Return to: City of Miles City PO Box 910 Miles City, MT 59301

164642 Fee: \$14.00

Custer County Recorded 11/25/2015 At 3:46 PM Linda Corbett, Clk & Rcdr By

Return to: City of Miles City P.O. Box 910

**MILES CITY MT 59301** 

### RESOLUTION NO. 3860

A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING THE AMENDED PLAT FOR THE PURPOSE OF BOUNDARY LINE RELOCATION OF LOT B IN BLOCK 8 OF THE AMENDED PLAT OF HUNTER'S ADDITION, AND BLOCK 7 GORDON'S ADDITION, TO THE CITY OF MILES CITY

WHEREAS, Mel Kernutt and Nancy Kernutt have requested that the City of Miles City approve a boundary line relocation involving Lot B in Block 8 of the Amended Plat of Hunter's Addition, and Block 7 of Gordon's 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 2015-04, attached hereto as Exhibit "A" as findings of fact, and based on such findings of fact, approves the "Amended Plat of Lot B, Block 8, of the Amended Plat of Hunter's Addition, Env. 537B Amended Plat of Block 7, Gordon's Addition" creating Lot B Amended in Block 8, Hunter's Addition; and enlarging all of Block 7, Gordon's 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 27<sup>th</sup> DAY OF OCTOBER, 2015.

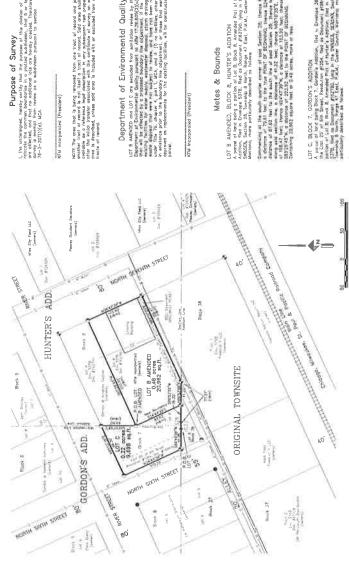
C.A. Grenz, Mayor

ATTEST:

Lorrie Péarce, City Clerk

# 537B ENV. B, BLOCK 8, OF THE AMENDED PLAT OF HUNTER'S ADDITION, AMENDED PLAT OF BLOCK 7, GORDON'S ADDITION AMENDED PLAT OF LOT

SW1/4SE1/4, SE1/4SW1/4 Section 28, Township 8 North, Range 47 East, P.M.M. Miles City, Custer County, Montana



Certificate of Surveyor STATE of MONTANA

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COUNTY of CUSTER On the beast of the thresholds of the control of th

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Cep., Roo, #1265

Volum W. Wright

Mortone Roo, #8340

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THIS IS A PRELIMINARY PLAT.



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### Metes & Bounds

LOT B AMENDED, BLOCK 8, HUNTER'S ADDITION
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I. Michael Rinddi the Registered Sonitorian for the City of Miles City, harby cartly that the auryey shown here has been exemined and determined to be in compliance with the Mortano Sonitation in Subdivision Act, and applicable A.R.M. Certificate of Sanitarian Dated this .

Michael Rinoldi, RS Regislered Sanllarian, Miles CHy

## Certificate of Exemption Approval

I, Mayor of the City of West City, the hearth smithy that the use of the exemption of other conforms and the second to economy the second that it is not to be the heart for conform if the requirements of the black conforms of the second of conforms if the requirements of the black conforms of NG-3-101 at the NG-3-101 2015. DATED INS

Mayor, City of Miles City, Montana

Flood Map 30017C0661D

\_ocation Map



AMENDED PLAT OF AMENDED PLAT OF AMENDED PLAT OF AMENDED PLAT OF

713 Pleasant Street Miles City, Montana 59301 406-234-6666

DOWL

KFM Incorporated 519 North 7th Street Miles City, MT 59301

RLOCK B, OF THE ADDITION, ENV. 5378 GORDON'S ADDITION

Brass Cap Quarter Section Comer (Found) **LEGEND** 

% Rebor with Yellow Picaric Cop Stomped "DOWL HKM 9334LS" (Found)
% Rebor with Yellow Picaric Cop Stomped "C8 & ASSOCIATES 11371LS" (Found)

% Rebor with Yellow Picatle Cap Stamped
"Plains Engineering" (Found)
%X2A\* Long Rebor with Yellow Plostic Cap Stamped
"DOM, \$3344.5" (SET THIS SURVEY)

Flad this day County Treasurer's Certification

hereby certify that all real property taxes and appeal assessments assessed and levied on the land being subdirkfed have been paid.

Custer County Clerk and Recorder

Custer County Treasurer

Basis of brening a live more instituted by GPS deservations.

