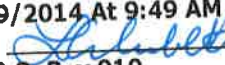


City of Miles City, Montana
PO Box 910
Miles City, MT 59301

160315 Fee: \$52.00

Custer County Recorded 5/29/2014 At 9:49 AM
Linda Corbett, Clk & Rcdr By 
Return to: City of Miles City P.O. Box 910
MILES CITY MT 59301

RESOLUTION NO. 3680

A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING THE AMENDED PLAT FOR THE PURPOSE OF BOUNDARY LINE RELOCATION OF LOTS 31-34 IN BLOCK 1 OF THE MILES ADDITION TO THE CITY OF MILES CITY

WHEREAS, Ronald and Virginia Hathaway have requested that the City of Miles City approve a boundary line relocation involving Lots 31 through 34 in Block 1 of the Miles 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(l)(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 31, 32,33 & 34, Block 1, Miles Addition" creating Tracts A and B within said Block 1 of the Miles 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 13TH DAY OF MAY, 2014.



C.A. Grenz, Mayor

ATTEST:



Lorrie Pearce, City Clerk

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EXHIBIT "A"

Final Staff Report
File #BLA-2014-02
Hathaway Common Boundary Line Adjustment
May 13, 2014

I. GENERAL INFORMATION

A. Project Applicant

Applicant/Owner: Ronald & Virginia Hathaway
215 N. Prairie Ave
Miles City, MT 59301

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

B. Project Description

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(l)(d), but is subject to survey requirements and zoning regulations. The boundary line relocation will combine lots 31 and a portion of 32 and identified as Tract A, and the balance of lot 32 with lots 33 and 34, identified as Tract B.

C. Legal Description of Subject Property

NW 1/4 NW 1/4. of Sec 34, T8N, R47E, Block 1, Lots 31-34, Miles Addition

D. Location

See Attachment "B", draft amended plat

E. Boundary Adjustment Detail

	Current (in square feet)	Proposed (in square feet)
<i>Total Acreage:</i>	<i>10,800</i>	<i>No change</i>
Lot 31	3,000	
Lot 32	3,000	
Lot 33	3,000	
Lot 34	1,800	
Tract A		5,160
Tract B		5,460

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Easements:

Existing: None Known

Proposed: Easement#1 – Tract B provides an easement in the NE corner for an existing garage. If and when the garage is removed or destroyed, the easement will be abandoned.

F. Land Use & Zoning

Current Land Use: Two residential homes, each home is on two lots

Proposed Land Use: No Change

Current Zoning: Residential A

G. Surrounding Land Use & Zoning

General Description: The subject property consists of two homes occupying two lots each. The proposed boundary adjustment accommodates the building configuration currently on the ground. Lot 32 will be split up and combined with lots 31 and 33 respectively. The newly created lots will be identified as Tract A (lots 31 & 32) and Tract B (lots 32, 33, & 34).

Surrounding Uses

North-Home

South-Home

East-Home

West-Home

Surrounding Zoning

North -Residential A

South-Residential A

East-Residential A

West-Residential A

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 31, 32, 33, and 34 of Block 1 in the Miles Addition. The purpose of the survey is to aggregate four lots into two lots and relocate the common boundaries between the 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 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 sell the resulting Tract A.

Exemption from Subdivision Review

This is an aggregation and division of land within a platted subdivision. Per MCA 76-3-207(1) (d) and (f), this proposal is exempt from subdivision review.

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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

The proposed aggregation of land and the boundary line adjustment is in substantial compliance with Sections 24-11 and 24-53 of the Miles City Code of Ordinances. Two variances were required and granted by the Board of Adjustment for setbacks on the interior lot line dividing the new Tracts A and B. The existing non-conforming uses are lawful and in compliance with Section 24-11. Many of the existing non-conforming uses will be improved by the proposed boundary line adjustment.

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. The current owners of the four lots are requesting aggregation of lots and relocation of existing boundary lines in order to facilitate the sale of Tract A, as shown on the Amended Plat. There is no intended change in the current usages. On April 24, 2014, the Board of Adjustments granted a 3 foot variance for the interior setback between the home on Lots 31/32 and the proposed interior boundary line of Tract A. An 8 foot variance was also granted for the garage on Lots 32/33 for a new non-conforming use.

