

Mayor's Approval Letter—North Pointe Square Subdivision, 2nd Filing

March 25, 2014

Vacant Land, LLC
Ernie Dutton, Managing Member
P.O. Box 20218
Billings, MT 59104

Dear Mr. Dutton:

On March 24, 2014, the Billings City Council conditionally approved the preliminary plat of North Pointe Square Subdivision, 2nd Filing, 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 private utility companies.
2. To minimize effects on public health and safety, a note shall be added to Section II. 'Conditions that Run with the Land' of the final Subdivision Improvements Agreement (SIA) stating: "A 12-inch high-pressure pipeline currently exists within a 14-foot wide easement on the east side of Lots 1, 2 & 3. Phillips 66 Pipeline, LLC constructs, repairs, operates and maintains its pipelines in compliance with current U.S. Department of Transportation regulations, and industry and company standards for safe operations. Lot owners will be required to follow the most current encroachment guidelines as published by Phillips 66 Pipeline, LLC when proposing any construction on the effected lots, and should consult with Phillips 66 Pipeline, LLC prior to construction."
3. To minimize effects on local services, the subdivider shall enter into a storm drain agreement allowing the City of Billings to drain storm water from North Pointe Drive into the private storm drain system in place for North Pointe Square Subdivision. The agreement shall specify maintenance responsibilities for the storm drain.
4. To minimize effects on local services, a note shall be added to Section III.E. of the final SIA requiring the subdivider shall obtain an approach permit for access onto Highway 87 North for North Pointe Drive from the Montana Department of Transportation prior to final plat approval.
5. To minimize effects on local services, the 35-foot half-width right-of-way dedication for North Pointe Drive shall be extended to the west property line of Lot 5, and shown as such on the final plat. Additionally, a one-foot no-access strip shall be shown along the right-of-way line for the first 150 feet from its intersection with Highway 87.

6. To minimize effects on local services, Section III.A. of the final SIA shall include the requirement that the south half of North Pointe Drive, west of its intersection with North Pointe Square Drive shall be completed or financially guaranteed prior to the release of Lot 5 for sale or transfer.
7. To minimize effects on local services, phasing details shall be added to the final SIA, specifying the Phase II improvements. Also, a Declaration of Restrictions on Transfers and Conveyances shall be provided with the final documents for Lot 5.
8. To minimize effects on local services, Section III.B. of the final SIA shall be updated to require the construction of boulevard sidewalks along the Highway 87 frontage at the time of Phase I improvements. Additionally, a note shall be added stating: "Internal sidewalks meeting the requirements of Section 50-60-213, MCA, shall be constructed at the time of lot development. When complete these internal sidewalks shall connect building sites to the public sidewalks along North Pointe Drive and along Highway 87, and provide an exterior ADA accessible route connecting facilities and buildings within the subdivision to each other."
9. To minimize effects on the natural environment and public health and safety, a note shall be included in Section II.C. of the final SIA indicating that a project-specific geotechnical analysis will be required at the time of individual lot development.
10. Minor changes may be made in the SIA 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 spaldingi@ci.billings.mt.us .

Sincerely,

Thomas W. Hanel, Mayor

Pc: Bryan Alexander, PE, Sanderson Stewart