Coordinate shows an few mit increments Mentalor Population, 
program of the property of the processor of the program of the

be downloaded fr	(310 form 270). Form may om: www.dnrc.mt.gov/ nits/stream-permitting	AGENCY U Date Accepte	SE ONLY: Application # 300715 Date Rec	DFWP
This space is project Name	for all Department of Trai	usportation and S	SPA 124 permits (government projects).	
Control Numb		·	Contract lessing day	
MEPA/NEPA		Yes	Contract letting date  ☐ No If yes, #14 of this application does not apply.	
Use this form to point of contact application. To the delay of the a	apply for one or all loca unless otherwise designate avoid delays, submit all re application process. Other	AND I, state, or federa d. "Information equired information laws may apply		le party for the project and the s for completing this ete applications will result in
i ne appucai	it is responsible for (	obtaining all	necessary permits and landowner permission	before beginning work.
⊻	PERMIT		AGENCY	FEE
310 Permit			Local Conservation District	No fee
SPA 124 Pe	ermit		Department of Fish, Wildlife and Parks	No fee
Floodplain			Local Floodplain Administrator	Varies by city/county (\$25 - \$500+)
	Permit, Section 10 Per	mit	U. S. Army Corps of Engineers	Varies (\$0 - \$100)
318 Author 401 Certific	ation		Department of Environmental Quality	\$250 (318); \$400 - \$20,000 (401)
Easement	Rivers Land Use License	e, Lease, or	Department of Natural Resources and Conservation, Trust Lands Management Division	\$50, plus additional fee
Mailing Add	PPLICANT (person in powner consented to ress: P.O. Black to ress: of project to ress:	responsible for this project?		
NAME OF LA	ANDOWNER (if diff	erent from ap	plicant): KF ma Incorporated	
Day Phone:	Eve	ening Phone:	E-Mail:	
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NAME OF ST Address/Loca 1/4	TREAM or WATER ation: ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) (	B. PRO.  Necross  BODY at pro  Fached repo	JECT SITE INFORMATION  oject location Yellows fore Nearest Township Geocode (if available): 141746  Township 80, Range 475	mmiles Cite

The state owns the beds of certain state navigable waterways. Is this a state navigable waterway? Yes or No If yes, send copy of this application to appropriate DNRC land office – see Information for Applicant.

ATTACH A PROJECT SITE MAP OR A SKETCH that includes: 1) the water body where the project will take place, roads, tributaries, landmarks; 2) a circled "X" representing the exact project location. IF NOT CLEARLY STATED ON THE MAP OR SKETCH, PROVIDE WRITTEN DIRECTIONS TO THE SITE.

### C. PROJECT INFORMATION

1. TYPE OF PROJECT (check all that apply)  □ Bridge/Culvert/Ford Construction  □ Bridge/Culvert/Ford Removal  □ Road Construction/Maintenance  □ Bank Stabilization/Alteration  □ Flood Protection  □ Channel Alteration  □ Irrigation Structure  □ Water Well/Cistern  □ Excavation/Pit	☐ Fish Habita ☐ Recreation ☐ New Reside ☐ Manufactur ☐ Improveme ☐ Commercia ☐ Wetland Al	(docks, marinas, etc.) ential Structure red Home nt to Existing Structure I Structure teration Construction Access	☐ Mining ☐ Dredging ☐ Core Drill ☐ Placement of Fill ☐ Diversion Dam ☐ Utilities ☐ Pond ☐ Debris Removal
2. PLAN OR DRAWING of the proposed proj	ject <u>MUST</u> be a	ttached. This plan or di	rawing must include:
<ul> <li>a plan view (looking at the project from above</li> <li>dimensions of the project (height, width, dept</li> <li>location of storage or stockpile materials</li> <li>drainage facilities</li> <li>an arrow indicating north</li> </ul>	e)	<ul><li>a cross section or prof</li><li>an elevation view</li><li>dimensions and locati</li></ul>	file view on of fill or excavation sites proposed structures, such as
3. IS THIS APPLICATION FOR an annual m (If yes, an annual plan of operation must be a	naintenance perrattached to this	mit? ☐ Yes s application – see "Info	No Primation for Applicant")
4. PROPOSED CONSTRUCTION DATE. In Finish date 1 / 18 / 15 Is any portion (If yes, describe the completed work.)	nclude a project	timeline Start data	2,10,,,
5. WHAT IS THE PURPOSE of the proposed	project?		
Placement of a 16'x80 Strel garage on fill al	modula.	or Mone, onf	ill with a 20x30
6. PROVIDE A BRIEF DESCRIPTION of the Placement of a mobile he	e proposed proje Ome on fi	ect. N era	
7. WHAT IS THE CURRENT CONDITION of bank slope, height, nearby structures, and wet	FE + 2 Dalove BFE of the proposed tlands.	fill will be on for stell project site? Describe the	entire lot. @ A 6+08" above BFE. he existing bank condition,
Barren land on weeds Poo	geotis 1/2	a mile from no	eares. A stream.

project encroach into and extend away from the water body?

No bank on any weeter body will be impacted.

8. PROJECT DIMENSIONS. How many linear feet of bank will be impacted? How far will the proposed

9. VEGETATION. Describe the vegetation present on site. How much vegetation will be disturbed or covered
with fill material during project installation? (Agencies require that only vegetation necessary to do the work be
removed.) Describe the revegetation plan for all disturbed areas of the project site in detail.

No vegetation will be distrubed.

10. MATERIALS. Describe the materials proposed to be used. Note: This may be modified during the permitting process. It is recommended you do not purchase material until all permits are issued.

Cubic yards/Linear feet

Size and Type

Source

Lill from local source.

11. EQUIPMENT. List all equipment that will be used for construction of the project. How will the equipment be used on the bank and/or in the water? Note: Make sure equipment is clean and free of weeds, weed seeds, and excess grease before using it in the water waterway. To prevent the spread of aquatic invasive species, to the extent practical, remove mud and aquatic plants from heavy machinery and other equipment before moving between waters and work sites, especially in waters known to be infested with aquatic invasive species. Drain water from machinery and let dry before moving to another location.

