

RESOLUTION NO. 4298

A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING THE AMENDED PLAT AND SUBDIVISION EXEMPTIONS FOR THE PURPOSE OF BOUNDARY LINE RELOCATIONS AND AGGREGATION OF LOTS INVOLVING LOTS 1 – 5 OF BLOCK 14 OF THE PLAT OF BAKER ADDITION IN THE CITY OF MILES CITY, MONTANA.

WHEREAS, applicants Dakota District of the Wesleyan Church and its Vice President, Tom Karp, have requested that the City of Miles City approve subdivision exemptions, including the relocation of common boundaries and the aggregation of five lots into two lots, involving Lots 1 – 5 of Block 14 of Baker Addition;

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.

AND WHEREAS, the City of Miles City is authorized to approve the aggregation of lots pursuant to Section 76-3-207(1)(f), MCA.

AND WHEREAS, the City of Miles City, City Council has reviewed the staff report along with recommended findings of fact that support the approval of the exemptions and concurs with and adopts the staff report and findings.

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

The City Council does hereby adopt the Staff Report to City Council, File #BLA-2019-02, attached hereto as Exhibit “A” as findings of fact, and based on such findings of fact, approves the proposed ‘AMENDED PLAT OF LOTS 1, 2, 3, 4 & 5, BLOCK 14, BAKER ADDITION’, which will amend portions of the plat of Baker Addition, Envelope #377B, records of the Custer County Clerk & Recorder’s Office, located in Section 28, Township 8 North, Range 47 East, P.M.M., City of Miles City, Custer County, Montana, subject to the corrections stated in the staff report; a copy of 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 10th DAY OF
DECEMBER, 2019.**



John Hollowell, Mayor

ATTEST:



Lorrie Pearce, City Clerk

Staff Report to City Council
File #BLA-2019-02
Boundary Line Adjustment and Aggregation of Lots in
Baker Addition, Block 14
December 5, 2019

I. GENERAL INFORMATION

A. Project Proponents

- 1. Applicants/Owners:** Dakota District of the Wesleyan Church, by Tom Karp, Vice President (signed exemption application)
PO Box 543
Miles City, MT 59301

- 2. Technical Assistance:** Cory Wilhelm
Wilhelm Land Surveying
713 Pleasant Street, PO Box 1518
Miles City, MT 59301

B. Property Description

The five existing tracts of record include Lots 1 – 5 of Block 14 of Baker Addition, Envelope #377B, records of the Custer County Clerk & Recorder's Office, located in the SE ¼ of Section 28, Township 8 North, Range 47 East, P.M.M., City of Miles City, Custer County, Montana. The property is addressed at 916 Garland Street, where a church building is located, and at 1106 Milwaukee Street, where a home is located.

C. Project Description

The application indicates the proposed boundary line adjustment and aggregation of lots is intended to allow the applicants to "split off the church from the residence". The property is developed with a church building, a dwelling, and a garage, and this exemption would reconfigure the five tracts of record to result in an 11,000 square foot lot that will contain the church building, and a 5,500 square foot lot that will contain the residence and garage. That will require the five lots to be aggregated into two lots. This would result in amendments to the Baker Addition's recorded plat.

The attached proposed 'AMENDED PLAT OF LOTS 1, 2, 3, 4 & 5, BLOCK 14, BAKER ADDITION', would be exempt from subdivision review per MCA 76-3-207(1)(d) and 76-3-207(1)(f) as follows:

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

Exhibit A

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.

These exemptions are also outlined in Sec. 21-17 of the Miles City Subdivision Regulations. Sec. 21-17(B)(2) gives a 30 day review period from the date of submittal, which was on November 14, 2010; therefore the deadline for the city to act on the application is December 14, 2019 (four days after the scheduled City Council meeting on December 10).

Figure 1 is an excerpt of the draft amended plat, which depicts the old (existing) boundaries and proposed new boundary of the resulting lots:

Figure 1: Excerpt of proposed Lot A and Lot B per the draft amended plat



D. Location

The subject properties are at the southeast corner of the intersection of Milwaukee Street and Garland Street. Two addresses are associated with the property: 916 Garland Street (Miles City Wesleyan Church) and 1106 Milwaukee Street (private home).

II. PROJECT DETAILS AND APPLICABLE REGULATIONS

A. Boundary Line Adjustment/Aggregation Details

The following table identifies the current and proposed lot sizes:

	Current Lot Size (square feet)	Proposed Lot Size (square feet)
Total Area:	16,500	16,500 (no change)
Lot 1	3,300	11,000 (Lot A)
Lot 2	3,300	5,500 (Lot B)
Lot 3	3,300	n/a (tract eliminated)
Lot 4	3,300	n/a (tract eliminated)
Lot 5	3,300	n/a (tract eliminated)

B. Easements

The existing Baker Addition plat depicts the publicly dedicated streets and alleys in Baker Addition. There are no easements on the subject lots shown on the Baker Addition plat, nor are easements proposed on the draft amended plat. No additional easements are expected to become necessary with the elimination of three lots and relocated boundaries.

