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Mackenzie Meadows Subdivision, 2nd Filing

Yellowstone County

E.Q. #21-1131

STORMWATER

THAT the storm drainage plan for the Mackenzie Meadows Subdivision, 2nd Filing was reviewed and approved under EQ#21-1205, dated the 28th day of April, 2021, and,

THAT operation and maintenance of the storm drainage facilities shall be conducted by the Yellowstone County Road RSID and individual lot owners, and,

THAT water supply systems, sewage treatment systems and storm drainage systems will be located as shown on the approved plans, and,

THAT all sanitary facilities must be located as shown on the attached lot layout, and,

THAT the developer and/or owner of record shall provide each purchaser of property with a copy of the Plat, approved location of water supply and sewage treatment system as shown on the attached lot layout, and a copy of this document, and,

THAT instruments of transfer for this property shall contain reference to these conditions, and,

THAT plans and specifications for any proposed sewage treatment systems will be reviewed and approved by the county health department and will comply with local regulations and ARM, Title 17, Chapter 36, Subchapters 3 and 9, before construction is started.

THAT departure from any criteria set forth in the approved plans and specifications and Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM when erecting a structure and appurtenant facilities in said subdivision without Department approval, is grounds for injunction by the Department of Environmental Quality.

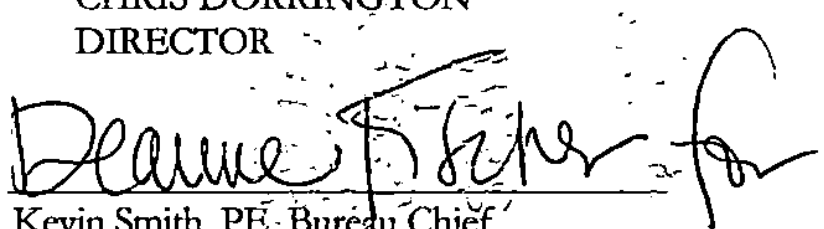
THAT pursuant to Section 76-4-122 (2)(a), MCA, a person must obtain the approval of both the reviewing authority under Title 76, Chapter 4, MCA, and local board of health officer having jurisdiction, before filing a subdivision plat with the county clerk and recorder.

YOU ARE REQUESTED to record this certificate by attaching it to the Plat filed in your office as required by law.

DATED this 30th day of April, 2021.

CHRIS DORRINGTON
DIRECTOR

By:

