

SUBDIVISION IMPROVEMENTS AGREEMENT
Coal Creek Subdivision
Table of Contents
City of Billings

I.	VARIANCES	2
II.	CONDITIONS THAT RUN WITH THE LAND	2
III.	TRANSPORTATION	3
	A. Streets	3
	B. Sidewalks	4
	C. Street Lighting	4
	D. Traffic Control Devices	4
	E. Access	5
	F. Billings Area Bikeway and Trails Master Plan (BABTMP)	5
IV.	EMERGENCY SERVICE	6
V.	STORM DRAINAGE	6
VI.	UTILITIES	7
	A. Water	8
	B. Sanitary Sewer	8
	C. Power, Telephone, Gas, and Cable Television	9
VII.	PARKS/OPEN SPACE	9
VIII.	IRRIGATION	9
IX.	SOILS/GEOTECHNICAL STUDY	9
X.	PHASING IMPROVEMENTS	10
	A. Phase I	10
	B. Phase II	10
	C. Phase III	11
	D. Phase IV	12
XI.	HOME OWNERS ASSOCIATIONS	12
	A. Contact Information	12
	B. Street Maintenance	12
	C. Storm Drainage Facilities	13
XII.	FINANCIAL GUARANTEES	13
XIII.	LEGAL PROVISIONS	13



SUBDIVISION IMPROVEMENTS AGREEMENT

Coal Creek Subdivision

This agreement is made and entered into this ____ day of _____, 20__, by and between *Magnus Land Development, LLC*, whose address for the purpose of this agreement is **745 South 56th Street West, Billings, MT 59106**, is hereinafter referred to as “Subdivider,” and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as “City.”

WITNESSETH:

WHEREAS, at a regular meeting conducted on ____ day of _____, 20__, the Board of Planning recommended conditional approval of a preliminary plat of *Coal Creek Subdivision*; and

WHEREAS, at a regular meeting conducted on ____ day of _____, 20__, the City Council conditionally approved a preliminary plat of *Coal Creek Subdivision*; and

WHEREAS, a Subdivision Improvements Agreement is required by the City prior to the approval of the final plat.

WHEREAS, the provisions of this agreement shall be effective and applicable to *Coal Creek Subdivision* upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the City of Billings Subdivision Regulations, the rules, regulations, policies, and resolutions of the City of Billings, and the laws and administrative rules of the State of Montana.

THEREFORE, THE PARTIES TO THIS AGREEMENT, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

I. VARIANCES

A. No variance request is being made as part of this development.

II. CONDITIONS THAT RUN WITH THE LAND

A. Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is possible that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.

B. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that

there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.

- C. There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts (SID) for only those items specifically identified within this document which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and Owner specifically agree that they are waiving valuable rights and do so voluntarily.
- D. The Subdivider and subsequent contractors/builders acknowledge that there is a Stormwater Pollution and Prevention Plan (SWPPP) filed with the city and the Montana Department of Environmental Quality (MDEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by MDEQ under the General Permit for Stormwater Discharges Associated with Construction Activity, Chapter 28, BMCC and the Billings Stormwater Management Manual.
- E. Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for new construction on lots. Best Management Practices are defined within Section 28-201, BMCC and detailed in the Billings Stormwater Management Manual.
- F. It is anticipated that residentially zoned areas within this Subdivision will developed as condominium or apartment style developments as determined by the market.

III. TRANSPORTATION

A. Streets

- All roads within the subdivision shall be privately owned and built to the City of Billings subdivision regulation standards. These roads shall be built to grade with a satisfactory subbase, base course, curb and gutter, and asphalt surface. All streets shall be built in accordance with the City of Billings' site development ordinance, and City subdivision regulations.
- Private roads, Black Thunder Road and Signal Peak Avenue, shall be built to commercial road standards having a minimum width of 44 feet back-of-curb to back-of-curb.
- Private roads within Lots 1-3 of the Subdivision shall be built to residential access standards having a minimum width of 34 feet back-of-curb to back-of-curb.
- The north half of Rimrock Road shall be built to collector standards including asphalt, curb and gutter, and sidewalk. A right turn lane for west bound traffic off of Rimrock Road will be constructed at the intersection of Black Thunder Road and Rimrock Road. Storm collection shall be included along the north half of the

road with a discharge to the Birely Drain. Water quality standards for Rimrock Road runoff shall be met in accordance with the Billings Stormwater Management Manual (BSMM).