C. Zoning & Land Use

As stated above, the proposed exemptions that are intended to relocate common boundaries and aggregate lots may be exempt from subdivision review by 76-3-207(1), MCA, but the proposal is subject to zoning regulations. The following provides an evaluation of zoning compliance.

1. **Current Zoning:** Residential A district (RA)
2. **Surrounding Zoning:** Residential A district (RA)
3. **Current Land Uses:** The property is currently developed with a church, a single family dwelling, and a garage.
4. **Proposed Land Uses:** The application does not indicate any intended changes in the land uses on the lots. The application states all parcels will continue to be used as zoned,

Exhibit A

and the intention is to prepare a parcel to sell off the residence from the church. The three existing uses of single-family dwellings, religious institutions, and accessory buildings are all listed as ‘Permitted Uses’ in the Residential A district.

5. **Residential A District Specifications:** The following Table II.2 of the zoning regulations provides the specifications for lots in the Residential A district, which the proposal is required to comply with, as applicable:

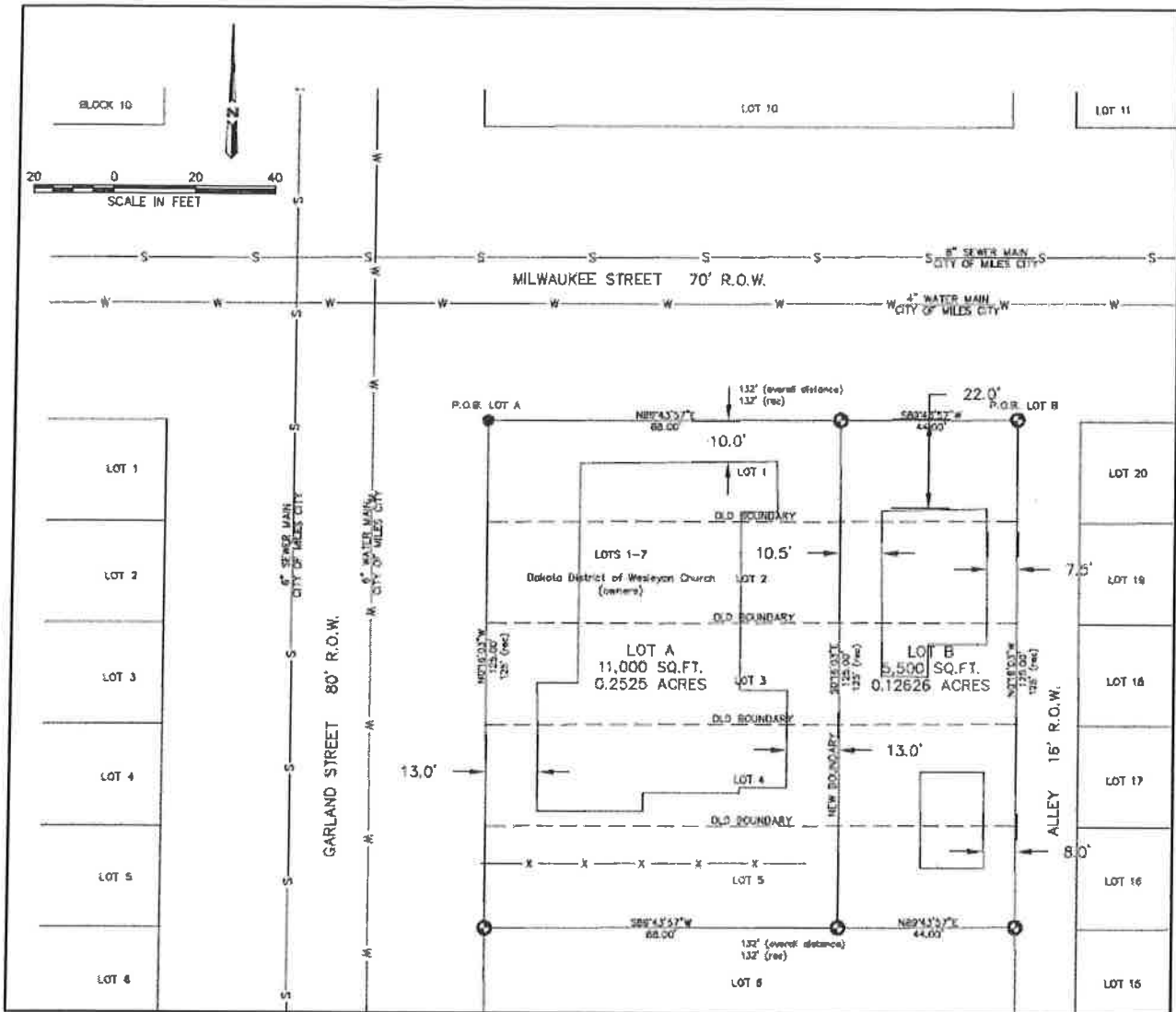
TABLE II.2: RA DISTRICT SPECIFICATIONS

Regulations	Specifications
Minimum lot width	50 feet
Minimum lot size	5,500 square feet
Minimum front yard setback	20 feet
Minimum side yard setback	5 feet
	Corner lots – 10 feet for side yard adjacent to street
Minimum rear yard setback	15 feet
Maximum lot coverage	45%
Maximum building height	Primary building - 35 feet
	Accessory buildings – 18 feet

6. **Zoning Compliance:** To facilitate the city’s review of the project for compliance with the zoning regulations, the application included a drawing showing the existing buildings and old and new boundaries – see Figure 2 below.

Exhibit A

Figure 2: Drawing of existing buildings relative to old and new boundaries



The modifications to the property and how the zoning regulations are affected are somewhat confusing. Instead of including the detailed discussion of how the reconfiguration complies with the zoning regulations in this part of the staff report, a 'Technical Appendix' is included at the end of this report.

Regarding zoning compliance as reflected by the Technical Appendix, in summary, the project complies with the zoning because although the property contains several nonconformities to the zoning specifications and standards, and both resulting lots would continue to have nonconformities, all nonconformities that remain are actually improving relative to the zoning standards and specifications. Because all standards are either in compliance with the zoning specifications, or the existing, nonconforming standards are being improved and no new zoning issues/nonconformities are being created, the project is allowed by the zoning regulations. Any new development on the lots in the future will be subject to zoning compliance.

D. Survey Requirements

