

Return to:
City Clerk
City of Polson
106 First Street East
Polson, MT 59860

**CITY OF POLSON
RESOLUTION NO. 2014- #004**

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

LEGAL DESCRIPTION: Those certain tracts of real property known as:

**S13, T22 N, R20 W, C.O.S. 6955, ACRES 20.19, TRACT 1
S13, T22 N, R20 W, C.O.S. 6955, ACRES 41.95, TRACT 3
S11, T22 N, R20 W, 6470, PARCEL 001, PARCEL 1 COS 6470, 30.16 AC
S11, T22 N, R20 W, E2SE4SE4 LESS NP/RW & LESS HWY, 17.84 AC
S14, T22 N, R20 W, 6197, PARCEL N/A, COS 6197 LT 2 28.31 AC
S14, T22 N, R20 W, COS 6197 LT 1 1.86 AC
S12, T22 N, R20 W, COS 6975 TR A & B, COS 2301 & TR IN SWSW, 16.16 AC**

As shown on Exhibit A attached hereto and made a part hereof. It is intended that this annexation include any gaps or overlaps within the perimeter bounds of the foregoing legal descriptions.

WHEREAS, Knife River Corporation, Mike and Marlo Maddy, Sue and Chris Toppen and James Davies are owners of 100% of the property described herein, have filed a petition with the City Clerk requesting annexation of such properties into the corporate boundaries of the City of Polson; the Polson City Commission has considered this petition for annexation pursuant to the statutory annexation by petition method set forth in Title 7 Chapter 2 Part 46 Section 4601 (3)(a)(ii) Montana Code Annotated (MCA), and

WHEREAS, the herein described property is not proposed for immediate development, such that would require the extension of municipal sewer and/or water, and the owners represented that no sewer and/or water services are sought; that they fully understand that in order for properties located within such annexed property infrastructure interior to the property and exterior to the tracts must be planned, organized and financed; that the petitioners understand that they will be responsible for costs associated with such interior and exterior infrastructure that may be necessary to support any future development proposals and therefore make no claim on the capacity of the system or for extension of water and sewer services; and

WHEREAS, all development of these properties will be subject to the rules, regulation and requirements of the City at the time of development proposal and that such development may require a development agreement between the parties; and

WHEREAS, it was determined that the City is able to provide services for fire and police to the property at the current level given by the Polson Rural Fire District and Lake County Sheriff's Office; **FURTHER** that said services will commence upon the effective date of the annexation: and

WHEREAS, the parcel described herein is currently zoned County PLZD and RRZD. The recommended zoning for inclusion into the City is HCZD for Tract 1, C.O.S. 6955 in S13, T22 N, R20 W, P.M.M.. The remaining properties are recommended as LRZD. It is the intention of the City of Polson to annex this property with the stated recommended zoning. **FURTHER**, these parcels are situated adjacent to City Commission Voting Ward No.3, and it is the intention of the Council to add this parcel to said Ward;

WHEREAS, the petitioners have executed waivers of protest, for themselves, their heirs and assigns, to the imposition of special improvement districts for water, sewer, and streets for a term not to exceed 25 years;

WHEREAS, the petition for annexation was duly heard by the City Commission upon notice and open public hearing on June 17, 2013; the Commission having fully heard the testimony and reviewed the materials in support of such Petition finds that the annexation of these properties with representations concerning development as found in Exhibit "B" attached hereto is deemed to be in the best interest of the City of Polson, the inhabitants thereof and the future inhabitants of the tracts and parcels of land described herein, which have petitioned for annexation and are within the urban growth boundary that the boundaries of the City of Polson shall be extended to include the same within the corporate limits.

NOW, THEREFORE, BE IT RESOLVED, that the corporate limits of the City of Polson be and are extended to incorporate and annex the tracts of land herein described; and

BE IT FURTHER RESOLVED, that the property is hereby zoned as stated above;

FURTHER the parcel is assigned to City Commission Voting Ward No.3; and

BE IT FURTHER RESOLVED, that this annexation is conditioned on the representation made in Exhibit "B" attached hereto made by the Petitioners;

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

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 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. This annexation shall become effective from and after the date of the filing of said document with the Lake County Clerk and Recorder.

PASSED AND ADOPTED this 15th day of September, 2014.

