

RESOLUTION NO. 188

A RESOLUTION CREATING A SUB-DISTRICT WITHIN OIL SPRINKLING DISTRICT NUMBER 14, TO BE DESIGNATED AS SUB-DISTRICT NUMBER 14 X, DEFINING THE BOUNDARIES THEREOF, DESIGNATING THE IMPROVEMENTS TO BE MADE, AND THE ESTIMATED COST THEREOF.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF POLSON, MONTANA:

SECTION 1: That a sub-district within Oil Sprinkling District No. 14, to be known and designated as Sub-District No. 14 X, is hereby created.

SECTION 2: That the boundaries of the Said Sub-District No. 14 X are hereby designated as the outside boundary lines of the hereinafter described lots and blocks and shall include all of the area of that portion of Oil Sprinkling District No. 14, including the streets upon which the following described lots abut:

Lot Twelve (12) of Block Three (3) and Lots One (1) and Twelve (12) of Block Four (4) of Polson Heights, and addition to the City of Polson, Montana.

Lot Five (5) of Block One (1) and Lots Four (4) and Five (5) of Block Two (2) of Pollman Addition to the City of Polson, Montana.

SECTION 3. That the nature and character of the improvements to be made within the said Sub-District 14 X shall be macadamizing, oiling and resurfacing of the streets therein, and all of such improvements shall be by the forces of the City of Polson, Montana.

SECTION 4. That the estimated cost of making such improvements is \_\_\_\_\_, and shall be assessed against the lots therein on an area basis and a cost of \$8.00 per lot. All of said improvements shall be made in the year 1962, and all assessments made with the regular taxes for that year.

SECTION 5. That an emergency is hereby declared to exist, making it necessary for the preservation of the safety of the inhabitants of the City of Polson, Montana, that this RESOLUTION become immediately effective upon its passage and approval.

PASSED by the City Council of the City of Polson, Montana, this 4<sup>th</sup> day of September, 1962, and APPROVED BY the Mayor of the said City of Polson, Montana, this 4<sup>th</sup> day of Sept., 1962.

APPROVED:

s/D. G. Ellenwood, Sr.  
Mayor

ATTEST:

s/  
MADELINE NELSON,  
City Clerk

RESOLUTION NO. 189

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POLSON, MONTANA, AUTHORIZING THE MAYOR AND CITY CLERK TO SURRENDER JURISDICTION AND CONTROL AND TO GRANT ANY INTEREST SAID CITY OF POLSON MAY HAVE TO CERTAIN REAL PROPERTY DESIGNATED AS "PUBLIC RESERVE" AND HEREINAFTER MORE PARTICULARLY DESCRIBED; AND DECLARING THAT SAID PROPERTY IS NOT HELD IN TRUST FOR A SPECIFIC PURPOSE NOR IN USE OR NEEDED BY SAID CITY; FIXING THE SALE PRICE, AUTHORIZING THE EXECUTION OF PROPER CONVEYANCES OR OTHER INSTRUMENTS AND FIXING THE TERMS OF SAID CONVEYANCES OR OTHER INSTRUMENTS; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Polson, Montana, now has the possession, control and general jurisdiction of the premises hereinafter described and designated as "public reserve". within the corporate limits of said City; and

WHEREAS, said premises are not now held in trust nor used for any specific purposes by said City, nor have said premises been used for any purposes by said City since the incorporation of said City; and

WHEREAS, said property has not been appraised, and the City Council has determined to use the following method in appraising said property: the City Council

shall select one (1) appraiser, said Paul V. Smitley or his representatives shall select one (1) appraiser, and these two shall then select the third appraiser, which shall constitute an Appraisal Board. This Board shall then fix the value of said property for the purposes herein set forth; and, in so doing, they shall be authorized to take into consideration the value to the City of Polson of the development, adjacent to said property as contemplated by said Paul V. Smitley, and particularly the development of a public swimming beach on the Lake shore immediately West of said "public reserve".

WHEREAS, one Paul V. Smitley has submitted to said City Council a written offer to purchase any interest said City may have in said premises, together with any riparian and littoral rights, including any and all rights said City may have to all lands bordering Flathead Lake, and lying beyond the boundary of said "public reserve"; which said offer is as follows:

"TO the Mayor and City Council  
of the City of Polson, Montana

Gentlemen:

I am negotiating for the purchase of the real property located within the City of Polson formerly belonging to Polson Lumber Company from Treasure State Industries, Inc., and have agreed on the terms of a 25-year lease, with an option to renew for an additional 25-year period, with the Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation covering all the land filled in and adjoining the said leased and purchased land located between the east boundary of Fifth Street East, extended north, and the west boundary line of the alley in Block 2 of the Original Townsite of Polson, extending north.