According to 76-3-207(1), MCA, the proposed exemptions are subject to survey requirements. Applicable survey requirements are found in the Administrative Rules of Montana's (ARM's) Uniform Standards for Final Subdivision Plats outlined by ARM 24.183.1107 and the Uniform Standards for Certificates of Survey outlined by ARM 24.183.1104, which are adopted by the City of Miles City by reference under Sec. 21-62 of the MCSR.

The application included a draft amended plat prepared by a licensed professional land surveyor. The subdivision administrator and contract planning firm Land Solutions has reviewed the draft amended plat for compliance with the Uniform Standards for Final Subdivision Plats and Certificates of Survey, and the plat appears comply with the Administrative Rules of Montana. Custer County also requires review by the county's Examining Land Surveyor (ELS) to ensure compliance with the Uniform Standards for Final Subdivision Plats and Certificates of Survey. Typically, the ELS signatures are provided on the plat before the city signs the plat. This should occur prior to the December 10 City Council meeting for the Mayor to sign the plat; otherwise city signatures will need to be obtained at another time prior to the plat being recorded.

E. Subdivision Regulations

Sec. 21-17 of the MCSR provides for "*Divisions and aggregations of land exempt from subdivision review*". The applicants have followed the procedural requirements by submitting the exemption claim application and draft amended plat for examination by the City of Miles City. Subsection (C) addresses requirements applicable to specific exemptions, including (3): "*Relocation of common boundaries and aggregation of lots*". An evaluation of these provisions, along with recommended findings, is as follows:

- (a) *Statement of Intent.* The intended purpose of this exemption is to allow a change in the location of one or more boundary line between parcels and to allow transfer of the land without subdivision review.

Finding 1: *The proposal meets the statement of intent of allowing the relocation of common boundaries and aggregation of lots -- it would result in the change in locations of four existing boundaries between five adjoining lots in a platted subdivision, along with an aggregation of five lots into two.*

- (b) Certificates of survey, or amended plats for those altering platted subdivisions, claiming one of these exemptions must clearly distinguish between the existing boundary location and the new boundary. This shall be accomplished by showing the existing boundary with a dashed line and the new relocated boundary with a solid line. The appropriate certification set forth in ARM 24.183.1104(1)(f) must be included on the certificate of survey or amended plat.

Exhibit A

Finding 2: *The proposal includes a draft amended plat that depicts the old (existing) boundary lines with dashed lines and the new/relocated boundary with a solid line, along with the appropriate certifications set forth in ARM 24.183.1104(1)(f).*

- (c) When presented to the county clerk and recorder for filing, certificates of survey or amended plats showing the relocation of common boundary lines or aggregation of lots must be accompanied by a quit claim or warranty deed or recordable agreement from adjoining property owners for the entire newly described parcel(s) or that portion of the tract(s) being affected.

