION**

showing  
**THE RELOCATION OF COMMON BOUNDARIES  
AND THE VACATION OF RIGHT-OF-WAY**

PREPARED FOR  
**BAPTIST TEMPLE CHURCH**

BEING LOCATED WITHIN THE SW $\frac{1}{4}$ NW $\frac{1}{4}$   
SECTION 10  
T. 20 N., R. 3 E, P.M. MT,  
CASCADE COUNTY, MONTANA

**PURPOSE OF SURVEY**

The purpose of this survey is to adjust existing tracts of land created with Certificate of Survey Number 2349 and by the PONCELET ADDITION based on current lines of occupation between the City of Great Falls and Temple Baptist Church. Furthermore this survey will aggregate Lots 1-3, Block 1, Lots 1-2 Block 2 and Tract 100 into one parcel as shown.

**CERTIFICATE OF TREASURER**

State of Montana )  
County of Cascade) )ss

I, Jaime Bailey, County Treasurer of Cascade County, Montana, do hereby certify that I have examined the records covering the areas included in the accompanying plat, and find all taxes on same have been paid to date.

Jaime Bailey, Cascade County Treasurer

**CERTIFICATE OF OWNER(S)**

State of Montana )  
County of Cascade) )ss

That the Temple Baptist Church and the City of Great Falls do hereby certify that they have caused to be surveyed the foregoing tracts of land as shown and more particularly described hereon,

That said survey has been performed with free consent and in accordance with the desires of the undersigned owner and proprietor of said lands;

That the City of Great Falls owns the following tract of record:

That Tract of Record subdivided by that Certificate of Survey (COS) recorded in the Office of the Clerk, Cascade County, Montana as Certificate No. 2349 (Tract 100A located in the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section ten (10) in Township Twenty (20) North, Range Three (3) East, P.M., MT);

That the Temple Baptist Church owns the following tracts of record:

That Tract of Record subdivided by that Certificate of Survey (COS) recorded in the Office of the Clerk, Cascade County, Montana as Certificate No. 2349 (Tract 100 located in the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section ten (10) in Township Twenty (20) North, Range Three (3) East, P.M., MT);

That Tract of Record subdivided by the Poncelet Addition to Great Falls, Cascade County, Montana (Lots 1-7, Block 1 and Lots 1-6, Block 2)

That the City of Great Falls wishes to vacate the easterly ten (10) feet of Poncelet Boulevard (18th Street Southwest) public Right-of-way between Block Seven (7) of the Community Hall Addition and Tract 100 of the aforementioned COS 2349.

That the City of Great Falls wishes to vacate 18th Street Southwest between Lots 1, 2 and 3 Block 1 and Lots 1 and 2 Block 2 of the Poncelet Addition and further vacate the portion of Sunset Road lying between 18th Street Southwest and Interstate 15 in the Poncelet Addition.

That we, do hereby certify that we desire the creation of seven parcels in accordance with this map creating Tracts 100B and 100C, Lots 1A, 2A and 3A Block 1, Lots 1A and 2A Block 2 of the Poncelet Addition to Great Falls, Cascade County, Montana as depicted and secondarily described hereon;

That Tracts 100B and 100C, Lot 1A, 2A and 3A Block 1, Lots 1A and 2A Block 2 are subject to any easements, restrictions, reservations, rights-of-way, and conditions of sight and/or record including, but not limited to those shown hereon;

**Description of Tract 100B**

A portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 10, Township 20 North, Range 3 East, Principal Meridian of Montana, Cascade County, Montana, as shown hereon.

Said Tract being subordinately and secondarily described by metes and bounds as follows:

**COMMENCING** at the Northeast corner of Tract 100A of Certificate of Survey Number 2349 filed in the Office of the Clerk, Cascade County, Montana Section 10, Township 20 North, Range 3 East, Principal Meridian of Montana, said point being a  $\frac{3}{8}$  inch diameter rebar with a yellow plastic cap inscribed "Anderson"; **THENCE** N 89°51'32" W, 62.28 feet to a point; **THENCE** S 00°05'27" W, 99.25 feet to a point; **THENCE** S 89°51'32" E, 145.00 feet to a point; **THENCE** N 00°05'27" E, 99.48 feet to a point; **THENCE** S 89°51'32" E, 145.00 feet to the **POINT OF BEGINNING**.

Said parcel encompasses 0.33 acres.

