



Item: Addendum Agreement for Pine Hill PUD
From: Bill Walters, Interim Planning Director
Initiated By: Nancy Clough, Property Owner/Developer
Presented By: Bill Walters, Interim Planning Director
Action Requested: City Commission approve Addendum Agreement for Pine Hill PUD

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/deny) the Addendum Agreement for Pine Hill PUD.”

2. Mayor calls for a second, discussion, inquiries from the public and calls the vote.

Staff Recommendation: Representatives of the Public Works and Planning Departments recommend the City Commission approve the Addendum Agreement for the Pine Hill Planned Unit Development (PUD).

Background: The City Commission during a meeting held September 4, 2007, approved the Annexation Agreement related to the Pine Hill PUD consisting of 13 proposed single family dwelling units located along the west side of Huckleberry Drive immediately south of Bel-View Palisade Addition. Said Agreement obligates the Owner to complete the installation of public infrastructure to serve said PUD within two years of the date of the above mentioned Annexation Agreement or September 4, 2009.

Nancy Clough, developer of Pine Hill PUD, has requested the deadline for installation of public infrastructure in the Pine Hill PUD be extended. City staff review of the request found no adverse effects should result by granting a twenty four (24) month extension.

Concurrences: Public Works and Planning Department staffs have reviewed and concur in approving the requested extension.

Fiscal Impact: Approval of the Addendum Agreement is not expected to have any financial impact to the City.

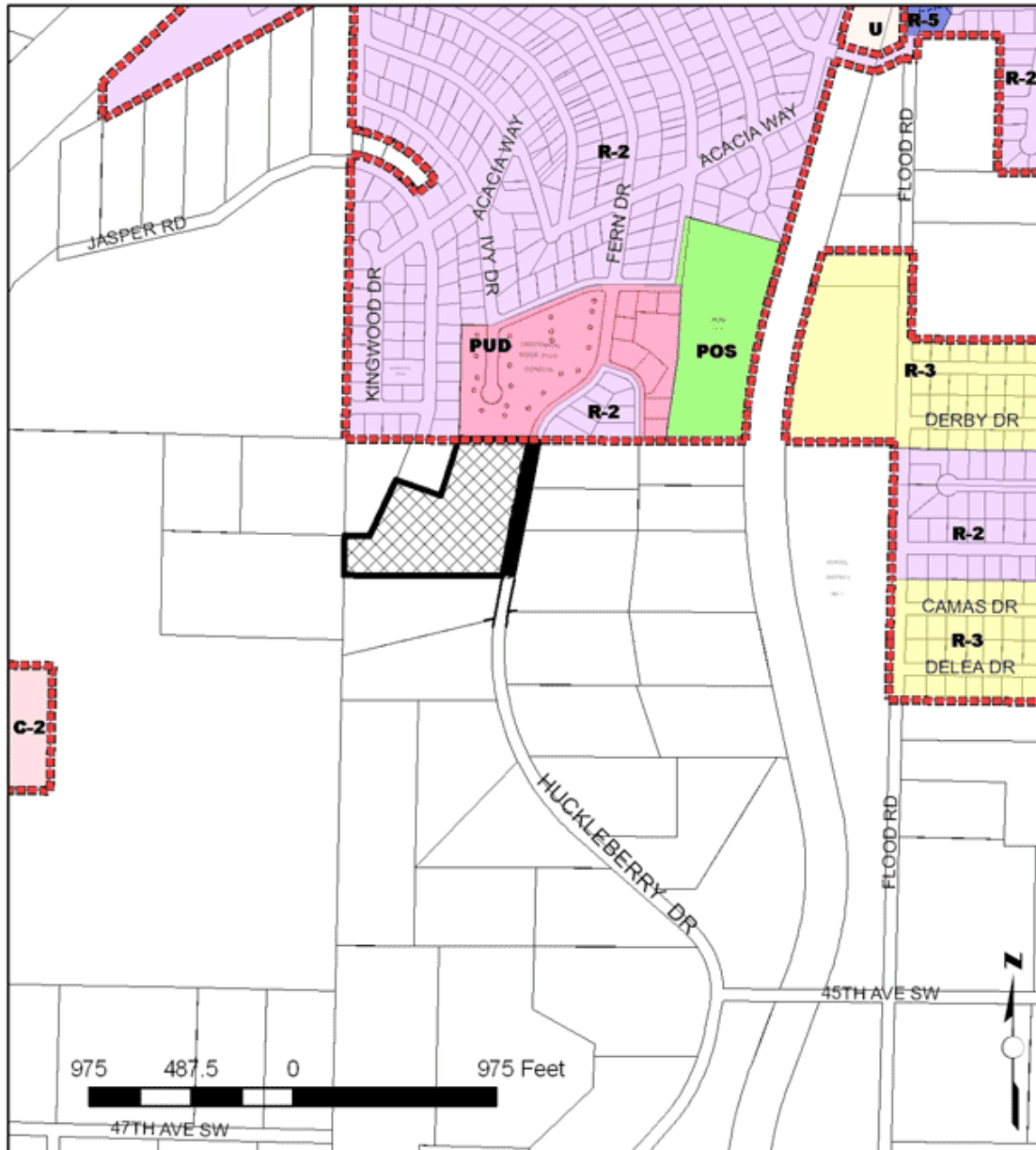
Alternatives: The City Commission could disapprove the Addendum Agreement, but that would create a noncompliant situation for the developer.












