

RESOLUTION 656

A RESOLUTION OF INTENTION TO EXTEND THE BOUNDARIES OF THE CITY OF POLSON, MONTANA, AND TO INCLUDE THOSE CERTAIN TRACTS OR PARCELS OF LAND HEREINAFTER DESCRIBED WHICH ARE CONTIGUOUS TO THE CITY OF POLSON, MONTANA.

WHEREAS, owners of tracts of land contiguous to the City of Polson, Lake County, Montana, have requested that the city of Polson extend its boundaries so as to include those tracts of land more particularly described in Exhibit "A", a copy of which is attached hereto and by this reference made a part hereof as though set forth fully at this place, within the corporate limits of the City of Polson, Lake County, Montana; and

WHEREAS, the City Council of the City of Polson, at a regular meeting held on the 6th day of March, 1995 at City Hall in the City of Polson, Montana, duly considered the question of extending the boundaries of the City of Polson to include the contiguous tracts of land described in Exhibit "A" under the following conditions:

1. That affected property owners agree to pay to extend municipal water and sewer, as approved by the City of Polson and the State Department of Health and Environmental Sciences;
2. That the City of Polson creates a Special Improvement District to fund the extension of municipal water and sewer through the proposed annexation area and to resurface the existing Bayview Drive roadway;
3. That extension of municipal water and sewer and resurfacing of said Bayview Drive roadway will be assessed on a per lot basis and that the per lot cost, not including off-site costs, shall not exceed \$9,000;
4. That affected property owners agree to connect, at their expense, within 2 years, to the City water and sewer mains in accordance with specifications set out by the City of Polson;
5. That affected property owners agree to maintain all private improvements and City agrees to maintain existing dedicated public roads;
6. That affected property shall remain within a LRZD zoning district as defined in the Polson Development Code adopted by the Polson City Council on March 7, 1994.
7. That it is specifically understood that should, after legal advertisement of the Special Improvement District, the per lot cost for extension of municipal water and sewer and resurfacing of Bayview Drive exceeds the estimated cost of \$9,000, then the City of Polson shall rescind this resolution for annexation and creation of the subject Special Improvement District.

WHEREAS, it appearing to the City Council of the City of Polson, Montana, that those tracts of land described in Exhibit "A" are contiguous to the City of Polson, Montana, and that a majority of the owners of said tracts of land have petitioned the city of Polson to extend its boundaries so as to include those tracts of land; and it appearing to the City Council of said City of Polson that it will be to the best interests of said City and the inhabitants thereof, and the inhabitants of the hereinafter described contiguous tracts, that the boundaries of the City of Polson, Montana shall be extended so as to include the contiguous tracts of land described in Exhibit "A" within the corporate limits therefor.

NOW THEREFORE, be it resolved by the City Council of the City of Polson, Lake County, Montana, that it is their intention to extend the boundaries of the City of Polson, Montana, so as to include the contiguous tracts of land described in exhibit "A" within the corporate limits thereof under the following conditions:

1. That affected property owners agree to pay to extend municipal water and sewer, as approved by the City of Polson and the State Department of Health and Environmental Sciences;

2. That the City of Polson creates a Special Improvement District to fund the extension of municipal water and sewer through the proposed annexation area and to resurface the existing Bayview Drive roadway;
3. That extension of municipal water and sewer and resurfacing of said Bayview Drive roadway will be assessed on a per lot basis and that the per lot cost, not including off-site costs, shall not exceed \$9,000;
4. That affected property owners agree to connect, at their expense, within 2 years, to the City water and sewer mains in accordance with specifications set out by the City of Polson;
5. That affected property owners agree to maintain all private improvements and City agrees to maintain existing dedicated public roads;
6. That affected property shall remain within a LRZD zoning district as defined in the Polson Development Code adopted by the Polson City Council on March 7, 1994.
7. That it is specifically understood that should, after legal advertisement of the Special Improvement District, the per lot cost for extension of municipal water and sewer and resurfacing of Bayview Drive exceeds the estimated cost of \$9,000, then the City of Polson shall rescind this resolution for annexation and creation of the subject Special Improvement District.

BE IT FURTHER RESOLVED that in the judgment of the City Council of the City of Polson, Montana, it will be to the best interests of the city and the inhabitants thereof, and in the best interests of the inhabitants of the hereinafter described contiguous tracts, that the boundaries of the City of Polson be extended so as to include the same within the corporate limits of the City of Polson, Montana.

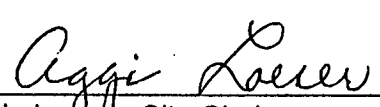
BE IT FURTHER RESOLVED that the City Clerk of the City of Polson, Montana, forthwith notify in writing all property holders within the boundaries of the hereinafter described tracts of land, and cause to be published in the Lake County Leader, a newspaper published in the City of Polson once a week for two successive weeks, a notice of the passage of this resolution which notice shall further state that for a period of twenty (20) days after the publication thereof, the City Clerk will receive expressions of approval or disapproval in writing of the proposed extension of the boundaries of the city of Polson, Montana, as in this resolution provided, from freeholders of the territory herein proposed to be embraced in the corporate limits of the City of Polson, Montana.