- Cash contribution shall be made for improvements to 62nd Street West. Contributions shall be made for the widening of the west half of 62nd Street West to commercial standards including asphalt, curb and gutter, and sidewalk. Subdivider shall be given credit for materials already in place. Subdivider shall construct, or contribute to the construction, of a median to control turning movements for the shared access located between Lots 13 and 14.

B. Sidewalks

- The Subdivider will install, corner intersection handicap ramps and aprons and will grade all street frontages for sidewalk finished grades.
- The Subdivider shall be responsible for the installation of a 5-foot sidewalk and/or a 10-foot asphalt trail along the Rimrock Road frontage.
- The Subdivider shall make a cash contribution for sidewalks along 62nd Street West.
- Individual lot owners within the commercial portion of the Subdivision will be responsible for the construction of the sidewalks adjacent to their lot along Black Thunder Road and Signal Peak Avenue at the time of lot construction and shall be included in each building permit. Sidewalks shall be 5-foot boulevard walk style with a boulevard width of 5 feet.

C. Street Lighting

- No street lighting is proposed for the development, however street lighting is included in the waiver of right to protest.
- The Subdivider will be responsible for extending street lighting north along 62nd Street West to the shared access between Lots 13 and 14. Maintenance of the street lights shall be the responsibility of the HOA or through the creation of a street light district.

D. Traffic Control Devices

- Subdivider shall furnish the necessary traffic control devices within and adjacent to the subdivision as required by City Engineering. Traffic control devices shall comply with the Manual on Uniform Traffic Control Devices (MUTCD) and City of Billings Standards.
- Subdivider shall pay intersection impact contributions totaling **\$88,750**.
 - Rimrock Road and 62nd St W: **\$45,250 (18.1% x \$250k)**
 - Rimrock Road and 54th St W: **\$24,750 (9.9% x \$250k)**
 - Grand Avenue and 62nd St W: **\$18,750 (7.5% x \$250k)**Scheduling for intersection impact contributions is provided in the Phasing section of this SIA.
- Subdivider shall furnish and install street name signs for streets within the subdivision, or located immediately adjacent thereto, in accordance with the specifications of the City of Billings Publics Works and Fire Departments.

E. Access

Rimrock Road

- Three full movement private road access points will be located along Rimrock Road:
 - a. The Lot 1 access is approximately 2,100 ft west of the 62nd Street West and Rimrock Road intersection;
 - b. The Lot 2 access is approximately 780 ft west of the 62nd Street West and Rimrock Road intersection;
 - c. Black Thunder Road access is approximately 370 ft west of the 62nd Street West and Rimrock Road intersection.
- All access approaches will meet design standards outlined in the City of Billings Standard Modification Drawings.
- A 1-foot no access strip shall run along the boundary of lots fronting Rimrock Road as indicated on the Plat.

62nd Street West

- One full movement private road access and one restricted movement (right-in-right-out) shared access will be located along 62nd Street West:
 - a. The Signal Peak Avenue access is approximately 1,020 ft north of the 62nd Street West and Rimrock Road intersection;
 - b. The restricted movement shared access located between Lots 13 and 14 is approximately 300 ft north of the 62nd Street West and Rimrock Road intersection.
- All access approaches will meet design standards outlined in the City of Billings Standard Modification Drawings.
- A 1-foot no access strip shall run along the boundary of lots fronting 62nd Street West as indicated on the Plat.