Finding 3: *The amended plat will need to be accompanied by a deed or recordable agreement for the entire newly described parcels or the portion of the tracts being affected to execute the proposed exemptions as shown on the amended plat.*

- (d) If the relocation of common boundaries would result in the permanent creation of an additional parcel of land, the division of land must be reviewed as a subdivision.

Finding 4: *The relocation of common boundaries would not result in the permanent creation of an additional parcel of land. Therefore it is not necessary that it be reviewed as a subdivision, and is exempt from subdivision review.*

- (e) If a change is made to a platted subdivision which results in a redesign or rearrangement of six or more lots in a platted subdivision, the division of land must be reviewed as a major subdivision.

Finding 5: *The change being made to the existing subdivision results in the redesign or rearrangement of three existing lots to result in two lots. Therefore it is not necessary that it be reviewed as a subdivision, and is exempt from subdivision review.*

- (f) The use of the boundary line exemption will be presumed to have been adopted for the purpose of evading the MSPA if the proposed relocation results in a parcel of less than 160 acres which, prior to the relocation included more than 160 acres.

Finding 6: *The proposal would not alter a 160+ acre tract to result in a tract less than 160 acres in size. Therefore the use of the boundary line exemption does not raise a presumption that the exemption has been adopted for the purpose of evading the MSPA. The proposal utilizes the proper exemptions.*

Subsection 21-14.B.11 of the MCSR, "Amending filed plats", addresses potential changes to filed subdivision plats that were reviewed and approved by the City of Miles City. In short, this subsection addresses how such amendments are processed and certain limitations for changes that might result from amended plats using exemptions and otherwise. An evaluation of these provisions, along with recommended findings, is as follows:

- (a) Changes that will substantially alter the contents of the original approved subdivision application, do not comply with the conditions of preliminary plat approval, or will

Exhibit A

materially alter any portion of a filed plat (not to include minor boundary adjustments), its land divisions or improvements, that is determined by the subdivision administrator to have the potential to negatively impact one or more of the primary review criteria for subdivisions, or that will modify the approved use of land within the subdivision, must be reviewed and approved by the governing body using the procedure for material amendments described in subsection (8), *Amending approved preliminary plats before Final plat approval*, above.

Finding 7: *The proposal involves a minor boundary adjustment and the elimination of three of five involved tracts of record that were created by the Baker Addition plat in 1908. Given the age of the subdivision, there is no existing subdivision approval letter or conditions or approval from the city or county governing body that is available for review or that could be impacted by the modifications to the plat. The modification is therefore not subject to any further review under the subdivision regulations or previous approvals, and the survey can be approved.*

- (b) Any alteration which increases the number of lots, modifies six or more lots, or abandons or alters a public road right-of-way or park land dedication shall be reviewed and approved by the governing body pursuant to subdivision review procedures or vacation or abandonment laws, as applicable.

Finding 8: *The proposal would not increase the number of lots, modify six or more lots, or abandon or alter any public road rights-of-way or park land dedications. Therefore the change does not need to be further reviewed or approved by the governing body.*

- (c) An amended plat may be subject to the procedures for reviewing minor or major subdivisions, as appropriate.

Finding 9: *Because the proposal does not constitute a material change to any applicable subdivision approvals and meets the criteria for exemption approval, the amended plat is not subject to any subdivision review procedures.*

- (d) The governing body reserves the right to require a current abstract of title for the impacted properties and may not approve an amended final plat without the written consent of the owners and lienholders of all lots which will be modified by the proposed amendment.

Finding 10: *The subdivision administrator has found no need to require a current abstract of title for the impacted properties, so no lienholders have been identified.*

- (e) The governing body may not approve an amendment that will place a lot in non-conformance with the design and improvement standards contained in Section 21-18 of these regulations unless the governing body holds a public hearing on the amendment and issues a written variance from the standards pursuant to subsection 21-22(a), Variances.

***Finding 11:** The amended plat would not create any non-conformities with the design and improvement standards contained in Section 21-18 of the MCSR. Therefore no public hearing or variance is necessary.*

- (f) The governing body may not approve an amendment that will place a lot in non-conformance with zoning regulations unless the Miles City Board of Adjustment has granted a zoning variance to the applicable standard.

***Finding 12:** The amended plat would not create any new non-conformities with the zoning regulations.*

- (g) The final amended plat submitted for approval must comply with the requirements for final subdivision plats under the Uniform Standards for Filing Final Plats (Section 21-62).

