

SUBDIVISION IMPROVEMENTS AGREEMENT

LUSTER VIEW ACRES SUBDIVISION

IMEG #25005085.00

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SUBDIVISION IMPROVEMENTS AGREEMENT
Luster View Acres SUBDIVISION

This agreement is made and entered into this 13th day of May, 2026, by and between *Robert and Tanya Luster*, whose address for the purpose of this agreement is 2452 N 10th Rd., Worden, Montana, 59088, hereinafter referred to as “Subdivider,” and YELLOWSTONE COUNTY, Montana, hereinafter referred to as “County.”

WITNESSETH:

WHEREAS, the plat of (Luster View Acres), located in Yellowstone County, Montana was submitted to the Yellowstone County Board of Planning as an expedited plat which was deemed to not require preliminary review; 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 *Luster View Acres 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 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

- A. There are no variances being requested with this subdivision.

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. If irrigation ditches exist on the perimeter of this development, they will be preserved for the benefit of other properties. And existing 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 existing RSID(s), no new HOA or RSIDS are created as part of the SIA for this subdivision.
- H. Lot owners or their agent will obtain an Access Permit from County Public Works prior to any construction on any lot within the subdivision. The application will include a site plan showing the desired location of the access. Failure to do so will result in the lot owner or their agent removing what has been installed and locating the access in an approved location at the lot owners expense.

III. TRANSPORTATION

A. Streets

The following roads exist adjacent to the subdivision

- North 10th Road is an existing road located adjacent to and east of the property within a 60' wide County Road Easement.

The Subdivision proposes the following roads:

- No additional roads are proposed for the subdivision.

B. Traffic Control Devices

- No additional traffic control devices are proposed for the subdivision. Traffic control shall be governed by County approach permit standards.

C. Access

- Both lots of the proposed subdivision will access off North 10th Road.

IV. EMERGENCY SERVICE

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads. Fire apparatus access roads shall be provided in accordance with the Fire Protection Requirements as noted in the Yellowstone County Subdivision Regulations.

V. Storm Drainage

Stormwater management for the Luster View Acres Subdivision will continue as it has historically done.

VI. Utilities

A. Water Supply

In accordance with Section 4.9 Yellowstone County Subdivision Regulations, the following has been proposed:

- Each lot is to be served by an individual water well or cistern.
- The Yellowstone County Public Health approval letter will be submitted with the final plat.

B. Sanitary Sewer

In accordance with Section 4.8 Yellowstone County Subdivision Regulations, the following has been proposed:

- Each lot is to be served by an individual septic system.
- The Yellowstone County Public Health approval letter will be submitted with the final plat.

C. Power, Telephone, Gas, and Cable Television

These utilities will be provided within the 60' County Road Easement or approach area created as part of this subdivision.

D. Solid Waste Disposal

Solid waste collection and disposal services will be provided by licensed local waste disposal companies operating within Yellowstone County. Each property owner will be responsible for arranging for their own solid waste pickup services. Disposal of solid waste will be conducted in accordance with the standards set forth by the Montana Department of Environmental Quality (MDEQ) and the Yellowstone City-County Health Department, ensuring that all waste is managed in an environmentally responsible manner.

VII. Parks & Open Space

In accordance with section 10.2 Yellowstone County Subdivision Regulations, no parkland is required for this subdivision.

VIII. Irrigation

The irrigation ditches that exist on and adjacent to this development are for the benefit of other properties. The irrigation ditches shall remain in place and shall not be altered by the Subdivider or subsequent owners without the permission of the irrigation users.

IX. Weed Management

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

The weed plan shall include the following and shall be referenced in this SIA:

- A Weed Management Plan must be filed and updated as needed for approval 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 owner of record.

- A revegetation 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 soils/geotechnical study was not required but owners of the lots will be encouraged to perform a site-specific geotechnical investigation that is specific to the type of structure contemplated prior to construction.

XI. Phasing of Improvements

Luster View Acres Subdivision does not propose any construction phasing.

XII. Financial Guarantees

Public improvements are not proposed for this development. Thus, no financial guarantees are required.



Waiver of Right to Protest

FOR VALUABLE CONSIDERATION, the undersigned, being the Subdivider and all of the owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more Rural Special Improvement Districts (RSID's), for a period of no more than twenty years from the recording of this waiver, which Yellowstone County may require.

This Waiver and Agreement is independent from all other agreements and is supported by sufficient independent consideration to which the undersigned are parties, and shall run with the land and shall be binding upon the undersigned, their successors and assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows:

Luster View Acres Subdivision

Signed and dated this 13th day of May, 2026.



Robert Luster



Tanya Luster

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this 13th day of May, 2026, before me, a Notary Public in and for the State of Montana, personally appeared Robert Luster & Tanya Luster the person who executed the forgoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove written.

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