

A G E N D A R E P O R T

DATE January 20, 2004

ITEM Agreement Providing for Extension of Preliminary Plat Approval for Discovery Meadows Addition

INITIATED BY Discovery Meadows, Inc.

ACTION REQUESTED Commission Approve Agreement

PREPARED BY Bill Walters, Senior Planner

REVIEWED & APPROVED BY Ben Rangel, Acting Planning Director

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RECOMMENDATION:

It is recommended by the City-County Planning Department staff that the Commission adopt the following motion.

MOTION:

“I move the City Commission approve the Agreement Providing for Extension of Preliminary Plat Approval for Discovery Meadows Addition.”

SYNOPSIS:

The agreement extends the approval period for the preliminary plat of Discovery Meadows Addition, a single-family residential subdivision under development in northeast Great Falls.

BACKGROUND:

In February 2001, the City and County Commissions conditionally approved, in accordance with a recommendation from the Planning Board, the preliminary plat of Discovery Meadows Addition. The proposed Discovery Meadows Addition consists of 63 single-family residential lots located along the north side of 7th Avenue North and including segments of 48th, 49th and 50th Streets North.

Section 76-3-610, MCA, of the Montana Subdivision and Platting Act, allows preliminary plat approval to be in force for not more than three years with a possible one year extension, except that the governing body may extend its approval for a period of more than one year if that approval period is included as a specific condition of a written agreement between the governing body and the subdivider.

The City and County Commission in 2003 did approve the final plat of Discovery Meadows Addition, Phase 1, consisting of 10 lots along 48th Street North, which constituted the first segment of said preliminary plat.

The agreement extends governing body approval of the preliminary plat for five years, which should accommodate the owner/developer’s plans to final plat and annex 10-12 lots a year.

Attach: Agreement with Vicinity Map, Preliminary Plat (Master Plan) and List of Conditions of Approval

cc w/o attach: Wade Woith, P O Box 7326

**AGREEMENT
PROVIDING FOR EXTENSION OF
PRELIMINARY PLAT APPROVAL**

THIS AGREEMENT made and entered into by and between DISCOVERY MEADOWS, INC., P.O. Box 7326, Great Falls, Montana, 59406, hereinafter referred to as "Developer", the CITY OF GREAT FALLS, MONTANA, a municipal corporation of the State of Montana, hereinafter referred to as "City" and CASCADE COUNTY, a political body of the State of Montana, hereinafter referred to as "County", shall provide for an extension of approval of the preliminary plat described herein.

WITNESSETH:

WHEREAS, in 2000, Developer applied for approval of the preliminary plat of Discovery Meadows Addition, copy attached hereto as Exhibit "A" and by this reference made a part hereof, consisting of 63 single family residential lots located in Section 4, Township 20 North, Range 4 East, Cascade County, Montana; and,

WHEREAS, in February, 2001, the City and County approved the preliminary plat of Discovery Meadows Addition subject to five conditions attached hereto as Exhibit "B" and by this reference made a part hereof; and,

WHEREAS, Section 76-3-610, Montana Code Annotated (MCA), allows preliminary plat approval to be in force for not more than three years with a possible one year extension, except that the governing body may extend its approval for a period of more than one year if that approval period is included as a specific condition of a written agreement between the governing body and the subdivider; and,

WHEREAS, for various reasons, Developer has only recently completed the final platting of the first phase of Discovery Meadows Addition consisting of 10 lots; and,

WHEREAS, based upon development of 10 to 12 lots per year, Developer anticipates it will take approximately 5 years to complete the subdivision process initiated by the preliminary plat of Discovery Meadows Addition; and

NOW, THEREFORE, THE PARTIES HERETO MUTUALLY COVENANT AND AGREE AS FOLLOWS:

1. The approval of the preliminary plat of Discovery Meadows Addition is hereby extended until December 31, 2008, subject to the conditions in attached Exhibit "B".
2. Regarding the bonding requirements to ensure construction of public improvements as referenced in Section 76-3-507, MCA, Developer shall provide, in conjunction with submittal and approval of the final plat of any future phase within Discovery Meadows

Addition, a financial surety to ensure the construction and installation of public improvements to serve the area within said final plat.

IN WITNESS WHEREOF, the Chairman of the Board of Cascade County Commissioners has hereunto subscribed his name on behalf of Cascade County this ____ day of _____, 2004.

BOARD OF COUNTY COMMISSIONERS
CASCADE COUNTY, MONTANA

Tom Stelling, Commission Chairman

ATTEST:

Peggy Carrico, County Clerk and Recorder

(SEAL)

IN WITNESS WHEREOF, the City Manger of the City of Great Falls on behalf of City has subscribed his name and affixed hereto the seal of said City this ____ day of _____, 2004.

THE CITY OF GREAT FALLS, MONTANA
A Municipal Corporation of the State of Montana

John W. Lawton, City Manager

ATTEST:

Carolyn M. Broquist, Deputy City Clerk

(SEAL)

Approved for Legal Content:

City Attorney

DISCOVERY MEADOWS, INC.

Wade E. Woith, President

STATE OF MONTANA)
 : ss.
County of Cascade)

On this _____ day of _____, 2004, before me, the undersigned, a Notary Public for the State of Montana, appeared Wade W. Woith, known to me to be the President of Discovery Meadows, Inc., is the person whose name is subscribed to the instrument within and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove first written.

Notary Public for the State of Montana
Residing at Great Falls, Montana
My Commission expires: _____

(NOTARIAL SEAL)