

Mayor's Approval Letter—Western Subdivision

December 18, 2012

Cal Kunkel
6238 Golden Eagle Way
Billings, MT 59106

American Exchange Corporation
Ted A. Lovec
1001 S. 24th St. West
Billings, MT 59102

Dear Sirs:

On December 17, 2012, the Billings City Council conditionally approved the preliminary plat of Western Subdivision, subject to the following conditions of approval:

1. To ensure the provision of easements, the subdivider shall provide utility easements on the final plat as requested by the City Engineering Division and the private utility companies.
2. To minimize effects on local services, required improvements for S. 44th Street West and the construction phasing plan shall be described in detail in the Subdivision Improvements Agreement (SIA) as recommended by City Engineering in its 11/26/12 memo to City Planning.
3. To minimize effects on local services, a 'one-foot no-access strip' shall be shown along the Lot 2 frontage of King Avenue West and a 'one-foot controlled-access strip' shall be shown along the Lot 1 King Avenue West frontage.
4. To minimize effects on local services, the subdivider shall obtain approval or denial of the left turn lane on King Avenue West prior to final plat approval. If MDT requires the turn lane it shall be the responsibility of the subdivider to construct it and updates to the final SIA shall be made to reflect this improvement.
5. To minimize effects on local services, the following notes shall be added to the final SIA: "The northern-most access on S. 44th St. West may be limited to right-in/right-out operation when a traffic signal or roundabout is constructed at the intersection of King Avenue West and South 44th Street West." Also, "Updates to the Traffic Impact Study will be required with development of each of the lots in this subdivision."
6. To minimize effects on public health and safety, Section IV. of the final SIA shall be updated to include the standard language regarding emergency access

road design and installation, and other emergency services provisions as recommended by the Fire Department in its 11/26/12 memo to City Planning.

7. To minimize effects on local services, the final plat and SIA shall be updated to reflect the parkland proposal acceptable to PRPL.
8. To minimize effects on public health and safety, a note shall be added to Sections II. and IX. of the final SIA indicating that final project-specific geotechnical studies will need to be completed and submitted at the time of the building permit plan review process.
9. To conform with the Montana Subdivision and Platting Act and the City Subdivision Regulations, the condominium or townhome ownership shall be established for the proposed multiple building project on Lot 2 by the creation of the Homeowners Association and the filing of the applicable unit-ownership documentation with the County Clerk & Recorder prior to final plat approval. If condominium or townhouse ownership is not desired for Lot 2 or any subsequent multi-building projects on the other lots within the subdivision, the development shall undergo 'Subdivision for Rent or Lease' review, unless otherwise exempt under state and local law.
10. Minor changes may be made in the Subdivision Improvements Agreement and final documents, as requested by the Planning, Legal or Engineering Departments to clarify the documents and bring them into the standard acceptable format.
11. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of City of Billings, and the laws and Administrative Rules of the State of Montana.

Should you have questions please contact the Juliet Spalding at (406) 247-8684 or by email at spaldingj@ci.billings.mt.us .

Sincerely,

Thomas W. Hanel, Mayor

Pc: Rick Selensky, PE, Dowl-HKM
Zachary Hassler, LSIT, Dowl-HKM