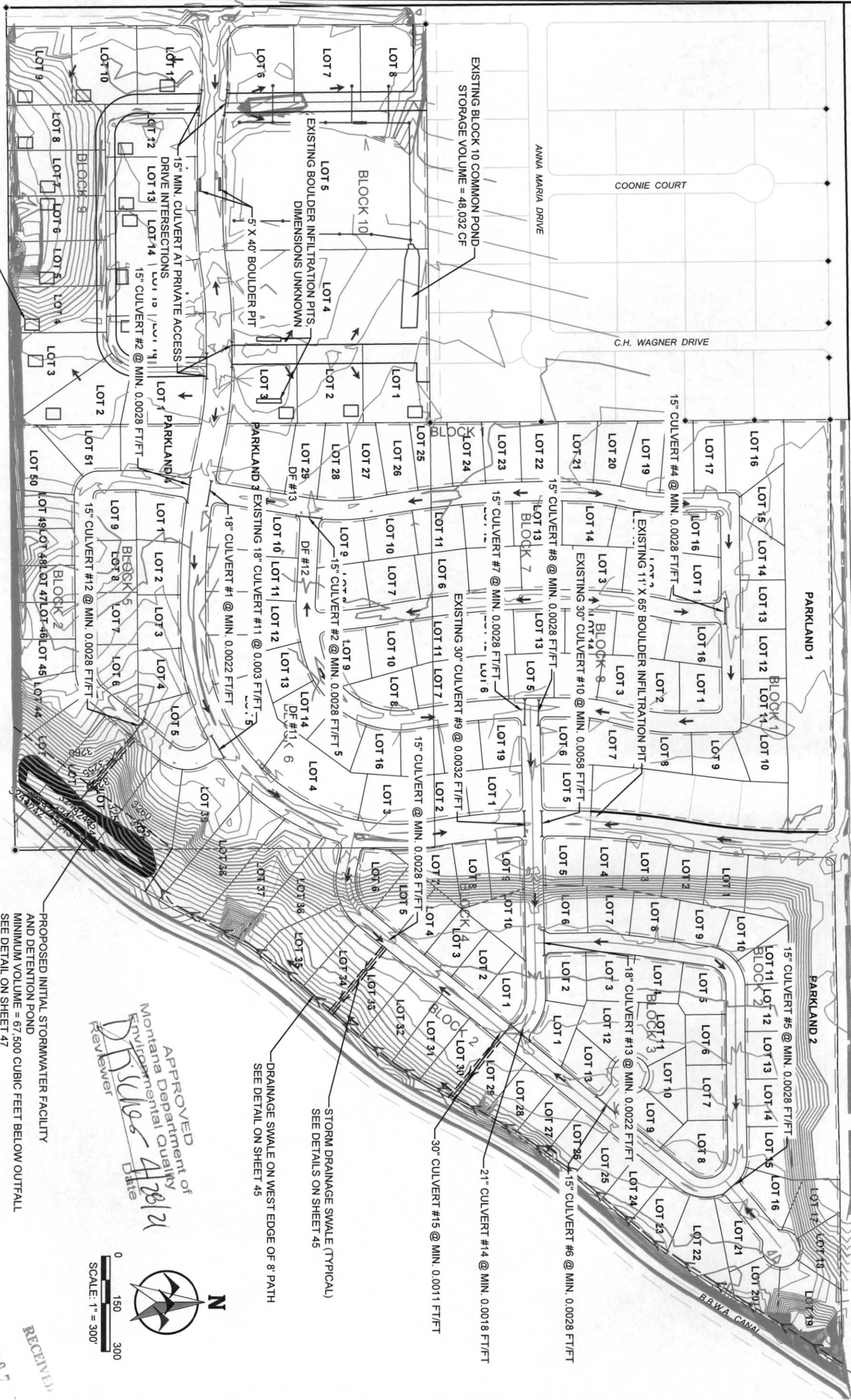

Kevin Smith, PE, Bureau Chief

Engineering Bureau

Water Quality Division

Department of Environmental Quality

Owner's Name: Sam Sparks/Samm LLC

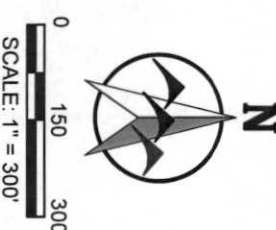


PROPOSED INDIVIDUAL STORMWATER
RETENTION PONDS IN BLOCK 9, TYPICAL
MINIMUM VOLUME = 1,600 CF

HEALTH
06/30/2021 02:25 PM Pages: 23 of 24 Fees: 0.00
Jeff Martin Clerk & Recorder, Yellowstone MT

PROPOSED INITIAL STORMWATER FACILITY
AND DETENTION POND
MINIMUM VOLUME = 67,500 CUBIC FEET BELOW OUTFALL
SEE DETAIL ON SHEET 47

APPROVED
Montana Department of Quality
Environmental
4/26/21
Date
Reviewer





RECEIVED
APR 27 2021
DEPT. OF PUBLIC WORKS
& SUBDIVISIONS

06/30/2021 02:23 PM Pages: 24 of 24 Fees: 0.00

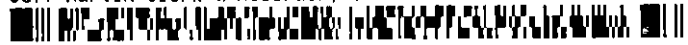
0 150 300
SCALE: 1" = 300'

PREPARED FOR:

SAMM LLC
2225 SOUTH 54TH ST W
BILLINGS, MT 59106

 **WWC**ENGINEERING
550 S. 24TH STREET W., STE 201
BILLINGS, MT 59102
(406) 894-2210

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WWC ENGINEERING, HEREBY RESERVES
OUR COMMON LAW COPYRIGHT IN THIS
DOCUMENT AND THE IDEAS AND DESIGNS
INCORPORATED HEREIN AS AN
INSTRUMENT OF PROFESSIONAL SERVICE
WHICH SHALL NOT BE USED IN WHOLE OR
PART FOR ANY PROJECTS OR OTHER USE
WITHOUT OUR EXPRESS WRITTEN
AUTHORIZATION.

