

RESOLUTION # 805

A RESOLUTION OF INTENT TO ANNEX CERTAIN PORTIONS OF THE LAKE HILLS ESTATES, WITH CITY SERVICES, AND OF THE INTENTION TO ADOPT A SPECIAL IMPROVEMENT DISTRICT IN THE AREAS ANNEXED.

WHEREAS, the City of Polson desires and intends to annex with services, pursuant to the provisions of Section 7-2-4701, et seq., M.C.A., and other provisions, certain portions of the Lake Hills Estates, a subdivision platted in Lake County, Montana, together with other real property in the vicinity, as further described below; and,

WHEREAS, the portions to be annexed, in whole contiguous to the present boundaries of the incorporated City of Polson, together with the owners of record thereof, are as follows:

George & Diane Glaser 262 Vista Del Mar Avenue Pismo Beach, CA 93949	Tract "A" COS 3183, a 1.95 acre tract in the NW 1/4 SE 1/4 of Section 10, T22N, R20W, P.M.M., Lake County, Montana.
JoAnn Jorgenson 24 W. Conrad Drive Phoenix, AZ 8586	Tract "B" COS 3183, a 2.16 acre tract in the NW 1/4 SE 1/4 of Section 10, T22N, R20W, P.M.M., Lake County, Montana.
Karlene White 395 Claffey Drive Polson, MT 59860	Tract "B" COS 4191, a 6.45 acre tract in the NW 1/4 SE 1/4 of Section 10, T22N, R20W, P.M.M., Lake County, Montana.
Bill Starkey & Colleen Carew	Tract 1 on COS 3097, a 8.85 acre tract in the NE 1/4 SE 1/4 of Section 10, T22N, R20W, P.M.M., Lake County, Montana.
Garth and Linda Cox 515 Claffey Drive Polson, MT 59860	Rem. on COS 3097, a 10.34 acre tract in the W1/2 NE 1/4 SE 1/4 of Section 10, T22N, R20W, P.M.M., Lake County, Montana.
Gayle Siemers P.O. Box 656 Polson, MT 59860	Lot 1 of Lake Hills Estates, a 3.04 acre tract in the NE 1/4 SE 1/4 of Section 10, T22N, R20W, P.M.M., Lake County, Montana.
Larry and Rosemarie Smith	Lot 2 of Lake Hills Estates, a 3.68 acre tract in the NE 1/4 SE 1/4 of Section 10, T22N, R20W, P.M.M., Lake County, Montana.
Robert and Margit Smith 1207 11 th Avenue E Polson, MT 59860	Lot 3 of Lake Hills Estates, a 4.28 acre tract in the NE 1/4 SE 1/4 of Section 10, T22N, R20W, P.M.M., Lake County, Montana.
Marvin Douma 9007 Wheatland Drive Moiese, MT 59824	Lot 4 of Lake Hills Estates, a 4.40 acre tract in the NE 1/4 SE 1/4 of Section 10, T22N, R20W, P.M.M., Lake County, Montana.
William Kortsch 2400 N. Farwell Avenue Milwaukee, WI 53211	Lot 5 of Lake Hills Estates, a 3.94 acre tract in the NE1/4SE1/4 of Section 10, T22N, R20W, P.M.M., Lake County, Montana.
Larry Starr	Lot 13, Skyline Addition 1, a subdivision platted In the NE1/4 SE1/4 Section 10, T22N, R20W, P.M.M., Lake County, Montana.

