



**Item:** Amended Plat of the Replat of Lincoln Heights, legally described as Lots 1-28 and the vacated alley of Block 27, Replat of Lincoln Heights, in the NE ¼ of Section 18, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, and addressed as 2400 13<sup>th</sup> Avenue South, Soroptimist Village; this Amended Plat aggregates 28 lots, including the vacated alley, into 1 lot

**From:** Garrett Norman, Planner I, Planning and Community Development

**Initiated By:** Soroptimist Village, LLLP

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

**Action Requested:** City Commission to approve with conditions the Amended Plat and accept the accompanying Findings of Fact

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (approve/deny) the Amended Plat of the Replat of Lincoln Heights, subject to the conditions of approval, and accept the Findings of Fact.”

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

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**Recommendation:** At the conclusion of a hearing held on June 23, 2015, the Planning Advisory Board recommended that the City Commission approve a request by Soroptimist Village, LLLP, for an Amended Plat of the Replat of Lincoln Heights, legally described above, which aggregates 28 lots, including the vacated alley, into 1 lot.

Staff recommends approval of the proposed Amended Plat, subject to the following conditions of approval:

1. **General Code Compliance.** The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
2. **Amended Plat.** The Amended Plat of the subject property shall incorporate corrections of any errors or omissions noted by Staff.

**Amended Plat Request**

The owner is requesting approval of the Amended Plat of the Replat of Lincoln Heights to aggregate 1 city block which comprises 28 lots, including vacated 14<sup>th</sup> Alley South, into 1 parcel. The subject property is located between 13<sup>th</sup> and 14<sup>th</sup> Avenues South and 24<sup>th</sup> and 25<sup>th</sup> Streets South.

The request to aggregate the lots was initiated by the Planning and Community Development Department when the owner applied for a building permit to construct a solar array on their southern property boundary along 14th Avenue South. It is City policy that structures cannot be constructed over property lines in order to help reduce any unwanted complications in the event of title transferring of property to separate owners.

Due to the number of lots being affected in this Amended Plat, the project is subject to approval by the governing body, as stated in Montana Code Annotated 76-3-207(2)(a). The State statute citation is attached to this report and is highlighted in yellow.

**Improvements**

There are no infrastructure improvements associated with this project. Water and sewer utilities already exist.

**Neighborhood Council Input**

The subject property is located in Neighborhood Council #5. Patty Cadwell, Neighborhood Council Coordinator, provided the project information to Council #5 as a courtesy on June 15, 2015. The Council did not express any concerns.

**Concurrences:** Representatives from the City's Public Works Department has been involved throughout the review and approval process for this project.

**Fiscal Impact:** There are no fiscal impacts associated with the Amended Plat.

**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:** State Statute - MCA 76-3-207  
Draft Amended Plat  
Aerial Map  
Findings of Fact

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Patty Cadwell, Neighborhood Council Coordinator  
Dan Kenczka, TD&H Engineering, dan.kenczka@tdhengineering.com

**76-3-207. Divisions or aggregations of land exempted from review but subject to survey requirements and zoning regulations -- exceptions -- fees for examination of division.**

- (1) Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions or aggregations of tracts of record of any size, regardless of the resulting size of any lot created by the division or aggregation, are not subdivisions under this chapter but are subject to the surveying requirements of [76-3-401](#) for divisions or aggregations of land other than subdivisions and are subject to applicable zoning regulations adopted under Title 76, chapter 2:
- (a) divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties;
  - (b) divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family;
  - (c) divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in which the parties to the transaction enter a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes;
  - (d) for five or fewer lots within a platted subdivision, the relocation of common boundaries;
  - (e) divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.
  - (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.
- (2) Notwithstanding the provisions of subsection (1):
- (a) within a platted subdivision filed with the county clerk and recorder, a division, redesign, or rearrangement of lots that results in an increase in the number of lots or that redesigns or rearranges six or more lots must be reviewed and approved by the governing body before an amended plat may be filed with the county clerk and recorder;
  - (b) a change in use of the land exempted under subsection (1)(c) for anything other than agricultural purposes subjects the division to review under parts 5 and 6 of this chapter.
- (3) (a) Subject to subsection (3)(b), a division of land may not be made under this section unless the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.
- (b) (i) If a division of land includes centrally assessed property and the property taxes applicable to the division of land are not specifically identified in the tax assessment, the department of revenue shall prorate the taxes applicable to the land being divided on a reasonable basis. The owner of the centrally assessed property shall ensure that the prorated real property taxes and special assessments are paid on the land being sold before the division of land is made.
  - (ii) The county treasurer may accept the amount of the tax prorated pursuant to this subsection
- (3)(b) as a partial payment of the total tax that is due.
- (4) The governing body may examine a division or aggregation of land to determine whether or not the requirements of this chapter apply to the division or aggregation and may establish reasonable fees, not to exceed \$200, for the examination.