**SUBDIVISION IMPROVEMENTS AGREEMENT***Mackenzie Meadows Subdivision, 2nd Filing*

This agreement is made and entered into this 29th day of June, 2021, by and between *SAMM, LLC*, whose address for the purpose of this agreement is **2225 S 54TH ST W, BILLINGS, MT 59106**, hereinafter referred to as "Subdivider," and **YELLOWSTONE COUNTY, Montana**, hereinafter referred to as "County."

WITNESSETH:

WHEREAS, at a regular meeting conducted on 19th day of June, 2019, the Board of Planning recommended conditional approval of a preliminary plat of *Mackenzie Meadows Subdivision, 2nd Filing*; and

WHEREAS, at a regular meeting conducted on 29th day of June, 2021, the Yellowstone County Board of County Commissioners conditionally approved a preliminary plat of *Mackenzie Meadows Subdivision, 2nd Filing*; 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 *Mackenzie Meadows Subdivision, 2nd Filing* 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 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 has requested no variances.

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 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. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent 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.
- G. 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.
- H. A 50' wide pipeline easement crosses through Lots 19 through 50 inclusive, Block 2; Lots 2 through 9 inclusive, Block 9. No fences, buildings, sheds, or other permanent structures can be built within this easement.

III. TRANSPORTATION

The subdivider agrees to guarantee all improvements for a period of one (1) year from the date of final acceptance by Yellowstone County.

**D. Heritage Trail Plan**

- Neibauer Road and South 56th Street West are identified as Arterial Bike Routes in the Billings Area Bikeway and Trails Master Plan (BABTMP). A 15' trail easement is dedicated along Neibauer Road that will have a paved trail.
- Abby Road is identified as a primary bikeway. No improvements are planned.
- Along the length of the BBWA, is a dedicated 10' trail easement that will be maintain as a natural trail.

IV. EMERGENCY SERVICE

- Abby Road will serve as main access to the subdivision with connections to both South 56th Street West and Neibauer Road. Both these roads are 60' arterial roads. No improvements are planned at this time.
- Both accesses will be built to Yellowstone County Paved Road specifications. It will include 24' of 3" pavement over 3" of 1 ½ in minus crushed gravel over 12" of 3 in minus pitrun over a compacted subgrade. The roadway will also include 2' graveled shoulders with barrow ditches.
- A 30,000-gallon water storage tank/dry hydrant has been installed in the easement area on Lots 5 and 6 of Block 6 on the north side of Abby Road. It will service the entire subdivision minus Lot 9 of Block 9, and Lot 8 of Block 10. The Subdivider submitted the dry hydrant system plans and specifications to the Billings Fire Department for review and approval prior to construction. The dry hydrant system has been installed by the Subdivider and inspected and approved by the Billings Fire Department. RSID 853 will be responsible for future maintenance of all public (or common) constructed improvements.
- Lot 9 of Block 9, and Lot 8 of Block 10 will be serviced from the dry-hydrant tank located in Conrad Park Subdivision to the north.
- All lots in the subdivision that benefit from the Mackenzie Meadows dry hydrant located in Block 6 will participate in the maintenance RSID.
- All lots in the subdivision that benefit from the Conrad Park Subdivision dry-hydrant will participate in the Conrad Park Subdivision maintenance RSID.

V. STORM DRAINAGE

All drainage improvements shall comply with the provisions of the Section 4.7, Yellowstone County Subdivision Regulations, and a stormwater management plan shall be submitted to and approved by MDEQ, or its designee.

