

Billstein Law Firm, PLLC

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June 21, 2012



City of Billings and Yellowstone
County Planning
ATTN: Juliet Spalding, AICP
510 North Broadway
Billings, MT 59101

Re: Harvest Evangelical Church/Subdivision Improvements Agreement

Dear Ms. Spalding:

Please consider this letter the request of Harvest Evangelical Church of The Evangelical Church of North America ("Harvest") to modify its Subdivision Improvements Agreement recorded as Document No. 3456180 and enclosed please find the following:

1. Discussion draft of a Modification of Subdivision Improvements Agreement (the "Modification"); and
2. User fee payment of \$229 from Billstein Law Firm, PLLC payable to the City of Billings.

The Modification requests only that sidewalk construction along the south side of Siesta Avenue be deferred until development occurs on the land owned by Harvest which borders Siesta Avenue.

It is our belief that sidewalk construction along the south side of Siesta Avenue is not necessary for pedestrian or traffic safety at this time. Lot 1-B (the land bordering the south side of Siesta Avenue) of the Amended Plat of Lot 1, Block 4 is presently an undeveloped parcel. It is our understanding that (a) the City does not require the construction of sidewalk when streets are developed adjacent to unimproved lots and (b) Chris Hertz, with the City Engineer's office, supports the Modification.

If you have any questions or need any additional information, please contact me at your convenience. Thank you for your consideration.

Sincerely,

Andrew T. Billstein

ATB:btp
enclosures
cc: David Ulrichs (w/enc.; via email)

Return to: Billstein Law Firm, PLLC
3860 Avenue B, Ste. C West
Billings, MT 59102-6273

**MODIFICATION OF SUBDIVISION IMPROVEMENTS AGREEMENT
AMENDED LOT 1, BLOCK 4, HIGH SIERRA SUBDIVISION, SECOND FILING**

This Modification of Subdivision Improvements Agreement (this "Modification") made this _____ day of July, 2012, by the undersigned, Harvest Evangelical Church of The Evangelical Church of North America, a Montana nonprofit corporation (the "Subdivider") and The City of Billings, a municipal corporation ("City").

RECITALS

WHEREAS, the property described in Section 1, below, is subject to the terms of that certain Subdivision Improvements Agreement by and between Subdivider and City recorded February 29, 2008, under Document No. 3456108, in the office of the Yellowstone County Clerk and Recorder (the "Agreement"); and

WHEREAS, pursuant to Section XI, E. of the Agreement, the Agreement may be modified in a writing executed in the same manner as the Agreement.

AGREEMENT

The parties hereby agree as follows:

1. Description of Property. The Agreement and this Modification relate to Amended Lot 1, Block 4, High Sierra Subdivision, Second Filing.
2. Amendment. Section III, B. of the Agreement shall be deleted and replaced with the following:

B. Sidewalks

Construction of sidewalks and handicap access ramps along frontage of the lots shall be installed by the lot owner at the time of construction of street improvements in accordance with the timing requirements described in the Streets section of this agreement; provided, however, Subdivider

ATTEST:

By: _____
Cari Martin, CITY CLERK

STATE OF MONTANA)
 : ss.
County of Yellowstone)

On this _____ day of July, 2012, before me, a Notary Public for the State of Montana, personally appeared Thomas W. Hanel and Cari Martin, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to in the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.