Fill leveling ego. prout.

- 12. DESCRIBE PLANNED EFFORTS TO MINIMIZE PROJECT IMPACTS. Consider the impacts of the proposed project, even if temporary. What efforts will be taken to:
  - Minimize erosion, sedimentation, or turbidity? For the following bullets in guestion 12 the frojects is located apprex. 1/2 miles from nearest Minimize stream channel alterations? work body so 1. It to no

impacts or negitive affects.

- Minimize effects to stream flow or water quality caused by materials used or removal of ground cover?
- Minimize effects on fish and aquatic habitat?
- Minimize risks of flooding or erosion problems upstream and downstream?
- Minimize vegetation disturbance, protect existing vegetation, and control weeds?
- 13. WHAT ARE THE NATURAL RESOURCE BENEFITS of the proposed project?

None

14. LIST ALTERNATIVES to the proposed project. Why was the proposed alternative selected?

None

qu	applying for a Section 404 or Section 10 permit, fill destions 3-6. (Additional information is required for	out questions 1-3. If applying for a flood floodplain permits – See "Information fo	lplain permit, fill out r Applicant.")
×	Will the project involve placement of dredged mark, in a wetland, or other waters of the US? yards of fill material will be used? Note: Wetland	(excavated) and/or fill material below	the ordinary high water
£.	Description of avoidance, mitigation, and compsheets if necessary.	pensation (see Information for Applic	ant). Attach additional
3.	List the names and address of landowners adjace and across from the project site. (Some floodplessed and across from the project site.)	cent to the project site. This includes lain communities require certified adj	properties adjacent to oining landowner lists).
4.	List all applicable local, state, and federal permit pending. Note: All required local, state, and federal permit issuance of a floodplain permit.	its and indicate whether they were iss deral permits, or proof of waiver must g permit	sued, waived, denied, or t be issued prior to the
5.	Floodplain Map Number 30017 COb	61D	
6.	Does this project comply with local planning or	zoning regulations? Yes N	Io
	E. SIGNATURES/AUTHORIZATIONS Each	n agency must have original signatures	signed in blue ink.
Aft with	er completing the form, make the required num h original signatures and additional information	nber of copies and then sign each coprequired directly to each applicable a	oy. Send the copies gency.
The work	statements contained in this application are true and k described herein or is acting as the duly authorized ating of a permit does not include landowner permiss ect site after notice by inspection authorities are here	correct. The applicant possess' the auth agent of the landowner. The applicant a project ion to access land or construct a project.	ority to undertake the
APP Prin	PLICANT (Person responsible for project): at Name: MEL KERNUTT	LANDOWNER: Print Name:	
W	ature of Applicant Date		
Sign	nature of Applicant Date	Signature of Landowner	Date
CO rin	NTRACTOR/AGENT: t Name:		

Signature of Contractor/Agent Date
\*Contact agency to determine if contractor signature is required.

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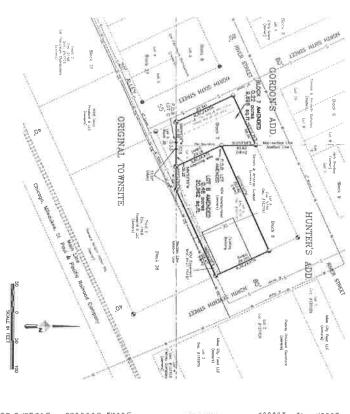
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Cartificate of Surveyor

### AMENDED PLAT QF TOT Œ AMENDED PLAT OF BLOCK 7, GORDON'S ADDITION BLOCK 8, OF THE AMENDED PLAT OF HUNTER'S ADDITION, ENV. 537B

SW1/4SE1/4, SE1/4SW1/4 Section 28, Township 8 North, Range 47 East, P.M.M. Miles City, Custer County, Montana



I, the customaryone, herally certify that the purpose of this division of lord is to relacable the common boundaries in a popular abdominate, duct 0 or free role are affected, and their no odditional both are heavy exceeded, therefore, that any objected, and their no odditional both are heavy exceeded, therefore, that any popular common review or a material purposent to section 76—3–207(1/Sc), but one Purpose of Survey

COUNTY of CUSTER

STATE of MONT

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Department of Environmental Quality

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Dated this At doy of Dille 2015

Richard Rinard RS tegistered Schlurken, Miles City

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Certificate of Sanitarian

### Metes & Bounds

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Certificate of Exemption Approval

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Panel 30017C0661D



713 Pleasant Street Miles City, Montana 58301 408-234-5686

KFM Incorporated 519 North 7th Street Miles City, MT 59301

AMENDED PLAT OF DIST BLOCK B. OF THE AMENDED PLAT OF PURITER'S ADDITION, ENK 5378 AMENDED PLAT OF BLOCK 7. GONDON'S ADDITION

Checked by Salar Bight Project he 4127,20374 0 S.BSZ.II heet from the south

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Bross Cop Quarter

County Treasurer's Certification

Filed this day of at occase, m.

,2015 A.D

I hereby cartify that at real property laxes one special casessments assessed and levied on the last being subdivided have been paid.

