

Attachment E
PLANNED DEVELOPMENT AGREEMENT
For Lot 3, Block 40, of Harvest Subdivision 4th Filing,
in the City of Billings, Yellowstone County, Montana

THIS AGREEMENT, made and entered into this ___ day of _____, 2011, by and between STEEL PROPERTIES, LLC, a Montana corporation (hereinafter referred to as “Owner”), and the City of Billings (hereinafter referred to as “City”).

WITNESSETH

WHEREAS, the undersigned is the Owner of all of Lot 3, Block 40, of Harvest Subdivision, 4th Filing, according to the record thereof on file in the office of the Clerk and Recorder of Yellowstone County, Montana, a Planned Development affected by this Agreement, as outlined within the City Zoning Ordinance;

WHEREAS, the aforesaid Owner applied for a change of zoning for the above-described real property from Planned Development Neighborhood Commercial to Planned Development Neighborhood Commercial with a Special Agreement under Article II, Subsection D – 5;

WHEREAS, the City has approved the change of zoning to Planned Development Neighborhood Commercial with a Special Agreement under Article II, Subsection D – 5 after due and proper administrative review, notice and public hearing, all in accordance with City Ordinances and requirements;

NOW, THEREFORE, in consideration of the premises, the Owner and the City hereby establish and declare that Lot 3, Block 40, of Harvest Subdivision 4th Filing, City of Billings, Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County under Document #1251049 (commonly referred to as 3210 Henesta Drive, Billings, Montana 59102) is hereby zoned Planned Development Neighborhood Commercial with a Special Agreement under Article II, Subsection D – 5 effective immediately.

I. PERSONS BOUND BY THE PLANNED DEVELOPMENT AGREEMENT.

All persons, corporations or other entities, who now have or shall hereafter acquire any interest in and to the above-described real property shall be taken and held to agree to the zoning of the above-described real property as Planned Development Neighborhood Commercial with a Special Agreement under Article II, Subsection D – 5.

II. Addendum to Planned Unit Development Agreement – Harvest Subdivision – Official Document on file with the office of the Clerk and Recorder #1231501

Article II, Subsection D is amended to include the following Special Agreement:

5. The sale of beer and wine for on-premise consumption without gaming and the provision of catering services are allowable uses at Lot 3, Block 40, Harvest Subdivision, 4th Filing, in addition to other uses otherwise allowable in a Neighborhood Commercial zoning district.

On this ____ day of _____, 2011, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Thomas W. Hanel, known to me to be the Mayor and duly authorized agent of the City of Billings, executing the within instrument, and acknowledged to me that he executed the within instrument on behalf of said corporation, having first been authorized so to do.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.

(Notary Seal)

Printed Name: _____
Notary Public for the State of Montana
Residing at _____, Montana
My Commission Expires: , 20__