

RESOLUTION NO. 417

A RESOLUTION EXTENDING THE CORPORATE LIMITS OF THE CITY OF POLSON, MONTANA, SO AS TO INCLUDE THOSE CERTAIN TRACTS OR PARCELS OF LAND HEREINAFTER DESCRIBED, WHICH LAND IS CONTIGUOUS TO THE CITY OF POLSON, MONTANA.

WHEREAS, the City Council of the City of Polson, Montana, on the 21st day of May, 1979, duly and regularly passed and adopted a resolution declaring it to be to the best interests of the City of Polson, Montana, and of the inhabitants of the hereinafter described tracts of land that the boundaries of the said City be extended to include within the corporate limits of the City of Polson, Montana, the said tracts of land; and

WHEREAS, the Petitions having been filed by the owners of all property described below requesting the City of Polson to annex said property which Petitions waive the rights of said owners to receive any and all notices, and further waiving publication of notices, and the City Council, after due consideration, deems it for the best interests of said City and the inhabitants thereof and the inhabitants of the hereinafter described contiguous tracts of land that the boundaries of the City of Polson, Montana, should be extended so as to include the hereinafter described tracts of land within the corporate limits thereof, under the following conditions:

1. All private driveways and approaches shall be maintained by the individual property owners and any and all improvements of said roads and driveways shall be completed at the expense of the property owners.
2. That the property owners pay for the installation of fire hydrants as required by the City of Polson fire personnel.
3. That the property owners immediately apply to the City to obtain commercial zoning of the property as it is presently zoned by the County of Lake, State of Montana.
4. That the property owners grant necessary easements for water lines as they may be required and that property owners accept the water line pressures as they may exist, and further, that said property owners be liable for the installation of any and all boosters or auxiliary pumps to supplement the existing City of Polson water supply.
5. That property owners grant necessary easements for sewer lines and be obligated for the extension, construction, and location of a sewer main from the end of the existing city sewer line up to and through the area annexed herein.
6. That the property owners are obligated to make any and all improvements at their own expense and under the supervision of the City of Polson's superintendents, and only after engineering, as is required by the City of Polson.

NOW, THEREFORE, BE IT RESOLVED that under the following conditions,
to-wit:

1. All private driveways and approaches shall be maintained by the individual property owners and any and all improvements of said roads and driveways shall be completed at the expense of the property owners.
2. That the property owners pay for the installation of fire hydrants as required by the City of Polson fire personnel.
3. That the property owners immediately apply to the city to obtain commercial zoning of the property as it is presently zoned by the County of Lake, State of Montana.
4. That the property owners grant necessary easements for water lines as they may be required and that property owners accept the water line pressures as they may exist, and further, that said property owners be liable for the installation of any and all boosters or auxiliary pumps to supplement the existing City of Polson water supply.

- 5. That property owners grant necessary easements for sewer lines and be obligated for the extension, construction, and location of a sewer main from the end of the existing city sewer line up to and through the area annexed herein.
- 6. That the property owners are obligated to make any and all improvements at their own expense and under the supervision of the City of Polson's superintendents, and only after engineering, as is required by the City of Polson.

the boundaries of the City of Polson, Montana, shall be extended so as to include the properties described on Exhibit "A" attached hereto and by this reference made a part hereof as though set forth fully at this place.

This Resolution shall take effect on the 6th day of July, 1981.

The foregoing Resolution was duly and regularly passed by the City Council of the City of Polson, Montana, and adopted and approved by the Mayor of the City of Polson, Montana, this 6th day of July, 1981.

CITY OF POLSON

H. Dean Greiner
 H. Dean Greiner, Mayor

ATTEST:

Kathy L. Cox
 Kathy L. Cox, City Clerk

EXHIBIT "A"

PASTOS

A portion of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) Section 2, Township 22 North, Range 20 West, M.P.M., Lake County, Montana, more particularly described as follows:

Beginning at a point that bears N. 89°45' E 151 feet from the Northwest corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$;
thence S. 0°53' W. along the West line of those certain lands described on Warranty Deed filed under Microfile No. 167906, records of said County, 115.40 feet;
thence N. 89°45' E. 74.10 feet to the East line of those certain lands as established from Deed recorded in Book S. Deeds, page 47, Transcribed Records of Lake County;
thence N. 0°53' E. along said East line 115.40 feet;
thence S. 89°45' W. 74.10 feet to the point of beginning
Except any portion within the county road. H-1469

and

A portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 22 North, Range 20 West, MPM, Lake County, Montana. Beginning at a point on the westline of those certain lands described in Warranty Deed #167906, records of said County that bears N. 89°45' E. 151 feet and S. 0°53' W. 115.40 feet from the Northwest corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence S. 0°53' W. along said westline 49.96 feet; thence S. 51°53' E. 93.06 feet to the eastline of those certain lands as established from deed in Book 5 of Deeds, Page 47; thence N. 0°53' E. along said eastline 107.72 feet; thence S. 89°45' W. 74.10 feet to the point of beginning;

SUBJECT HOWEVER to all reservations, restrictions and easements apparent or of record, all as further shown by Certificate of Survey H-2007 recorded under Microfile #209335.

HAYES

A portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, T. 22 N., R. 20 W., M.P.M., Lake County, Montana, more particularly described as follows:

Beginning at a point that bears N. 0° 02' W. 1293.4 feet and N. 89° 45' E. 438.4 feet from the Southwest corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence N. 89° 45' E. 100.00 feet; thence S. 0° 02' E. 449.48 feet; thence Northwesterly along a curve 72.74 feet; thence N. 51° 56' W. 57.70 feet; thence N. 0° 02' W. 365.55 feet to the point of beginning. See Deed Exhibit H-1963

Except thirty (30) feet lying contiguous and adjacent to U.S. Highway #93 as presently constructed.

Provided that grantors do hereby grant unto grantees a perpetual easement for ingress and egress over and upon the said reserved thirty feet, and the right to build, repair and maintain access roadways for ingress and egress to the conveyed premises, and the right to use any portion of the said reserved thirty feet, with the exception, however, of that area now occupied by sign structures, and further provided that grantees shall in no manner permit the said existing sign structures to be visibly obstructed in any manner from traffic moving in any direction on U.S. Highway No. 93 at any time.

Grantors do further grant unto grantees the option which they have to purchase the said reserved thirty feet for the sum of \$1,000.00 at such time as Hardenburgh Outdoor Advertising Company no longer requires said property for advertising sign purposes;

and

A fractional part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 22 North, Range 20 West, M.P.M., described as follows:

Beginning at the Southwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, said Township and Range; Thence N. 0° 02' W. 1055.4 feet to the northerly boundary of the Northern Pacific Railway Co., right of way; Thence S. 58° 52' E. 256.3 feet along the northerly Boundary of said N.P. (now Burlington Northern) right of way; Thence N. 0° 53' E., 176 feet to the point of beginning which point is on the northerly right of way boundary of U.S. Highway No. 93; Thence continuing N. 0° 53' E. 193.1 feet; Thence N. 89° 45' E. 215.1 feet; Thence S. 0° 02' E. 366.0 feet to a point on the Northerly boundary of U.S. Highway No. 93; Thence N. 51° 53' W., 277.3 feet along the northerly right-of-way boundary of U.S. Highway No. 93 to the point of beginning.

Survey filed in File H-913.

SUBJECT TO easements, reservations, and rights of way apparent or of record, including a drainfield easement as shown on C.O.S. 2620.

SCHUTT/PLUMMER/INGRAM

Tract One:

A portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 22 North, Range 20 West M.P.M., Lake County, Montana, described as follows:

Beginning at a point that bears N. 0°02' W. 1293.4 feet and N. 89°45' E. 538.4 feet from the Southwest corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence N. 89°45' E. 130.51 feet to the centerline of the abandoned County road which is also the Westerly boundary of those lands shown on Deed Exhibit H-923; thence along said centerline and Westerly boundary S. 11°45' E. 333.10 feet; thence S. 22°56' E. 207.39 feet; thence S. 28°15' E. 190.74 feet to the Northwesterly boundary of those lands shown on Certificate of Survey No. 2500; thence S. 65° 15' W. along said Northwesterly boundary 177.86 feet; thence N. 23°52' W. 8.81 feet; thence N. 66°08' E. 10.00 feet; thence Northwesterly along a curve 368.55 feet; thence N. 0°02' W. 449.48 feet to the point of beginning.

EXCEPT 30 feet lying contiguous and adjacent to U.S. Highway 93

C.O.S. 2620

TOGETHER WITH a drainfield easement as shown on Certificate of Survey No. 2620 on file in the permanent files of Lake County, Montana.

SUBJECT TO easements, reservations and rights of way apparent or of record.