***Finding 13:** The draft amended plat submitted with the application has been prepared by a licensed professional land surveyor, and subject to corrections requested and/or required by the county's Examining Land Surveyor, will be found to comply with the Uniform Standards for Final Plats.*

III. STAFF RECOMMENDATION

Staff recommends that the City Council adopt this report as findings of fact, approve the amended plat subject to appropriate signatures, and approve and sign the attached Resolution (#4298). Upon issuance of the City Council approvals, the approvals should be acknowledged by all remaining appropriate signatures so that the amended plat may be filed and the exemptions properly executed with the Custer County Clerk & Recorder's Office.

**Technical Appendix to
Staff Report #BLA-2019-02
Boundary Line Adjustment and Aggregation of Lots in
Baker Addition, Block 14**

This Technical Appendix is to supplement the zoning compliance discussion in Section II.C.6 of the staff report. This provides for a more technical discussion on the matters of zoning compliance.

It is important to understand that the modifications proposed by the amended plat can result in certain aspects that do not conform to the district specifications, particularly if existing nonconforming aspects will remain unchanged, or the nonconforming aspects are not being expanded (made worse). Below are explanations of the applicable specifications and how the project technically complies with the zoning regulations:

- Minimum lot width of 50 feet: Currently there are five lots. The zoning regulations' definition of 'lot width' is, "*The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the rear of the required front yard.*" The 'front yard' is defined as, "*A yard extending across the full width of the lot from the side lot lines, the depth of which is the least distance between the front lot line and the front building line.*" The 'front lot line' (which establishes the front yard, which in turn establishes the width of the lot) is defined as, "*The lot line closest to and paralleling the street on which the main building is addressed.*" Based on the current configuration, it seems that although the home is addressed off of Milwaukee Street, because the property and its two buildings are currently owned as one property with two buildings and two addresses, the church should be considered the 'main building', which is addressed off Garland Street. Since Garland Street establishes the front lot line, making the front yard setback the line that establishes the lot width, the proposal currently involves five lots that are each 25-foot wide, meaning all five lots are nonconforming in terms of lot width, with the minimum standard of 50'. The reconfigured lots would include Lot A, which would be 125-foot wide as defined by the zoning regulations (measured at the 15' front yard setback from Garland Street), and Lot B, which would be 44-foot wide as defined by the zoning regulations (measured at the 15' front yard setback from Milwaukee Street). Therefore, Lot A complies with the lot width requirement because it is well in excess of 50' wide, and Lot B complies because the nonconforming width of 25' would be increased to 44', thus reducing the nonconformity. Therefore, the minimum lot widths being proposed for both lots are allowed without need for a variance or any other zoning action.
- Minimum lot size of 5,500 square feet: Currently, the property is comprised of five lots of 3,300 square feet each, which are all nonconforming because they are each less than the minimum lot size of 5,500 square feet. As long as each resulting lot will maintain at least 3,300 square feet, the lot sizes' nonconformities will not be expanded and would be allowed. In the case of this proposal, both resulting lots will meet the minimum lot size requirement, with Lot A being 11,000 square feet and Lot B being 5,500 square feet; therefore, the project complies with the RA district's minimum lot size requirement.
- Setbacks: The proposed lots that will result from the amended plat are subject to the following minimum setbacks:

Exhibit A

- Front yard setbacks: 20 feet (applies to west boundary of Lot A and north boundary of Lot B – based on the side the buildings are addressed off of);
- Side yard setbacks: 5 feet (applies to south boundary of Lot A and west and east boundaries of Lot B);
- Side yard setbacks adjacent to the street on corner lots: 10 feet (applies to north boundary of Lot A); and
- Minimum rear yard setback of 15 feet (applies to east boundary of Lot A and south boundary of Lot B).

The only boundary being relocated by the amended plat is the resulting common boundary between proposed Lot A and Lot B, so the resulting setbacks from the new boundary are the only setbacks subject to examination for zoning compliance at this time, bearing in mind that as long as existing nonconformities are not increased, the new, 'actual' setbacks would not cause violations against the zoning regulations. The applicable 'new boundary' will become Lot A's rear lot line (subject to a 15' rear yard setback) and Lot B's western side lot line (subject to a 5' side yard setback). The church building on Lot A is shown on Figure 2 with a resulting setback of 13' from its new rear lot line, while the single-family dwelling on Lot B is shown at 10.5' from its new side lot line. The new boundary is therefore creating a potential setback violation on Lot A, because the new, actual rear yard setback will be 13' where the minimum rear yard setback standard is 15'. However, because all current rear lot lines are the eastern lot lines along the alley, and the dwelling and garage exist in nonconformity with 7.5' – 8.0' setbacks on all five lots, the nonconformities currently exist from the 15' minimum rear yard setbacks on all five lots, and the new boundary, although it would only be 13' from the church building, because the 'actual' rear setback on Lot A is going from as little as 7.5' up to ±13', the resulting rear setback is becoming closer to conforming, and is therefore allowed.

