

## RESOLUTION NO. 3793

**A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING THE AMENDED PLAT, FOR THE PURPOSE OF BOUNDARY LINE RELOCATION, OF LOTS 3- 6, IN BLOCK 45 OF THE MILES CITY ORIGINAL TOWNSITE**

*WHEREAS*, Duane M. Duffy and Karla J. Duffy have requested that the City of Miles City approve a boundary line relocation involving Lots 3-6, in Block 45 of the Miles City Original Townsite, Custer County, Montana;

*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, File #BLA-2015-02, attached hereto as Exhibit "A" as findings of fact, and based on such findings of fact, approves the "Amended Plat of Lots 3-6, Block 45, Miles City Original Townsite" creating Lot A, and relocating the boundary line of Lot 3, within said Block 45 of the Miles City Original Townsite, 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 14th DAY OF APRIL, 2015.**

  
C.A. Grenz, Mayor

ATTEST:

  
Lorrie Pearce, City Clerk

## EXHIBIT A

### Report for City Council File #BLA-2015-02 Duffy Common Boundary Line Adjustment April 14, 2014

The subject property is commonly known as the Recreation Lanes/Kegler Club at 115 S 7<sup>th</sup> St in Miles City, MT. The proposed aggregation of lots and boundary line adjustment is to facilitate the sale of the resulting amended Lot A with the existing structure – the Bowling Alley.

The attached preliminary Amended Plat of Lots 3-6, Block 45 of Miles City Original Townsite is an aggregation of the lots 4, 5, & 6 and lots 3& 4, 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) but subject to the survey requirements in MCA 76-3-401.

*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, is surrounded by GC zones, and no change in land use is proposed. The resulting Lot A (lots 4, 5, & 6) will contain 7,397 sq. ft.; Lot 3 (includes a portion of lot 4) will contain 4,103 sq. ft. Both lots meet the minimum setback requirements as described in the Miles City Code of Ordinances Sec 24-59.

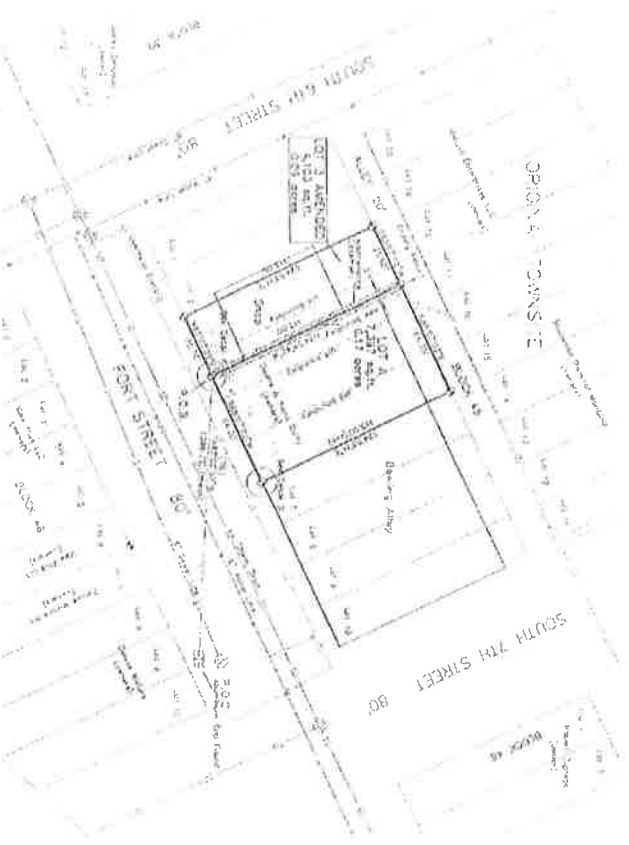
Existing structures on the proposed new lots are currently served by municipal water and sewer services. The existing structure currently houses the Bowling Alley facing S 7<sup>th</sup> Street and a shop sharing a common wall with the Bowling Alley. After aggregation of Lots 3, 4, 5, and 6, the boundary line will be moved to the western-most side of the common wall to create the new Lots 3 and A. Ownership of the Bowling Alley building will include the entire common wall (See Detail A on the plat). A 5 ft. maintenance easement is shown on the plat, centered on the new boundary line. This project will locate the structures on separate parcels, facilitating a clean title for the purchaser of either property.

The aggregation of lots and boundary line adjustments will not:

- impact the ability of the government to provide local services
- create or expand a non-conforming use
- 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.

AMENDED PLAT OF LOTS 3-6, BLOCK 45, MILES CITY ORIGINAL TOWNSITE  
 S1/2NW1/4, Section 33, Township 2 North, Range 47 East, R.1M  
 Miles City, Quarter County, Montana



**LEGEND**

- Existing State Survey
- New Survey
- Proposed Survey
- Other

**County Treasurer's Certification**

I hereby certify that the above is a true and correct copy of the original as shown to me by the Surveyor.

\_\_\_\_\_  
 County Treasurer

**Department of Environmental Quality**

\_\_\_\_\_  
 Director

**Metes & Bounds**

LOT 3: ...  
 LOT 4: ...  
 LOT 5: ...  
 LOT 6: ...

**Certificate of Sanitation**

I, the undersigned, being duly sworn, do hereby certify that the above is a true and correct copy of the original as shown to me by the Surveyor.

\_\_\_\_\_  
 Health Officer

**Certificate of Exemption Approval**

I, the undersigned, being duly sworn, do hereby certify that the above is a true and correct copy of the original as shown to me by the Surveyor.

\_\_\_\_\_  
 Surveyor

**Location Map**

**BAISIS of BEARING**

North is defined as the bearing of the line from the intersection of the center lines of the streets shown on the plat to the intersection of the center lines of the streets shown on the plat.

**DOWN**

715 Paradise Street  
 Miles City, Montana 59701  
 406-234-0886

**Duane & Katie Duffy**  
 PO Box 387  
 Miles City, MT 59301