The foregoing Resolution was duly and regularly passed by the City Council of Polson, Montana, and adopted and approved by the Mayor of the City of Polson this 6th day of March, 1995.

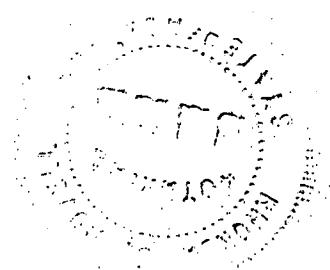
CITY OF POLSON

  
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John Glueckert, Mayor

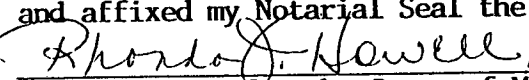
ATTEST:

  
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Aggi Loeser, City Clerk

State of Montana )  
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County of Lake        )



On this 6th day of March 1995, before me, the undersigned a Notary Public for the State of Montana, personally appeared John W. Glueckert and Aggi G. Loeser, personally known to me to be the Mayor and the City Clerk of the City of Polson, Montana, the Municipal Corporation that executed the within instrument, and acknowledged to me that such corporation executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

 /Rhonda J. Howell/My commission expires 12-20-98.  
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Notary Public for the State of Montana, Residing at Polson, Montana

## EXHIBIT "A"

The following lots in Block 1 of Slack Villa and Orchard Tracts:

Lots 1, 2, north and south half of Lots 3, 4, 5; Tract A of the Amended Plat of Lot 6 and Lot 7; Tract B of the Amended Plat of Lot 6 and Lot 7; Lots 8 thru 10; Tract A of the Amended Plat of Lot 11; Tract B of the Amended Plat of Lot 11; Lot 12 lying west of a line drawn due south from a point 184.5 feet west of the Northeast corner of said Lot 12; Tract A of the Amended Plat of Lot 13 and a portion of Lot 12; Tract B of the Amended Plat of Lot 13 and a portion of Lot 12; Lots 14 thru 23; A fractional part of Lot 24 containing 0.28; Tract A-1 of the Amended Plat of a Portion of Lot 24; A fractional part of Lot 24 containing 0.27acre; A fractional part of Lot 24 containing 0.66 acres; A fractional part of Lot 24 according to Deed Exhibit H-1326; fractional part of Lot 24 containing 1.16 acres; Tract A-2 of the Amended Plat of a Portion of Lot 24; A portion of Lot 24 designated as Tract B on COS 2756; and,

The following lots in Blocks 4 and 5 of the Slack Villa and Orchard Tracts Addition #1:

All lots in the Amended Plat of a portion of Lot 1, Lots 2 through 5 and the East ½ of Lot 6, Block 5 and a portion of Lot 1, Lots 2 through 15 of Block 4; Lots 16 thru 28 of Block 4; The North half of Lot 29, Block 4; South half of Lot 29, Block 4; Tract A of the Amended plat of the West ½ of Lot 6 and Lot 7, Block 5; Lots 8 thru 12 of Block 5; the East half of Lot 13, Block 5; the West half of Lot 13, Block 5 ; Lots 14 thru 24, of Block 5; and,

A portion of Government Lot 1 and Lot-2, Section 35, Township 23 North, Range 20 West, P.M.M., more particularly described as follows: Beginning at the northeast corner of Lot 5 of the Amended Plat of a portion of Lot-1, Lots 2 through 5, and the E½ of Lot 6, Block 5, and a portion of Lot-1, Lot-2 through 15, Block 4 of the Slack Villa and Orchard Tracts, Addition No. 1, a recorded subdivision of Lake County, Montana; thence by courses and distances along the easterly boundary of said subdivision, the following (4) courses and distances: S.27°30'26" W., 252.54 feet, along a curve to the right with a radius of 50.0 feet, a central angle of 238°04'52" for a distance of 208.84 feet, N.81°52'24"W., 3.82 feet, and S.8°38'24"W., 170.31 feet; thence leaving said subdivision S.0°58'27"E., 189.90 feet; thence N.72°32'56"E., 624.27 feet to the shore line of Flathead Lake, thence northwesterly along the shore line of Flathead Lake to the point of beginning, consisting of 8 lots. (proposed as Slack Point I subdivision); Lot 37, 38 and 39 of Fairways Properties II, Phase -2- subdivision as proposed; Tract A on Certificate of Survey No. 4153, lake County, Montana, records containing (0.61) acre, together with that tract of land as described in Warranty Deed Microfile No. 166906, Lake County, Montana, records and located in a portion of Lot 3, Section 2, Township 22 North, Range 20 West, P.M.M.; Tract A of Deed Exhibit H-1976 containing a total of 1.45 acres; Tract B of Deed Exhibit H-1976 containing a total of 1.45 acres; and,

Lots 1 thru 5 of the Amended Plat of a portion of Lot 1 and Lots 2 through 5 and the East ½ of Lot 6, Block 5 and a portion of Lot 1 and Lots 2 through 15, Block 4 of the Slack Villa and Orchard Tracts #1.