It should also be noted that the required and actual rear yard setback on Lot B is changing. As stated before, currently, all rear lot lines are the eastern lot lines along the alley. The dwelling and garage exist with 7.5' and 8.0' setbacks on all five lots, which creates nonconformities from the 15' minimum rear yard setbacks on all five lots. The rear lot line for Lot B is becoming the southern boundary, where the garage exists at 14' from the new rear lot line. This does not comply with the 15' minimum rear yard setback, but again, the nonconformity of all setbacks and buildings is being reduced/improved, and the new configuration is therefore allowed.

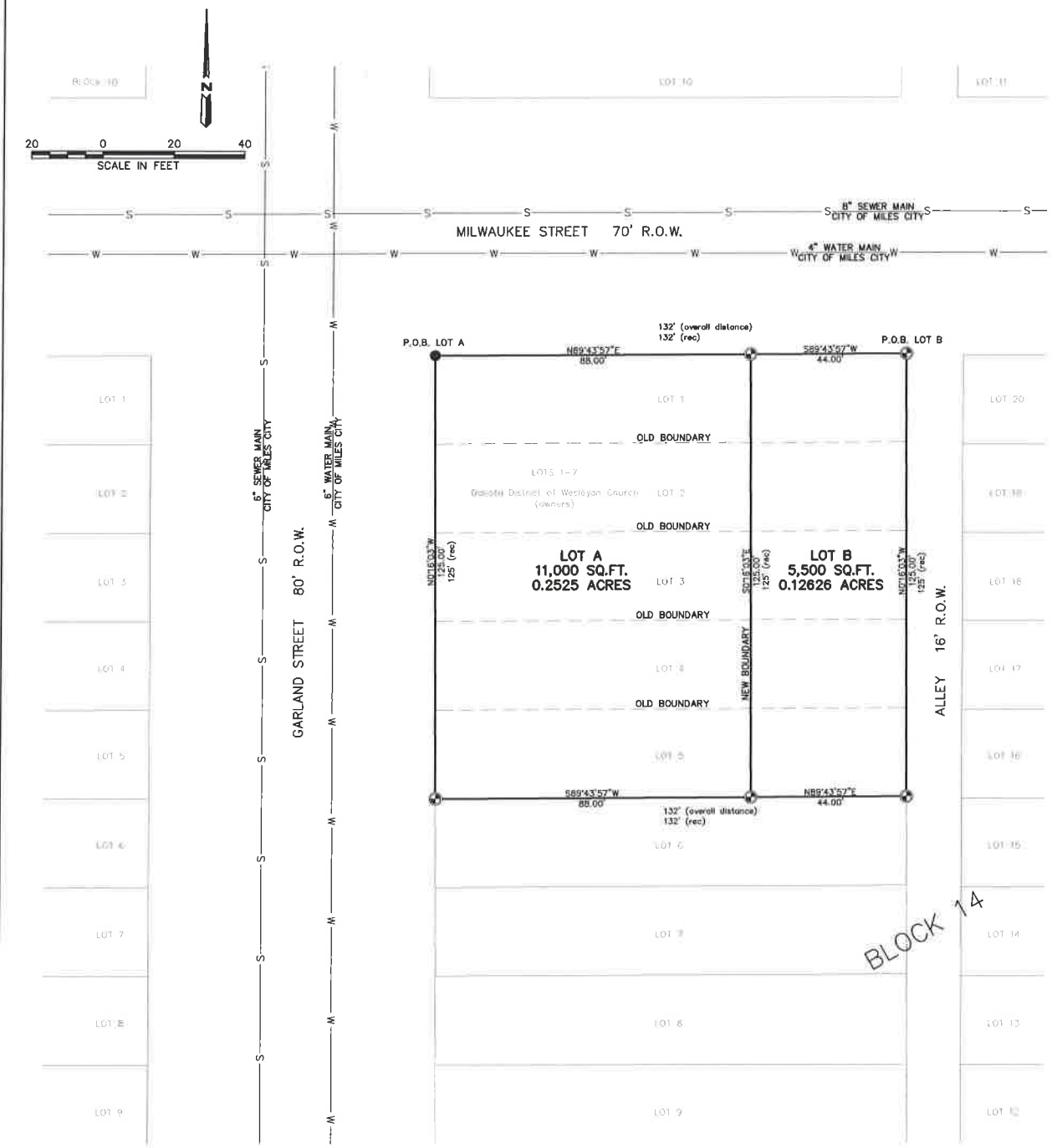
- Maximum lot coverage of 45%: Based on the Figure 2 drawing, the subdivision administrator estimates the five existing lots have lot coverage of up to ±50%. Proposed Lot A would contain lot coverage of approximately 38%, and Lot B would contain lot coverage of approximately 25%. As expected with lots that get larger, the relocated boundaries and lot aggregations would improve the lot coverage, bringing both resulting lots into compliance.
- Maximum building heights (primary buildings - 35 feet, and accessory buildings – 18 feet): The project will not impact building heights in any way. Based on the subdivision administrator's observation of Google Earth street view photos, it appears likely the existing buildings are under the maximum heights allowed by the zoning regulations.