Emergency Access

- An emergency secondary access shall be provided from the end of Phase II Black Thunder Road improvements to the intersection of Signal Peak Avenue and 62nd Street West. The access road shall be a minimum of 20 feet wide and consist of an all-weather surface capable of supporting a 40 ton vehicle and shall remain in place until the completion of Black Thunder Road and Signal Peak Avenue. Maintenance of the access road, including snow removal, will be the responsibility of the Subdivider. Upon the establishment of a Coal Creek HOA, maintenance responsibilities shall be transferred to the HOA.

F. Billings Area Bikeway and Trails Master Plan (BABTMP)

- The BikeNet/Heritage Trail plan identifies the Cove Ditch as a connection link between other greenway corridors. An existing 20-foot-wide bike trail easement is located north of the adjacent Cove Ditch Easement. Access to this trail shall be

provided by way of a pedestrian foot bridge crossing Cove Ditch between Lots 1 and 3.

IV. EMERGENCY SERVICE

The Billings Fire Department currently provides fire protection and paramedic services for the subdivision.

At the time of future lot development construction of buildings made of combustible materials shall have adequate fire apparatus access roads and fire hydrant(s) in place to meet fire suppression requirements. Prior to issuance of a building permit for construction using combustible materials (i.e. lumber, plywood, wood trusses, etc.), fire apparatus access roads, and water supply requirements shall be provided in accordance with the International Fire Code as adopted by the City of Billings.

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150 feet of the furthest portion of a building under construction as measured along an approved route.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of twenty (20) feet wide.
- An operational fire hydrant shall be located within 600 feet of the furthest portion of a residence under construction or within 400 feet of the furthest portion of a commercial building under construction as measured along the access roads to the site.
- The above requirements do not alter or effect the current minimum subdivision requirements for apparatus access and water supply.

Emergency access to the subdivision will occur at the locations described in Section III. TRANSPORTATION, Subsection E, Access. Approaches and internal roads are designed to accommodate emergency vehicles described previously.

V. STORM DRAINAGE

A. Storm drainage shall be provided by a combination of surface drainage, curb and gutters, and storm drain piping. All drainage improvements shall comply with the provisions set forth in Chapter 28, BMCC, and the *Stormwater Management Manual* in place at the time of development. A complete stormwater management plan shall be submitted to the City Engineering Division and Montana Department of Environmental Quality (as required) for review and approval at the time of development.

- B. Phases I and IV shall utilize a series of small detention areas in addition to the community stormwater detention area located on Lot 2 for stormwater management. The community drainage and detention facilities shall be operated and maintained by the Subdivision's Home Owner's Association. The community detention area will collect runoff from all Phases and convey it to the Birely Drain. Private storm facilities located on lots in Phases II and III will be required to provide storage as required by the BSMM and shall be operated and maintained by the respective lot owners.
- a. Should the City obtain land located south of Rimrock Road and adjacent to the Birely Drain for the construction of a stormwater management facility as part of the 62nd Street West and Rimrock Road roundabout project, the Subdivider may direct runoff from all Phases of the Subdivision to the City's storm management area. Subdivider shall contribute cash-in-lieu based on the proportional volume of the Subdivision's detention requirements. The Subdivision will be required to retain, or provide treatment, of the water quality volume onsite in accordance with the BSMM.
 - b. Each Lot shall make a cash contribution for stormwater improvements at a rate of \$_____/sf of gross lot area. Contributions shall be made to the City prior to the issuance of the Lots first building permit.
- C. Storm drainage for the north half of Rimrock Road adjacent to the Coal Creek Subdivision shall be conveyed thru a series of catch basins which will route runoff through a drainage main and discharge to the Birely Drain. Runoff from the south half of Rimrock Road is currently managed by the borrow ditch which ultimately drains to the Birely Drain. Improvements to the south half of Rimrock Road shall occur upon annexation of parcels adjacent to the roadway.
- D. Storm drainage for 62nd Street West adjacent to the Coal Creek Subdivision shall be conveyed thru a series of catch basins which will route runoff through the City's drainage system and discharge to the Birely Drain. This will be included as part of the installation of the Rimrock Road and 62nd Street West roundabout project scheduled for a future date.

