



Commission Memorandum

REPORT TO: Honorable Mayor and City Commission

FROM: Chris Saunders, Policy and Planning Manager
Wendy Thomas, Director of Community Development

SUBJECT: Final Amended Plat to rename a subdivision to “Baxter Meadows West Phase 3B Subdivision” from “The Knoll at Baxter West Subdivision”, and for the City to accept maintenance responsibility for named streets. Presently legally described as The Knoll at Baxter West Subdivision and located in the Southwest One-Quarter (SW ¼) of Section 34, Township One South (T1S), Range Five (R5E), P.M.M, City of Bozeman, Gallatin County, Montana. Located east of Harper Puckett Road and north of Equestrian Lane. Application P15008.

MEETING DATE: March 16, 2015

AGENDA ITEM TYPE: Action (quasi-judicial)

RECOMMENDATION: Approve the renaming of the subdivision and accept the maintenance responsibility for named streets as set out in the Certificate of Dedication.

RECOMMENDED MOTION: I move to approve the amended plat to rename “The Knoll at Baxter West” to “Baxter Meadows West Phase 3B”, and for the City to accept maintenance responsibility for Thoroughbred Lane, Farrier Lane, Andalusian Avenue, and McCafferty Street.

BACKGROUND: The area within this application was originally submitted for subdivision review in 2013. The City Commission approved findings of fact on May 6, 2013. The applicant completed the necessary improvements and the final plat was filed on January 9, 2014.

After the plat was filed, an error was identified in the certificate of dedication. Only Harper Puckett had been included in the list of streets for which the City would take maintenance responsibility leaving the remaining four streets to be maintained by the property owners. During the review of the preliminary plat all streets had been proposed to be maintained by the City and there is no record of the City disagreeing with this request. Most streets in the City, with the exception of some within planned unit developments which do not meet City standards, are maintained by the City. These streets are all compliant with City standards.

After the plat was filed, another developer filed suit against the subdivider of this property for trademark infringement challenging the name of the subdivision as being too close to the name of their subdivision. The parties agreed to settle the dispute by renaming the subdivision. The proposed change in name is from “The Knoll at Baxter West” to “Baxter Meadows West Phase 3B”.

As either of these issues affect the land obligations or legal description of the property, after consultation with the City Attorney, it was determined that a formal amended plat was required.

There are no changes to any lot boundary, condition of approval, or installed improvement as a result of these two proposed changes. Therefore, it was determined that it was not necessary to repeat the entire three step subdivision review process. However, because lots have been sold and property interests will be affected it was also determined that it was appropriate to provide notice to affected persons and to conduct a public hearing to give such persons an opportunity for comment. Notice was provided by publication in the Bozeman Daily Chronicle legal ads and by certified mail to all property owners and lien holders within the subdivision.

After consideration, staff has concluded that a formal staff report and findings of fact are not required for this action. The publication of the agenda, the materials included with this action item, and the minutes of the meeting will provide the required documentation.

UNRESOLVED ISSUES: None

ALTERNATIVES: 1) Approve the amended plat as requested.
2) As determined by the Commission.

FISCAL EFFECTS: The initial intention was for street maintenance to be performed by the City. The correction of the certificate of dedication will enact that intent. Therefore, this action will not affect any budgeted expenditures in unexpected ways.

Attachments: *Amended plat*
Original [Findings of Fact](#) for the platted subdivision (by hyperlink)

Report compiled on: March 4, 2015

