

RESOLUTION NO. 310

A RESOLUTION CREATING SPECIAL IMPROVEMENT SEWER DISTRICT NO. 14 OF THE CITY OF POLSON, MONTANA, DEFINING THE BOUNDARIES OF THE SAME, STATING THE GENERAL CHARACTER OF THE IMPROVEMENT TO BE MADE, PROVIDING FOR THE ISSUANCE OF BONDS IN PAYMENT THEREOF, THE MANNER OF THEIR SALE, AND PROVIDING FOR THE ASSESSMENT OF THE COST OF SUCH CONSTRUCTION AND THE APPROXIMATE COST THEREOF.

WHEREAS, the City Council of the City of Polson, Montana, did on the 26th day of January, 1971, in a regular session pass a Resolution of Intention No. 308 to create Special Improvement Sewer District No. 14 within the said City of Polson, Montana, and the District proposed to be created thereby, and

WHEREAS, pursuant to said Resolution, the City Council caused a Notice of the passage and adoption of said Resolution to be published in the Flathead Courier, a weekly newspaper, published in the City of Polson, Montana, on the 28th day of January, 1971, being a period of more than fifteen (15) days preceding the 15th day of February, 1971, and

WHEREAS, the City Clerk of the City of Polson, Montana, on the 28th day of January, 1971, the same being the same day said notice was first published in the Flathead Courier, mailed to each and every person, firm, corporation, or agent of such firm, having property within said proposed District, and directed to the last known address of such person, firm, corporation or agent, a notice of the passage and adoption of said Resolution of Intention to create Special Improvement Sewer District No. 14, and

WHEREAS, said notice was published and mailed, as aforesaid, describing the general character of the improvement to be made in said District, the estimated cost thereof, and designating the time and place where said City Council of the City of Polson, Montana, would hear and pass upon all protests made against the making of said improvement or creating of said District, and which notice referred to said Resolution No. 308 on file in the office of the City Clerk for a description of the boundaries of said Special Improvement Sewer District No. 14, and

WHEREAS, this, a regular session of the City Council of the City of Polson, Montana, after the expiration of the time within which said protests may be made, and being the time and place fixed to hear and pass upon all protests so made, and it appearing that only one (1) protest, involving less than ten percent (10%) of the area to be included, has been made and filed against the making of said improvement and creation of said District.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Polson, Montana, that the City Council having heard and passed upon the protest made and delivered to the City Clerk of the City of Polson, Montana, against the making of said improvement and against the creation of the proposed District within

the time specified and provided in said Resolution of Intention No. 308, and finding that a protest has been made and filed against the making of said improvement and creation of said District, and said protest being found insufficient is hereby overruled;

That, there is hereby created a Special Improvement District, to be known and designated as "Special Improvement Sewer District No. 14 of the City of Polson, Lake County, Montana", in accordance with Resolution of Intention No. 308 of the City of Polson, Montana;

That the general character of the improvements to be made in said Special Improvement Sewer District No. 14 is as follows:

The general nature and character of the proposed improvements to be made in said District is the building and construction of a sanitary sewer system to serve the property owners and inhabitants thereof and to benefit the public health and safety;

That the boundary of said Special Improvement Sewer District No. 14, is composed of the newly annexed area at the Eastern limits of the City of Polson, Montana, described as follows:

A tract of land composed of portions of Lot Two (2) and Lot One (1) in the South half of Section Three (3) and portions of the South Half of the Northwest Quarter ($S\frac{1}{2}NW\frac{1}{4}$) and portions of the North Half of the Southwest Quarter ($N\frac{1}{2}SW\frac{1}{4}$) of Section Two (2), Township Twenty two (22) North, Range Twenty (20) West, M.P.M., Lake County, Montana, and more particularly described in three (3) parcels as follows:

Parcel 1 - Portion of Lot Two (2) and Lot One (1)

Beginning at a point on the South shore of Flathead Lake, said point being the Northwest corner of this tract, and situated N. $17^{\circ} 40' W.$, 550.5 feet, from the Southwest corner of Lot Two (2), Section Three (3); thence from said point of beginning N. $71^{\circ} 46' E.$, 536.2 feet to a point, thence N. $76^{\circ} 00' E.$, 557.2 feet to a point; thence N. $28^{\circ} 15' E.$, 110 feet to a point; thence N. $0^{\circ} 02' W.$, 68 feet to a point; thence N. $28^{\circ} 15' E.$, 367.9 feet to a point; thence S. $59^{\circ} 30' E.$, 248.0 feet to a point on the section line contiguous to Sections Two (2) and Three (3); thence on said section line S. $0^{\circ} 02' E.$, 801.5 feet to a point; thence S. $64^{\circ} 22' W.$, 430.2 feet to a point; thence S. $0^{\circ} 02' E.$, 49.9 feet to a point; thence S. $80^{\circ} 43' W.$, 497.9 feet to a point; thence N. $89^{\circ} 50' W.$, 615 feet, more or less, to a point; thence N. $0^{\circ} 02' W.$, 444 feet, more or less, to the Point of Beginning.

Parcel 2 - Portion of City Golf Course

A tract of land being 36.0 feet wide, 18.0 feet on each side of the following described centerline:

Beginning at a point on the section line contiguous to Sections Two (2) and Three (3), said point being N. $0^{\circ} 02' W.$, 2,142 feet, more or less, from the Southwest corner of Section Three (3); thence from said point of beginning N. $87^{\circ} 29' E.$, 168 feet to a point; thence N. $34^{\circ} 58' E.$, 486.3 feet to a point; thence N. $12^{\circ} 03' E.$, 168.2 feet to a point; thence N. $83^{\circ} 01' E.$, 845 feet, more or less, to a point on the East property line of the City Golf Course and the end of this centerline description.

