

## RESOLUTION NO. 4683

### A RESOLUTION APPROVING A FOURTH AMENDED SUBDIVISION IMPROVEMENTS AGREEMENT FOR CITY VIEW SUBDIVISION, ACCEPTANCE OF CERTAIN SUBDIVISION IMPROVEMENTS, AND A PARTIAL RELEASE OF FUNDS.

*WHEREAS*, the City of Miles City subdivision administrator and City Council have reviewed requests by L & L Development LLC to extend the Subdivision Improvements Agreement associated with the City View Subdivision, accept portions of the improvements as complete, and release portions of the financial security for improvements that have been completed to date; and

*WHEREAS*, the Subdivider and Subdivider's engineer have certified completion of portions of the improvements required by the City's approval of the City View Subdivision; and

*WHEREAS*, the City Council accepts the portions of improvements that are certified by the Subdivider and Subdivider's engineer as complete, and as such is allowing the financial security to be reduced accordingly; and

*WHEREAS*, the City Council finds that it is in the City's best interest to grant an extension to allow the Subdivider until August 31, 2026 to complete the remaining improvements; and

*WHEREAS*, the City Council finds that a Fourth Amended Subdivision Improvements Agreement for said City View Subdivision should be approved.

### NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:

1. The City Council hereby accepts as complete the portions of improvements that are certified complete by the Subdivider and Subdivider's engineer, and as such is allowing the financial security to be reduced accordingly; said improvements accepted as complete include the following:
  - a. Horizon Parkway Extension: Including widening, construction, curb, gutter, sidewalk, and paving from end of current pavement to and including the approach to Lot 2D;
  - b. Parkhill Drive Extension: Paving of the turnaround;
  - c. Traffic Signs (a "No Parking" sign along the turnaround for Parkhill Drive);
  - d. Electrical utilities, subject to recording of the proposed Utility Easement; and
  - e. Engineering Costs for the above: Design, Inspection, Certified As-Builts, and Permitting;

and

2. Based on the above acceptance of improvements, the City will release to the Subdivider the amount of \$579,316.00 from the funds from the Letter of Credit that the City is now holding in an account for the City View Subdivision improvements; and
3. The following improvements have not been completed or certified: Mail Facilities per the USPS-approved plans installed at two locations, with concrete; and
4. Because the mail facilities are not complete or certified, the City shall continue to hold and maintain in a bank account a financial security of no less than \$26,550.00, which is 150% of the estimated cost of completing the remaining improvements stated above; and
5. The City Council hereby grants an extension to allow the Subdivider until August 31, 2026 to complete the remaining improvements; and
6. A Fourth Amended Subdivision Improvements Agreement for the City View Subdivision, attached hereto and made a part hereof, is hereby approved and adopted by this council; and
7. The Mayor of the City of Miles City is hereby empowered and authorized to execute said Fourth Amended Subdivision Improvements Agreement on behalf of the City of Miles City, and bind the City of Miles City thereto.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 28<sup>TH</sup> DAY OF APRIL, 2026.**

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C.A. Grenz, Mayor

ATTEST:

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Mary Rowe, City Clerk