

RESOLUTION 658

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 6th day of March, 1995, 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. §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 Lake County Leader, 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 16th day of March, 1995 and the 23rd day of March, 1995 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 0 protests have been filed, and 0 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. 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;

RETURN TO:

CITY OF POLSON
P. O. BOX 238
POLSON, MONTANA 59860

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 the extension of municipal water and sewer services and resurfacing of said Bayview Drive roadway will be assessed on a per lot basis excluding, however, from the total number, those lots which are currently vacant and open which the owner has filed a covenant indicating there will be no development upon said lot requiring sewer and water service, or, at such date that said services are required upon said lot the owner will then pay a cash amount equal to the current prorata assessment for the sewer, water and paving project. The cost on the above basis, 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.

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

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 the extension of municipal water and sewer services and resurfacing of said Bayview Drive roadway will be assessed on a per lot basis excluding, however, from the total number, those lots which are currently vacant and open which the owner has filed a covenant indicating there will be no development upon said lot requiring sewer and water service, or, at such date that said services are required upon said lot the owner will then pay a cash amount equal to the current prorata assessment for the sewer, water and paving project. The cost on the above basis, 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.

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 17th day of April, 1995.

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 17th day of April, 1995.

CITY OF POLSON

John W. Glueckert
 John W. Glueckert, Mayor

STATE OF MONTANA, COUNTY OF LAKE

ATTEST:

Recorded At 12:37 O'Clock P.M. APR 18 '95
 Microfilm 365262 TRINE HODGE Recorder
 Fees \$ 36.00 By Vicki Thelie Deputy

Aggi Loeser
 Aggi Loeser, City Clerk

State of Montana)
) ss.
 County of Lake)

On this 17th day of April, 1995, before me, the undersigned, a Notary Public for the State of Montana, personally appeared John W. Glueckert and Aggi Loeser, personally known to me to be the Mayor and 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
 Notary Public for the State of Montana
 Residing at RONAN Montana
 My Commission expires: 12-20-96

Annexation Report
Bayview Drive
April 12, 1995

This report is intended to satisfy requirements as contained within M.C.A. §7-2-405. The purpose is to insure that areas being considered for annexation will be afforded equal services as are available within the existing corporate limits. The area the report covers is described on Exhibit A attached hereto and thus made a part of this report.

The major elements which this report covers include fire protection, police protection, garbage collection, streets and street maintenance, water and sewer service, and zoning. Each will be discussed separately.

Fire Protection

Fire protection will be transferred from Polson Rural Fire department to the Polson City Fire Department. Since these departments worked cooperatively the transition will have no impact. In addition, the Polson Rural Fire Department carries no debt thus a reduction in service area will have insignificant impact.

Police Protection

Police protection will transfer from the Lake County Sheriff's Department to the City of Polson. Since Bayview Drive is a long dead end road and the City Police provide routine patrol of upper Bayview Drive, the annexation will provide for a continuation of the City patrol area. The additional City patrol area will be approximately 1 mile in length.

Garbage Collection

This area is currently being served by two Public Service Commission permittees. The annexation will have no effect on existing services being available.

Street and Street Maintenance

As was previously stated, a portion of Bayview Drive is within the corporate limits of Polson (upper Bayview), the annexed area (lower Bayview) will be a logical extension of the City Street Department. In addition the annexed area (lower Bayview) will have a new resurfaced street in the near future. This new street will require little maintenance in the near future, with the exception of routine snowplowing.

The City does not contemplate any further extension of Bayview Drive. Additional roadway construction will be the responsibility of private owners or developers.

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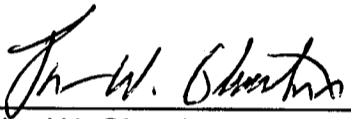
Water and Sewer Service

All existing residential structures in the annexed area will be served by City of Polson municipal services. Existing services terminate on upper Bayview Drive. A preliminary water and sewer study has been conducted and the cost analysis has shown that a pressure sewer is the most practical to service this area. Final engineering will be conducted soon and it appears that sewer extension, water extension and lower Bayview Drive resurfacing will be completed in the annexed area in the fall of 1995. Financing for the extensions and road resurfacing are to be through formation of a City Special Improvement District (S.I.D.). Terms of the S.I.D. with respect to bond rate and duration of the bond issue are not available as of this date.

Zoning

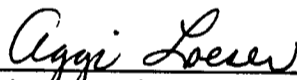
Zoning in the annexed area will remain LRZD, identical to the zoning in existence prior to annexation.

CITY OF POLSON



John W. Glueckert, Mayor

ATTEST:



Aggi Loeser, City Clerk

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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.

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