- An RSID shall be created for care and maintenance of the storm facilities.
- The first, second, and third phase stormwater improvements of the Subdivision shall consist of any conveyance, storage, or discharge facility which is an integral part of each phase's drainage system as describe in the

Return to:
Steven D. Taylor
12617 Taylor Lane
Aurora, IN 47001

ST 2315316

Stewart Title Company

WARRANTY DEED

FOR A VALUABLE CONSIDERATION, receipt of which is acknowledged, the undersigned Grantors,

CURTIS E. ARNEY and MARLENE H. ARNEY, Trustees under the CURTIS AND MARLENE ARNEY LIVING TRUST dated December 29, 2020, and any amendments thereto, of 1834 N. Mariposa Lane, Billings, Montana 59102,

do hereby grant, bargain, sell, convey, warrant and confirm unto the Grantee,

STEVEN D. TAYLOR, of 12617 Taylor Lane, Aurora, Indiana 47001,

all of the Grantor Trust's interest in and to the following-described real property located in Yellowstone County, Montana:

Lot 13, Block 8, of Mackenzie Meadows Subdivision, 2nd Filing, in the City of Billings, according to the official plat on file in the office of the Clerk and Recorder of Yellowstone County, Montana, under Document No. 3978389.

TOGETHER WITH all improvements, tenements, hereditaments, easements, rights of way, and appurtenances thereon or thereto appertaining.

TO HAVE AND HOLD unto the Grantee, and Grantee's heirs and assigns, forever, SUBJECT, HOWEVER, to:

- (a) All reservations, easements, rights-of-way, and restrictions of record pertaining to said lands, or any thereof;
- (b) All existing building and use restrictions and zoning ordinances pertaining to said property;
- (c) All taxes, charges, and assessments imposed on said lands, or any thereof, for the current year and all subsequent years; and
- (d) All prior conveyances, leases, or transfers of any interest in minerals, including oil, gas, and other hydrocarbons.

EXCEPT with reference to the items referred to in Paragraphs (a) to (d), inclusive, this Deed is given with the usual covenants expressed in § 30-11-110, M.C.A.



316 North 26th, Room 3201 ♦ PO Box 35024
Billings, Montana ♦ 59107-5024
(406) 256-2735

Number: 22002

Paid Using: _____

Worksite Address: 2523 JESSICA ST

Township: 1S Range: 25E Section: 28

New Residential Approach

Date: 6/28/2024

This Permit Must be Kept at the Work Site. Should work commence before the permit is issued, the permit fee shall be doubled.

All attached maps and drawings are considered part of this permit and must also be available when requested.

1. Permittee agrees to perform all work in compliance with Yellowstone County Public Works Department Specifications and specifications set forth in this permit. Any modifications to this project must be approved by the Public Works Department.
2. Public Works may require the applicant to be bonded and applicant will be held responsible to Yellowstone County for any and all damages to any other installation already in place as a result of work covered by this permit.
3. Any costs incurred by the County for repairs to the public right-of-way, that are a direct result of work performed under this permit, will be billed to the permittee.
4. The permittee agrees to indemnify and save harmless Yellowstone County, its officers and employees, from responsibility, damage, or liability arising from the exercise of the privileges granted in this permit.
5. Permittee shall provide traffic control for work performed in the public right-of-way in accordance with "Manual Uniform Traffic Control Devices."
6. Upon completion of work, all installations, structures, equipment, and debris shall be removed and the public right-of-way will be restored to the condition prior to performing work stated in this permit.
7. An inspection will be performed upon completion of work by the Public Works Inspector or his representative. If the work does not comply with the requirements outlined in this permit, the permittee shall be required to correct the work as set forth by the Public Works Inspector.
8. Applicant shall warranty all work, outlined in this permit, for a period of one year after completion.
9. Whenever, during the work phase or the warranty period, a defect in the work creates an emergency situation affecting the public health, welfare or safety, and the Applicant, upon notification by the Yellowstone County Public Works Director or his representatives, refuses to immediately correct the problem (within a 24 hour period), the Yellowstone County Director of Public Works may make or authorize repairs as are necessary and charge all costs incurred against the Applicant or his bond.

