

RESOLUTION NO. R14-78

**A RESOLUTION APPROVING THE ANNEXATION OF R & T SUBDIVISION,
LOTS 1, 3, AND 4, AN ADDITION TO THE CITY OF LAUREL, MONTANA.**

WHEREAS, in June, 2014, Ronald and Todd Harmon filed a petition for annexation for R & T Subdivision; and

WHEREAS, the City Planner prepared a staff report regarding the application for annexation and a staff report; and

WHEREAS, the City Council held a public hearing on October 7, 2014, to gather evidence from the public regarding their decision to annex the property. No objections were noted or received into the record; and

WHEREAS, the City Council reviewed the City Planner's reports and findings, evidence in the City's file and based on the Staff reports and other evidence finds it is in the best interests of the City to annex Lots 1, 3 and 4 of R & T Subdivision as an addition to the City of Laurel, subject to the following conditions:

1. In the event public improvements have not been completed at the time a building permit is applied for, the applicant shall provide a development agreement;
2. A Subdivision Improvements Agreement shall be executed with Final Plat approval;
3. A waiver of right to protest shall be executed and filed with the Clerk and Recorder at the time of annexation approval;
4. The final plat shall be filed prior to annexation; and
5. An annexation resolution will be filed by the City Clerk after final plat approval.

WHEREAS, the City Council of the City of Laurel has determined that it is in the best interests of the City and the inhabitants thereof, that the application for annexation be conditionally approved in accordance with the attached Staff reports and Findings; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, that the City Council hereby conditionally approves the Application for Annexation submitted by Ronald and Todd Harmon, subject to and in accordance with all the terms and conditions contained in the attached staff report; and

Introduced at a regular meeting of the City Council on October 7, 2014, by Council Member Mountsier.

PASSED and APPROVED by the City Council of the City of Laurel this 7th day of October, 2014.

APPROVED by the Mayor this 7th day of October, 2014.

CITY OF LAUREL


Mark A. Mace, Mayor

ATTEST:


Shirley Ewan, Clerk/Treasurer

Approved as to form:


Sam S. Painter, Civil City Attorney



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: City Council
FROM: Monica Plecker, Planning Director
RE: Application for Annexation
HEARING
DATE: October 7, 2014

INTRODUCTION:

In June 2014, Ronald and Todd Harmon submitted a petition for the annexation of the proposed R&T Subdivision, Lots 1,3 and 4. Lot 2 will remain in Yellowstone County. The subject property is located north of West 12th Street. The property is adjacent to the City of Laurel.

STAFF FINDINGS:

1. Ronald and Todd are requesting the annexation of his property identified above. The property is zoned Residential Tracts. The property to be annexed in includes lot sizes varying from 12,680 sq.ft. to 1.322 acres.
2. The land, with the exception of Lot 4 is currently vacant. Lot 4 is currently used for a single family dwelling.
3. The application identifies the future use as residential. The applicant has also submitted an application for preliminary plat for R&T Subdivision.
4. The application for preliminary plat provides a detailed Subdivision Improvements Agreement, which satisfies the development agreement improvement.
5. The application conforms to the goals of the City of Laurel Growth Management Plan. The Future Land Use map identifies this area as single-family residential.
6. This application in conjunction with the application for preliminary plat meets the requirements of the City of Laurel Annexation Policy.
7. As per the annexation policy requirements adopted by Ordinance No. O08-02, the planning board shall conduct a public hearing and forward a recommendation to the City Council.

ANNEXATION CRITERIA AND REQUIREMENTS

A: The City Council shall consider the following criteria when it receives a written petition for annexation:

- The property must be located within an area identified by city staff as a location for future city annexation or annexation of the property will promote orderly growth of the city to protect the health, safety and welfare in areas intensely utilized for residential, commercial, institutional and governmental purposes.
- The city must be able to provide adequate city services within a time period mutually agreed to by the property owner requesting annexation and the city;
- Existing or proposed public improvements within the area to be annex must meet all city standards. If the public improvements are not constructed at the time of annexation, the property owner shall provide the city a bond or letter of credit that equals 125% of the estimated engineering costs for the construction of improvements. If the property owner fails to construct the improvements or to obtain the agreed upon engineering, the city shall utilize the bond or letter of credit to pay for the construction, including engineering; In accordance with GASB-34, the Developer of Landowner shall provide the city the total cost and/or value of the improvements including, but not limited to, parks, sidewalks, curb and gutter, lift stations, and sewer and water lines, that are conveyed to the city;
- All property owners within the area to be annexed must sign a Waiver of Right to Protest the creation of Special Improvement Districts for engineering and construction of improvements including, but not limited to, streets, sidewalks, curb and gutter and the creation of a Park Maintenance District, in a form acceptable and approved by the city;
- Residential densities within the area to be annexed must be rezoned at a minimum density of R-7500; and
- The proposed land use within the area to be annexed must conform to the goals of the Laurel Yellowstone City-County Planning Board Growth Policy.