FURTHER GRANTING, without warranty, all of the first party's right, title and interest in and to that certain Option to Purchase a 30 foot strip contiguous and adjacent to U.S. Highway 93 for the sum of \$1,000.00 at such time as the Hardenburgh Outdoor Advertising Company no longer requires said property for advertising sign purposes.

ASKELSON

PARCEL #1:

A fractional part of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 2, Township 22 North, Range 20 West of the M.P.M., Lake County, Montana, more particularly described as follows:

Beginning at the intersection of the line that bears South 66°38' West 266.1 feet as so written in the Deed found in Book 48, page 284 in the records of Lake County, Montana, and the Easterly right-of-way of the Highway No. 93 (said point being marked on the ground with a concrete highway marker); thence along said right-of-way South 22°29' East 217.8 feet to the true point of beginning; thence North 67°31' East 220.00 feet; thence South 22°29' East 175.00 feet; thence South 67°31' West 160.00 feet; thence North 22°29' West 25.00 feet; thence South 67°31' West 60.00 feet to said right-of-way; thence along said right-of-way North 22°29' West 150.00 feet to the true point of beginning.

PARCEL #3:

A portion of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 2, Township 22 North, Range 20 West, M.P.M., Lake County, Montana, particularly described as follows, to-wit:

Beginning at the intersection of the line that bears South 66°38' West 266.1 feet as so written in the Deed found in Book 48, page 284, in the records of Lake County, Montana, and the easterly right-of-way of Highway 93 (said point being marked on the ground with a concrete highway marker); thence along said right-of-way South 22°29' East 367.8 feet to the true point of beginning; thence North 67°31' East 60 feet; thence South 22°29' East 25 feet; thence South 67°31' West 60 feet; thence North 22°29' West 25 feet to the true point of beginning.

Deed Exhibit #H-1110
COS No. 2500

SUBJECT TO easements, reservations and rights of way apparent and of record.

TRACHSEL

A portion of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Two (2), Township 22 North, Range 20 West, M.P.M., Lake County, Montana, more particularly described as follows, to-wit:

Beginning at a point on the east line of said Southeast Quarter Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) that bears North 360.50 feet from the South $\frac{1}{4}$ corner of said Section 2; thence North 83.50 feet; thence N. 72°11'W. 311.3 feet; thence N. 55°21'W. 129.4 feet; thence S. 66°38'W. 197.64 feet; thence S. 22°29'E. 209.44 feet; thence N. 67°31'E. 220.00 feet; thence S. 22°29'E. 175.00 feet; thence N. 67°31'E. 253.20 feet to the point of beginning.

SUBJECT TO easements, reservations and rights of way apparent or of record.

Certificate of Survey No. 2500.

DON YOUNG

TRACT 1:

A portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, Township 22 North, Range 20 West, M.P.M., Lake County, Montana.
Beginning at a point that bears North 60.00 feet, N. 89°57' W. 225.00 feet, N. 13°47' W. 98.30 feet, and N. 80°24' W. 57.30 feet from the south $\frac{1}{4}$ corner of said Section 2; thence N. 50°33' W. 65.75 feet; thence S. 67°31' W. 94.00 feet thence S. 22°29' E. 23.10 feet; thence Southeasterly along a curve 133.3 feet; thence N. 15°00' E. 102.00 feet to the point of beginning.

SUBJECT TO easements, reservations, and rights of way apparent or of record. C.O.S. 2616

and

A tract of land in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 11, Township 22 North, Range 20 West, P.M.M., Lake County, Montana, being more particularly described as follows:

From the North Quarter corner of said Section 11, T.22N., R.20W., P.M.M., thence S.0°03'E. 26.0 feet to the southerly right-of-way boundary of Montana Highway No. 35; thence S.89°57'W. 98.82 feet along said highway right-of-way boundary to the point of beginning; thence continuing S.89°57'W. 77.05 feet along said highway right-of-way boundary to a found monumented corner constituting the Northeast corner of a tract of land designated as Tract "B" on Deed Exhibit (H-1378) Lake County Records; thence S.0°03'E. 110.85 feet along the east boundary of the aforementioned Deed Exhibit to a found monumented corner; thence N.67°25'E. 83.42 feet; thence N.0°03'W. 78.88 feet to the point of beginning, containing (0.168) acre.