VI. UTILITIES

The Subdivision Improvements Agreement does not constitute an approval for extension of or connection to water mains and sanitary sewers. The property owner shall make application for extension/connection of water mains and sanitary sewers to the Public Works Department – Engineering Division. The extension of/connection to water mains and sanitary sewers is subject to the approval conditions of the applications. Applications shall be submitted for processing prior to the start of any construction and prior to review

and approval of any plans and specifications. The appropriate water and wastewater construction fees and franchise fee in effect shall be submitted with the applications.

The Subdivider/Owner acknowledges that the subdivision shall be subject to the applicable System Development Fees in effect at the time new water and/or sanitary sewer service connections are made or when a building permit is issued for new construction.

It is acknowledged that all fees stated above are subject to the Franchise Fee in effect at the time of payment.

The design/installation of sanitary sewers and appurtenances, and water mains and appurtenances (fire hydrants, etc.) shall be in accordance with design standards, specifications, rules, regulations of and as approved by the City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality. As Blue Thunder Road and Signal Peak Avenue will be privately owned roads with public water and sanitary sewer mains located within them, a standard Perpetual Right of Way Easement between the City and the property owner shall be completed and recorded with the Yellowstone County Clerk and Records office.

A. Water

Lots 1 and 2 will be served by the 12-inch public water main that runs along Rimrock Road. The lot owners will be responsible for installing separate water services to each lot at the time of lot development. The services shall meet City of Billings Public Works Department and Montana DEQ Standards, rules, and regulations.

Lots 3, 4, and 7 will be served by an 8-inch public water main placed within the public water and sewer utility easement. The 8-inch line will tie into the 12-inch water main at the intersection of Black Thunder Road and Signal Peak Avenue. Valve and hydrant placement shall meet City of Billings Public Works Department and Montana DEQ standards, rules, and regulations.

Lots 5-6 and 8-17 will be served by a 12-inch public water main placed within the public water and sewer utility easement. The 12-inch main will run along Black Thunder Road and Signal Pack Avenue tying into the existing 12-inch water main in Rimrock Road and the existing 20-inch water main in Molt Road. Valve and hydrant placement shall meet City of Billings Public Works Department and Montana DEQ standards, rules, and regulations.

B. Sanitary Sewer

Lots 1 and 2 will be served by the existing 18-inch sewer main that runs along Rimrock Road. The lot owner will be responsible for installing separate sanitary sewer services to each lot along the existing mainline at the time of lot development. The services shall meet City of Billings Public Works Department and Montana DEQ Standards, rules, and regulations.

Lots 3-17 will be served by a minimum 8-inch diameter public gravity collection main placed within the water and sewer utility easement within the interior roads. Collection system grades and placement will meet City of Billings Public Works Department and Montana DEQ Standards, rules, and regulations. The collection system will tie into the existing 18-inch sewer main that runs along Rimrock Road by installing a new 48-inch manhole along the existing mainline.

C. Power, Telephone, Gas, and Cable Television

Power, natural gas, telephone, and cable will all be located within the right-of-way and utility easements shown on the plat.

VII. PARKS/OPEN SPACE

Section 76-3-621 of the Montana Subdivision and Platting Act covers the park dedication requirement. Per 10.2 (B) 1 of the City of Billings Subdivision Regulations, 11 percent of the net residential land proposed to be developed at a density of one dwelling unit per half acre or less. With a total of 20.91 acres of residentially zoned land proposed within the development a total of 2.30 acres is required to be reserved for parkland. As part of the development, parkland will be reserved within the residential lots as pocket parks to be constructed, operated, and maintained by the Homeowner's Association.

VIII. IRRIGATION

There are no irrigation rights for this property.

