

**RESOLUTION NO. 808**

A RESOLUTION TO ANNEX CERTAIN REAL PROPERTIES TO THE CITY OF POLSON, MONTANA.

Whereas, upon receipt of several petitions for annexation the City of Polson caused to be passed a Resolution of Intent to Annex certain properties, as Resolution No. 805, passed and approved in City Council on August 21, 2000; and,

Whereas, the City of Polson caused to be published and issued due and proper legal notice of public hearing and the said public hearing was held on October 16, 2000, not less than 30 days nor more than 60 days following passage of the Resolution of Intent to Annex; and,

Whereas, at the public hearing the City prepared and orally delivered a plan and report on extension of City services pursuant to Section 7-2-4731 and 4732, M.C.A., a copy of which is appended hereto as Exhibit A and fully incorporated herein as if fully set forth in this place; and,

Whereas, the area to be annexed lies wholly within Wellhead Protection Areas designated in previous Council action; and,

Whereas, the City of Polson finds that it is necessary to provide for sanitary sewer service in the area to be annexed; and,

Whereas, the City of Polson finds that in order to provide sewer services to the area to be annexed a Special Improvement District shall be formed consisting of the real property to be annexed and to benefit thereby, pursuant to Montana statute, that same Special Improvement District #38 to be created by companion legislation hereto; and,

Whereas, as part of the plan of annexation the City of Polson desires to give certain considerations and assurances to the owners of real property to be annexed hereby, including waiving hookup charges for one sanitary connection on each parcel annexed hereby and to underwrite the cost to install fire hydrants for the purpose of fire suppression, together with other considerations set forth in the companion Special Improvement District legislation.

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

1. That the foregoing recitals are part and parcel of this Resolution and not mere recitals.
2. That more than 50% of the resident electors owning the real property to be annexed and particularly described in Resolution 805 filed petitions for annexation.
3. That the real property to be annexed is contiguous to the City's boundary and was so at the time the annexation proceedings began.
4. No part of the real property to be annexed is included within the boundary of another incorporated municipality.
3. That all of the real properties described in Resolution 805, by this reference made a part hereof as if fully set forth in this place, are hereby annexed to the City of Polson and its boundaries are hereby extended.
5. Those parcels of real property herein annexed which on the date hereof are equipped with functioning sanitary septic disposal systems need not connect existing systems with City sewer systems immediately upon the availability thereof until a date five years from the date hereof or at the failure of the existing system or systems, whichever first occurs.
6. That this Resolution shall be read and construed together with the City Council legislation creating Special Improvement District #38.
7. This Resolution shall be entered upon the minutes of the City Council for the City of Polson, and the City Clerk shall make and certify the same under seal for delivery to the clerk and recorder as provided in Section 7-2-4607, M.C.A.
8. The Corporate limits of the City of Polson a municipal corporation, are hereby extended to include that property described above. The property is to be zoned LRZD and shall be in Voting Ward 3. The Clerk is directed to prepare a certified copy of this Resolution and file same in the office of the Clerk and REcorder of Lake County.



Exhibit A – Resolution #808

**Annexation & SID #38 – Lake Hills Estates & Adjoining Properties to the East**

**Plans & Report on extension of services**

This report is intended to address the requirements of section 7-2-4731 MCA as pertaining to the annexation by municipalities providing services. The public hearing for this proposal is scheduled for October 16, 2000 @ 7 PM.

Present and proposed boundaries of the municipality

Please refer to the attached map for this information. A larger map is available for review at the City Hall.

Present streets, major trunk water mains, sewer interceptors and outfalls, and other utility lines as required in subsection (1)(c)

Please refer to the utility siting map in council chambers or contact department heads for information.

General land-use pattern in the areas to be annexed

The area in question is located within the Polson Master Plan and zoned LRZD – Low Density Residential. This zoning district allows for single family dwellings as a permitted use. The district also allows for churches, day care centers and elementary schools, parks and other public recreation areas through the special use permit process which are granted by the City/County Planning Board after a public hearing. Manufactured homes of any type are prohibited within this district.