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### Staff Report for City Council File #BLA-2015-04 Kernutt Common Boundary Line Adjustment October 27, 2015

The proposed boundary line adjustment is to facilitate the sale of Block 7 of Gordon's Addition and place a mobile home on the property. KFM, Inc. has transferred ownership of the property to Mel and Nancy Kernutt. KFM, Inc. recently did an aggregation and boundary line adjustment for the adjacent property in the Hunter's Addition, Block 8, see File BLA-2015-01. However, the property history does not show a pattern of development that may be interpreted as an attempt to evade a subdivision review.

The preliminary Amended Plat of Block 7 of Gordon's Addition is a boundary line adjustment. This amendment is exempt from Subdivision Review per MCA section 76-3-207(1)(d).

### 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 <u>76-3-401</u> 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

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 subject to the design and improvement standards of the subdivision regulations during subdivision review.

The property is zoned General Commercial. The applicant, Mr. Kernutt received a variance from the Board of Appeals on July 31, 2008 to place up to two mobile homes on Block 7.

With the boundary line adjusted, the reconfigured Block 7 appears to meet all zoning code requirements. The property owners have applied for a floodplain permit, 300715, to locate a residence in the 100-year floodplain. The new address for this property is 602 River Street.

Twenty-five feet of the easterly portion of 6<sup>th</sup> Street between River St and the Chicago, Milwaukee, St. Paul and Pacific Railroad was vacated with Resolution #1354 on Feb 8, 1960. The resolution created a 20' alley that abuts the western property lines of Block 7of Gordon's Addition and Block 38 of the Original Townsite subdivision. The vacated portion of N 6<sup>th</sup> Street is owned by the applicant. Block 7 has municipal water and sewer services available from the alley of N. 6<sup>th</sup> Street.

The property is already receiving City Services. Therefore, the boundary line adjustment will not:

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

It appears this proposal will simply reflect and accommodate the configuration of Block 7 with one mobile home and garage on site. This plat has been reviewed and approved by Custer County's Examining Land Surveyor for compliance with surveying requirements of 76-3-401.

Staff recommends approval of the amended plat of Block 7 of Gordon's Addition as proposed.



Miles City Community Services & Planning
17 South 8<sup>th</sup> Street, PO Box 910
Miles City, MT 59301

Date Received:

to be completed by City

Attach a check payable to the City of Miles City for \$200.00 an (Original, plus 2 copies) to the City of Miles City Community Se 17 S. 8 <sup>th</sup> Street, Miles City, MT, 59301.	d submit the application materials ervices and Planning Department,
1. Property owner(s): (If more than 2, please attach a a. Name: KFM Incorporated  Address: 519 N 7 <sup>th</sup> Street	Occupation:
City, State, Zip: Mile's City, MT \$9301 Email:	
<b>b.</b> Name:	Occupation:
Address:	Phone:+
City, State, Zip: Email:	
2. Surveyor/Representative:  Name: Quina Wright Firm:	Dw/
Name: Quin Wright Firm: Dance:  Address: 7/3 Pleasant Stroet  City, State, Zip: Mile, (ity, mt 59301 Email	: qwi:ght @dowl.com
3. Parcel Description(s) of Existing Tract(s): (If more sheets)	than 2, please attach additional
a. Address: 519 N. 7th Street	
Tax ID Number: Geocode: $14-1740-28-4$ .  Section: $28$ Township: $8 \nu$ Range: $47 \mathcal{E}$	-01-0000 (Cadastral closs of show the
Section: $28$ Township: $8\nu$ Range: $47E$	, q.,.,
Other legal description: Lot B, Block 8, Amended	Pat of Huster's Addition,
Zoning District: Minimum Lot Si	ze:
How and when the parcel was created (example: Subdivision	
Envelope 537 B, Document # 16279	0
3-12-2015	



Date Received: Miles City Community Services & Planning 17 South 8th Street, PO Box 910 Miles City, MT 59301 River Street **b.** Address: Tax ID Number: \_\_\_ Geocode: Cudastral doesn't show our last Amended Plat yot. Section: 28 Township: 8N Range: 47E Other legal description: Block 7, Godon's Add Air, Envelope 380B Zoning District: \_\_\_\_\_\_ Minimum Lot Size: \_\_\_\_\_ How and when the existing parcel was created (example: Subdivision: X Addition, 10/3/92): Gordon's Addition, Envelope 380B

August 1881 4. Proposed Exemption(s): This application is used for proposals to relocate common boundaries between adjoining properties, and/or the aggregation of lots. Please indicate which exemptions apply to this proposal by checking the appropriate box(es): ☐ A division made outside of platted subdivisions for the purpose of relocating common boundary line(s) between adjoining properties. [76-3-207(1)(a), MCA] For five or fewer lots within a platted subdivision, the relocation of common boundaries. [76-3-207(1)(d), MCA] ☐ A division made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas. [76-3-207(1)(e), MCA]  $\ \square$  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. [76-3-207(1)(f), MCA]



Date Received:  to be completed by City
r house site,
is the property owners' intentions for the use el(s) be used for agriculture, commercial,  nce.  be used for connectial.
ent to correct a building or fence
taned by KFM Incorporated,  + Nancy Kernutt

### 5. Required attachments:

Submit the original, signed application, along with two additional copies of the completed application and the information listed below.

