

**SUBDIVISION IMPROVEMENTS AGREEMENT**  
*Tract 3 of COS 2771, Put It Here Storage*

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**Yellowstone County**

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**SUBDIVISION IMPROVEMENTS AGREEMENT**  
*Tract 3 of COS 2771, Put It Here Storage*

**This agreement** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between Eggart Enterprises LLC, whose address for the purpose of this agreement is 720 Lohwest lane, Billings, MT 59106, hereinafter referred to as “Subdivider,” and YELLOWSTONE COUNTY, Montana, hereinafter referred to as “County.”

**WITNESSETH:**

**WHEREAS**, the plat of Tract 3 of COS 2771, Put It Here Storage, located in Yellowstone County, Montana was submitted to the Yellowstone County Board of Planning as a major subdivision; and

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

**WHEREAS**, the provisions of this agreement shall be effective and applicable to the Condominium development of Tract 3 of COS 2771, Put It Here Storage, upon the filing of the final condominium documents in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the Yellowstone County Subdivision Regulations, the rules, regulations, policies, and resolutions of Yellowstone County, 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**

Subdivider does not request any variances from the Yellowstone County Subdivision Regulations for this subdivision.

**II. CONDITIONS THAT RUN WITH THE LAND**

**A. (N/A)** Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely 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.** No water rights have been transferred to the lot owners.

**D.** There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts 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.

**E.** Culverts and associated drainage swales shall not be filled in or altered by the subdivider or subsequent lot owners.

**F.** When required by road improvements, all fences and irrigation ditches in the public right-of-way adjacent to this subdivision shall be removed or relocated outside of the public right-of-way and any relocation outside of the public right-of-way shall be subject to securing and recording easements.

**H.** Future maintenance of all public (or common) improvements shall be done through one (1) or more RSID(s) created as part of the SIA for this subdivision or by assessed Owners Association fees governed by the Owners Association created as part of this subdivision of land.

### **III. TRANSPORTATION**

#### **A. Streets**

No new streets are proposed for the subdivision. The subdivision will utilize the existing dedicated right of way, Hesper Road, for access. An additional paved emergency access will be constructed off of S. 32<sup>nd</sup> Street West. Hesper Road and S. 32<sup>nd</sup> Street West are a 28' wide public street constructed to County Standards. They consist of a 24' wide paved surface with 2 foot wide gravel shoulders. Hesper Road is situated in an 80' right of way. S. 32<sup>nd</sup> Street West is situated in the center of a 60' right of way. A 24" diameter CMP culvert currently exists under the existing approach to accommodate the existing drainage ditch that runs along the north side of the Tract. A new 15" diameter CMP culvert will be installed at the new emergency access off of S. 32<sup>nd</sup> Street West.

There are no bike trails planned for this commercial subdivision.

#### **B. Access**

Access into the property will be via 1 existing 38' approach off of Hesper Road. An Emergency Access Approach will be installed to the standards of Yellowstone County Public Works off of S. 32<sup>nd</sup> Street West. No sidewalks are to be provided.

#### **C. Billings Area Bikeway and Trails Master Plan (BABTMP)**

The subdivision is within the jurisdiction area of the Billings Area Bikeway and Trails Master Plan. A proposed short range bike lane is shown on Hesper Road west of this property and conveying east. Construction of this bike lane is not scheduled at this time.

#### **D. Maintenance**

Maintenance of the interior drive Aisles within the subdivision will be the responsibility of Put It Here Storage Owners Association.

### **IV. EMERGENCY SERVICE**

This subdivision is within the BUFSA boundaries. Two existing fire hydrants are located directly to the north of the property on the north side of Hesper Road. No Additional fire hydrants are required within this subdivision. Additional fire hydrants may be required with lot development.

### **V. STORM DRAINAGE**

This subdivision is subject to review by the Department of Environmental Quality storm water management. A subdivision application is being submitted to MDEQ for approval. The design and permitting of the storm water system will be concurrent with this subdivision review and its approval shall be subject to the approval of MDEQ. Maintenance of the new storm water facilities shall be the responsibility of the Put It Here Storage Owners Association.

**VI. UTILITIES**

**A. Water & Sewer**

No public water or sewer is planned for the subdivision at this time. A well will be drilled for irrigation purposes only.

**B. Power, Telephone, Gas, and Cable Television**

As shown on the subdivision plat, there are existing utilities adjacent to the property these utilities will be brought to serve this property and no additional easements are needed. All units within the subdivision will be served off of common utilities and they will be managed and paid for by the Put It Here Storage Owners Association.

**VII. PARKS/OPEN SPACE**

There is no parkland requirement for this proposed plat.

**VIII. IRRIGATION**

Irrigation for landscaping, trees and shrubs will be via a drip irrigation system. The system will utilize water from irrigation well.

**IX. WEED MANAGEMENT**

All noxious weeds on the latest Yellowstone County Noxious Weed List shall be controlled on all properties in the subdivision.

A Weed Management Plan has been approved by the Yellowstone County Weed Department. Said weed management plan shall contain the noxious weeds being addressed and the plan for the control of those weeds. All associated cost for noxious weed control is the responsibility of the Put It Here Owners Association.

A re-vegetation plan shall be submitted as part of the management plan. A seeding recommendation can be obtained from the Yellowstone County Weed Department pursuant to Section 7-22-2152, MCA. The Yellowstone County Weed Department reserves the right to revise these recommendations based on the required site inspection.

**X. SOILS/GEOTECHNICAL STUDY**

A geotechnical investigation may be required prior to issuance of a building permit for the buildings in this subdivision.

**XI. FINANCIAL GUARANTEES**

There are no Financial Guarantees associated with this subdivision as no public improvements are required.

**XII. LEGAL PROVISIONS**

**A.** Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by Yellowstone County.

**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.
- G.** Subdivider agrees to create any required (or expansion of existing) RSID(s) for future maintenance of all public (or common) constructed improvements prior to final plat approval.

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