**Description of Lot 1A**

A portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 10, Township 20 North, Range 3 East, Principal Meridian of Montana, Cascade County, Montana, as shown hereon.

Said Tract being subordinately and secondarily described by metes and bounds as follows:

**BEGINNING** at the Northeast corner of Tract 100A of Certificate of Survey Number 2349 filed in the Office of the Clerk, Cascade County, Montana Section 10, Township 20 North, Range 3 East, Principal Meridian of Montana, said point being a  $\frac{3}{8}$  inch diameter rebar with a yellow plastic cap inscribed "Anderson"; **THENCE** N 89°51'32" W, 62.28 feet to a point; **THENCE** S 00°05'27" W, 99.25 feet to a point; **THENCE** S 89°56'54" W, 145.00 feet to a point; **THENCE** S 00°05'27" W, 152.95 feet to a point; **THENCE** S 00°05'27" W, 99.25 feet to a point; **THENCE** S 89°56'54" W, 145.00 feet to a point; **THENCE** S 00°05'27" W, 152.95 feet to a point; **THENCE** S 45°05'20" W, 250.78 feet to a point; **THENCE** S 00°09'39" W, 167.36 feet to a point; **THENCE** S 89°59'42" E, 362.16 feet to a point; **THENCE** N 00°25'14" E, 535.41 feet to a point; **THENCE** N 43°38'55" E, 57.99 feet to a point; **THENCE** N00°10'55"E, 68.48 feet to the **POINT OF BEGINNING**.

Said parcel encompasses 3.42 acres.

**Exemptions:**

Tract 100B is not a subdivision pursuant to Montana Code Annotated Section 76-3-207(d) for five or fewer lots within a platted subdivision, the relocation of common boundaries, and by MCA 76-3-201(1)(h) "is created for rights-of-way or utility sites. A subsequent change in the use of the land to a residential, commercial, or industrial use is subject to the requirements of this chapter"

Lot 1A is not a subdivision pursuant to Montana Code Annotated Section 76-3-207(f) 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.

That the tracts shown as Tracts 100B and Lot 1A are exempt from review as a subdivision, by the Montana Department of Environmental Quality pursuant to Montana Code Annotated section 76-4-125(2)(d) whereas "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 Z6-4-12Z, that adequate storm water drainage and adequate municipal facilities will be provided" and by ARM 17.36.605(2)(c) a parcel that has facilities for water supply, wastewater disposal, storm drainage, or solid waste disposal that were not subject to review, and have not been reviewed, under Title 76, chapter 4, part 1, MCA, if: (ii) the number of developed parcels is not increased

TEMPLE BAPTIST CHURCH (AKA Great Falls Baptist Temple of Great Falls, AKA Great Falls Baptist Temple), member

Dated this \_\_\_\_ day of \_\_\_\_\_, 2013

**ACKNOWLEDGMENT**

State of Montana )  
County of Cascade) )ss

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2013 by \_\_\_\_\_ for TEMPLE BAPTIST CHURCH (AKA Great Falls Baptist Temple of Great Falls, AKA Great Falls Baptist Temple) (NOTARIAL SEAL)

Print Notary Name \_\_\_\_\_  
Notary Public for the State of Montana  
Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_20\_\_\_\_

**WOITH ENGINEERING, INC.**  
**ENGINEERS & SURVEYORS**  
P.O. BOX 7326, GREAT FALLS, MONTANA 59406

JOB #: 1200W01H  
F.B.: GPS  
DRAWN: ML  
DATE: 8-23-2013

**NOTES:**

The Basis of Bearings for this survey is referenced to a direct GPS measurement from geodetic north (using WGS 84, Nad83, CORS96, EPOCH2002.0000), resulting in the bearing of N 00°25'14" E along the North-South being measured between the line common to the PONCELET ADDITION and INTERSTATE 15 as shown hereon.

The record information shown hereon as (REC A) is referenced to the PONCELET ADDITION to the City of Great Falls, Cascade County, Montana filed the 31st Day of May, 1951.

Easements of sight and record not shown hereon may exist.

No underground utilities or subsurface improvements were mapped as part of this survey except where specifically indicated.

Fence lines, roadways, and utilities exist on the subject parcels. Take note that they exist and are not shown hereon.