- a. Copies of recorded deeds documenting present ownership of affected parcels.
- b. Copies of all deeds, contracts, restrictions, and covenants related to this property recorded or entered into within the past year.
- c. Site plan (or draft certificate of survey or subdivision/amended plat) showing the approximate gross and net lot sizes (in acreage or square feet), proposed property lines, and all existing and



Miles City Community Services & Planning 17 South 8<sup>th</sup> Street, PO Box 910 Miles City, MT 59301

Date Received:	
-	to be completed by City

proposed structures. The site plan should also identify property line setbacks, parking spaces, and any other information necessary to demonstrate compliance with the zoning code.

- d. Documentation of approved variances from zoning requirements related to the affected parcels.
- e. Copies of existing and proposed deed restrictions or covenants, if any.
- f. All documentation in support of the sanitation exemption(s), if applicable.
- g. Copies of any existing permits for the development on the property (building permits, floodplain permits, etc.), as applicable.

### 6. Acknowledgments:

I/We, the undersigned landowner(s) and exemption claimant(s) understand that the State of Montana provides that certain divisions of land, which would otherwise constitute subdivisions, are exempt from local subdivision review and approval, unless the transactions are an attempt to evade the Montana Subdivision and Platting Act or local subdivision regulations.

I/We affirm that this exemption claim is not an attempt to evade the Montana Subdivision and Platting Act or the Miles City Subdivision Regulations.

I/We recognize that I/We may be subject to penalties if my actions are deemed to be an effort to evade subdivision review, as set forth in Montana law:

- > 76-3-301(3), MCA: If transfers not in accordance with the Montana Subdivision and Platting Act are made, the City Attorney shall commence action to enjoin further sales or transfers and complete compliance with all provision of the Montana Subdivision and Platting Act. The cost of such action shall be imposed against the party not prevailing.
- Violations: Any person who violates any provision of the Montana Subdivision and Platting Act or any local regulations adopted pursuant thereto shall be guilty of a misdemeanor and punishable by a fine of not less than \$100 or more than \$500 or by imprisonment in a county jail for not more than 3 months or by both fine and imprisonment. Each sale, lease, or transfer of each separate parcel of land in violation of any provision of this chapter or any local regulation adopted pursuant thereto shall be deemed a separate and distinct offense.
- I/We also recognize that making false statements on this form could subject me to criminal prosecution for False Swearing (per MCA 45-7-202) and Perjury (per MCA 45-7-201).
- > I/We also recognize that per 45-7-203(1), MCA (Unsworn falsification to authorities), A person commits an offense under 45-7-203 if, with the purpose to mislead a public servant in performing an official function, the person:
  - (a) makes any written false statement that the person does not believe to be true;

File No. PP-20XX-XX
to be completed by City



### EXEMPTION CLAIM APPLICATION BOUNDARY LINE ADJUSTMENT AND/OR AGGREGATION OF LANDS

Miles City Com 17 South 8 <sup>th</sup> Stre Miles City, MT		Date Received: to be completed by City
(b)	purposely creates a false impression in a writt other benefit by omitting information necessar misleading;	ary to prevent statements from being
(c)	submits or invites reliance on any writing that altered, or otherwise lacking in authenticity; or	
(d)	submits or invites reliance on any sample, spe object that the person knows to be false.	
7. Signature	es:	
I/We, as Claima my/our statem	ant(s), has/have read the foregoing Exemption ents and information are true and correct to th	Claim Application, and affirm that he best of my/our knowledge.
	er's/Claimant's signature	Date: 9-15-2015
		Date:
Property owner	er's/Claimant's signature	_

### **Property Record Card**

### **Summary**

**Primary Information** 

Property Category: RP Geocode: 14-1740-28-4-01-01-0000

Primary Owner:

KFM INCORPORATED

519 N 7TH ST

MILES CITY, MT 59301-1801

NOTE: See the Owner tab for all owner information

Certificate of Survey:

Subdivision: HUNTERS ADDITION

Legal Description:

HUNTERS ADDITION, S28, T08 N, R47 E, BLOCK 008, Lot 002, LTS 2-6, FRL BLK 7 GOR, FRL LT 6 BLK 38 OTS, N PART CLOSED ALLEY BETWEEN BLK 8 HNT & RR RW & E25' 6TH

ST

Last Modified: 8/24/2015 8:32:57 PM General Property Information

Neighborhood: 002

Property Type: CU - Commercial Urban

Subcategory: Real Property

MILES CITY, MT 59301

**COS Parcel:** 

Assessment Code: 000RMS0212 PropertyAddress: 519 N 7TH ST

Living Units: 0

Levy District: 14-0172-1C

Zoning: 6

Ownership %: 100

**Linked Property:** 

No linked properties exist for this property

**Exemptions:** 

No exemptions exist for this property

Condo Ownership:

General: 0

Limited: 0

**Property Factors** 

Topography: 1

Fronting: 1 - Major Strip or Central Business District

Utilities: 1, 4
Access: 1

Parking Quantity:

Parking Type:

Location: 4 - Commercial Area

**Parking Proximity:** 

**Land Summary** 

Land Type	Acres	<u>Value</u>
Grazing	0.000	00.00
Fallow	0.000	00.00
Irrigated	0.000	00.00
Continuous Crop	0.000	00.00
Wild Hay	0.000	00.00
Farmsite	0.000	00.00
ROW	0.000	00.00
NonQual Land	0.000	00.00
Total Ag Land	0.000	00.00
Total Forest Land	0,000	00.00
Total Market Land	0.988	11,256.00

Width/Diameter:

Length:

Size/Area: 2996

Height:

**Bushels:** 

Circumference:

### Commercial

### **Existing Commercial Buildings**

I	Building Number	Building Name	Structure Type	Units/Bldg	YearBuilt	
	1	_	398 - Warehouse	1	1961	View
	1		398 - Warehouse	1	1920	View

General Building Information

Building Number: 1

**Building Name:** 

Structure Type: 398 - Warehouse

Units/Building: 1

Identical Units: 1 Year Built: 1961

Year Remodeled: 2004

Grade: L Class Code: 3507

Effective Year: 0

Percent Complete: 0

Interior/Exterior Data Section #1

Level From: 01

Level To: 01

Use Type: 045 - Warehouse

**Dimensions** 

Area: 1,840 Perimeter: 212 Use SK Area: 0 Wall Height: 14

Features

Exterior Wall Desc: 03 - Concrete

Construction: 1-Wood

**Economic** 

Block

Frame/Joist/Beam

Life: 40 Heat

% Interior Finished: 100

Partitions: 2-Normal Plumbing: 0-None

Type: 0-None

Heat Type: 1-Hot Air

AC Type: 0-None Physical Condition: 2-Fair

Functional Utility: 2-Fair

**Building Other Features** 

Description	Qty	Width	Length	Height	Area	Calculated Value	Unadjusted Value
HS1 - Hoist, single plunger, 8,000#	1	00	00	0	00	7616.251	7616

Interior/Exterior Data Section #2

Level From: 01

Level To: 01

Use Type: 045 - Warehouse

**Dimensions** 

Area: 464 Perimeter: 69 Use SK Area: 0

Features

Exterior Wall Desc: 02 - Frame Construction: 1-Wood Frame/Joist/Beam Economic Life: 40

Wall Height: 8

% Interior Finished: 100

Partitions: 2-Normal

AC Type: 0-None

Plumbing: 2-Normal Functional Utility: 2-Fair

Physical Condition: 2-Fair **Building Other Features** 

No other features exist for this interior/exterior detail

Interior/Exterior Data Section #3

Level From: 01

Level To: 01

Use Type: 045 - Warehouse

Dimensions

Area: 4,800 Perimeter: 280

Use SK Area: 0 Wall Height: 12

Features

Exterior Wall Desc: 02 -

Construction: 1-Wood

Economic Life: 40

Frame

% Interior Finished: 0

Frame/Joist/Beam

Partitions: 1-Below Normal

### Deed Information:

Deed Date 11/25/2004	Book	Page	Recorded Date 4/8/2011	Document Number 150921	Document Type Warranty Deed
3/4/2004 12/2/2003	12 12	7724 6930			

### **Owners**

Party #1

Default Information:

KFM INCORPORATED

519 N 7TH ST

Ownership %:

100

**Primary Owner:** 

"Yes"

Interest Type:

Fee Simple

Last Modified:

5/21/2012 11:44:35 AM

Other Names

Other Addresses

Name

Type

TECHNOLOGIES FOR MANUFACTURE INC.

B - Business Name No other address

### **Appraisals**

### **Appraisal History**

Tax Year	Land Value	Building Value	Total Value	Method
2015	11256	102644	113900	INCOME
2014	10895	85400	96295	COST
2013	10895	85400	96295	COST

### **Market Land**

Market Land Item #1

Method: Sqft

Type: 1 - Primary Site

Width:

Depth:

Square Feet: 43,022

Acres:

Valuation

Class Code: 2207

Value: 11256

### **Dwellings**

### **Existing Dwellings**

No dwellings exist for this parcel

### Other Buildings/Improvements

Outbuilding/Yard Improvement #1

Type: Commercial

Description: CPA1 - Paving, asphalt

Quantity: 1

Year Built: 1961

Grade:

Condition:

Functional: 2-Fair

Class Code: 3507

Dimensions



Tuesday, September 15, 2015 11:30:51 AM -

### WARRANTY DEED

That BEACON CARTER SERVICE, a corporation, organized and existing under the laws of the State of Montana, of 711 Main Street, Miles City, Montana 59301, in consideration of the sum of One Dollar and Other Valuable Consideration (\$1.0VC), the receipt of whereof is hereby admitted, does hereby grant, bargain, sell, convey and confirm unto KFM INCORPORATED, an Oregon corporation, d/b/a TECHNOLOGIES FOR MANUFACTURERS INC., of 2805 10<sup>th</sup> Avenue S.E., P.O. box 336, Albany, Oregon 97321, and to its successors and assign, FOREVER, the following described real property, situated in the County of CUSTER, State of Montana, to-wit:

Lots 2, 3, 4, 5, and 6 in Block 8 of Hunter's Addition to the City of Miles City, Custer County, Montana, according to the official plat and survey of said addition now on file and of record in the office of the County Clerk and Recorder in and for Custer County, Montana.

### AND

All of fractional Block 7 of Gordon's Addition to the City of Miles City, Custer County, Montana, according to the official plat and survey of said addition now on file and of record in the office of the County Clerk and Recorder in and for Custer County, Montana.

