


City of Miles City  
PO Box 910  
Miles City, MT 59301

**161620 Fee: \$52.00**

Custer County Recorded 9/18/2014 At 2:10 PM  
Linda Corbett, Clk & Rcdr By   
Return to: City of Miles City P.O. box 910  
Miles City MT 59301

## RESOLUTION NO. 3701

### A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING THE AMENDED PLAT FOR THE PURPOSE OF BOUNDARY LINE RELOCATION OF LOTS 17-20 IN BLOCK 3 OF THE HIGHLAND PARK ADDITION TO THE CITY OF MILES CITY

*WHEREAS*, Karl & Joyce Muri have requested that the City of Miles City approve a boundary line relocation involving Lots 17 through 20 in Block 3 of the Highland Park Addition in the City of Miles City, Custer County, Montana;

*AND WHEREAS*, the Board of Adjustment has adopted City of Miles City Staff's report as findings of fact, and have recommended the approval of the foregoing boundary line relocation to the City Council;

*AND WHEREAS*, the City of Miles City is authorized to approve the relocation of common boundary lines for five or fewer lots within a platted subdivision pursuant to Section 76-3-207(1)(d), MCA.

*NOW THEREFORE BE IT RESOLVED* by the City Council of Miles City, Montana, as follows:


It does hereby adopt the Final Staff Report attached hereto as Exhibit "A" as findings of fact, and based on such findings of fact, approves the "Amended Plat of Lots 17, 18, 19 and 20, Block 3, Highland Park Addition" creating Lots 17-A and Lot 20-A within said Block 3 of the Highland Park Addition, said amended plat being attached hereto as Exhibit "B."

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY  
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES  
CITY, MONTANA, AT A DULY CALLED MEETING THIS 24<sup>th</sup> DAY OF JUNE,  
2014.



C.A. Grenz, Mayor

ATTEST:



Lorrie Pearce, City Clerk

Staff Report for City Council  
File #BLA-2014-04  
Muri Common Boundary Line Adjustment  
June 24, 2014

2701

**I. GENERAL INFORMATION**

**A. Project Applicant**

**Applicant/Owner:** Karl & Joyce Muri  
1110 Palmer Street  
Miles City, MT 59301

**Technical Assistance:** Quinn Wright  
Dowl HKM  
713 Pleasant  
Miles City, MT

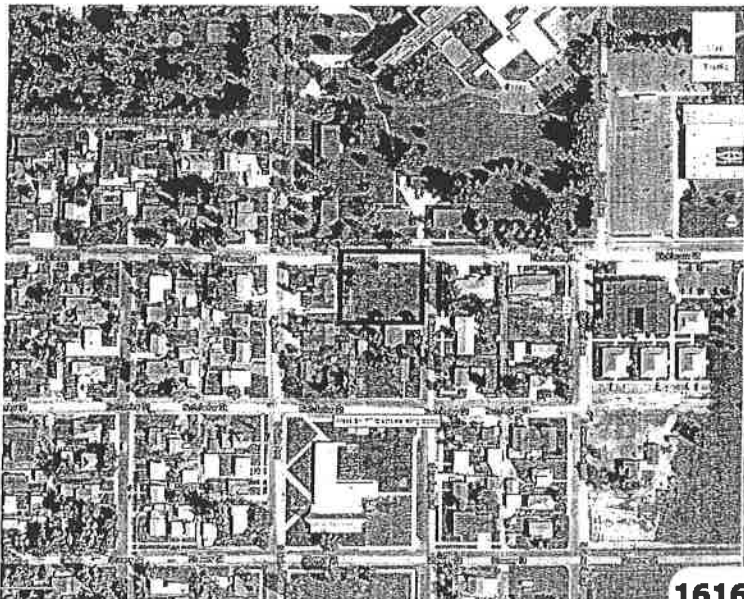
**B. Project Description**

Aggregation of 4 lots in order to create 2 lots and relocation of common boundary for five or fewer lots within a platted subdivision. This request is exempt from subdivision review per MCA 76-3-207(1)(d) and 76-3-207(1)(f), but is subject to survey requirements and zoning regulations. The aggregation will combine lots 17 through 20, currently oriented east-west. The proposed new boundary line will create 2 new lots, oriented north-side.

**C. Legal Description of Subject Property**

NE ¼ NW ¼ SE¼ of Sec 34, T8N, R47E, Block 3, Lots 17 - 20, Highland Park Addition

**D. Location** - See Attachment "A", amended plat



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### E. Boundary Adjustment Detail

	Current (in square feet)	Proposed (in square feet)
<i>Total Area:</i>	<i>13,032</i>	<i>No change</i>
Lot 17-19	9,225	
Lot 20	3,813	
Lot 17-A		6,513
Lot 20-A		6,519

#### Easements:

An existing Utility Easement is located on the south property line of the new Lot 17-A, providing for sewer utilities to new Lot 20-A.

### F. Land Use & Zoning

**Current Land Use:** Lot 20-A is currently vacant and a single-family home is under construction on Lot 17-A.

**Proposed Land Use:** Two single family residences

**Current Zoning:** Residential A

### G. Surrounding Land Use & Zoning

**General Description:** The subject property consists of vacant land occupying four lots, oriented east-west. The proposed boundary adjustment will divide the four lots from the north to south, creating 2 new lots that are oriented north-south.

#### Surrounding Uses

The subject property is surrounded by residential neighborhoods. The VA Medical Complex is located across Dickinson St to the north; however, that area is zoned Residential A.

#### Surrounding Zoning

Residential A

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## II. EXAMINATION [21-17(f)(2)(b-d)]

#### Stated Purpose of Boundary Line Adjustment

The property is currently comprised of four tracts of record: Lots 17, 18, 19, and 20 of Block 3 of the Highland Park Addition. The purpose of the survey is to relocate the common boundaries between the lots and aggregate the four lots into two lots using the exemptions found in MCA 76-3-207(1)(d) [for five or fewer lots within a platted subdivision, the relocation of common boundaries] and (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(s) are established. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.] The current property owners intend to construct single family homes on the newly created lots and sell Lot 20-A.

**Exemption from Subdivision Review**

This is a boundary line adjustment within a platted subdivision. Per MCA 76-3-207(1)(d) and (f), this proposal is exempt from subdivision review.

**Conformance with Subdivision Regulations 21-18(1)**

This proposal conforms to the Code of Ordinances of Miles City Sec 21-17 (Exemption from Review); Montana Code Annotated Title 76 Chapter 3-Subdivisions; and the Administrative Rules of Montana Surveying Requirements, 24.183.1107.

**Compliance with Local Zoning 24-11, 24-59 & 24-62**

**New Non-Conformities/Variances Required**

A single-family home is currently being constructed on Lot 17-A. The sideyard setback on the western property line is 7.5 feet. The owner was granted a 3 foot variance for this setback and a 5 foot variance in anticipation of construction of a single family home on Lot 20-A. The Board of Appeals granted these variances on April 24, 2014. See Attachment "B".

**III. DETERMINATION**

Staff has determined that the use of the exemption is not intended to evade the purposes of the MSPA and complies with the statutes and criteria set forth in the Code of Ordinances of Miles City. Karl and Joyce Muri currently own the four lots and are requesting the aggregation of land and the relocation of existing boundary lines in order to facilitate the sale of Lot 20-A, as shown on the Amended Plat. There is no intended change in the current usages.

**IV. RECOMMENDATION**

Staff recommends that the City Council adopt this report as findings of fact and approve the proposed Amended Plat.