AMENDED PLAT OF LOTS 1, 2, 3, 4 & 5, BLOCK 14, BAKER ADDITION

RELOCATION OF COMMON BOUNDARY LINE & AGGREGATION OF LOTS

SE1/4, Section 28, Township 8 North, Range 47 East, P.M.M.

Miles City, Custer County, Montana



Purpose of Survey

We, the undersigned, hereby certify that the purpose of this Amended Plat is to relocate the common boundaries in a platted subdivision, that 5 or fewer lots are affected, and that no additional lots are hereby created. Therefore, this survey is exempt from review as a subdivision pursuant to section 76-3-207(1)(d), MCA.

We, the undersigned, hereby certify that the purpose of this Amended Plat is the aggregation of lots within a platted subdivision, showing 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 continues to apply to those areas. Therefore, the survey is exempt from review as a subdivision pursuant to section 76-3-207(1)(f), MCA.

AND
 LOT A and LOT B are excluded from sanitation review by the Department of Environmental Quality pursuant to ARM 17.36.605(2)(c) as a parcel that will be affected by a proposed boundary line adjustment. If the parcel has existing facilities for water supply, wastewater disposal, storm drainage, or solid waste disposal that were not subject to review, and have not been reviewed, under Title 76, chapter 4, part 1, MCA, and if: (i) no facilities, other than those in existence prior to the boundary line adjustment, or those that were previously approved as replacements for the existing facilities, will be constructed on the parcel; (ii) existing facilities on the parcel complied with state and local laws and regulations, including permit requirements, which were applicable at the time of installation; and (iii) the local health officer determines that existing facilities are adequate for the existing use.

NOTE: The area that is being removed from one tract of record and joined with another tract of record is not itself a tract of record. Said area shall not be available as a reference legal description in any subsequent real property transfer after the initial transfer associated with the Certificate of Survey on which said area is described, unless said area is included with or excluded from adjoining tracts of record.

Dakota District of Wesleyan Church
 (Tom Karp, Vice-President)

Metes & Bounds Description

LOT A
 A parcel of land being a portion of Lots 1-5, Block 14, Baker Addition, Filed in Envelope 337B; lying in the SE1/4, Section 28, Township 8 North, Range 47 East, P.M.M., Custer County, Montana; being more particularly described as follows:

Beginning at the northwest corner of Lot 1, Block 14, Baker Addition, said point being the POINT OF BEGINNING (P.O.B.); thence N89°43'57"E along the northerly boundary line of said Lot 1, a distance of 88.00 feet; thence S00°16'03"E parallel with the westerly boundary line of said Block 14, a distance of 125.00 feet to the southerly boundary line of Lot 5, Block 14, Baker Addition; thence S89°43'57"W along said southerly boundary line of Lot 5, a distance of 88.00 feet to the westerly boundary line of said Block 14; thence N00°16'03"W along said westerly boundary line of Block 14, a distance of 125.00 feet to the POINT OF BEGINNING. Containing 11,000 square feet or 0.2525 acres, more or less.

LOT B
 A parcel of land being a portion of Lots 1-5, Block 14, Baker Addition, Filed in Envelope 337B; lying in the SE1/4, Section 28, Township 8 North, Range 47 East, P.M.M., Custer County, Montana; being more particularly described as follows:

Beginning at the northeast corner of Lot 1, Block 14, Baker Addition, said point being the POINT OF BEGINNING (P.O.B.); thence S89°43'57"W along the northerly boundary line of said Lot 1, a distance of 44.00 feet; thence S00°16'03"E parallel with the westerly boundary line of said Block 14, a distance of 125.00 feet to the southerly boundary line of Lot 5, Block 14, Baker Addition; thence N89°43'57"E along said southerly boundary line of Lot 5, a distance of 44.00 feet to the westerly boundary line of the Alley of said Block 14; thence N00°16'03"W along said westerly boundary line of the Alley of said Block 14, a distance of 125.00 feet to the POINT OF BEGINNING. Containing 5,500 square feet or 0.12626 acres, more or less.