**CERTIFICATE OF SURVEYOR**

State of Montana )  
County of Cascade) )ss

I, Mark Theodor Larson of Choteau, Montana, hereby certify that this map was made from notes taken during an actual survey performed under my direction during the month of August 2013, and from records on file with the Office of the Clerk, Cascade County, Montana, and that this map correctly represents the points and corners as set or found at the time of said survey.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2013.  
Mark Theodor Larson PLS  
Montana Professional Land Surveyor  
License Number 19235

**LEGEND**

- Indicates a 5/8"  $\phi$  rebar, 24" in length, with a yellow plastic cap inscribed with "19235 PLS", set this survey
- Indicates found monument, size and description as noted

- Fence Line
- Boundary Line
- Adjoining Parcel Line
- Old-Boundary Line
- Easement Line

**CERTIFICATE OF GREAT FALLS PLANNING BOARD**

We, the undersigned, Note Weisenburger, President, Great Falls Planning Board, and Craig Raymond, Secretary of said Great Falls Planning Advisory Board, do hereby certify that the accompanying plat of \_\_\_\_\_ to the City of Great Falls, Cascade County, Montana has been submitted to the Great Falls Planning Advisory Board of Great Falls, Cascade County, Montana, for examination by them and was approved at a meeting held on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST:  
Note Weisenburger, President  
Great Falls Planning Board  
Craig Raymond, Secretary  
Great Falls Planning Board

**CERTIFICATE OF CITY COMMISSION**

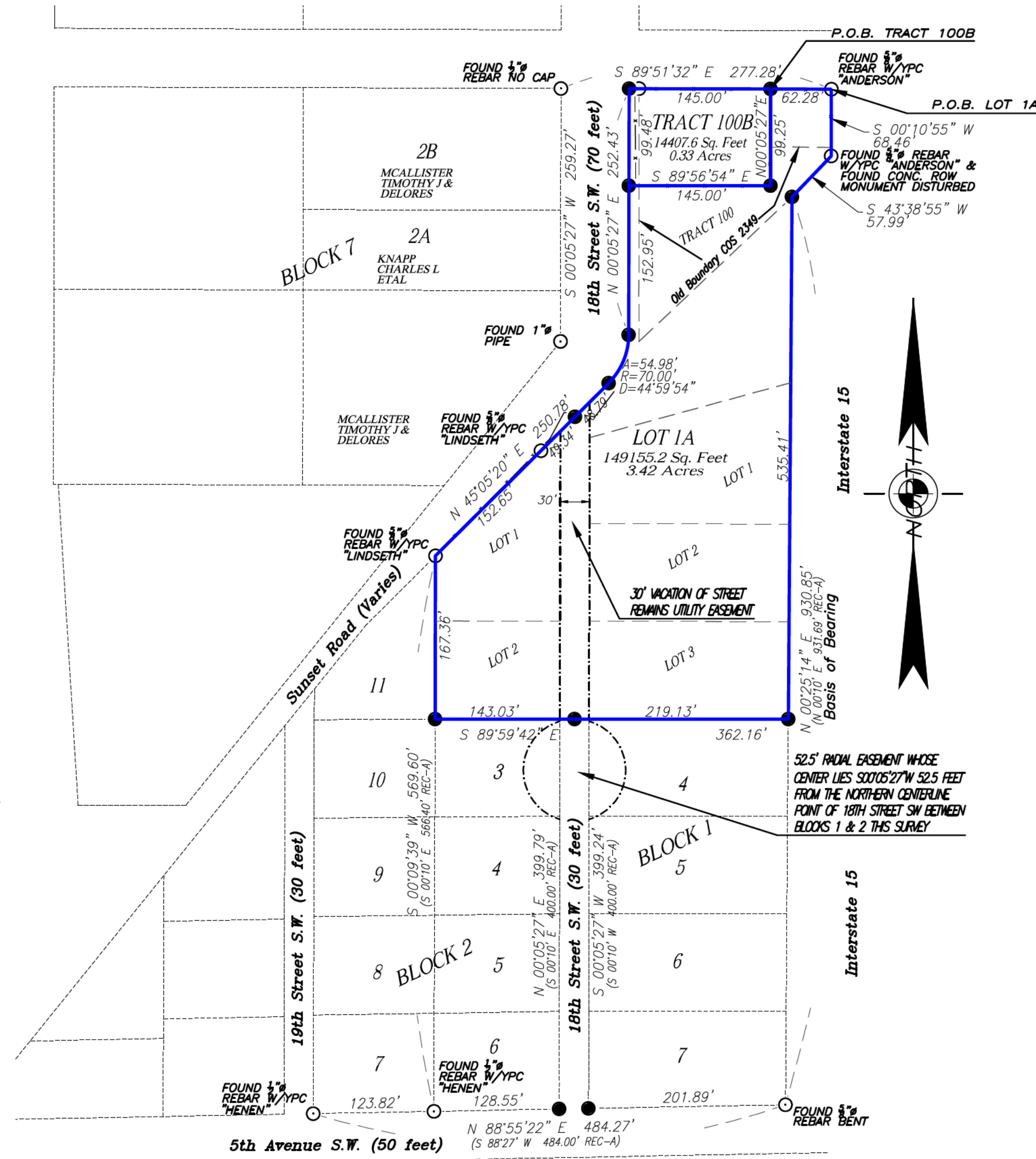
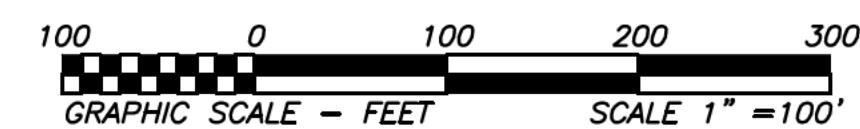
I, Gregory T. Dayon, City Manager of City of Great Falls, Montana, do hereby certify that the accompanying plat was duly examined and approved by the City Commission of Great Falls at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Gregory T. Dayon, City Manager  
City of Great Falls, Montana