IX. SOILS/GEOTECHNICAL STUDY

- A. A geotechnical analysis was performed for this property on August 12, 2016 by Rimrock Engineering, Inc. Subsurface conditions vary across the site. Since specific structure types and locations have not been identified, performing site specific geotechnical investigations should be considered and is recommended.
- B. Construction restrictions due to the results of the study may include over excavation and controlled recompaction, placement of granular backfill, or specific structural considerations, depending upon the actual structural loads to be built in a particular location.
- C. Assessment of a specific lot and mitigation efforts, if any, of these conditions shall be the responsibility of the lot owner. The City may require the owner of a lot to include a lot specific geotechnical investigation report with the building permit submittal.

X. PHASING IMPROVEMENTS

A. Phase I

Subdivider shall be responsible for the installation of a 5-foot sidewalk and/or 10-foot asphalt trail along the Rimrock Road frontage. Installation of sidewalk and/or trail will be required along the frontage of Lots 1 and 2 as part of Phase I. Remaining sidewalk/trail along Rimrock Road shall be installed at the time of Phase II.

The Subdivider and City agree that the final plat may be filed, but the Subdivider will construct or provide monetary guarantee as outlined herein for Phase I improvements before the building permits will be issued for any of the Phase I lots in the subdivision. The Phase I improvements referred to herein shall be installed using a private contract which shall be secured as a letter of credit or a letter of commitment to lend funds from a commercial lender. The letter of credit or letter of commitment to lend funds shall be in place prior to recording the final plat or commencement of the private contract. As used herein, the lots to be served by Phase I are more particularly described as follows:

Lots 1 and 2, located in Coal Creek Subdivision in the City of Billings, according to the official plat on file in the office of the Clerk and Recorder of Yellowstone County, Montana (2 lots total).

Phase I contributions for intersection impacts shall be for the proportion of Lots being developed in this Phase (2 of 17). Intersection impact contributions are as follows:

- Rimrock Road and 62nd St W: **\$5,430**
- Rimrock Road and 54th St W: **\$2,970**
- Grand Avenue and 62nd St W: **\$2,250**

B. Phase II

Subdivider is responsible for the construction of the north half of Rimrock Road along the frontage of the subdivision. Road improvements shall include widening of the asphalt to a collector road width as well as installation of curb and gutter, storm drain, and completion of the trail and/or sidewalk from Phase I. A right turn lane will be installed for west bound traffic at the intersection of Black Thunder Road and Rimrock Road. Stormwater collected in the Rimrock Road storm drain will be discharged to the Birely Drain.

Black Thunder Road will be completed to the north boundary lines of Lots 8 and 16 and will include the installation of private storm drain and public water and sewer utilities.

Phase II contributions for intersection impacts shall be for the proportion of Lots being developed in this Phase (9 of 17). Intersection impact contributions are as follows:

- Rimrock Road and 62nd St W: **\$23,982.50**
- Rimrock Road and 54th St W: **\$13,117.50**
- Grand Avenue and 62nd St W: **\$9,937.50**

The Subdivider will install the Phase II improvements in the future. The Subdivider agrees not to sell or convey any lots in the subdivision to be served by the Phase II improvements, and the Subdivider further acknowledges that no building permits for lots within Phase II shall be issued until a private contract has been executed for the construction and installation of the public improvements to serve said lots, and to provide necessary access and traffic circulation for the traffic generated by those lots. As used herein, the lots to be served by the said Phase II are particularly described as follows:

Lots 8 through 16, inclusive, located in Coal Creek Subdivision in the City of Billings, according to the official plat on file in the office of the Clerk and Recorder of Yellowstone County, Montana (9 lots total).

C. Phase III

Subdivider shall provide cash-in-lieu contributions for one half of a commercial local access road along the frontage of 62nd Street West. This shall include widening of the asphalt, curb and gutter, and sidewalk. The Subdivider shall be given credit for existing asphalt widths

Black Thunder Road shall be completed from the end of Phase II improvement to the intersection with Signal Peak Avenue. Signal Peak Avenue shall be built out from the east boundary line of Lot 3 to 62nd Street West. Phase III will include the installation of private storm drain and public water and sewer utilities in Black Thunder Road and Signal Peak Avenue.