Certificate of Exemption Approval

I, Mayor of the City of Miles City, do hereby certify that the use of the exemption claimed on this Amended Plat has been duly reviewed, and has been found to conform to the requirements of the Montana Subdivision and Platting Act, Section 76-3-101, MCA.

Dated this ____ day of _____, 2019

Mayor, City of Miles City
 John Hollowell

STATE of SOUTH DAKOTA
 COUNTY of _____

On this ____ day of December, 2019, before me, a Notary Public in and for the State of South Dakota, personally appeared Tom Karp, Vice-President of Dakota District of Wesleyan Church, known to me to be the people who signed the foregoing instrument and who acknowledged to me that they executed the same. Witness my hand and seal the day and year herein above written.

Signature _____
 Notary Public in and for the State of Montana
 Residing at _____
 My commission expires _____, 20__

Certificate of Sanitarian

I, Michael Rinaldi, the Registered Sanitarian for the City of Miles City/Custer County Health Board, hereby certify that the survey shown here has been examined and determined to be in compliance with The Montana Sanitation In Subdivisions Act, and applicable A.R.M.

DATED this ____ day of _____, 2019.

Michael Rinaldi, RS
 Miles City/Custer County Environmental Health Officer

Certificate of Examination

I, Dan Stahly, acting as an Examining Land Surveyor for Custer County, Montana, do hereby certify that I have examined this Amended Plat and find that the survey data shown thereon meet the conditions set forth by or pursuant to Title 76, Chapter 3, Part 4, MCA.

Dated this ____ day of _____, 2019

Dan Stahly, PLS
 Registration No. 16192
 Stahly Engineering & Associates, Inc.

Certificate of Surveyor

STATE of MONTANA
 COUNTY of CUSTER

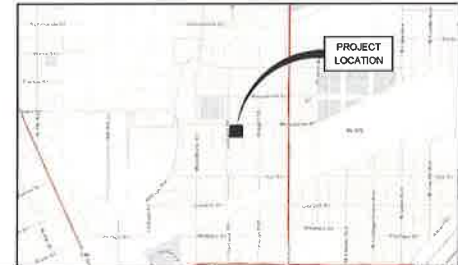
On the basis of my knowledge, information, and belief, I, Cory Wilhelm, PLS, of Miles City, Montana, for Wilhelm Land Surveying, LLC, do hereby certify to Dakota District of Wesleyan Church, that as a result of a survey made on the ground to the normal standard of care of professional land surveyors practicing in Montana, this plat was prepared from notes taken during that survey conducted in November, 2019; that said survey is true and correct as shown and that the monuments found and set are of the character and occupy the positions shown hereon.

Wilhelm Land Surveying, LLC
 Certificate of Authority #60997
 Cory Wilhelm, PLS
 Montana License #60940



"UNLESS SIGNED, SEALED AND DATED THIS IS A PRELIMINARY PLAT"

Location Map



Filed this ____ day of _____, 2019 A.D.
 at ____ o'clock ____ m.
 Custer County Clerk and Recorder
 by _____
 Envelope # _____ Document # _____

LEGEND

- 1/2" Iron Pipe (Found)
- 3/4" X 24" Rebar with 1" Orange Plastic Cap Stamped: "WILHELM 60940LS" (SET THIS SURVEY)
- (rec) = record measurement
- P.O.B. = Point of Beginning

County Treasurer's Certification

I hereby certify that all real property taxes and special assessments assessed and levied on the land being subdivided have been paid.

 Custer County Treasurer

BASIS of BEARING

Basis of bearing is true north obtained by GPS observations.
 Datum (NAD83, 2011, EPOCH: 2010.00000).
 coordinates shown are from a Transverse Mercator Projection.
 Projection Origin: MILES CITY GPS HARN STA
 Latitude 46°23'46.99516" N, Longitude 105°51'38.93030" W
 False Origin: MILES CITY GPS
 False Northing 30000.000 ft False Easting 20000.000 ft
 Rotation 0°00'00", Projection scale factor of 1.0001146920
 Distances shown are surface distance in International feet.
 Said origin point, Miles City GPS HARN STA, lying South 26°56'45" West, 8099.53 feet from northwest corner of Block 14, Baker Addition, Custer County, MT

Date Drafted: 11/18/2019
 Drafted by: Cory Wilhelm



COUNTY OF CUSTER
AMENDED PLAT OF LOTS 1,2,3,4&5
BLOCK 14, BAKER ADDITION
 SE1/4, Section 28, Township 8 North, Range 47 East, of the P.M.M.

Survey Commissioned by:
 Dakota District of Wesleyan Church
 P.O. Box 543
 Miles City, MT 59301

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