

RESOLUTION NO. 3785

A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING THE AMENDED PLAT FOR THE PURPOSE OF BOUNDARY LINE RELOCATION OF LOTS 2-6 IN BLOCK 8 OF THE HUNTER'S ADDITION TO THE CITY OF MILES CITY

WHEREAS, KFM Incorporated has requested that the City of Miles City approve a boundary line relocation involving Lots 2-6 in Block 8 of the Hunter's 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 Report for City Council attached hereto as Exhibit "A" as findings of fact, and based on such findings of fact, approves the "Amended Plat of Lots 2-6, Block 8, Hunter's Addition" creating Lot A and Lot B within said Block 8 of the Hunter's Addition, a copy of said amended plat being included in the Report attached as Exhibit "A."

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 10th DAY OF MARCH, 2015.



C.A. Grenz, Mayor

ATTEST:



Lorrie Pearce, City Clerk

Report for City Council
File #BLA-2015-01
KFM Common Boundary Line Adjustment
June 24, 2014

The proposed aggregation of lots and a boundary line adjustment is to facilitate the sale of the resulting new Lot A with the existing structure.

The attached preliminary Amended Plat of Lots 2-6, Block 8 of Hunter's Addition is an aggregation of the lots and a subsequent boundary line adjustment. This amendment is exempt from Subdivision Review per MCA section 76-3-207(1)(d) and 76-3-207(1)(f).

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:

(d) for five or fewer lots within a platted subdivision, the relocation of common boundaries;
(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.

The property is appropriately zoned General Commercial and no change in land use is proposed. The resulting lots A and B will be of the minimum legal size and meet the minimum setback requirements.

Existing structures on the proposed new lots are currently served by municipal water and sewer services.

A portion of the alley adjoining the new Lot B was vacated with Resolution #926 on May 12th, 1947. In 1967, Montana-Dakota Utilities received a pipeline easement for this portion of the alley, as documented in Book 21, Pg 461 at the Custer County Courthouse.

The aggregation of lots and boundary line adjustments will not:

- impact the ability of the government to provide local services,
- create an expansion or cost of services
- increase the amount of roads currently being maintained by the City
- increase emergency response times, traffic load, fire protection levels, schools and school routes, or landfill requirements
- create any special or rural improvement districts that would obligate the local government either administratively or financially.

Per MCA 76-3-207, the proposed amended plat is not a subdivision, is not subject to subdivision review and does not appear to be an attempt to evade subdivision review. This plat has been reviewed by Custer County's Examining Land Surveyor for compliance with surveying requirements of 76-3-401. Therefore staff recommends approval of the amended plat as proposed.