By signing this permit, the permittee accepts the terms stated above.

Print Name: _____ Telephone: _____

Signature: _____ Date: _____

3. Sight distance must be provided as required by AASHTO.
4. The approach grade shall conform to the slope of the roadway shoulder where practical and if possible be equal to or less than three (3) percent slope for a distance of twenty (20) feet back from the public road surface unless otherwise approved by the County.
5. The approach shall intersect the public road at an angle of ninety (90) degrees (plus or minus ten (10) degrees) to the roadway.
6. The residential approach width shall be between twelve (12) feet and thirty (30) feet, not inclusive of any radius between the approach and the public road. Lots with frontages of more than 150' may have up to a 50' approach.
7. Approaches for driveways and roadways shall be constructed from the edge of the traveled way the approach accesses to the boundary of the road right of way.
8. When an approach accesses a hard-surfaced arterial, collector, or minor collector, the approach must be built with hard surfacing. Hard surfacing can be accomplished with either concrete or asphalt. For gravel public roads and hard surfaced low traffic volume (less than 400 ADT), low speed (30 mph or lower) roads within subdivisions, hard surfacing of the approach is not required.
9. The radius for an approach serving a single-family residence or two-family residence shall be ten (10) feet. The radius for an approach serving a multi-family residential project, a commercial or institutional development, and a road shall be twenty (20) feet.
10. Commercial approaches connecting to hard surfaced public roads are required to provide hard surfacing for the length and width of the approach within the right-of-way. Hard surfacing shall be an engineered design to meet necessary loading and site-specific requirements, but at a minimum shall be constructed within the right-of-way as follows:
 - a. Concrete of sufficient thickness to provide adequate support for the largest AASHTO design vehicle anticipated to regularly access the facility over an approved base material; or
 - b. Asphalt of sufficient thickness to provide adequate support for the largest AASHTO design vehicle anticipated to regularly access the facility and over an approved base material.
11. Commercial approaches to a graveled public road shall be an engineered design.
12. All approaches shall meet sight distances as required by AASHTO.

13. The minimum spacing between the near edge of an approach and a road intersection centerline must be at least one hundred (100) feet plus the appropriate approach radius. On local streets with speed limits of 25 mph or less a distance less than 100' may be approved by Public Works.
14. The minimum spacing from the near edges of an approach on either an adjacent property or the same property shall be fifty (50) feet.
15. Existing drainage in the public road right-of-way shall not be altered or impeded without specific written approval from the Montana Department of Environmental Quality. In cases outside of subdivisions or in subdivisions with no storm water management plan, specific written approval from YCPW will be required.
16. Drainage from an adjacent approach, private road, or structure is not allowed to discharge onto the public road. When an approved grading and drainage plan/DEQ approval exists, approaches shall be installed in conformance with the approved plan.
17. All culverts used in the construction of an approach in a public road right-of-way must have a minimum diameter of fifteen (15) inches as specified in Standard Drawing 140 - APPROACH STANDARDS (<http://www.co.yellowstone.mt.gov/publicworks/geninfo.asp>) unless a smaller diameter culvert is specified on an engineered drainage plan and/or is approved by the Public Works Department and must be either double-wall smooth interior high-density polyethylene (HDPE), corrugated metal pipe (CMP) or reinforced concrete pipe (RCP) or other approved similar material. The minimum amount of cover material over the culvert shall be that recommended by the culvert manufacturer.

14.8 Design and Geometric Requirements

Approaches shall meet the dimensional standards contained in Standard Drawing 140 – APPROACH STANDARDS.

14.9 Penalty/Enforcement

If Yellowstone County determines an approach is not in substantial compliance with these standards, the County will notify the property owner with the approach of the deficiency and request the property owner correct the deficiency. If property owner does not address the deficiency within 30 days of notice from the County, either by corrective action or by notifying the County of a proposal for corrective action and then get approval for said corrective action with an agreed upon timeline, the County will treat the approach as encroachment and take appropriate action to remedy the situation in accordance with Sections 7-14-2134 through 7-14-2138, MCA.