STANLEY YOUNG

TRACT 2:

A portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, Township 22 North, Range 20 West, M.P.M., Lake County, Montana. Beginning at a point that bears North 60.00 feet and N. 89° 57' W. 225.00 feet from the South $\frac{1}{4}$ corner of said Section 2; thence N. 13° 47' W. 98.30 feet; thence N. 80° 24' W. 57.30 feet; thence S. 15° 00' W. 102.00 feet; thence Southeasterly along a curve 44.20 feet; thence S. 89° 57' E. 62.80 feet to the point of beginning. C.O.S. 2616

SUBJECT TO easements, reservations, and rights of way apparent or of record.

CHARLES OLSON

PARCEL 1:

A portion of the Southeast quarter of the Southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 2, Township 22 North, Range 20 West, P.M.M., Lake County, Montana, more particularly described as follows, to-wit:

Beginning at a point that bears North 60.00 feet from the South quarter corner of said Section 2; thence North 89°57' West 150.00 feet; thence North 13°47' West 60.00 feet; thence North 89°57' West 75.00 feet; thence North 13°47' West 38.30 feet; thence North 80°24' West 57.30 feet; thence North 50°33' West 71.98 feet' thence North 67°31' East 390.17 feet; thence South 300.17 feet to the Point of Beginning.
COS 2775

PARCEL 2:

A tract of land in the Southeast quarter of the Southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 2, Township 22 North, Range 20 West, P.M.M., Lake County, Montana, and more particularly described as follows, to-wit:

Beginning at the Southeast corner of the aforesaid Southeast quarter of the Southwest quarter; thence North along the quarter line 60.00 feet to a point upon the northerly right of way of State Highway No. 35; thence North 89°57' West along the northerly right of way of aforesaid State Highway No. 35 a distance of 150.00 feet to the true point of beginning of the tract to be described; thence North 89°57' West along the aforesaid northerly right of way a distance of 75.00 feet to a point; thence North 13°47' West a distance of 60.00 feet to a point; thence South 89°57' East a distance of 75.00 feet to a point; thence South 13°47' East 60.00 feet to the Point of Beginning.
H-706.

SUBJECT TO easements, reservations and rights of way apparent or of record and conditions, provisions, restrictions and covenants of record.

WILLIAM INGRAM

A parcel of land located in the Northeast quarter Northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 11, Township 22 North, Range 20 West, M.P.M., Lake County, Montana, described as follows:

Beginning at a point on the Southerly right-of-way of Highway No. 35 that bears South 0°03' East 26.00 feet and South 89°57' West 175.87 feet from the North Quarter corner of said Section 11; thence South 0°03' East 110.85 feet; thence South 67°25' West 110.85 feet to the Easterly right-of-way of Highway No. 93 thence North 22°35' West along said Easterly right of way 139.00 feet; thence Northeasterly on a curve (said curve being concave to the Southeast, having a central angle of 112°32' and a radius of 18.03 feet) along the Southeasterly right-of-way of the approach road between said Highways, 35.41 feet; thence North 89°57' East along said Southerly right-of-way 139.00 feet to the point of beginning. (Deed Exhibit H-1378).
Tract "B"

4B's RESTAURANT

A portion of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) and the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Eleven (11), Township Twenty-two (22) North, Range Twenty (20) West, M.P.M., described as follows:

Beginning at a point on the Southerly right of way of Highway No. 35 that bears South 0°03' East 26.00 feet and North 89°57' East 151.18 feet from the North quarter corner of said Section 11; thence South 1°27' East 784.54 feet; thence South 83°57' West 180.00 feet to the easterly right of way of Highway No. 93; thence North 22°35' West along said easterly right of way 842.50 feet; thence northeasterly on a curve (said curve being concave to the Southeast, having a central angle of 112°32' and a radius of 18.03 feet) along the Southeasterly right of way of the approach road between said highways 35.41 feet; thence North 89°57' East along said southerly right of way 466.05 feet to the point of beginning.
H-1378

SAVE AND EXCEPT:

Those certain parcels more particularly described as appears in COS 2770 filed under Microfile #238802, records of Lake County, Montana, Parcel B Deed Exh H-1378 filed under Microfile #185238 records of Lake County, Montana, and COS H-1754 filed under Microfile #199041, records of Lake County, Montana.

HARDENBURGH-WINNINGHAM

A 30 foot strip of land lying in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 2, Township 22 North, Range 20 West, M.P.M., Lake County, Montana, containing .24 acre and more particularly described in Deed Exhibit H-379.