B: The City Council may decide to either condition the approval of the annexation in order to meet the criteria listed in Section A herein or require an annexation agreement. The conditions of approval must be clearly stated in the resolution of annexation or if required, the annexation agreement. If the property to be annexed is not developed, the conditions of approval or annexation agreement shall include a requirement for:

- A development agreement prior to the issuance of a building permit;
- A subdivision improvements agreement at the time of final plat approval, if applicable and
- An executed Waiver of Right to Protest creation of Special Improvement Districts for engineering and construction of improvements including, but not limited, streets, sidewalks, curb and gutter and the creation of a Park Maintenance District, in a form acceptable and approved by the City.

SUGGESTED CONDITIONS OF APPROVAL

1. In the event public improvements have not been completed at the time a building permit is applied for, the applicant shall provide a development agreement.
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CITY OF LAUREL
REQUEST FOR ANNEXATION
AND PLAN OF ANNEXATION

1. Only parcels of land adjacent to the City of Laurel municipal limits will be considered for annexation. "Adjacent to" also includes being across a public right of way. **If the parcel to be annexed is smaller than one city block in size (2.06 acres), the City Council must approve consideration of the request; the applicant must make a separate written request to the City Council stating their wish to annex a parcel of land less than one city block in. Once the Council approves the request the applicant can apply for the annexation.**

ALL BLANKS OF THIS APPLICATION ARE TO BE FILLED IN WITH AN EXPLANATION BY THE APPLICANT. THE APPLICATION WILL NOT BE PROCESSED IF THE APPLICATION IS NOT COMPLETE!!!

2. Applicant landowner's name: Ronald Harmon and Todd Harmon
Address: 1001 Montana Ave, Laurel, MT 59044
Phone: (406) 652-5181
3. Parcel to be annexed: (if it not surveyed or of public record, it must be of public record PRIOR to applying for annexation).
Legal description: Lots 1, 3, and 4 of Block 1 of R & T Subdivision
Lot size: Lot 1, 1.322 AC; Lot 3 - 13, 688 SF; Lot 4 - 12, 680 SF
Present use: Vacant
Planned use: Residential Development
Present zoning: Residential Tracts
(land which is being annexed automatically becomes zoned R-7500 when it is officially annexed (City ordinance 17.12.220))
4. City services: The extension of needed City services shall be at the cost of the applicant after annexation by the City has been approved. As part of the application process, each of the following City services must be addressed with an explanation:

Water Service:

Location of existing main: Along W 12th Street (Frontage of Lots 1, 3, and 4)
Cost of extension of approved service: NA \$9,000
How cost determined: NA BID
Timeframe for installation: NA

Sewer Service:

For Lot 1: N. end of Cherry Hill Dr/For Lots 3 and 4: intersection of
Location of existing main: W 12th street and alley between 8th Ave and 9th Ave
Cost of extension of approved service: NA \$9,000
How cost determined: NA BID
Timeframe for installation: NA
How financed: by Developer

Streets:

Location of existing paved access: W 12th Street
Cost of paving: NA
How cost determined: NA
Timeframe for construction: NA

Other required improvements: Provide above information on attached pages.

Applicant must meet with the proper planning representative PRIOR to filling out this application!

5. A map suitable for review of this application of the proposed area to be annexed must be submitted with this application.
6. A written Waiver of Protest must accompany this application, suitable for recording and containing a covenant to run with the land to be annexed, waiving all right of protest to the creation by the City of any needed improvement district for construction or maintenance of municipal services. This Waiver of Protest must be signed by the application prior to annexation by the City.
7. Requests for annexations are referred to the City-County Planning Board for recommendation to the City Council. Within thirty (30) days after receiving the properly filled out application with all required accompaniments and after conducting a duly advertised public hearing, the City-County Planning Board shall make recommendation to the City Council as to this Request for Annexation. If more information is needed from the applicant during the review of the application, such application shall be deemed incomplete and the timeframe for reporting to the City Council extended accordingly, if needed.
8. Fees are to accompany application upon submission:
Annexation into City of Laurel (80 acres or less) \$300 + \$25.00/acre
Annexation into City of Laurel (81 acres or more) \$300 + \$35.00/acre

The City Council of the City of Laurel, Montana, after review and consideration of this Application for Annexation found such to be in the best interest of the City, that it complied with State code, and approved this request at its City Council meeting of: _____.

**AFFIDAVIT OF WAIVER OF PROTEST
BEFORE THE CITY COUNCIL
OF THE CITY OF LAUREL, MONTANA**

**FOR THE ANNEXATION OF THE HEREIN DESCRIBED PROPERTY AND CREATION OF
ANY FUTURE SPECIAL IMPROVEMENT DISTRICT**

The undersigned hereby waives protest to the annexation of the property described below by the City of Laurel. Undersigned also waives their right to seek judicial review under M.C.A. § 7-2-4741 (2007), subsequent to the City's annexation of the below described property.

