

RESOLUTION NO. 440

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 petitions having been filed by a majority of the owners of the property described below, requesting the City of Polson to annex said property, which petitions waive the right of said owners to receive any and all notices, and further waiving publication of notices, and the City Council of the City of Polson, Montana, on the 21st day of November, 1983, duly and regularly passed and adopted a Resolution declaring it to be to the best interest 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, pursuant to M.C.A. Section 7-2-4205, an Annexation Report has been prepared and filed with the City Clerk, which report states the general description and background of the hereinafter described tracts of land, the services to be provided, financing extension of services, and zoning; and

WHEREAS, the City Council caused to be published in the Flathead Courier, a paper nearest to the said tracts of land, once a week for two (2) successive weeks, a Notice to the effect that said Resolution had been duly and regularly passed and that for a period of twenty (20) days from the first publication of said Notice the City Clerk would receive expressions of approval or disapproval in writing of the proposed extension of the boundaries of said City from the resident freeholders of the territory proposed to be embraced therein; and

WHEREAS, the City Clerk, according to law, did forthwith notify in writing all property holders within the boundaries of the hereinafter described tracts of land; and

WHEREAS, said Notice of Resolution of Intention was published on the 24th day of November, 1983, and the 1st day of December, 1983, and more than twenty (20) days have elapsed since the first publication of said Notice as is evidenced by the Affidavit of Publication on file in the Records of the City Clerk of the City of Polson, Montana; and

WHEREAS, the City Clerk has laid before the City Council all of the communications received by her relative to the said proposed extension of the boundaries; and

WHEREAS, it appears that three (3) protests have been filed, and one (1) protest made orally, within the said twenty (20) day period, said protests being from less than a majority of the freeholders of the territory proposed to be embraced, and the City Council, after due consideration, deems it for the best interest of said City 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 contiguous tracts of land within the corporate limits thereof on the following conditions:

1. Owners agree to maintain all private improvements and City agrees to maintain existing dedicated public roads. Owners shall be obligated for the construction of all other public improvements for which the City will offer the use of the special improvement district alternative; and
2. Owners agree to remain under Rural Fire District protection until such time the property owners complete necessary improvements to bring the same into the City Fire District; and
3. That an agreement, acceptable to the City, be executed by developers, David G. Drum and Rimrock, Inc., a Montana corporation, guaranteeing construction of a

convention center as set forth in the EDA Grant application, payment of deficiencies in tax revenues suffered by the City, and agreeing to provide their own water supply for said convention facility.

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

1. Owners agree to maintain all private improvements and City agrees to maintain existing dedicated public roads. Owners shall be obligated for the construction of all other public improvements for which the City will offer the use of the special improvement district alternative; and
2. Owners agree to remain under Rural Fire District protection until such time the property owners complete necessary improvements to bring the same into the City Fire District; and
3. That an agreement, acceptable to the City, be executed by developers, David G. Drum and Rimrock, Inc., a Montana corporate, guaranteeing construction of a convention center as set forth in the EDA Grant Application, payment of deficiencies in tax revenues suffered by the City, and agreeing to provide their own water supply for said convention facility,

the boundaries of the City of Polson, Montana, shall be extended so as to include the properties described in 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 19th day of December, 1983.

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 19th day of December, 1983.

CITY OF POLSON

John Dowdall/s
John Dowdall, Mayor

ATTEST:

Kathy L. Cox/s
Kathy L. Cox, City Clerk

NOTE: Due to the length of Exhibit "A" a copy is limited to the original resolution only.