

**RESOLUTION NO. 4547**

**A RESOLUTION APPROVING A SECOND AMENDED SUBDIVISION IMPROVEMENTS AGREEMENT FOR CITY VIEW SUBDIVISION TO EXTEND THE SUBDIVIDER'S DEADLINE TO COMPLETE IMPROVEMENTS, AND AUTHORIZING THE SUBDIVISION ADMINISTRATOR AND CITY ATTORNEY TO ENFORCE THE AGREEMENT IF THE SUBDIVIDER'S NEW DEADLINE IS NOT MET.**

*WHEREAS*, the City of Miles City planning department and City Council have reviewed requests by L & L Development LLC to extend the previously Amended Subdivision Improvements Agreement associated with the City View Subdivision, which allowed the Subdivider until December 31, 2023 to complete the remaining improvements; and

*WHEREAS*, the Subdivider has requested a new deadline of November 1, 2024 to complete the remaining improvements; and

*WHEREAS*, the City Council finds that it is in the City's best interest to grant an extension to allow the Subdivider until November 1, 2024 to complete the remaining improvements; and

*WHEREAS*, the City Council finds that an additional Amended Subdivision Improvements Agreement for said City View Subdivision should be approved to extend the deadline for the Subdivider to complete the remaining improvements.

**NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:**

1. The City Council hereby grants an extension to allow the Subdivider until November 1, 2024 to complete the remaining improvements; and
2. A Second Amended Subdivision Improvements Agreement for the City View Subdivision, attached hereto and made a part hereof, is hereby approved and adopted by this council; and
3. This approval is contingent upon review of an extended letter of credit by the City Attorney and Subdivision Administrator to ensure the financial security is of the proper amount, and with the appropriate expiration date, as outlined by the attached Second Amended Subdivision Improvements Agreement; and
4. The Mayor of the City of Miles City is hereby empowered and authorized to execute said Second Amended Subdivision Improvements Agreement on behalf of the City of Miles City, and bind the City of Miles City thereto; and
5. If the Subdivider's new deadline is not met by the Subdivider not fully completing, certifying, or otherwise not demonstrating full compliance with the Second Amended Subdivision Improvements Agreement's new deadline of November 1, 2024 to do so, the

Subdivision Administrator and City Attorney shall be authorized to enforce the agreement without delay.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 9<sup>TH</sup> DAY OF JANUARY, 2024.**



John Hollowell, Mayor

ATTEST:



Mary Rowe, City Clerk