These being the boundaries of the real property to be annexed and of the accompanying Special

Improvement District; and,

WHEREAS, the City of Polson has received several petitions for annexation from the following owners of the real property referenced in the foregoing recital:

Marvin J. Duoma; Robert C. Smith & Margit Smith; Larry L. Smith; Jo Ann Jorgenson; George Glaser & Diane Glaser; William M. Starkey & Colleen M. Carew, Larry Starr;

and,

WHEREAS, the foregoing owners represent approximately sixty-seven percent (67%) of the real property owners of the parcels to be annexed hereunder; and,

WHEREAS, the Planned Community Development Act requires that this Resolution set forth a plan for funding capital improvements necessary to deliver City of Polson municipal services to the areas to be annexed; and,

WHEREAS, the City shall provide fire and police protection as required upon annexation of the within real property, and the owners petitioning for annexation herein shall waive any right of protest to future Special Improvement Districts for the purposes of installation of paved roadways, curbs, gutters, storm sewers, or municipal water works; and,

WHEREAS, the City of Polson has determined that necessary capital improvements shall include installation of all plant necessary to serve the annexed lots with municipal sanitary sewer services, at an estimated total cost of approximately \$120,000.00 (one hundred twenty thousand dollars); and,

WHEREAS, the City of Polson intends to create a Special Improvement District, pursuant to Montana statute, to be known as Special Improvement District Number 38, created for and applied to the benefit of and assessed against and the real property to be annexed as stated herein; and,

WHEREAS, the City of Polson contemplates to divide the cost among the real property owners to be annexed and to receive the service on a per-hookup basis, as set forth in Section 7-12-4164, M.C.A.; and,

WHEREAS, the City of Polson finds that in order for the above method of assessment to be equitable to all owners, as required by Section 7-12-4164, M.C.A., each owner of real property to be served must make his or her best estimate as to the number of parcels into which their existing parcel may be further subdivided, furnishing thereby the total number of hookups to be made to the sanitary sewer line in contemplation herein, the cost thereof to be equally divided among the total number of hookups along the line to be installed; and,

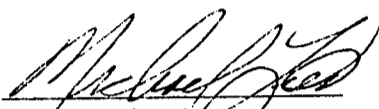
WHEREAS, should it be necessary to sell bonds to finance the Special Improvement District the City of Polson estimates the rate of interest thereon to be six percent (6%).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF POLSON

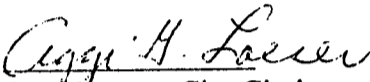
1. That the foregoing are part and parcel of this Resolution and not mere recitals.
2. That the City Council shall set a public hearing on the intention to annex with services no less than 30 days nor more than 60 days following passage of this Resolution, and in conformance with the notice requirements set forth in Section 7-2-4708, M.C.A..
3. The City of Polson Building Official shall prepare the report required by Section 7-2-4731, M.C.A., and shall explain and deliver the same at the public hearing.
4. Following hearing on the within Resolution of intention, the governing body shall accept protest in writing for a period of 45 days as more particularly set forth in Section 7-2-4710, M.C.A.
5. That the City Clerk shall comply with all notice requirements regarding the Special Improvement District referenced herein, as set forth in Sections 7-12-4106, et seq., M.C.A.
6. Protests against the Special Improvement District herein shall be received and heard as set

- forth in Sections 7-12-4110, 4111, and 4112, M.C.A., and other Sections as applicable.
- 7. The City of Polson intends to require as a condition of creation of the Special Improvement District and of annexation to the City that the above-referenced parcels of real property shall be required to abandon all other sewer systems and connect to the City sanitary sewer immediately upon the availability thereof for all existing buildings with sewer provision, and that any new construction shall be required to connect to municipal sanitary sewer as a condition of issuance of the necessary permit.
- 8. The City of Polson further intends to require participation in the Special Improvement District proposed herein as a necessary and predicate condition of grant of any petition for annexation.

PASSED AND APPROVED this 21st day of August, 2000


 Michael Lies, Mayor

ATTEST:

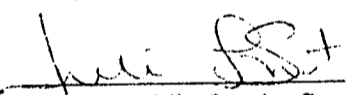

 Aggi Loeser, City Clerk

STATE OF MONTANA)
 : ss.
 County of Lake)

On this 22 day of August, 2000, before me, the undersigned, a Notary Public for the State of Montana, personally appeared **Michael Lies** and **Aggi 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.




 Notary Public for the State of Montana
 Residing at Polson Montana
 My Commission expires: 08-03-2002

Insert this seal

In witness whereof