CITY OF POLSON

Heather Knutson
Heather Knutson, Mayor

Attest:

Cora E. Pritt
Cora E. Pritt, City Clerk

STATE OF MONTANA)
 :ss.
County of Lake)

On this 16th day of September, 2014, before me the undersigned Notary Public for the State of Montana, personally appeared **Heather Knutson**, 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 she 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.

Cora Ellen Pritt
Notary Public for the State of Montana

Printed Name of Notary
Residing at Polson, Montana
My commission expires: 4/6/2015

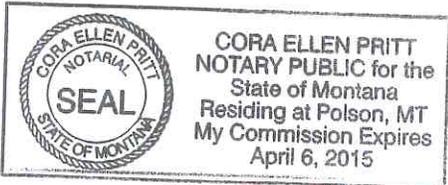
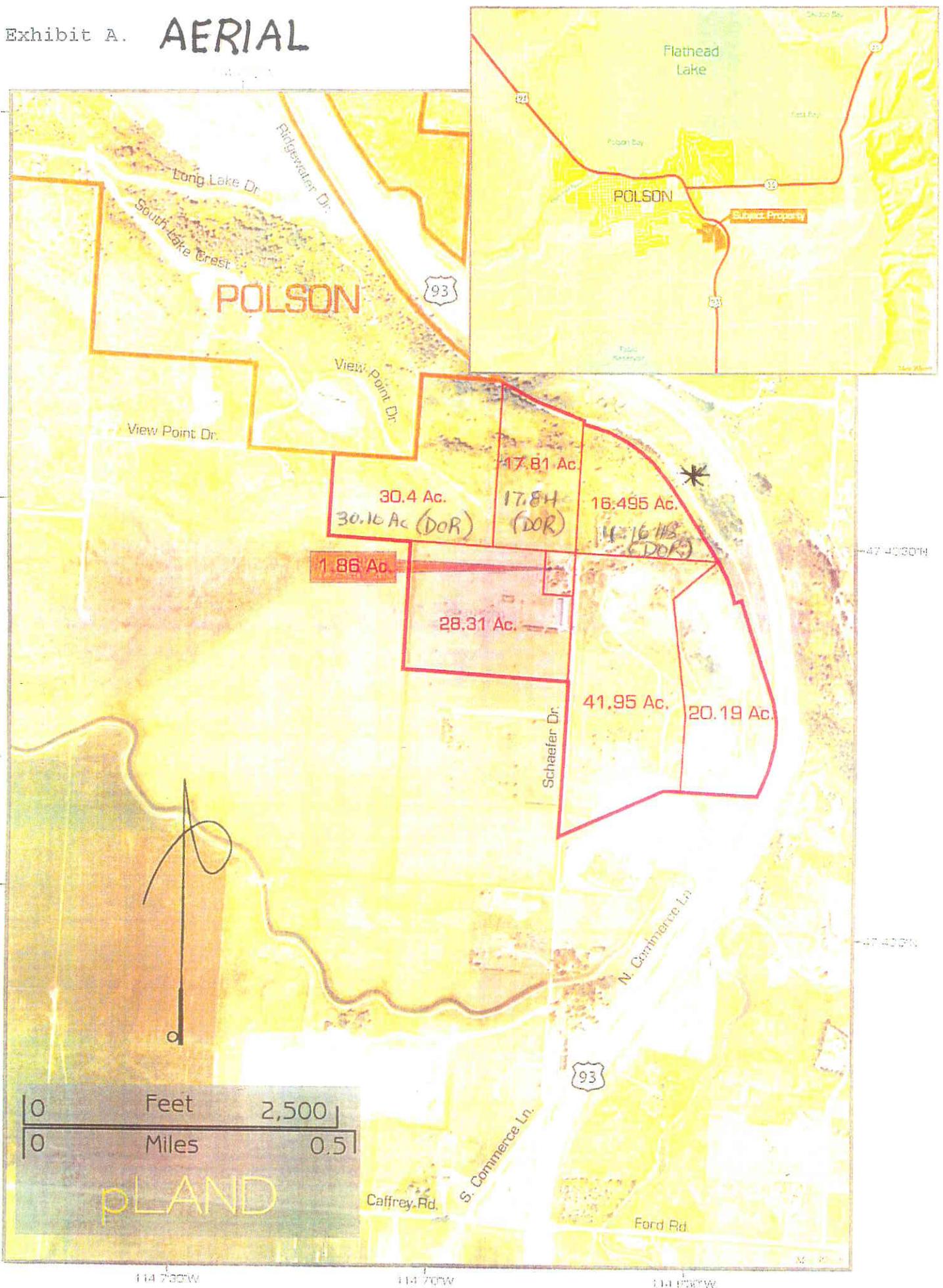
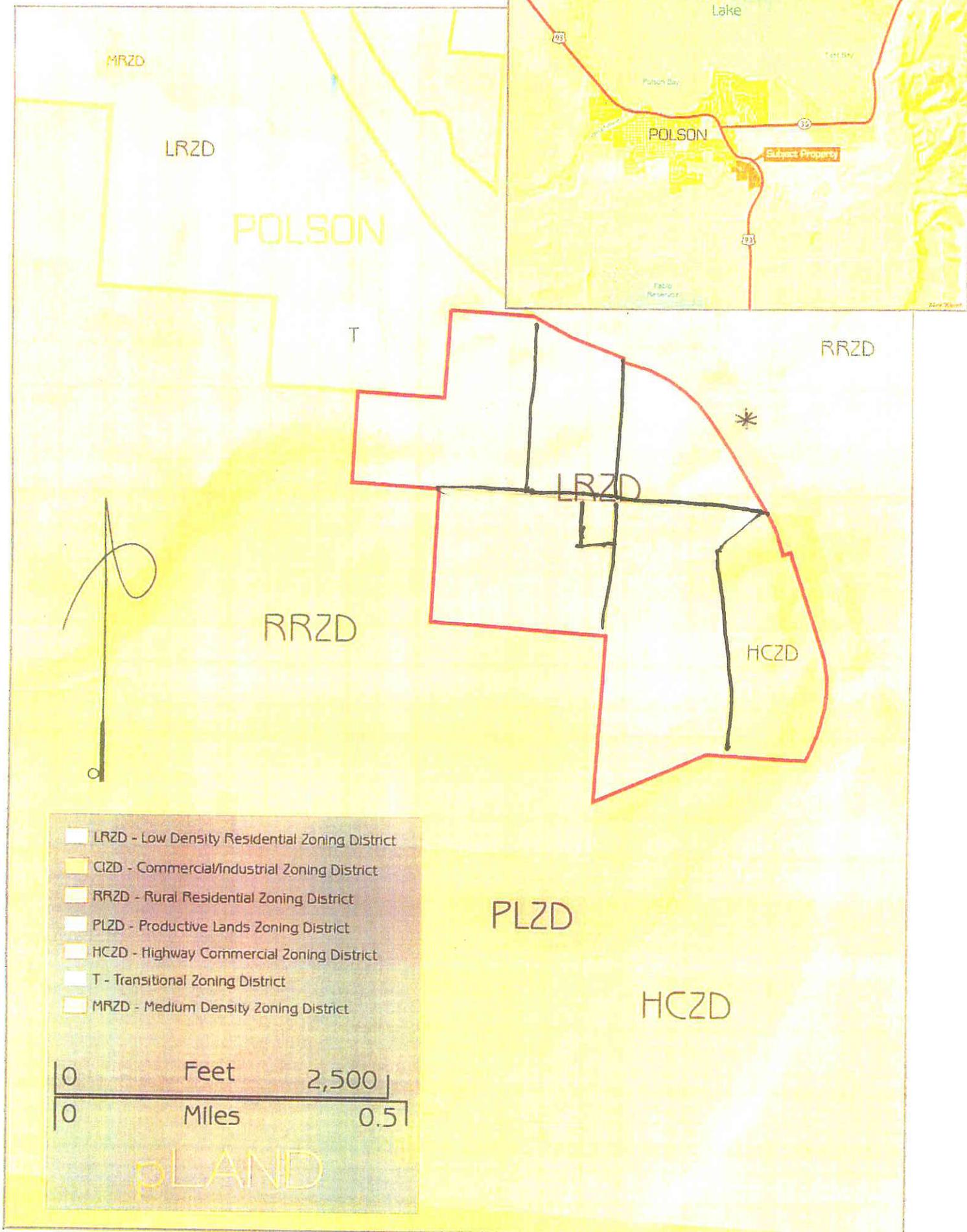


Exhibit A. AERIAL



* The boundary line for the City limits should have included TRA A & B of COS 6975.