# AN AMENDED PLAT OF LOTS 1-28 AND THE VACATED ALLEY OF BLOCK 27, REPLAT OF LINCOLN HEIGHTS

LOCATED IN THE NE1/4 OF SECTION 18, T20N, R4E, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA

LAND OWNER: SOROPTIMIST VILLAGE, LLLP

## CERTIFICATE OF EXCLUSION

I, the undersigned property owner, hereby certify that this accompanying plat is excluded from subdivision review, pursuant to ARM 17.36.605(3), stating "Aggregations of parcels are not subdivisions subject to review, except that an aggregation is subject to review under 76-4-130, MCA, if any parcel included in the aggregation has a previous approval issued under Title 76, chapter 4, Part 1, MCA".

## CERTIFICATE OF CONSENT

I, the undersigned property owner, do hereby certify that I have caused to be surveyed and platted 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 1-28 and the Vacated Alley of block 27, Replat of Lincoln Heights, located in the NE1/4 of Section 18, Township 20 North, Range 4 East, P.M.M., City of Great Falls, Cascade County, Montana, and being more particularly described as follows:

Beginning at the Northeast Corner of said Block 27; thence South 00°01'51" West along the Westerly right-of-way line of 25th Street South, a distance of 255.97 feet to the Southeast Corner of said Block 27; thence North 89°54'34" West along the Northerly right-of-way line of 14th Avenue South, a distance of 350.07 feet to the Southwest Corner of said Block 27; thence North 00°00'06" East along the Easterly right-of-way line of 24th Street South, a distance of 255.91 feet to the Northwest Corner of said Block 27; thence South 89°55'09" East along the Southerly right-of-way line of 13th Avenue South, a distance of 350.20 feet to the Point of Beginning and containing 2.057 acres.

The above described tract of land is to be known and designated as AN AMENDED PLAT OF LOTS 1-28 AND THE VACATED ALLEY OF BLOCK 27, REPLAT OF LINCOLN HEIGHTS, City of Great Falls, Cascade County, Montana.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2015

SOROPTIMIST VILLAGE, LLLP  
Printed Name \_\_\_\_\_

State of Montana )

: ss

County of Cascade)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_, the undersigned, a Notary Public for the State of Montana, personally appeared, known to me to be the person who executed the Certificate of Consent. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

\_\_\_\_\_, (Notarial Seal)

Notary Public for the State of Montana  
Residing at Missoula, Montana  
My commission expires \_\_\_\_\_

## CERTIFICATE OF GREAT FALLS PLANNING ADVISORY BOARD

We, the undersigned, R. Nathan Weisenburger, President of the City Planning Advisory Board of the City of Great Falls, Cascade County, Montana, and Craig Raymond, Secretary of said City Planning Advisory Board, do hereby certify that the accompanying plat of AN AMENDED PLAT OF LOTS 1-28 AND THE VACATED ALLEY OF BLOCK 27, REPLAT OF LINCOLN HEIGHTS, has been submitted to the said City Planning Advisory Board for examination by them, and was found by them to conform to law, and was approved at their regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

R. Nathan Weisenburger  
President, Great Falls Planning Advisory Board

Attest:  
Craig Raymond  
Secretary, Great Falls Planning Advisory Board

## CERTIFICATE OF CITY COMMISSION

I, Gregory T. Doyon, City Manager of the City of Great Falls, Montana, do hereby certify that the accompanying plat of AN AMENDED PLAT OF LOTS 1-28 AND THE VACATED ALLEY OF BLOCK 27, REPLAT OF LINCOLN HEIGHTS, was duly examined and approved by the City Commission of the City of Great Falls, at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

## CERTIFICATE OF PUBLIC WORKS DIRECTOR

I, Jim Reardon, Public Works Director for the City of Great Falls, Montana, do hereby certify that I have examined the accompanying plat of AN AMENDED PLAT OF LOTS 1-28 AND THE VACATED ALLEY OF BLOCK 27, REPLAT OF LINCOLN HEIGHTS, and the survey it represents, and find the same conforms to regulations governing the platting of lands, and to presently platted adjacent land, as near as circumstances will permit, and I hereby approve the same.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2015

