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City of Miles City  
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Miles City MT 59301

**164643 Fee: \$14.00**

Custer County Recorded 11/25/2015 At 3:46 PM

Linda Corbett, Clk & Rcdr By Rita Wagner  
Return to: City of Miles City P.O. Box 910  
MILES CITY MT 59301

## RESOLUTION NO. 3863

**A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING THE AMENDED PLAT FOR THE PURPOSE OF BOUNDARY LINE RELOCATION OF LOTS 2-6 IN BLOCK 2 OF THE WOODLAND PARK ADDITION TO THE CITY OF MILES CITY.**

*WHEREAS*, Richard W. Bolton and Jacqueline K. Bolton (owners of Lots 2 and 3) and William E. Hodgson and Wanda V. Hodgson (owners of Lots 4 through 6) have requested that the City of Miles City approve a boundary line relocation involving Lots 2 through 6 in Block 2 of the Woodland Park Addition to the City of Miles City, 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) and (f), MCA.

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

It does hereby adopt the Staff Report to City Council, File #BLA 2015-0\_\_\_\_, 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 2, Woodland Park Addition" creating Lots A and B in Block 2, Woodland 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 10<sup>th</sup> DAY OF  
NOVEMBER, 2015.



\_\_\_\_\_  
C.A. Grenz, Mayor

ATTEST:



\_\_\_\_\_  
Lorrie Pearce, City Clerk

**Staff Report for City Council**  
**File #BLA-2015-05**  
**Bolton Common Boundary Line Adjustment**  
**November 10, 2015**

The proposed aggregation and boundary line adjustment is to facilitate the sale of “Acquired Tract B” of Lot 3 in Block 2 of the Woodland Park Addition. Lots 2 through 6 will be aggregated and the boundary line adjusted to create Lot A (6,061 sq. ft.), Lot B (9,309 sq. ft.) and Acquired Tract B (89 sq. ft). The property boundary line between the lots is not perpendicular to the north and south property lines as it will reflect the adjustment of the Acquired Tract B that is intended to accommodate an existing garage on site.

The preliminary Amended Plat of Block 2, Lots 2-6 of the Woodland Park Addition is an aggregation of land and a subsequent boundary line adjustment. This amendment is exempt from Subdivision Review per MCA section 76-3-207(1)(d) and (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.

Per the Miles City Subdivision Regulations Section 21-17(6) – (8), 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.

**Sec. 21-17. Divisions and aggregations of land exempt from subdivision review**

(6) The governing body and its agents, when determining whether an exemption is claimed for the purpose of evading the MSPA, shall consider all of the surrounding circumstances. These circumstances may include but are not limited to: the nature of the claimant's business, the prior history of the particular tract in question, the proposed configuration of the tracts if the proposed exempt transaction(s) is completed, and any pattern of exempt transactions that will result in the equivalent of a subdivision without local government review. (State ex rel. Dreher v. Fuller, 50 St. Rpt. 454, 1993)

(7) Exempt divisions of land that would result in a pattern of development equivalent to a subdivision may be presumed to be adopted for purposes of evading the MSPA based on the surrounding circumstances in subsection 21-17(b)(6), above.

(8) All parcels and the use of all parcels created or amended through the use of an exemption shall comply with the zoning regulations. This does not allow the City of Miles City to require lots resulting from exempt divisions to comply with Section 21-18, Design and improvement standards, unless the exemption seeks to alter a lot that was







1619 N Merriam

1609 N Merriam

STREVELL AVE  
ROBINSON ST

EDGEWOOD ST

MERRIAM AVE

ROBINSON ST

JORDAN AVE