

RESOLUTION NO. 187

A RESOLUTION CREATING SPECIAL IMPROVEMENT SEWER DISTRICT NO. 11 of THE CITY OF POLSON, MONTANA, DEFINING THE BOUNDARY OF THE SAME, STATING THE GENERAL CHARACTER OF THE IMPROVEMENTS TO BE MADE, THE ISSUANCE OF BONDS IN PAYMENT THEREOF, THE MANNER OF THEIR SALE, AND PROVIDING FOR THE ASSESSMENT OF THE COST OF SUCH CONSTRUCTION AND THE APPROXIMATE COST THEREOF.

WHEREAS, the City Council of the City of Polson, Montana, did on the 25th day of June, 1962, in regular session pass Resolution of Intention No. 185 to create Improvement Sewer District No. 11 within the said City of Polson, Montana, and the district proposed to be created thereby, and

WHEREAS, pursuant to said Resolution, the City Council caused a notice of the passage and adoption of said Resolution to be published in the Flathead Courier, a weekly newspaper, published in the City of Polson, Montana on the 28th day of June, 1962, and for a period of more than ten (10) days preceding the 16th day of July, 1962, and

WHEREAS, the City Clerk of the City of Polson, Montana, on the 28th day of June, 1962, the same being the same day said notice was first published in the Flathead Courier, mailed to each and every person, firm, corporation, or agent of such firm, having property within said proposed district, and directed to the last known address of such person, firm, corporation or agent, a notice of passage and adoption of such Resolution of Intention to Create Special Improvement Sewer District No. 11, and

WHEREAS, said notice was published and mailed, as aforesaid, describing the general character of the improvement to be made in said district, the estimated cost thereof, and designating the time and place where said City Council of the City of Polson, Montana, would hear and pass upon all protests made against the making of said improvement or creating of said district, and which notice referred to said Resolution No. 185 on file in the office of the City Clerk for a description of the boundaries of said Special Improvement Sewer District No. 11, and

WHEREAS, this, a regular session of the City Council of the City of Polson, Montana, after the expiration of the time within which said protests may be made, and being the time and place fixed to hear and pass upon all protests so made, and it appearing that only two protests, involving less than five percent (5%) of the area to be included, have been made and filed against the making of said improvement and creating of said district.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Polson, Montana, that the City Council having heard and passed upon all protests made and delivered to the City Clerk of the City of Polson, Montana, against the making of said improvement and against the creation of the proposed district within the time specified and provided in said Resolution No. 185, and finding that protest have been made and filed against the making of said improvement and creation of said district; and said protests being found insufficient and hereby overruled.

That, there is hereby created the said Special Improvement District, to be known and designated as "Special Improvement Sewer District No. 11 of the City of Polson, Lake County, Montana," in accordance with Resolution Council; That the general character of the improvements to be made in said Special Improvement Sewer District No. 11 are as follows:

That the general nature and character of the proposed improvements to be made in said District is the building and construction of a sanitary sewer system to serve the property owners and inhabitants thereof and to benefit the public health and safety;

That the boundary of said Special Improvement Sewer District, comprising and area in the Southwest Portion of said City of Polson, Montana, is as follows: Beginning at the Northwest Corner of Block Four (4) of Lewis Addition to the City of Polson, and running East to the Northeast Corner of said Block Four (4); thence South to the Northeast Corner of Block Five (5) of said Lewis Addition; thence East to the Northeast Corner of Block Five (5) of Central Addition to the City of Polson; thence South to the South line of Division Street; thence East to the Northeast Corner of Block Four (4) of City Center Addition to the City of Polson; thence South to the Northeast Corner of Block 12, of said City Center Addition; thence East to the Northeast Corner of Block Eleven (11) of said City Center Addition; thence South to the Southeast Corner of said Block Eleven (11); thence West to the Southeast Corner of Block Twelve (12) of

said City Center Addition, thence South to the Southeast Corner of Block Three (3) of Elevation Addition to the City of Polson; thence West to the West line of 1st Street East, adjacent to the tract now owned by the Religious Hospitalers of St. Joseph; thence South to the south city limits; thence West along the south city limits to the West line of 2nd Street West; thence North to the Southeast Corner of Block Nine (9) of Lewis Addition to the City of Polson; thence West to the West line of 6th Street West; thence North to the South line of 7th Avenue; and thence back to the point of beginning;

That the above-described District contains an area of approximately Three Million, Sixty-four Thousand, Four Hundred (3,064,400) square feet in the following described Lots and Blocks:

Block Four (4) through Block Twelve (12) of Lewis Addition;
 Block Three (3) through Block Eleven (11) of Central Addition;
 Block Twelve (12) through Block Twenty-one (21) of Pend de Oreille Addition;
 All of the tract now owned by the Religious Hospitalers of St. Joseph, and formerly known as the A.M. Davidson Tract;
 Blocks Four (4), Five (5), Eleven (11) and Twelve (12) of City Center Addition;
 Blocks Two (2) and Three (3) of Elevation Addition; all of which said lots and blocks are within the City Limits of the City of Polson.