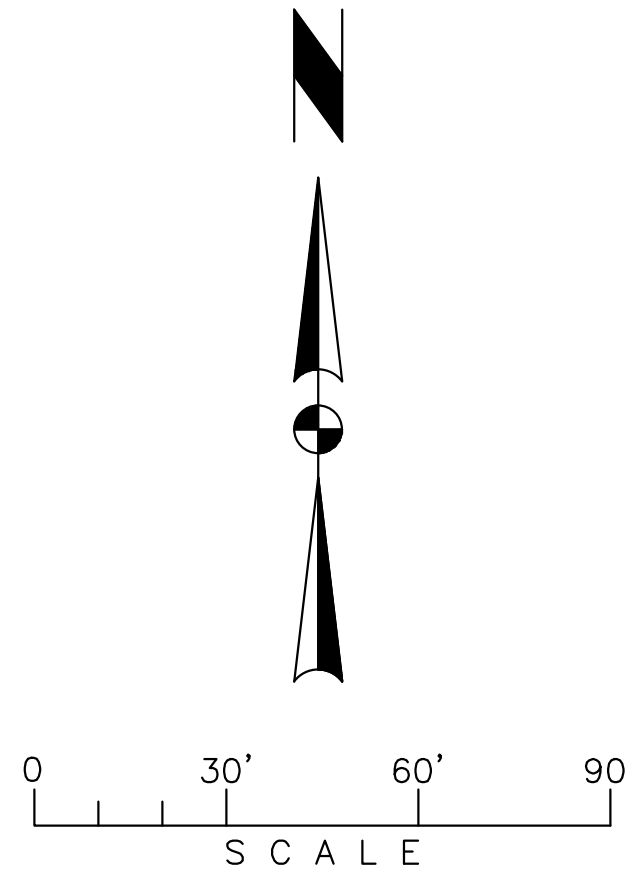
Jim Reardon, Public Works Director, City of Great Falls, Montana

## CERTIFICATE OF AVAILABILITY OF MUNICIPAL SERVICES

I, Gregory T. Doyon, City Manager for the City of Great Falls, Montana, do hereby certify that adequate municipal facilities for the supply of water and disposal of sewage and solid waste are available to the above described property, namely, the said facilities of the City of Great Falls, Montana, thereby permitting the Clerk and Recorder of Cascade County, Montana, to record the accompanying plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2015.

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



## LEGEND

TRACT BOUNDARY	—
FND CENTERLINE MONUMENT	⊙
SET MONUMENT	○
"5/8" REBAR/15625LS" YPC	
FOUND MONUMENT	•
LOT LINE	—
FIELD MEASUREMENT	(F)
PLAT DISTANCE	(P)
POINT OF BEGINNING	P.O.B.

## 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 1-28 AND THE VACATED ALLEY OF BLOCK 27, REPLAT OF LINCOLN HEIGHTS, and platted 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., 2015

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



## 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 1-28 AND THE VACATED ALLEY OF BLOCK 27, REPLAT OF LINCOLN HEIGHTS, and find that the current taxes are not delinquent.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2015