### AND

All of fractional Lot 6 in Block 38 of the original town, now City, of Miles City, Custer County, Montana, according to the official plat and survey of said town by the Northern Pacific Railroad Company now on file and of record in the office of the County Clerk and Recorder in and for Custer County, Montana.

### AND

That northerly portion of the alley between the former right-of-way of the former Chicago, Milwaukee, St. Paul & Pacific Railroad Company and Block 8 of Hunter's Addition to the City of Miles City, Custer County, Montana, between 6<sup>th</sup> Street and 7<sup>th</sup> Street in said City, as shown on the original plat of said Hunter's Addition on file and of record in the office of the County Clerk and Recorder in and for Custer County, Montana, which was closed and vacated by the City of Miles City, by Resolution No. 926, filed for record March 3, 1958, in Book 21 of Misc., at Page 461, in the office of the County Clerk and Recorder in and for Custer County, Montana.

AND

l

150921 Fee: \$14.00

Custer County Recorded 4/8/2011 M3:13 PM Linda Corbett, Clk & Rodr By Return to: Security Abstract In Person The easterly 25 feet of North Sixth Street located and lying between Blocks 7 and 8 of Gordon's Addition to the City of Miles City, Custer County, Montana, which was discontinued and vacated in accordance with Resolution No. 1354, passed by the City Council of Miles City on February 8, 1960 and filed in the office of the County Clerk and Recorder on April 19, 1960, as Document No. 196479. The foregoing easterly 25 feet extends from the south side of River Street to the north right-of-way line of the former Chicago, Milwaukee, St. Paul & Pacific Railroad.

SUBJECT TO all prior easements, reservations, and exceptions of record.

TOGETHER, with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining.

And the said GRANTOR hereby covenants that it will forever WARRANT and DEFEND all right, title, and interest in and to said premises, and the quiet and peaceable possession thereof, unto the said GRANTEE, its successors and assigns, against the acts and deeds of said GRANTOR, and all and every person and persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, said GRANTOR has caused its corporate name to be subscribed and its corporate seal to be affixed, by its proper officers, thereunto duly authorized, on this  $\frac{11^{1/2}}{2}$  day of February, 2004.

A TEXTS OF	By: Service  By: Standard Service  Its President
Robert L. Osemer	150921 Fee: \$14.00 Custer County Recorded 4/8/2011 At 3:13 PM
STATE OF MONTANA )	
COUNTY OF CUSTER ) ss	

On this day of February, 2004, before me, the undersigned, a Notary Public for the State of Montana, personally appeared R. C. CREMER, known to me to be the President of BEACON CARTER SERVICE, the corporation that executed the within instrument and acknowledged to me that he executed the same on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Notary Public for the State of Montana
Residing at Miles City, Montana

My Commission Expires: 9/15/2000

A RESOLUTION CLOSING, DISCONTINUING AND VACATING THAT PORTION OF THE ALLEY BETWEEN THE RIGHT OF WAY OF THE CHICAGO, MILMAUKEE, ST. PAUL & PACIFIC RAILROAD COMPANY, AND BLOCK B in HUNTER'S ADDITION, TO THE CITY OF WILES CITY, MONTANA, BETWEEN 6TH STREET AND 7TH STREET IN BAID CITY AS SHOWN ON THE ORIGINAL PLAT OF HUNTER'S ADDITION TO THE CITY OF WILES CITY, MONTANA, ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF CUSTER COUNTY, MONTANA

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA,

WHEREAS there has been heretofore filed with the City Clerk of the City of Miles City, Montana, a petition in due form requesting that the City Council of the City of Miles City, Montana, close, discontinue and vacate that portion of the elley between the right of way of the Chicago, Milwaukee, St. Paul & Pacific Railroad Company and Block 8 of Hunter's Addition to the City of Miles City, Montana, between 6th Street and 7th Street in said Miles City, as shown on the original plat of the said Hunter's Addition on file and of record in the office of the County Clerk and Recorder of Custer County, Montana, and

WHEREAS the said petition was signed by all of the property owners on that portion of said alley sought to be vacated, and

thereas esid petition was duly noticed for hearing as provided by law and statutory notice of said hearing has been given, and

WHEREAS said petition has been duly considered by the City Council of said City in regular meeting held in the chambers of the City Council in said City on Wednesday, the 50th day of April, 1947, at which time the said City Council found and determined that the portion of said alley above described can be closed and vacated without determent or inconvenience to the public and upon motion duly made, seconded and carried the said alley was ordered vacated and closed.

that the following described portion of said elley is hereby closed, discontinued and vacated, to-wit:

That portion of the alley between the right of way of the Chicago, Milwaukee, St. Psul & Pacific Railroad Company and Block 8 of Bunter's Addition to the City of Miles City, Montans, between Sixth Street and Seventh Street in said City, as shown on the original plat of the said Eunter's Addition on file and of record in the office of the County Clerk and Recorder of Custer County, Montans,

SUBJECT however, to the right of the City, its officials and employees to enter upon said closed portion of said alley for the purpose of constructing, maintaining, repairing and inspecting any necessary mains, conduits, or wiring or for any other purpose connected with the effeirs of said city.