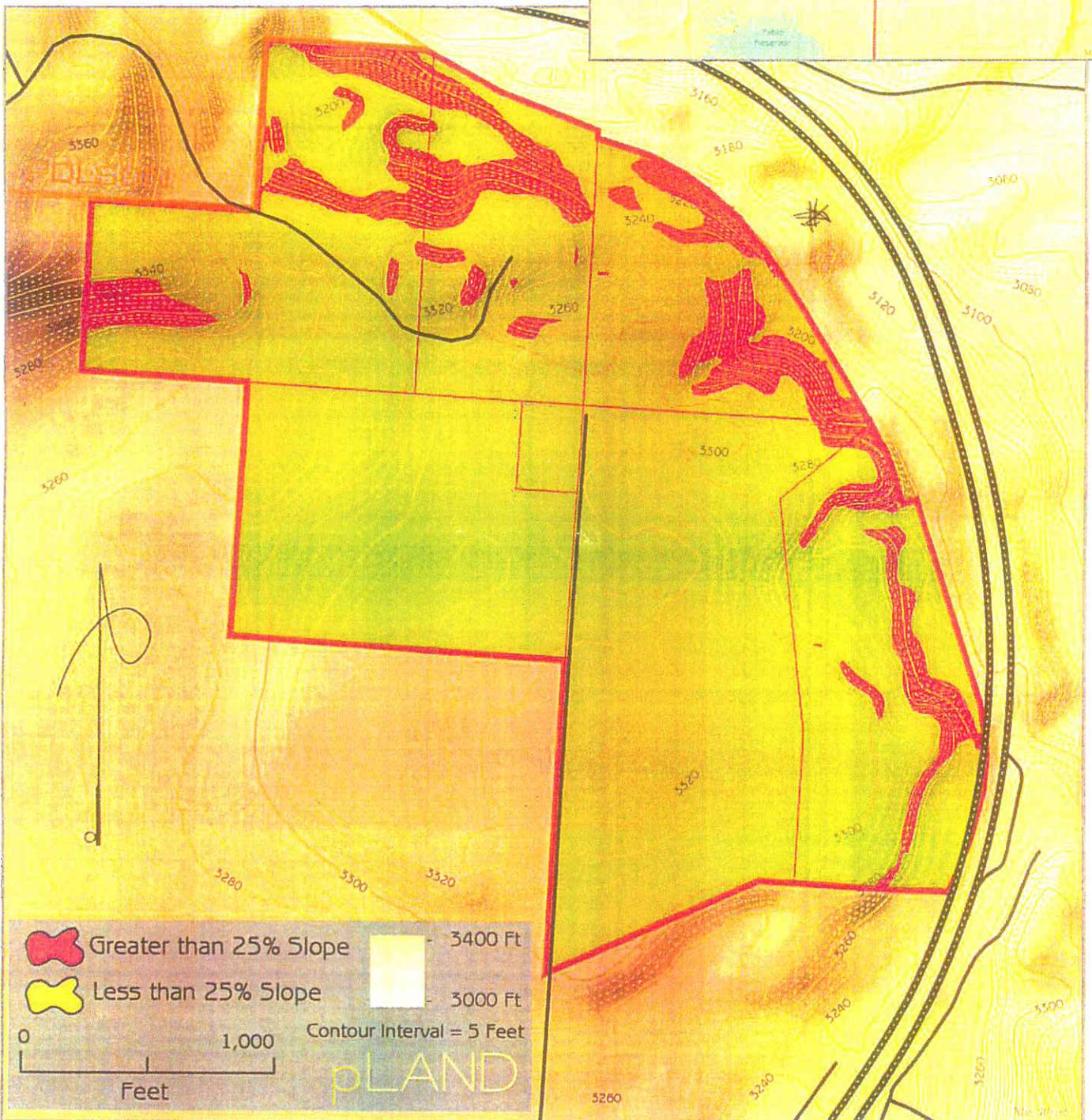
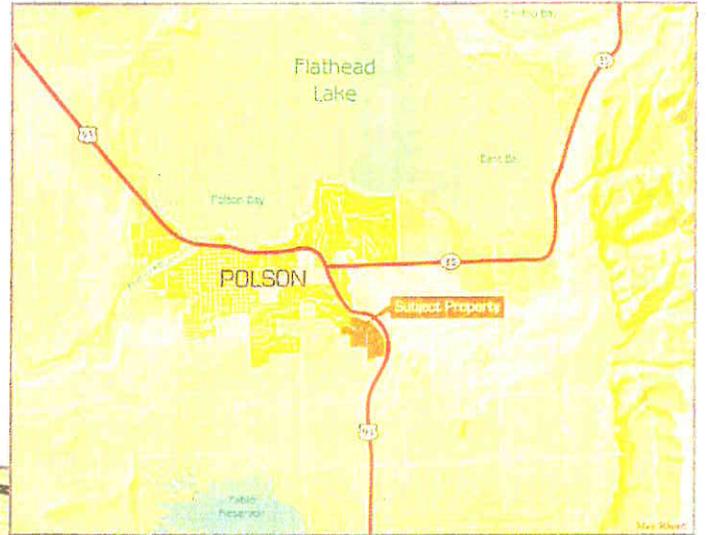
Exhibit A
PROPOSED ZONING