The undersigned hereby additionally waives protest to the creation of future Special Improvement District(s) created and/or formed for future street improvements including, but not limited to, paving, curb, gutter, sidewalk and storm drainage or any other lawful purpose.

This Affidavit is submitted pursuant to and as a part of the Annexation Agreement and future contemplated Subdivision Improvement Agreement (SIA) with the City of Laurel.

This Affidavit of Waiver shall run with the land and shall forever be binding upon the Grantee, their transferees, successors and assigns.

LEGAL DESCRIPTION OF THE PROPERTY:

“ Lots 1, 3, and 4, Block 1, R & T Subdivision ”

DATED this 7th day of July, 2014.

Ronald Harmon

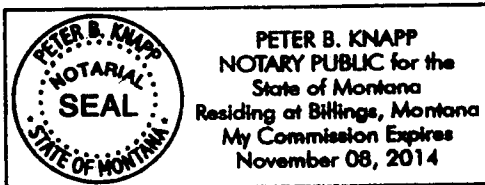
Grantee Name
(Company..)

STATE OF Montana)
County of Yellowstone) ss.

On this 7th day of July, 2014, personally appeared before me, Ronald Harmon proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are subscribed to this instrument, and acknowledged the he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal on the day and year in this certificate first above written.

(SEAL)



Peter B. Knapp
Notary Public for the State of _____
Residing at: _____
My Commission Expires: _____

Yellowstone County



JEFF MARTIN
Clerk & Recorder
P.O. Box 35001
Billings, MT 59107-5001

Phone (406) 256-2785
Fax (406) 256-2736
Email: jmartin@co.yellowstone.mt.gov

September 26, 2014

Ronald and Todd Harmon
1001 Montana Avenue
Laurel, MT 59044

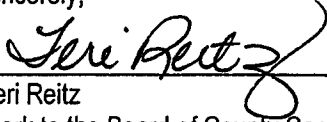
To Whom It May Concern:

Please be advised the Board of County Commissioners of Yellowstone County, Montana, at their regularly scheduled Board meeting on Friday September 26, 2014, voted to conditionally approve Minor Preliminary Plat R & T Subdivision, with the following conditions:

1. Proposed Lots 1, 3 and 4 shall be annexed into the City of Laurel and comply with the standards set forth in the City of Laurel Annexation Policy.
2. A 1' no access strip shall be placed along the eastern boundary of Lot 4.
3. All public improvements shall be built to Montana Public Work Standards and to the specifications made in the Subdivision Improvements Agreement provided with the application for preliminary plat.
4. To minimize the effects on local services, utility easements shall be provided on the final plat.
5. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Department to clarify the documents and bring them into the standard acceptable format.
6. To minimize the effects on the natural environment, a weed management plan and property inspection shall be approved by the County Weed Department, prior to final plat approval.
7. The final plat shall comply with all requirements of the Laurel-Yellowstone City-County Planning Area Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, and the law and Administrative Rules of the State of Montana.

The applicant may appeal to District Court a decision of the County Commissioners approving or rejecting a proposed subdivision plat upon application for a writ of certiorari. The application shall specify the grounds upon which it alleges the illegality of the action of the County Commission. If you have any questions, please contact Monica Plecker at (406) 628-4796, or stop by the Laurel Planning Office located at 115 West 1st Street, Laurel, MT 59044

Sincerely,

A handwritten signature in cursive script that reads "Teri Reitz". The signature is written in black ink and is positioned above a horizontal line.

Teri Reitz
Clerk to the Board of County Commissioners
Yellowstone County, Montana

ANNEXATION EXHIBIT FOR LOTS 1, 3, AND 4, BLOCK 1 OF

R & T SUBDIVISION

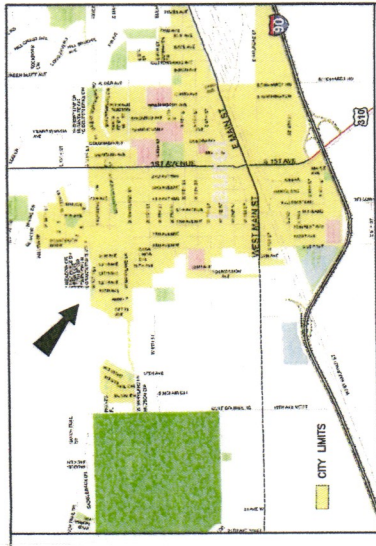
BSITUATED IN THE SE1/4 OF SECTION 5, T. 2 S., R. 24 E., P.M.M.,
YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : RON HARMON

JULY, 2014

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA



VICINITY MAP
NOT TO SCALE