**CERTIFICATE OF PUBLIC SERVICE DIRECTOR**

I, Jim Rearden, Public Service Director for the City of Great Falls, Montana, do hereby certify that I have examined the accompanying plat of \_\_\_\_\_ to the City of Great Falls, and the survey it represents, and that I find the same conform to regulations governing the platting of lands, and to presently platted adjacent land, as near as circumstances will permit and I do hereby approve the same. Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Jim Rearden, Public Service Director  
City of Great Falls, Montana



## FINDINGS OF FACT

### **Amended Plat of Lots 1-3, Block 1, and Lot 1 & 2, Block 2, Poncelet Addition, and Tract 100 and 100A, Community Hall Addition, and Vacated Portion of 18th Street Southwest, all located in the SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> Section 10, T20N, R3E, P.M. MT, Cascade County, Montana**

(PREPARED IN RESPONSE TO 76-3-608(3)MCA)

#### **PRIMARY REVIEW CRITERIA**

**Effect on Agriculture:** The lots and tracts of land within the Amended Plat area are not currently being utilized for agricultural purposes. The proposed uses will not interfere with any irrigation system or present any interference with agricultural operations in the vicinity. The land uses that are existing in the vicinity are residential uses.

**Effect on Local Services:** The area within the Amended Plat is currently annexed into the City of Great Falls and is served by City water, sewer and storm drain systems. The applicant shall provide a utility easement on the Amended Plat per the requirements of the Public Works Department. The City should not experience an appreciable increase in maintenance and operating costs. Any future development within the Amended Plat area will pay regular water and sewer charges.

The lots are located within the City of Great Falls, and the City provides law enforcement and emergency services to the tracts of land in the subdivision. The nearest fire station is approximately 0.25 miles from the subject parcel, which is within sufficient travel time for emergency services. Providing these services to the proposed development is expected to be a negligible cost to the City.

Paved public roadways border a portion of the Amended Plat area. These roads will be maintained by the City of Great Falls. There are no additional roadways, other than driveways, proposed internally for this Amended Plat. Driveways will be maintained at the property owner's expense.

**Effect on the Natural Environment:** The Amended Plat is not expected to adversely affect soils or the quality or quantity of ground water because at this time the City and Temple Baptist Church do not have development plans for the subject property.

**Effect on Wildlife and Wildlife Habitat:** The Amended Plat is located in a suburban setting with existing streets and infrastructure. The subject property 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 proposed Amended Plat 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 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 applicant shall provide all necessary utility easements to accommodate water, stormwater and sanitary sewer mains to serve any future development on the subject property.

#### **LEGAL AND PHYSICAL ACCESS**

The subject property is bounded by 3rd Avenue Southwest on the north property line and 18th Street Southwest on part of the west property line. These roadways are paved public roadways that are maintained by the City of Great Falls. The subject property will maintain direct access from 18th Street Southwest, which provides the legal and physical access required by State statute.