

RESOLUTION NO. 916

A RESOLUTION TO SUSPEND ANNEXATION OR EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF POLSON FOR A PERIOD OF SIXTY DAYS.

WHEREAS, the Legislature has provided a set of methods by which annexation of real property to the corporate limits of a Montana municipality, appearing at Title 7, Chapter 2, Parts 42 through 47 thereof; and,

WHEREAS, annexation is a political matter exclusively the subject of state legislative regulation and control, the same having been delegated by the Legislature to the municipalities in the Montana Codes above referenced; and,

WHEREAS, the City of Polson finds that the interest, health, and welfare of the community as a whole will be served by a uniform growth policy and by a scheme for imposition of subdivision impact fees, all as provided in the Montana Codes, designed to protect, improve, and enhance the infrastructure of the City of Polson and the health and welfare of its inhabitants; and,

WHEREAS, the City of Polson finds that, in order to provide for the beneficial effects of a uniform growth policy and scheme of subdivision impact fees, neither of which are currently in force but both of which are in process, further enlargement of the corporate boundaries of the City of Polson should be suspended for a period not to exceed sixty (60) days from passage hereof, except as noted herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF POLSON, MONTANA, LAKE COUNTY:

SECTION 1. That for a period from and after the effective date of passage hereof, for a period of sixty days therefrom, the City of Polson will not entertain any petitions for annexation, nor undertake any annexation methods described and available under Title 7, Chapter 2, Parts 42 through 47, unless excepted herein.

SECTION 2. Any subdivision projects that contemplate annexation as part of the overall package that have already been filed, and the necessary review fees paid therefor, and any duly executed and proper petitions for annexation received by the effective date hereof, are exempt from the operation of Section 1 hereof.

SECTION 3. An annexation petition, and any necessary addenda thereto, establishing all of the following facts are exempt from the operation of Section 1 hereof:

- a. that essential municipal services and facilities are not available to the inhabitants of such territory;
- b. that the City of Polson is physically and financially able to provide municipal services to the area sought to be annexed; and,
- c. that at least one-eighth of the aggregate external boundaries of the territory sought to be annexed are contiguous to the boundaries of the City of Polson.

SECTION 4. Annexations necessary to extend sewer mains or to connect residential lots to the public sanitary sewer in and around the vicinities of Rung Lane, Hillcrest Drive, JB Drive, Claffey Drive, Mission View Drive, the two proposed Gillespie and Bonner properties, as a matter of public health are exempt from the prohibition in Section 1 hereof.

SECTION 5. All resolutions or parts of resolutions in conflict herewith are repealed to the extent of conflict herewith.

PASSED AND APPROVED this 20th day of March, 2006.

**_____
Randy Ingram, Mayor**

ATTEST: _____
Aggi G. Loeser, City Clerk