This Resolution is passed and adopted pursuant to action of the City

10. 21 said2. ouncil taken on the 30th day of April, 1947 and shall take effect from end after s passage and approval. Passed and Approved this 12th day of May, 1947. /s/ Prescott Boutelle, MAYOR. TEST: Ray Addington CITY CLERK. I, C. H. Stangland, the duly appointed City Clerk of the City of Miles City, Montana, hereby certify that the above is a true and correct copy of Resolution No. 926 on file in my office. instrument was filed for record in my office. C.M., and duly renormed in Book, County Clerk & Ex-Officio Recorder

### Montana-Dakota Utilities Co.

### THE LINE EASEMENT BY OWNER

CTHAILIS CO, a Delawai	e corporation, RUI Second Av-	etue South, Minneapolis 2, Minnesota, hereinafter called "COMPANY," us an, whether singular or plural, called "OWNER," namely:
Bascon-Cart	er Service, a Montar	ne Corporation of Miles City, Montana
	and the state of the second section of the second	
WITNESSETH, that for nuccessors and assigns, forever sary pipes, poles, and fixtures,	valuable considerations received, an exercise with the right to a through, over, under and across	4. OWNER does hereby grant, bargain, sell and convey unto COMPANY, its construct, operate, maintain, repair, and remove a gas pipe line, including necessible following described real estate, situated in the County of . CMSTOR
Pacific Railroad Co City between Sixth	mpany and Block Eigh and Seventh Streete ion on file and of r	tight-of-Way of the Chicago, Milwaukee, St. Paul & ot (8) of Hunter's addition to the City of Miles in said City, as shown on the original plot of the ecord in the office of the County Clerk and Recorder
OWNER hereby grants to purpose of laying, constructing work in connection therewith	COMPANY, its successors as maintaining, uperating, repair	nd assigns, the right at all reasonable times to enter open said promises for the ing or removing said gas pipe line and for the purpose of doing all necessary
and improvements on said pre-	nives, caused by constructing, in	It will pay any and all damages that may result to the crops, teners, buildings unitaining, repairing, operating of removing and gas jupe him
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COUNTY OF	15	
for said County and State, persi	nually appraised	many products of the second of
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(NOTA	RIAL SEAL)	Notary Public for the State of
STATE OF Montana		
County place Cuntor		
Of the cale of the cale of the	August in the ye	ser1967 , before the the undersigned, notary public within and for said
collub wall water personally and	exred R. D. Ship	known to me (or proved to nie on the cath
of	ornoration executed the same	naident of the corporation that executed the within instrimient, and
		d and affixed my official seal the day and year in this certificate first above
		Notice for the State of Montana
(NOTARIAL SBAL)		Resident at MILES LILLY PROLATE
0.27		My commission espires . MAECA AV. AV.S.
	F. et 1   Record this	opposed to the second of the s
ote of Montano # 88	Price 2 36 Fee 2	
onny of Chaler 1	L. J. Sambin	nd Recorder Tagory
	The second secon	

### **Parcel Map Check Report**

Prepared by:

713 Pleasant Street

Miles City, Montana 59301

Dowl

Client:

KFM Incorporated

519 North 7<sup>th</sup> Street

Miles City, Montana 59301

Date: 9/22/2015 2:54:05 PM

Parcel Name: LOT C

Description:

Process segment order counterclockwise: False

Enable mapcheck across chord: False

North:34,611.106'

East:33,305.053'

Segment# 1: Line

Course: S89°49'06"W

North: 34,610.974'

Length: 41.86'

East: 33,263.194'

Segment# 2: Line

Course: N24°47'39"W

North: 34,711.133'

Length: 110.33'

East: 33,216.926'

Segment# 3: Line

Course: N65°12'35"E

North: 34,751.512'

Length: 96.30'

East: 33,304.351'

Segment# 4: Line

Course: S0°17'08"E

North: 34,690.713'

Length: 60.80'

East: 33,304.654'

Segment# 5: Line

Course: S24°47'39"E

North: 34,611.169'

Length: 87.62'

East: 33,341.399'

Segment# 6: Line

Course: S89°53'55"W

North: 34,611.105'

Length: 36.35'

East: 33,305.049'

Perimeter: 433.26'

Area: 9,698Sq.Ft.

Error Closure: 0.005

Course: S74°05'48"W

Error North: -0.0013

East: -0.0045

Precision 1: 86,652.00

Parcel Name: LOT B AMENDED

Description:

Process segment order counterclockwise: False

Enable mapcheck across chord: False

North:34,723.479'

East:34,109.787'

Segment# 1: Line

Course: S65°10'35"W

North: 34,653.591'

Length: 166.47' East: 33,958.698'

Segment# 2: Line

Course: S89°53'55"W

North: 34,653.518'

Length: 41.22'

East: 33,917.478'

Segment# 3: Line

Course: N24°47'39"W

North: 34,733.061'

Length: 87.62'

East: 33,880.734'

Segment# 4: Line

Course: N65°26'45"E

North: 34,817.801'

Length: 203.92'

East: 34,066.213'

Segment# 5: Line

Course: S24°47'39"E

North: 34,723.478'

Length: 103.90'

East: 34,109.784'

Perimeter: 603.14'

Area: 20,963Sq.Ft.

Error Closure: 0.003

Course: S65°58'08"W

Error North : -0.0011

East: -0.0024

Precision 1: 201,043.33