Jamie Bailey, County Treasurer, Cascade County, Montana

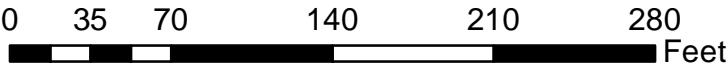
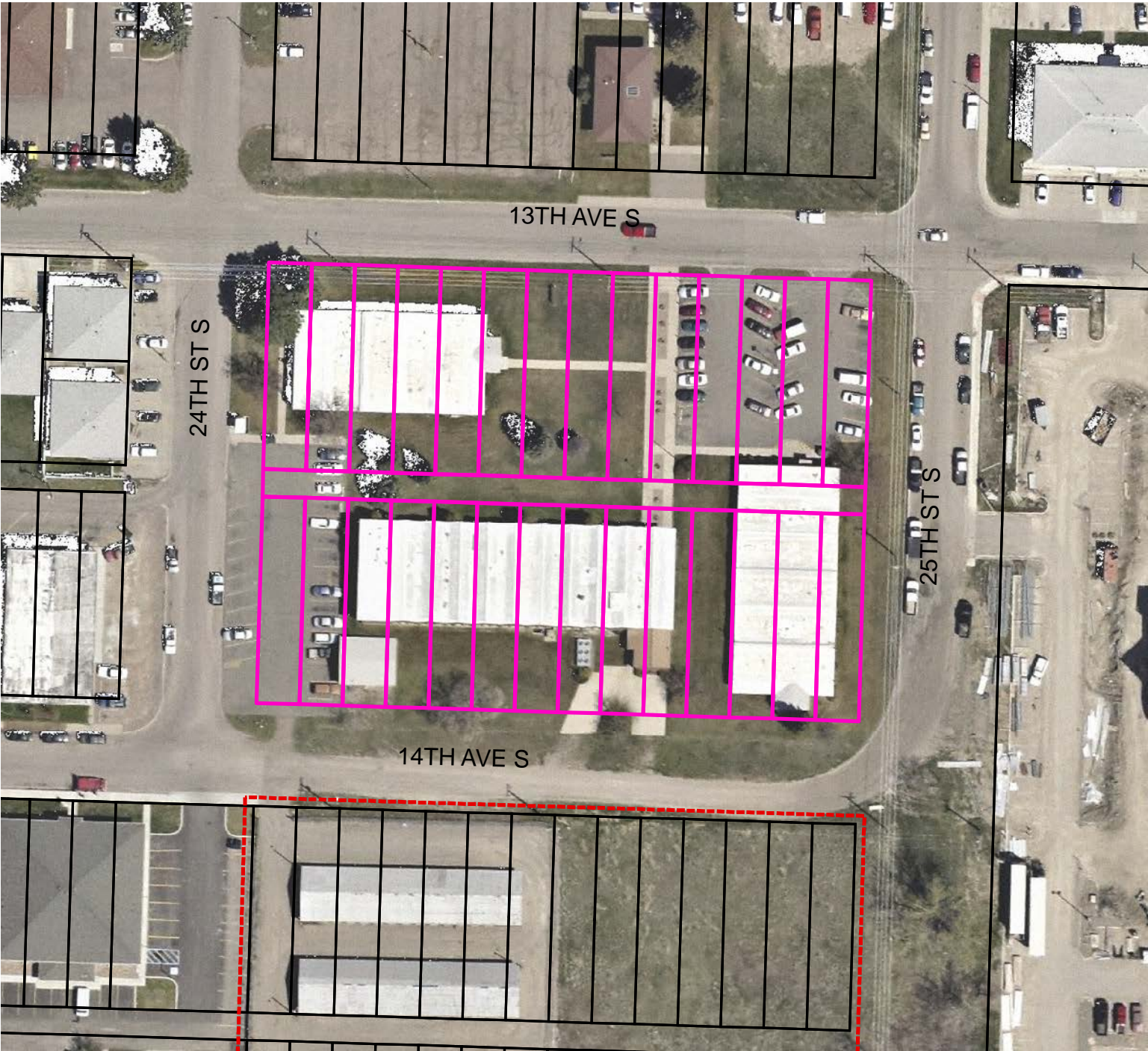
PURPOSE OF SURVEY: TO AGGREGATE LOTS 1-28 AND THE VACATED ALLEY OF BLOCK 27, REPLAT OF LINCOLN HEIGHTS, GREAT FALLS, MONTANA, INTO ONE LOT.




BASIS OF BEARING: ASSUMED

	DRAWN BY: DRK	DATE: 5-22-15	QUALITY CHECK: X
	SURVEYED BY: RFS	JOB NO. 15-036	FIELDBOOK X
GREAT FALLS-BOZEMAN-KALISPELL-SHELBY SPOKANE LEWISTON WATFORD CITY			
MONTANA WASHINGTON IDAHO NORTH DAKOTA			



# Aerial Map



-  Subject Property
-  City Limits
-  Parcels

## **FINDINGS OF FACT**

### **FOR AMENDED PLAT OF LOTS 1-28 AND THE VACATED ALLEY OF BLOCK 27, REPLAT OF LINCOLN HEIGHTS, LOCATED IN THE NE ¼ OF SECTION 18, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA (PREPARED IN RESPONSE TO 76-3-608(3)MCA)**

#### **I. PRIMARY REVIEW CRITERIA**

##### **Effect on Agricultural**

The aggregation is in an urban neighborhood that is not used for agricultural purposes. The aggregation will not interfere with any irrigation system or present any interference with agricultural operations.

##### **Effect on Local Services**

The aggregation of the subject property will not have any effects on local services within the subdivision, as City utility services already exist to the existing multi-family residential structures. The aggregation is in the City Limits of the City of Great Falls and is served by the Great Falls Police and Fire Departments.

##### **Effect on the Natural Environment**

The aggregation is not expected to adversely affect soils or the water quality or quantity of surface or ground waters.

##### **Effect on Wildlife and Wildlife Habitat**

The aggregation is within the existing developed urban area of the City of Great Falls. The aggregation 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 aggregation is not subject to other abnormal potential natural hazards such as wildfire, snow or rock slides, nor potential man-made hazards such as high voltage power lines, high pressure gas lines, high traffic volumes, or mining activity.

#### **II. REQUIREMENTS OF MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATIONS**

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

#### **III. EASEMENT FOR UTILITIES**

Utilities easements are provided within said aggregation and can be accommodated in the existing abutting public rights-of-way.

#### **IV. LEGAL AND PHYSICAL ACCESS**

Legal and physical access to the aggregation is provided by the dedicated abutting public road rights-of-way, maintained by the City of Great Falls.