

June 24, 2014

Regal Land Development, Inc.
Dan Wells, President
4241 Cedarwood Lane
Billings, MT 59106

Dear Property Owner:

On June 23, 2014, the Billings City Council conditionally approved the preliminary plat of DayBreak Subdivision, subject to the following conditions of approval:

1. To minimize effects on agricultural water users and local services, the irrigation ditch across the front of the subdivision in the Grand Avenue right-of-way will be maintained by the DayBreak Home Owners Association (HOA). The maintenance language in the HOA documents must be approved by the City prior to final plat approval and recording of the HOA documents.
2. To minimize effects on local services, utility easement will be shown on the lots on the final plat acceptable to private utility providers.
3. To minimize effects on local services, prior to final plat approval the final storm water management plan shall be approved by the City Engineering Division and provide evidence that the proposed storm water retention areas providing mitigation for DayBreak Subdivision are sized to handle the calculated storm water runoff amounts.
4. To minimize effects on local services, stormwater ponds A, B, C, and D shall all be maintained by the Homeowners Association. Stormwater ponds A and B will be located in the City road right-of-way. Permanent storm water easements on ponds C and D shall be shown on the final plat and easement documents prepared to enable the City to create a maintenance district in the future if the HOA fails to maintain the private retention areas. The maintenance language in the HOA documents must be approved by the City prior to final plat approval and recording of the HOA documents.
5. To minimize effects on local services, the subdivider shall make a contribution equivalent to construction of half a residential street to fund the future construction of Grand Avenue in front of this subdivision to a Principal Arterial Street standard. The contribution will take into account what is already built for Grand Avenue. The contribution will be determined in coordination with the City Engineering Division and will be made prior to final plat approval.
6. To minimize effects on local services, an auxiliary left turn lane is needed on Grand Avenue at the entrance to the subdivision. This turn lane shall be constructed with the other public improvements serving Phase III of the subdivision. In the event a more

comprehensive widening project on Grand in the vicinity of 54th & 56th Streets West is initiated by the City prior to the start of Phase III, the City will require a cash contribution based on a cost estimate submitted by the developer and approved by City Engineering toward the larger project. Section III (A) of the SIA will be amended to reflect these two options and language will be added to Section X regarding the project Phasing.

7. To minimize effects on local services as per Section III (D) of the Subdivision Improvement Agreement, prior to final plat approval the subdivider shall provide a contribution of \$5,400 toward mitigation of impacts to the 48th Street West and Grand Avenue intersection, and a contribution of \$5,800 toward mitigation of impacts to the 54th Street West and Grand Avenue intersection.
8. To meet the park land dedication requirements for this subdivision, prior to final plat approval the park land dedication and remaining cash in lieu balance will be met in the following way and language added to the SIA as noted:
 - E.* The three trail corridors across the subdivision as shown on the preliminary plat and the area labeled “Parkland” on the east side of DayBreak Drive will be counted toward the park land dedication requirement for the subdivision (Approx. 25,811 Sq.Ft.). Public access easements will be shown and provided over the park land area and the three trail corridors to ensure public access is maintained (Amend Section VII of the SIA to reflect the dedication credit and the public access easements).
 - F.* The trail corridors will be 15 feet wide (Amend Section III F and Section VII of the SIA to reflect this)
 - G.* The trail corridors will be privately held land owned by the Home Owners Association (Amend Section III F and Section VII of the SIA to reflect this)
 - H.* The trail corridors will be maintained by the Home Owners Association (Amend Section VII of the SIA to reflect this)
 - I.* Fence heights along the trail corridors will be limited to 4 feet maximum height (Amend Section VII of the SIA to include this information and reference the Covenants and Restrictions for the Subdivision)
 - J.* The remaining cash-in-lieu will go toward future development of Cotton Wood Park (Amend Section VII of the SIA to reflect the remaining cash contribution will go toward Cotton Wood Park)
9. To minimize effects on public health and safety, two gates need to be erected at the Grand Avenue and Clear Sky Drive ends of the Emergency Access Road to prevent it from being blocked by parked vehicles. Signage shall be posted on the outsides of the gates and shall include “Fire Lane – No Parking” in addition to “Emergency Access Only”. Language in Section IV Emergency Service. of the SIA shall be updated to reflect the need for two gates and the need for signage on the outside of the two gates.

10. To minimize effects on local services the subdivider shall provide a letter from the US Postal Service stating its approval of the final centralized mailbox locations prior to final plat approval.
11. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
12. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

If you have questions please contact Wyeth Friday at (406) 247-8660 or by email at fridayw@ci.billings.mt.us.

Sincerely,

Thomas W. Hanel, Mayor

Pc: Scott Worthington, PE