All of said blocks and tract being the real estate and property included within the boundaries of said district aforesaid and the property benefitted by the creation of said district;

That reference to Resolution No. 185 is hereby made for further particulars;

That it is hereby stated that said improvements will be made in Special Sewer District No. 11 in accordance with the plans and specifications thereof, on file in the office of the City Clerk of the City of Polson, Montana;

That the estimated cost, including all engineering fees, is approximately One Hundred Three Thousand Dollars (\$103,000.00); and the approximate cost per square foot is \$.035. And, the cost of such improvements to be assessed against the entire district; each lot or parcel of land within such district to be assessed for that part of the whole cost which its area bears to the cost of the entire area, exclusive of streets, avenues, alleys and public places. The assessments for the costs of the construction of such improvement shall be made annually for a period of twenty (20) years, reserving the right to the City of Polson, Montana, to liquidate such improvements at any time;

That the City of Polson, Montana, issue Special Improvement Sewer District No. 11 bonds in the principal sum of One Hundred Three Thousand Dollars (\$103,000.00) and that said bonds shall bear date as of the _____ day of _____, 1962, shall be in the denomination of \$ _____ each; shall be numbered consecutively from 1 to _____, both inclusive; shall bear interest at the rate of not in excess of six per cent (6%) per annum, payable annually on the 1st day of _____, 1962, and shall be subject to redemption by the City Treasurer at any time after issuance and in the order of their number, as provided by statute;

and best
 That said bonds be sold to the highest/bidder for cash at not less than par, together with accrued interest to date of delivery;

That the bonds of Special Improvement Sewer District No. 11 shall be in accordance with the provisions of Section 11-2231, R.C.M. 1947 and in substantially the following form:

(Continued on page 9)

No. _____

\$ _____

UNITED STATES OF AMERICA
STATE OF MONTANA, COUNTY OF LAKE
CITY OF POLSON

SPECIAL IMPROVEMENT SEWER DISTRICT NUMBER 11 COUPON BOND

Interest at the rate of 6% per annum, payable annually.

The Treasurer of the City of Polson, Montana, will pay to the bearer the sum of

as authorized by Resolution No. _____, passed on the _____ day of July, 1962, creating Special Improvement Sewer District No. 11 for the construction of the improvements authorized by said resolution, and all laws, resolutions and ordinances relating thereto, in payment of the said improvements authorized in said resolution. The principal and interest of this bond are payable at the office of the City Treasurer of Polson; Montana.

This bond bears interest at the rate of _____ per cent per annum from the date of registration of this bond, expressed herein, until the date called for redemption by the City Treasurer. The interest on this bond is payable annually on the 1st day of _____, 1962, and each year thereafter unless paid previously thereto, and as expressed by the interest coupons hereto attached, which bear the engraved facsimile signature of the Mayor and City Clerk.

This bond is payable from the collection of a special tax or assessment which is a lien against the real estate within said improvement district and from the Special Improvement Sewer District Revolving Fund of the City of Polson as created by Ordinance No. 235 passed on the 24th day of August, 1951.

This bond is payable on or before the _____ day of _____, 19____, and is redeemable at the option of the City at any time there are funds to the credit of said Special Improvement Sewer District No. 11 Fund for the redemption thereof, and in the manner provided by statute for the redemption of the same.

IT IS HEREBY CERTIFIED AND RECITED, that all things required to be done, precedent to the issuance of this bond, have been properly done, happened and been performed in the manner prescribed by ~~law~~ laws of the State of Montana and the resolutions and ordinances of the City of Polson, Montana, relating to the issuance thereof.

Dated at Polson, Montana, this 25th day of July, 1962.

CITY OF POLSON, MONTANA

(SEAL)

by s/D.G. Ellenwood, Sr.
Mayor

ATTEST:

s/Madeline Nelson
City Clerk, dep.

The interest coupons attached to said bonds shall be in substantially the following form:

COUPON NO. _____ \$ _____

On the 1st day of _____, 19____, The Treasurer of the City of Polson, Montana, will be at his office in the City of Polson, Montana, pay to the bearer, the sum of \$ _____, being the interest due on said date of payment on its Special Improvement Sewer District No. 11 Bond, numbered _____ on account of and out of the funds of Special Improvement Sewer District No. 11 of said City. In the event of the prior redemption of the annexed bond, all unearned interest coupons subsequent to date of such redemption shall cease to be payable.

CITY OF POLSON, MONTANA.

(SEAL)

By W. L. Ellenwood Sr.
Mayor

ATTEST:

s/ Madeline Nelson
City Clerk