COUNCIL RESOLUTION NO. 14-44

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE AMENDED PLAT OF LOT 126-A1 OF THE ZEMLJAK MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

WHEREAS, the Butte-Silver Bow Planning Board did, on September 25, 2014, consider the Amended Plat of Lot 126-A1 of the Zemljak Minor Subdivision; and

WHEREAS, the Planning Board, after due consideration of all written and oral testimony, did recommend conditional approval of the Amended Plat of Lot 126-A1 of the Zemljak Minor Subdivision; and

WHEREAS, the Council of Commissioners, did on October 15, 2014, receive and review all written and oral testimony from all interested parties, both for and against said subdivision, along with the Planning Board's recommendation; and

WHEREAS, in accordance with Section 76-3-608 (2), M.C.A., the Council of Commissioners did carefully consider the following written findings of fact:

1. Effects on agriculture;
2. Effects on local services;
3. Effects on natural environment;
4. Effects on wildlife habitat;
5. Effects on public health and safety;
6. Compliance with the survey requirements of the Montana Subdivision and Platting Act and the regulations and review procedures of the Butte-Silver Bow Subdivision Regulations;
7. Easements for utilities;
8. Legal and physical access; and

WHEREAS, the Council of Commissioners, after reviewing all written and oral testimony both for and against said subdivision, along with the Planning Board's recommendation, finds the Amended Plat of Lot 126-A1 of the Zemljak Minor Subdivision to be in compliance with the State of Montana Subdivision and Platting Act, the Butte-Silver Bow Subdivision Regulations and the public interest of the citizens of Butte-Silver Bow, State of Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF COMMISSIONERS OF THE CONSOLIDATED CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA:

SECTION 1: That the Amended Plat of Lot 126-A1 of the Zemljak Minor Subdivision be accepted and approved subject to the following conditions:

1. Addresses will be assigned to the new lots by the Planning Department after filing of the final plat at the Butte-Silver Bow Clerk and Recorder's Office.
2. The applicant will be required to show the location of all utility easements as outlined in Section 11 of the B-SB Subdivision Regulations on the final plat prior to filing with the Butte-Silver Bow Clerk and Recorder.

   In addition to showing the location of the utility easements on the Final Plat with dashed lines, the following statement shall be on the Final Plat: "the undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities in, over, unde4r and across each area dedicated on this Plat an 'Utility Easement' to have and to hold forever."
3. The final plat shall conform to the requirements of the Butte-Silver Bow Subdivision Regulations and the requirements of the Montana Subdivision and

Platting Act.

This includes certification by the Treasurer that taxes are paid and current.

4. Prior to filing the final plat the applicant shall submit the required documentation for review and secure written approval from the Butte-Silver Bow Public Works Department for the following public infrastructure:

   (a) Compliance with all sections of Chapter 12.04, Construction within Public Right-of-Way, of the Butte-Silver Bow Municipal Code, including design specification for the sidewalk.

   The applicant will be required to install the sidewalk adjacent to Galaxy Drive.

   (b) Compliance with all sections of Chapter 13.20 Water System Regulations, of the Butte-Silver Bow Municipal Code, including Chapter 13.24 Main Extensions and Material Specifications;

5. The applicants will be required to complete all public infrastructure improvements, including but not limited to sidewalks, curb and gutter prior to filing the final plat or enter into a Subdivision Improvement Agreement. The agreement shall stipulate which type of security arrangements the subdividing entity elects to use and the time schedule proposed to accomplish the require improvements.

   The security guarantee shall be equal to the amo9unt of the cost estimate to install the infrastructure improvements plus twenty-five percent (25%). The guarantee must be submitted to the Planning Department prior to filing the final plat with the Butte-Silver Bow Clerk and Recorder. This guarantee may be in the form of cash, surety bond, certified check, or some other guaranteed negotiable instrument

   Prior to the release of the bond the as-built drawings for the infrastructure, including the location of the private utilities shall be submitted as a condition of acceptance.

6. The applicants shall be required to secure all applicable permits that may be necessary to make improvements in or near designated wetlands o9r surface water bodies, including but not limited to: storm water discharge construction permit from Montana Department of Environmental Quality (MDEQ0 Storm Water Program, a floodplain development permit from Butte-Silver Bow County, a 310 permit (streambed and land preservation) from the Mile High Conservation District, and a 404 permit (Clean Water Act) from the U.S. Army Corps of Engineers.
7. This preliminary plat is good for three (3) years. At the end of this period, the Governing Body may, at the request of the subdivider, extend this time frame.
8. Roll 360, Card 292 to Forest, Thomas J. and Leah on Tract "C" shall be added to the final plat.
9. Prior to the filing the final plat, the applicants shall pay all fees associated with the administration of the preliminary plat review.

SECTION 2: REPEALER: That all resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 3: EFFECTIVE DATE: This Resolution shall be in full force and effect immediately from and after its passage and approval.

PASSED this _____ day of _____, 2014.

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CINDI SHAW
CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

APPROVED this _____ day of _____, 2014.

_____
MATT VINCENT, CHIEF EXECUTIVE

ATTEST:

_____
SALLY J. HOLLIS
CLERK & RECORDER

APPROVED AS TO FORM:

_____
EILEEN JOYCE
COUNTY ATTORNEY

_____
BILL ANDERSEN
CHAIRMAN, JUDICIARY COMMITTEE