Area to be annexed must meet the requirements of 7-2-4734 and 7-2-4735

7-2-4734 requirements:

1. The area is contiguous to the municipality's boundaries and was at the time the annexation proceeding was begun. Please refer to the attached map for further details.
2. No part of the area is included within the boundary of another incorporated municipality.
3. The area does conform to the growth policy adopted by the City of Polson. Some issues that may arise on the properties in question are:
  - The density of development based on current hillside development standards
  - Provision of water for adequate fire protection & domestic flows
  - Upgrades to Claffey Dr. for streets, sidewalks, and storm water retention
  - Keeping of livestock within the city limits
4. The area is not within any fire district organized under any of the provisions of part 21, chapter 33 of MCA.

7-2-4735 requirements:

This proposal has contemplated the standards within this section and the boundaries as designated would conform. The majority of the southern boundary line is located at the ridgeline of the glacial moraine. The northern boundary is located at the toe of the slope. Existing subdivided lots within the city limits adjoin the west boundary. The East boundary line is the section line between sections 10 & 11; this is also the division line between the existing LRZD and RRZD zoning districts.

No boundary lines use a street for its designation without the city limits extending beyond the other side.

Provision of major municipal services:

Sewer

One of the main focuses of this project is to provide the area with city sewer service. The area is located within Wellhead Protection Overlay Zone I, which requires connection to the city system and annexation before any new development occurs. A SID is being developed to address the costs of these improvements, the city has proposed to contribute \$30,000 toward the project. The estimated time frame for this improvement from the period the SID is approved would be six (6) months to one (1) year.

Water

The City of Polson currently has a six (6) inch water main terminating at the temporary turn out within the Lake Hills Estates subdivision. The main is located within the right-of-way of Claffey Dr., currently a County Rd. The required flow to provide domestic services to the existing parcels is available from the existing main. Further division of lots within the contemplated area or development to the east would require upgrades to the system. Those costs would most likely be born by the developer and/or through future SID's

Streets, sidewalks, & curb and gutter

Claffey Dr. is currently an unimproved road from its beginning at Skyline Dr. Existing right-of-way is adequate to meet city standards. The required improvements for this roadway will need to be considered; currently no proposal is contemplated for the city to complete such improvements. Further development

within the area or development to the east would require upgrades. Those costs would most likely be born by the developer and/or future SID's. The City of Polson will accept dedication of that portion of Claffey Dr. pertinent to the annexation as a dedicated public street. The council may want to consider conditions for the acceptance of said street to address future improvements to meet current street standards.

Street Maintenance

The City of Polson Street Department currently handles snow plowing and general maintenance of the roadway. The road would continue to be maintained by the City Street Department.

Fire Protection

Fire protection will transfer from the Polson Rural Fire District to the Polson City Fire District. The City will proceed with the installation of fire hydrants to comply with the legal requirements for provision of services as required by annexation statutes. The time frame for such improvements is to be determined as appropriate by the Polson water & sewer department. (modified 11/6/00)

Police Protection

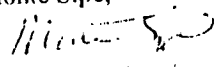
Police protection will transfer from the Lake County Sheriff's Department to the City of Polson. Ron Buzzard has commented that the police department would be able to handle patrol of the area, which is approximately an additional 1/2 mile.

Garbage Collection

The State statutes stipulate that a municipality that annexes or incorporates additional area receiving garbage and solid waste disposal service by a motor carrier authorized by the public service commission to conduct such service may not provide competitive or similar garbage and solid waste disposal service to any person or business located in the area for 5 years following annexation with several exceptions.

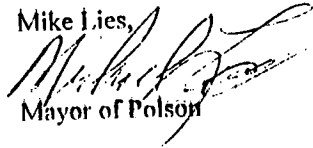
To the best of my knowledge, the property owners in this area have the option of hauling their own waste or contracting with BFI for such service.

Monte Sipe,



Building & Planning Official

Mike Lies,



Mayor of Polson

