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City Clerk
City of Polson
106 First Street East
Polson, MT 59860

CITY OF POLSON

RESOLUTION NUMBER 2024-007

A RESOLUTION EXTENDING THE CORPORATE LIMITS OF THE CITY OF POLSON, MONTANA, TO ANNEX AND INCORPORATE WITHIN THE BOUNDARIES OF THE CITY OF POLSON, MONTANA, CERTAIN TRACTS AND PARCELS OF LAND DESCRIBED HEREAFTER.

LEGAL DESCRIPTION: Those certain tracts of real property and parcels of land (hereafter "Property") known as:

SKYLINE HOMESITES, S09, T22 N, R20 W, Lot 10BB, 17055 SQUARE FEET, COS 7601 (Commonly known as 1957 Thomas Lane, Polson).

WHEREAS, Bruce and Gaynor Richter, owners of the above-described parcel, have filed a petition with the City of Polson requesting Annexation of such Property into the corporate boundaries of the City of Polson (see Exhibit Packet A); FURTHER, the City of Polson City Commission has considered these petitions for annexation pursuant to the statutory annexation by petition method set forth in Title 7, Chapter 2, Part 46, Section 4601 (3)(a)(ii), of the Montana Code Annotated (MCA);

WHEREAS, the described Property is proposed for immediate development of single residential unit that require municipal services;

WHEREAS, the petitioners understand that they will be responsible for costs associated with such interior and exterior infrastructure that may be necessary to support such current and future developments; FURTHER, the petitioners understand all immediate developments are subject to the rules, regulations, and requirements of the City, including the provision of Standards for Design & Construction and Relevant Building Codes;

WHEREAS, all future developments on the Property are also subject to the rules, regulations, and requirements of the City of Polson, including the Provision of Services Plan of the City of Polson;

WHEREAS, it was determined that the City of Polson can provide utility services, as well as services for fire and police to the Property; FURTHER that said services will commence upon the effective date of the annexation;

WHEREAS, the Property described herein will maintain its current zoning Low Density Residential (LRZD) upon annexation; FURTHER, this property is situated adjacent to City Commission Voting Ward No. 3, and it is the intention of the Commission to add these parcels to said Ward;

WHEREAS, the petitioners have executed Waivers of Protest to Special Improvement District (SID), for themselves, their heirs, and assigns, for a term not to exceed 20 years, if the same becomes necessary; and

WHEREAS, the petition for annexation was duly heard by the City Commission upon notice on the 6th day of May, 2024; FURTHER, the Commission, having fully heard the testimony and reviewed the materials submitted by the City Planning staff in support of such Petition, finds that the annexation of this property is deemed to be in the best

interest of the City of Polson, the inhabitants thereof and for the future use of the land described herein; FURTHER, such Property is within the development boundary of the City of Polson and such Property is within the scope of the City of Polson Growth Policy.

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POLSON that the corporate limits of the City of Polson be and are extended to incorporate and annex the tract of real property herein described;

BE IT FURTHER RESOLVED that the Property maintains its zoning LRZD;

BE IT FURTHER RESOLVED that the Property is assigned to City Commission Voting Ward No. 3;

BE IT FURTHER RESOLVED that the minutes of the City Commission of the City of Polson, Montana, incorporate this resolution;

BE IT FURTHER RESOLVED that if the city annexation of any lot(s), parcel(s), block(s) or tract(s) of land annexed into the City of Polson pursuant to this city annexation resolution or any provision of this resolution is ever held to be invalid or unconstitutional, the City Commission hereby declares that any such decision shall not affect the validity of the annexation of the remaining lot(s), parcel(s), block(s) or tract(s) of land annexed into the City or the remaining provisions of this resolution. The City Commission hereby declares that it would have passed this resolution and annexed each lot(s), parcel(s), block(s) or tracts(s) of land into the City as well as each provision of this resolution irrespective of the fact that the annexation of any one or more lot(s), parcel(s), block(s) or tract(s) of land annexed into the City or provision of this resolution may have been declared invalid or unconstitutional, and if for any reason the annexation of any lot(s), parcel(s), block(s), tract(s) of land or any provision of this resolution should be declared invalid or unconstitutional, then the annexation of the remaining lot(s), parcel(s), block(s) or tracts(s) of land and resolution provisions are intended to be and shall be in full force and effect as enacted by the City Commission; and

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to file this resolution with the Clerk and Recorder of Lake County. That this annexation shall become effective from and after the date of the filing of said document with the Lake County Clerk and Recorder.

APPROVED AND ADOPTED this 6th day of May 2024.

EFFECTIVE DATE on the 6th of June 2024.

THE CITY OF POLSON

BY:

Eric Huffine, Mayor

Attest:

Cora E. Pritt, City Clerk

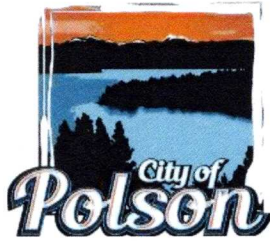
STATE OF MONTANA)
 :SS
County of Lake)

On this ___ day of _____, 2024, before me the undersigned Notary Public for the State of Montana, personally appeared **Eric Huffine**, known to me to be the Mayor of the City of Polson and known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he 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.

Notary Public for the State of Montana

Printed Name of Notary
Residing at Polson, Montana
My commission expires: ___/___/___



WAIVER OF PROTEST TO SPECIAL IMPROVEMENT DISTRICT

FOR VALUABLE CONSIDERATION, the undersigned, being the OWNER, for and on behalf of all assignees, successors, and heirs to the hereinafter described real property does hereby waive the right to protest a Special Improvement District for curb, gutter, road, sidewalk, and stormwater improvements on, along or by the frontage of the described property, for a period of twenty years from this date.

This waiver of protest is independent from all other agreements and is supported by sufficient consideration to which the undersigned are parties, and shall run with the land, for the time stated, and shall be binding upon the undersigned, and all successors, assigns, and heirs, and **shall be recorded in the Office of the County Clerk and Recorder of Lake County, Montana.**

The real property is described as follows: (attached legal description)

SEE EXHIBIT A

Otherwise commonly known as:

1957 Thomas Lane (Street Address)

Polson, MT 59860 (City, County, State, Zip).

Signed this 27 day of March, 20 24.

[Signature]
Owner

[Signature]
Owner

STATE OF Montana)
) :SS
County of Lake)

On this 28 day of March, 2024, before me the undersigned Notary Public for the State of Montana, personally appeared Bruce + Gaynor Richter, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he 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.

Alisa M Reed
Notary Public for the State of Montana
Alisa M. Reed
Printed Name of Notary
Residing at Polson, Montana
My commission expires: 02/14/28