Attachments/Exhibits:

1. Vicinity/Zoning Map
2. Addendum Agreement for Pine Hill PUD

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Nancy Clough, 3700 Huckleberry Drive, 59404

VICINITY/ZONING MAP



-  PINE HILL ADDITION, APPROVED BY THE COMMISSION FOR ANNEXATION AND ASSIGNED A CITY ZONING CLASSIFICATION OF "PUD" PLANNED UNIT DEVELOPMENT ON SEPTEMBER 4, 2007
-  PORTION OF HUCKLEBERRY DR ANNEXED SIMULTANEOUSLY WITH PINE HILL ADDITION
-  City Limits
-  R-5 Multi-family medium density
-  PUD Planned unit development
-  R-2 Single-family medium density
-  C-2 General commercial
-  U Unincorporated enclave
-  R-3 Single-family high density
-  POS Parks and Open Space
-  Tracts of land outside City

ADDENDUM AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 2009, by and between NANCY T. CLOUGH, hereinafter referred to as "Owner," and the CITY OF GREAT FALLS, MONTANA, a municipal corporation of the State of Montana, hereinafter referred to as "City".

WITNESSETH;

WHEREAS, on the 4th day of September, 2007, Owner and City entered into an Annexation Agreement for Pine Hill Minor Subdivision and Planned Unit Development in the SW1/4 of Section 22, Township 20 North, Range 3 East, Cascade County, Montana; and,

WHEREAS, Paragraph 5. of said Agreement obligates Owner to complete the installation of public infrastructure to serve said subdivision within two years of the date of the above mentioned Annexation Agreement or September 4, 2009; and,

WHEREAS, Owner has petitioned City to extend the deadline for installation of remaining public infrastructure in Pine Hill Minor Subdivision, for twenty four (24) months or until September 4, 2011;

NOW, THEREFORE, IT IS HEREBY MUTUALLY AGREED as follows:

1. That Paragraph 5. of the Annexation Agreement for Pine Hill Subdivision, dated September 4, 2007, is hereby amended to read as follows:

PUBLIC IMPROVEMENTS

Owner hereby agrees to complete by September 4, 2011, the installation of the sanitary sewer, storm sewer and water improvements, street paving, conduit for wiring for potential future public roadway lighting facilities, and curb and gutter to serve Subdivision, according to plans referenced in the Paragraph 2.B. above and filed in the City Engineer's office and in accordance with standards of City.

2. That all other terms and conditions contained in said Annexation Agreement dated September 4, 2007, excepting Paragraph 5., remain in full force and effect.

3. The provisions, covenants and terms of this Agreement shall be placed of record in the records of Cascade County, Montana, shall run with the land and shall be binding upon all devisees, heirs, successors and assigns of the signators affixed hereto.

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

Gregory T. Doyon, City Manager

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

City Attorney

OWNER

By: _____
Nancy T. Clough

STATE OF MONTANA)

:ss.
County of _____)

On this ____ day of _____, 2009, before me, the undersigned, a Notary Public for the State of Montana, appeared NANCY T. CLOUGH, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that She 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

Notary Public (Printed or Typed)
Residing at _____, Montana
My Commission expires: _____

(NOTARIAL SEAL)