I propose to build and construct thereon a motel, marina and a tackle and bait shop. To complete this project I need to have the tract of land designated as "Public Reserve" located at the northeast corner of the City and offer to pay a nominal price of \$10.00 therefore, with the provision that the same revert to the City in the event of my failure to commence construction of said project within two years and to complete same within a reasonable time.

Very truly yours,

PAUL V. SMITLEY"

WHEREAS, it would be to the advantage of said City and the residents thereof, if said "public reserve" and the above-described interest of said City, and the control of the same be transferred to said Paul V. Smitley, and that said premises be placed on the tax roll for improvement and thus afford access to said City by water, together with the other benefits to be derived from the offer of said Paul V. Smitley.

NOW, THEREFORE, BE IT RESOLVED, That the said City of Polson, Montana, transfer and grant to said Paul V. Smitley for the sum of \$10.00 Dollars, and the further considerations above set forth, the above-mentioned "public reserve", described as that certain irregular tract of land designated as "PUBLIC RESERVE" on the amended plat of the Townsite of Polson, Montana, and being located in the extreme Northeast corner of the said Townsite of Polson, Montana; which tract is more particularly described as follows:

Beginning at the Northeast corner of the Original Townsite of Polson, Montana; thence running South a distance of 214.3 feet to the North boundary of Kootenai Avenue; thence running Northwesterly along the North boundary line of said Kootenai Avenue a distance of 424.2 feet; thence running North a distance of 70 feet to the North boundary of the Original Townsite of Polson; thence running South 75° E. a distance of 255 feet; thence running South 32°44' E. a distance of 108.2 feet to the point of beginning;

together with all riparian and littoral rights, including any and all rights of said City in and to all lands bordering Flathead Lake, and lying beyond the boundary of said "public reserve"; providing that said improvement is commenced within two (2) years and completed within five (5) years .

Be it further resolved, that the Mayor and Clerk of said City be, and they are hereby, authorized and directed to execute proper conveyances to said purchaser, including the reservations and requirements as set forth in said written proposal hereinabove set forth, with proper provisions for reversion of said property and all rights connected therewith to said City, in the event of failure to comply with any of the provisions set forth in this resolution and contained in said conveyances;

Be it further resolved, that any grant or transfer to said Paul V. Smitley shall contain a provision requiring said Paul V. Smitley to indemnify and save harmless the City of Polson from any and all damages and litigation that may be directed against said City of Polson by reason of such transfer;

Be it further resolved, that an emergency is hereby declared to exist, making it necessary for the preservation of the health, safety and welfare of the inhabitants of the City of Polson, Montana, that this RESOLUTION become immediately effective upon its passage and approval.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Polson, Montana, by a 2/3 majority vote this 1st day of Oct., 1962.

APPROVED:

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

ATTEST:

s/Madeline Nelson  
City Clerk.

RESOLUTION NO. 190

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POLSON, MONTANA, AUTHORIZING THE MAYOR TO MAKE APPLICATION TO THE UNITED STATES PUBLIC HEALTH SERVICE FOR A GRANT OF \$4800.00 TO APPLY ON THE COST OF SPECIAL IMPROVEMENT SEWER DISTRICT #11

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF POLSON, MONTANA:

THAT, WHEREAS, the City Council of the City of Polson, Montana, has taken all necessary steps to create, and has created, Special Improvement Sewer District #11 for the purpose of building and constructing a sanitary sewer system to serve the property owners and inhabitants within said sewer district, at an estimated cost of \$103,000.00;

AND, WHEREAS, the proceeds of the sale of bonds will not be sufficient to defray all of the costs of the improvements and constructions to be made;

AND, WHEREAS, the City Council has been advised that grants may be made for such purposes by the Federal Government through the United States Public Health Service, and it is the desire of the City Council to apply for a grant for \$4800.00 to apply on the cost of such construction and improvement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF POLSON, MONTANA:

That the Mayor of the said City be, and he is hereby, authorized to make application to the United States Public Health Service or other proper agency of the Federal Government for such grant, and that he is hereby authorized to sign and complete such application and to conduct any and all negotiations therefore.

PASSED AND APPROVED by unanimous vote of the City Council of the City of Polson, Montana, at a special meeting thereof, duly called for this purpose this 14 day of September, 1962.

APPROVED:

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

ATTEST:

s/Madeline Nelson  
City Clerk