Parcel 3 - Portion of the Seifert Tract and Suzanne Addition

The following listed lots of the Seifert Tract and the Suzanne Addition, as filed and recorded with the Lake County Clerk and Recorder, Polson, Montana:

Lots 10, 11, 16, 17 and 18 of the Seifert Tract.
Lots 1, 2, 3, 4, 5, 6 and 7 of the Suzanne Addition.

That the above-described District contains an area of approximately 1,272,471 square feet and is comprised of platted and unplatted areas North of U. S. Highway No. 93, and South of Flathead Lake, and being the Easterly most portion of the said City of Polson, Montana;

All of said real estate included within the boundaries of said District aforesaid is the property benefited by the creation of said District;

Reference to Resolution No. 308 is hereby made for further particulars;

That it is hereby stated that said improvements will be made in said Special Improvement Sewer District No. 14 in accordance with the plans and specifications are hereby incorporated in this Resolution by reference as though the same were set forth fully at this place;

That the estimated cost, including all engineering fees, is approximately Fifty-two Thousand and 00/100ths Dollars (\$52,000.00), which sum is approximately \$.0408 per square foot. Said estimated cost does not take into consideration the possibility of a thirty percent (30%) Federal grant, nor does it include the possible cost of right-of-way acquisition. The cost of such improvement is to be assessed against the entire district; each lot or parcel of land within said District to be assessed for that part of the whole cost which its area bears to the cost of the entire area, exclusive of streets, avenues and alleys. The assessment for the cost of the construction of such improvement shall be made annually for a period of twenty (20) years, reserving the right to the City of Polson, Montana, to liquidate such improvement at any time;

That the City of Polson, Montana, issue Special Improvement Sewer District No. 14 bonds in the principal sum of Fifty-two Thousand and 00/100ths Dollars (\$52,000.00) and that said bonds shall bear date as of the _____ day of _____, 1971; shall be in the denomination of \$ _____, each; shall be numbered consecutively from 1 to _____, both inclusive; shall bear interest at the rate of not in excess of six percent (6%) per annum, payable semi-annually on the 1st day of _____, 19____, and shall be subject to redemption by the City Treasurer at any time after issuance and in the order of their number, as provided by statute;

That said bonds to be sold to the highest and best bidder for cash at not less than par, together with accrued interest to date of delivery;

That the bonds of Special Improvement Sewer District No. 14 shall be in accordance with the provisions of Revised Codes of Montana, 1947, Section 11-2231, and in substantially the following form:

NO. _____

\$ _____

UNITED STATES OF AMERICA
STATE OF MONTANA, COUNTY OF LAKE
CITY OF POLSON

SPECIAL IMPROVEMENT SEWER DISTRICT NUMBER 14 COUPON BOND

The Treasurer of the City of Polson, Montana, will pay to the bearer the sum of \$ _____ as authorized by Resolution No. 310, passed on the 15th day of February, 1971, creating Special Improvement Sewer District No. 14 for the construction of the improvements authorized by said Resolution, and all laws, resolutions and ordinances relating thereto, in payment of the said improvements authorized in said Resolution. The principal and interest of this bond are payable at the office of the City Treasurer of the City of Polson, Montana.

This bond bears interest at the rate of _____ percent per annum from the date of registration of this bond, expressed herein, until the date called for redemption by the City Treasurer. The interest on this bond is payable semi-annually on the 1st day of _____, 19____, and each year thereafter unless paid previously thereto, and as expressed by the interest coupons hereto attached, which bear the engraved facsimile signature of the Mayor and City Clerk.

This bond is payable from the collection of a special tax or assessment which is a lien against the real estate within said improvement District and from the Special Improvement Sewer District Revolving Fund of the City of Polson as created by Ordinance No. _____ passed on the _____ day of _____, 19____.

This bond is payable on or before the _____ day of _____, 19____, and is redeemable at the option of the City at any time there are funds to the credit of said Special Improvement Sewer District No. 14 Fund for the redemption thereof, and in the manner provided by statute for the redemption of the same.

IT IS HEREBY CERTIFIED AND RECITED, that all things required to be done, precedent to the issuance of this bond, have been properly done, happened and been performed in the manner prescribed by the laws of the State of Montana and the Resolutions and Ordinances of the City of Polson, Montana, relating to the issuance thereof.

DATED at Polson, Montana, this _____ day of _____, 1971.

CITY OF POLSON

(SEAL)

By /s/ Don Corrigan
Mayor

ATTEST:

 /s/ Eugene Sanford
City Clerk

The interest coupons attached to said bonds shall be in substantially the

following form:

COUPON NO. _____ \$ _____

On the 1st day of _____, 1971, the Treasurer of the City of Polson, Montana, will be at his office in the City of Polson, Montana, pay to the bearer, the sum of \$ _____, being the interest due on said date of payment on its Special Improvement Sewer District No. 14 Bond, numbered _____ on account of and out of the funds of Special Improvement Sewer District No. 14 of said City. In the event of the prior redemption of the annexed bond, all unearned interest coupons subsequent to the date of such redemption shall cease to be payable.

CITY OF POLSON

(SEAL)

By /s/ Don Corrigan
Mayor

ATTEST:

/s/ Eugene Sanford
City Clerk

PASSED AND APPROVED this 15th day of February, 1971.

CITY OF POLSON

By *Don Corrigan*
Mayor

ATTEST:

Eugene Sanford
City Clerk