Phase III contributions for intersection impacts shall be for the proportion of Lots being developed in this Phase (5 of 17). Intersection impact contributions are as follows:

- Rimrock Road and 62nd St W: **\$13,122.50**
- Rimrock Road and 54th St W: **\$7,177.50**
- Grand Avenue and 62nd St W: **\$5,437.50**

The Subdivider will install the Phase III improvements in the future. The Subdivider agrees not to sell or convey any lots in the subdivision to be served by the Phase III improvements, and the Subdivider further acknowledges that no building permits for lots within Phase III shall be issued until a private contract has been executed for the

construction and installation of the public improvements to serve said lots, and to provide necessary access and traffic circulation for the traffic generated by those lots. As used herein, the lots to be served by the said Phase III are particularly described as follows:

Lots 4 through 6, inclusive, and Lots 7 and 17 located in Coal Creek Subdivision in the City of Billings, according to the official plat on file in the office of the Clerk and Recorder of Yellowstone County, Montana (5 lots total).

D. Phase IV

The Subdivider will install the Phase IV improvements in the future. The Subdivider agrees not to sell or convey any lots in the subdivision to be served by the Phase IV improvements, and the Subdivider further acknowledges that no building permits for lots within Phase IV shall be issued until a private contract has been executed for the construction and installation of the public improvements to serve said lots, and to provide necessary access and traffic circulation for the traffic generated by those lots. As used herein, the lots to be served by the said Phase IV are particularly described as follows:

Lot 3 located in Coal Creek Subdivision in the City of Billings, according to the official plat on file in the office of the Clerk and Recorder of Yellowstone County, Montana (1 lot total).

Phase IV contributions for intersection impacts shall be for the proportion of Lots being developed in this Phase (1 of 17). Intersection impact contributions are as follows:

- Rimrock Road and 62nd St W: **\$2,715**
- Rimrock Road and 54th St W: **\$1,485**
- Grand Avenue and 62nd St W: **\$1,125**

XI. HOME OWNERS ASSOCIATIONS

A home owner's association (HOA) will be established for the residentially zoned properties (Lots 1-3) and the commercially zoned properties (Lots 4-17). Each HOA will have the following responsibilities:

A. Contact Information

HOA shall provide updated contact information of the senior board official to the City Engineering Department upon the establishment of HOA and/or changing of board members.

B. Street Maintenance

The commercial HOA will be responsible for the maintenance of Black Thunder Road and Signal Peak Avenue. The residential HOA is responsible for maintaining all private roads within Lots 1-3.

C. Storm Drainage Facilities

The residential and commercial HOAs shall share the cost of maintenance for community stormwater facilities.

XII. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements with cash or by utilizing the mechanics of a special improvement district or private contracts secured by letters of credit or a letter of commitment to lend funds from a commercial lender. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said special improvement district or private contract, and the improvements shall be installed as approved by the city engineers and the City of Billings Public Works.

XIII. LEGAL PROVISIONS

- A. Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by the City of Billings.
- B. The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.
- C. The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.
- D. In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.
- E. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.
- F. Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals on the date first above written.

“SUBDIVIDER”

Magnus Land Development, LLC

By: _____

Title: _____

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this _____ day of _____, 20__, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the _____ of *Magnus Land Development, LLC*, who executed the foregoing instrument and acknowledged to me that he executed the same.

Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

This agreement is hereby approved and accepted by the City of Billings, this ____ day of _____, 20__.

“CITY”
CITY OF BILLINGS
MONTANA

By: _____
Mayor

Attest: _____
City Clerk

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this ____ day of _____, 20__, before me, a Notary Public in and for the State of Montana, personally appeared _____, and _____, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