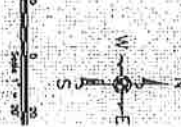
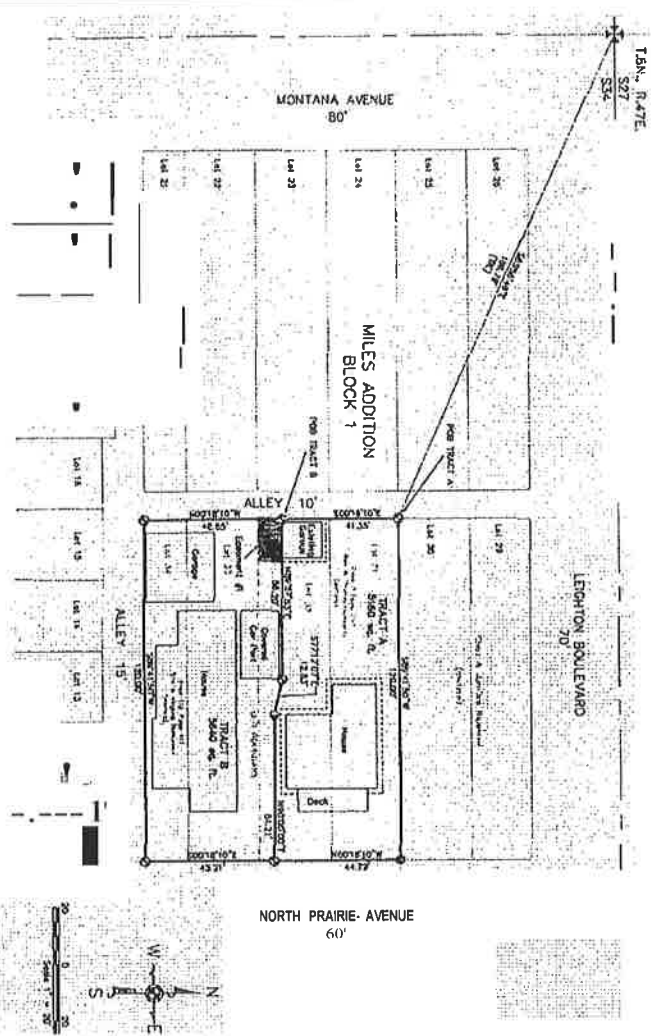
IV. RECOMMENDATION

Staff recommends that the City Council adopt this report as findings of fact and approve the Amended Plat based on the information contained in the report.

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EXHIBIT 'B'

33 & 34, BLOCK 1, MILES ADDITION



TRACT A
 Metes & Bounds

TRACT B

STATE OF MONTANA
 COUNTY OF CUSTER

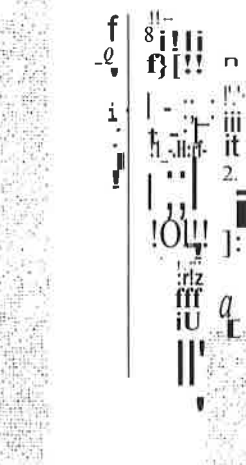
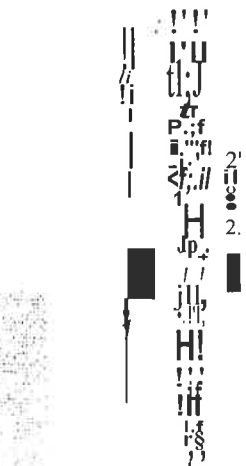
STATE OF MONTANA
 COUNTY OF CUSTER

STATE OF MONTANA
 COUNTY OF CUSTER

Easement

STATE OF MONTANA
 COUNTY OF CUSTER

STATE OF MONTANA
 COUNTY OF CUSTER



County Treasurer's Certification

I hereby certify that all taxes and penalties, taxes and penalties not being satisfied thereon, are paid.

County Clerk: _____

BASIS OF BEARING

State of Montana is hereunto attached by the surveyor, and the bearings and distances are true and correct.

Surveyor: _____

STATE OF MONTANA
 COUNTY OF CUSTER

Certificate of Surveyor

STATE OF MONTANA
 COUNTY OF CUSTER

DAWL HKM

717 888 1318
 408-224-6028
 408-224-6028

MILES ADDITION AMENDED PLAT

Ron & Virginia Hathaway
 215 North Prairie Ave
 Miles City, MT 59301

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