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04/21/2015 02:01 PM Pages: 1 of 5 Fees: 5.00
Jeff Martin Clerk & Recorder, Yellowstone MT



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Billings, MT 59105

**MODIFICATION OF SUBDIVISION IMPROVEMENTS AGREEMENT
SKYVIEW RIDGE SUBDIVISION, FIRST FILING**

THIS MODIFICATION of Subdivision Improvements Agreement (this "Modification") is made this 13th day of April 2015, by the **STATE OF MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION**, whose address is P.O. Box 201601, 1625 Eleventh Avenue, Helena, MT 59620, hereinafter referred to as "Subdivider," and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as "City".

RECITALS

WHEREAS, the plat of Skyview Ridge Subdivision, First Filing (the "Subdivision"), located in the City of Billings, Yellowstone County, Montana, is subject to the terms of that certain Subdivision Improvements Agreement by and between the Subdivider and City recorded February 25, 2014, under Document No. 3698532, in the office of the Yellowstone County Clerk and Recorder (the "Agreement"); and

WHEREAS, pursuant to Section XII.H of the Agreement, the Agreement may be modified in writing and executed in the same manner as the Agreement.

AGREEMENT

The parties herby agree as follows:

1. Amendment: Section X.A of the Agreement shall be deleted and replaced with the following:

X. TIMING OF IMPROVEMENTS

The Subdivider does not desire to commence development of lots within the subdivision, but does desire to file the approved final plat of Skyview Ridge Subdivision, First Filing, and to sell and convey lots in said subdivision at some future date. In accordance with the foregoing, the Subdivider and the City agree as follows:

A. First Filing Improvements

First Filing improvements shall be constructed utilizing private contracts. There will be multiple phases of development. Each phase shall construct those street and utility improvements adjacent to that particular phase, or any off-site improvements identified within the traffic impact study that are determined to be necessary to support the development of a particular phase. The phases of development for the First Filing are identified below:

Phase I:

Lots 1 through 4, inclusive, Block 1 and Lots 1 through 2, Block 2; Skyview Ridge Subdivision, First 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 (6 lots total).

Future Phases:

Lots 5 through 9, inclusive, Block 1, Lot 1, Block 3, Lot 1, Block 4, Lot 1, Block 5, Lot 1, Block 6, Lot 1, Block 7, Lot 1, Block 8, Skyview Ridge Subdivision, First 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 (11 lots total).

The parties acknowledge that the Phase I improvements will be constructed to serve the lots identified above through one private contract and that the Future Phases may consist of one or multiple additional Phases, each with its own separate private contract.

The Subdivider agrees not to sell or convey any lots in the subdivision to be served by the First Filing improvements, and the Subdivider further acknowledges that no building permits for any First Filing lot shall be issued until a private



contract has been executed for the construction and installation of the public improvements to serve a particular phase, and to provide necessary access and traffic circulation for the traffic generated by those lots.

Pursuant to the foregoing agreement, the Subdivider shall execute and record a Declaration of Restriction on Transfers and Conveyances for said First Filing (attached hereto) to be recorded concurrently with the recording of this agreement. Said Declaration notifies all third parties that said lots and blocks may not be legally sold, conveyed, or transferred until Exhibit A attached hereto has been recorded in the office of the Clerk and Recorder of Yellowstone County, Montana. No lots shall be released until a certificate substantially in the form of Exhibit B attached hereto has been executed by the Department of Public Works stating that the above conditions have been met, which certificate must accompany any request for a release. By the acceptance and recording of the agreement, the City does hereby authorized the Department of Public Works, Mayor, and City Clerk of the City to review any request for release and to execute such certificates and releases as may be necessary to evidence a release from the restriction against sale, conveyance, and transfer of lots in the subdivision.

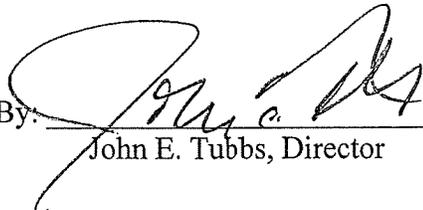
2. Ratification: But for the amendment expressly made in this Modification, Subdivider and City hereby ratify and confirm the provisions of this Agreement.



IN WITNESS WHEREOF, the parties hereto have set their hands and official seals on the date first above written.

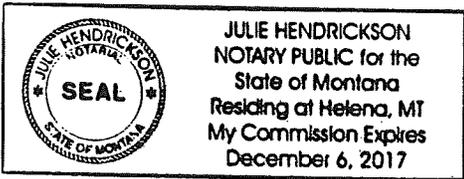
“SUBDIVIDER”

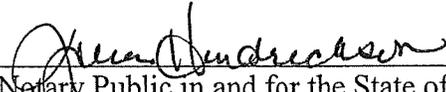
STATE OF MONTANA DEPARTMENT OF
NATURAL RESOURCES AND
CONSERVATION

By: 
John E. Tubbs, Director

STATE OF MONTANA)
 : ss
County of LEWIS & CLARK)

On this 27th day of February, 2015, before me, a Notary Public in and for the State of Montana, personally appeared JOHN E. TUBBS, known to me to be the DIRECTOR of the STATE OF MONTANA DEPARTMENT OF NATRUAL RESOURCES AND CONSERVATION, who executed the foregoing instrument and who acknowledged to me that he executed the same.




Notary Public in and for the State of Montana
Printed name: Julie Hendrickson
Residing at: Helena, MT
My commission expires: 12-6-17