*The boundary line for the City limits should have included TR A & B of COS 6975.

Exhibit A

SUBJECT PROPERTY SLOPE MAP



*The boundary line for the City limits should have included
 TRA §B of COS 6975.

On this 23 day of April, 20 14, personally appeared David K. Zinkelon, known to me to be the person that executed the within instrument and acknowledged to me that they executed the same.

Notary Signature Mary Renae Parrish

537429



Secondary Applicant, Mike Maddy:

ss. [Signature]

STATE OF Montana)
County of Lake) ss

On this 1st day of May, 20 14, personally appeared Mike Maddy, known to me to be the person that executed the within instrument and acknowledged to me that they executed the same.

Notary Signature Judy Pedersen



STATE OF MONTANA)
COUNTY OF LAKE) ss.

On this 18 day of August, 2014, before me, Notary Public for the State of Montana, personally appeared

Secondary Applicant, Sue and Chris Toppen:

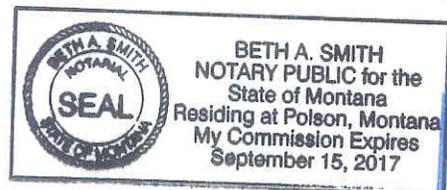
ss. Chris Toppen Sue Toppen

STATE OF Montana)
County of Lake) ss Sue Toppen

Sue Toppen
known to me to be the person(s) whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

I, WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

[Signature]
Notary Public for the State of Montana
Residing at Polson
My Commission Expires: _____

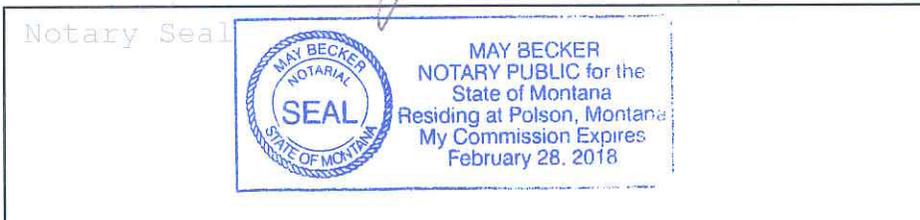


RECEIVED
MAY 07 2014
BY: F

* On this 25 day of April, 2014, personally appeared
, known to me to be the person that executed the within instrument and acknowledged to me that
they executed the same.

Notary Signature *May Becker*

537429



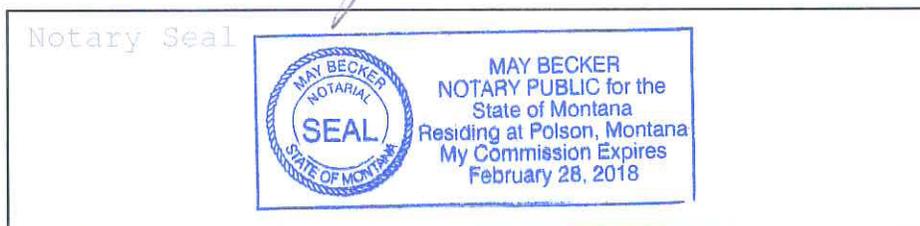
Secondary Applicant, James Davies:

ss *JT Davis*

STATE OF Montana)
County of Lake) ss

On this 25 day of April, 2014, personally appeared
, known to me to be the person that executed the within instrument and acknowledged to me that
they executed the same.

Notary Signature *May Becker*



RECEIVED
MAY 07 2014
BY: F
Pg 2 of 3